



RECORD OF PROCEEDING

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

FEBRUARY 1, 2010

The meeting was called to order at 7 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the January 20, 2010, City Council meeting were submitted for approval. Councilmember Logan made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Ms. Lisa Gottlieb-Cytron, who resides at 14070 Agusta Drive, spoke against the continued operation of the recycling facility, which is located behind the Parkway Central High School and adjacent to homes on Agusta Drive. She noted her strong support for recycling, but suggested that Parkway hire a professional waste management company to remove all recyclables and process them elsewhere.

Mr. Scott Clayman, who resides at 14083 Agusta Drive, also spoke against the Parkway recycling facility. He noted that the continued operation of this facility negatively impacts property values and the overall quality of life for those who live on Agusta Drive. He urged City Council to do everything possible to have this facility removed.

INTRODUCTORY REMARKS

Mayor Nations announced that City Hall will be closed Monday, February 15, in observance of Presidents' Day.

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, February 17, at 7 p.m.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, wished a Happy Birthday to City Attorney Rob Heggie on February 3 and Mayor Nations on February 15.

Councilmember Geiger made a motion, seconded by Councilmember Logan, to approve the F&A Committee's unanimous recommendation to rescind a transfer of \$528,834 from General Fund Fund Reserves to the Capital Improvement Sales Tax Fund (FY2010 Budget). Councilmember Flachsbart made a motion to amend this motion to rescind a transfer of \$392,661, instead of \$528,834, from General Fund Fund Reserves to the Capital Improvement Sales Tax Fund (FY2010 Budget). There was no second to this motion and Mayor Nations declared the motion as failed, for lack of a second. A voice vote on the original motion, with an affirmative result (7-1-0 - Councilmember Flachsbart voted "No") and the motion was declared passed.

Councilmember Geiger reported that the City's current Municipal Court software will no longer be supported as of April 1, 2011. Councilmember Geiger stated that Staff reviewed three proposals and identified "JustWare" software as the replacement software.

Councilmember Geiger also noted that this software has been installed in numerous other municipalities and, according to Staff, there is a great deal of on-going satisfaction with the performance of this software, as well as the support provided by the software company. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve the F&A Committee's unanimous recommendation to transfer \$142,002 from General Fund Fund Reserves to purchase and install "JustWare" Municipal Court software. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Monday, February 22, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2744 [P.Z. 16-2009 - 17526, 17550 and 17536 Chesterfield Airport Road (St. Louis Family Church)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Casey, to approve T.S.P. 17-2009 - AT&T (Drew Station, 1662 Clarkson Road). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults reported that Bill No. 2775 (City Control of Public Rights-of-Way) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2776 [Vacation of Easement, Chesterfield Commons (Lot 8)] is scheduled for both first and second reading approval, under the "Legislation - Planning Commission" portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, February 4, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that The Haus, 14815 Clayton Road, has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales. He also reported that Cheeburger, Cheeburger, 2012 Chesterfield Mall, has requested a new liquor license to sell beer and wine, by the drink and Sunday sales. Mr. Herring reported that both applications have been reviewed and recommended for approval by both the Department of Planning/Public Works and Police Department.

Councilmember Casey made a motion, seconded by Councilmember Segal, to approve issuance of a new liquor license to The Haus. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next made a motion, seconded by Councilmember Segal, to approve issuance of a new liquor license to Cheeburger, Cheeburger. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations recognized Ward 1 Councilmember Matt Segal, who provided an update to City Council on the Parkway School District Materials Recovery Facility's (MRF) impact on the residents in the Augusta Drive neighborhood. Councilmember Segal stated, at a meeting held several months ago, representatives from the Parkway School District told Mayor Nations, himself and others, that they were investigating the possibility of re-locating the MRF to Parkway's Fern Ridge location. Councilmember Segal stated that residents in that area signed a petition and submitted it to Former-Representative Chris Liese, who contacted the Parkway administration and told them that Fern Ridge was an unsuitable site for this operation. In the meantime, this MRF continues to operate and is negatively impacting residents of Augusta Drive.

Councilmember Segal made a motion, seconded by Councilmember Flachsbarth, to authorize/direct Mayor Nations and President Pro Tem Casey to prepare, sign and send a letter to the Parkway School District, requesting relocation of the MRF, behind and adjacent to the Parkway Central High School, no later than June 1, 2010 and consider outsourcing the collection and processing of these materials. The motion further stated that the language of this letter would be finalized by Mayor Nations and President Pro Tem Casey, in consultation with the Ward 1 Councilmembers. Mayor Nations stated that the situation at Parkway's MRF is unfortunate. He confirmed that he has talked with Parkway Superintendent Dr. Malito, subsequent to the Ward 1 residents' presentation at the October 5, 2009, City Council meeting. However, nothing has changed. Councilmember Segal stated that, since the City has not gotten the results it would like, it was now time to take more formal action, by sending this letter. Discussion ensued regarding the preparation and signing of the letter to be sent to the Parkway School District, with general support being expressed by City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nations recognized Councilmember Nation who requested that the discussion of a "Proposed Ordinance: No Parking – Wings of Hope" be added to the Agenda of the Planning & Public Works Committee meeting on February 4.

LEGISLATION

There was no Legislation.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2774 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C8” PLANNED COMMERCIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR AN 8.318 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD AND EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD (P.Z. 16-2009 17526, 17550, & 17536 CHESTERFIELD AIRPORT ROAD {ST. LOUIS FAMILY CHURCH}) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2774. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2774 was read for the first time.

BILL NO. 2775 CREATES SECTION 26-3 OF THE CITY CODE TO PROHIBIT THE PLACEMENT OF SIGNS WITHIN THE RIGHTS-OF-WAY AND ESTABLISHES THE CITY’S AUTHORITY TO REMOVE ANY AND ALL SIGNS IN THE RIGHTS-OF-WAY WITHIN THE CITY OF CHESTERFIELD, MISSOURI. **(FIRST READING - DEPT. OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2775. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2775 was read for the first time.

BILL NO. 2776 VACATES A PORTION OF A VARIABLE WIDTH STORMWATER DRAINAGE EASEMENT IN THE CHESTERFIELD COMMONS SUBDIVISION FOR LOT 8; LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF EDISON AVENUE AND CHESTERFIELD COMMONS DRIVE. **(FIRST AND SECOND READINGS – DEPT. OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2776. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2776 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2776. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2776 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2776 with the following results: Ayes – Casey, Geiger, Flachsbart, Logan, Erickson, Segal, Nation and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2776 approved, passed it and it became **ORDINANCE NO. 2594**.

EXECUTIVE SESSION

Councilmember Geiger made a motion, seconded by Councilmember Casey, to go into closed session, pursuant to 610.021(3). A roll call vote was taken with the following results: Ayes – Nation, Erickson, Fults, Logan, Geiger, Flachsbart, Segal and Casey. Nays – None. Whereupon Mayor Nations declared the motion passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:36 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk