



RECORD OF PROCEEDING

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

January 3, 2007

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

Mayor John 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

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes from both the December 4, 2006 City Council meeting and the December 4, 2006, Public Hearing for the Proposed FY2007 Budget were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve both sets of City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations wished everyone a very Happy New Year and announced that the next meeting of City Council has been scheduled for Wednesday, January 17 at 7 p.m., due to City Hall being closed on Monday, January 15, in observance of the Martin Luther King, Jr. birthday holiday.

COMMUNICATIONS AND PETITIONS

Mike Doster, Attorney for the Petitioner and George Stock, Stock and Associates, supported Bill No. 2508 (P.Z. 1-2006, Spirit Town Center (Greenberg-Blatt Management, L.P.)

Bill Decker supported Bill No. 2509 (P.Z. 21-2006, Precision Plaza (Precision Properties, LLC).

Mark Leach, who resides at 1608 Ansonborough Drive, requested an ordinance be adopted to protect the Indian burial mounds in Chesterfield. City Administrator Mike Herring was directed to forward this request to the Planning and Zoning Committee, for further review.

Mayor Nations recognized several Boy Scouts from Troop #848, who were attending the meeting as a requirement for merit badges, along with their parents, and explained briefly the format that would be followed in the City Council meeting.

APPOINTMENTS

Mayor Nations placed the name of Bob Tucker for re-appointment as a member of the Board of Adjustment. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to approve the appointment of Bob Tucker to the Board of Adjustment. Much discussion followed regarding the current City Council policy requiring that all appointees to the Board of Adjustment be interviewed by the P&Z Committee of City Council. Both Councilmembers Flachsbart and Durrell asked for an exception this time, since the delay in his re-appointment was due to internal coordination problems and would normally have been completed prior to the adoption of this current policy. A roll call vote was taken with the following results: Ayes – Hurt, Flachsbart, Streeter, Brown, Durrell, Casey. Nays – Fults and Geiger. The motion was declared passed. Mr. Tucker's term will expire January 3, 2012.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2506 (Approves the acceptance by the City of Chesterfield of RHL Drive and Chesterfield Commons Boulevard as public streets) and Bill No. 2507 (Approves the

installation of fire hydrants in Terra Corporate Park located within the City of Chesterfield) will be considered for adoption under the "Legislation" portion of the agenda. A motion was made by Councilmember Fults, seconded by Councilmember Durrell, to HOLD Bill No. 2506, until the January 17, 2007 City Council meeting. The motion further directed Mr. Herring to have the appropriate Staff prepare information regarding accidents at the intersections of RHL and THF Blvd and Chesterfield Commons Drive and THF Blvd. and for Staff to initiate the appropriate steps to correct any site/distance problems at each intersection. That information is to be forwarded to City Council, for consideration/review, at the January 17 City Council meeting. The motion was approved unanimously.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Monday, January 8 at 7:30 a.m.

Planning and Zoning Committee

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2508 (P.Z. 1-2006, Spirit Town Center (Greenberg-Blatt Management, L.P.) and Bill No. 2509 (P.Z. 21-2006, Precision Plaza (Precision Properties, LLC) will be read for the first time and Bill No. 2510 (Approves record plat for Chesterfield Commons East, Plat 2, for a re-subdivision of adjusted Lot 11), Bill No. 2511 (Approves a vacation of right-of-way – Estates at Wildhorse Canyon) and Bill No. 2512 (Approves record plat – Estates at Wildhorse Canyon) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Brown made a motion, seconded by Councilmember Streeter, to refer the "protest petition" filed against P.Z. 20-2006, Mayer Manors, Inc. (Chesterfield Manors) to the Planning and Zoning Committee for a public hearing. This meeting will take place on January 18.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for January 4 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that, as detailed in a memo, prepared by Darren Dunkle, Superintendent of Parks, Recreation and Arts, proposals were recently sought for a "pyrotechnic" display, to be conducted in Chesterfield, on July 4, 2007, in conjunction with the City's Second Annual Fourth of July Celebration. Having reviewed the information contained within Mr. Dunkle's memo, Mr. Herring joined with him in recommending that a contract be awarded to Fireworks Spectacular, in an amount not to exceed \$45,000, which is the amount budgeted within the Parks Division Budget, for FY2007. Councilmember Geiger made a motion, seconded by Councilmember Casey, to award a contract to Fireworks Spectacular, in an amount not to exceed \$45,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase/installation of an upgraded video surveillance system, at City Hall. Based upon a review of the information provided to him by Chief Johnson, Mr. Herring joined with him in recommending award of a contract to Surveillance Solutions, in an amount not to exceed \$14,077.98. The FY2006 Budget contained \$20,000.00 for this purpose and according to Jeremy Craig, Director of Finance and Administration, these funds were encumbered, prior to the end of the fiscal year. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Surveillance Solutions, in an amount not to exceed \$14,077.98. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2506 APPROVES THE ACCEPTANCE BY THE CITY OF CHESTERFIELD OF RHL DRIVE AND CHESTERFIELD COMMONS BOULEVARD AS PUBLIC STREETS (**FIRST AND SECOND READINGS; PUBLIC WORKS/PARKS COMMITTEE**)

This legislation is being held until the January 17, 2007 City Council meeting.

BILL NO. 2507 APPROVES THE INSTALLATION OF FIRE HYDRANTS IN TERRA CORPORATE PARK LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2507. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2507 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2507. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2507 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2507, with the following results: Ayes – Durrell, Fults, Casey, Flachsbart, Brown, Streeter, Geiger and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2507 approved, passed it and it became **ORDINANCE NO. 2326.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2508 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC”

PLANNED COMMERCIAL DISTRICT FOR A 7.8 ACRE
PARCEL OF LAND LOCATED ON CHESTERFIELD AIRPORT
ROAD AT ITS INTERSECTION WITH GODDARD AVENUE.
(PZ. 1-2006 SPIRIT TOWN CENTER/GREENBERG-BLATT
MANAGEMENT, L.P.)
**(FIRST READING - PLANNING COMMISSION
RECOMMENDS APPROVAL; PLANNING AND ZONING
COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF
AMENDED AS DETAILED IN THE ENCLOSED "GREEN
SHEET")**

Councilmember Brown made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2508. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2508 was read for the first time. Councilmember Brown made a motion, seconded by Flachsbart, to delete Page 2, Section 1.C.1(h) "Permitted Uses" deleting the language entirely. A roll call vote was taken with the following results: Ayes – Hurt, Flachsbart and Streeter. Nays – Casey, Fults, Durrell, Brown, and Geiger. The motion was declared failed. Councilmember Brown made a motion, seconded by Councilmember Casey, to amend Page 2 Section 1.C.1(h) "Permitted Uses" to reflect "one filling station" and to delete the words "including emergency towing and repair services". A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed.

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to amend Page 2, Section 1.C.1 (q) Permitted Uses "to exclude drive-up facilities". Councilmember Streeter made a motion, seconded by Councilmember Geiger, to reflect "drive-thru" rather than "drive-up" facilities. A voice vote was taken with an affirmative result and the motion was declared passed. A roll call vote was taken on the motion to amend the "green sheet", as amended, Item 2 Section 1.C.1. (q) Permitted Uses to add the words "excluding drive-thru facilities. A roll call vote was taken with the following results: Ayes – Hurt, Flachsbart and Streeter. Nays – Casey, Fults, Durrell, Brown and Geiger. Mayor Nations declared the motion defeated.

Councilmember Brown next made a motion, seconded by Councilmember Casey, to move "c" from Page 2, Section 1.C.1 and establish a Section; 1.C.3 and add "Ancillary Uses". A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Fults, to approve Page 4, Section 1.D.3.a "Building Requirements", which pertains to the open space with a minimum of thirty percent (30%) open space required for this development. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion, seconded by Councilmember Hurt, on Page 8, adding Section 1.K.8 "Access/Access Management" to state that "access to Eads Road shall be limited to one curb cut located no closer than four hundred (400) feet from Goddard Road". A roll call vote was taken with the following results: Ayes –

Flachsbart, Hurt and Streeter. Nays – Fults, Casey, Durrell, Geiger and Brown. Mayor Nations declared the motion defeated.

BILL NO. 2509 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT, FOR A 14.28 ACRE TRACT OF LAND, LOCATED NORTH OF WINGS CORPORATE DRIVE AND EAST OF EATHERTON ROAD (P.Z. 21-2006, PRECISION PLAZA {PRECISION PROPERTIES, LLC) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED “GREEN SHEET”)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2509. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2509 was read for the first time. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt the amendments as they appear on the “green sheet”. A voice vote was taken and the motion was declared passed.

BILL NO. 2510 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CHESTERFIELD COMMONS EAST PLAT 2 A RESUBDIVISION OF ADJUSTED LOT 11, FOR AN APPROXIMATELY 14.165 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT AND “C-8” PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF CHESTERFIELD COMMONS DRIVE. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2510. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2510 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2510. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2510 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2510, with the following results: Ayes – Hurt, Geiger, Fults, Brown, Streeter, Casey, Durrell and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2510 approved, passed it and it became **ORDINANCE NO. 2327.**

BILL NO. 2511 VACATES THE RIGHT-OF-WAY OF OLD WILD HORSE CREEK ROAD AS DEPICTED ON THE EXHIBIT “A” LOCATED IN U.S. SURVEY 164 AND FRACTIONAL SECTION 15 IN TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2511. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2511 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2511. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2511 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2511, with the following results: Ayes – Fults, Casey, Durrell, Brown, Geiger, Hurt, Streeter and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2511 approved, passed it and it became **ORDINANCE NO. 2328.**

BILL NO. 2512 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE ESTATES AT WILDHORSE CANYON, FOR A 25.13 ACRE TRACT OF LAND ZONED “E-2” ESTATE RESIDENCE DISTRICT, LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD AND EAST OF EATHERTON ROAD. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2512. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2512 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2512. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2512 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2512, with the following results: Ayes – Fults, Brown, Hurt, Geiger, Flachsbart, Streeter, Durrell and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2512 approved, passed it and it became **ORDINANCE NO. 2329.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:15 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk