



RECORD OF PROCEEDING

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

NOVEMBER 19, 2012

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

Mayor Bruce Geiger 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 Bruce Geiger
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Derek Grier
Councilmember G. Elliot Grissom
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

PRESENTATIONS

Mayor Geiger recognized Ms. Jennifer Rubin, who held the “Rockin' 4 Relief” fundraiser on November 3rd for BackStoppers, a charity which benefits the families of fallen Police Officers and Firefighters. Chief Johnson recognized Chief (Retired) Ron Battelle of the St. Louis County Police Department, who is the Executive Director of

BackStoppers, and Chief (Retired) Jim Silvernail of the Metro West Fire Protection District, who serves as an Advisory Director of BackStoppers. Ms. Rubin said that the “Rockin’ 4 Relief” fundraising efforts have raised over \$44,000 during the past four years and she presented a check in the amount of \$19,387.08, raised on November 3rd, to BackStoppers. Chief Battelle and Chief Silvernail expressed their appreciation to Ms. Rubin, her family and friends, for all that they do for BackStoppers. Mayor Geiger congratulated Ms. Rubin on her outstanding fund-raising efforts for BackStoppers and thanked Dierbergs for holding the November 3rd fund raising event at fifteen of their locations.

Mayor Geiger recognized Chief Ray Johnson, who stated that the Police Department participated in the annual “National Night Out” program on October 2nd. He noted that “National Night Out” is a nationwide effort that is designed to heighten crime and drug prevention awareness and to generate support for and participation in local anti-crime efforts. Chief Johnson stated that each year the Police Department conducts a contest among the participants to determine the “greatest participation” and the “best program” award winners. Chief Johnson presented the “National Night Out” Award for “Best Participation” to Ms. Mary Mickelson and Ms. Mary Jane Curran, who are representatives of the Oak Subdivision. Chief Johnson next presented the “National Night Out” Award for “Best Overall Program” to Mr. Bob Paley and Mr. Robert Summers, who are representative of the Braefield Subdivision. Mayor Geiger congratulated the Police Department and the subdivision representatives for their efforts on the “National Night Out” program.

APPROVAL OF MINUTES

The minutes of the November 5, 2012 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Grier, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Geiger announced that City Hall will be closed November 22nd and 23rd in observance of Thanksgiving.

Mayor Geiger announced that the next meeting of City Council has been scheduled for Monday, December 3, at 7 p.m.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Derek Grier, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2909 (Amends “Dangerous Animals” Ordinance) and Bill No. 2911 (Amends Ordinances Regarding Traffic Enforcement on Private Streets/Parking Lots) will be read for the first time under the “Legislation” portion of the Agenda.

Planning and Public Works Committee

Councilmember Randy Logan, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2908 (Dissolution of Transportation Commission) will be considered for SECOND READING approval and adoption under the “Legislation” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2910 [P.Z. 12-2012 – Chesterfield Oaks (Capitol Land)] will be considered for SECOND READING approval and adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2912 [P.Z. 11-2012 Stages – St. Louis (1023 Chesterfield Parkway East)] and Bill No. 2913 (Extends Timeframe for OPEN HOUSE Signs) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2914 (Provides for Restricted Parking on Amiot Court) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Logan announced that the next meeting of this Committee has been scheduled for Thursday, December 6, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the County Industrial Development Authority (I.D.A.) is proposing to issue bonds, at the request of Friendship Village to fund expansion and planned improvements at their facility. Mr. Herring requested approval of **Resolution No. 394** (Authorizes Issuance of Bonds by County I.D.A. – Friendship Village). Councilmember Flachsbarth made a motion, seconded by Councilmember Segal, to approve Resolution No. 394. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Geiger entertained a motion for the approval of **Resolution No. 393** (Re-appointment of City Attorney). Mayor Geiger commended City Attorney Heggie on the excellent work he has done for the City. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve Resolution No. 393. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Heggie's new four-term expires November 20, 2016.

LEGISLATION

BILL NO. 2908 **REPEALS ORDINANCE 2031 OF THE CITY OF CHESTERFIELD FOR THE PURPOSE OF DISSOLVING THE CHESTERFIELD TRANSPORTATION COMMISSION. (SECOND READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Segal, for the second reading of Bill No. 2908. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2908 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2908 with the following results: Ayes – Nation, Flachsbart, Segal, Grissom, Fults, Grier, Casey and Logan. Nays – None. Whereupon Mayor Geiger declared Bill No. 2908 approved, passed it and it became **ORDINANCE NO. 2726**.

BILL NO. 2909 **AMENDS SECTIONS 5-52 AND 5-57 OF THE CODE OF ORDINANCES OF THE CITY OF CHESTERFIELD, MISSOURI, RELATING TO DANGEROUS ANIMALS (FIRST READING; PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Grier made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2909. Mayor Geiger said that the current legislation specifically identifies pit bull terriers as dangerous animals; and removing pit bull terriers from the ordinance will allow this breed at the Eberwein Dog Park. He said he has experienced a pit bull attacking another animal and has serious concerns regarding this change. Councilmember Casey said he voted "No" on the Committee's recommendation to send the revised ordinance to City Council. He said he feels this is opening up a potentially dangerous situation. City Administrator Herring stated, on behalf of the Committee, that the Police Department did an exhaustive amount of research on the appropriateness of breed specific language in the ordinance and experts in the field felt that breed specific language is inappropriate. Mr. Herring noted that, while he agreed, on a personal level, with comments/concerns expressed by Mayor Geiger and Councilmember Casey, he checked with his peers in other St. Louis County municipalities who have a dog park; and these cities have all removed the breed specific information from their ordinances and

deal with the issue on a dangerous animal basis. Councilmember Fults said the City has had several situations with dog breeds that are considered dangerous and she feels the ordinance is too broad in its restrictions. Mr. Herring said that the ordinance states that a dangerous animal has to be kept on a leash and the ordinance for the dog park states that dogs cannot be on a leash; removing this from the language would remove the restriction that dangerous dogs need to be on a leash in the dog park. Councilmember Segal said he had two identical pointer hunter dogs which had totally different temperament and stressed that the dog owner has to be responsible for their dog(s). He said that statistics support the facts that the city should not have breed specific language. Councilmember Grier said he supports this proposed amendment because he feels it is based on facts and extensive research by the Police Department. Mayor Geiger reiterated his concerns about the possible outcomes from amending this legislation. A voice vote was taken with an affirmative result (7-1 – Councilmember Casey voted “No”) and the motion was declared passed. Bill No. 2909 was read for the first time.

BILL NO. 2911 PROVIDES FOR REVISION OF 18-44 PERTAINING TO TRAFFIC ON PRIVATE STREETS AND PRIVATE PARKING LOTS (**FIRST READING; PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Grier made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2911. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2911 was read for the first time.

BILL NO. 2914 AMENDS ORDINANCE NUMBER 35 SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON AMIOT COURT (**FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2914. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2914 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2910 REPEALS CITY OF CHESTERFIELD ORDINANCE 2643 BY CHANGING THE PERMITTED LAND USES OF A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF CLARKSON ROAD AND SOUTH OF THE INTERSECTION OF CLARKSON ROAD AND CHESTERFIELD PARKWAY (P.Z. 12-2012 CHESTERFIELD OAKS {CAPITOL LAND}) (**SECOND**

**READING; PLANNING COMMISSION RECOMMENDS
APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Grissom, for the second reading of Bill No. 2910. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2910 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2910 with the following results: Ayes – Fults, Casey, Flachsbart, Grier, Grissom, Segal, Logan and Nation. Nays – None. Whereupon Mayor Geiger declared Bill No. 2910 approved, passed it and it became **ORDINANCE NO. 2727.**

BILL NO. 2912 AMENDS ST. LOUIS COUNTY ORDINANCE 8801, 9149, 9273, 9984, AND 12338 TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN AREA COVERED BY A “C8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.174 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF EAST CHESTERFIELD PARKWAY AND SWINGLEY RIDGE ROAD (P.Z. 11-2012 STAGES ST. LOUIS {1023 E CHESTERFIELD PARKWAY} 18S331347) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2912. Mayor Geiger recognized Mr. Ron Gibbs, Managing Director for STAGES St. Louis, and congratulated STAGES St. Louis on their move to Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2912 was read for the first time.

BILL NO. 2913 REPEALS SECTION 2.5-4 PERTAINING TO OFF PREMISE RESIDENTIAL REAL ESTATE OPEN HOUSE DIRECTIONAL SIGNS; AND TO ESTABLISH NEW RULES FOR THE REGULATION AND PLACEMENT OF RESIDENTIAL REAL ESTATE OPEN HOUSE SIGNS WITHIN THE CITY OF CHESTERFIELD, MISSOURI **(FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2913. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2913 was read for the first time.

ADDITIONAL REMARKS

Mayor Geiger stated that the 16th annual America Recycles Day event on November 3 was an overwhelming success. Councilmember Logan announced that the City is

offering document shredding and electronics recycling at the Parks Administration Facility parking lot on Saturday, November 24, from 10 a.m.–4 p.m. Councilmember Nation, on behalf of a constituent, requested that additional efforts be made to increase awareness of this event.

ADJOURNMENT

There being no further business to discuss, Mayor Geiger adjourned the meeting at 7:35 p.m.

Mayor Bruce Geiger

ATTEST:

Judith A. Naggiar, City Clerk