



## RECORD OF PROCEEDING

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

**NOVEMBER 7, 2011**

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

Cadette Troop 1688 from Parkway Central Middle School led everyone in the Pledge of Allegiance and recited "The Girl Scout Promise." Mayor Geiger recognized and thanked: Ashley Berghoff, Courtney Berghoff, Madison LaChance, Emily Pfau, Zoe Rosenberg and Vira Voytovych for their participation in this opening ceremony. Also in attendance was Troop Leader Stephanie Berghoff. Mayor Geiger presented a Proclamation to Cadette Troop 1688, commemorating their participation. Mayor Geiger asked everyone to observe a moment of silent prayer.

A roll call was taken with the following results:

#### PRESENT

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

#### ABSENT

## **APPROVAL OF MINUTES**

The minutes of the October 17, 2011 City Council meeting were submitted for approval. Councilmember Nation made a motion, seconded by Councilmember Grissom, 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 Friday, November 11, in observance of Veterans Day.

Mayor Geiger announced that the next meeting of City Council has been scheduled for Monday, November 21, at 7 p.m.

Mayor Geiger recognized Chief of Police Ray Johnson, who provided an update on the DWI Sobriety Checkpoints in the City. Chief Johnson said the Police Department's efforts removed impaired drivers from the streets and that these sobriety checkpoints help prevent drunk driving. Chief Johnson recognized the Volunteers in Policing for their assistance with the sobriety checkpoints and their assistance with the members of the Chesterfield Alliance for Positive Youth at their successful Drug Take Back Program, which was held on October 29<sup>th</sup>.

Mayor Geiger recognized State Representative Don Gosen, District 84, in attendance.

Mayor Geiger next recognized Ms. Jennifer Rubin, who held the "Rockin' 4 Relief" fundraiser for BackStoppers, a charity which benefits the families of fallen Police Officers and Firefighters, on October 22. Chief Johnson recognized Chief (Retired) Ron Battelle of 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 presented a check in the amount of \$9,500 to BackStoppers. Mayor Geiger congratulated Ms. Rubin and her friends on their outstanding fund-raising efforts for BackStoppers. Chief Battelle expressed his appreciation to Ms. Rubin, her family and friends, for all that they do for BackStoppers.

## **COMMUNICATIONS AND PETITIONS**

Mayor Geiger recognized Mrs. Darcy Capstick, Co-Chairperson of the Citizens Committee for the Environment (CCE). Mrs. Capstick recognized Mr. Ken Denson, Co-Chairperson of CCE, and other members of CCE in attendance. Mr. Denson provided an overview of the environmental/conservation events that the members of the Stellar Green Youth Team participated in. Mayor Geiger presented the Stellar Green Youth Team Certification to the following Girl Scout Cadettes from Troop 2534: Sarah Booth, Mariel McMIndes, Nicole Moore and Lauren Schumacher. Silver Award Candidates from Troop 2534 announced their plan to establish a butterfly garden project at Eberwein Park.

Mr. Denson recognized Ms. Katie Zufall, Community Development Manager of the Girl Scout Council of Eastern Missouri, who provided an overview of the events and activities planned for the celebration of the 100<sup>th</sup> anniversary of Girl Scouting. Mayor Geiger presented a Proclamation to Ms. Katie Zufall in recognition of this milestone 100<sup>th</sup> anniversary and commended the Girl Scouts for their volunteer efforts in the community.

Mr. Michael Lebovitz, Executive Vice President of CBL Properties and a representative of Chesterfield Mall, spoke in opposition to Bill No. 2863 [P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC)]. Mr. Lebovitz provided a handout to Mayor Geiger and the Councilmembers which lists the 55 retailers and brands at Chesterfield Mall and expressed his concerns about the proposed Chesterfield Outlets duplicating these stores/brands and asked if the developer has requested public financing. Mayor Geiger noted that the Planning Commission had confirmed that this proposed development did NOT meet the definition of a “regional mall”, as contained within the City’s Comprehensive Plan. He also commented that the developer has not requested public financing, and that he feels that the proposed outlet mall would generate additional revenue in Chesterfield. Further, he stated that this proposed development is likely to broaden the base of shoppers coming to Chesterfield. City Administrator Mike Herring congratulated Mr. Lebovitz for bringing the American Girl store, the only one of its kind in Missouri, to Chesterfield Mall. Mayor Geiger stated that Chesterfield Mall is an important asset to the City and the residents.

Mr. John King, 7701Forsyth Avenue, representing Blue Valley LLC and Woodmont Development Corporation, expressed his concerns about the Master Traffic Plan regarding the proposed Chesterfield Outlets development. Mayor Geiger said that Bill No. 2863 [P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC)] will be read for the first time tonight and Councilmember Fults will offer a “green sheet” amendment to this bill. Mayor Geiger and City Attorney Rob Heggie said that the City will consider traffic conditions during the approval process.

Mr. Mike Doster, attorney for the petitioner, spoke in support of Bill No. 2863 [P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC)]. Mr. Doster said two issues were brought up in tonight’s Agenda Review meeting: hours of operation and uses. He said the petitioner does not need unlimited hours of operation and would probably be satisfied with THF’s hours of operation. He said that a number of uses were eliminated at the Planning Commission level. Mr. Doster requested consensus direction from Council on the uses in order to look at them before the next City Council meeting. City Attorney Heggie asked Mr. Doster if the proposed re-zoning meets all of the requirements of the City’s Comprehensive Plan. Mr. Doster replied that they believe it meets the requirements of the Comprehensive Plan and specifically believe it meets the requirements relating to the limitation on regional malls, as that definition is contained in the Comprehensive Plan.

Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway , stated he was available to answer civil engineering related questions on Bill No. 2861 [P.Z. 08-

2011, Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC)] and Bill No. 2863 [P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC)].

Ms. Tina Koncki, representing AT&T Mobility, stated she was available to answer questions on **T.S.P. 39-2011** AT&T (Drew Station, 1662 Clarkson Road) and **T.S.P. 40-2011** AT&T (17850 Wild Horse Creek Road).

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Public Health & Safety Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2862 (Regulates the placement of roll-off trash containers) will be considered for SECOND READING approval and adoption under the “Legislation” portion of the Agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Monday, December 5, at 5:00 p.m.

### **Finance and Administration Committee**

Councilmember Mike Casey, Chairperson of the Finance and Administration Committee, announced that the F&A Committee-of-the-Whole Budget Workshop has been scheduled for Monday, November 21, at 5:15 p.m.

### **Planning/Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2861 [P.Z. 08-2011, Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC)] will be considered for SECOND READING approval and adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2863 [P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2864 (Approves an Amendment to Ordinance 35, adopting a new Schedule XVI, “Emergency Snow Routes”) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Fults next made a motion, seconded by Councilmember Logan, to approve **T.S.P. 39-2011** 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 next made a motion, seconded by Councilmember Grier, to approve **T.S.P. 40-2011** AT&T (17850 Wild Horse Creek Road). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults announced that the next meeting of this Committee scheduled for Thursday, November 10, at 5:30 p.m. will be re-scheduled. [Note: The November 10<sup>th</sup> and November 22<sup>nd</sup> meetings were subsequently cancelled. This Committee will meet on Thursday, November 17, at 5:30 p.m.]

### **REPORT FROM THE CITY ADMINISTRATOR**

Mr. Herring reported that GT Sports Chesterfield, 18018 Eads Avenue, has requested a new liquor license, to sell beer by the drink. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Police and Planning/Public Works. Councilmember Grier made a motion, seconded by Councilmember Grissom, to approve issuance of a new liquor license to GT Sports Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

City Administrator Mike Herring reported that proposals were recently sought, from a variety of vendors, for a new “Point-of-Sale” cash-handling system, for use at recreational facilities at the CVAC, Family Aquatic Center and Amphitheater. This new system will greatly improve the overall efficiencies of operation. Based upon a review of the information supplied by Director of Planning, Public Works and Parks Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Pixel Point, in an amount-not-to-exceed \$45,000. This entire amount will be funded via bond proceeds. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Pixel Point, in an amount-not-to-exceed \$45,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Councilmember Segal made a motion, seconded by Councilmember Casey, to direct that an item, “the discharge of a firearm to protect one’s dwelling”, be added to the Public Health & Safety Committee Agenda for their December 5<sup>th</sup> meeting. A voice vote was taken with an affirmative result (6-2-0 - Councilmember Flachsbart and Councilmember Nation voted “No”) and the motion was declared passed.

## **LEGISLATION**

### **BILL NO. 2862      AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 2498 – NUISANCE (SECOND READING – PUBLIC HEALTH AND SAFETY RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2862. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2862 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2862 with the following results: Ayes – Grissom, Grier, Nation, Segal, Fults, Flachsbart, Casey and Logan. Nays – None. Whereupon Mayor Geiger declared Bill No. 2862 approved, passed it and it became **ORDINANCE NO. 2679**.

### **BILL NO. 2864      AMENDS ORDINANCE NUMBER 35 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD, BY REPEALING SCHEDULE XVI PRIORITY SNOW ROUTES AND ALL PREVIOUS AMENDMENTS AND ADOPTING SCHEDULE XVI EMERGENCY SNOW ROUTES AS ATTACHED HERETO (FIRST READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2864. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2864 was read for the first time.

## **LEGISLATION – PLANNING COMMISSION**

### **BILL NO. 2861      REPEALS CITY OF CHESTERFIELD ORDINANCE 2376 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO A NEW “PI” PLANNED INDUSTRIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD AND SOUTH OF INTERSTATE 64/U.S. HIGHWAY 61-40 (P.Z. 08-2011 KRAMER COMMERCE CENTER {KRAMER ASSETS GROUP, LLC & KRAMER PROPERTIES, LLC}) (SECOND READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2861. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2861 was read for the second time. City Attorney Heggie reminded City Council that their approval of the “green sheet” amendment at the last Council meeting reduced the open space on this project from 35% to 30%. A roll call vote was taken for the passage and approval of Bill No. 2861 with the

following results: Ayes – Casey, Nation, Grier, Logan, Grissom, Fults, Segal and Flachsbart. Nays – None. Whereupon Mayor Geiger declared Bill No. 2861 approved, passed it and it became **ORDINANCE NO. 2680**.

**BILL NO. 2863** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT WITH AN “FP” FLOOD PLAIN OVERLAY TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 48.625 ACRE AREA OF LAND LOCATED NORTH OF NORTH OUTER 40 ROAD AND EAST OF BOONE’S CROSSING (17T420016, 17T430048, AND 17U640103) {P.Z. 07-2011 CHESTERFIELD OUTLETS, T-O VENTURES, LLC})  
**(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED, AS DETAILED IN THE ATTACHED GREEN SHEET)**

Councilmember Fults made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2863. A voice vote was taken with an affirmative result (7-1-0 - Councilmember Flachsbart voted “No”) and the motion was declared passed. Bill No. 2863 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Logan, to amend Bill No. 2863, pursuant to the attached “green” sheet as follows:

#### **I. ACCESS/ACCESS MANAGEMENT**

1. Ingress and egress must conform to the Missouri Department of Transportation’s (MoDOT), St. Louis County Department of Highways and Traffic, and City of Chesterfield’s Access Management Guidelines, as directed by the City. Ingress and egress must be reviewed and approved by MoDOT, St. Louis County, and the City of Chesterfield, as directed by the City.

#### **J. ROAD IMPROVEMENTS**

1. Construct improvements to North Outer 40 Road and Boone’s Crossing as required by MoDOT, St. Louis County and the City of Chesterfield, as directed by the City, to support the proposed development.

A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to direct staff to work with the petitioner to develop a specific recommendation regarding “hours of operation” for this proposed development. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Discussion ensued and resulted in a “suggestion” that Staff work with the petitioner to reduce the current list of allowed uses and the petitioner indicated a willingness to reduce the list of allowed uses.

### **ADJOURNMENT**

There being no further business to discuss, Mayor Geiger adjourned the meeting at 8:23 p.m.

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Mayor Bruce Geiger

**ATTEST:**

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Judith A. Naggia, City Clerk