# RECORD OF PROCEEDING

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

## OCTOBER 19, 2009

The meeting was called to order at 7:05 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 October 5, 2009, City Council meeting were submitted for approval. Mayor Nations stated that under the "Communications and Petitions" section of these minutes, it is incorrectly stated that he met with members of the Missouri Department of Natural Resources. Mayor Nations stated that he had met with St. Louis County and members of the County Health Department and it was St. Louis County who told him that

they had met with the Missouri Department of Natural Resources. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve the City Council minutes, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## COMMUNICATIONS AND PETITIONS

Mayor Nations recognized Chief Ray Johnson, who stated that on August 4, 2009, the Police Department joined residents of the City of Chesterfield to participate in the "National Night Out" program. Chief Johnson stated 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 program" to Ms. Cindy Bennington, who is a representative of the Thousand Oaks subdivision. Chief Johnson next presented the "National Night Out" Award for "participation" to Ms. Diana Schumacher and her family, who are representatives of the Greenberry Baxter Estates subdivision. Mayor Nations expressed his appreciation to these subdivision representatives for their efforts on the "National Night Out" program.

## INTRODUCTORY REMARKS

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, November 2, at 7 p.m.

Mayor Nations wished a "Happy Birthday" to Councilmember Connie Fults on October 19, Councilmember Bruce Geiger on October 22, and City Clerk Judy Naggiar on October 26.

Mayor Nations stated that the unveiling of "The Awakening" sculpture on October 10 was a great event for the community.

Mayor Nations stated that in March, 2009, the City of Chesterfield was the only community that offered funds to METRO to continue bus service in the City. The State ultimately allocated funds to METRO and the City did not have to make any payment to METRO to continue the bus service. The City has received a lot of attention from the region because of the City's commitment to public transit and Mayor Nations announced that he has been asked to serve on METRO's long range planning advisory committee. Mayor Nations stated that his appointment to this committee is attributed to the City Council and Staff who supported the METRO proposal and made it a priority for the community.

Mayor Nations announced that he was recently elected to the Board of Directors of the Regional Metro Mayors Group, which includes the Mayors of the larger cities.

Mayor Nations next announced that the City has joined with the Municipal League, St. Louis University, and the Urban Land Institute to create an educational program for elected officials, staff, and people who work in the economic development field to develop a certificate program in economic development. Mayor Nations stated that he will be teaching a class on October 29 on the municipal approval process. Mayor Nations stated that the entire City Council and the City contribute to these priorities.

## APPOINTMENTS

There were no appointments.

## COUNCIL COMMITTEE REPORTS

### Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2753 (Authorizes the City Administrator to sign a "License Agreement" with THF Realty, for the placement of public art) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Monday, October 26, at 5:30 p.m.

### Parks and Recreation Committee

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, announced that the next meeting of this Committee has been scheduled for Thursday, October 29, at 5:30 p.m.

### Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2751 [P.Z. 12-2009, New Kinkead Estates (James and Suzanne Burnley)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2752 (Authorizes Agreement for dedication and maintenance of THF Blvd.) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2754 [P.Z. 10-2009, 84 Lumber (MASE, LLC)] 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. 16-2009-B, Verizon Wireless (132 Woodcliffe Place Dr.). 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 Casey, to approve the proposed "change order" for Lake 2 Improvements. 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 Casey, to approve T.S.P. 08-2009, T-Mobile (400 Chesterfield Center). 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 Casey, to approve T.S.P. 09-2009, T-Mobile (Spirit 40 Park). 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 Casey, to approve T.S.P. 11-2009, T-Mobile (Village at Baxter Ridge - Ameren Tower). 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 has been scheduled for Thursday, October 22, at 5:30 p.m.

**Public Health & Safety Committee**

Councilmember Randy Logan, Vice-Chairperson of the Public Health & Safety Committee, announced that the Chesterfield Alliance for Positive Youth will be holding their first family forum with Dr. Tim Jordan at City Hall on October 22 at 7:00 p.m. Councilmember Logan stated that Dr. Jordan is a world renowned pediatrician behaviorist and this event is to help parents and children make good decisions together.

## REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Taj Palace, 92 THF Blvd., has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to Taj Palace. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## NEW BUSINESS

Councilmember Nation made a motion, seconded by Councilmember Flachsbart, to place “Discussion – Doorack lease” on the November 2 City Council meeting Agenda, under “New Business.” A roll call vote was taken for the passage of this motion with the

following results: Ayes – Fults, Geiger, Segal, Logan, Erickson, Nation and Flachsbart. Nays – Casey. Whereupon Mayor Nations declared the motion passed.

Councilmember Erickson stated that he had an opportunity to personally thank Representative Icet and Representative Storch for making sure that the $12 Million appropriated for METRO got on the agenda and that the METRO bill was passed in the House of Representatives. Councilmember Erickson also thanked Mayor Nations for his leadership regarding the METRO issue. Mayor Nations stated that Representative Icet, as a member of the Budget Committee, was invaluable on the METRO effort.

## LEGISLATION

**BILL NO. 2752** AUTHORIZES THE CITY OF CHESTERFIELD TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THF CHESTERFIELD DEVELOPMENT, L.L.C. FOR RIGHT-OF-WAY DEDICATION AND MAINTENANCE **(SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2752. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2752 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2752 with the following results: Ayes – Segal, Fults, Logan, Flachsbart, Geiger, Erickson, Nation and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2752 approved, passed it and it became **ORDINANCE NO. 2571.**

**BILL NO. 2753** APPROVES A LICENSE AGREEMENT WITH THF CHESTERFIELD DEVELOPMENT, L.L.C. FOR THE PLACEMENT OF PUBLIC ART ON CITY PROPERTY **(SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2753. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2753 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2753 with the following results: Ayes – Logan, Segal, Casey, Flachsbart, Erickson, Geiger, Nation and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2753 approved, passed it and it became **ORDINANCE NO. 2572.**

## LEGISLATION – PLANNING COMMISSION

**BILL NO. 2751** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "R3" RESIDENCE DISTRICT TO "R6A" RESIDENCE DISTRICT FOR A 1.26 ACRE TRACT OF LAND LOCATED AT 1000 N.

WOODS MILL ROAD, ¼ MILE SOUTH OF THE INTERSECTION OF WOODS MILL ROAD AND OLIVE BOULEVARD (P.Z. 12-2009, NEW KINKEAD ESTATES {JAMES AND SUZANNE BURNLEY}) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2751. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2751 was read for the second time. Councilmember Flachsbart stated that he felt passage of this bill would set a bad precedent for potential rezoning of the adjacent site in the future and thinks this bill should not be approved. Councilmember Flachsbart stated that this rezoning request is to enable the property owners to sell this property at a higher price. Councilmember Flachsbart stated that this property is properly zoned at "R3"and is consistent with all of the neighboring properties. A roll call vote was taken for the passage and approval of Bill No. 2751 with the following results: Ayes – Erickson, Segal, Logan, Geiger and Casey. Nays – Flachsbart, Fults and Nation. Whereupon Mayor Nations declared Bill No. 2751 approved, passed it and it became **ORDINANCE NO. 2573.**

**BILL NO. 2754** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1010 TO ALLOW FOR A CHANGE TO THE ZONING DISTRICT AND THE PERMITTED USE REQUIREMENTS, FOR A 7.42 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT TO BE CHANGED TO A "PC" PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF INTERSTATE 64/HIGHWAY 40 AND EAST OF LONG ROAD AT 17519 CHESTERFIELD AIRPORT ROAD. (P.Z. 10-2009, 84 LUMBER, MASE, LLC) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED "GREEN" SHEET)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2754. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2754 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2754 pursuant to the attached "green sheets." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:29 p.m.

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Mayor John Nations

ATTEST:

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Judith A. Naggiar, City Clerk