

## **MEMORANDUM**

**DATE:**           **October 9, 2001**

**TO:**             **Michael G. Herring, City Administrator**

**FROM:**          **Chief Ray Johnson**

**SUBJECT:**      **PUBLIC HEALTH & SAFETY COMMITTEE MEETING**

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The Public Health & Safety Committee met on October 8, 2001. Those in attendance included Chairperson Michael Casey, Ward III, Councilmember Barry Flachsbart, Ward I, Councilmember Bruce Geiger, Ward II, Councilmember Charles Scheidt, Ward IV and Councilmember Mary Brown, Ward IV. Also attendance were members of the public. The meeting was called to order at 6:00 PM by Chairperson Casey.

Chairperson Casey noted that the purpose of this meeting is to interview prospective consultants regarding issues dealing with the Spirit of St. Louis Airport/FAA.

The Committee members first interviewed Mr. William Richter from the firm of Blackwell Sanders Peper Martin. Mr. Richter introduced himself and noted that he has been the City of Bridgeton Attorney for twenty years. During that time, he has represented the City of Bridgeton in issues dealing with the Lambert International Airport.

Councilmember Flachsbart began the interview process by asking Mr. Richter his opinion of whether or not the City of Chesterfield could have any impact upon Spirit Airport operations. Mr. Richter answered that he felt that the City of Chesterfield cannot, in any meaningful way, impact control airport operations including noise or development. If chosen to represent the City of Chesterfield, Mr. Richter said he would look for opportunities/loopholes. Mr. Richter said that FAA regulations pre-empt all local governments. He said he would focus upon the Spirit Airport classification in regard to airport operations.

Councilmember Brown asked for further clarification regarding FAA regulations and noise problems associated with the Spirit Airport. Mr. Richter replied that the noise is a municipal problem. In other words, municipalities should not allow residential development within the proximity of airports.

Councilmember Scheidt asked if the classification of the Spirit Airport would change any options that they City may have in regarding to regulating airport operations. Mr. Richter replied that the City of Chesterfield would have no say in the airport classification process nor would the City have any more, or any less, options dealing with the airport based on its classification.

Councilmember Geiger asked if St. Louis County, as the proprietor of the Airport, could affect the operations of the facility. Mr. Richter noted that the proprietor could control the operations including landing patterns, noise, hours of operations, etc. Mr. Geiger stated that he felt it would be good policy for the City of Chesterfield to work with St. Louis County in a cooperative effort to impact issues dealing with the Airport.

Mr. Casey asked Mr. Richter to estimate the cost of service for investigating options dealing with Spirit Airport issues as they impact the City of Chesterfield. Mr. Richter replied that research to ascertain the City's capabilities would be \$5,000.00 to \$7,500.00.

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Councilmember Brown asked if the upcoming Part 150 Study would impact airport development. Mr. Richter noted that the Part 150 study done at Lambert International Airport had no effect on airport development; it only defined areas of property and noise easements that the airport purchased for noise mitigation. Mr. Richter noted that under Missouri law, there could be no reverse condemnation forcing the proprietor of the airport to buy homes and that the city had no right to sue the airport proprietor.

Mr. Richter completed his interview at 6:35 PM.

The Committee next interviewed Mr. Joseph Nassif from the firm of Thompson Coburn. Mr. Nassif was accompanied by Mr. Stephen Jeffery from the same firm.

Mr. Nassif began by reviewing his work with airport issues. He noted that he and his firm had represented Lambert International Airport in dealings with the City of Bridgeton. The City of Bridgeton had spent approximately 1.5 million dollars over twenty years and were unsuccessful in their attempts to stop airport expansion. Mr. Nassif said that options for regulating activity at the Spirit Airport are severely limited. In his opinion, the best way for the City of Chesterfield to impact airport operations would be through environmental impact studies.

Councilmember Flachsbart asked what and if the City of Chesterfield could influence regarding Spirit Airport operations. Mr. Nassif said there was a very limited ability to control any issues. Both Mr. Nassif and Mr. Jeffrey noted several unsuccessful litigation regarding limitations on airports. Mr. Nassif reiterated that the best way to impact would be through environmental impact statements that relate to health and safety issues. An audit of the facility regarding hazardous materials could be done. Since the airport is an FAA facility it must comply with federal regulations. Therefore, any funding for future growth could be connected to proper management of hazardous materials at the airport.

Councilmember Brown asked if it is possible to expand the airport operations without actually enlarging the facility and also inquired if that could be done without an environmental impact study. Mr. Nassif replied, yes. Mr. Nassif suggested a coalition of airport users and the City of Chesterfield in an effort to control operations.

Councilmember Scheidt asked if funding from the State of Missouri had the same requirements as federal funding for the airport. Mr. Jeffrey replied, yes. Mr. Scheidt said he was unsure whether or not an environmental impact study was completed at Spirit Airport before the installation of the second runway. Mr. Nassif noted that an environmental engineer might be able to ascertain impact.

Councilmember Geiger voiced the opinion that the City of Chesterfield has little legal impact but St. Louis County has more. Mr. Nassif and Mr. Jeffrey agreed. Mr. Geiger also stated that the City can supervise some things but cannot regulate the number flights, hours operation and expansion.

Councilmember Casey asked Mr. Nassif and Mr. Jeffrey if they were familiar with the upcoming Part 150 study being done for the Spirit Airport. Both men said they were not familiar with the study but were aware that this was merely a noise study. Mr. Nassif said the City should focus more on environmental issues than on noise.

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Councilmember Casey asked the projected costs for services. Mr. Nassif replied that the entire scope of work defined by the City of Chesterfield would be \$75,000.00, which included the investigatory work.

Councilmember Casey noted that this amount was far beyond the dollar amount recommended by the Public Health & Safety Committee at the last meeting.

Councilmember Flachsbart asked for a project cost for an analysis of work involved. Mr. Nassif replied that initial work could be completed for approximately \$15,000.00.

Mr. Nassif and Mr. Jeffrey completed the interview at 7:40 PM.

The Committee members then discussed each proposal.

Councilmember Geiger spoke in favor of the phased study as proposed by Mr. Nassif of Thompson Coburn.

Councilmember Scheidt favored the concept of environmental impact studies as proposed by Mr. Nassif of Thompson Coburn.

Councilmember Flachsbart said he would be satisfied with either firm but preferred Mr. Richter of Blackwell Sanders Peper Martin because he said he would investigate what type of airport Spirit was defined as before proceeding. Councilmember Flachsbart also voiced his opinion that dealing with St. Louis County would be less effective. Councilmember Flachsbart said he preferred a phased study to learn the legal options for the City of Chesterfield before proceeding.

Councilmember Casey voiced his preference for Mr. Richter noting that he would investigate the issues proposed by Committee for a much lower fee.

It was noted that the Committee's job is to recommend the best person for the scope of work defined.

After further discussion, Councilmember Geiger motioned and Councilmember Scheidt seconded to recommend that Mr. Nassif of Thompson Coburn be chosen to represent the City of Chesterfield in regarding to Spirit Airport issues. The motion carried 3-1 with Councilmember Casey voting no.

Having no further business, Councilmember Casey motioned and Councilmember Scheidt seconded to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:15 PM.

ATTENDANCE AT PUBLIC HEALTH & SAFETY COMMITTEE MEETING  
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|                |                            |              |
|----------------|----------------------------|--------------|
| Jeff Edwards   | 17704 Greystone Terrace    | 636-532-5638 |
| Shelby Edwards | 17704 Greystone Terrace    | 636-532-5638 |
| Carol McTavish | 17417 Country Lake         | 636-537-0539 |
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