



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 16052 SWINGLEY RIDGE ROAD JUNE 5, 2000

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

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember John Nations
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

None

Mayor Greenwood led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the May 15, 2000, City Council meeting were submitted for approval. Councilmember Streeter made a motion, seconded by Councilmember Scheidt to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve the May 15, 2000, Chesterfield Valley TIF District Public Hearing minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Greenwood presented a proclamation in recognition of Flag Day and stressed the importance of this designated day to honor and respect the American flag.

Mayor Greenwood stated that the City of Chesterfield was sponsoring a fireworks display at the season's first Concert in the Park, sponsored by the Chesterfield Chamber of Commerce, at Faust Park on June 13.

Mayor Greenwood commended the Shenandoah Valley Elementary School's Honors Orchestra for their participation in the National Suzuki Competition.

Finally, Mayor Greenwood asked that the minutes officially reflect that, following passage of Bill No. 1806 by City Council at the May 15 City Council meeting, she had vetoed said legislation. A vote to override her veto will take place under "New Business" at tonight's meeting.

COMMUNICATIONS AND PETITIONS

Amanda Beresford and Bud Hirsch, 400 Chesterfield Center, represented Chesterfield Arts, Inc. and the Chesterfield Arts Commission, and presented information on the newly-formed Founders Society, which is a fund-raising program. They stressed the importance of acquiring funds from corporations and residents to support art within the City of Chesterfield.

Karyn Griffin, who resides at 16657 Chesterfield Manor Drive, supported delay of Bill No. 1809, P.Z. 37-99, THF Chesterfield Two Development, L.L.C., until the developer resolves complaints brought forth by the residents regarding his previous project.

Mary Purvines, who resides at 16863 Chesterfield Bluffs Circle, supported delay of Bill No. 1809, P.Z. 37-99, THF Chesterfield Two Development, L.L.C., until the developer resolves complaints brought forth by the residents regarding his previous project.

Allan Sheppard, who resides at 826 Judson Manor Drive, opposed Bill No. 1806, P.Z. 26-99, Solomon Consulting and supported the Mayor's veto of this bill at the May 15 City Council meeting.

Richard Stevenson, who resides at 15095 Denwoods Court, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting and expressed dismay at the Mayor's veto. He encouraged City Council to override the veto.

Mike Doster, 16476 Chesterfield Airport Road, requested that Bill No. 1809, P.Z. 37-99, THF Chesterfield Two Development, L.L.C., be considered for adoption at the next meeting of City Council, due to the need for further examination of drainage issues. Mr. Doster next summarized Mr. Solomon's letter to the Mayor and City Council regarding Bill No. 1806, P. Z. 26-99, Solomon Consulting and supported passage of this legislation.

Mike Mohrmann, who resides at 1942 Sumter Ridge Court, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Jason Mathews, who resides at 1748 Westmeade, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Lee Wall, who resides at 14259 Plumas Drive, opposed Bill No. 1806, P.Z. 26-99, Solomon Consulting, and presented petitions containing 222 signatures of Chesterfield residents who also oppose this project. Mr. Wall commended the teachers and students of Shenandoah Valley Elementary School for their outstanding Suzuki program and the Mayor for her recognition of Flag Day.

Bob Boland, architect and planner for the petitioner, who resides at 27 Chesterton Lane, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Jerry Fruin, who resides at 14552 Gatemont Drive, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Bert Solomon, 14567 North Outer Forty, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting and addressed issues in the May 19 Mayor's letter justifying her veto.

Laura Lueking, who resides at 15021 Conway Road, opposed Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Collin Weible, who resides at 1700 Westmeade, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Dan Mecklenburg, who resides at 2144 Courtleigh Lane, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

Tom Sackmann, who resides at 17312 Countryside Manor, supported Bill No. 1806, P.Z. 26-99, Solomon Consulting.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Barry Streeter, Chairperson of the Finance and Administration Committee, reported that Bill No. 1820, which amends the Trust Indentures for the Chesterfield Commons Project, will be read for the first time under the "Legislation" portion of the agenda.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1809, P.Z. 37-99, THF Chesterfield Valley Plaza will be read for the second time under the "Legislation – Planning Commission" portion of the agenda. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to hold Bill No. 1809, until the next meeting of City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 1818, P.Z. 08-2000, City of Chesterfield, which amends the Zoning Ordinance, giving the City the ability to require traffic studies, prepared by the City's traffic consultant, for private developments that have the potential to increase traffic volume, will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda. Bill No. 1819 will be held at the request of Mayor Greenwood.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for June 8 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for grading activities on the Government Center site. Based upon review of the recommendation made by the Construction Manager, S. M. Wilson, and based upon the concurrence of Director of Public Works/City Engineer Mike Geisel, he joined with them in recommending that a contract be awarded to Norvel Construction, in an amount not to exceed \$895,447. Mr. Herring noted that the Construction Manager's original budget estimated the total cost for this phase of work at \$1,296,271, so it is well within the budget for this particular activity. A motion was made by Councilmember Streeter, seconded by Councilmember Nations, to award the contract to Norvel Construction, in an amount not to exceed \$895,447, for grading activities. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that two liquor license requests have been received by the City of Chesterfield, due to a change in ownership at both establishments. Casa Gallardo, located at 444 Chesterfield Center, is requesting to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales and The Three Marketeers, Inc. (Gater Flats), located at 119 Long Road, is requesting to sell all kinds of liquor in the original package and Sunday sales. The applications have been reviewed and approved by the Police and Planning Departments. Councilmember Streeter made a motion, seconded by Councilmember Nations, to approve issuance of liquor licenses to both Casa Gallardo and Three Marketeers, Inc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

President Pro Tem Dan Hurt proposed the question to City Council: "Shall Bill No. 1806 regarding the approval of P.Z. 26-1999, Solomon Consulting, pass, the objections of the Mayor thereto, notwithstanding?" President Pro Tem Hurt requested that Mayor Greenwood's letter of May 19, 2000, which contains her reasons for vetoing Bill No. 1806, be made a part of the minutes for tonight's meeting. This was accepted by consensus of City Council. Mr. Hurt next explained that a "yes" vote overrides the Mayor's veto and a "no" vote supports the Mayor's veto. Mayor Greenwood, once again, stated her campaign pledge to support the integrity of neighborhoods and noted that this project is located across the street from an existing subdivision. Councilmembers Brown and Hurt stated that they would support overriding Mayor Greenwood's veto to pass Bill No. 1806. A roll call vote was taken with the following results – Ayes – Durrell, Scheidt, Casey, Hurt and Brown. Nays – Flachsbart, Nations and Streeter. Since six (6) affirmative votes were required to overturn the Mayor's veto, the passage of the proposed question was defeated and the Mayor's veto was affirmed.

LEGISLATION

BILL NO. 1820	APPROVES THE EXECUTION OF A FIRST SUPPLEMENTAL TRUST INDENTURE RELATING TO THE TAX INCREMENT REVENUE NOTES (CHESTERFIELD COMMONS PROJECT), SERIES 1998, OF THE CITY OF CHESTERFIELD, MISSOURI (FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE)
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Councilmember Streeter made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1820. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1820 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1818	REPEALS RESOLUTION NO. 253 AND AMENDS THE ZONING ORDINANCE TO BE KNOWN AS SECTION 1003.167 (20) AUTHORIZING THE CITY TO REQUIRE TRAFFIC STUDIES FOR DEVELOPMENTS TO BE PREPARED BY THE CITY'S TRAFFIC CONSULTANT FOR PRIVATE DEVELOPMENTS THAT HAVE THE POTENTIAL TO INCREASE TRAFFIC VOLUME (P.Z. 8-2000) (FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)
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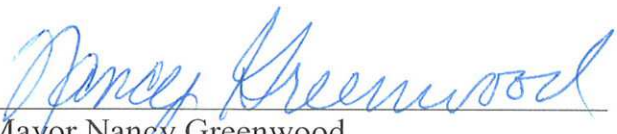
Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1818. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1818 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1818. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1818 was read for the second time. A roll call vote

was taken for passage and approval of Bill No. 1818, with the following results: Ayes – Nations, Brown, Flachsbart, Casey, Durrell, Hurt, Scheidt and Streeter. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1818 approved, passed it and it became **ORDINANCE NO. 1636.**

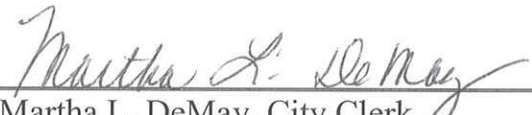
ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting to go into Executive Session (closed meeting) for the purpose of discussing RSMo 610.021 (1) litigation, (2) property acquisition and (3) personnel matters. Councilmember Streeter made a motion to adjourn the meeting to go into Executive Session. Councilmember Nations seconded the motion. A roll call vote was taken with the following results: Ayes – Durrell, Brown, Streeter, Scheidt, Flachsbart, Nations, Casey and Hurt. The motion was declared passed. The meeting was adjourned at 8:45 p.m.



Mayor Nancy Greenwood

ATTEST:



Martha L. DeMay, City Clerk



Bill # 1806

✓ JRM
5/30/00

May 19, 2000

Dear Chesterfield City Councilmembers:

This is to confirm that I have officially vetoed Bill 1806, which City Council voted to approve on May 15, 2000.

I have taken this action due to my strong belief that the proposed building is simply inappropriate in terms of its overall size for this location and the controversy over the Comprehensive Plan. While I applaud the petitioner's plans for extensive landscaping along Conway Road as well as his understanding and support for no curb cut onto Conway Road, the height of this proposed structure would create an intrusion into the lives of residents along Conway Road and those living south of Highway 40 in Royalwood Subdivision. Specifically with regard to size:

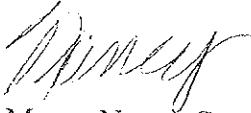
- The County standard was 17,000 square foot per acre. This site would with those standards would warrant a 124,000 square foot building. As you know, the residents of our City incorporated because they wanted stricter standards. This would not meet even those criteria.
- Both Timberlake and Solomon II are referred to as being five stories; however, the Timberlake buildings are at 593 Mean Sea Level. Solomon II would be at 645 Mean Sea Level if built under this proposal.
- Due to the proposed mean sea level of the proposed building, residential property located on Conway and across Highway 40 would be more dramatically impacted than it was with Timberlake. Homes are directly across Conway Road.
- As the Harland Bartholomew study of September 9, 1999, dealing with proposed office development standards for the Hwy 40 Corridor, pointed out, our General Planning Policy (Comprehensive Plan 1.1.1) states: "It should be a primary concern to **preserve and enhance** the quality of life in Chesterfield as exemplified by its **existing neighborhoods** and the development that now exists."

Therefore, my conclusion is this does not contribute the quality of life in the neighborhoods of Chesterfield and in this case, the neighborhoods were here first.

Per our established policy, this item will be added to the agenda for the June 5 meeting of City Council, under "Legislation-Planning Commission." For your information, six (6) members of City Council are required in order to override this veto.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy", written in dark ink.

Mayor Nancy Greenwood

Cc: Michael Herring, City Administrator
Teresa Price, Director of Planning
Douglas Beach, City Attorney