



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
JUNE 2, 1997

The meeting was called to order at 7:05 P.M.

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Allan Sheppard
Councilmember Barry Streeter
Councilmember Larry Grosser
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Linda Tilley
Councilmember Mary K. Brown

ABSENT

None

The Pledge of Allegiance was led by Boy Scout Troop #848 from Highcroft Ridge School: Jameson Allen, Kyle McAllister, Jason Mamming, Danny Nied, Jason Meyer, Adam Weintrop, Elliot Bruzek, Jay Huetteman, Aaron Martin. Also in attendance were Troop Leaders Tom Smyka and Tom Nied.

Rabbi Aaron Winter, Tpheris Israel Chevra Kadisha, led the City Council in prayer.

APPROVAL OF MINUTES

The minutes of the May 19, 1997, City Council meeting were submitted for approval. A motion was made by Councilmember Grosser, seconded by Councilmember Flachsbart, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nancy Greenwood read a Proclamation that National Bell Ringing Day be observed July 4, 1997.

Mayor Nancy Greenwood nominated Phil Folsom to serve as a member of the Police Personnel Board, replacing Manfred Cewe. Mr. Folsom will fill Mr. Cewe's unexpired term until August 1, 1997. A motion was made by Councilmember Flachsbart, seconded by Councilmember Tilley, to appoint Mr. Folsom to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nancy Greenwood nominated the following individuals as members of the Moratorium Panels:

Character of Neighborhoods

Mary Domahidy, Chair
Barry Flachsbart
Theo Korakianitis
Charles Scheidt
Mike Casey
Jerry Duepner/Mark Teitelbaum, HBA

Trees

Mary Brown, Chair
Wendy Geckeler
Robert Dingwall
John Hammond
Mark Teitlebaum/Brian Alwell, HBA

Street Issues

Stan Dolecki, Chair
Phyllis Westermeyer
Barry Streeter
Dan Layton
Jim Hall/John Eilermann, HBA

Traffic Issues

Josephine Emerick, Chair
Don Sarno
Maurice Allen
Charlie Eifler
Leonard Kiem/Bob Volz, HBA

Conditional Permits

Betty Hathaway, Chair
Rachel Nolen
Vickie Sherman
Fred Broemmer
Brett Hardesty/Jim Brennan, HBA

Special Items

John Langa, Chair
Linda Tilley
Joe Allison
John Nations
Judy Hopson

Commercial Items

Dan Hurt, Chair
Phil Schreiber
Bill Kirchoff
Leon Klearman
Steve Koslovsky/Barry Glantz, HBA

A motion was made by Councilmember Flachsbart, seconded by Councilmember Grosser, to appoint the above-mentioned individuals to the Moratorium Panels. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to amend the Moratorium Game Plan to have "7 Action Panels" instead of "6 Action Panels." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Jeff Dalin, who resides at 14548 White Birch Valley, representing the Gallery of Chesterfield Subdivision, expressed opposition to Bill Nos. 1397, 1398 and 1399 which pertain to the Nooning Tree Ltd. Partnership.

Chad Elliott, President of West County Day School, expressed his support of Bill Nos. 1400 and 1401 which pertain to the development of the Hilltown Firehouse.

Frances Capra, President of Field Pointe Condominium Association, who resides at 1222 Misty Field Lane, expressed his satisfaction with the promptness of the 911 response time.

Steve Koslovsky, attorney for Sachs Properties, expressed his support of Bill Nos. 1400 and 1401 which pertain to the development of the Hilltown Firehouse.

Royce Engel, who resides at 135 Ridgecrest Drive, representing CAIR, expressed his opposition to Bill Nos. 1400 and 1401 which pertain to the development of the Hilltown Firehouse.

Juanita McCarthy, who resides at 15648 Hedgeford, representing Brandywine Condominium Association, expressed her concern regarding reimbursement to private street owners for street repairs.

Daniel Reavy, who resides at 809 Wellesley Place Drive, expressed his support of Bill No. 1401 which pertains to the C-8 zoning change.

Wayna Rumley, Board of Director of the Chesterfield Fire Protection District, stated her request to delay the zoning decision regarding Bill Nos. 1400 and 1401, to enable the CFPD and Sachs Properties to discuss a possible reconfiguration by CFPD of the old firehouse property.

Mary Lee Hannibal, who resides at 943 Wellesley Place Drive, expressed her support of Bill No. 1401 which pertains to the C-8 zoning change.

Maurice L. Hirsch, Jr., member of the Chesterfield Arts Commission, who resides at 17905 Wild Horse Creek Road, expressed his support of a proposed grant to the Chesterfield Arts Commission. Councilmember Brown requested specific information regarding matching funds for the grant and its use. Mr. Hirsch noted that most of the funds would be used for programming. Councilmember Hurt recommended Council consider putting an artist representative on the Commission. In addition, Councilmember Hurt requested Mr. Hirsch define the term "seed money." He responded that "seed money" is "money to get started; seed money in terms of starting out ." Councilmember Hurt noted that seed money will do no more than stay the same or decrease with time. Mr. Hirsch concurred with his statement. Councilmember Hurt requested this be included in the record.

Jade Bude, who resides at 1510 Walpole, expressed her support for City funding of private organizations.

Steven Graham, a petitioner, expressed his support of Bill No. 1399 which pertains to the Nooning Tree development.

COUNCIL COMMITTEE REPORTS

Public Health and Safety

Councilmember Flachsbart, Chairman of the Public Health and Safety Committee, reported that Bill Nos. 1393-1396 will be considered for adoption under the legislation portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has not been scheduled.

Planning and Zoning

Councilmember Hurt, Chairman of the Planning and Zoning Committee, reported that Bill Nos. 1397, 1399, 1401, 1402 and 1387 will be considered for adoption under the legislation portion of the agenda. Bill Nos. 1398 and 1400 will not be considered.

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

Councilmember Hurt also announced that the Moratorium Panels organizational meeting will be at City Hall on Wednesday, June 4 at 7:00 p.m.

Finance and Administration

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, reported on the recommendation regarding the contributions programs. The Committee voted to increase the amount available for organizations to \$2,000 per year per organization with no other changes in the current criteria which would mean that the "Off The Cuff" production would receive \$2,000, the Kammerguild would receive \$2,000, the Chamber of Commerce would receive \$2,000, the Chesterfield Rotary Club would receive \$1,000 (which they requested), and the Optimists Club would receive \$1,500 (which they requested), totaling \$8,500. A motion was made by Councilmember Tilley, seconded by Councilmember Grosser, to change the current policies concerning contributions program. Councilmember Flachsbart requested a roll call vote. A roll call vote was taken with the following results: Ayes - Brown, Tilley, Politte, Hurt, Grosser. Nays - Streeter, Sheppard, Flachsbart. The motion was declared passed.

Councilmember Tilley next reported that the Committee voted that there would be no formal program for funding for boards and commissions, but each board and commission could submit requests for funding, to be evaluated on their own merit, to the appropriate committee of Council. Councilmember Politte would address the first request for funding submitted by the Arts Commission. A motion was made by Councilmember Politte, seconded by

Councilmember Grosser, that City Council grant \$12,500 to the Arts Commission to be transferred from the Parks, Recreation and Arts programming budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley recognized Councilmember Flachsbart who discussed the criteria for setting up boards and commissions as separate entities and requested that the Finance and Administration Committee discuss and determine a rational policy to define minimum criteria to be met. Councilmember Tilley stated that this will be put on the next Committee agenda.

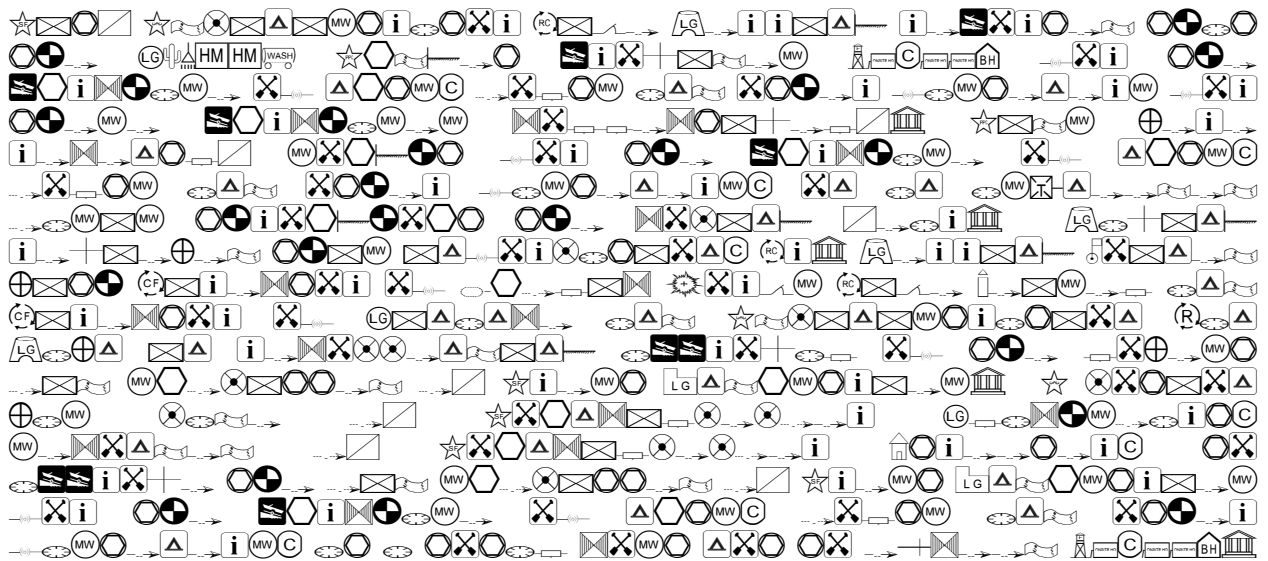
Councilmember Tilley next reported on a recommendation regarding official start time for City Council meetings in order to avoid confusion by Councilmembers, residents and the community. The Committee voted to begin all City Council meetings at 7:00 p.m., and Work Sessions, if needed, begin at 5:30 p.m. or 6:00 p.m. depending on the need. The Committee also expressed its support in attempting to honor Mayor Greenwood's request regarding not scheduling back-to-back committee meetings on the same evening. A motion was made by Councilmember Tilley, seconded by Councilmember Brown, to set the official start time for all City Council meetings at 7:00 p.m., with a Work Session start time of either 5:30 p.m. or 6:00 p.m., if needed. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported on the recommendation regarding creation of M.I.S. Advisory Task Force as a non-statutory committee. The Finance and Administration Committee voted in favor of this non-statutory committee. The Mayor will attempt to select members equally distributed throughout the City and the main criteria for this committee is qualifications. A motion was made by Councilmember Tilley, seconded by Councilmember Brown, for the creation of the M.I.S. Advisory Task Force as a non-statutory committee. A motion was made by Councilmember Flachsbart to amend the motion to increase the size of the M.I.S. Advisory Task Force. There was no second. The motion died for lack of a second. A voice vote was taken for the creation of the M.I.S. Advisory Task Force as a non-statutory committee with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported on the proposed line of succession in the event both the Mayor and President Pro Tem are absent. The Committee recommends that the line of succession be arranged in order of seniority of Councilmembers and if more than one Councilmember shares the same seniority level, then the next successor will be the Chair of the following committees in this order: Planning and Zoning, Public Works, Public Health and Safety, Finance and Administration. A motion was made by Councilmember Tilley, seconded by Councilmember Hurt, to approve the proposed line of succession. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Works/Parks

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1403, regarding acceptance of a portion of August Hill Drive as a public street, will be considered for adoption under the Legislation portion of the agenda.



Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel and Superintendent of Parks, Recreation and Arts Ron Coleman are proposing a contract amendment with Booker Associates, related to the Parks Bond Issue. This change order is the result of significant amounts of extensive additional work that far exceeded the original contract. The funds to cover this change order were included in the transfers recently approved by City Council and no additional transfers of funds are required to cover this contract expense. A motion was made by Councilmember Politte, seconded by Councilmember Grosser, to approve the contract amendment in the amount of \$197,950. Discussion ensued. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. There followed an extensive discussion of TIF funding, approved at the May 19 City Council meeting, for infrastructure expenses associated with the Valley Sports Complex. Both City Administrator Herring and City Attorney Beach provided information and responded to questions.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1393 REPEALS ORDINANCE NO. 153 RELATING TO PROHIBITING THE USE OF SKATE BOARDS AND ESTABLISHES A NEW ORDINANCE RELATING TO THE PROHIBITION FROM THE USE OF SKATE BOARDS, ROLLER BLADES, AND IN-LINE SKATES ON PRIVATE PROPERTY (**FIRST READING -PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte, for a first reading of Bill No. 1393. A motion was made by Councilmember Flachsbart to amend the motion to include the first reading of Bill Nos. 1393, 1394, 1395 and 1396. The motion was seconded by Councilmember Politte. A voice vote was taken with a unanimous affirmative result and the motion as amended was declared passed.

BILL NO. 1394 AMENDS ORDINANCE NO. 1055 RELATIVE TO THE DEMOLITION OF BUILDINGS AND STRUCTURES WHICH ARE FOUND TO BE A THREAT TO THE PUBLIC HEALTH AND SAFETY TO THE CITIZENS OF THE CITY OF CHESTERFIELD (**FIRST READING -PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte, for a first reading of Bill No. 1394. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1394 was read for the first time.

A motion was made by Councilmember Tilley, seconded by Councilmember Politte, to suspend the rules and have a second reading of Bill No. 1394. A roll call vote was taken for the second reading of Bill No. 1394 with the following results: Ayes -Grosser, Hurt, Politte, Tilley and Brown. Nays - Flachsbart, Sheppard, Streeter. The motion was declared failed, since a motion to suspend the rules requires six affirmative votes.

BILL NO. 1395 AMENDS ORDINANCE NO. 721 RELATING TO THE DISTRIBUTION OF TOBACCO AND TOBACCO PRODUCTS IN VENDING MACHINES IN THE CITY OF CHESTERFIELD BY DELETING ALL REFERENCES TO THE SALE OF CERTAIN TYPES OF CIGARETTE PARAPHERNALIA (**FIRST READING -PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte, for a first reading of Bill No. 1395. A voice vote was taken with a unanimous affirmative result

and the motion was declared passed Bill No. 1395 was read for the first time.

BILL NO. 1396 AMENDS ORDINANCE NO. 35, SCHEDULE IV, OF THE CITY OF CHESTERFIELD AS IT RELATES TO TURNING AND DIRECTIONAL MOVEMENT RESTRICTIONS BY RESTRICTING LEFT TURNS FROM JEWISH COMMUNITY CENTER ASSOCIATION (JCCA) (**FIRST READING -PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte, for a first reading of Bill No. 1396. A voice vote was taken with a unanimous affirmative result and the motion was declared passed Bill No. 1396 was read for the first time.

BILL NO. 1403 PERTAINS TO THE ACCEPTANCE OF A PORTION OF AUGUST HILL DRIVE, EAST OF BAXTER ROAD, AS A PUBLIC STREET IN THE CITY OF CHESTERFIELD (**FIRST READING -PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Streeter, seconded by Councilmember Flachsbart, for a first reading of Bill No. 1403. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1403 was read for the first time.



BILL NO. 1397 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO "R-3" 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 30.47 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, WEST OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD AND ON THE WEST SIDE OF WHITE ROAD, SOUTH OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD (P.Z. 26-96 THE NOONING TREE LTD. PARTNERSHIP) (PLANNING COMMISSION AND PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the first reading of Bill No. 1397. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1397 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the second reading of Bill No. 1397. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1397 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1397, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Politte, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1397 approved, passed it and it became **ORDINANCE NO. 1270.**

BILL NO. 1399 ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-3" 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 30.47 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, WEST OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD AND ON THE WEST SIDE OF WHITE ROAD, SOUTH OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD (P.Z. 27-96 THE NOONING TREE LTD. PARTNERSHIP) (PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the first reading of Bill No. 1399. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1399 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Grosser, for the second reading of Bill No. 1399. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1399 was read for the second time. A motion was made by Councilmember Streeter, seconded by Councilmember Flachsbart, to amend Attachment A. A voice vote was taken with an affirmative result. (Councilmember Brown voted "No.") The motion was declared passed. A roll call vote was taken to approve Bill No. 1399, as amended, with the following results: Ayes - Flachsbart, Sheppard, Grosser, Hurt, Streeter, Politte, Tilley and Brown. The motion was declared passed. Whereupon Mayor Greenwood declared Bill No. 1399 approved, passed it and it became **ORDINANCE NO. 1271.**

BILL NO. 1401 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "R-2" 15,000 SQUARE FOOT RESIDENCE DISTRICT TO "C-8" PLANNED COMMERCIAL DISTRICT FOR A 0.876 ACRE TRACT OF LAND AND AMENDING ST. LOUIS COUNTY ORDINANCE NUMBER 13,811 AND REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBERS 1025 AND 1159 FOR A NEW "C-8" PLANNED COMMERCIAL DISTRICT LOCATED ON THE WEST SIDE OF OLIVE BOULEVARD, SOUTH OF WELLESLEY PLACE DRIVE (P.Z. 8-97 CHESTERFIELD VILLAGE, INC. -PARCEL C-322 FIREHOUSE AND P.C. 87-83 CHESTERFIELD VILLAGE, INC. -HILLTOWN VILLAGE) (PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the first reading of Bill No. 1401. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1401 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Grosser, for a second reading of Bill No. 1401. A motion was made by Councilmember Flachsbart,

seconded by Councilmember Sheppard, to table Bill No. 1401. A voice vote was taken with a negative result. (Councilmembers Streeter, Grosser, Hurt, Politte, Tilley and Brown voted "No.") Mayor Greenwood declared the motion failed. Bill No. 1401 was read for the second time. A motion was made by Councilmember Tilley to amend Attachment A of Bill No. 1401 by adding a new last sentence to page 1, condition #1, Permitted Uses. The motion was seconded by Councilmember Streeter. A voice vote was taken with an affirmative result. (Councilmember Politte voted "No.") A roll call vote was taken for passage and approval of Bill No. 1401, as amended, with the following results: Ayes - Brown, Tilley, Politte, Hurt, Streeter, Grosser and Flachsbart. Nays - Sheppard. Whereupon Mayor Greenwood declared Bill No. 1401 approved, passed it and it became **ORDINANCE NO. 1272**.

BILL NO. 1402 REPEALS ORDINANCE NUMBER 129 OF THE CITY OF CHESTERFIELD (DEPARTMENT OF PLANNING RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the first reading of Bill No. 1402. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1402 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1402. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1402 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1402, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Politte, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1402 approved, passed it and it became **ORDINANCE NO. 1273**.

BILL NO. 1387 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO "C-8" PLANNED COMMERCIAL DISTRICT FOR A 3.625 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, EAST OF THE INTERSECTION OF CHESTERFIELD PARKWAY NORTH (P.Z. 6-97 SOLOMON CONSULTING COMPANY -FORTY WEST OFFICE BUILDING) (PLANNING COMMISSION AND PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, for the first reading of Bill No. 1387. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1387 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1387. Bill No. 1387 was read for the second time. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was made by Councilmember Streeter to add an Amendment to Attachment A of Bill No. 1387 to add provision E-10 to page 4. The motion was seconded by Councilmember

Hurt. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1387 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1387, as amended, with the following results: Ayes - Flachsbart, Sheppard, Grosser, Streeter, Hurt, Politte, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1387 as amended approved, passed it and it became **ORDINANCE NO. 1274**.

ADJOURNMENT

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley that the meeting be adjourned. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 9:34 p.m.

Mayor Nancy Greenwood

ATTEST:

Judith A. Naggiar, Deputy City Clerk