



RECORD OF PROCEEDING

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

May 4, 2009

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

The Color Guard from the Chesterfield Police Department presented the colors. 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

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

Councilmember Bruce Geiger
(Arrived at 7:15PM)

PRESENTATION

Mayor Nations recognized Chief Ray Johnson who provided an overview of the Police Department's milestones in the past 20 years: the flood of 1993 which brought 13 feet of water to the Police Department, the move to the new facility at the present City Hall, the CALEA accreditation in 2003 and re-accreditation in 2006 and 2009, and CALEA bestowing the highest recognition, FLAGSHIP status, on the Police Department. Chief Johnson stated that the Police Department has grown from the 49 original officers to the

current 88 officers and that 30 of those original officers are currently with the Police Department. Chief Johnson expressed his appreciation to these Police Officers for their hard work and effort in making this one of the most professional and prestigious Police Departments in the country. Chief Johnson stated that the highlight of his career has been serving the Police Department and the citizens of Chesterfield. Chief Johnson expressed his appreciation to Mayor Nations, the City Councilmembers, and City Administrator Mike Herring for their support and encouragement during these 20 years.

Chief Johnson recognized Pastor T. D. Stubblefield of the First Baptist Church of Chesterfield who has served as Police Chaplain for the past ten years, Police Personnel Board Chairperson Phil Folsom, Police Personnel Board member Phil Scissors and former Police Personnel Board member, now Councilmember, Randy Logan.

Chief Johnson presented 20-year anniversary commemorative badges to each of the following employees who have been with the Police Department for all of these years: Captain Paul Dillender, Captain Graham Burnley, Captain Ed Nestor, Lieutenant David Ray, Lieutenant Dennis Hufford, Lieutenant Tom Tucker, Lieutenant Sheilah Davis, Lieutenant Greg Lehman, Sergeant Michael Jones, Sergeant Robert Schneider, Sergeant Gary Wilson, Sergeant Robert Wickenhauser, Sergeant Christopher Connelly, Sergeant David Weiss, Sergeant Ralph Finn, Sergeant John Videmschek, Police Officer Mark Caswell, Police Officer Dennis Struebing, Police Officer Tom Huesgen, Police Officer Terry Cordia, Police Officer Christopher Simpson, Police Officer Tim Strawhun, Police Officer Steve Rainey, Police Officer Kim Beckmann, Police Officer Sam Ghassemi, Police Officer Tim Deckard, Executive Secretary Dianne Johnson and Detective Secretary Suzanne Miller (Police Officer James Sharp was not in attendance).

Mayor Nations, on behalf of the past and present members of City Council, City Staff and the citizens of the City of Chesterfield, expressed his gratitude to the family members of the Police Officers for their support and encouragement. Mayor Nations commended Chief Johnson and the members of the Police Department for attaining FLAGSHIP status from CALEA. Mayor Nations stated that CALEA reported that the Police Department had “zero deficiencies” and “zero discrepancies” and that several Commission members stated that they had never previously seen such an exemplary review of a Police Department .

[Councilmember Geiger arrived at 7:15 p.m.]

APPROVAL OF MINUTES

The minutes of the April 22, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Ron Stephens, Service Area Director of Operations-DeBaliviere, with METRO, expressed his appreciation to the Mayor, the City Councilmembers and Staff for their leadership and willingness to participate in the cost of continuing Metro bus service to/from Chesterfield. Mr. Stephens stated that he wants to assure the City of excellent service. Mr. Stephens stated that Metro has assigned a manager, Ms. Donna Holmes, who is a supervisor of the Chesterfield bus route. Mr. Stephens stated that Ms. Holmes will assist him in assuring quality service. Mr. Stephens provided his and Ms. Holmes' business cards to the Mayor, City Councilmembers and Staff. Mayor Nations thanked Mr. Stephens for METRO's partnership with the City and stated that the City looks forward to working with him and Ms. Holmes.

Mayor Nations provided an explanation of how business is conducted at a City Council meeting to the Scouts from Troop 677, from Living Word Christian School, who were in attendance at tonight's meeting.

APPOINTMENTS

Mayor Nations nominated Tim Engelmeyer for re-appointment as Prosecuting Attorney. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve Resolution No. 355 (re-appointment of Tim Engelmeyer as Prosecuting Attorney). A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Engelmeyer's four-year term will expire May 7, 2013.

Mayor Nations next nominated Tony Pezzani for re-appointment as Assistant Prosecuting Attorney. Councilmember Flachsbart made a motion, seconded by Councilmember Nation, to approve Resolution No. 356 (re-appointment of Assistant Prosecuting Attorney Tony Pezzani). A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Pezzani's four-year term will expire May 7, 2013.

Mayor Nations expressed his appreciation to Mr. Engelmeyer and Mr. Pezzani for the work they perform for the City. Councilmember Geiger stated for the record that he wished to express his appreciation to Mr. Engelmeyer for the housing/zoning docket that has resulted in taking a lot of issues off the table and resolving issues quickly.

COUNCIL COMMITTEE REPORTS

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, made a motion, seconded by Councilmember Nation, to amend Resolution No. 354 (Supports/encourages either a Country-wide or State-wide smoking ban) by requesting City Attorney Heggie to prepare two separate resolutions: one urging St. Louis County to adopt a county-wide smoking ban in public place and the other urging the State of Missouri to adopt a state-wide smoking ban in public places. Councilmember Flachsbart

stated that these two separate resolutions would be considered at the next meeting of City Council on May 18. Councilmember Flachsbart stated that his amendment would also include amending Resolution No. 354, Sections 1 and 2, by deleting the words “especially in” and replacing them with “including” and deleting the following: “and to otherwise ensure that the health of non-smokers, whom studies have shown represent approximately 79% of the population, prevails over the right of smokers to smoke in such locations.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart reported that Bill No. 2703 (Amends Section 21-68 of the City Code, regarding "Tampering") and Bill No. 2704 (Adds Section 18-153 to the City Code, regarding the wearing of protective headgear by minors) will be read for the first time under the “Legislation” portion of the Agenda. Councilmember Flachsbart stated that Bill No. 2704 mirrors the St. Louis County ordinance and would ensure that any violations would come under City jurisdiction rather than St. Louis County jurisdiction.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Monday, June 15, at 7:30 a.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Flachsbart, to approve the recommendation of this Committee to award the Leonard Blake Ancient History Award to “Higher Educational Consortium – TV.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Fults noted that the actual presentation of this award would take place at a future meeting of City Council.

Councilmember Fults made a motion, seconded by Councilmember Logan, to approve the Amended Architectural Elevations for Equilon Shell, 15530 Olive Blvd. Councilmember Geiger stated that he had requested a “power of review” and that the petitioner had provided much good information/clarification, regarding their proposal. Councilmember Geiger stated he now supports approval of these elevations. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Casey, to approve the Amended Architectural Elevations for New Spirit Energy Convenience Store. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve the Partial Amended Site Development Concept Plan for St. Luke’s Hospital and the Amended Site Development Plan for St. Luke’s Hospital (Northwest). A voice vote was taken with an affirmative result (7-0-1 - Councilmember Nation “abstained”) and the motion was declared passed.

Councilmember Fults reported that Bill No. 2705 [P.Z. 17-2007 - Repeals old Sections 1003.140 - "PC" and 1003.150 - "PI" and creates new/revised sections for each, as well as new sections for Neighborhood Business ("NB"), Light Industrial ("LI") and Urban Core ("UC")] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda. Councilmember Fults commended Staff for their work on these definitions and uses.

Councilmember Fults next reported that Bill No. 2706 (Approves record plat, etc., for Downtown Chesterfield, Plat One) is scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults announced that the next meetings of this Committee have been scheduled for Thursday, May 7, at 7:00 p.m. and Thursday, May 21, at 7:00 p.m.

Councilmember Fults made a motion, seconded by Councilmember Geiger, to suspend the rules of Council to move to the "Legislation – Planning Commission" portion of the Agenda, to enable consideration of Bill No. 2706 (Approves record plat, etc., for Downtown Chesterfield, Plat One). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2706 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT AND ESCROWS FOR DOWNTOWN CHESTERFIELD, PLAT ONE, A 15.96 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT, LOCATED ON THE NORTHWEST CORNER OF CHESTERFIELD PARKWAY WEST AND LYDIA HILL ROAD **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2706. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2706 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2706. Councilmember Erickson asked who made the decision to name the new street "Veterans Place Drive." Mayor Nations responded that the name was chosen because there are plans to put a Veterans memorial on that drive, which is part of the Parks Plan. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2706 was read for the second time.

Councilmember Erickson asked for the status of erecting the Veterans memorial. Mayor Nations responded that the American Legion is leading the effort to secure donations to build this memorial and are working with Don Weigand on the design of the memorial, which will, hopefully, be finalized, after the road is completed. A roll call vote was taken for the passage and approval of Bill No. 2706 with the following results: Ayes – Fults,

Logan, Erickson, Casey, Geiger, Nation, Flachsbart and Segal. Nays – None. Whereupon Mayor Nations declared Bill No. 2706 approved, passed it and it became **ORDINANCE NO. 2523.**

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that with the passage of Bill No. 2702 (Approves agreement for the continuation of Metro bus service to/from the City of Chesterfield) at the April 22, 2009 City Council meeting, he is requesting that \$174,000 be transferred from General Fund Fund Reserves to the appropriate budget category, within the General Fund, to cover Chesterfield's local match. Councilmember Casey made a motion, seconded by Councilmember Fults, to transfer \$174,000 from the General Fund Fund Reserves. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that St. Louis Cigars, located at 13347 Olive Road, has requested a new liquor license to sell all kinds of liquor, malt liquor (beer only) and light wine by-the-drink. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve issuance of the liquor license to St. Louis Cigars. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2703 **ADOPTS NEW SECTION 21-68 OF THE CODE OF ORDINANCES OF THE CITY OF CHESTERFIELD, MISSOURI, RELATING TO TAMPERING. (FIRST READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2703. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2703 was read for the first time.

BILL NO. 2704 **ADDS SECTION 18-153 TO CHAPTER 18, ARTICLE VII OF THE CHESTERFIELD CITY CODE RELATING TO THE WEARING OF PROTECTIVE HEADGEAR BY MINORS WHILE BICYCLING. (FIRST READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2704. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2704 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2705 REPEALS SECTION 1003.140 “PC” PLANNED COMMERCIAL DISTRICT AND SECTION 1003.150 “PI” PLANNED INDUSTRIAL DISTRICT OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND CREATING A NEW SECTION 1003.140 PLANNED COMMERCIAL (PC) DISTRICT AND A NEW SECTION 1003.150 PLANNED INDUSTRIAL (PI) DISTRICT. ADDITIONALLY, THE ORDINANCE CREATES SECTION 1003.146 NEIGHBORHOOD BUSINESS (NB) DISTRICT, SECTION 1003.147 URBAN CORE (UC) DISTRICT, AND SECTION 1003.152 LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE CITY OF CHESTERFIELD (P.Z. 17-2007 CITY OF CHESTERFIELD {COMMERCIAL AND INDUSTRIAL DISTRICTS AND USES}). **(FIRST READING; PLANNING AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS PROPOSED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2705. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2705 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbar, to amend Bill No. 2705 pursuant to the “green sheet” attached. Councilmember Fults stated that this is a housekeeping issue from the Planning and Development Services Department. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:39 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggjar, City Clerk