CITY COUNCIL OF THE CITY OF LADUE

ST. LOUIS COUNTY, MISSOURI

MONDAY, NOVEMBER 15, 2021

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, November 15th 2021, at 4:00 p.m., at City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

Stacey Kamps
John Fox
Patrick Hensley
William Brennan
Harold Burroughs
John Howell

Six Council Members present.

Also present Police Chief Ken Andreski, Jr.; Assistant Fire Chief Jeff Johnson; Roger Stewart, Building Commissioner; Ms. Lamitola, Director of Public Works; Ms. Andrea Sukanek, City Planner; and Ms. Erin Seele, City Attorney; Elizabeth Weimar, Court Administrator and Lori Wrobel Deputy City Clerk. Ms. Stacey Mann, City Clerk and was absent.

Approval of the Agenda: Council Member Fox moved approval of the agenda, with second by Council Member Brennan; the motion passed unanimously.

Approval of the Minutes: Mayor Spewak asked if there were any amendments, corrections, or clarifications to the minutes of the Meeting of October 18, 2021. Council Member Howell moved approval of the minutes as submitted; upon second by Council Member Brennan, the motion passed unanimously.

Public Forum: Jack Gillis, 917 S. Warson Road; Tom Kennedy, 1001 S. Warson Road; Ray Potter, 13 Midpark; Ted Martin, Cari Hendrickson, 51 Picardy Lane; Bill Hendrickson, 51 Picardy; Maria Habel, 31 Picardy Lane; and Peggy Dozier, 1 Warson Terrace; addressed the City Council stating their opposition to the signalization of the intersection of Conway at Warson Road. Susan Norris, 928 Stonehenge Lane spoke in favor of the signalization. Cynthia Bitting, 6 Apple Tree Lane, asked about the upcoming Lindbergh closure and the possible repercussions on Conway Road.

Mayor Spewak appreciated the opinions shared and encouraged everyone to attend the open house on Thursday regarding the proposed signalization. Several Council Members will be in attendance, and the Mayor wants input from all involved. Staff will reach out to school officials to request their attendance.

Ms. Lamitola reported the intersection is not ADA compliant, the crosswalk does not lead to a sidewalk; however, there are other options to consider.

Public Hearings:

PH1: The City Council of the City of Ladue will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit for Truffles restaurant to enclose the outdoor seating area with a permanent structure. The property is located at 9202 Clayton Road. Zoning and Planning Commission recommends approval.

Council Member Hensley recused himself; Mayor Spewak declared the Public Hearing open with no objections.

Aleksandar Jovanovic, General Manager of Truffles, reported that because the outdoor area added for Covid-19 was so successful, a new four seasons, open structure is proposed with a lot of plants, natural light, heating, and air conditioning. There will be no impact on parking or on the Clayprice Center.

Ms. Sukanek shared the ADA parking requirements must be addressed.

Ms. Seele shared that the notice for tonight's Public Hearing as well as the Code of Ordinances including Ordinance 1175 as well as the entire packet is here made available and should be considered part of the public record.

Council Member Fox moved to close the public hearing, with second by Council Member Howell the motion passed unanimously.

Council Member Brennan moved approval to amend the Truffles Special Use Permit with second by Council Member Burroughs; the motion passed unanimously

PH2: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves an amendment to the Ladue Zoning Ordinance (Ordinance #1175) regarding the process for approval of subdivision gates. Zoning and Planning Commission recommends approval.

Public Hearing 2 was opened upon motion by Council Member Fox and second by Council Member Burroughs; the motion passed unanimously.

Current Zoning Code discourages subdivision gates, gives the Zoning and Planning Commission the authority to approve subdivision gates but does not give specific criteria to help the Commissioners make a decision.

The Commission proposes gate requirements from subsection 4G to be moved and incorporated into a new subsection 4H and include the following:

- Required 25' Gate Setbacks
- Required Turn arounds
- Required Special Use Permit for installing subdivision gates

Gate approval requirements:

- Multiple intersections with public roads producing excessive traffic
- 2 or fewer residences on the Lane
- Excessive traffic must be demonstrated by a traffic study
- Exceptional security concerns must be demonstrated by police reports
- Gates to remain open from dawn to dusk
- Pedestrians must have 24 hour access
- Gate width must be at least the width of the street
- Preapproval of 75% of homeowners
- Fire Department requires electric entry must be on the Knox system.

Council Member Burroughs crafted two amendments to proposed Bill 2293.

Clifford Atkins, 34 Somerset Downs, addressed the Council concerning his difficulty in obtaining a subdivision gate and the obstacle in determining that excessive crime exists.

Mayor Spewak was accepting of his plight and stated that the Somerset Downs gate application precedes Bill 2293.

Commissioner Burroughs suggested legal advice to interpret the Ordinance and work through the process.

Chief Andreski reported Somerset Downs had one walk in crime event, and others were vehicular, the single entrance puts Somerset Downs in a different position.

Ms. Seele shared that the notice for tonight's Public Hearing as well as the entire Code of Ordinances and Ordinance 1175 as well as the file for the text amendment is here made available and should be considered part of the public record.

Council Member Fox moved to close the public hearing, with second by Council Member Howell; the motion passed unanimously.

New Business:
Proposed Legislation:

Bill 2291 – An ordinance of the City of Ladue to amend Division 1 of Article II of Chapter 34 Section 34-22 Fire Code Amendments of the City of Ladue Code of Ordinances

Mayor Spewak read Bill 2291, and a second reading was done by Council Member Brennan.

Assistant Fire Chief Johnson reported on this additional amendment for the International Fire Code that was approved by the Council in October. The language change is for use group A 2 which includes restaurants, bars. This small change in language does not change the Fire Departments policies of inspection.

Council Member Hensley moved approval of Bill No. 2291, with second by Council Member Howell and the roll call vote thereupon was as follows:

Council Member Fox	"Aye"
Council Member Kamps	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"
Council Member Hensley	"Aye"
Council Member Howell	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Bill 2292A – An ordinance approving the subdivision plat for "Clayton Road Park, Consolidation Plat of Lots 1 & 2 in block 4"

Mayor Spewak read Bill 2292A, and a second reading was done by Council Member Howell.

Ms. Seele stated this Bill was changed to 2292A, in order to add the plat. This routine subdivision is in compliance, and the dedicated sidewalk easement needed further clarification.

Council Member Fox moved approval of Bill No. 2292A, with second by Council Member Brennen and the roll call vote thereupon was as follows:

Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Kamps	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"
Council Member Hensley	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Bill 2293A – An ordinance to amend Ordinance 1175 – the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri regarding requirements for subdivision and driveway gates.

Mayor Spewak read Bill 2293A, and a second reading was done by Council Member Burroughs.

Council Member Kamps moved approval of Bill No. 2293A, with second by Council Member Brennen and the roll call vote thereupon was as follows:

Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Kamps	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"
Council Member Hensley	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Bill 2294 – An ordinance calling for a regular election to be held in the City of Ladue, St. Louis County, Missouri on Tuesday, April 5th, 2022, and designating the St. Louis County Board of Election Commissioners to conduct such election in compliance with state statute requirements and the revised Missouri election laws.

Mayor Spewak read Bill 2294, and a second reading was done by Council Member Burroughs.

Council Member Howell moved approval of Bill No. 2294, with second by Council Member Hensley and the roll call vote thereupon was as follows:

Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Kamps	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"
Council Member Hensley	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Resolution 2021-54 – A resolution authorizing the Mayor to execute on behalf of the city a rights-of-way agreement with Everstream Solutions LLC

Ms. Seele reported the law allows us general consent to use the Right-of Ways with agreement. The code does require a Rights-of-Way Agreement. This is essentially our form agreement and covers relocation, insurance, and indemnification provisions to protect the City. It does have an amendment to exhibit A to contemplate House Bill 271-which is being challenged, regarding linear foot fees. Everstream will pay the fees while applicable.

Council Member Hensley moved to adopt Resolution No. 2021-54, with second by Council Member Burroughs the motion passed unanimously.

Resolution 2021-55 – A resolution authorizing the mayor to execute on behalf of the City of Ladue, Missouri a services agreement order form and government agency customer agreement between the City of Ladue and Flock Group Inc., wherein Flock Group Inc. agrees to provide for the installation and maintenance of an automatic license plate detection system and related software and hardware services in connection therewith.

Chief Andreski reported the Police Department has been researching these license plate readers. With the increase in stolen cars and car break ins, this will give the department increased information to work with in solving crimes. One reader will be mobile, and a second will be permanently placed near Price Road at Ladue Road. Reporting and recording license plate numbers will alert the department of stolen cars in the area. The information will be stored on the Cloud for 30 days.

After discussion, Council Member Brennan moved to adopt Resolution No. 2021-54, with second by Council Member Hensley the motion passed unanimously.

Resolution 2021-56 – A resolution declaring the City's legislative intent concerning how a use loses its legal nonconforming status and finding that the property at 301 S. Warson has lost its legal nonconforming status.

Ms. Sukanek stated that the Zoning Code currently defines a property losing the status by remaining idle, or unused for a period of one year, however, this is vague. Ms. Seele defined the proposed intent of the Council as cessation of the nonconforming use for a year as the basis for losing the status. As the property at 301 S. Warson has not been used as a gas station in over a year, it has lost its legal nonconforming status. It must operate in compliance with current City Code.

Council Member Fox moved to adopt Resolution No. **2021-56**, with second By Council Member Burroughs the motion passed unanimously.

Financial Matters:

The Mayor and Council reviewed the Vouchers for Payment for the month of October 2021. Council Member Howell moved their approval, upon second by Council Member Fox the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report for October 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report for October 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for October 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for October 2021. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for October 2021. The Mayor ordered the report filed.

Update on Telephone System Cloud Project: Elizabeth Weimar stated the new system was implemented on November 10th. The phones are up and running. All departments are now using the same phone system. There are still a few small issues, but the transition is complete for the most part.

Update on Ladue Security Upgrade: Collette with Navigate Solutions reported on the status of the updates. Project delays were due to stock delays. Most of the cameras are installed. Training for Police and Fire Staff will be scheduled when Chief Lynn returns. Additional scope was covered by a transfer from the Police Department.

Police Department: Mayor and Council reviewed the Police Activity Report for the period January 1 – October 31, 2021 The Mayor ordered the report filed.

Chief Andreski presented the monthly report and answered questions regarding crime at Somerset Downs and the unusual amount of crime experienced by the residents from 2019 through earlier this year. Ten reports, and several calls for service. The department has been on the street 600 times this year.

Ladue has a reputation for having unlocked cars with valuables inside. The criminals are brazen and dangerous and many times armed. Chief Andreski will be sending a letter to all the residents enlisting their assistance in locking cars, and not leaving valuables in cars.

Public Works: Mayor and Council reviewed the report of the Director of the Public Works Department for October 2021. The Mayor ordered the report filed.

Ms. Lamitola reported the leaf pickup is ahead of schedule having only picked up 80 cubic yards in October compared to 2000 cubic yards last October. The pickup in December should be quite large, as the leaves are falling late this year.

Stormwater Engineer and MSD project liaison, Mark Koester has put together a report of major MSD projects in Ladue.

The utility relocation at Robin Hill McKnight Lane Storm water project will require additional funds. The City has paid $30,991; the current estimate for relocation is now $51,111. The final cost will be determined after the relocation is complete.

Municipal Court: Mayor and Council reviewed the report of the Municipal Court for October 2021. The Mayor ordered the report filed.

City Attorney: Ms. Seele had nothing new to report.

Adjournment: Council Member Fox moved adjournment, with second by Council Member Hensley the motion passed unanimously. The meeting adjourned at 5:58 P.M.

APPROVED THIS 20TH DAY OF DECEMBER 2021.

Nancy Spewak

Nancy Spewak, Mayor

ATTEST:

Stacey Mann

Stacey Mann, City Clerk