

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
TUESDAY, FEBRUARY 18, 2014, 4:00 P.M.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri was held on Tuesday, February 18, 2014, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz
John M. Howell
Walter G. Stern
John R. Fox
Harold Burroughs
William Brennan (arrived 4:05 PM)

Five Council Members present.

Also present were Michael W. Wooldridge, Assistant to the Mayor/City Clerk; Mr. Rick Jett, Finance Director; Police Chief Rich Wooten; Fire Chief John Bailot; Asst. Fire Jeff Johnson; Ms. Anne Lamitola, Director – Public Works; Mr. James Schmieder, Director - Zoning & Building Department; Mr. James Schiele, Chairman – Finance, Revenue, and Taxation Committee; Mr. Mike Gartenberg, Building Official; and Mr. John Maupin, City Attorney.

Approval and Adoption of the Agenda: Council Member Fox moved the adoption of the agenda; seconded by Council Member Stern and the vote thereupon was as follows:

Council Member Hiemenz	“Aye”
Council Member Howell	“Aye”
Council Member Stern	“Aye”
Council Member Fox	“Aye”
Council Member Burroughs	“Aye”

The motion was passed unanimously.

Approval of Minutes:

Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Special and Regular Meetings of January 14 and 21, 2014. Council Member Hiemenz moved approval of the Minutes; seconded by Council Member Stern, which motion passed unanimously.

Public Forum: (no one came forward to address the Mayor and City Council)

(Council Member Brennan arrived 4:05 PM)

Public Hearing: (see attached transcript – hearings 1 - 3)

PUBLIC HEARING #1

NOTICE OF PUBLIC HEARING
CITY COUNCIL, CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI

Notice is hereby given that 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 issue a Special Use Permit to The Woman's Exchange, 8811 Ladue Road, Ladue, Missouri, to serve liquor by the drink. (ZPC 13 -10).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Tuesday, February 18, 2014, at the Ladue City Hall, 9345 Clayton Road.

The Hearing will be open to the public and any person interested in the proceedings will be given an opportunity to be heard.

Pursuant to Section 610.022 RSMo., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Michael W. Wooldridge
City Clerk/Assistant to Mayor

PUBLIC HEARING #2

NOTICE OF PUBLIC HEARING
CITY COUNCIL, CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI

Notice is hereby given that 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 issue a Special Use Permit to Sweetology, 9214 Clayton Road, Ladue, Missouri, to serve liquor by the drink. (ZPC 13 -09).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Tuesday, February 18, 2014, at the Ladue City Hall, 9345 Clayton Road.

The Hearing will be open to the public and any person interested in the proceedings will be given an opportunity to be heard.

Pursuant to Section 610.022 RSMo., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Michael W. Wooldridge
City Clerk/Assistant to Mayor

PUBLIC HEARING #3

NOTICE OF PUBLIC HEARING
CITY COUNCIL, CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI

Notice is hereby given that 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 issue an amendment to the Special Use Permit for John Burroughs School, 755 S. Price Rd., for baseball field upgrades. (ZPC 13 -11).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Tuesday, February 18, 2014, at the Ladue City Hall, 9345 Clayton Road.

The Hearing will be open to the public and any person interested in the proceedings will be given an opportunity to be heard.

Pursuant to Section 610.022 RSMo., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Michael W. Wooldridge
City Clerk/Assistant to Mayor

Committee Report: None

Old Business: None

Zoning and Planning Matters: None

Proposed Legislation:

Bill 2081 an ordinance amending the Code of Ordinances Sec. 98-200 regarding the speed limit on Clayton Road.

Chief Wooten stated a review was undertaken of the speed limit on Clayton Road and S. Forty Drive because of complaints about the speed through the Clayton Road business district. The review included traffic counts, survey of speed of vehicles and accidents. Analysis of the accident reports indicated contributing circumstances included driver inattention and improper turning. In peak travel times average speed was 0 – 10 mph faster than the posted speed. Chief Wooten recommended reducing the speed limit from 35 mph to 30 mph on Clayton Road between Conway Road and S. Forty Drive.

Mayor Spewak advised she has been contacted by numerous business owners complaining about the speed of vehicles on Clayton Road and the need for traffic calming measures.

Council Member Stern moved the introduction of Bill 2081, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2081 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2081; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2081, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Spewak declared Bill 2081 adopted as **Ordinance 2081**.

Bill 2082 an ordinance authorizing the Mayor of the City of Ladue to enter into and execute a contract with St. Louis County, Missouri, for mosquito control service.

Mr. Wooldridge advised this is a contract with St. Louis County to provide mosquito control and larvicide services to the city for one year with four (4) one year renewable periods. He stated that a similar contract was signed in 2009. The proposed hourly rate is the same as 2009, \$72.00 per hour for mosquito services and \$45.00 per hour for larvicide services.

Council Member Stern moved the introduction of Bill 2082, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Burroughs moved the first reading of Bill 2082 seconded by Council Member Stern, which motion passed unanimously.

Council Member Hiemenz moved the second reading of Bill 2082; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Burroughs moved adoption of Bill 2082, seconded by Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Spewak declared Bill 2082 adopted as **Ordinance 2082**.

Bill 2083 an ordinance approving the Lot B Price School Lane boundary adjustment plat.

Mr. Gartenberg explained that the boundary adjustment will re-orient the roadway cul-de-sac to the south end of the property adjoining the Bogey Club. He stated that staff reviewed and approved the proposed boundary adjustment. He further added the proposed plat will result in a slightly larger lot.

Mayor Spewak thanked the city staff, Ms. Lamitola, Mr. Gartenberg, Mr. Schmieder, Mr. Pona, Mr. Maupin and Mr. Wooldridge for their assistance in this review.

Council Member Hiemenz moved the introduction of Bill 2083, seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2083 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2083; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2083, seconded by Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Spewak declared Bill 2083 adopted as **Ordinance 2083**.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of January 2014. Council Member Stern moved their approval, seconded by Council Member Burroughs, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer and Collector's reports for January 2014. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for January 2014. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Cash Flow Summary for January 2014. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report as of January 2014. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Council reviewed the Fire Department Activity Report for January 2014. The Mayor ordered the report filed.

Fire Chief Bailot brought to the Mayor and Council's attention the increase in the number of calls in January 2014 compared to January 2013. He stated this was the result of answering 40 calls during a 36 hour period beginning January 17, 2014. Chief Bailot advised these were weather related calls due to snow and extreme cold.

Chief Bailot provided a construction update for firehouse #2:

- The contract lost eight construction days in January because of weather;
- Footings have been poured;
- Piers from the old building were removed and bad soil was remediated;
- ASI #1 related to electrical, sewer and concrete questions was released by the project architect.

Chief Bailot requested that the Council reaffirm their approval of the change order process during the construction of firehouse #2. He stated that the previous approval could not be found in writing.

Discussion ensued about construction manager approval of the change order and the maximum amount of approval without the Fire Building Oversight Group review.

Council Member Fox moved the approval of the change order process:

- The change order shall be reviewed and approved by the construction manager.
- The Mayor, Assistant to the Mayor/City Clerk and Fire Chief must agree on the change order.
- A single change order shall not exceed \$25,000; change orders between \$25,000 - \$50,000 shall be reviewed by the Fire Building Advisory Oversight Group for consensus approval. If consensus approval is not obtained the change order shall be forwarded to the City Council for approval.
- The Change order shall not cause the project to go over the authorized project budget approved by the City Council.
- The reason for the change order and its cost impact will be reported to the City Council at its next regularly scheduled meeting for ratification.

The motion was seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Chief Bailot requested approval to enter into a contract with DSG Collect for third party collections of unpaid ambulance bills with an outstanding balance greater than \$100.00. He stated that proposals were sent to eight prospective firms with responses from three firms. Chief Bailot stated that DSG Collect offered the lowest collection fee of 14% of the amount collected. The contract will have a term of three years with two – one (1) year options.

Council Member Brennen asked when the accounts will be sent to DSG. Chief Bailot stated the accounts will be sent to collections after 120 days of inactivity.

Council Member Howell moved approval to retain DSG Collect for third party unpaid ambulance billings, and authorized the Mayor to sign a contract with DSG Collect after review by the City Attorney. The motion was seconded Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Chief Bailot requested approval to enter into a contract with ESO Solutions for ePCR software and support. He indicated that the current software, Code Red, has been used for several years, but the lack of software support is becoming an issue. He also noted that Mercy Hospital – St. Louis, the department's medical control, uses ESO Solutions for ePCR. Chief Bailot stated the cost will be \$7,788.50 for the first year and \$4,045.50 each year thereafter.

Council Member Fox moved the approval to authorize the Mayor to sign a contract with ESO Solutions for ePCR software and support at a cost of \$7,788.50 for the first year and \$4,045.50 each year thereafter. The motion was seconded Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Police Department: The Council reviewed the Police Activity Report for the period January 2014. The Mayor ordered the report filed.

Chief Wooten and Sgt. Wagner discussed the A.L.I.C.E. program and its implementation at Mary Institute / Country Day School. Sgt. Wagner stated the program provides protocols for police and schools when unusual incidents occur.

Mr. Tim White, Director of Security, commented that the M.I.C.D.S. staff and administration have embraced this program as another tool to insure the safety of the students at the school. He thanked the Mayor, City Council and the Ladue Police Department for working with the school.

Public Works: The Mayor and Council reviewed the Public Works report for the period through January 2014. The Mayor ordered the report filed.

Ms. Lamitola advised that work has resumed on the Litzsinger Road project. Work remaining includes finishing the sidewalk, grading work, and resurfacing the roadway, all work which is east of Overbrook Dr. The project is expected to be finished in the spring of 2014.

Ms. Lamitola reported that citizen meetings with Christner, Inc. regarding the beautification project have been proceeding. The general public meeting will be held on February 25 at 6:00 PM.

Ms. Lamitola advised that the application for federal funding for the Lay Road sidewalk and road project is due in March. She indicated that available funding has been reduced by 33% and the projects will be more competitive. If the City were to receive project funding the funds will become available in October 2015. Engineering will be completed in 2016, right-of-way acquisition in 2017, and construction in 2018. Ms. Lamitola stated that if the City were to self-fund the engineering portion of the cost (\$118,000) the project could earn additional evaluation points and start the project a year earlier.

Mayor Spewak noted that the issue is not related to the construction of sidewalks, but rather the condition of the road surface of Lay Road. Ms. Lamitola stated that her assessment of the road condition rates the road at a 4 on a scale of 1 – 10.

After discussion the Council authorized Ms. Lamitola to submit the application seeking 80% federal funding for all engineering, right-of-way acquisition and construction.

Municipal Court:

The Mayor and Council reviewed the Municipal Court report for January 2014. The Mayor ordered the report filed.

Administration/City Clerk.

The Mayor and Council reviewed the building department report for January 2014. Year-to-date 14 reportable permits were issued for a construction value of \$1.2 million, a decrease of 78% compared to 2013.

Mr. Wooldridge requested the City Council rescind their January 2014 approval of a contract with REJIS for software support at \$74.00 per hours, and authorize a separate contract at \$73.00 per hour. He advised the new contract will provide 500 hours of support instead of 400 hours. After the January meeting it was determined that the City used 700 hours of support in 2013, and the resulting savings will be approximately \$500.00.

Council Member Stern moved the approval rescinding the REJIS contract approved in January 2014, and approve a new contract with REJIS for IT support at a cost of \$36,500. The motion was seconded Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Mr. Maupin reported that the time to file an appeal in the Kimble v. et al case (telephone taxes) has expired. He stated it was unlikely there would be further action in this case.

Appointments:

Mayor Spewak requested approval of the following appointments to the Insurance Committee.

David Wells, 901 S. Price Road, to the Insurance Committee for a term expiring December 31, 2015.

Dr. Jonathan Dehner, 26 Lorenzo Lane, to the Insurance Committee as a special advisor for a term expiring December 31, 2014.

Council Member Hiemenz moved the approval of David Wells to the Insurance Committee for term expiring December 31, 2015. The motion was seconded Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Council Member Hiemenz moved the approval of the appointment of Dr. Dehner to the Insurance Committee as a special advisor to a term expiring December 31, 2014. The motion was seconded Council Member Stern, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"

Council Member Burroughs "Aye"

The motion was passed unanimously.

Liquor Licenses:

An application from Hats, Inc. d.b.a. Truffles in Ladue, 9202 Clayton Road, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

An application from Ladue Pharmacy, LLC, 9832 Clayton Road, for renewal of their license to sell intoxicating liquors and beer in the original package, not for consumption on the premises. The report from the police department finds no reason why the license should not be issued.

An application from The Women's Exchange, 8811A Ladue Road, for a license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

An application from Sweetology, 9214 Clayton Road, for a license to sell intoxicating liquors by the drink with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Council Member Stern moved the approval of the license renewals (2) and applications (2); seconded by Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Adjournment:

Mayor Spewak stated the next regular meetings would be March 25, April 21, and May 19, 2014.

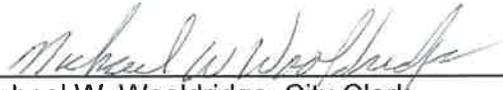
Council Member Hiemenz moved adjournment, seconded by Council Member Burroughs, which motion passed unanimously. The meeting adjourned at 5:50 PM.

APPROVED THIS 25th DAY OF MARCH 2014.



Nancy Spewak, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk

CERTIFIED COPY

MEETING OF THE CITY COUNCIL
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTERS OF:)
WOMAN'S EXCHANGE)
SWEETOLOGY)
JOHN BURROUGHS SCHOOL)

TUESDAY, FEBRUARY 18, 2014

LUBER, LLC
P.O. BOX 31201 - 1015 Grupp Road - St. Louis, MO 63131
314.993.0911

MEETING OF THE CITY COUNCIL

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTERS OF:)
 WOMAN'S EXCHANGE)
 SWEETOLOGY)
 JOHN BURROUGHS SCHOOL)

BE IT REMEMBERED that on the 18th day of February, 2014, hearings were held before the City Council of the City of Ladue, Missouri, at the Ladue City Hall, 9345 Clayton Road, in the City of Ladue, State of Missouri, 63124, regarding the above-entitled matters, before Margaret Walsh Chopin, Certified Court Reporter and Notary Public within and for the State of Missouri, the following proceedings were had.

APPEARANCES

COUNCIL MEMBERS:

Mayor Nancy Spewak
 Mr. Charles Hiemenz
 Mr. John Howell
 Mr. Walter Stern
 Mr. John Fox
 Mr. Harold Burroughs
 Mr. Bill Brennan
 Also present: Michael Wooldridge, City Clerk

1 MAYOR SPEWAK: Welcome everybody. I'd like to
2 call the meeting to order.

3 First I'd like to ask for a motion to adopt
4 our agenda for today.

5 MR. BRENNAN: So moved.

6 MR. HIEMENZ: Second.

7 MAYOR SPEWAK: All in favor?

8 (All aye.)

9 MAYOR SPEWAK: Opposed?

10 (No one opposed.)

11 MAYOR SPEWAK: And I'd like a motion to
12 approve the minutes from the special and regular
13 meetings of January 14th and January 21st.

14 MR. HIEMENZ: So moved.

15 MR. STERN: Second.

16 MAYOR SPEWAK: All in favor?

17 (All aye.)

18 MAYOR SPEWAK: Opposed?

19 (No one opposed.)

20 MAYOR SPEWAK: Okay. I now will open the
21 meeting to our public forum, and recognize anyone who
22 wishes to address the council for any item that's not on
23 our agenda for today. Anyone have anything?

24 Okay. And at this time I'd like to ask for a
25 motion to open our public hearing.

1 MR. HIEMENZ: So moved.

2 MR. STERN: Second.

3 MAYOR SPEWAK: All in favor?

4 (All aye.)

5 MAYOR SPEWAK: All opposed?

6 (No one opposed.)

7 MAYOR SPEWAK: Okay. Woman's Exchange is
8 before us today with a request for a special use permit
9 to sell liquor by the drink. Zoning and Planning
10 recommend approval, and I believe we have a
11 representative from Woman's Exchange. Would you give us
12 your name and address, please?

13 MS. WILLIAMS: Sure. My name is Candace
14 Williams. I'm the president of the Woman's Exchange
15 Board at our current location, 8811 Ladue Road, and I
16 think we came before the last meeting, but I wanted to
17 just reiterate, we would like to get our liquor license
18 to serve just wine and beer by the glass at lunch.

19 Our lunchtime is 11:15 to 2:30. We
20 approximately have between 80 and 100 people that sit in
21 our tea room. During our lunchtime we have tables that
22 seat a total of 50 people.

23 So, we're not looking to use the liquor
24 license to serve wine or beer or even hard liquor at any
25 other spots in our location besides just the tea room.

1 We are not looking to serve or sell wine or beer or
2 liquor, any other liquor during any special events or
3 parties. It's just for lunchtime.

4 MAYOR SPEWAK: So, you won't be open in the
5 evening?

6 MS. WILLIAMS: No, we are not open in the
7 evening, and any evening things we do are usually board
8 member events, and so, we are not selling alcohol or
9 anything.

10 MAYOR SPEWAK: And the traffic study showed
11 that we were okay. The original intent there was to
12 have a restaurant and -- two restaurants, and there is
13 just one now, Giovanni's and the Woman's Exchange.

14 MS. WILLIAMS: And we have also -- I don't
15 know if it makes any difference, we have also talked to
16 our insurance company, insurance agent, and we will be
17 able to get underwriting for any liability in having a
18 liquor license.

19 MAYOR SPEWAK: Okay. Any questions for
20 Candace?

21 MR. STERN: The thing is the liquor license
22 allows for a total of hard liquor, as well as beer and
23 wine.

24 MS. WILLIAMS: Right. We're aware, but that's
25 not -- At this point since we have not served any

1 alcohol at lunch in years, we are thinking we're just
2 going to start small and just do wine and beer by the
3 glass.

4 MAYOR SPEWAK: Okay. Is there a --
5 Oh, is there any public comment?

6 And Mr. Maupin, do you have anything to add?

7 MR. MAUPIN: Yes, Your Honor. We need to
8 incorporate into the record the Code of Ordinances of
9 the City of Ladue, the letter dated January 27, 2014,
10 signed by the Chair of the Zoning and Planning
11 Commission, Mr. Fischer, conveying the approval by five
12 to nothing to recommend this application, and there are
13 four conditions in that letter. Those four conditions
14 have to be incorporated into the liquor license to sell.

15 MR. HIEMENZ: I assume you have seen those
16 conditions and they are acceptable to you?

17 MS. WILLIAMS: I have not, but that doesn't
18 mean our general manager has not seen them. I think if
19 he had any red flags or any big reasons, we would have
20 addressed them.

21 MR. HIEMENZ: So, we will be approving this
22 with the four conditions.

23 MS. WILLIAMS: Yes.

24 MAYOR SPEWAK: Which part of that provides for
25 continuous monitoring of consumption, provide

1 information to the property owner concerning any changes
2 in the parking conditions resulting from the admission
3 of the liquor by the drink provision. Liquor by the
4 drink shall be provided inside the premises of the tea
5 room only, and it's conditional upon the maintenance by
6 the applicant of a current liquor license for this
7 particular place of business.

8 MS. WILLIAMS: We have, before we applied for
9 the liquor license, we did talk to our landlords to make
10 sure that they were comfortable with us moving forward.

11 MAYOR SPEWAK: Okay. Anything else to add?

12 MR. WOOLDRIDGE: No. I would add only that
13 the general manager did see a copy of this application.

14 MS. WILLIAMS: I did follow up with him.

15 MAYOR SPEWAK: Okay. So, now I would like for
16 us to close the hearing.

17 MR. HIEMENZ: So moved.

18 MR. STERN: Second.

19 MAYOR SPEWAK: All in favor?

20 (All aye.)

21 MAYOR SPEWAK: Opposed?

22 (No one opposed.)

23 MAYOR SPEWAK: Any additional comments for
24 Candace?

25 Okay. And now is there a motion to approve

1 this recommendation?

2 MR. HIEMENZ: So moved.

3 MR. STERN: Second.

4 MAYOR SPEWAK: All in favor?

5 (All aye.)

6 MAYOR SPEWAK: Opposed?

7 (No one opposed.)

8 MAYOR SPEWAK: Okay. Go forth and serve wine
9 and beer.

10 Okay. Now we're going to hear a request by
11 Sweetology for a special use permit to sell liquor by
12 the drink in their establishment.

13 Do I have a motion to open the public hearing?

14 MR. HIEMENZ: So moved.

15 MAYOR SPEWAK: All in favor?

16 (All aye.)

17 MAYOR SPEWAK: And opposed?

18 (No one opposed.)

19 MS. NEWMARK: Hi.

20 MAYOR SPEWAK: Hi.

21 MS. NEWMARK: I'm Kara Newmark, and I am the
22 founder of Sweetology. I am a lawyer by training and
23 serial entrepreneur who, until about five years ago, was
24 mostly in science and technology, and I decided to start
25 Sweetology.

1 Sweetology is, for the most part, I'd like to
2 describe it as Build-A-Bear for cakes, cookies and
3 cupcakes. So, it's a do-your-own experience, and we're
4 going to be at 9214 Clayton Road.

5 The brand envisions sprinkles to chocolate
6 martinis. So, it's not totally kid-centric. We expect
7 kids to be there on Saturdays and Sundays primarily.

8 We've done about -- We've done a bunch of
9 market research with Toky, and our brand and truly one
10 of the biggest pieces of our market are women from 30 to
11 50 years old.

12 So, we -- And through our research we found
13 that women would like to enjoy a glass of wine, or men
14 bringing their kids, maybe a beer. So, we have before
15 you a request to grant us a drink by the glass for our
16 location, 9214.

17 MAYOR SPEWAK: And your hours are eleven to
18 six Monday through Thursday, ten a.m. to eight p.m.
19 Friday through Sunday, right?

20 MS. NEWMARK: Except for Sunday we'll be
21 ending at five.

22 MAYOR SPEWAK: At five, and ten a.m. to eight
23 p.m. Friday and Saturday?

24 MS. NEWMARK: Correct.

25 MAYOR SPEWAK: And Sunday ten a.m. to five?

1 MS. NEWMARK: Until five, yes. Yes.

2 MAYOR SPEWAK: Okay. And you also have four
3 conditions.

4 MS. NEWMARK: I'm aware of the four
5 conditions --

6 MAYOR SPEWAK: And you agree?

7 MS. NEWMARK: -- and I agree to them, yes.

8 MAYOR SPEWAK: Anybody have any questions?

9 MR. BURROUGHS: Just for the record,
10 Ms. Newmark's husband is a partner at Bryan Cave,
11 although to my knowledge the law firm will not be
12 benefiting from the company.

13 MS. NEWMARK: Cupcakes on the side?

14 MAYOR SPEWAK: Thank you for that.

15 MR. HIEMENZ: Mayor, I have one comment, and
16 this is under the hours of operation. I think they're
17 showing ten a.m. to eight p.m. Friday through Sunday. I
18 understand Sunday is five o'clock. I'm looking more at
19 the ten a.m. specifically the liquor license.

20 I know previously Schnucks was before us, and
21 they had a ten a.m. We asked them, as a condition, to
22 move that to eleven a.m., not the opening but serving
23 the liquor, and they were amenable to that, and I would
24 like to suggest that that be a fifth condition, that
25 liquor not be served at ten in the morning.

1 MS. NEWMARK: That's absolutely fine.

2 MR. HIEMENZ: And so, eleven would be the
3 starting time.

4 MS. NEWMARK: That is absolutely acceptable.
5 Thank you.

6 MAYOR SPEWAK: For the record, to be served
7 eleven a.m. and after.

8 MR. BRENNAN: Do you have a place to sit? I
9 mean, are you just cruising around with the cocktails?

10 MS. NEWMARK: No. There is a place when you
11 walk in, we're relocating the front door, and so, if you
12 go to the right, we're calling the drinkery. It's the
13 place, you know, kind of French, little tables, drinking
14 hot chocolate, coffees, espressos, wine, beer. So, yes.

15 MAYOR SPEWAK: Mr. Maupin, do you have
16 anything to add?

17 MR. MAUPIN: Yes, Your Honor. Again, like the
18 previous hearing, with need to incorporate into the
19 public record the Code of Ordinances of the City of
20 Ladue, and the letter from Mr. Fischer, the Chairman of
21 the Zoning and Planning Commission, dated January 27,
22 where he conveys the Zoning and Planning Commission's
23 approval of this application by a five to nothing vote,
24 and again, this includes the four conditions that Miss
25 Newmark has mentioned, and this will be in addition to

1 the condition added by Mr. Hiemenz as a precursor to
2 this vote.

3 MAYOR SPEWAK: Is there any comment from the
4 public today?

5 Okay. At this time then I'd ask for a motion
6 to close the hearing.

7 MR. HIEMENZ: So moved.

8 MR. STERN: Second.

9 MAYOR SPEWAK: All in favor?

10 (All aye.)

11 MAYOR SPEWAK: And a motion to approve this
12 recommendation of Zoning.

13 MR. HIEMENZ: And Mayor, that would be
14 approved as amended to the fifth condition.

15 So moved.

16 MR. STERN: Second.

17 MAYOR SPEWAK: All in favor?

18 (All aye.)

19 MAYOR SPEWAK: Opposed?

20 (No one opposed.)

21 MAYOR SPEWAK: Okay.

22 MS. NEWMARK: Great. Thank you.

23 MAYOR SPEWAK: Good luck to you.

24 MS. NEWMARK: All right. Thank you.

25 MR. STERN: Is this their only location?

1 MAYOR SPEWAK: I believe so.

2 Kara, this is your first location, right?

3 MS. NEWMARK: It is my first. Assuming that
4 it all goes well, we will be rolling out two additional
5 stores in the next three years, probably Chesterfield
6 and then Kansas City, and then going out hopefully
7 across -- I mean, the model is to roll it out across the
8 country, because nobody is doing this anywhere. We
9 think we're the first.

10 MAYOR SPEWAK: Well, we're glad you chose
11 Ladue.

12 MR. BURROUGHS: Where are the extra cupcakes
13 you were supposed to deliver to Burning Love? I'm
14 assuming --

15 MS. NEWMARK: Did you see all that? Yes. So,
16 they ended up at Ranken Jordan, and I delivered them to
17 some homeless shelters. So, it ended up being okay.

18 MAYOR SPEWAK: Good luck. Thanks a lot.

19 Okay. At this time now we're going to have a
20 hearing regarding a request by John Burroughs School,
21 755 South Price Road for an amendment to their special
22 use permit for baseball field improvements. Zoning and
23 Planning also recommended approval for this.

24 Could I have a motion to open the public
25 hearing?

1 MR. STERN: So moved.

2 MR. FOX: Second.

3 MAYOR SPEWAK: All in favor?

4 (All aye.)

5 MAYOR SPEWAK: Opposed?

6 (No one opposed.)

7 MAYOR SPEWAK: We have Andy Abbott, the head
8 of the school, John Burroughs, here to talk to us about
9 this.

10 MR. ABBOTT: I am. I am Andy Abbott. I'm the
11 head of the school.

12 Our request is pretty simple. This is our
13 baseball field. Clayton Road is here. Price Road is
14 here. It's been here for a number of years. This is a
15 photograph as it exists, and there is a chain link fence
16 that's the backstop that's about 25 feet high, and
17 because of the proximity here, this is our football
18 field and our track and stadium, which you can see
19 pictured here, and we are frequently having difficulty
20 with foul balls going over the backstop and into the
21 stadium and onto the track where students are
22 practicing.

23 We also have girls soccer frequently in the
24 spring and lacrosse in the spring, and as a safety
25 concern we would like to raise the height of the

1 backstop from about 25 feet to --

2 This is a computer, a digital shot of what it
3 would look like. It would be 44 feet high in the
4 backstop, and change it from a chain, green chain link
5 to a black netting, which is what you'll see at a lot of
6 high schools now.

7 Even though it is taller, it actually is -- it
8 sort of disappears a little bit more into the
9 background. I think it should be very tastefully done,
10 and that would run around the backstop, and then also to
11 have a low -- I think it's eight foot temporary black
12 net fence that runs from here all the way to the foul
13 pole, so that we can use this area during games as a
14 practice area.

15 And there is an existing batting cage that
16 will be -- an existing 90-foot batting cage which we
17 would like to convert into two 70-foot batting cages,
18 and that currently sits up on a hill that will be dug
19 out. So, these cages will actually be much lower than
20 they currently exist.

21 So, and then finally in the outfield there was
22 a memorial, that before we did our major building
23 project, there was a hillside here, and there was a
24 memorial there that was dedicated to Mr. McConnell, who
25 was our athletic director who died about 50 years ago,

1 and that we'd like to relocate out in left field.

2 It is McConnell Field. It has been named for
3 him, and there is a small hillside between this, the
4 outfield and the existing field hockey field, and that
5 memorial would be placed in that hillside, and have a
6 couple of flagpoles where we would fly the American
7 flag.

8 And so, between the memorial, this short
9 temporary fence, which would only be there during
10 baseball season, but would be down so that we can use
11 this as a soccer field in the fall, and lowering the
12 batting cage so it's sunk into the ground, but it would
13 be twice as -- There would be two of them instead of
14 one.

15 So, those are the three major changes. I
16 think everything is designed to be in very good taste
17 and in keeping with the Burroughs architecture, and
18 we're confident our neighbors feel comfortable with it,
19 and we've done a great deal of screening for them always
20 historically.

21 So, our hope is that you would approve these
22 changes.

23 MAYOR SPEWAK: You've been in contact with the
24 neighbors?

25 MR. ABBOTT: Throughout our -- this entire

1 building project we've been in constant contact with
2 them.

3 MAYOR SPEWAK: And they have no objections, or
4 you've answered objections --

5 MR. ABBOTT: Yes.

6 MAYOR SPEWAK: -- that they have brought
7 forward to you?

8 MR. BRENNAN: Where is the memorial again, is
9 that out in left field?

10 MR. ABBOTT: Left field, and then this is the
11 Turek field hockey field, and then the old Brauer House
12 on Clayton Road. So, then the field hockey field is
13 right here.

14 So, this is a little higher. It slopes down
15 to the baseball field.

16 MR. HOWELL: How tall is the monument? And
17 you mentioned flagpoles.

18 MR. ABBOTT: It's actually, the monument has
19 no height to it. It's just a cutout that's two semi
20 circles that is seating, and then the flagpoles are -- .

21 We're going to use the same flagpoles that we
22 had in the previous location. I think they're 15 to 20
23 feet high, and the flagpoles that we would then be able
24 to use for both field hockey games or for baseball games
25 if we wanted to have the national anthem for major

1 events.

2 MR. HOWELL: And how tall is the temporary
3 getting down the first base line?

4 MR. ABBOTT: I think this is ten.

5 MAYOR SPEWAK: Ten.

6 MR. ABBOTT: It's ten feet is the temporary
7 netting down this side.

8 MR. BRENNAN: And that's also netting?

9 MR. ABBOTT: That is netting, yes.

10 MR. HOWELL: And I would add that the netting
11 is less obtrusive than a green metal or chain link. You
12 can barely see it.

13 MR. ABBOTT: That's what we have found also.

14 MR. WOOLDRIDGE: And does it go up or down?

15 MR. ABBOTT: Yes. We will only have this
16 netting up during baseball season. So, it can be
17 removed. So, it will only be there for the spring for
18 games, and then it will be gone for the summer, fall and
19 winter.

20 MAYOR SPEWAK: Other questions?

21 Mr. Maupin, do you have anything to add for
22 us?

23 MR. MAUPIN: Surprisingly, Your Honor, we need
24 to incorporate in the public record of this hearing the
25 Code of Ordinances of the City of Ladue, the letter from

1 Mr. Fischer, Chair of the Zoning and Planning Commission
2 dated January 27, which contains several conditions,
3 five specific conditions, and in which Mr. Fischer
4 reports that the Zoning and Planning Commission
5 considered the request and voted five to nothing to
6 recommend approval of the application.

7 We also need to make sure we include in this
8 public record the entire Zoning and Planning Commission
9 file pertaining to this application, including all
10 memoranda of the staff and consultants to the Commission
11 and to the City Council.

12 MAYOR SPEWAK: And you're aware of the
13 conditions?

14 MR. ABBOTT: We are.

15 MAYOR SPEWAK: How are you feeling about your
16 construction schedule, February 2014 through August
17 2014?

18 MR. ABBOTT: We are not going to try to do it
19 before baseball season because we're afraid we won't
20 make it. So, we're going to begin immediately after
21 baseball season and do it in the summer, but we will be
22 finished by August.

23 MAYOR SPEWAK: By August?

24 MR. ABBOTT: Yes.

25 MAYOR SPEWAK: Okay. So, you don't feel the

1 need to amend that in the conditions?

2 MR. ABBOTT: No.

3 MAYOR SPEWAK: Okay. Anything else to add?

4 MR. WOOLDRIDGE: No.

5 MAYOR SPEWAK: Okay. At this time then I
6 would ask if there is any public comment regarding this
7 before the Council?

8 Okay. Then I'd like a motion to close the
9 hearing.

10 MR. BRENNAN: So moved.

11 MR. HOWELL: Second.

12 MAYOR SPEWAK: All in favor?

13 (All aye.)

14 MAYOR SPEWAK: Opposed?

15 (No one opposed.)

16 MAYOR SPEWAK: And now a motion to approve the
17 recommendation of the Zoning Commission.

18 MR. FOX: So moved.

19 MR. HOWELL: Second.

20 MAYOR SPEWAK: All in favor?

21 (All aye.)

22 MAYOR SPEWAK: Opposed?

23 (No one opposed.)

24 MAYOR SPEWAK: Okay. Thank you very much.

25 MR. ABBOTT: Thank you very much.

CERTIFICATE OF REPORTER

I, Margaret Walsh Chopin, a Certified Court Reporter and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Margaret Walsh Chopin, CCR
Notary Public within and for
the State of Missouri



MARGARET WALSH CHOPIN
My Commission Expires
October 15, 2014
St. Louis County
Commission #10504701