

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, MAY 20, 2019**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, May 20, 2019, 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:

Patrick Hensley
William Brennan
John Howell
Harold Burroughs

Absent:

Stacey Kamps
John Fox

Four Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk; Police Chief Ken Andreski, Jr.; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Roger Stewart, Building Official; Ms. Andrea Sukanek, City Planner; and Ms. Erin Seele, City Attorney. Mr. Sam Zes, Finance Director, was absent.

Approval of the Agenda: Mayor Spewak added the appointment of Brent Suffian as a member of the Public Works Committee to the agenda under Item (D6) Committee Appointments.

Council Member Hensley moved approval of the agenda as amended, with second by Council Member Burroughs the motion passed unanimously.

Approval of the Minutes: Mayor Spewak asked if there were any amendments, corrections or clarifications to the minutes of the regular meeting of April 22, 2019. Council Member Brennan moved approval of the minutes as submitted for the regular meeting of April 22, 2019, with second by Council Member Burroughs the motion passed unanimously.

Public Forum: Mr. Paul Chesterton and Mr. Elliot Dole, residents on Berkley Lane, expressed concerns regarding turn around traffic on their street and suggested increased signage as a solution. Mayor Spewak directed staff to investigate options for a solution and follow-up with Mr. Chesterton.

Public Hearings:

PH1: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit Amendment for John Burroughs School due to proposed modifications to the campus site plan, including a modified athletic field, additional parking lot, construction of a new natatorium, and associated improvements. Applicant is also seeking approval of a subdivision plat to add a 1.8 acre residential lot (9255 Clayton Road) to the Burroughs campus. John Burroughs School is located at 755 South Price Road in the B Zoning District.

Action may be taken by the Council in the form of a motion and vote upon conclusion of the public hearing.

Council Member Burroughs moved to open the public hearing, with second by Council Member Brennan the motion passed unanimously.

Mr. Andy Abbott, Head of School at John Burroughs, presented the proposed modifications to the campus site plan which include a modified athletic field and new natatorium, and noted they are seeking approval to consolidate the property located at 9255 Clayton Road with the school property. The lot consolidation will enable the existing field hockey field to be extended and widened and used as a multi-purpose field. The traffic study suggested the modifications will be a non-issue. It was noted construction traffic will enter from Price Road.

Ms. Sukanek reported the grading permit is part of the Special Use Permit (SUP) and all conditions of the SUP must be met.

Mr. Armstrong, 748 Cella Road, suggested that schools, which are such an important part of the community and are tax exempt, consider making a voluntary contribution to the City in lieu of real estate taxes for City provided services they receive.

Ms. Seele announced the public hearing notice, the Zoning and Planning file, and the entire Code of Ordinances were available at the meeting and part of the official record.

The transcript of the public hearing is on file with the City Clerk.

Council Member Brennan moved to close the public hearing, with second By Council Member Burroughs the motion passed unanimously.

Council Member Burroughs moved approval of the Special Use Permit Amendment for John Burroughs School for proposed modifications to the campus site plan including a modified athletic field, additional parking lot, construction of a new natatorium, and associated improvements, with second by Council Member Hensley 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 amendments to Zoning Ordinance #1175 regarding zoning and land use requirements for medical marijuana facilities.

Council Member Hensley moved to open the public hearing, with second

by Council Member Brennan the motion passed unanimously.

Ms. Sukanek reported Constitutional Amendment 2 passed a statewide vote in Missouri in November 2018 legalizing medical marijuana in the state and presented an overview of the types of facilities that may be expected to operate including Cultivation Facilities, Marijuana-Infused Products Manufacturing Facilities, Dispensary Facilities, Testing Facilities and Transportation Facilities. Municipalities cannot ban these types of facilities in their local jurisdiction nor can they enact overly burdensome regulations, but can enact regulations governing time, place and manner of operation. Licenses will be issued by the state and will be limited in number. Ms. Sukanek further explained the zoning districts appropriate for these types of facilities.

Ms. Elena Kratz, 9865 Northbridge Road, asked about the proximity of dispensaries to schools. Ms. Sukanek replied there is text in the amendment of 1,000 feet distance from schools, churches and day care centers.

Ms. Mary Ann Rober, 14 Blaytonn Lane, inquired about the number of locations for these types of facilities and expressed safety and security concerns. Mayor Spewak stated security measures will be conditioned in the Special Use Permit required for operation.

Council Member Hensley asked about the size of dispensaries and discussion ensued regarding the size of other retail facilities in Ladue and potentially appropriate size for dispensaries in the range of 1,250 square feet.

Mr. Rich Lane, 33 Woodcliff, suggested making the regulations as stringent as possible. Mayor Spewak explained the City must have reasonable restrictions.

Discussion continued regarding the size of dispensaries and 1,250 square feet was suggested as a reasonable size. In order to allow time to amend Bill No. 2226 regarding the facility size (5,000 square feet was initially proposed) it was suggested the public hearing be continued to the Council meeting on May 29th.

Ms. Seele announced the public hearing notice, the Zoning and Planning file, Ordinance #1175 and the entire Code of Ordinances were available at the meeting and part of the official record.

The transcript of the public hearing is on file with the City Clerk.

Council Member Hensley moved to continue the public hearing to the May 29, 2019 meeting, with second By Council Member Burroughs the motion passed unanimously.

PH3: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council discuss adjusting and clarifying the current night lighting restrictions in Zoning Ordinance #1175.

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

Ms. Sukanek provided an overview of a power point presentation submitted by Mr. Randy Burkett, consultant, and his recommendations for changes and clarifications to the current night lighting restrictions in Zoning Ordinance #1175 focusing on glare, light trespass and shielding, and then reviewed Mr. Burkett's changes to the proposed ordinance. Mr. Burkett's comments on the proposed ordinance focused on directed light, kelvins, foot candles and residential illumination and parking area requirements of even lighting throughout the lot. Mayor Spewak questioned enforcement and asked Ms. Sukanek to research the existing lighting on parking areas for businesses and educational facilities and if additional definitions could be added to the ordinance.

Ms. Mary Ann Rober, 14 Blayton Lane, asked if non-compliant pre-existing lights will be required to be taken down. Ms. Seele responded if pre-existing lights are legal under the City's code now, they will be grandfathered.

Ms. Elena Kratz, 9865 Northbridge Road, asked about light bulbs and if proposed maximum lumens allowed will be 600. Ms. Carla Shamsham, 9 Pillsbury Place, expressed safety concerns if exterior lights are limited to 600 lumens, which could be hazardous around a pool. Mayor Spewak clarified the proposed ordinance does not limit exterior lighting to 600 lumens.

Ms. Seele announced the public hearing notice, the Zoning and Planning file, Ordinance #1175 and the entire Code of Ordinances were available at the meeting and part of the official record.

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

Zoning & Planning Matters: There were no referrals to the Zoning and Planning Commission.

**New Business:
Proposed Legislation:**

Bill No. 2225 – An ordinance approving the "John Burroughs Lot Consolidation Plat Two".

Mayor Spewak read Bill No. 2225 followed by a second reading by Council Member Howell.

Mr. Andy Abbott stated the lot consolidation plat consolidates the 1.8 acres to the west of the existing property with the school property.

Council Member Howell moved approval of Bill No. 2225, with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

Bill No. 2226 – An ordinance to amend Sections III, VII and XV of Ordinance 1175 – The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri – to address zoning issues related to medical marijuana facilities.

Bill No. 2226 was continued to the May 29, 2019 meeting.

Bill No. 2227 – An ordinance approving the Consolidation Plat of Lots 1 & 2 of MRTC Subdivision.

Mayor Spewak read Bill No. 2227 followed by a second reading by Council Member Howell.

Ms. Sukanek advised the consolidation plat is for Scott Properties and the properties located on Clayton Road; the Raymond James Building and medical offices behind. One parcel is 5.9 acres and the other is 2.1 for a total of 8 acres combined. Ms. Sukanek reported there were no zoning concerns and the consolidation will not change the proposed new commercial building on the property.

Council Member Brennan moved approval of Bill No. 2227, with second by Council Member Burroughs and the roll call vote thereupon was as follows:

Council Member Howell	“Aye”
Council Member Brennan	“Aye”
Council Member Burroughs	“Aye”
Council Member Hensley	“Aye”

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

Resolution No. 2019-17 – A resolution authorizing the Mayor to authorize on behalf of the City of Ladue, Missouri a work order with Oates Associates for engineering consultant services under the On-Call Professional Services Contract for Clayton Road ADA Improvements Phase 2.

Ms. Lamitola advised Resolution No. 2019-17 authorizes a work order under the on-call professional services contract with Oates Associates. The work is included in the 2019 Road and Bridge Fund Budget.

Council Member Brennan moved adoption of Resolution No. 2019-17, with second by Council Member Hensley the motion passed unanimously.

Resolution No. 2019-18 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with TraMar Contracting, Inc. for citywide pavement markings.

Ms. Lamitola reported three bids were received with favorable results. TraMar submitted the lowest bid and performed the microsurfacing on Ladue Road. Upon inquiry by Council Member Burroughs, Ms. Lamitola explained the differences

in paint used for pavement markings and that acrylic water-based paint will be used for this application which has a three-year life and meets MoDot standards for reflective requirements.

Council Member Howell moved adoption of Resolution No. 2019-18, with second by Council Member Hensley the motion passed unanimously.

Resolution No. 2019-19 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a professional services contract with H3 Studio for professional planning services related to the development of an updated comprehensive plan for the city with accompanying focus area plans and strategic plan.

Ms. Sukanek advised the City selected H3 Studio to update the comprehensive plan and as the scope developed it became fairly extensive. Because the budget amount was \$150,000.00 the scope of work was reduced somewhat and the cost for the proposed work is \$197,280.89. It was determined that additional cuts would take away from the project. With the project spanning 18 – 24 months the cost will be spread over two fiscal years. Mayor Spewak added the zoning ordinance review is a very important part of the project and will occur at the end of this phase of the project at an additional cost of \$20,000.00.

Council Member Burroughs moved adoption of Resolution No. 2019-19, with second by Council Member Brennan the motion passed unanimously.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of April 2019. Council Member Howell moved their approval, with second by Council Member Hensley the motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for April 2019. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for April 2019. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for April 2019. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for April 2019. The Mayor ordered the report filed for information.

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for April 2019. The Mayor ordered the report filed.

Chief Lynn reported the new fire truck is on site and will be housed at House No. 2 for thirty days and then stationed at House No. 1.

Police Department: The Mayor and Council reviewed the Police Activity Report for April 2019. The Mayor ordered the report filed.

Chief Andreski presented a request for authorization to purchase three (3) new Ford Explorer patrol vehicles from Lou Fusz Ford under the state contract at a total cost of \$67,651.00 net of trade-in. The vehicles to be traded are a little ahead of schedule due to issues with the eco-boost engines. The Chief explained that Ford has stopped producing 2019 models, so the new vehicles will be 2020 models, which are a little more costly, therefore, the budget amount was exceeded by \$10,000.00.

Council Member Brennan moved authorization for the Police Chief to purchase three (3) 2020 Ford Explorer patrol vehicles from Lou Fusz Ford under the State Contract #CC190367002 at a cost of \$67,651.00, with second by Council Member Hensley the motion passed unanimously.

Public Works Department: The Mayor and Council reviewed the Public Works report for April 2019. The Mayor ordered the report filed.

Ms. Lamitola noted the week of May 19th is Public Works Week and reported the two recent public meetings regarding Park Planning for Edie's mulch site and the McKnight Road Traffic Study were well attended and the City's application for federal funding for Dielman Road Improvements was successful. Discussion ensued regarding MSD's sanitary sewer project. Ms. Lamitola advised that J H Berra will be performing the work for MSD and wants to pursue blasting. St. Louis County administers the explosives code on the City's behalf, but the City must review first. J H Berra was advised they would need a zoning approval letter from the City and may come before the City Council as early as July.

Building Office Report: The Mayor and Council reviewed the Building Office report for April 2019. The Mayor ordered the report filed.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for April 2019. The Mayor ordered the report filed.

Administration/City Clerk: Ms. Rider had nothing new to report.

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

Committee Appointments: Mayor Spewak requested approval of the appointment of Chris Cedergreen as an alternate member of the Architectural Review Board.

Council Member Hensley moved approval of the appointment of Chris Cedergreen as an alternate member of the Architectural Review Board, with second by Council Member Brennan the motion passed unanimously.

Mayor Spewak requested approval of the appointment of Brent Suffian as a member of the Public Works Committee.

Council Member Howell moved approval of the appointment of Brent Suffian as a member of the Public Works Committee, with second by Council Member Brennan the motion passed unanimously.

Mayor Spewak noted the next Council meetings are scheduled for Wednes-

day, May 29, 2019, Monday, June 17, 2019 and July 15, 2019.

Mayor Spewak advised there were items for discussion in executive session involving litigation, legal matters and/or confidential communications between the Council and its attorneys pursuant to RSMo. Section 610.021 (1).

Council Member Hensley moved to go into closed session for discussion of litigation, legal actions and/or any confidential or privileged communications from the City Attorney pursuant to RSMo. 610.021 (1), with second by Council Member Brennan and the roll call vote thereupon was as follows:

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


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

The Mayor and Council went into closed session at 5:39 PM with Ms. Erin Seele, Fire Chief Steven Lynn and Police Chief Ken Andreski, Jr.

The Mayor and Council returned to open session at 6:18 PM with Ms. Erin Seele, Fire Chief Steven Lynn and Police Chief Ken Andreski, Jr.


Adjournment: Council Member Howell moved adjournment, with second by Council Member Brennan the motion passed unanimously. The meeting adjourned at 6:19 PM.

APPROVED THIS 17TH DAY OF JUNE 2019.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk