

**CITY OF ELLISVILLE
COUNCIL MEETING**

June 15, 2016

Mayor Paul opened this Regular Meeting at 7:00 p.m. In attendance were Council Members Cahill, Baker, Pool, Duffy, Voss, and McGrath.

Also present were: City Atty. Restovich, Asst. City Attorney Parnell, City Manager Schwer, Asst. City Manager Schloesser, Chief Felgate, City Planner Hood and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Council Member Pool moved to approve the evening's agenda. The motion was seconded by Council Member Duffy. The votes were all "AYES".

APPROVAL OF MINUTES

Council Member Cahill moved to approve the minutes from May 18, 2016 Council meeting. The motion was seconded by Council Member Duffy. The votes were all "AYES".

PUBLIC COMMENTS

Liz Schmidt, 45 Pretoria, spoke regarding the EPA consideration of delisting the Callahan property site and asked the Council to go on record opposing this matter.

Council Member Duffy moved to suspend rules for open discussion, seconded by Mayor Paul. There were no objections from the Council.

After a short discussion on the matter, Council Member Duffy moved to have the City Manager prepare a letter to the EPA opposing the removal of the Callahan property site from any lists for cleanup. There motion was seconded by Mayor Paul. The votes were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Voss "AYE" and McGrath "AYE".

Mayor Paul called the meeting back in order.

Linda Reel, 1239 Polo Lake Drive, spoke about the upcoming Arts in the Park events and invited all to attend.

Carol Vandable, 22 West Meadow Lane, stated that her property backs to the Trends Motel. Ms. Vandable voiced her concern about the issues with the Trends Motel becoming a nuisance property and asked the Council to consider stricter regulations to make this property a safer place for all neighbors.

Mayor Paul moved to suspend rules to allow for open discussion, seconded by Council Member Duffy. There were no objections from the Council.

Mayor Paul stated that discussions have taken place about this issue and when information is available on a solution it will be forwarded to the concerned citizens.

Mayor Paul called the meeting back in order.

PETITIONS

Crafty Chameleon Bar, 1384 Clarkson Clayton Center, sell liquor at Concerts in the Park

Jay Quezada of the Crafty Chameleon Bar will seek approval to sell malt liquor by the Drink at the Concerts in the Park at Bluebird Park on Thursday, June 16 and Thursday, June 23, 2016. Mr. Quezada was present to answer questions about the request.

Council Member Duffy moved to approve the petition as presented, seconded by Mayor Paul. The votes were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE".

Alibi 25, 15856 Clayton Road, special event

Request of Denise Gestring of Alibi 25, 15856 Clayton Road, to seek approval to host a special event supporting BackStoppers on Saturday, July 16, 2016 from 11:00 a.m.-7:00 p.m. on the front parking lot with a tent, band and BBQ. Ms. Gestring was present to answer questions about the request and provided the details of the event.

Council Member Duffy moved to approve the petition as presented, seconded by Mayor Paul. The votes were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE".

AUDIT REPORT

Tammy Alsop with Hochschild, Bloom & Company, LLP gave a brief report regarding their Comprehensive Annual Financial Report for Fiscal Year ending December 31, 2015.

PLANNING AND ZONING COMMISSION REPORTS/RECOMMENDATIONS

Mayor Paul moved to receive and file the Planning and Zoning Commission's positive recommendation dated June 9, 2016, relative to the petitions of HZ PROPS RE, Ltd. for a conditional use permit to allow the operation of a drive-through facility in association with a new Popeye's Louisiana Kitchen Restaurant located at 15909 Manchester Road within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. The motion was seconded by Council Member Duffy. The votes were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE".

PUBLIC HEARINGS

15909 Manchester Road, Popeye's Louisiana Kitchen Restaurant, drive-through CUP

Mayor Paul opened the public hearing to discuss and consider the petition of HZ PROPS RE, Ltd. for a conditional use permit to allow the operation of a drive-through facility in association with a new Popeye's Louisiana Kitchen Restaurant located at 15909 Manchester Road within the C-3 Commercial Zoning District within the City of Ellisville, Missouri. City Atty. Restovich entered the following exhibits for purposes of this hearing: Exhibit 1, Certified copy of the Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* dated May 24, 2016; Exhibit 5, Public posting of hearing notice on May 25, 2016; Exhibit 6, Letter mailed to the abutting residents within 185 feet dated May 24, 2016; Exhibit 7, Applicant's cover sheet received May 2, 2016; Exhibit 8, Application for Conditional Use Permit, with attached plans, received May 23, 2016; Exhibit 9, Application for Site Plan Review, with attached plans received May 23, 2016; Exhibit 10, Letter from Laurie Clark, Project Manager, dated May 20, 2016; Exhibit 11, Letter from City Planner Ada Hood to Petitioner dated May 5, 2016; Exhibit 12, CBB Traffic Engineers traffic impact study dated May 26, 2016; Exhibit 13, Letter from MoDOT dated May 4, 2016; Exhibit 14, Terraspec Landscape Report #1 dated May

9, 2016; Exhibit 15, Planning and Zoning positive recommendations dated June 9, 2016; and Exhibit 16, City Planner's memo dated June 9, 2016.

Laurie Clark with TAIT & Associates, City Planner Ada Hood and Shawn White with CBB were sworn in. Laurie Clark went through presented information regarding the proposed restaurant and the Planning and Zoning recommendations.

Discussion took place regarding the cross access, drive-through and LED portion of the signage. Some of the Council Members stated their concerns with the LED portion of the monument sign. Ms. Clark stated that the property is being leased from the shopping center owners, so cross access cannot be granted from HZ PROPS RE, Ltd.

Council Member Duffy stated that the only reason for this public hearing is due to the drive-through. Staff confirmed that is correct, as restaurants is a permitted use by right and the drive-through requires a conditional use permit.

Mayor Paul polled Ellisville residents and property owners regarding the proposed restaurant with drive-through as presented: 7 were in favor and 0 were opposed. Mayor Paul closed the public hearing.

LEGISLATION

Ord. #3285, 15909 Manchester Road, Popeye's Louisiana Kitchen Restaurant, drive-through CUP
Council Member Duffy introduced Bill #3496 for consideration and perfection, AN ORDINANCE APPROVING THE PETITION OF HZ PROPS RE, LTD. FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A DRIVE-THROUGH FACILITY IN ASSOCIATION WITH A NEW POPEYE'S LOUISIANA KITCHEN RESTAURANT LOCATED AT 15909 MANCHESTER ROAD WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3496, seconded by Council Member Cahill.

Discussion ensued regarding the proposed legislation. Council Member Duffy moved to amend Bill #3496 to remove the cross access requirement and will work with traffic consultant on turning radius. The motion was seconded by Council Member Voss. The votes on the amendment were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE".

The votes on the first reading, as amended, were: Cahill "AYE", McGrath "AYE", Pool "NAY", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE". Council Member Duffy introduced Bill #3496 for final passage, as amended, AN ORDINANCE APPROVING THE PETITION OF HZ PROPS RE, LTD. FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A DRIVE-THROUGH FACILITY IN ASSOCIATION WITH A NEW POPEYE'S LOUISIANA KITCHEN RESTAURANT LOCATED AT 15909 MANCHESTER ROAD WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for final passage of Bill #3496, as amended, seconded by Council Member Baker. The votes were: Cahill "AYE", McGrath "AYE", Pool "NAY", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE". Bill #3496 becomes ORDINANCE #3285.

Ord. #3286, Amends Code, Local Traffic Only (Devore Drive)

Mayor Paul introduced Bill #3497 for consideration and perfection, AN ORDINANCE TO ADD A NEW SECTION AND SCHEDULE TO TITLE III: TRAFFIC CODE, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO PROVIDE REGULATIONS FOR LOCAL TRAFFIC ONLY AREAS AND AUTHORIZING THE INSTALLATION OF A “LOCAL TRAFFIC ONLY” SIGN ON DEVORE DRIVE. Mayor Paul moved for consideration and perfection of Bill #3497, seconded by Council Member Duffy. The votes on the first reading were: Cahill “AYE”, Baker “AYE”, Pool “AYE”, Duffy “AYE”, Paul “AYE”, Voss “AYE”, and McGrath “AYE”. Mayor Paul introduced Bill #3497 for final passage, AN ORDINANCE TO ADD A NEW SECTION AND SCHEDULE TO TITLE III: TRAFFIC CODE, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO PROVIDE REGULATIONS FOR LOCAL TRAFFIC ONLY AREAS AND AUTHORIZING THE INSTALLATION OF A “LOCAL TRAFFIC ONLY” SIGN ON DEVORE DRIVE. Mayor Paul moved for final passage of Bill #3497, seconded by Council Member Pool. The votes were: Cahill “AYE”, Baker “AYE”, Pool “AYE”, Duffy “AYE”, Paul “AYE”, Voss “AYE”, and McGrath “AYE”. Bill #3497 becomes ORDINANCE #3286.

Ord. #3287, Amends Code, Section 210.385, Identity Theft

Council Member Voss introduced Bill #3498 for consideration and perfection, AN ORDINANCE ADDING SECTION 210.385, TITLED “IDENTITY THEFT,” TO CHAPTER 210, ARTICLE VII “OFFENSES CONCERNING PROPERTY,” OF THE MUNICIPAL CODE OF THE CITY OF ELLSIVILLE, AS PROVIDED HEREIN. Council Member Voss moved for consideration and perfection of Bill #3498, seconded by Council Member Pool. The votes on the first reading were: Cahill “AYE”, Baker “AYE”, Pool “AYE”, Duffy “AYE”, Paul “AYE”, Voss “AYE”, and McGrath “AYE”. Council Member Voss introduced Bill #3498 for final passage, AN ORDINANCE ADDING SECTION 210.385, TITLED “IDENTITY THEFT,” TO CHAPTER 210, ARTICLE VII “OFFENSES CONCERNING PROPERTY,” OF THE MUNICIPAL CODE OF THE CITY OF ELLSIVILLE, AS PROVIDED HEREIN. Council Member Voss moved for final passage of Bill #3498, seconded by Council Member Baker. The votes were: Cahill “AYE”, Baker “AYE”, Pool “AYE”, Duffy “AYE”, Paul “AYE”, Voss “AYE”, and McGrath “AYE”. Bill #3498 becomes ORDINANCE #3287.

PUBLIC COMMENTS II

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

No Mayor/Council Business/Reports.

CITY STAFF BUSINESS

Liquor License Renewals

Mayor Paul moved to approve renewal of the following Liquor Licenses for 2016-2017 by consent agenda, seconded by Council Member Duffy.

- Alibi 25, 15856 Clayton Road, every class of liquor by the drink and Sunday sales.
- Auto Spa, #8 Ellisville Towne Center, every class of liquor by the package and Sunday sales.
- Bucky’s Express, 28 Clarkson, every class of liquors by the package and Sunday sales.
- Cecil Whittaker’s Pizzeria, 15338 Manchester, malt liquor by the drink.

- Chipotle Mexican Grill, 15836 Manchester, every class of liquor by the drink and Sunday sales.
- Chuck E. Cheese, 15913 Manchester, every class of liquor by the drink and Sunday sales.
- Clancy's Irish Pub and Grill, 40E Old State, every class of liquor by the drink.
- Corner Pub and Grill, 15824 Fountain Plaza, every class of liquor by the drink and Sunday sales.
- Crafty Chameleon, 1384 Clarkson Clayton Center Drive, every class of liquor by the drink and by the package, and Sunday sales by the drink only.
- CVS Pharmacy, 1586 Manchester, every class of liquor by the package and Sunday sales.
- Dewey's Pizza, 1312 Clarkson/Clayton Center, every class of liquor by the drink and Sunday sales.
- Dierberg's, 1322 Clarkson/Clayton Center, every class of liquor by the package, wine tastings and Sunday sales.
- Ellisville Athletic Assoc., 16201 Manchester, malt liquor by the drink and Sunday sales.
- Faraci's Pizza, 15430 Manchester, every class of liquor by the drink.
- Lucky's Market, 15830 Fountain Plaza, every class of liquor by the drink and package, and Sunday sales.
- Lukas Liquors, 15678 Manchester, every class of liquor by the drink and package, and Sunday sales.
- Massa's, 15310 Manchester, every class of liquor by the drink.
- MOD Super Fast Pizza, 15809 Fountain Plaza, every class of liquor by the drink and Sunday sales.
- Mulligan's Grill, 11 Clarkson, every class of liquor by the drink and Sunday sales.
- Olive Street Café, 15850 Manchester Road, every class of liquor by the drink and Sunday sales.
- Outback, 15412 Manchester, every class of liquor by the drink and Sunday sales.
- Pasta House, 15601 Manchester, every class of liquor by the drink and Sunday sales.
- Petro Mart, 15670 Manchester, every class of liquor by the package and Sunday sales.
- QuikTrip, 16100 Manchester, every class of liquor by the package and Sunday sales.
- Shop N Save, 15446 Manchester, every class of liquor by the package and Sunday sales.
- St. Clare of Assisi Church, 15648 Clayton, malt liquor by the drink.
- St. John's Lutheran Church, 15800 Manchester, every class of liquor by the drink.
- Veritas Gateway to Food & Wine, 15860 Fountain Plaza, every class of liquor by drink and package.
- Walgreens, 1302 Clarkson/Clayton Center, every class of liquor by the package and Sunday sales.
- Walgreens, 16105 Manchester, every class of liquor by the package and Sunday sales.
- Walnut Grill, 1386 Clarkson Clayton Center, every class of liquor by the drink and Sunday sales.
- West County Lanes, 15727 Manchester, every class of liquor by the drink and Sunday sales.
- Woodsmoke BBQ, 1326 Clarkson Clayton Center, every class of liquor by the drink and Sunday sales.

The votes were: Cahill "AYE", Baker "AYE", Pool "AYE", Duffy "AYE", Paul "AYE", Voss "AYE", and McGrath "AYE".

ACTIVE COMMITTEE STATUS/UPDATES

Council Member Duffy stated that a total solar eclipse will take place on August 21, 2017. Council Member Duffy would like to make this an event as there will be excellent observation locations within the area including Ellisville. Ellisville resident John Wharten, who works at the St. Louis Science Center could come and talk to the Council about this upcoming event. More information is available at www.St.LouisEclipse2017.org.

Council Member Duffy moved to have Mr. Wharten come to the next Council Work Session to discuss plans for this momentous event, seconded by Mayor Paul. The votes were all "AYES".

Mayor Paul adjourned the meeting at 7:56 p.m.

Respectfully submitted,



LEIGH A. DOHACK

City Clerk