

**CITY OF ELLISVILLE
COUNCIL MEETING**

FEBRUARY 1, 2023

Mayor Roerman opened this Regular Meeting at 7:10 p.m. In attendance were Council Members McGrath, Compton, Cahill, Sanborn, Duffy and Boggs.

Also present were: City Manager Schwer, City Attorney Malone, Police Chief Lewis, City Planner Hood, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Roerman moved to approve the evening's agenda, seconded by Council Member Compton. The votes on the approval were all "AYES".

APPROVAL OF MINUTES

Mayor Roerman moved to approve the minutes from January 18, 2023 Council Meeting, seconded by Council Member Compton. The votes on the approval were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE" and Roerman "AYE".

PUBLIC COMMENTS I

Jim Bowlin, 2165 Timberline Valley Drive, (Mayor of Wildwood), announced that he is running for State Senate District 15 and stated that he wanted to hear what individuals in the area need from a Senator.

Vern Daffron, 1095 Sagebrush, stated that he is a neighbor of the petitioner at 1096 Tumbleweed and that he is in favor of the Council approving his petition request to keep all accessory structures within the properties back yard.

PETITIONS

1096 Tumbleweed Trail, accessory structures and fence petition request

Petition from Mr. Mick Melbord for City Council consideration and approval allowing five (5) accessory buildings, three (3) of the buildings encroaching into the rear and/or side yard setbacks and approval of an 8' high wooden fence at 1096 Tumbleweed Trail within the R-1 Single Family Residential Zoning District.

Mr. Melbord was not present at the meeting to answer questions.

Council Member Compton moved for approval of the petition as presented. The motion was seconded by Council Member Duffy.

Discussion of the petition began among the Council Members. Council Members Cahill, Duffy, McGrath commented that the property owner should have come to the City about permits before building the structures in question. Additional discussion took place on the next steps and if the structures would need to be removed is not approved. Discussion continued on approval of the structures without a permit. Staff and the City Attorney noted if he is allowed to keep more than

two structures, a structural engineer would have to stated that the structures are sound and no new permits would be issued. It was also noted that the fence would need to be addressed as the Code does not allow for an 8-foot fence.

The votes on the petition as presented were: McGrath “NAY”, Compton “NAY”, Cahill “NAY”, Sanborn “NAY”, Duffy “NAY”, Boggs “NAY”, and Roemerma “NAY”.

15830 Fountain Plaza Drive (Instacart), grocery delivery and produce storage business

Petition of Maplebear, Inc. d/b/a Instacart for City Council approval allowing the operation of a grocery delivery and product storage business located at 15830 Fountain Plaza Drive within the C-5 Planned Commercial Zoning District.

Rebecca Goodwin representing Instacart was present to answer questions. She began by noted this business would partner with a local retailer to provide product for delivery and pick up at this address. Ms. Goodwin noted that this would not be open to the public for access and this would be the first business like this in the area. The corporate office has this type of business in the Chicago are and within Florida.

The Council began questioning the petitioner about the business model. Questions included how the sales tax would be collected, delivery of product to the site, the number of employees, parking, and pickup area for the Instacart drivers. Ms. Goodwin also noted that the business would install signage to address these concerns. Discussion ensued on how long the property has been vacant. Council Member McGrath noted that this would be near existing residential home and voice concern about the delivery of product at all hours. It was noted that the business hours would be open from 5:00 am – 2:00 am with approximately 15 employees at peak times.

Council Member McGrath moved to amend the petition to restrict inbound delivery times between the hours of 7:00 am and 10:00 pm. Council Member Duffy seconded the motion. The votes on the amendment were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma “AYE”.

Mayor Roemerma moved to approve the petition as amended, seconded by Council Member Duffy . The votes on the petition, as amended, were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma “AYE”.

LEGISLATION

Ord #3542, Text Amendments pertaining to Adult-Use Marijuana

Council Member Sanborn requested that this bill be reconsidered for additional discussion. Council Member Sanborn moved to reconsider Bill #3776, seconded by Council Member Compton. The votes on the reconsideration were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “ABSTAIN”, and Roemerma “AYE”.

Council Member Compton introduced Bill #3776 for reconsideration and perfection, AN ORDINANCE AMENDING TITLE IV: LAND USE; CHAPTER 400: ZONING REGULATIONS; SECTIONS 400.090, 400.260, 400.290, 400.300, 400.320, AND 400.340 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO ADD REGULATIONS AND ESTABLISH PERMITTED DISTRICTS FOR RECREATIONAL MARIJUANA RELATED USES; AND AMENDING TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE; ARTICLE XI: OFFENSES CONCERNING ALCOHOL AND DRUGS; SECTION 210.525 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO MODIFY THE OFFENSE OF MARIJUANA

POSSESSION WITHIN THE CITY OF ELLISVILLE, MISSOURI.

Discussion ensued on the time frames being imposed by the State for licensing with the approval of the sale of recreational marijuana. With this proposed legislation these time frames may have some effect on the existing medical marijuana businesses and the need to amend existing Conditional Use Permits after medical marijuana State Licenses would be converted to sell recreational marijuana.

Mayor Roemerma moved to amend Bill #3776, to include the following language:

The language below would add subsection (C) to Section 400.340. as follows:

- C. *Dispensaries licensed on effective date of this Ordinance.* Notwithstanding any other provision of this Code to the contrary, a licensed medical marijuana dispensary facility that is in operation on the effective date of this Ordinance with a valid conditional use permit shall be authorized to sell adult-use marijuana to any person over the age of twenty-one (21), provided that:
1. The dispensary facility provides proof to the City that the Missouri Department of Health and Senior Services has authorized conversion of its license to a comprehensive marijuana dispensary facility; and
 2. The dispensary facility obtains a conditional use permit to operate as a comprehensive marijuana dispensary facility from the City within 120 days of the effective date of this Ordinance, and shall thereafter be bound by any restrictions in the ordinance authorizing such conditional use permit. After 120 days, such facility shall have no authority to sell adult-use marijuana unless a CUP has been obtained.

The motion to amend Bill #3776 was seconded by Council Member Duffy. The votes on the amendment were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "ABSTAIN", and Roemerma "AYE".

Council Member Compton moved for final passage of Bill #3776, as amended, seconded by Council Member Duffy. The votes on the final reading of Bill #3776, as amended were: McGrath "AYE", Compton "AYE", Cahill "NAY", Sanborn "AYE", Duffy "AYE", Boggs "NAY", and Roemerma "AYE". Bill #3776 becomes ORDINANCE #3542.

Ord #3543, MoSIP Agreement for Investment of Public Funds

Council Member Duffy introduced Bill #3777, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF ELLISVILLE, MISSOURI AND THE MISSOURI SECURITIES INVESTMENT PROGRAM FOR THE INVESTMENT OF PUBLIC FUNDS OF THE CITY OF ELLISVILLE. Council Member Duffy moved for consideration and perfection of Bill #3777, seconded by Council Member Cahill. The votes on the first reading of Bill #3777 were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE". Council Member Duffy introduced Bill #3777 for final passage, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF ELLISVILLE, MISSOURI AND THE MISSOURI SECURITIES INVESTMENT PROGRAM FOR THE INVESTMENT OF PUBLIC FUNDS OF THE CITY OF ELLISVILLE. Council Member Duffy moved for final passage of Bill #3777, seconded by Council Member Cahill. The

votes on the second reading of Bill #3777 were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma n “AYE”. Bill #3777 becomes ORDINANCE #3543.

Resolution #02-01-2023A, MoDOT Highway Safety and Traffic Division – Violations Grant

Mayor Roemerma n introduced Res.#02-01-2023A, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI AUTHORIZING THE COUNCIL TO EXECUTE A GRANT APPLICATION ON BEHALF OF THE CITY OF ELLISVILLE WITH THE MISSOURI DEPARTMENT OF TRANSPORATION HIGHWAY SAFETY AND TRAFFIC DIVISION FOR VIOLATIONS ENFORCEMENT. Mayor Roemerma n moved for consideration and perfection of Res. #02-01-2023A, seconded by Council Member Duffy. The votes on the motion to approve Res #02-01-2023A were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE, Boggs “AYE”, and Roemerma n “AYE”. Res #02-01-2023A was approved.

Resolution #02-01-2023B, STP-S Grant for Pierside Lane Roadway Improvement Project

Mayor Roemerma n introduced Res.#02-01-2023B, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT PROPOSAL APPLICATION ON BEHALF OF THE CITY OF ELLISVILLE TO THE SURFACE TRANSPORATION PROGRAM – SUBALLOCATED GRANT COMMISSION FOR THE PIERSIDE LANE ROADWAY IMPROVEMENT PROJECT. Mayor Roemerma n moved for consideration and perfection of Res. #02-01-2023B, seconded by Council Member Sanborn. The votes on the motion to approve Res #02-01-2023B were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE, Boggs “AYE”, and Roemerma n “AYE”. Res #02-01-2023B was approved.

PUBLIC COMMENTS

There were no comments at this time.

MAYOR/COUNCIL BUSINESS/REPORTS

Mayor Roemerma n read a Proclamation honoring the life of Frank J. Bommarito, a long-time Ellisville business owner and respected St. Louis legend.

ACTIVE COMMITTEE STATUS/UDPATES

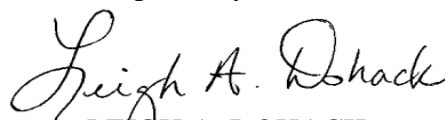
Mayor Roemerma n noted that he would not be in attendance at the February 15, 2023 Council Meeting.

CLOSED SESSION

No closed session took place at this time.

The Council returned to open session and adjourned the meeting at 8:02 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk