

**CITY OF ELLISVILLE
COUNCIL MEETING**

SEPTEMBER 15, 2021

Due to the Covid pandemic concerns the September 15, 2021 Regular Council meeting was held via live videoconference. *A link was provided on the City's website for all that wanted to participate in the videoconference.*

Mayor Roemerman served opened this Regular Meeting at 7:52 p.m. In attendance were Council Members McGrath, Compton, Cahill, Reel, Duffy, and Boggs.

Also present in person and via videoconference were: City Manager Schwer, City Attorney Restovich, City Planner Hood, Chief Steve Lewis, and City Clerk Dohack.

All those in attendance via videoconference recited the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mayor Roemerman moved to approve the minutes from the September 1, 2021 Regular Council Meeting. The motion was seconded by Council Member Compton. The votes were: Cahill "AYE", Reel "AYE", Duffy "AYE", Boggs "AYE", Roemerman "AYE", McGrath "AYE", and Compton "AYE".

PUBLIC COMMENTS I

Pam Marquard, 1148 Field Avenue resident, commented on the proposed development at 309 Clarkson Road that was presented at the Preliminary Conceptual Meeting, noting her concerns about the traffic that could be generated from a busy drive-through business.

Jan Boehm, 1173 Field Avenue, agreed with the concerns from the previous speaker.

Rachel Phillip, Field Avenue, noted her concerns with the proposed development and agreed with the other speakers.

Bernie & Jamie Barton, 1224 Field Avenue, commented on the traffic concerns from a busy drive-through business at a property along Clarkson that has a lot of traffic now and noted that a different type of business would be better at this spot.

Laura Hopper, 1143 Field Avenue, echoed the concerns of the other speakers

Dave Goessman, 1201 Field Avenue, agreed with the concerns of the other speakers.

RECIEPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS

Mayor Roemerman moved to receive and file of the following Planning and Zoning Commission's recommendations:

- A. Receipt and filing of Planning and Zoning Commission's positive recommendation dated September 9, 2021 relative to the petition of GastroPit Ellisville, LLC for issuance of a Conditional Use Permit to allow the issuance of a liquor license in conjunction with the operation of a restaurant at the property known and numbered as 15622 Manchester Road, located within the "C-3" Commercial Zoning District of the City of Ellisville, Missouri.
- B. Receipt and filing of Planning and Zoning Commission's positive recommendation dated September 9, 2021 relative to the petition of The Fountains of West County, LLC for amendment to an existing Conditional Use Permit to allow the extension of the lot consolidation condition of approval for the property known and numbered as 15822 Clayton Road, located within the "C-2" General Office Zoning District of the City of Ellisville, Missouri.

The motion was seconded by Council Member Cahill. The votes were: The votes were: Cahill "AYE", Reel "AYE", Duffy "AYE", Boggs "AYE", Roemerman "AYE", McGrath "AYE", and Compton "AYE".

PUBLIC HEARINGS

2021 Property Tax Rate

Mayor Roemerman opened the public hearing on the 2021 Property Tax Rates. Atty. Restovich entered the following exhibit for purposes of this hearing: Exhibit 1, Certified copy of the Municipal Code; Exhibit 2, Notice published in *The Countian* on August 30, 2021 consistent with Section 67.110 RSMo; and Exhibit 3, Notice published in *West Newsmagazine* on September 8, 2021 consistent with Section 67.110 RSMo.

Finance Director Cary, after being sworn in, discussed the proposed numbers, and the State Auditor's report was just recently received, noting the tax rate at 12.3 cents per \$100 of residential property assessment and 13.3 cents per \$100 of commercial property assessment. The proposed tax rate legislation noted that the amount would be no more than \$0.15 per \$100 assessed property value and the amount from the Auditor is consistent with that report.

There were no public comments at this hearing.

Mayor Roemerman polled Ellisville residents and property owners regarding the proposed 2021 Tax Rate as presented: Two (2) residents were in favor and no one was opposed. Mayor Roemerman closed the public hearing.

15622 Manchester Road (GastroPit West), Liquor License CUP

Mayor Roemerman opened the public hearing pertaining to the petition of Joe Smugala for approval of a Conditional Use Permit authorizing the issuance of a liquor license for the sale of alcohol and a petition for the reduction of parking spaces to accommodate a new outdoor patio area associated with the new GastroPit West restaurant located at 15622 Manchester Road within the "C-3" Commercial Zoning District. Atty. Restovich entered the following exhibit 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* on August 31, 2021; Exhibit 5, Public posting of Notice on August 31, 2021; Exhibit 6, Letter mailed to abutting property owners within 185 feet on August 30, 2021; Exhibit 7, Application Cover Sheet received August 11, 2021; Exhibit 8, Application for Conditional Use Permit received August 17, 2021, with attached plans and letter from Joe Smugala to City Council; Exhibit 9, Planning and Zoning

Commission Report and Favorable Recommendation dated September 9, 2021, and Exhibit 10, City Planner's Memo dated September 9, 2021.

Joe Smugala, Greg and Jodie Tieber representing GastroPit and City Planner Hood were sworn in. Mr. Smugala began the discussion by stating that the restaurant would be going into a space that was previously a restaurant (PM BBQ). It was noted that this would be full-service restaurant with wait staff and that they would like to serve liquor. Mr. Smugala stated that included in the petition request is that four (4) parking spaces would be removed to design an outdoor patio area for outside seating. Discussion continued pertaining to the type of patio. Mr. Smugala stated that the proposed patio would be a 6" minimum raised concrete pad with a 48" aluminum fencing around the pad. Council Member Cahill commented that bollards would be encouraged for the safety. Mr. Smugala stated he would be amenable to including bollards if requested by the Council. Council Members McGrath, Reel and Compton agreed with the need for bollards for safety. Discussion continued pertaining to business hours, staff and adequate parking.

There were no public comments at this hearing.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: Six (6) residents were in favor and no one was opposed. Mayor Roerman closed the public hearing.

15822 Clayton Road (The Fountains of West County, LLC) amend existing CUP

Mayor Roerman opened the public hearing pertaining to the petition The Fountains of West County, LLC to amend an existing Conditional Use Permit (approved by Ordinance #3090 authorizing a subdivision plat, a change in zoning classification to "C-2" Commercial and the operation of an existing independent care facility) at the property known and numbered as 15822 Clayton Road, located within the "C-2" General Office Commercial Zoning District. Atty. Restovich entered the following exhibit 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* on August 31, 2021; Exhibit 5, Public posting of Notice on August 31, 2021; Exhibit 6, Letter mailed to abutting property owners within 185 feet on August 30, 2021; Exhibit 7, Application Cover Sheet received August 25, 2021; Exhibit 8, Application for Conditional Use Permit received August 25, 2021; Exhibit 9, Letter from Barry Yoffie to City Planner dated August 25, 2021; Exhibit 10, City Ordinance #3090, Exhibit 11; Proposed Amendment to Deed Restriction; Exhibit 12, Planning and Zoning Commission Report and Favorable Recommendation dated September 9, 2021, and Exhibit 13, City Planner's Memo dated September 9, 2021.

Ronald Lauber representing The Fountains of West County and City Planner Hood were sworn in. Mr. Lauber began by explaining the need to extend the deed restriction due to financing for the existing buildings. Mr. Lauber noted that dues to finances being separate for the different buildings the lot consolidation cannot take place at this time. Discussion continued about giving this amendment no timeframe.

There were no public comments at this hearing.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: Five (5) residents were in favor and no one was opposed. Mayor Roerman closed the public hearing.

LEGISLATION

Ord. #3488, 2021 Property Tax Rate

Mayor Roemerma introduced Bill #3719, AN ORDINANCE ESTABLISHING THE ANNUAL TAX LEVY FOR ALL PROPERTY WITHIN THE CITY OF ELLISVILLE, MISSOURI, AND PROVIDING FOR THE EXTENSION OF SAID TAXES ON THE BOOKS OF THE COLLECTOR BY THE COUNTY CLERK AND PROVIDING FOR ST. LOUIS COUNTY TO COLLECT SAME FOR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI. Mayor Roemerma moved for consideration and perfection of Bill #3719, seconded by Council Member Duffy. The votes on the first reading were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerma “AYE”, McGrath “AYE”, and Compton “AYE”. Mayor Roemerma introduced Bill #3719 for final passage, AN ORDINANCE ESTABLISHING THE ANNUAL TAX LEVY FOR ALL PROPERTY WITHIN THE CITY OF ELLISVILLE, MISSOURI, AND PROVIDING FOR THE EXTENSION OF SAID TAXES ON THE BOOKS OF THE COLLECTOR BY THE COUNTY CLERK AND PROVIDING FOR ST. LOUIS COUNTY TO COLLECT SAME FOR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI. Mayor Roemerma moved for final passage of Bill #3719, seconded by Council Member Reel. The votes on the second reading were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerma “AYE”, McGrath “AYE”, and Compton “AYE”. Bill #3719 becomes ORDINANCE #3488.

Ord. #3489, 15622 Manchester Road (GastroPit West), liquor license CUP

Council Member McGrath introduced Bill #3720, AN ORDINANCE APPROVING THE PETITION OF GASTROPIT ELLISVILLE, LLC FOR ISSUANCE OF A CONDITIONAL USE PERMIT AND LIQUOR LICENSE TO ALLOW THE SALE OF LIQUOR IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT AT THE PROPERTY KNOWN AND NUMBERED AS 15622 MANCHESTER ROAD, LOCATED WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member McGrath moved for consideration and perfection of Bill #3720, seconded by Council Member Duffy.

Discussion took place pertaining to the proposed patio. Council Member Cahill moved to amend Bill #3720 to add bollards around the proposed patio, seconded by Council Member Duffy. The votes on the amendment were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerma “AYE”, McGrath “AYE”, and Compton “AYE”.

The votes on the first reading of Bill #3720, as amended, were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerma “AYE”, McGrath “AYE”, and Compton “AYE”.

Council Member McGrath introduced Bill #3720 as amended, for final passage, AN ORDINANCE APPROVING THE PETITION OF GASTROPIT ELLISVILLE, LLC FOR ISSUANCE OF A CONDITIONAL USE PERMIT AND LIQUOR LICENSE TO ALLOW THE SALE OF LIQUOR IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT AT THE PROPERTY KNOWN AND NUMBERED AS 15622 MANCHESTER ROAD, LOCATED WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member McGrath moved for final passage of Bill #3720 as amended, seconded by Council Member Duffy. The votes on the second reading were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerma “AYE”, McGrath “AYE”, and Compton “AYE”. Bill #3720 becomes ORDINANCE #3489.

Ord. #3490, 15822 Clayton Road (The Fountains of West County), CUP amendment

Council Member Compton introduced Bill #3721, AN ORDINANCE APPROVING THE PETITION OF THE FOUNTAINS OF WEST COUNTY, LLC FOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW AN EXTENSION OF TIME TO SATISFY THE CONDITION OF APPROVAL REQUIRING LOT CONSOLIDATION FOR THE PROEPRTY KNOWN AND NUMBERED AS 15822 CLAYTON ROAD, LOCATED WITHIN THE “C-2” GENERAL OFFICE ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for consideration and perfection of Bill #3721, seconded by Council Member Duffy. The votes on the first reading of Bill #3721 were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, and Compton “AYE”. Council Member McGrath introduced Bill #3721 for final passage, AN ORDINANCE APPROVING THE PETITION OF THE FOUNTAINS OF WEST COUNTY, LLC FOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW AN EXTENSION OF TIME TO SATISFY THE CONDITION OF APPROVAL REQUIRING LOT CONSOLIDATION FOR THE PROEPRTY KNOWN AND NUMBERED AS 15822 CLAYTON ROAD, LOCATED WITHIN THE “C-2” GENERAL OFFICE ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for final passage of Bill #3721, seconded by Council Member Duffy. The votes on the second reading were: Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, and Compton “AYE”. Bill #3721 becomes ORDINANCE #3490.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

Appointment to Park Advisory Board

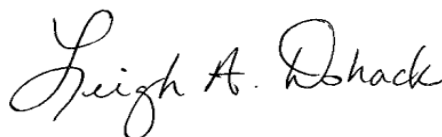
This will be forwarded to the October 6, 2021 for consideration.

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

Mayor Roemerman adjourned the meeting at 8:52 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk