

**CITY OF ELLISVILLE
COUNCIL MEETING**

May 20, 2020

Due to the Saint Louis County Executive Order restricting gatherings of more than 10 individuals from high risk groups the May 20, 2020 Regular Council meeting was held via live videoconference. A link was provided on the City's website for all that wanted to join the videoconference.

Mayor Roerman served as the host of this videoconference meeting and opened this Regular Meeting at 7:00 p.m. In attendance were via videoconference were Council Members Chismarich, McGrath, Reel, Cahill, Pool, and Duffy.

Also present via videoconference were: City Manager Schwer, Assistant City Attorney Parnell, 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 Roerman moved to approve the evening's agenda, seconded by Council Member Reel. The votes on the approval were "AYES".

APPROVAL OF MINUTES

Mayor Roerman moved to approve the minutes from the May 6, 2020 Regular Council Meeting. The motion was seconded by Council Member Pool. The votes were: Pool "AYE", Duffy "AYE", Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

PUBLIC COMMENTS I

There were no public comments.

PETITIONS

225 Clayton Oaks Drive (Harlan and Peggy Johnson), RV Parking wavier

A request from Harlan and Peggy Johnson, homeowners, at 225 Clayton Oaks Drive for a waiver pertaining to parking of recreational vehicle as referenced in Ellisville Municipal Code, Chapter 500.400, Section 302.8

Mr. Johnson participated in the meeting remotely to explain his request and answer questions. Mayor Roerman noted that the request included no improved surface area for the parking waiver and noted he would be amenable if Mr. Johnson would put in some sort of improved surface. Council Member Duffy stated that he appreciates that Mr. Harland has the opportunity to request the waiver, but he did not support the waiver. Council Member Pool also supported some sort of alternate surface being considered. Mayor Roerman asked City Manager Schwer if there were optional surface that could be utilized. City Manager Schwer stated that Grass Crete or pavers with aggregate are options. Council Member McGrath commented that the Council should stick to the existing regulations. Council Member Reel agreed with Council Member McGrath.

Council Member Pool moved to approve that request with the condition that the vehicle be parked on an improved surface. The votes were: Pool “AYE”, Duffy “NAY”, Roemerman “NAY”, Chismarich “NAY”, McGrath “NAY”, Reel “NAY”, and Cahill “AYE”.

RECIPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS

Mayor Roemerman moved to receive and file of the following Planning and Zoning Commission’s recommendations collectively under consent agenda:

- A. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated May 14, 2020 relative to the City-initiated petition for Text Amendments to Title IV, Land Use, pertaining to the following: (1) supermajority zoning approval requirements, and (2) massage therapy regulations/day spa accessory uses.
- B. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated May 14, 2020 relative to the petition of Salty Spa, LLC for issuance of a conditional use permit to allow massage as an accessory use as the location known and numbered as 15925 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: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”.

PUBLIC HEARING

Text Amendments pertaining to (1) Supermajority Zoning Approval Requirements, and (2) Massage Therapy Regulations/Day Spa Accessory Uses

Mayor Roemerman opened the public hearing regarding the City-initiated petition for Text Amendments to Title IV, Land Use, pertaining to the following: (1) supermajority zoning approval requirements, and (2) massage therapy regulations/day spa accessory uses. Assistant City Attorney Parnell entered the following exhibits for purposes of this hearing: Exhibit 1-8, entered at public hearing before the Planning and Zoning Commission on May 13, 2020; Exhibit 9, Planning and Zoning Commission favorable recommendation dated May 14, 2020; Exhibit 10, City Planner’s Memo dated March 20, 2020.

City Planner Hood was sworn in and she began the presentation pertaining to the proposed text amendments. City Planner Hood presented that at the proposed changes for the supermajority zoning approval requirement which would identify and designate the recommended conditions and if and when the designated conditions are removed by the Council during deliberation. Adding context to how the Council would proceed during legislation.

City Planner also presented the proposed amendments to the message therapy regulations and day spa accessory uses. The proposed changes pertained to massage therapy only as an accessory use. This would not require medical or licensed therapists and there would be no physical contact.

The Council discussion ensued about the supermajority requirements. This was brought back to the Council to provide the Council with a clearer manor to note the importance of the recommendations that are provided by the Planning and Zoning Commission. After continued discussion the Council requested sending this item back to Planning and Zoning for additional consideration.

Public Comments

Rob Compton, 1209 Fairview Drive, spoke a resident and a Planning and Zoning Commission member, noting the Commission considers petitions and requests in the City's best interest and wants the Council to understand the importance of their recommendations.

Mayor Roemerman polled the Ellisville residents and property owners participating remotely regarding proposed text amendments as presented: Five (5) residents were in favor and no one was in opposition.

Mayor Roemerman closed the public hearing.

15446A Manchester Road (Club Fitness), amendment to existing CUP – building height in excess of 30 feet

Mayor Roemerman opened the public hearing regarding the petition of Terry L. Dowdy on behalf of Club Fitness for an amendment to an existing conditional use permit to allow building height in excess of thirty (30) feet in connection with the operation of a fitness center at the location known and numbered as 15446A Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. *At the request of the petitioner this public hearing was continued to the June 17, 2020 Council Meeting for consideration.*

15925 Manchester Road (Salty Spa), conditional use permit to allow massage as accessory use

Mayor Roemerman opened the public hearing regarding the petition of Salty Spa, LLC for issuance of a conditional use permit to allow massage as accessory use at the location known and numbered as 15925 Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. Assistant City Attorney Parnell 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* on May 1, 2020; Exhibit 5, Public Posting of Hearing Notice on April 30, 2020; Exhibit 6, Letter mailed to abutting residents within 185 feet dated May 1, 2020; Exhibit 7, Applicant's Cover Sheet received April 27, 2020; Exhibit 8, Application for Conditional Use Permit received April 27, 2020, with attached plans dated September 13, 2017; Exhibit 9, Letter from Dane Carlson to City Council dated April 27, 2020; Exhibit 10, Planning and Zoning Commission favorable recommendation dated May 14, 2020; Exhibit 11, City Planner's Memo dated March 20, 2020.

Dane Carlson owner of Salty Spa and City Planner Hood were sworn in. Mr. Carlson proceeded by explaining the request to add leg compression machines for massage to their existing spa and stated that this additional use would help with workout recovery and blood flow issues. He continued stating that they are easy to use and clients would be in a private room where no staff contact would take place.

Continued discussion took place among the Council Members pertaining to the petition request.

There were no public comments.

Mayor Roemerman polled the Ellisville residents and property owners participating remotely regarding proposed text amendments as presented: Five (5) residents were in favor and no one was in opposition.

Mayor Roemerman closed the public hearing.

LEGISLATION

Bill #3681, Amends Municipal Code pertaining to Supermajority Requirements

Council Member Pool introduced Bill #3681, AN ORDINANCE AMENDING TITLE IV: LAND USE, SECTIONS 400.150, 400.180, 405.100 AND 400.110 OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO REVISE REGULATIONS PERTAINING TO SUPERMAJORITY REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS, ZONE CHANGES, ZONING TEXT AMENDMENTS, AND PLATS. Council Member Pool moved for consideration and perfection of Bill #3681, seconded by Council Member Cahill.

Discussion took place on the number of Council Members, whether it would be the Members present or the “legal” number of Members for the supermajority vote. Council Members discussed assigning rankings to the conditions that would be included in the Planning and Zoning Commission’s recommendations to aid in the Council’s consideration. Discussion ensued about sending this item back to the Planning and Zoning Commission for additional review.

Council Member McGrath moved to send this item back to the Planning and Zoning Commission for additional discussion. The motion was seconded by Council Member Duffy. The votes were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”.

Ord. #3455, Amends Municipal Code pertaining to Massage Uses and Regulations

Council Member McGrath introduced Bill #3682, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.090 AND 400.335 OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO REVISE REGULATIONS PERTAINING TO MASSAGE USES AND REGULATIONS. Council Member McGrath moved for consideration and perfection of Bill #3682, seconded by Council Member Cahill. The votes on the first reading were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Council Member McGrath introduced Bill #3682 for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.090 AND 400.335 OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO REVISE REGULATIONS PERTAINING TO MASSAGE USES AND REGULATIONS. Council Member McGrath moved for final passage of Bill #3682, seconded by Council Member Duffy. The votes on the second reading of Bill #3682 were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Bill #3682 becomes ORDINANCE #3455.

Ord. #3456, 15925 Manchester Road (Salty Spa), Conditional Use Permit - Massage as an Accessory Use

Council Member Duffy introduced Bill #3683, AN ORDINANCE AUTHORIZING A CONDITIONAL USE PERMIT TO SALTY SPA, LLC TO ALLOW MASSAGE AS AN ACCESSORY USE AT THE LOCATION KNOWN AND NUMBERED AS 15925 MANHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3683, seconded by Council Member Reel.

Discussion took place to return the application fees associated with this Conditional Use Permit petition. Mayor Roerman moved to refund the fees for this CUP application process, seconded by Council Member Duffy. The votes were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”.

The votes on the first reading, as amended, were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Council Member Duffy introduced Bill #3683, as amended, for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.090 AND 400.335 OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO REVISE REGULATIONS PERTAINING TO MASSAGE USES AND REGULATIONS. Council Member Duffy moved for final passage of Bill #3683, seconded by Council Member Cahill. The votes on the second reading of Bill #3683, as amended, were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Bill #3683 becomes ORDINANCE #3456.

Resolution #05-20-20A, 15833 Manchester Road Permanent Sidewalk Easement

Mayor Roerman introduced Res.#05-20-20A, A RESOLUTION AUTHORIZING THE GRANT OF A RESTRICTIVE COVENANT IN CONJUNCTION WITH THE DONATION OF A PERMANENT SIDEWALK EASEMENT TO THE CITY ON THE PROPERTY KNOWN AND NUMBERED AS 15833 MANCHESTER ROAD. Mayor Roerman moved for consideration and perfection of Res.#05-20-20A, seconded by Council Member McGrath.

It was noted that this was required as an extension of the Devore Project, east of the Apple Tree Shopping Center.

The votes were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. The resolution was approved.

Resolution #05-20-20B, CARES Act Equitable Distribution

Mayor Roerman introduced Res.#05-20-20A, A RESOLUTION REQUESTING THAT MUNICIPALITIES WITHIN ST. LOUIS COUNTY RECEIVE AN EQUITABLE DISTRIBUTION OF THE \$175 MILLION IN FUNDING RECEIVED BY ST. LOUIS COUNTY FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT TO REIMBURSE MUNICIPALITIES FOR ACTUAL PUBLIC SAFETY COSTS INCURRED RELATED TO COVID-19. Mayor Roerman moved for consideration and perfection of Res.#05-20-20B, seconded by Council Member Reel. The votes were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. The resolution was approved.

PUBLIC COMMENTS

There were no public comments at this time.

MAYOR/COUNCIL BUSINESS/REPORTS

Police Chief Lewis noted that a civil appointment needed to be made to the Police Board. Chief Lewis noted that that resident Steven Sacco, a long-time resident was interested in the position. Mayor Roerman moved to appoint Steven Sacco to the Police Board, seconded by Board Member Duffy. The votes were: Pool “AYE”, Duffy “AYE”, Roerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”.

Mayor Roerman read a proclamation to Curt Boggs, thanking him for his commitment and service to the Planning and Zoning Commission, serving as a Member and Chairman, and also as a member of the Economic Development Commission.

Council Member Duffy moved to appoint John Scatizzi, 1549 Virginia Avenue, to fill an unexpired term on the Planning and Zoning Commission. The motion was seconded by Council Member Reel.

Council Member Reel asked that this opening to be posted to the website to

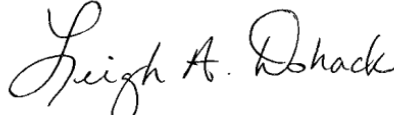
The votes were: Pool "AYE", Duffy "AYE", Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

Mayor Roerman adjourned the meeting at 7:40 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk