

**CITY OF ELLISVILLE
COUNCIL MEETING**

JUNE 19, 2019

Mayor Roemerman opened this Regular Meeting at 7:06 p.m. In attendance were Council Members Chismarich, McGrath, Reel, Cahill, Pool, and Duffy.

Also present were: City Manager Schwer, City Atty. Restovich, City Planner Hood, Chief Steve Lewis, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Roemerman moved to approve the evening's agenda, seconded by Council Member Pool. The votes were: Roemerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE, Cahill "AYE", Pool "AYE", and Duffy "AYE".

APPROVAL OF MINUTES

Mayor Roemerman moved to approve the minutes from the May 15, 2019 Regular Council Meeting. The motion was seconded by Council Member Pool. The votes were: Roemerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE, Cahill "AYE", Pool "AYE", and Duffy "AYE".

RESOLUTIONS

Council Member Duffy introduced Resolution #06-19-19 for consideration and perfection, A RESOLUTION RENAMING BLUEBIRD PARK AT 225 KIEFER CREEK ROAD IN THE CITY OF ELLISVILLE TO BLUES(BIRD) PARK. Mayor Roemerman moved for consideration and perfection of Resolution #06-19-19, seconded by Council Member Duffy. The votes for approval were: Roemerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Resolution #06-19-19 was approved.

PUBLIC COMMENTS

Diane Haefner, 1386 Parkview Estates Drive, commented about her subdivision's homeowners' association and how the trustees are not maintaining the area around the homes.

Carri Cahill, 42 Covert Lane, invited the Council Members to attend the "More Than a Market" Market at Bluebird Park on Thursdays during the summer.

Council Member Duffy moved to suspend rules, seconded by Mayor Roemerman. The motion was unanimously approved. The motion was approved unanimously.

Council Member Duffy thanked Mrs. Cahill for all the work that she has done to make the Market a success. Mayor Roemerman agreed and also thanked Mrs. Cahill. Council Member Reel said that the coordinating the Market is a not an easy job and also thanked her for all the hard work.

The meeting was called back in order.

Shannon Goodwin, 210 Clarkson Executive Park, asked for the Council's support for the changes to the massage therapy regulations.

Malissa Snodgrass, 61 East Meadow Lane, stated that she does not support the installation of sidewalks on East Meadow Lane and is concerned about the removal of trees and the need to maintain the sidewalk.

Michael King, 1005 Carole Lane, also opposed the sidewalk installation on East Meadow noting that this will effect two sides of this property as he has a corner lot.

Mayor Roerman moved to suspend rules, seconded by Council Member Duffy. The motion was approved unanimously.

The Council Members discussed how the proposed sidewalks for the area were brought up during the 2019 Budget considerations and also during the public hearing prior to approval of the budget.

The meeting was called back to order.

AUDIT REPORT

Allen Schulte with Botz, Deal & Company, P.C. gave a brief report regarding their Comprehensive Annual Financial Report for Fiscal Year ending December 31, 2018, pages from the report were provided on the television screens for the audience to during Mr. Schulte's report. Director of Administrative Services Don Cary was also noted that the report is now available on the City's website. Mr. Schulte noted that the City is in good financial standing due to City's current financial policies.

PETITIONS

175 Ranchmoor Trail, chain link fence request

Petition from Michelle Keller and Rick Ruby for City Council consideration and approval allowing new chain link fence at 175 Ranchmoor Trail within the R-1 Single Family Residential Zoning District. *Continued from the May 15, 2019 Council Meeting.*

No one appeared before the Council for discussion.

St. Clare of Assisi Oktoberfest, 15462 Clayton Road

Request of St. Clare of Assisi Men's Club, 15462 Clayton Road, for approval to conduct their annual Oktoberfest event, including the sale of malt liquor and wine outside, on Friday, October 4, 2019 from 4:00-10:00 pm.

Jason Hoffman representing the Men's Club was present to answer questions. No additional discussion took place.

Mayor Roerman moved approve the petition as presented. The motion was seconded by Council Member Duffy. The votes were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE" and Duffy "AYE".

336 Hunters Glen Court, Alex and Kelly Silva, setback variance

Petition from Alex and Kelly Silva, property owners, for consideration and approval of a shed proposed within the rear yard setback at 336 Hunters Glen Court within the R-1 Single Family

Residential Zoning District.

Mr. Silva was presented to answer questions from the Council Members. Discussion took place pertaining to the placement of the shed in the yard at the back of the driveway. Council Member McGrath asked about the fence and Mr. Silva stated that the fence would be taken down and the shed would replace the fence in that area. Additional discussion took place on how close the shed would be to the property line. Mr. Silva stated that the placement could be moved a little more off the property line. Council Member Reel requested that the shed 24 inches be off the property line. Council Member Cahill noted that the City has regulations for the setback to be five feet off the property line.

Council Member Reel moved to approve the request for the placement of the shed to be 24 inches off the property line. The motion was seconded by Council Member Duffy. The votes were: Roemerman "AYE", Chismarich "AYE", McGrath "NAY", Reel "AYE", Cahill "NAY", Pool "AYE", and Duffy "AYE".

RECIEPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS

Mayor Roemerman moved to receive and file the Planning and Zoning Commission's favorable recommendation dated July 11, 2019, relative to the City-initiated petition for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations pertaining to massage therapy uses and regulations. The motion was seconded by Council Member Reel. The vote was unanimous.

PUBLIC HEARINGS

Massage Therapy Regulations Text Amendments

Mayor Roemerman opened the public hearing to discuss and consider City-initiated petition for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, Section 400.335, of the Municipal Code of the City of Ellisville, pertaining to massage therapy regulations. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibits 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 24, 2019; Exhibit 5, Notice published in *West Newsmagazine* on June 5, 2019; Exhibit 6, Letter from Shannon Goodwin dated April 25, 2019; Exhibit 7, City Planner's memo dated June 6, 2019; Exhibit 8, Draft ordinance with text amendments; Exhibit 9, Revised draft text amendments; Exhibit 10, Planning and Zoning Commission positive recommendation dated June 13, 2019; and Exhibit 11, City Planner's memo dated June 13, 2019.

City Planner Hood was sworn in and proceeded with the overview of the proposed changes to the Massage Therapy Regulations. It was noted that the text amendments received a positive recommendation from the Planning and Zoning Commission. Discussion took place regarding the elimination of language about access and frontage on the right way, allowing massage therapy as an accessory or primary use, and conditional use permit requirements.

Mayor Roemerman polled the Ellisville residents and property owners regarding the proposed text amendments: 7 residents were in favor and no residents were in opposition.

Mayor Roemerman closed the public hearing.

LEGISLATION

Ord. #3416, Text Amendments pertaining to Massage Therapy Services

Council Member Pool introduced Bill #3636, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.335, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO MODIFY REGULATIONS PERTAINING TO MASSAGE THERAPY SERVICES.

Discussion took place pertaining to the coverage of windows in the entrance and lobby areas. Council Member Pool moved to amend Bill #3636 to no less than fifty percent (50%) of the overall surface of the entrance and lobby areas be covered. The motion was seconded by Council Member Reel. The votes on the amendment were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE".

Council Member Pool moved for consideration and perfection of Bill #3636, as amended, seconded by Council Member Duffy. The votes on the first reading were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Council Member Pool introduced Bill #3636, as amended, for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.335, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO MODIFY REGULATIONS PERTAINING TO MASSAGE THERAPY SERVICES. Council Member Pool moved for final passage of Bill #3636, as amended, seconded by Council Member Cahill. The votes on the second reading were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Bill #3636, as amended, becomes ORDINANCE #3416.

Ord. #3417, Acceptance of Klamberg Lane within Bluebird Park Subdivision

Council Member Chismarich introduced Bill #3637, AN ORDINANCE ACCEPTING KLAMBERG LANE WITHIN THE ARBORS AT BLUEBIRD PARK SUBDIVISION IN THE CITY OF ELLISVILLE AS A PUBLIC STREET AND FOR PUBLIC MAINTENANCE AND USE. Council Member Chismarich moved for consideration and perfection of Bill #3637, seconded by Council Member McGrath. The votes on the first reading were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Council Member Chismarich introduced Bill #3637 for final passage, AN ORDINANCE ACCEPTING KLAMBERG LANE WITHIN THE ARBORS AT BLUEBIRD PARK SUBDIVISION IN THE CITY OF ELLISVILLE AS A PUBLIC STREET AND FOR PUBLIC MAINTENANCE AND USE. Council Member Chismarich moved for final passage of Bill #3637, seconded by Council Member Cahill. The votes on the second reading were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Bill #3637 becomes ORDINANCE #3417.

Ord. #3418, Reinke Road Boundary Adjustment

Council Member McGrath introduced Bill #3638, AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT BETWEEN THE CITY OF ELLISVILLE AND ST. LOUIS COUNTY OF UNINCORPORATED PUBLIC RIGHTS-OF-WAY OF REINKE ROAD. Council Member McGrath moved for consideration and perfection of Bill #3638, seconded by Council Member Cahill. The votes on the first reading were: Roerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", and Duffy "AYE". Council Member McGrath introduced Bill #3638 for final passage, AN ORDINANCE APPROVING A

BOUNDARY ADJUSTMENT BETWEEN THE CITY OF ELLISVILLE AND ST. LOUIS COUNTY OF UNINCORPORATED PUBLIC RIGHTS-OF-WAY OF REINKE ROAD. Council Member McGrath moved for final passage of Bill #3638, seconded by Council Member Reel. The votes on the second reading were: Roemerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, and Duffy “AYE”. Bill #3638 becomes ORDINANCE #3418.

PUBLIC COMMENTS II

Michael King, 1005 Carole Lane, appreciated the discussion pertaining to the shed and again stated he is not in favor of the sidewalks in the area of his house.

MAYOR/COUNCIL BUSINESS/REPORTS

Appointments to the Fountain Plaza Community Improvement District

Mayor Roemerman moved to appoint the following individuals to the Fountain Plaza Community Improvement District by consent agenda:

- Franklin Sears and Chris Bertel, each for terms expiring June 16, 2022;
- Melissa Setser, as interim director for a term expiring June 16, 2020;
- Jenny Mitchel, as interim director for a term expiring June 16, 2020; and
- Jill Duchinsky, as interim director for a term expiring June 16, 2020.

The motion was seconded by Council Member Reel. The votes were: Roemerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, and Duffy “AYE”.

CITY STAFF BUSINESS

Liquor License Renewals

Mayor Roemerman moved to approve renewal of the following Liquor Licenses for 2018-2020 by consent agenda

- Aldi Inc. #12, 15907 Manchester Road, every class of liquor by the package and Sunday sales.
- 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.
- Cecil Whittaker’s Pizzeria, 15338 Manchester, malt liquor/light wine by the drink and Sunday sales.
- 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.
- Clarkson BP, 28 Clarkson, every class of liquors by the package and Sunday sales.
- 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 and manufacturing.
- CVS Pharmacy, 15846 Manchester, every class of liquor by the package and Sunday sales.

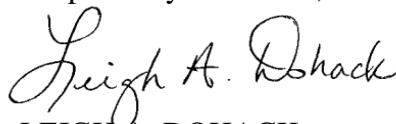
- Dewey's Pizza, 1312 Clarkson/Clayton Center, every class of liquor by the drink and Sunday sales.
- Dierberg's, 1322 Clarkson/Clayton Center, every class of liquor by the package, wine tastings and Sunday sales.
- Ellisville Athletic Assoc./Food Service Consultants, 16201 Manchester, malt liquor/light wine by the drink and Sunday sales.
- Fallon's Bar and Grill, 15850 Manchester Road, every class of liquor by the drink and Sunday sales.
- Faraci's Pizza, 15430 Manchester, every class of liquor by the drink.
- LaTiendita Tortilleria & Marketplace, 15821 Manchester, malt liquor by the package.
- Lifetime Fitness, 28 Clarkson Road, malt liquor/light wine by the drink and Sunday sales.
- Lukas Liquors, 15678 Manchester, every class of liquor by the drink and package, and Sunday sales.
- Malinche, 15939 Manchester Road, every class of liquor by the drink 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.
- Pasta House, 15601 Manchester, every class of liquor by the drink and Sunday sales.
- Pathfinder Church, 15800 Manchester, every class of liquor by the drink.
- Petro Mart, 15670 Manchester, every class of liquor by the package and Sunday sales.
- Qdoba Restaurant, 15829 Manchester Road, every class of liquor by the drink and Sunday sales.
- QuikTrip, 15902 Manchester, every class of liquor by the package and Sunday sales.
- St. Clare of Assisi Church, 15648 Clayton, malt liquor and light wine 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.

The motion was seconded by Council Member Duffy. The votes were: Roemerman "AYE", McGrath "AYE", Chismarich "AYE", Baker "AYE", Newhouse "AYE", Duffy "AYE" and Pool "AYE".

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk