

**CITY OF ELLISVILLE
COUNCIL MEETING**

SEPTEMBER 4, 2019

Council Member Duffy serving as Mayor Pro Tem opened this Regular Meeting at 7:00 p.m. In attendance were Council Members Chismarich, McGrath, Reel, Cahill, and Pool. Mayor Roerman was excused.

Also present were: City Manager Schwer, City Atty. Restovich, City Planner Hood, Capt. Andy Vaughn, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Pro Tem Duffy moved to approve the evening's agenda, seconded by Council Member Reel. The votes were all "AYES".

APPROVAL OF MINUTES

Mayor Pro Tem Duffy moved to approve the minutes from the August 21, 2019 Regular Council Meeting. The motion was seconded by Council Member Pool. The votes were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "ABSTAIN", Reel "AYE", and Cahill "AYE".

PUBLIC COMMENTS

Lizzie Sloan, 247 Bonnie Court, expressed her opposition to mosquito fogging within the City and referenced a study pertaining to effects of fogging on the pollinators within the area.

PETITIONS

15970 Manchester Road, temporary storage of motor vehicles

Request of Bob Kelly, property owner, for temporary storage of motor vehicles at 15970 Manchester Road.

Jerry Eickel representing Bommarito was present to answer questions from the Council. Mr. Eickel stated that Bommarito has been utilizing the space since November to store vehicles. The auto group has had a contractual agreement with Bob Kelly (property owner) for the excess storage of approximately 200-300 vehicles. It was noted that with the closure of Royal Gate Dodge, the Bommarito Auto Group would request a 90 extension to store the excess vehicles until a new storage place could be procured. Council Members asked that Bommarito be a good neighbor and keep the area clean of trash from the storage area. Mr. Eickel agreed with the Council Members concerns.

Mayor Pro Tem Duffy moved to continue approve temporary storage of no more than 300 vehicles for no more than 90 days with the condition that the lot is cleared of trash. The motion was seconded by Council Member Cahill. The votes were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

15631 Manchester Road, Webster Center LLC, removal of 20' planting strip

Petition from Barry Thalden/Webster Center LLC, for City Council consideration and approval allowing the removal of the 20' planning strip along Manchester Road and Parking in excess of the maximum allowed at 15631 Manchester Road within the C-3 Commercial Zoning District.

Clay Vance, representing the petitioner, was present to discuss the proposal. Mr. Vance stated this request has been petitioned to help market the vacant space in the development. Also present was the real estate agent for the property, who explained that the additional parking would bring tenants to the spaces that have been empty. Discussion took place pertaining to the staff recommendations. Mr. Vance noted that the parking study was a concern.

Mayor Pro Tem Duffy moved to amend the petition to remove the parking study requirement. The motion to amend was seconded by Council Member Chismarich. The votes on the amendment were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

Mayor Pro Tem Duffy moved to approve the amended petition, seconded by Council Member Cahill. The votes on the amended petition were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

PUBLIC HEARINGS

15858 Manchester Road, Pizzarelli's Pizzeria – Liquor License CUP

Mayor Pro Tem Duffy opened the public hearing to discuss and consider the petition of Pizza Factory, LLC d/b/a Pizzarelli's Pizzeria for a conditional use permit to allow the sale of liquor at 15858 Manchester Road within the C-3 Commercial Zoning District. 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 August 20, 2019; Exhibit 5, Public posting of Hearing Notice on August 20, 2019; Exhibit 6, Letter mailed to abutting residents dated August 20, 2019; Exhibit 7, Applicant's Cover Sheet; Exhibit 8, Application for Conditional Use Permit; Exhibit 9, E-mail from Richard Johnston consenting to permit application; Exhibit 10, Planning and Zoning Commission positive recommendation dated August 15, 2019; and Exhibit 11, City Planner's memo dated August 30, 2019.

City Planner Hood and Kiavash Zeinali, owner of Pizzarelli's, was sworn in. Mr. Zeinali stated that he was requesting a liquor license to add to his existing restaurant. Council Member Cahill asked if beer and wine would be served and Mr. Zeinali agreed.

There were no public comments for this public hearing.

Mayor Pro Tem Duffy polled the Ellisville residents and property owners regarding the petition: 4 residents were in favor and no one opposed.

Mayor Pro Tem Duffy closed the public hearing.

LEGISLATION

Ord. #3429, 15858 Manchester Road (Pizzarelli's), Liquor License CUP

Council Member Reel introduced Bill #3650, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT AND LIQUOR LICENSE TO PIZZA FACTORY, LLC D/B/A PIZZARELLI'S TO ALLOW LIQUOR SALES AT THE LOCATION KNOWN AND NUMBERED AS 15858 MANCHESTER ROAD, WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for consideration and perfection of Bill #3650, seconded by Council Member Pool. The votes on the first reading were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Council Member Reel introduced Bill #3650 for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT AND LIQUOR LICENSE TO PIZZA FACTORY, LLC D/B/A PIZZARELLI'S TO ALLOW LIQUOR SALES AT THE LOCATION KNOWN AND NUMBERED AS 15858 MANCHESTER ROAD, WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for final passage of Bill #3650, seconded by Council Member Cahill. The votes on the second reading were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Bill #3650 becomes ORDINANCE #3429.

Bill #3651, St. Louis County Mosquito Control Services Agreement

Mayor Pro Tem Duffy introduced Bill #3651, AN ORDINANCE AUTHORIZING AND DIRECTING MAYOR MIKE ROEMERMAN TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLISVILLE WITH ST. LOUIS COUNTY, MISSOURI, FOR MOSQUITO CONTROL SERVICES. Council Member Duffy moved for consideration and perfection of Bill #3650, seconded by Council Member Cahill.

Discussion took place on the contract and that the agreement provided by St. Louis County had conflicting hourly rates on the agreement. Council Member Duffy wanted to remove the mosquito fogging item from the services agreement. Council Member Cahill noted that the fogging would only be done if a mosquito concern was identified not just for nuisance insects. Discussion continued on the issue of fogging.

Mayor Pro Tem Duffy noted that standing water was addressed there would be no issues with mosquitos and the other pollinating insects would not be affected. Discussion took place about having beekeepers notify the City and how these residents could notify the City and County to be placed on a no-fog listing. Discussion also ensued about educating the residents about standing water and how removing this issue will reduce mosquitos. City Manager Schwer stated that Public Works staff does treat standing water when identified in addition to St. Louis County Vector Control.

Mayor Pro Tem Duffy moved to continue Bill #3651 until the corrected agreement could be obtained and to also to amend the agreement for Bill #3651 to include the following:

- Funding for County assistance for source elimination;
- Public education; and
- Adulticide for specific situations that address identified disease vectors and only where the disease is found.

Council Member Pool seconded the motion to continue Bill #3651 and the Bill's amendment. The votes were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

This item will be continued to the September 18, 2019 Council Meeting.

Ord #3430, Engineering Support Services for City of Ballwin, Missouri

Council Member Cahill introduced Bill #3652, AN ORDINANCE AUTHORIZING AND DIRECTING MAYOR MIKE ROEMERMAN TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLSIVILLE WITH THE CITY OF BALLWIN, MISSOURI, FOR PROVISION OF ENGINEERING SUPPORT SERVICES. Council Member Cahill moved for consideration and perfection of Bill #3652, seconded by Council Member Reel. The votes on the first reading of Bill #3652 were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Council Member Cahill introduced Bill #3652 for final passage, AN ORDINANCE AUTHORIZING AND DIRECTING MAYOR MIKE ROEMERMAN TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLSIVILLE WITH THE CITY OF BALLWIN, MISSOURI, FOR PROVISION OF ENGINEERING SUPPORT SERVICES. Council Member Cahill moved for final passage of Bill #3652, seconded by Council Member Reel. The votes on the second reading were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Bill #3652 becomes ORDINANCE #3430.

Ord. #3431, Amends 2019 Budget

Council Member McGrath introduced Bill #3653, AN ORDINANCE AMENDING ORDINANCE #3397, THE CITY'S FISCAL 2019 BUDGET. Council Member McGrath moved for consideration and perfection of Bill #3653, seconded by Council Member Cahill. The votes on the first reading were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Council Member McGrath introduced Bill #3652 for final passage, AN ORDINANCE AMENDING ORDINANCE #3397, THE CITY'S FISCAL 2019 BUDGET. Council Member McGrath moved for final passage of Bill #3653, seconded by Council Member Pool. The votes on the second reading were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Bill #3653 becomes ORDINANCE #3431.

MAYOR/COUNCIL BUSINESS/REPORTS

Appointments to the Ellisville Marketplace Community Improvement District

Mayor Pro Tem Duffy moved to appoint the following individuals to the Ellisville Marketplace Community Improvement District by consent agenda:

- Anand Patel to a term expiring April 13, 2023;
- Anisa Patel to a term expiring April 13, 2023; and
- Mina Patel Yu to a term expiring April 13, 2023.

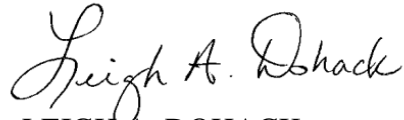
The motion was seconded by Council Member Reel. The votes were: Pool "AYE", Duffy "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

ACTIVE COMMITTEE STATUS/UDPATES

Council Member Pool noted that the Council Members will be attending the Missouri Municipal League's annual conference in St. Charles on September 8-11, 2019.

Mayor Pro Tem Duffy adjourned the meeting at 8:09 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leigh A. Dohack". The signature is written in black ink and is positioned above the printed name.

LEIGH A. DOHACK
City Clerk