

MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 25, 2007, 7:00 P.M.

A. CALL TO ORDER: The regular meeting of the Planning and Zoning Commission was called to order at 7:00 p.m. by Chairman Patrick Donelan.

B. ROLL CALL: The members present were:

Bob Bauer	Aldерwoman Susan Durbin
Patrick Donelan	Tom Moran
George Purviance	Nancy Schnoebelen
Kathy Smith	

The absent members were:

Dina Rinder	Mark Richert
Nancy Sauerhoff	

Also in attendance were City Administrator, Bob Shelton; Building Commissioner & Zoning Administrator, Jeff Wappelhorst; City Clerk, Leesa Ross; and City Attorney, Lee Curtis.

Also in attendance was Alderwoman Margot Martin.

C. APPROVAL OF AGENDA: Mr. Donelan asked for a motion to approve the agenda without Section B – Swearing in of new members.

MOTION: Alderwoman Durbin motioned and Mr. Bauer seconded to approve the agenda without Section B. All Commissioners present voted “Aye”. There were no “Nay” votes.
MOTION PASSED.

D. APPROVAL OF MINUTES: Mr. Donelan asked for a motion to approve the Regular Meeting minutes from Tuesday, July 24, 2007.

Mr. Bauer advised of a typo on page 3. Dr. Moran stated he would like his comments on page 3 clarified and also advised of a typo on page 3. Ms. Ross stated she would make the necessary corrections.

MOTION: Mr. Purviance motioned and Mr. Bauer seconded the approval of the Tuesday, July 24, 2007, regular meeting minutes, with the necessary corrections. All Commissioners present voted “Aye”. There were no “Nay” votes. **MOTION PASSED.**

E. PUBLIC FORUM (PRESENTATION OF REMARKS AND/OR PETITIONS):

No one made any comments at this time.

F. CHAIRMAN’S COMMENTS:

Mr. Donelan made no comments at this time.

G. COMMENTS BY COMMISSION MEMBERS:

There were no comments at this time by any commission members.

H. ADMINISTRATOR’S REPORT:

1) Update on Grade Elevations

Mr. Shelton gave an update on the subject of grade elevations. He stated surrounding cities were surveyed and no good information was found. There are no example differences from what the City currently has. Mr. Purviance asked for a clear definition of existing and finish grade. Mr. Shelton also stated there could be another subcommittee meeting with information on further strengthening the Design Review Commissioner position. Mr. Bauer stated he would like to make sure that issues are forwarded to Design Review for review then come back to the Planning & Zoning Commission, then on the to Board of Aldermen, he feels this is a better process. A commission member asked what the highest point of a structure is. Mr. Wappelhorst stated the highest point ridge of a house. The commission asked that we include cupolas, towers, etc. when measuring the highest point.

I. OLD BUSINESS:

There was no old business.

J. NEW BUSINESS:

1) 2007 Video Services Providers Act

Mr. Shelton stated this was referred to this Commission from the Board of Aldermen at their September 18, 2007 meeting. Mr. Donelan asked how many service providers are there within the City. Mr. Shelton stated two, AT&T, which was granted a franchise agreement this year and Charter Communications. Mr. Curtis stated the sections which this commission needs to address are Sections 4, Zoning and Section 3, Right of Way. There are provisions in this ordinance which address the placement of utilities, all public utilities, right of way, and private property placement. Mr. Curtis suggested reviewing Section 4, pages 25 – 31. Ms. Schnoebelen asked if this will impact existing utilities. Mr. Curtis stated no, they are grandfathered. Mr. Donelan asked if wireless carriers are included. Mr. Curtis stated no. Mr. Purviance asked about streaming and Dr. Moran asked about satellite televisions and antennas. Mr. Curtis stated this does not govern satellite.

Mr. Curtis stated this bill comes from Missouri Senate Bill 284 and is being brought forward by the Public Service Commission in Jefferson City. The bill has provisions that the lines must be buried, and there must be screening placed around the boxes. He also stated the City has a

separate agreement with AT&T which was passed in March of 2007. He stated the City has no leverage, just good will. Alderwoman Martin passed around pictures of boxes which have been placed at Dwyer & Conway and on Frontenac Estates. Mr. Curtis stated the City must prove they are IP boxes. Mr. Curtis stated this provision in the future will apply to all public utilities.

Mr. Bauer asked Mr. Wappelhorst if the City will take interest on where the boxes are located. Mr. Wappelhorst stated they provide the City with plans where it will fit on an existing right of way or easement. Mr. Wappelhorst stated AT&T may only need three boxes in the entire City to serve their needs. Mr. Shelton stated in AT&T's agreement they stated they would install not more than six (6) boxes. One of the boxes is located at Frontenac Estates in their easement.

Mr. Purviance asked if AT&T is using fiber optics or DSL. Mr. Curtis stated they can use existing lines, however they prefer fiber optics. Mr. Curtis further stated that AT&T will stick with the franchise agreement however Charter can stick with their franchise agreement or the new provisions which we are currently discussing. Mr. Curtis stated 30 days after the filing of Charter's Agreement the City must file to request the 5% gross receipts taxes. He said the current ordinance does not supersede the existing agreement but the new ordinance will.

Mr. Donelan mentioned Alderman Wynne's email. Ms. Ross asked for a copy, so that it would become public record. Mr. Shelton stated he would forward the email.

A Commission member asked could this bill be changed. Mr. Curtis stated there could be a text amendment suggested by the Commission. This bill will be forwarded to the Board of Aldermen who are required to hold a public hearing.

Dr. Moran asked about the circumstances with the installation of the boxes in Frontenac Estates. Mr. Wappelhorst stated they obtained a permit, which was approved by the City. He further stated the trustees were not notified where the boxes would be placed. Mr. Curtis stated in the proposed bill there is a notification clause that everyone within 185 feet would be notified 48 hours prior to installation. Mr. Curtis also said that these permits could be denied by Mr. Wappelhorst, a written appeal would then be sent to Mr. Shelton, and if he would deny the request, it could then be appealed to the Circuit Court.

Mr. Shelton stated if the commission is concerned about the notification process, there could be a procedure put in place, where Mr. Wappelhorst would notify the trustees and the residents of the subdivision could be advised through the trustees.

Mr. Donelan asked for a motion for approval.

MOTION: Mr. Bauer motioned the approval of the proposed 2007 Video Services Providers Act and that the City have a policy to notify the trustees upon filing, as part of the application process.

There was further discussion by the Commission regarding the notification time. Mr. Bauer withdrew his first motion.

MOTION: Mr. Bauer motioned the approval of the proposed 2007 Video Services Providers Act and upon completion of a complete application process to include notification requirement to trustees within five business days. All Commissioners present voted “Aye”. There were no “Nay” votes. **MOTION PASSED.**

Mr. Curtis stated that should be fine as Mr. Wappelhorst will have 30 days to approve the application.

K. ANNOUNCEMENT OF NEXT MEETING: Tuesday, October 23, 2007, 7:00 p.m.

L. ADJOURNMENT:

Mr. Donelan asked for a motion and second to adjourn the meeting.

MOTION: Dr. Moran motioned and Alderwoman Durbin seconded the meeting be adjourned. All Commissioners present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 7:57 p.m.

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