

CITY OF FRONTENAC



MINUTES OF THE CITY OF FRONTENAC BOARD OF ALDERPERSON OCTOBER 16, 2018

The October 16, 2018, regular meeting of the Board of Alderpersons of the City of Frontenac was called to order at 8:05 p.m. with Mayor Margot Martin, presiding. The Alderpersons present were David Bray, Brian Warner, Nalini Mahadevan, Dan Kemper, Jamie Griesedieck and Tom O'Brien.

Also in attendance was City Administrator, Jaysen Christensen; City Clerk, Leesa Ross; City Attorney, Kevin O'Keefe; Fire Chief, Jack Trout; Police Chief, Mark Guttman; Public Works Director, Jeff Wappelhorst; Building Commissioner, John Morgan; and Finance Officer, Lea Ann Bennett.

The Pledge of Allegiance was stated.

A. MOTION TO APPROVE AGENDA

Mayor Martin asked for a motion to approve tonight's agenda.

MOTION: Alderperson Bray motioned and Alderperson Warner seconded the approval of tonight's agenda. All Alderpersons present voted "Aye". The vote was unanimous. **MOTION PASSED.**

B. VOTE TO APPROVE MINUTES: Public Hearings, September 25, 2018 Regular Meeting, September 25, 2018

Mayor Martin asked if there were any corrections to the minutes. Alderperson Bray advised of a typographical error on the top of page 5, the first motion. Ms. Ross stated she would correct it.

MOTION: Alderperson O'Brien motioned and Alderperson Kemper seconded the approval of the public hearing minutes and the amended regular meeting minutes. All Alderpersons present voted "Aye." The vote was unanimous. **MOTION PASSED.**

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

There were no comments by any audience members.

D. MAYOR'S COMMENTS

1. Committee Appointments

Mayor Martin advised of two vacancies on the CID Board of Upper West End Park. She stated she would like to appoint Robert Samuels and Mark Brennan to four year terms.

MOTION: Alderperson Griesedieck motioned and Alderperson Kemper seconded the approval of Robert Samuels and Mark Brennan to the CID Board of Upper West End Park. All Alderpersons present voted "Aye." The vote was unanimous. **MOTION PASSED.**

E. COMMENTS BY BOARD OF ALDERPERSON MEMBERS

There were no comments from the Board of Alderpersons at this time.

F. REPORTS OF OFFICERS AND COMMITTEES AND APPROVED MINUTES

1. Planning & Zoning Commission: August 2018
2. Ways & Means Committee: September 2018
3. Public Works Commission: May and August 2018
4. Building Commissioner
& Zoning Administrator September 2018

Mayor Martin stated the above reports will stand as submitted.

G. CITY ADMINISTRATOR'S REPORT

1. Finance Report

Ms. Bennett stated year to date revenues are up 8% compared to budget. She stated PILOT revenue for August and September was attributed to the 2017-2018 budget. She stated one accrued in 2017-2018 and will show in 2018-2019 on a cash basis. Expenses are down 25% or \$150,000 due to revenue variances.

2. City Administrator Report

Mr. Christensen stated the Ways & Means Committee has invited Mr. John Mulligan to discuss the telephone tax at their upcoming meeting. The closed session will take place on Tuesday, November 13 at 6:00 p.m.

Mr. Christensen stated our next Board of Alderpersons meeting is set on Tuesday, November 20, which is in the week of Thanksgiving and two days before the holiday. He asked if the Board would like to change the November meeting date. The date of Tuesday, November 27 was suggested.

MOTION: Alderperson Warner motioned and Alderperson Bray seconded to move the November Board of Alderpersons meeting to Tuesday,, November 27 at 7:00 p.m. All Alderpersons present voted "Aye." The vote was unanimous. **MOTION PASSED.**

H. UNFINISHED BUSINESS

1. **Bill No. 2018-1912:** An ordinance approving an agreement for legal services of the City Prosecuting Attorney.

This bill was postponed at the September 25, meeting.

Mr. O'Keefe stated this ordinance does not change the prosecuting attorney services, it just adds services for the prosecuting attorney assistant for clerical services provided by Curtis, Heinz, Garrett and O'Keefe, instead of the city providing the service. They will bill the city \$30.00 an hour, and believes it will take less time for them to provide the service than a city employee. He also stated this divides the court from the judicial and executive branches of government.

Mayor Martin asked for a motion for a second reading of Bill No. 2018-1912.

MOTION: Alderperson Bray motioned and Alderperson Kemper seconded approval of the second reading of Bill No. 2018-1912. All Alderpersons present voted "Aye". The vote was unanimous.

MOTION PASSED.

Bill No. 2018-1912: An ordinance approving an agreement for legal services of the City Prosecuting Attorney.

Mayor Martin asked for a motion to approve Bill No. 2018-1912.

MOTION: Alderperson Warner motioned and Alderperson Kemper seconded approval of Bill No. 2018-1912.

Mayor Martin asked Ms. Ross for a poll vote.

ROLL CALL VOTE: Alderperson Mahadevan, "Aye"; Alderperson Warner, "Aye"; Alderperson Kemper, "Aye"; Alderperson Griesedieck, "Aye"; Alderperson O'Brien, "Aye"; and Alderperson Bray, "Aye. The vote was unanimous. **MOTION PASSED by a vote of 6-0.**

Bill No. 2018-1912 became Ordinance No. 2018-1867.

I. NEW BUSINESS:

1. **Bill No. 2018-1913:** An ordinance authorizing the Mayor to execute an agreement on behalf of the City of Frontenac, Missouri to provide Municipal Court Services to the City of Crystal Lake Park, Missouri.

Mr. Christensen stated this agreement will allow the municipal court of Crystal Lake Park to be taken over by the City of Frontenac. The City of Frontenac provided this service until 2015 when it went to St. Louis County. He said this is easy because the City also provides police services to the City of

Crystal Lake Park. The City will retain all fines if approved. Crystal Lake Park will ratify their ordinance at their meeting on October 22. This agreement is effective November 1, 2018. Mr. Christensen stated the City of Crystal Lake Park's prosecuting attorney will prosecute their cases.

Ms. Ross gave the first reading of Bill No. 2018-1913.

Mayor Martin asked for a motion for a second reading.

MOTION: Alderperson Warner motioned and Alderperson Bray seconded approval of the second reading of Bill No. 2018-1913. All Alderpersons present voted "Aye". The vote was unanimous.

MOTION PASSED.

Bill No. 2018-1913: An ordinance authorizing the Mayor to execute an agreement on behalf of the City of Frontenac, Missouri to provide Municipal Court Services to the City of Crystal Lake Park, Missouri.

Mayor Martin asked for a motion to approve Bill No. 2018-1913.

MOTION: Alderperson O'Brien motioned and Alderperson Warner seconded approval of Bill No. 2018-1913.

Mayor Martin asked Ms. Ross for a poll vote.

ROLL CALL VOTE: Alderperson Warner, "Aye"; Alderman Kemper, "Aye"; Alderperson Griesedieck, "Aye"; Alderperson O'Brien, "Aye"; Alderperson Bray, "Aye"; and Alderperson Mahadevan, "Aye". The vote was unanimous. **MOTION PASSED by a vote of 6-0.**

Bill No. 2018-1913 became Ordinance No. 2018-1868.

- 2. Bill No. 2018-1914:** An ordinance rezoning property at 11330 South Forty Drive and 11555 Clayton Road to the Planned Development-Residential (PDR) Zoning District and approving a preliminary development plan relating thereof.

Ms. Ross gave the first reading of this bill.

Alderperson O'Brien asked will the buildings have elevators or elevator shafts. Mr. Stock stated no.

Alderperson Kemper asked how many people are currently living at the trailer park. A person from the audience stated ten people are in 13 trailers.

Alderperson Bray had a series of questions for Mr. Morgan.

- What is the rationale behind the building height

Mr. Morgan stated in R-1 it is 35 feet, in R-2 it is 30 feet and in commercial it is 40 feet. He stated he decided to choose the commercial height as a maximum height.

- Alderperson Bray asked if they would have a parking agreement similar to the agreement with the Arbor of Frontenac and the City of Frontenac

Mr. Stock stated there is no plans at this time to do so; however he stated if the need arose, they would consider an agreement with the church.

- Alderperson Bray asked about comments from the Planning & Zoning Commission meeting regarding the chairman's comments of 86 parking spaces used at the church on August 27.

Mr. Kehr stated on this particular night there were 86 spaces taken at 8:00 p.m. He said twice a week there are events with 80 cars; and other times there are 50-70 cars on the lot. Mr. Kehr stated it varies from packed to sparse.

- Alderperson Bray stated he had concerns of the number of units and the legal point of egress and the setbacks.

Mr. Stock stated there are 18 foot setbacks and zero lot lines, with the width of 23 feet.

- Alderperson Bray asked what the setbacks are in the R1 and R2 district.

Mr. Morgan stated in R-1, the setbacks are 60 front and 30 side; in R-2, they are 50 front and 15 side. He said rear setbacks are 50 in R-1 and 20 in R-2.

- Alderperson Bray asked what the height in the commercial district is.

Mr. Morgan stated 40 feet.

- Alderperson Bray asked was a traffic study completed for the intersection of Spoede and Highway 40.

Mr. Stock stated no traffic study was completed as the Spoede/40 intersection has an A rating and with this development it will maintain an A rating.

Alderperson Bray stated he has concerns with the density and the height. He stated he has no concern with the design. Alderperson Bray stated he hears this is not a precedent. He stated there was a non-conforming lawsuit and the City of Frontenac lost. He stated it is an existing non-conforming use and they have a right to continue. He also stated there is nothing to prohibit converting them to HUD use and said if the land use is permissible, it is not subject to the cities regulations.

Alderperson Mahadevan stated she came to the Planning & Zoning meeting to be more informed. She said after seeing pictures she was concerned about the height of the buildings; how close they were together, the density; the trailer and how many kids will be displaced from the Ladue School District; the source of crime and the water boarding incident was a concern; and the trailer park as an eye sore. She stated the height and density bother me. She stated there were five homeowners who consented to the project, and she stated I don't live next to it and I am not experiencing it every day.

She stated she spoke to neighbors that said they wanted something that looks better and stated the neighbor next door doesn't have an objection, and she stated I have to support that. She asked if we support 7.6 units per acre will this be precedence, she stated counsel stated no that is not the case; each district stands on its own. She stated they need to have a conversation on height and density, and she feels we need to be more inclusive and diverse in our housing. She stated the facades will be approved and go to ARB. She stated height and density or issues but she thinks her vote is in favor.

Alderman O'Brien stated he is against height and density. He said there are other areas to be concerned with, the quarry and the B'nai El site. He again stated he has a problem with the density.

Alderman Griesedieck stated he has concerns with the density. He said in the PDR regulations it says not to allow excessiveness. He said they can make argument that it is a public benefit, and make arguments for density. He asked what number is acceptable. He said this does not meet the comp plan, and quoted appendix D, which references townhomes. He said it mentioned high end villas and lot size density. He said they are putting something in R-1 which would double the density of the comp plan. He said height limits in R-1 are 35 feet, R-2 are 30 feet and Commercial is 40 feet.

Alderman Kemper asked what the density is on the total acreage. Mr. Stock stated 7.12 total density on three acres. He said the green space is 48%.

Mr. Stock stated green space is the outside perimeter. He said a PDR is for flexibility and creativity. He said today it is 11 at the mobile home park.

Alderman Mahadevan asked why 40 feet height. Mr. Stock stated first floor is 9 feet, subfloor is 1 ½ feet, 2nd floor is 9 feet and the top floor is 8 feet. He said it is 29 feet before the roof, and it has an 11 foot pitch on the roof. He said the pitch roof is by design.

Alderman Warner stated he is not stressed by the roof height or density, but stated it does need better looking materials, and said he is in favor of it after that. He said if they were more upscale then he would be in favor of the project.

Mr. Stock stated after the Planning & Zoning Commission they added masonry brick to the front facing facades, he also stated they added a total of 151 trees and 83 shrubs. He stated they will have an efficient street where there are now mobile homes and sheds; they will have storm water management where there currently is no water quality; and will add extraordinary infrastructure. He said they have continued the dialogue with the city on materials. He also said the site plan with more than 23 units was signed by the residents after Payne went door to door. Mr. Stock stated there are new provisions in the code which states there must be an appropriate application for PDR. He said this development is better than a parking lot and a trailer park. He said the regulations came out of Appendix D of the Comp Plan.

Mayor Martin asked what architectural garage doors mean. Mr. Stock stated they will be insulated, metal and decorative surrounded by brick. Mr. Stock stated they do have a plan that turns the garage doors away, and they will be on the inside; however it will change the setbacks from 133 feet to 90 feet.

Mr. Stock stated this is rental property where they have to acquire the land, complete land development, and add additional architectural features. He said there is institutional use behind it and stated there are no \$2 Million homes nearby, plus it is surrounded by the interstate. By reducing the density by 50% does not change. They are dealing with a revenue generating property.

Mayor Martin stated she would like to see some changes made and would like to table this bill. She asked Mr. Stock if they could look at the construction material and density. She asked them to come back next month.

Aldersperson Bray stated they are too far apart to table the bill.

Mayor Martin asked for a motion to table Bill No. 2018-1914.

MOTION: Aldersperson Mahadevan motioned and Aldersperson Warner seconded to table Bill No. 2018-1914.

ROLL CALL VOTE: Aldersperson Griesedieck, "Aye"; Aldersperson O'Brien, "Nay"; Aldersperson Bray; "Nay"; Aldersperson Mahadevan, "Aye"; Aldersperson Warner, "Aye"; and Aldersperson Kemper "Aye". Four Alderspersons present voted "Aye"; two Alderspersons present voted "Nay". The vote was not unanimous. **MOTION PASSED by a vote of 4-2.**

3. Discussion of the use of a Consent Agenda

Mr. O'Keefe explained the use of a consent agenda (items #1) stating all items (on a consent agenda) are addressed at one time with a motion and a roll call vote. Any person can request to have items removed, then it would roll to new business. He said questions can be asked before the meeting or while discussing the consent agenda. He said this would allow the Board to focus on matters that are meaningful. He said items on a consent agenda are minutes, reports, and contracts which are already budgeted. Regarding the 2nd item, it is housekeeping with the mayoral veto, by which the Board of Alderspersons can override. It extends the power of veto to resolutions and the Board of Alderspersons can override. He said this does not infringe on transparency. This is for routine non-controversial matters; to get them out of the way. Aldersperson Bray stated some cities allow anyone including audience members to take items off the consent agenda. Mr. O'Keefe stated he is not in favor of allowing anyone to remove items; it is your meeting (BOA). He stated a board member may choose to remove, but he would caution against allowing anyone to do so. He feels the board members are elected to get the job done. He stated if everyone is okay with this, he will place this on November's agenda. Mayor Martin stated if anyone has issues or questions, to send them to Mr. Christensen who will forward them to Mr. O'Keefe.

J. **APPROVAL OF WARRANT LISTS:** September 1, 2018 through September 30, 2018.

Mayor Martin asked for consideration and approval of the warrant list.

MOTION: Aldersperson Warner motioned and Aldersperson Kemper seconded the above warrant lists be approved.

Mayor Martin asked if there was any discussion. There was none.

Mayor Martin asked Ms. Ross for a roll call vote.

ROLL CALL VOTE: Alderperson Griesedieck, "Aye"; Alderperson O'Brien, "Aye"; Alderperson Bray, "Aye"; Alderperson Mahadevan, "Aye"; Alderperson Warner, "Aye"; and Alderperson Kemper, "Aye". The vote was unanimous. **MOTION PASSED by a vote of 6-0.**

K. ADJOURNMENT

Mayor Martin asked for a motion and second to adjourn the meeting.

MOTION: Alderperson Warner motioned and Alderperson Kemper seconded the meeting be adjourned. All Alderpersons present voted "Aye". The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 9:00 p.m.