

**BOARD OF ALDERMEN  
CITY OF TOWN AND COUNTRY  
MAY 14, 2018**

**WORK SESSION**

The work session meeting of the Board of Aldermen of the City of Town and Country was held at 6:30 PM on Monday, May 14, 2018.

Present were: Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

**1. Discussion-Regular meeting agenda items**

No votes were taken.

**REGULAR MEETING**

The regular meeting of the Board of Aldermen of the City of Town and Country was held at 7:00 PM on Monday May 14, 2018 at the Municipal Center, 1011 Municipal Center Drive.

**PLEDGE OF ALLEGIANCE**

Ilya Eydelman, President of Raintree School and Ward 2 resident, led the Pledge of Allegiance.

**ROLL CALL**

The 7:00 PM roll call indicated Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright to be present.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

**MINUTES – 04/23/18**

Alderman Mange moved for approval, seconded by Alderman Butler.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 04/23/18 were unanimously approved by voice vote.

**HEARING FROM CITIZENS**

Vivian Meyer, 1536 S. Mason, spoke in opposition to the proposed Rehnquist development on Mason Road. She provided the City Clerk a flash drive with photos and asked that they be forwarded to the Board of Aldermen. She also described the history, and current state, of her property's stormwater issues.

Monica Gunther, 1924 Muir Woods, spoke in opposition to the Rehnquist development on Mason Road as it proposes to remove permanent open space. She noted that the zoning regulations are in place to protect residents and have not changed since Mr. Rehnquist purchased the property. She added that significant opposition was noted at the Planning & Zoning meetings and that a petition against the removal of permanent open space exists.

Dave Hough, 13201 Thornhill, stated that ordinances concerning land management must be clearly stated, adhered to, and enforced. He noted that unclear and contradictory language in the regulations should be reexamined.

Lisa Clayton, 2053 S. Mason, spoke in opposition to the proposed development on Mason Road. She described damage that was previously done to her property and never rectified. She also stated that a particular developer continues to be associated with having a negative impact on surrounding neighbors.

At the request of Alderman Wright, Planning & Public Works Director Craig Wilde provided historical details about the properties known as 1919 and 1955 S. Mason. He noted that the current owner is seeking an amendment to the existing plat which prompted consideration by the Planning & Zoning (P&Z) Commission. He explained that while P&Z recommended denial of the amended plat, the applicant has chosen to continue on in the process and seeking approval by the Board of Aldermen, as allowed by Code.

### **PUBLIC HEARING(S)**

#### **APPOINTMENTS**

Mayor Dalton announced his nomination of the following chairpersons to each commission as noted below.

##### Ways & Means-Sue Allen

Alderman Mange moved for approval, seconded by Alderman Meyland-Smith.

A voice vote was held and carried.

##### Public Works-Matt Reuter

Alderman Mange moved for approval, seconded by Alderman Meyland-Smith.

A voice vote was held and carried.

##### Police, Fire & EMS-Tiffany Frautschi

Alderman Mange moved for approval, seconded by Alderman Wright.

A voice vote was held and carried.

##### Conservation-Lindsey Butler

Alderman Mange moved for approval, seconded by Alderman Meyland-Smith.

A voice vote was held and carried.

##### Parks & Trails-Lynn Wright

Alderman Mange moved for approval, seconded by Alderman Allen.

A roll call was requested and was as follows: AYE, Aldermen Allen, Benigas, Mange, Meyland-Smith and Wright; NAY, Butler and Frautschi; ABSTAIN, Reuter; ABSENT, none.

The appointment carried 5-2 with one abstention.

##### Public Art-Skip Mange

Alderman Mange moved for approval, seconded by Alderman Wright.

A voice vote was held and carried.

##### Architectural Review Board-Jon Benigas

Alderman Allen moved for approval, seconded by Alderman Wright.

A voice vote was held and carried.

Selection of the Ex-Officio member of the Planning & Zoning Commission and election of the Acting President of the Board of Aldermen were as follows:

Planning & Zoning: Ex-Officio Member

Alderman Butler clarified for the record that according to our City Code that the Board of Aldermen are to select the ex-officio member and that this was further clarified by City Attorney Steve Garrett stating that it also is to be done that way according to the State Statute.

Alderman Mange nominated Alderman Meyland-Smith, seconded by Alderman Wright.

Alderman Wright seconded the motion and a voice vote carried.

Acting President

Alderman Butler nominated Alderman Frautschi, seconded by Alderman Reuter.

Alderman Benigas nominated Alderman Meyland-Smith, seconded by Alderman Allen.

Alderman Frautschi nominated Alderman Butler but a second was not received.

Alderman Reuter requested the Acting President service history of those on the Board. After brief discussion, Mayor Dalton directed the City Clerk to provide an appropriate list to Alderman Reuter as soon as it could be made available. \*For the record, on 5/29/18 motion was approved to add an acknowledgement into the record that said request was received and the Acting President position has been held previously by Alderman Meyland-Smith four times prior to the meeting, Alderman Mange twice, Alderman Wright once and Alderman Benigas once.

The Mayor called for a vote by show of hands separately for the two nominees.

Nominee Frautschi: Aldermen Butler, Frautschi and Reuter

Nominee Meyland-Smith: Aldermen Allen, Benigas, Mange, Meyland-Smith and Wright

Alderman Meyland-Smith was elected Acting President by a 5-3 vote.

**COMMUNICATIONS AND REPORTS**

For the record, this item was taken back up between Bill No. 18-34 and Bill No. 18-35 but, for continuity of the minutes, is listed here.

Alderman Wright

Alderman Wright reported that Arbor Day was held on Sunday, May 6, and had a great turnout. She thanked staff and volunteers from the Parks & Trails, Conservation, and Police, Fire & EMS Commissions for a wonderful job.

She also stated that the Parks & Trails Commission would meet at 6:00 PM on Monday, May 21, at the Longview Farm House.

Alderman Butler

Alderman Butler echoed the compliments about Arbor Day and noted it was a great event.

She reported that the Conservation Commission recently discussed the possibility of having monarch butterfly waystations at Town Square. Alderman Benigas stated that the former Green Team Commission broached the program idea and noted that Town Square would be a great location for waystations.

Finally, she reminded everyone that May is Keep Town & Country Litter Free month. She invited everyone to get clean-up supplies at Longview and turn in photos to Anne Nixon.

**UNFINISHED BUSINESS**

**BILL NO. 18-34, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A POOL HOUSE, LOCATED AT 12660 POST OAK ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Aldermen Mange & Wright) (1<sup>st</sup> reading 04/23/18)

It was noted for the record that Alderman Allen had listened to the public hearing concerning this item and was prepared to proceed.

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 18-34 was read for the second time and placed upon its final passage.

Alderman Mange moved for approval, seconded by Alderman Wright.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 18-34 became Ordinance No. 4193.

**BILL NO. 18-35, AN ORDINANCE APPROVING AN AMENDED FINAL SITE DEVELOPMENT PLAN FOR THE DEVELOPMENT KNOWN AS CLAYTON VILLAGE SHOPPING CENTER, CITY OF TOWN AND COUNTRY, MISSOURI, WITH CONDITIONS TO BY COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE AMENDED FINAL SITE DEVELOPMENT PLAN** (sponsored by Aldermen Meyland-Smith, Crawford & Reuter) (1<sup>st</sup> reading 04/23/18)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 18-35 was read for the second time and placed upon its final passage.

Alderman Reuter moved for approval, seconded by Alderman Butler.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 18-35 became Ordinance No. 4194.

**ARCHITECTURAL REVIEW-CLAYTON VILLAGE SHOPPING CENTER, 14125 CLAYTON**  
(continued from 04/23/18)

Alderman Benigas moved to approve the architectural review, seconded by Alderman Wright.

A voice vote was held and carried.

**BILL NO. 18-36, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR OUTSIDE DINING AT PANERA BREAD, LOCATED IN CLAYTON VILLAGE SHOPPING CENTER, CITY OF TOWN AND COUNTRY, MISSOURI** (sponsored by Aldermen Meyland-Smith, Crawford & Reuter) (1<sup>st</sup> reading 04/23/18)

It was noted for the record that Alderman Allen had listened to the public hearing concerning this item and was prepared to proceed.

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 18-36 was read for the second time and placed upon its final passage.

Alderman Benigas moved for approval, seconded by Alderman Meyland-Smith.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 18-36 became Ordinance No. 4195.

**RESOLUTION NO. R03-2018, A RESOLUTION APPROVING A PANERA BREAD RESTAURANT AT 14123 CLAYTON ROAD IN THE CLAYTON VILLAGE SHOPPING CENTER** (continued from 04/23/18)

Alderman Butler moved for approval, seconded by Alderman Benigas.

A voice vote was held and carried.

**ARCHITECTURAL REVIEW-PANERA BREAD, 14123 CLAYTON ROAD** (continued from 04/23/18)

Alderman Benigas moved for approval of the architectural review, seconded by Alderman Wright.

A voice vote was held and carried.

**BILL NO. 18-37, AN ORDINANCE ACCEPTING A SUPPLEMENTAL PROFESSIONAL SERVICES PROPOSAL WITH CDG FOR ENGINEERING SERVICES RELATED TO THE DESIGN AND PERMITTING OF THE WEIDMAN ROAD SIDEWALK PROJECT** (sponsored by Aldermen Meyland-Smith, Crawford, Wright & Reuter) (continued from 04/23/18)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 18-37 was read for the second time and placed upon its final passage.

Alderman Meyland-Smith moved for approval, seconded by Alderman Mange.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 18-37 became Ordinance No. 4196.

**NEW BUSINESS**

**APPROVAL OF A PURCHASE ORDER**

Alderman Mange moved to approve a purchase order to Kelp Contracting for the 12572 Durrow Court Stormwater Maintenance Project, in the amount of \$3,789.00.

Alderman Wright seconded the motion and a voice vote carried.

**BILL NO. 18-38, AN ORDINANCE GRANTING PROMISE CHRISTIAN ACADEMY A TIME EXTENSION TO RECORD THE FINAL SITE DEVELOPMENT PLAN AND COMMENCE CONSTRUCTION OF A PRIVATE SCHOOL PURSUANT TO ORDINANCE NO. 4088** (sponsored by Aldermen Benigas & Allen)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 18-38 was read for the first time by title only.

Mayor Dalton declared Bill No. 18-38 continued to the meeting of Tuesday, May 29, 2018 for the second reading and consideration.

**RESOLUTION NO. R04-2018, A RESOLUTION AUTHORIZING THE APPLICATION FOR A SURFACE TRANSPORTATION PROGRAM (STP) BLOCK GRANT FOR THE TOPPING ROAD RESURFACING AND PEDESTRIAN IMPROVEMENTS PROJECT, PHASE 2**

Alderman Mange moved for approval, seconded by Alderman Meyland-Smith.

A voice vote was held and carried.

**BILL NO. 18-39, AN ORDINANCE AUTHORIZING A HOLD HARMLESS AND USE AGREEMENT WITH THE PRINCIPIA REGARDING USE OF THEIR PROPERTY AT 13201 CLAYTON ROAD FOR THE CITY'S 2018 FIRE & ICE EVENT** (sponsored by the Board as a Whole)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 18-39 was read for the first time by title only.

Mayor Dalton declared Bill No. 18-39 continued to the meeting of Tuesday, May 29, 2018 for the second reading and consideration.

**BILL NO. 18-40, AN ORDINANCE AUTHORIZING THE PARKS & RECREATION DIRECTOR TO ENTER INTO AN AGREEMENT WITH J&M DISPLAYS, INC. FOR A FIREWORKS DISPLAY AT THE CITY OF TOWN AND COUNTRY'S 2018 FIRE & ICE EVENT AND APPROVING A PURCHASE ORDER FOR SAME** (sponsored by the Board as a Whole)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 18-40 was read for the first time by title only.

Mayor Dalton declared Bill No. 18-40 continued to the meeting of Tuesday, May 29, 2018 for the second reading and consideration.

**BILL NO. 18-41, AN ORDINANCE APPROVING AN AMENDED RECORD PLAT FOR MORRELL MANOR SUBDIVISION IN THE CITY OF TOWN AND COUNTRY, AND AUTHORIZING THE AMENDED PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY** (sponsored by Alderman Mange)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 18-41 was read for the first time by title only.

Rob Rehnquist, Rehnquist Design and Build, noted that he was present on behalf of the application.

Ilya Eydelman, 2078 S. Mason, spoke in opposition of the amended record plat. He briefly described the various tree studies that were completed for the properties and referenced the woodland requirements in the Code. Utilizing a PowerPoint presentation, he displayed aerial views of the properties at 1919 and 1955 S. Mason from multiple years to show the substantial tree removal that has occurred over several years.

Mayor Dalton declared Bill No. 18-41 continued to the meeting of Tuesday, May 29, 2018 for the second reading and consideration.

In response to Alderman Benigas, City Attorney Garrett stated that he will send a notice to all involved parties regarding deforestation and the related regulations.

Mayor Dalton recused himself and left the dais due to his previously stated conflict of interest with Brinkmann Holdings. Acting President Meyland-Smith presided over the following item.

**BILL NO. 18-42, AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 7 WITH BRINKMANN HOLDINGS, LLC, IN RELATION TO THE TOWN SQUARE PROJECT, ACCEPTING A DONATION FOR THE COST OF SAME, AND AMENDING THE 2018 BUDGET BY INCREASING CAPITAL IMPROVEMENTS FUND EXPENDITURE AND REVENUE ACCOUNTS AND APPROPRIATING FUNDS ACCORDINGLY** (sponsored by Aldermen Wright & Benigas)

Acting President Meyland-Smith called for a first reading, without objection. Without objection, Bill No. 18-42 was read for the first time by title only.

Acting President Meyland-Smith declared Bill No. 18-42 continued to the meeting of Tuesday, May 29, 2018 for the second reading and consideration.

Mayor Dalton returned to the dais and presided over the remainder of the meeting.

**WARRANT LIST-05/14/18**

Alderman Meyland-Smith moved for approval, seconded by Alderman Wright.

Mayor Dalton called for any amendments.

Hearing none, a voice vote was taken and the warrant list of May 14, 2018, in the amount of \$889,687.69 was unanimously approved.

**OTHER**

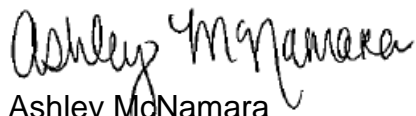
**ADJOURN**

Motion was made by Alderman Butler and seconded by Alderman Benigas to move to closed session pursuant to Section 610.021 (1) to discuss legal matters and attorney/client privileged communications.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Frautschi, Mange, Meyland-Smith, Reuter and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and the Board moved to closed meeting at 7:57 PM.

The Board did not return to open regular session.



Ashley McNamara  
City Clerk