

**MINUTES
BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
MAY 26, 2020**

Given the current public health crisis, various emergency meeting declarations, and in accordance with the provisions of Sec. 610.020, RSMo., the Board of Aldermen meetings were held via Zoom videoconference and streamed live to YouTube. Public comments on hearings and agenda items were solicited via email. Real-time public viewing of the meeting was made available via the City's website at www.town-and-country.org.

WORK SESSION

The work session meeting of the Board of Aldermen of the City of Town and Country was held at 6:45 PM on Tuesday, May 26, 2020 via Zoom videoconference.

Present were: Aldermen Allen, Benigas, Butler, Frautschi, Holman, Hughes, Mortland and Wittmaier.

Mayor Dalton presided.

City Attorney Steve Garrett was also present via videoconference 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 Tuesday, May 26, 2020 via Zoom videoconference.

PLEDGE OF ALLEGIANCE

Mayor Dalton led the Pledge of Allegiance.

ROLL CALL

The 7:05 PM roll call indicated Aldermen Allen, Benigas, Butler, Frautschi, Holman, Hughes, Mortland and Wittmaier to be present via videoconference.

Mayor Dalton presided.

City Attorney Steve Garrett was also present to represent the City.

MINUTES – 05/11/20 Regular Meeting

Alderman Holman moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 05/11/20, were unanimously approved.

HEARING FROM CITIZENS

No comments were submitted for inclusion under this agenda item.

PUBLIC HEARING(S)

APPOINTMENTS

Community Art & Culture Commission Chair-Alderman Hughes
Conservation Commission Chair-Alderman Wittmaier

Mayor Dalton thanked the newly appointed aldermen for their willingness to assume their predecessor's chairmanship roles during this time of transition.

Alderman Holman moved to confirm the Mayor's appointments, seconded by Alderman Mortland.

A voice vote was held and carried.

COMMUNICATIONS AND REPORTS

Alderman Frautschi

Alderman Frautschi reported that the Planning & Zoning Commission would hold a Zoom videoconference meeting on May 20 to discuss a new subdivision that had generated some public comments, as well as the allowance of chickens.

Alderman Allen

Alderman Allen announced that the Ways & Means Commission will be meeting via Zoom videoconference at 8:00 AM on June 19.

Mayor Dalton

Mayor Dalton noted that the fourth installment of his weekly update, as well as an e-newsletter, would be sent out via the website later in the week. He also reported that he is working with staff to develop the date, agenda, and format for the annual retreat.

City Administrator

City Administrator Bob Shelton stated that an update regarding the projected impact of COVID-19 on revenues and expenditures will be distributed by week's end.

UNFINISHED BUSINESS

BILL NO. 20-23, AN ORDINANCE AMENDING TITLE II, CHAPTER 210: OFFENSES OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY BY THE ENACTMENT OF SECTION 210.1105 REGARDING OPEN BURNING ACTIVITIES (sponsored by Aldermen Holman, Hughes, Butler & Allen) (1st reading 04/27/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-23 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Allen.

Alderman Wittmaier moved to amend the fourth recital of the Bill as follows: (additions shown as **bold/underline**; deletions shown as ~~strikethrough~~)

WHEREAS, smoke and odors from open burning events ~~de~~ **may** adversely impact health and property of individuals in neighborhoods and communities; and

Alderman Holman seconded and a voice vote carried unanimously.

Alderman Wittmaier moved to amend Section 210.1105.B of the Bill by the addition of the verbiage from St. Louis County Ordinance 612.345.2.d, sections 1-5. He explained that the inclusion of this section makes it legal to burn yard waste on three or more acres. He noted that enacting this language allows for owners of larger properties in Town & Country to enjoy the same rights as those in the greater St. Louis County area.

Alderman Frautschi seconded the motion to amend.

Brief discussion was held concerning the language to be added and it was clarified that if the amendment was not adopted, burning of yard waste on three or more acres would be prohibited.

Alderman Benigas moved to continue Bill No. 20-23 to the meeting of June 8 in order to review the proposed new language.

Alderman Allen seconded and a voice vote carried.

RESOLUTION NO. R05-2020, A RESOLUTION AMENDING THE FEES FOR VARIOUS PERMITS AND APPLICATIONS IN THE CITY OF TOWN AND COUNTRY

Alderman Allen moved for approval, seconded by Alderman Holman.

Alderman Allen reported that the amended fees were discussed and recommended for approval by the Ways & Means Commission.

Alderman Hughes suggested that the fee structure be reviewed with more frequency. She also inquired about the lack of public hearing for Architectural Review. City Attorney Garrett explained that no public hearing is required by the Municipal Code for architectural review applications.

In response to Alderman Frautschi, City Administrator Shelton explained that only construction permitting fees are calculated on a sliding scale based on project size.

A voice vote was held and carried.

NEW BUSINESS

RESOLUTION NO. R06-2020, A RESOLUTION GRANTING THE CITY ADMINISTRATOR OR THEIR DESIGNEE THE AUTHORITY TO SUSPEND THE APPLICATION OR ENFORCEMENT OF REQUIREMENTS AS NECESSARY TO SUPPORT THE REOPENING OF BUSINESSES WITHIN THE CITY OF TOWN AND COUNTRY, MISSOURI, UNTIL AUGUST 24, 2020

Alderman Holman moved for approval, seconded by Alderman Allen.

City Administrator Shelton explained that several businesses have contacted the City with various temporary requests to aid in opening back up during the ongoing COVID-19 orders. He noted that through August 24, requests would be handled like a special use permit application which requires approval by multiple departments. He added that notification of any approvals would be made to the Board, as directed by the Resolution.

Discussion was held about the August 24 sunset date, possibility of extension, and the ability and timing of terminating the temporary suspensions and/or waivers. Attorney Garrett clarified that expiration and instructions on how/when to apply for a full permit could be handled administratively via the permitting process.

In response to Alderman Butler, City Administrator Shelton provided the potential example of a business that is currently allowed to have outside dining that might request the number of allowable seats and/or parking spaces for their establishment be adjusted because demand is different during this time period. He added that all other public health and safety regulations would still be adhered to and enforced.

Alderman Wittmaier moved to amend the Resolution's seventh recital to include specific timing under which the City Administrator should make notification to the Board to ensure that Aldermen have real time information about waivers and suspensions.

The amendment was as follows:

WHEREAS, all businesses requesting a temporary waiver of the aforementioned requirements must provide written application and obtain written permit approval. The Board of Aldermen must be notified **within twenty four (24) hours** of all permits approved and reserves the right to withdraw the approval through a majority vote.

Alderman Butler seconded the motion to amend.

Brief discussion was held about the feasibility of making notification to the Board within 24 hours. City Administrator Shelton confirmed that because consensus is not being sought, notification within 24 hours is doable.

A voice vote was held and carried.

In response to Alderman Wittmaier, City Administrator Shelton explained that businesses will be informed about the option to make temporary requests via the City's extensive email list of shopping center owners. He added that notification would also be made to the Chamber of Commerce for sharing with business members.

A voice vote was held on the Resolution, as amended, and carried unanimously.

BILL NO. 20-24, AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MUELLER AND NEFF FOR PROPERTY APPRAISAL SERVICES RELATED TO THE TOPPING ROAD IMPROVEMENTS PROJECT-PHASE I (sponsored by Aldermen Frautschi, Holman, Hughes & Mortland)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-24 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-24 continued to the meeting of Monday, June 8, 2020 for the second reading and consideration.

BILL NO. 20-25, AN ORDINANCE AUTHORIZING A WORK ORDER WITH HR GREEN FOR DESIGN SERVICES AND PERMITTING FOR THE MASON ROAD MULTI-USE TRAIL PROJECT AND AMENDING THE 2020 BUDGET BY INCREASING A PARKS AND STORMWATER FUND EXPENDITURE ACCOUNT AND APPROPRIATING FUNDS TO COVER THE INCREASE (sponsored by Aldermen Mortland, Frautschi & Butler)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-25 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-25 continued to the meeting of Monday, June 8, 2020 for the second reading and consideration.

WARRANT LIST-05/26/20

Alderman Allen moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for any amendments.

Alderman Butler inquired about the unusually high expenses for the Town Square site and facilities including electrical and ongoing creek clean up.

City Administrator Shelton explained that electrical expenses at Town Square include additional security lighting, tunnel and landscape lights, electricity to run the babbling brook, and fans in maintenance building, etc.

Alderman Butler inquired about the \$544.00 in legal services related to the Bryn Wyck CID. In response, Finance Director Pam Reitz confirmed that the City pays the legal bill in its entirety and then passes the Bryn Wyck CID portion on by invoicing the CID directly.

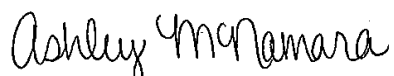
Alderman Allen reported that the total CID loan amount ended up being less than anticipated because of the number of property owners that decided to pay up front. She added that all direct expenses incurred related to the CID are passed on and paid by Bryn Wyck.

Hearing no amendments, a voice vote was taken on the warrant list of May 26, 2020, in the amount of \$458,079.03, and carried.

OTHER

ADJOURN

On motion of Alderman Mortland, seconded by Alderman Allen and unanimously confirmed by voice vote, the meeting was adjourned at 7:53 PM.


Ashley McNamara
City Clerk