

**BOARD OF ALDERMEN  
CITY OF TOWN AND COUNTRY  
1011 MUNICIPAL CENTER DRIVE, 63131  
OCTOBER 9, 2023**

**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, October 9, 2023 at the Municipal Center.

**PLEDGE OF ALLEGIANCE**

Mayor Rehm led the Pledge of Allegiance.

**ROLL CALL**

The 7:00 PM roll call indicated Aldermen Allen, Even, Francisco, Hughes, Kinsella, Murphy, Schwoerer, and Wiesehan to be present.

Mayor Rehm presided.

Attorney Ed Sluys was present to represent the City.

**MINUTES-09/25/23 Regular Meeting**

Alderman Allen moved for approval, seconded by Alderman Wiesehan.

Mayor Rehm called for any corrections or amendments.

Hearing none, the minutes of 09/25/23 were approved by voice vote.

**HEARING FROM CITIZENS**

Pete Eggebrecht, 13324 Clayton Road, spoke in appreciation of the Mayor, staff, and wonderful community and VIP events that took place on Saturday, October 7.

Laurie Licavoli, 1636 Mason Knoll Road, spoke in support of the Blacksmith Grove CUP.

Laurie Schwarze, 1177 Clayton Place Drive, spoke in support of the Starbucks project.

William Frederick, 13324 Kings Glen Drive, spoke in opposition of the Blacksmith Grove CUP.

Mark Dunn, 12302 Crystal View Lane, spoke in opposition of the Starbucks project.

Jenny Donovan, 13309 Kings Glen Drive, spoke in opposition of the Blacksmith Grove CUP.

Stuart Beard, 13366 Kings Glen Drive, spoke in opposition of the Blacksmith Grove CUP.

Ellen Komlos, 3 Country Aire Drive, spoke in support of the Starbucks project.

Rico Salmon, 13321 Kings Glen Drive, spoke in opposition of the Blacksmith Grove CUP.

**PUBLIC HEARING(S)**

**APPOINTMENTS**

- Bryn Wyck CID Board of Directors: Mark Johnson, Shane Johnston, Todd Solomon, and Amanda Mueller

Mayor Rehm sought a motion to approve the one-year term reappointments of the above stated Bryn Wyck CID directors.

Alderman Allen moved for approval, seconded by Alderman Francisco. A voice vote was held and carried unanimously.

**COMMUNICATIONS AND REPORTS****Alderman Murphy**

Alderman Murphy reported on the successful Fall Fire and Ice event on Saturday, October 7. He noted that the new raffle activity featuring donations from community retailers raised proceeds that will be applied to help offset event costs.

He announced that Drace Park will be closed on October 12 for the asphalt treatment of the parking lot and trails.

He encouraged all to be on the lookout for more information about the annual Turkey Trot to be held on Thanksgiving Day, November 23, and thanked Get Centered Counseling for sponsoring the event.

Finally, he noted that the next Parks & Trails commission meeting would be held at 6:30 PM on Monday, October 30 in the Longview Farm House.

**City Administrator**

Mr. Shelton announced that a 50% match grant from East West Gateway had been received for Topping Road Phase 2a, and noted thanks to the Planning and Public Works staff for their efforts.

**UNFINISHED BUSINESS**

**BILL NO. 23-41, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR OUTSIDE DINING FOR THE DEVELOPMENT KNOWN AS BLACKSMITH GROVE LOCATED AT 13360 CLAYTON ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Wiesehan and Even) (1<sup>st</sup> reading 09/11/23)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 23-41 was read for the second time and placed upon its final passage.

The City Clerk referenced a previously distributed email in opposition from Steve and Terry Wintermann, 13370 Crossland Drive, dated October 8, 2023 and noted that said email would be attached to and made a part of the minutes.

Alderman Wiesehan moved for approval, seconded by Alderman Even.

Alderman Wiesehan moved to accept Substitute Bill No. 23-41 for consideration, noting changes to include a reduction of seating, removal of structures, and additional requirement of diagrams that commit tenants to specified seating layouts. Alderman Even seconded.

Alderman Even referenced a sound investigation completed by the Police Department for the purpose of understanding the 24/7 noise nuisances being reported by residents. She described the metrics utilized to ensure the study was objective. She requested that the City Clerk enter the email concerning the study and its results (dated October 8, 2023) into the record and attach same to the minutes.

In response to Alderman Francisco, Parks & Recreation Director Anne Nixon noted that the Town Square fountain stays on all night.

Hearing no further, a voice vote was held on the substitution and carried.

Alderman Wiesehan asked for legal clarification concerning transferability as it relates to the prohibition in City Code and the condition included in the CUP. Attorney Sluys explained that the Code speaks to a transferability prohibition generally so that businesses or uses aren't

blindly approved. He added that the Board of Aldermen is empowered to adopt CUPs that include language allowing transfers, as long as the included conditions are upheld.

In response to Alderman Wiesehan, City Planner Ryan Spencer explained that under the previously adopted CUPs, both restaurants are allowed to have outdoor music via speakers but Wild Cush is prohibited by condition from having live music. He added that other tenants within the development can presently have both live and speaker music.

Alderman Wiesehan inquired about the enforcement of CUPs. Mr. Spencer noted that it would depend on the nature of the suspected violation. However, specifically concerning noise, a warning would be issued and then formal enforcement would occur via the Municipal Court system, or a CUP revocation hearing by the Board of Aldermen if the issue persisted.

In response to Alderman Murphy, Mr. Spencer noted that a developer/owner holding the CUP on behalf of tenants is not currently in place elsewhere in the City. He also clarified that the process for amending adopted CUPs is the same as the full hearing and approval process required for new applications. Alderman Murphy inquired about seating as it relates to persons. Mr. Spencer noted that the patio's occupancy load according to the Building Official was 985 people standing, or 332 with tables/chairs present.

In response to Alderman Murphy, Captain DeFoe explained that sound investigation was conducted upon being provided various times and locations to take noise readings.

The roll call vote was as follows: AYE, Aldermen Allen, Even, Francisco, Schwoerer, and Wiesehan; NAY, Hughes, Kinsella and Murphy; ABSTAIN, none; ABSENT, none.

The motion carried 5-3 and Bill No. 23-41, as substituted, became Ordinance No. 4588.

**BILL NO. 23-43, AN ORDINANCE ACCEPTING THE BID AND AUTHORIZING AN AGREEMENT WITH GAMMA TREE EXPERTS FOR 2024 ON-CALL TREE TRIMMING AND REMOVAL SERVICES** (sponsored by the Board as a Whole) (1<sup>st</sup> reading 09/25/23)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 23-43 was read for the second time and placed upon its final passage.

Alderman Francisco moved for approval, seconded by Alderman Hughes.

The roll call vote was as follows: AYE, Aldermen Allen, Even, Francisco, Hughes, Kinsella, Murphy, Schwoerer, and Wiesehan; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 23-43 became Ordinance No. 4589.

**BILL NO. 23-44, AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH OATES ASSOCIATES FOR PRE-PLANNING SERVICES RELATED TO THE CONWAY ROAD AND MASON ROAD SIDEWALK IMPROVEMENT PROJECTS** (sponsored by the Board as a Whole) (1<sup>st</sup> reading 09/25/23)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 23-44 was read for the second time and placed upon its final passage.

Alderman Allen moved for approval, seconded by Alderman Hughes.

The roll call vote was as follows: AYE, Aldermen Allen, Even, Francisco, Hughes, Kinsella, Murphy, Schwoerer, and Wiesehan; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 23-44 became Ordinance No. 4590.

### **NEW BUSINESS**

#### **BILL NO. 23-45, AN ORDINANCE APPROVING A CONSOLIDATION PLAT FOR 157 AND 383 LAMP AND LANTERN VILLAGE IN THE CITY OF TOWN AND COUNTRY AND AUTHORIZING THE ADJUSTED PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY** (sponsored by Kinsella & Francisco)

Mayor Rehm called for the first reading, without objection. Without objection, Bill No. 23-45 was read for the first time by title only.

Mayor Rehm declared Bill No. 23-45 continued to the meeting of Monday, October 23, 2023 for second reading and consideration.

#### **BILL NO. 23-46, AN ORDINANCE APPROVING THE PRELIMINARY SITE DEVELOPMENT PLAN FOR STARBUCKS LOCATED AT 12151 CLAYTON ROAD** (sponsored by Hughes, Schwoerer & Even)

Mayor Rehm called for the first reading, without objection. Without objection, Bill No. 23-46 was read for the first time by title only.

Brandon Harp, CEDC Engineer, briefly described the project. He referred to the full presentation made at the 9/20/23 Planning & Zoning (P&Z) meeting and the submitted materials that included plans, elevations and a detailed traffic analysis. An updated site plan was displayed and described. Mr. Harp noted that an enhanced landscape/greenspace buffer and a more clearly defined "right-out only" egress onto Ballas Road, with "do not enter" signage, were added at the request of P&Z. He also spoke to concerns from the Architectural Review Board about the outdoor seating and service entrance that were addressed by modifying the sidewalk to allow for greater landscaping and a taller screening wall to buffer sight lines to the service area.

In response to Aldermen Even, Mr. Harp explained that the new wall adjacent to the service entrance would be as tall as the roofline, offset from the intersection, and have mature 6'-8' evergreens to shield sight lines.

The City Clerk noted that questions may be forwarded to staff for the applicant to answer during the second reading, at which time full debate and discussion would be appropriate.

Mayor Rehm declared Bill No. 23-46 continued to the meeting of Monday, October 23, 2023 for second reading and consideration.

#### **RESOLUTION NO. R15-2023, A RESOLUTION APPROVING A RESTAURANT USE FOR STARBUCKS AT 12151 CLAYTON ROAD IN THE CITY OF TOWN AND COUNTRY**

Aldermen Schwoerer moved to continue the Resolution to the October 23, 2023 Board of Aldermen meeting for further consideration.

Alderman Kinsella seconded and a voice vote carried.

### **ARCHITECTURAL REVIEW**

Aldermen Even moved to continue the Architectural Review of Starbucks to be located at 12151 Clayton Road to the October 23, 2023 Board of Aldermen meeting for further consideration.

Alderman Schwoerer seconded and a voice vote carried.

**BILL NO. 23-47, AN ORDINANCE AMENDING TITLE I, CHAPTER 110: MAYOR AND BOARD OF ALDERMEN OF THE MUNICIPAL CODE BY THE ADDITION OF SECTION 110.105 RELATING TO PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF SUBPOENAS IN FURTHERANCE OF BOARD OF ALDERMEN PROCEEDINGS**

(sponsored by the Board as a Whole)

Mayor Rehm called for the first reading, without objection. Without objection, Bill No. 23-47 was read for the first time by title only.

Mayor Rehm declared Bill No. 23-47 continued to the meeting of Monday, October 23, 2023 for second reading and consideration.

**WARRANT LIST-10/09/23**

Alderman Allen moved for approval, seconded by Alderman Schwoerer.

Mayor Rehm called for discussion or amendments.

Hearing none, a voice vote was taken on the October 9, 2023 Warrant List in the amount of \$481,685.46 and carried.

**OTHER**

Alderman Hughes expressed appreciation for Detective Sergeant Yaakub for accompanying her during West County Night Out on October 3. She noted that many positive comments were received about the City and staff, and it was a very meaningful and informative event.

In response to Alderman Kinsella's inquiry about the water leak repair at Longview Park, Ms. Nixon noted that she would obtain further information and follow up.

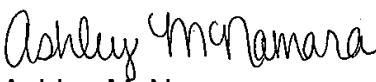
**ADJOURN**

Motion was made by Alderman Hughes and seconded by Alderman Schwoerer to move to closed session pursuant to Section 610.021 (1) and (3) to discuss attorney/client privileged communications, legal actions and personnel matters.

The roll call vote was as follows: AYE, Aldermen Allen, Even, Francisco, Hughes, Kinsella, Murphy, Schwoerer and Wiesehan; 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

## Ashley McNamara

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**From:** Steve Wintermann <swint13@gmail.com>  
**Sent:** Sunday, October 8, 2023 5:07 PM  
**To:** City Council DL  
**Cc:** cityclerktc@town-and-country.org  
**Subject:** Blacksmith Grove CUP

Concerning the Blacksmith Grove CUP proposal for outdoor dining; this is not a situation for compromise. Obviously this is a use permit for the benefit of the developer of the property, Bob Brinkmann. There is no consideration for any of the residential neighborhoods that have been adversely affected by the development encroaching on peace in their backyards.

From the beginning of planning for this Town Center, the number one condition for the development was that it could not create a disturbance for any adjoining properties. Presently we have a disturbance and this new CUP will not make it any better. Where in St. Louis County is outdoor dining allowed in the middle of residential neighborhoods? No where except in this proposal for Town and Country.

How can any consideration be given to an outside developer to increase the value of his property over the negative impact on your neighbors in Town and Country? We would never have voted for this Town Center if we would have known how negatively it would impact our peaceful existence in our homes.

You, as our elected officials, have a duty to protect the citizens of Town and Country by voting no on this CUP proposal.

Respectfully,

Steve and Terry Wintermann  
13370 Cross Land Drive

Sent from my iPad

## Ashley McNamara

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**From:** Holly Even <hollyeven4alderman@gmail.com>  
**Sent:** Sunday, October 8, 2023 9:52 AM  
**To:** City Council DL; Bob Shelton; Ashley McNamara; Michael DeFoe  
**Subject:** Fwd: Sound measurements  
**Attachments:** Town Square Sound Project.xlsx

Good morning, Board.

Below you will see an email that was sent by me to Captain DeFoe on September 13, 2023 at 9:56am requesting the police to do a sound investigation with their decibel meter. The intention of the request was to have the police perform the investigation instead of myself or Fritz given they would be using their equipment should a neighbor reach out. Attached are the results that were sent to Fritz and myself.

Please let me know if you have any questions.

Holly Even

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Good morning, Captain DeFoe.

Can you have an officer investigate the noise in various areas surrounding Wild Crush with a decibel meter? I believe having data gathered from someone in your department rather than an Alderman or resident provides objective data for the Board as we consider the project before us. I spoke with Bob this morning to explain my reasoning behind the request as well.

The specific request would be to gather readings in the following manner:

- Each reading would be obtained from the mailbox of all locations: 13458 Kings Glen Dr, 13321 Kings Glen Dr, 13312 Cross Land Dr, 6 Rutherford Ln and 1114 S Mason Rd building entrance
- Reading times to be taken 9/15/23 at 7:00pm, 9/16/23 at 3:00 pm, 9/20/23 at 6:30pm, 9/22/23 at 7:00pm & 9:00pm. I understand call volume might impact the actual time recorded, so there is a column for the actual time as well.
- Each reading shall be recorded on the attached spreadsheet

It is extremely important to not communicate the project to any resident or business in advance as to not alter the projected volume by the number of attendees at any location or the music location.

Thank you in advance and please feel free to reach out with any questions.

Sincerely,  
Holly Even  
Ward Two Alderman  
314.616.9431 mobile  
Sincerely,  
Holly Even  
Ward Two Alderman  
314.616.9431 mobile

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----- Forwarded message -----

From: **Michael DeFoe** <[defoemg@town-and-country.org](mailto:defoemg@town-and-country.org)>

Date: Sun, Sep 24, 2023 at 11:40 AM

Subject: Sound measurements

To: Holly Even <[hollyeven4alderman@gmail.com](mailto:hollyeven4alderman@gmail.com)>, Fritz Wiesehan <[fritz@4thdrive.com](mailto:fritz@4thdrive.com)>, Bob Shelton <[sheltonb@town-and-country.org](mailto:sheltonb@town-and-country.org)>

I have attached the decibel readings that you requested. We were unable to obtain them on 9/20 at 6:30pm.

Mike

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<b>Address</b>	<b>Date</b>	<b>Requested Time</b>	<b>Actual Time</b>	<b>Decibel Meter Reading</b>
13458 Kings Glen Dr	9/15/2023	1900	1905	44.2
	9/16/2023	1500	1506	44.5
	9/20/2023	1830		
	9/22/2023	1900	1904	43.9
	9/22/2023	2100	2103	49.7
13321 Kings Glen Dr	9/15/2023	1900	1900	48.4
	9/16/2023	1500	1510	39.9
	9/20/2023	1830		
	9/22/2023	1900	1858	42.6
	9/22/2023	2100	2104	45.9
13312 Cross Land Dr	9/15/2023	1900	1901	45.4
	9/16/2023	1500	1517	38.4
	9/20/2023	1830		
	9/22/2023	1900	1901	42.7
	9/22/2023	2100	2107	45.5
6 Rutherford Ln	9/15/2023	1900	1919	52
	9/16/2023	1500	1458	49.9
	9/20/2023	1830		
	9/22/2023	1900	1852	55.1
	9/22/2023	2100	2101	44.7
1114 S Mason Rd building entrance	9/15/2023	1900	1911	47.3
	9/16/2023	1500	1503	38.4
	9/20/2023	1830		
	9/22/2023	1900	1905	44.2
	9/22/2023	2100	2110	46.7