

**BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
OCTOBER 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. 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 Monday, October 26, 2020 via Zoom videoconference.

Present were: Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan, 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 Monday, October 26, 2020 via Zoom videoconference.

PLEDGE OF ALLEGIANCE

Mayor Dalton led the Pledge of Allegiance.

ROLL CALL

The 7:02 PM roll call indicated Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Wiesehan, and Wittmaier to be present via videoconference. Alderman Mortland joined the videoconference at 7:04 PM.

Mayor Dalton presided.

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

MINUTES – 10/12/20 Regular Meeting

Alderman Holman moved for approval, seconded by Alderman Benigas.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 10/12/20 were unanimously approved.

HEARING FROM CITIZENS

No public comments were submitted for inclusion in the record for this agenda item.

PUBLIC HEARING(S)

- *A public hearing to consider Zoning Code Amendments related to the keeping of chicken hens in single-family zoning districts; Section 405.120 (Chickens), Section 405.370.A (Estate/Suburban Estate Conditional Uses), and Section 405.470.A (Suburban Low/Suburban Medium Conditional Uses).*

Mayor Dalton opened the public hearing and the City Clerk entered the following exhibits:

1. Affidavit of Publication of Notice of Hearing published in the St. Louis Countian on October 13, 2020.
2. Typewritten notice of hearing posted at the Municipal Center, on the City's website, and sent via Notify Me.
3. Bill No. 20-54.

City Planner Ryan Spencer was present to provide an overview of the amendments. Mr. Spencer noted that, as currently proposed, backyard chickens would be allowed on a minimum of two acres, with a required coop that would be regulated via Conditional Use Permit (CUP). He stated that up to four chickens would be allowed on 2-3 acre lots and up to six chickens would be allowed on 3+ acre lots.

In response to Alderman Wiesehan, Mr. Spencer explained that a CUP would be required for coops of any size, and further that a variance would be necessitated if the proposed structure was larger than allowed by Code.

In response to Alderman Allen, City Administrator Shelton reported that limited results were received from a newsletter survey regarding the keeping of chickens, specifically 21 total responses were received, with 15 being in favor and 6 opposed.

Alderman Frautschi provided background information and noted that many subdivision indentures prohibit chickens.

Alderman Holman inquired about the Planning & Zoning Commission's discussion about lot sizes on which chickens would be allowed. Mayor Dalton noted that there was limited discussion about allowing chickens on 1 acre lots but the amendment was defeated.

Alderman Holman also inquired about the competing language that requires chickens to be constrained but also allows chickens to roam free under supervision. She pointed out that while area cities do allow chickens, the regulations vary with regards to minimum lot size required.

In response to Alderman Mortland, Mr. Spencer clarified that chicken wire is not an allowed fencing material but could be incorporated into the coop structure.

The City Clerk noted that no public comments were received for inclusion in the record.

Hearing no further, the public hearing was closed.

APPOINTMENTS

- Public Works Commission: Kip Underwood –At Large

Alderman Holman moved to approve Mr. Underwood's appointment, seconded by Alderman Hughes.

A voice vote was held and carried.

Mayor Dalton announced his intent to appoint Fred Meyland-Smith to the Planning & Zoning Commission and noted the interview will be scheduled for November 12.

COMMUNICATIONS AND REPORTS

Alderman Allen

Alderman Allen reported that the Ways & Means Commission will next meet via Zoom at 8:30 AM on Thursday, November 5, to continue reviewing the Budget.

Alderman Wiesehan

Alderman Wiesehan announced that the next Parks & Trails Commission meeting will be held October 27 at 5:30 PM, via Zoom, and include a presentation from former Alderman Mange about signage donations. He added that this year's Fall Festival will be held virtually and can be accessed through the City's website.

Alderman Hughes

Alderman Hughes stated that the Community Art & Culture Commission will meet on Wednesday, November 11 at 6:30 PM, via Zoom, and added that there are several ward openings. She noted that online bedtime stories will be posted to the website soon for viewing, along with an opportunity for both people and pets to get their picture taken with Santa on December 5. She also thanked staff, Alderman Wiesehan, and the Police Department volunteer for their help with these exciting events.

Alderman Mortland

Alderman Mortland reported that the Fire & EMS Services Task Force reviewed data points, agreements, and past studies, in addition to reviewing services with West County EMS & Fire Chief Jeff Sadtler. He added that an offer for a one year agreement extension has been made by the District due to the current circumstances. He noted that a document with the Task Force's recommendation, and the formal extension to December 31, 2022, has been drafted and is being reviewed by legal before being brought to the Board of Aldermen.

He also stated that the final report from the Public Infrastructure Task Force is being reviewed by the Task Force and will also be disseminated to the Board of Aldermen shortly.

Alderman Holman

Alderman Holman announced that the Public Works Commission met in October and reviewed several contractual services, many of which maintained 2018 pricing, that will be forthcoming for approval and included in the projected 2021 Budget. She added that the Commission will hold its next meeting at 4:30 PM on Monday, November 16, via Zoom, and will consider several Code amendments.

City Administrator

Mr. Shelton stated that a postcard encouraging residents to sign up for Notify Me and containing updates about the zero property tax rate, branch chipping cancellation, and other helpful information was mailed to residents and should be received in the coming days.

He noted that upon review, the City does not have the space or resources to accommodate returning to in-person meetings at this time, and added that five out of six area municipalities are also continuing to meet via videoconference.

UNFINISHED BUSINESS

BILL NO. 20-50, AN ORDINANCE AMENDING TITLE IV, CHAPTER 405 ZONING REGULATIONS, OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY SECTION 405.150 REGARDING FENCE REGULATIONS (sponsored by the Board as a Whole) (1st reading 10/12/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-50 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Benigas.

Alderman Frautschi moved to accept Substitute Bill No. 20-50 for consideration, seconded by Aldermen Holman.

Alderman Frautschi noted that the substitute contains several changes; most notably an exception for certain chain link fences, clarification of allowable materials, distance specifications for wildlife fences, and maintenance/replacement requirements.

A voice vote was held and carried.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 20-50, as substituted, became Ordinance No. 4390.

Alderman Wiesehan recused himself for Bill No. 20-51 and left the video portion of the meeting due to his previously noted perceived conflict of interest.

BILL NO. 20-51, AN ORDINANCE AMENDING TITLE IV, CHAPTER 405 ZONING REGULATIONS, OF THE TOWN AND COUNTRY MUNICIPAL CODE BY THE AMENDMENT OF ARTICLE XIV PLANNED RESIDENTIAL COMMUNITY (PRC) REGULATIONS AND ARTICLE XXII SPECIAL ZONING DISTRICTS (sponsored by Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland & Wittmaier) (1st reading 10/12/20)

Alderman Frautschi moved to continue the Bill to the meeting of November 9 for further consideration, seconded by Alderman Allen.

A voice vote was held and carried.

Alderman Wiesehan returned to videoconference.

BILL NO. 20-52, AN ORDINANCE AMENDING TITLE V, CHAPTER 500, BUILDING CODES AND BUILDING REGULATIONS, OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY SECTION 500.080, REGARDING ARCHITECTURAL REVIEW (sponsored by the Board as a Whole) (1st reading 10/12/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-52 was read for the second time and placed upon its final passage.

Alderman Benigas moved for approval, seconded by Alderman Holman.

Alderman Hughes referred to a controversial solar array that was installed several years ago and inquired about whether the “solar energy system” language in the ordinance was referring to that type of array. Attorney Garrett stated that he believed that the two terms were synonymous. The City Clerk noted that the verbiage in question is not part of the redlined language amendment and further that a solar array, like the controversial one that was referenced, would require a Conditional Use Permit from the Board of Aldermen.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 20-52 became Ordinance No. 4391.

BILL NO. 20-53, AN ORDINANCE REQUESTING THAT ST. LOUIS COUNTY DISTRIBUTE \$47 MILLION OF CARES ACT FUNDS ON A PER CAPITA BASIS TO THE MUNICIPALITIES WITHIN THE COUNTY TO BE USED FOR ELIGIBLE EXPENSES, AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF TOWN AND COUNTY, MISSOURI, TO ACCEPT CARES ACT FUNDING AND EXECUTE A MUNICIPALITY RELIEF PROGRAM FUNDING AGREEMENT, AND CONFIRMING AGREEMENT TO

INDEMNIFY AND HOLD HARMLESS ST. LOUIS COUNTY FROM SUCH DISTRIBUTION
(sponsored by the Board as a Whole) (1st reading 10/12/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-53 was read for the second time and placed upon its final passage.

Alderman Allen moved for approval, seconded by Alderman Hughes.

The City Clerk entered one email into the record from Brunilda Perez at 13248 Romany Way. She noted that it was distributed to the Board in advance of the meeting and would be attached to the minutes.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 20-53 became Ordinance No. 4392.

NEW BUSINESS

BILL NO. 20-54, AN ORDINANCE AMENDING TITLE II, CHAPTER 205 ANIMAL REGULATIONS AND TITLE IV, CHAPTER 405 ZONING REGULATIONS OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY THE ENACTMENT OF SECTIONS 205.120 AND THE AMENDMENT OF SECTION 405.370 AND SECTION 405.470 REGARDING STANDARDS FOR THE KEEPING OF CHICKEN HENS (sponsored by Alderman Frautschi)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-54 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-54 continued to the meeting of Monday, November 9, 2020 for the second reading and consideration.

BILL NO. 20-55, AN ORDINANCE AMENDING TITLE II, CHAPTER 210 OFFENSES, OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY SECTION 210.780 REGARDING THE HOURS OF CONSTRUCTION ACTIVITIES (sponsored by Aldermen Holman & Frautschi)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-55 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-55 continued to the meeting of Monday, November 9, 2020 for the second reading and consideration.

WARRANT LIST-10/26/20

Alderman Allen moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for discussion or amendments.

Alderman Allen referred to the \$4,600 expenditure to Gamma's Tree Experts for tree trimming along Fordyce Manor and noted that it is an example of the great services provided by the City at no cost to the residents.

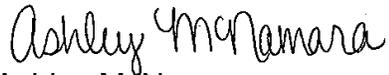
Alderman Wittmaier inquired about the vehicle improvement projects shown on the Warrant List. Mr. Shelton explained that the changeover expenses were under budget and included the electronics, lights, and other technology that are necessary for safety and operations in the City's police vehicles.

Hearing no amendments, a voice vote was taken on the warrant list of November 9, 2020, in the amount of \$141,516.98, and carried.

OTHER

ADJOURN

On motion of Alderman Hughes, seconded by Alderman Allen and unanimously confirmed by voice vote, the meeting was adjourned at 7:50 PM.



Ashley McNamara
City Clerk

Municipal Center
1011 Municipal Center Drive
Town & Country
Missouri 63131-1101
Tele. (314) 432-6606
Fax (314) 432-1286



Jonathan F. Dalton
Mayor

Robert Shelton
City Administrator

**NOTICE OF PUBLIC HEARING
BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY, MO**

Notice is hereby given that the Board of Aldermen of the City of Town and Country, Missouri will hold a hearing on Monday, October 26, 2020 at 7:00 p.m. at the Municipal Center, 1011 Municipal Center Drive, via videoconference, to consider Zoning Code Amendments related to the keeping of chicken hens in single-family zoning districts; Section 405.120 (Chickens), Section 405.370.A (Estate/Suburban Estate Conditional Uses), and Section 405.470.A (Suburban Low/Suburban Medium Conditional Uses).

The hearing will be streamed live at the aforementioned date and time, tune in by clicking the "WATCH" banner on our homepage at www.town-and-country.org.

All interested parties may examine all public documents relating to this matter at the Municipal Center by appointment only, or via our website. Please read below for directions on submitting public comments for inclusion in the public hearing. For direct inquiries about these amendments, please contact City Planner Ryan Spencer at (314) 587-2827.

Ashley McNamara
City Clerk
October 9, 2020

All public documents referenced above can be reviewed online at www.town-and-country.org/386/publicnotices or in-person by special appointment.

Due to current and potentially extended COVID-19 restrictions on gatherings, please forward any public comments for the above noted hearing to City Clerk Ashley McNamara at McNamaraAN@town-and-country.org before Monday, October 26 at 4:30 PM for distribution to the Board of Aldermen and inclusion in the formal record. If you have questions concerning the submittal of your public comments, contact Ashley via email or at (314) 587-2806.

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF ST. LOUIS

} S.S.

Before the undersigned Notary Public personally appeared Kathy Travis on behalf of THE COUNTIAN, ST. LOUIS COUNTY who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the October 09, 2020 edition and ending with the October 09, 2020 edition, for a total of 1 publications:

10/09/2020

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[Signature]
Kathy Travis
Subscribed & sworn before me this 13th day of Oct, 2020 (SEAL)

[Signature]
Notary Public

BRANDON M. CRAIL
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: March 05, 2024
Commission Number: 20297982

AFFIDAVIT OF PUBLICATION

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email or at (314) 587-2806.
11925469 County Oct 9, 2020

McNamara, Ashley

From: Bruni <ournicky@aol.com>
Sent: Monday, October 26, 2020 3:35 PM
To: McNamara, Ashley
Subject: Fwd: Bill 20-52 tonight's meeting. Typo corrected.

Begin forwarded

Subject: Bill 20-52 tonight's meeting.

Good afternoon.

I am Brunilda Pérez . At 13248 Romany Way.

I hope you are all well.

I understand the County Executive has already allocated the corresponding amount of the Cares Act money to the City of Town and Country, so my question is, due to the calculation, how is Town and Country planning to use this money after submitting the appropriate paperwork and receiving the money?

The money is not to be distributed outside the parameters of our city needs and so I inquire who will be handling the use of the money and for what?

I already called to Police Department and found out the body cameras for the police officers are now available.

Any board discussion on this money subject?

Thank you,
Respectfully,
Brunilda Pérez
cc ward 2 aldermen

Sent from my iPhone