

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



Jonathan F. Dalton
Mayor

Robert Shelton
City Administrator

**NOTICE OF WORK SESSION
BOARD OF ALDERMEN
MONDAY, FEBRUARY 12, 2018 6:30 PM**

Notice is hereby given that the Board of Aldermen will hold a Work Session on **MONDAY, February 12, 2018, 6:30 PM** at the Municipal Center, 1011 Municipal Center Drive, Town and Country, Missouri, 63131, on the following agenda item(s):

WORK SESSION AGENDA

1. Discussion- Regular meeting agenda items

AGENDA
BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY, MO
MONDAY, FEBRUARY 12, 2018 7:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

MINUTES

HEARING FROM CITIZENS

PUBLIC HEARING(S)

- *A public hearing to review a request by Kelly and Steven McNair, owners, for approval of a Conditional Use Permit for an accessory structure (pool house), located at 549 S. Mason Road in the Suburban Estate (SE) Zoning District.*
- *A public hearing to consider amendments to the City Zoning Regulations, specifically to amend Section 405.080 Definitions, Section 405.365 Permitted Uses, and Section 405.370 Conditional Uses regarding outdoor game courts.*

APPOINTMENTS

COMMUNICATIONS AND REPORTS

- Commission Chairmen
- City Administrator

UNFINISHED BUSINESS

1. **Bill No. 18-04 (Frautschi & Butler)**
An Ordinance approving a Building Line Plat of 18 Brookwood Road in the City of Town and Country and authorizing the Building Line Plat to be recorded in the office of the Recorder of Deeds of St. Louis County (2nd reading)
2. **Bill No. 18-05 (Board as a Whole)**
An Ordinance electing to make a retirement benefit change, specifically the contribution amount required of employees of the City of Town and Country, and authorizing the City Clerk to make notice of said change and its effective date to the Missouri Local Government Employees Retirement System (LAGERS) on behalf of the City (2nd reading)
3. **Bill No. 18-06 (Mange & Wright)**
An Ordinance accepting a Professional Services Proposal with M+H Architects for design services related to the Town Square Pavilion and approving a Purchase Order for same and amending the 2018 Budget by increasing a Capital Improvements Fund expenditure account and appropriating the funds to cover the increase (2nd reading)

4. **Bill No. 18-07 (Benigas)**
An Ordinance approving a Seventeenth Amended Final Site Development Plan for the development known as Maryville University, City of Town and Country, Missouri, with conditions to be complied with and authorizing the certification of the Seventeenth Amended Final Site Development Plan (2nd reading)
5. **Bill No. 18-08 (Benigas)**
An Ordinance approving a conditional use and authorizing a Conditional Use Permit for permanent spectator seating at Maryville University, located at 650 Maryville University Drive in the City of Town and Country (2nd reading)
6. **Bill No. 18-09 (Wright & Mange)**
An Ordinance authorizing an agreement relative to the dedication of streets between the City of Town and Country and Ballas Acres Subdivision and authorizing the Mayor and City Clerk to execute said agreement on behalf of the City (2nd reading)
7. **Bill No. 18-10 (Board as a Whole)**
An Ordinance directing the amendment of the Preliminary Site Development Plan pursuant to Section 2, Subsection 2 of Ordinance No. 4111 regarding Planned Development Two (PD-2) –Town Square (2nd reading)
8. **Bill No. 18-11 (Mange, Wright, Crawford & Meyland-Smith)**
An Ordinance authorizing Change Order No. 2 with Brinkmann Holdings, LLC, in relation to the Town Square Project and amending the 2018 Budget by increasing a Capital Improvements Fund expenditure account and appropriating funds to cover the increase (2nd reading)

NEW BUSINESS

9. **Approval of a Purchase Order**
Bradford Systems, Municipal Court Office Furniture
10. **Bill No. 18-12**
An Ordinance approving a conditional use and authorizing a Conditional Use Permit for an accessory structure, a pool house, located at 549 South Mason Road in the City of Town and Country (1st reading)
11. **Bill No. 18-13**
An Ordinance amending Title IV, Chapter 405, the Zoning Regulations, of the Town and Country Municipal Code, specifically Section 405.080 Definitions, Section 405.365 Permitted Uses, and Section 405.370 Conditional Uses, regarding outdoor game courts (1st reading)
12. **Bill No. 18-14**
An Ordinance accepting the bid of Drexel Technologies for the purchase of a large format plotter for the City of Town and Country and authorizing a Maintenance Agreement and Purchase Order for same (1st reading)
13. **Bill No. 18-15**
An Ordinance amending Chapter 370 of Title III, the Traffic Regulations, of the Town and Country Municipal Code, specifically Section 370.070 regarding seat belts and child restraint devices (1st reading)

14. **Approval of a Purchase Order**
Will Electronics, Security Camera Enhancement
15. **Approval of Purchase Orders**
Bradford Systems (x2), Assistant Finance Director's Office Furniture
16. **Bill No. 18-16**
An Ordinance approving a purchase order with Stock & Associates Consulting Engineers, Inc. in relation to the Town Square Project Preliminary Site Plan revisions and amending the 2018 Budget by increasing a Capital Improvements Fund expenditure account and appropriating funds to cover the increase (1st reading)
17. **Warrant List**

OTHER

ADJOURN

MOTION AND ROLL CALL VOTE TO MOVE TO CLOSED MEETING

A motion may be made to close the meeting pursuant to Section 610.021(1), (2), (3), (12) and (13) RSMO, to discuss legal actions, real estate, litigation, attorney/client privileged communications and to discuss personnel matters.

First reading: 01/22/18

Second reading:

Introduced by Aldermen Frautschi & Butler

BILL NO. 18-04

ORDINANCE NO.

AN ORDINANCE APPROVING A BUILDING LINE PLAT OF 18 BROOKWOOD ROAD IN THE CITY OF TOWN AND COUNTRY AND AUTHORIZING THE BUILDING LINE PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Building Line Plat of 18 Brookwood Road, being a tract of land in part of Lot 6 of "Nathan Rannell's Subdivision" situated in Section 28, Township 45 North, Range 5 East, City of Town and Country, St. Louis County, Missouri, prepared by Christopher Laneman, Poehlman & Prost Inc., P.L.S #2369, in certification of a survey made by order of Grant S. Dino, Sr., is hereby approved and authorized to be filed in the Office of the Recorder of Deeds, St. Louis County, Missouri.

Section 2. The City Clerk and Director of Planning & Public Works are authorized to execute the Building Line Plat of 18 Brookwood Road on behalf of the City.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18

Second reading:

Introduced by the Board as a Whole

BILL NO. 18-05

ORDINANCE NO.

AN ORDINANCE ELECTING TO MAKE A RETIREMENT BENEFIT CHANGE, SPECIFICALLY THE CONTRIBUTION AMOUNT REQUIRED OF EMPLOYEES OF THE CITY OF TOWN AND COUNTRY, AND AUTHORIZING THE CITY CLERK TO MAKE NOTICE OF SAID CHANGE AND ITS EFFECTIVE DATE TO THE MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (LAGERS) ON BEHALF OF THE CITY

WHEREAS, the City of Town and Country is currently participating in the LAGERS L-14 contributory retirement system for employees; and

WHEREAS, the Ways and Means Commission recommended at their meeting on November 20, 2017 that the City change to the L-14 non-contributory plan; and

WHEREAS, the 2018 budget contains sufficient funds to accommodate the change; and

WHEREAS, the City of Town and Country has complied with the notice and filing requirements of Section 105.675 RSMo; and

WHEREAS, the City of Town and Country understands that, by adopting this benefit change, the City is accepting the legal obligation to fund the elected benefits now and in the future and that it will be financially able to do so.

WHEREAS, the fiscal officer of the City of Town and Country is authorized to deduct from the wages or salaries of each employee member, the employee contributions, if any, required by Section 70.705, RSMo, and to promptly remit such contributions to LAGERS, along with the employer contributions required by Sections 70.705, 70.730, and 70.735 RSMo.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Town and Country, an employer under the Missouri Local Government Employees Retirement System (LAGERS), hereby elects the following:

To adopt a change in the contribution amount required from covered employees, changing to a requirement of no contributions from covered employees in accordance with Section 70.705 and 70.730 RSMo.

Section 2. Such election shall be effective on the first day March, 2018. The City Clerk shall certify this election the Missouri Local Government Employees Retirement System within ten days after passage.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

BILL NO. 18-05

ORDINANCE NO.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18
Second reading:

Introduced by Aldermen Mange & Wright

BILL NO. 18-06

ORDINANCE NO.

AN ORDINANCE ACCEPTING A PROFESSIONAL SERVICES PROPOSAL WITH M+H ARCHITECTS FOR DESIGN SERVICES RELATED TO THE TOWN SQUARE PAVILION AND APPROVING A PURCHASE ORDER FOR SAME AND AMENDING THE 2018 BUDGET BY INCREASING A CAPITAL IMPROVEMENTS FUND EXPENDITURE ACCOUNT AND APPROPRIATING FUNDS TO COVER THE INCREASE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. There is hereby accepted a Professional Services Proposal (the "Proposal") with M+H Architects (the "Contractor") for design services related to the Town Square Pavilion, in the amount of \$25,000.00. A copy of said Proposal is hereto attached as Exhibit "A" and incorporated herein by this reference.

Section 2. There is hereby approved a purchase order in the amount of \$25,000 to M+H Architects for design services related to the Town Square Pavilion.

Section 3. The Planning and Public Works Director may issue change orders and authorize the Contractor to perform additional work related to plan modifications and materials selection provided the cost of this additional work does not exceed \$2,000.

Section 4. A Capital Improvements Fund expenditure account of the 2018 Budget is hereby amended by appropriating funds from the unappropriated balance of the Capital Improvements Fund the sum of \$27,000. The funds are appropriated to the following account in the amount indicated:

CAPITAL IMPROVEMENTS FUND EXPENDITURES

MUNICIPAL BUILDINGS

ACCOUNT NO./TITLE	CHANGE		INCREASE
	FROM	TO	(DECREASE)
35-70-500-10 Town Square	\$5,784,208	\$ 5,811,208	\$ 27,000

Section 5. The Planning and Public Works Director is hereby authorized and directed to execute acceptance of said Proposal on behalf of the City.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this _____ day of _____, 2018.

BILL NO. 18-06

ORDINANCE NO.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this _____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18

Second reading:

Introduced by Alderman Benigas

BILL NO. 18-07

ORDINANCE NO.

AN ORDINANCE APPROVING A SEVENTEENTH AMENDED FINAL SITE DEVELOPMENT PLAN FOR THE DEVELOPMENT KNOWN AS MARYVILLE UNIVERSITY, CITY OF TOWN AND COUNTRY, MISSOURI, WITH CONDITIONS TO BE COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE SEVENTEENTH AMENDED FINAL SITE DEVELOPMENT PLAN

WHEREAS, George Stock, Stock and Associates, on behalf of Maryville University, owner, (the "Applicant") has filed an application for approval by the City of Town and Country of a Seventeenth Amended Final Site Development Plan for Maryville University, 650 Maryville University Drive, in the Major Educational Campus (MEC) Zoning District, for installation of permanent spectator seating, track and pedestrian plaza affiliated with their current soccer/lacrosse field and a field house; and

WHEREAS, in 1996, the City approved a site plan for a 19 acre portion of Maryville University, just north of this site, that included addition of three buildings totaling approximately 89,000 square feet, 96 additional parking spaces, and other improvements; and

WHEREAS, at their meeting of April 12, 1999, the Board of Aldermen approved an Amended Development Plan for Maryville University by Ordinance No. 2324, to allow certain roadway improvements; and

WHEREAS, at their meeting of May 10, 1999, the Board of Aldermen approved a Second Amended Development Plan for Maryville University by Ordinance No. 2334, for a new connector road on campus; and

WHEREAS, at their meeting of May 9, 2000, the Board of Aldermen approved a Third Amended Development Plan for Maryville University by Ordinance No. 2460 for the expansion and relocation of the University Center building on a 29.5 acre site in the west central portion of the campus; and

WHEREAS, at their meeting of February 25, 2002, the Board of Aldermen approved a Fourth Amended Development Plan for Maryville University by Ordinance No. 2668 for five student resident buildings on 7.89 acres in the northwest portion of the campus; and

WHEREAS, at their meeting of September 10, 2003, the Board of Aldermen approved a Fifth Amended Development Plan for Maryville University by Ordinance No. 2847 to allow a small fitness center addition to the campus gymnasium; and

WHEREAS, at their meeting of September 12, 2005, the Board of Aldermen approved a Sixth Amended Development Plan for Maryville University by Ordinance No. 3095 to allow a University student residential building, commons building and associated parking and infrastructure improvements; and

WHEREAS, at their meeting of April 13, 2009, the Board of Aldermen approved a Seventh Amended Development Plan for Maryville University by Ordinance No. 3418, for a University student residence building, parking garage and associated infrastructure improvements; and

WHEREAS, at their meeting of April 26, 2010, the Board of Aldermen approved an Eighth Amended Development Plan for Maryville University by Ordinance No. 3504, for an 18,750 sq. ft. three-story food service addition to the existing Gander Hall; and

WHEREAS, at their meeting of May 24, 2010, the Board of Aldermen approved a Ninth Amended Development Plan for Maryville University by Ordinance No. 3515, for an 81,000 sq. ft. practice soccer field, including a storm water management basin, on a 6.897 acre portion of the 131 acre Campus, with extension of a trail for pedestrian access; and

WHEREAS, at their meeting of August 23, 2010, the Board of Aldermen approved a Tenth Amended Development Plan for Maryville University by Ordinance No. 3529, for the addition of parking spaces on the north side of Gander Hall, the addition of storm water quality treatment cells and the addition of a block retain wall; and

WHEREAS, at their meeting of May 23, 2011, the Board of Aldermen approved an Eleventh Amended Development Plan for Maryville University by Ordinance No. 3593, for a 0.70 acre portion of the campus, showing the addition of permanent spectator seating (grandstand) for the existing baseball field (Weber Field), 2 ADA accessible parking spaces, press box and storm water detention basin; and

WHEREAS, at their meeting of November 27, 2012 the Board of Aldermen approved a Twelfth Amended Development Plan for Maryville University by Ordinance No. 3709, for a 15.470 acre area for the School of Health Professions and wet detention basin; and

WHEREAS, at their meeting of June 24, 2013 the Board of Aldermen approved a Thirteenth Amended Development Plan for Maryville University by Ordinance No. 3752, for a previously approved 3-story, 87,500 sq. ft. building and parking lot as well as a change in storm water improvements to include the addition of a dry basin retention system; and

WHEREAS, at their meeting of March 23, 2015 the Board of Aldermen approved a Fourteenth Amended Development Plan for Maryville University by Ordinance No. 3889, for a 4-story, 30,843 sq. ft. residence hall and parking lot in place of the existing softball field as well as related stormwater improvements; and

WHEREAS, at their meeting of June 22, 2015 the Board of Aldermen approved a Fifteenth Amended Development Plan for Maryville University by Ordinance No. 3908, for a 2,888 square foot addition onto the north side of the Simon Athletic Center, a 4 foot 7 inch retaining wall, a trash enclosure and related stormwater improvements; and

WHEREAS, at their meeting of January 23, 2017 the Board of Aldermen approved a Sixteenth Amended Development Plan for Maryville University by Ordinance No. 4063 for a scoreboard and message center affiliated with their baseball field; and

WHEREAS, pursuant to Section 405.725 of the Zoning Regulations, said Seventeenth Amended Final Site Development Plan, dated 01/16/18 prepared by Stock & Associates Consulting Engineers, Inc., was reviewed by the Planning & Zoning Commission of the City of Town and Country on December 20, 2017, for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing and approved by the Board; and

WHEREAS, the Planning & Zoning Commission authorized submittal of a site plan showing only the proposed development area; and

WHEREAS, following review, the Planning & Zoning Commission determined that the proposed amendments to the subject Seventeenth Amended Final Site Development Plan are “significant”; and

WHEREAS, due and proper notice of a public hearing on said application to be held on December 20, 2017, at 7:00 P.M., before the Planning & Zoning Commission of the City of Town and Country was duly published in The St. Louis Countian, a newspaper of general circulation in the City of Town and Country; and

WHEREAS, due notice by first-class mail of the public hearing at the time and date aforesaid was given to all property owners within three-hundred (300) feet of the subject property, as shown on the tax records of the City; and

WHEREAS, the Planner of the City caused to be posted a sign, not less than 20 inches by 12 inches, on the subject property; and

WHEREAS, the Planning & Zoning Commission, after public hearing and review on December 20, 2017, recommended approval of said Amended Final Site Development Plan subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to the Zoning Regulations of the City of Town and Country, the Seventeenth Amended Final Site Development Plan, dated 01/16/18, prepared by Stock & Associates Consulting Engineers, Inc., for the site located at 650 Maryville University Drive, in the Major Educational Campus (MEC) Zoning District, City of Town and Country, is hereby approved subject to the following conditions:

- A. Shall be in accordance with the Site Plan titled “17th Amended Final Site Development Plan” dated 01/16/18, prepared by Stock & Associates Consulting Engineers, Inc.
- B. The Amended Final Site Development Plan for the subject property shall be recorded with the St. Louis County Recorder of Deeds within 30 days of approval of the ordinance approving the Amended Final Site Development Plan. The Amended Final Site Development Plan shall reflect all conditions and restrictions imposed by the Board of Aldermen.

- C. No permits shall be granted for construction or development of the site until the Amended Final Site Development Plan has been approved and recorded and a copy of the recorded plan is submitted to the City.
- D. Construction shall commence within 5 years from the date of the passage of the ordinance approving the Amended Final Development Plan. The applicant may request further time extensions of the Board of Aldermen.
- E. Temporary rock or other hard surfaced off-street parking for construction employees shall be provided whenever any site improvements for construction activities are scheduled. Parking on grass or earth surfaces shall be prohibited.
- F. A separate amended final site development plan shall be required and submitted for the future, proposed field house.
- G. All other requirements imposed as conditions of approval of the previously recorded Final Site Development Plan shall remain in effect unless specifically amended by approval of this Amended Final Site Development Plan, except that no guarantee shall be required for landscape installation and maintenance or for woodlands preservation.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18

Second reading:

Introduced by Alderman Benigas

BILL NO. 18-08

ORDINANCE NO.

**AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A
CONDITIONAL USE PERMIT FOR PERMANENT SPECTATOR SEATING AT
MARYVILLE UNIVERSITY LOCATED AT 650 MARYVILLE UNIVERSITY DRIVE
IN THE CITY OF TOWN AND COUNTRY**

WHEREAS, George Stock, Stock and Associates, on behalf of Maryville University, owner, (the "Applicant") has filed an application for a Conditional Use Permit for permanent spectator seating at the existing soccer/lacrosse athletic field located at 650 Maryville University Drive, in the Major Educational Campus (MEC) Zoning District; and

WHEREAS, the application was referred to the Planning and Zoning Commission of the City of Town and Country; and

WHEREAS, at their meeting of December 20, 2017, the Planning and Zoning Commission recommended that the Conditional Use Permit be approved with certain conditions; and

WHEREAS, due and proper notice of a public hearing on said application to be held on Monday, January 22, 2018, at 7:00 P.M., before the Board of Aldermen of the City of Town and Country was duly published in the St. Louis Countian, a newspaper of general circulation in the City of Town and Country; and

WHEREAS, due notice by first-class mail of the public hearing at the time and date aforesaid was given to all property owners within three-hundred (300) feet of the subject property, as shown on the tax records of the City; and

WHEREAS, the City Clerk of the City caused to be posted a sign, not less than 20 inches by 12 inches, on the subject property; and

WHEREAS, said hearing was opened by the Board of Aldermen on Monday, January 22, 2018, and all statements, comments and objections made by those present concerning the application and issuance of said Conditional Use Permit were duly heard and considered by the Board; and

WHEREAS, subject to the conditions set forth below, the proposed of the property will not:

- a. Substantially increase traffic hazards or congestion;
- b. Substantially increase fire, health or any other public safety hazards;
- c. Adversely affect the visual coherence, predominant usage or development character of adjacent neighborhoods;
- d. Adversely affect the general welfare of the community;
- e. Overtax public utilities, service or other municipal facilities;

- f. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
- g. Substantially increase stormwater drainage on other lots; or
- h. Create a nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to Article VI of the Zoning Regulations of the City of Town and Country, a Conditional Use, subject to the conditions set forth in Section 2. hereof, is authorized and granted to Maryville University, owner, for permanent spectator seating at the existing soccer/lacrosse athletic field located at 650 Maryville University Drive, in the Major Educational Campus (MEC) Zoning District:

Section 2. The Conditional Use authorized and referred to in Section 1. shall be valid only under the following conditions:

- 1. The permanent spectator seating shall be located as shown on the Maryville University-17th Amended Final Site Development Plan, last revised 01/16/18.
- 2. Construction shall commence within 5 years from the date of passage of this Conditional Use Permit.
- 3. No change or modifications to the improvements authorized by this Conditional Use Permit shall be permitted without amendment of the Conditional Use Permit by the Board of Aldermen.
- 4. No permanent public address system shall be permitted on the site.
- 5. All other ordinances of the City of Town and Country shall be observed and complied with in connection with the above-described Conditional Use Permit and failure to do so shall be cause for the revocation of the Conditional Use Permit.
- 6. Any transfer of ownership of the real estate described herein shall include in the agreement setting forth the transfer that the transferee agrees to be bound by the conditions herein set forth and a copy of the Conditional Use Permit authorized herein shall be furnished to the transferee.
- 7. The applicants shall, within thirty (30) days from the date of passage and approval of this Ordinance, notify the City Clerk in writing that the applicants accept and agree to abide by the conditions set forth herein.

Section 3. The City Clerk is authorized and directed to issue a Conditional Use Permit as authorized herein and upon satisfaction of the condition set forth in 7. of Section 2.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

BILL NO. 18-08

ORDINANCE NO.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18

Second reading:

Introduced by Aldermen Wright & Mange

BILL NO. 18-09

ORDINANCE NO.

AN ORDINANCE AUTHORIZING AN AGREEMENT RELATIVE TO THE DEDICATION OF STREETS BETWEEN THE CITY OF TOWN AND COUNTRY AND BALLAS ACRES SUBDIVISION AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. There is hereby authorized an Agreement Relative to the Dedication of Streets (the "Agreement") between the City of Town and Country (the "City") and the Board of Trustees of Ballas Acres Subdivision, substantially in the form as the proposed Agreement attached hereto as Exhibit 1.

Section 2. The Mayor and the City Clerk are hereby authorized and directed to execute the said Agreement on behalf of the City of Town and Country. And, the Agreement shall be recorded in the Office of the Recorder of Deeds of St. Louis County, Missouri, after it has been executed by the City of Town and Country and the Board of Trustees of Ballas Acres Subdivision.

Section 3. The Mayor or the City Administrator is hereby authorized to execute the "Acknowledgement of Political Subdivision" which is required on the Deed of Dedication dedicating the streets.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18
Second reading:

Introduced by the Board as a Whole

BILL NO. 18-10

ORDINANCE NO.

AN ORDINANCE DIRECTING THE AMENDMENT OF THE PRELIMINARY SITE DEVELOPMENT PLAN PURSUANT TO SECTION 2, SUBSECTION 2 OF ORDINANCE NO. 4111 REGARDING PLANNED DEVELOPMENT TWO (PD-2) – TOWN SQUARE

WHEREAS, on August 14, 2017, the Board of Aldermen adopted Ordinance No. 4111 approving the Preliminary Site Development Plan for Planned Development Two (PD-2) - Town Square; and

WHEREAS, after further refining the Landscaping Plans, Town Square Plaza and the Trail Connection the consultant has prepared revised site plan improvement drawings that differ from the approval set out in Ordinance No. 4111; and

WHEREAS, the revised plans comply with all applicable codes as defined in the Planned Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to Section 2, Subsection 2 of Ordinance No. 4111 of the City of Town and Country, modifications to the Preliminary Site Development Plan, are to be made in accordance with the site plan prepared by Stock and Associates Consulting Engineers, Inc. dated 1/11/18 for Town Square Located at 13360 Clayton Road in the Planned Development Two (PD-2) – Town Square District, City of Town and Country.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading: 01/22/18

Second reading:

Introduced by Aldermen Mange, Wright, Crawford & Meyland-Smith

SUBSTITUTE BILL NO. 18-11

ORDINANCE NO.

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH BRINKMANN HOLDINGS, LLC, IN RELATION TO THE TOWN SQUARE PROJECT AND AMENDING THE 2018 BUDGET BY INCREASING A CAPITAL IMPROVEMENTS FUND EXPENDITURE ACCOUNT AND APPROPRIATING FUNDS TO COVER THE INCREASE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. There is hereby approved Change Order No. 2 with Brinkmann Holdings, LLC, in the amount of ~~\$115,411.00~~ **\$199,937.00** in relation to the Town Square Project, allowing for modifications to the Landscaping Plans, Town Square Plaza, and the Trail Connection. Said Change Order is attached hereto as Exhibit "A" and made a part of this Ordinance.

Section 2. A Capital Improvements Fund expenditure account of the 2018 Budget is hereby amended by appropriating funds from the unappropriated balance of the Capital Improvements Fund in the sum of ~~\$115,411.00~~ **\$199,937.00** for Change Order No. 2 for modifications to the Landscaping Plans, plaza, and trail connection, in association with the Town Square Project. The funds are appropriated to the following account in the amount indicated:

CAPITAL IMPROVEMENTS FUND EXPENDITURES

MUNICIPAL BUILDINGS

ACCOUNT NO./TITLE	CHANGE FROM	TO	INCREASE (DECREASE)
35-70-500-10 Town Square	\$ 5,811,208	\$5,926,619 <u>\$6,011,145</u>	\$ 115,411 <u>\$ 199,937</u>

Section 3. The City Administrator is hereby authorized and directed to execute said Agreement on behalf of the City.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this _____ day of _____, 2018.

SUBSTITUTE BILL NO. 18-11

ORDINANCE NO.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Richard "Skip" Mange, Acting President
City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading:
Second reading:

Introduced by

BILL NO. 18-12

ORDINANCE NO.

**AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A
CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A POOL HOUSE,
LOCATED AT 549 SOUTH MASON ROAD IN THE CITY OF TOWN AND COUNTRY**

WHEREAS, Kelly and Steven McNair, owners, (the "Applicants") have filed an application for a Conditional Use Permit for a pool house to be located at 549 South Mason Road, in the Suburban Estate (SE) Zoning District; and

WHEREAS, the application was referred to the Planning and Zoning Commission of the City of Town and Country; and

WHEREAS, at their meeting of January 17, 2018, the Planning and Zoning Commission recommended that the Conditional Use Permit be approved with certain conditions; and

WHEREAS, due and proper notice of a public hearing on said application to be held on Monday, February 12, 2018, at 7:00 P.M., before the Board of Aldermen of the City of Town and Country was duly published in the St. Louis Countian, a newspaper of general circulation in the City of Town and Country; and

WHEREAS, due notice by first-class mail of the public hearing at the time and date aforesaid was given to all property owners within three-hundred (300) feet of the subject property, as shown on the tax records of the City; and

WHEREAS, the City Clerk caused to be posted a sign, not less than 20 inches by 12 inches, on the subject property; and

WHEREAS, said hearing was opened by the Board of Aldermen on Monday, February 12, 2018, and all statements, comments and objections made by those present concerning the application and issuance of said Conditional Use Permit were duly heard and considered by the Board; and

WHEREAS, subject to the conditions set forth below, the proposed of the property will not:

- a. Substantially increase traffic hazards or congestion;
- b. Substantially increase fire, health or any other public safety hazards;
- c. Adversely affect the visual coherence, predominant usage or development character of adjacent neighborhoods;
- d. Adversely affect the general welfare of the community;
- e. Overtax public utilities, service or other municipal facilities;
- f. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
- g. Substantially increase stormwater drainage on other lots; or
- h. Create a nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to Article VI of the Zoning Regulations of the City of Town and Country, a Conditional Use, subject to the conditions set forth in Section 2. hereof, is authorized and granted to Kelly and Steven McNair, owners, for a pool house to be located at 549 South Mason Road, in the Suburban Estate (SE) Zoning District:

Section 2. The Conditional Use authorized and referred to in Section 1. shall be valid only under the following conditions:

1. Shall be in accordance with the Site Plan titled "McNair Residence" dated 1/3/18, prepared by Volz Engineers.
2. All construction is to commence within twelve (12) months following the date of passage of this Ordinance authorizing the Conditional Use Permit.
3. Residential habitation of the pool house is not permitted.
4. No change or modifications to the improvements authorized by this Conditional Use Permit shall be permitted without amendment of the Conditional Use Permit by the Board of Aldermen.
5. All other ordinances of the City of Town and Country shall be observed and complied with in connection with the above-described Conditional Use Permit and failure to do so shall be cause for the revocation of the Conditional Use Permit.
6. Any transfer of ownership of the real estate described herein shall include in the agreement setting forth the transfer that the transferee agrees to be bound by the conditions herein set forth and a copy of the Conditional Use Permit authorized herein shall be furnished to the transferee.
7. The applicant shall, within thirty (30) days from the date of the passage and approval of this Ordinance, notify the City Clerk in writing that the applicant accepts and agrees to abide by the conditions set forth herein.
8. The exterior materials shall match the existing residence.

Section 3. The City Clerk is authorized and directed to issue a Conditional Use Permit as authorized herein and upon satisfaction of the condition set forth in 7. of Section 2.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading:
Second reading:

Introduced by

BILL NO. 18-13

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE IV, CHAPTER 405 THE ZONING REGULATIONS OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY SECTION 405.080 DEFINITIONS, 405.365 PERMITTED USES, AND SECTION 405.370 CONDITIONAL USES REGARDING OUTDOOR GAME COURTS

WHEREAS, the Planning and Zoning Commission, after review on January 17, 2018, recommended approval of the amendment regarding outdoor game courts; and

WHEREAS, the Board of Aldermen has considered the recommendation of the Planning and Zoning Commission and held a public hearing on February 12, 2018 after giving due and proper notice of said hearing in the St. Louis Countian, a newspaper of general circulation in the City of Town and Country.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Title IV. Land Use, Chapter 405, the Zoning Regulations, of the City of Town and Country Municipal Code, specifically Section 405.080, is hereby amended by the addition of the following:

ARTICLE II DEFINITIONS

SECTION 405.080 Definitions

OUTDOOR GAME COURT, PERMANENT

An area having a ground surface consisting of concrete, asphalt, paving blocks, bricks, gravel or other hard and/or impervious surface material that is used for play and recreational uses. Permanent Outdoor Game Courts may include equipment and fencing or screening that is permanently secured to the ground with concrete footings or other similar attachment mechanisms or devices. An Outdoor Game Court that has a ground surface of ice or other temporary hard-surface material is considered a Permanent Outdoor Game Court.

OUTDOOR GAME COURT, TEMPORARY

An area of grass or other natural ground surface that is used for temporary play and recreational uses, and may include the use of equipment such as nets, goals, trampolines, swing sets, slides, and other similar equipment that is not permanently installed. Temporary play and recreational equipment may be temporarily secured to the ground, but may not be permanently attached or secured to the ground. The use of a driveway for a use that would otherwise comply with the definition of an outdoor game court temporary that does not interfere with the primary use of the driveway and does not involve the enlargement of the existing driveway surface is considered an outdoor game court temporary.

Section 2. Title IV. Land Use, Chapter 405, the Zoning Regulations, of the City of Town and Country Municipal Code, specifically Section 405.365.B. is hereby amended to read as follows:

ARTICLE IX ESTATE AND SUBURBAN ESTATE RESIDENTIAL REGULATIONS

SECTION 405.365.B. Permitted Uses

B. In addition to and only when incidental to a permitted use authorized in this district, the following are also permitted:

1. Signs and fences.
2. Accessory uses, buildings and structures in accordance with the following limitations:

Accessory Building, Use or Structure	Maximum Horizontal Size	Maximum Height at any Point
Storage building, enclosed on all sides and containing a roof	100 square feet, measured by outside dimensions	8 feet
Doghouse, dog run or combination thereof	50 square feet, measured by outside dimensions	6 feet (maximum height also applies to fencing)
Swimming pool, provided it is maintained in accordance with all City ordinances	1,000 square feet of water surface area	At least sixty percent (60%) of the wall structure is to be below ground level and no part of the wall structure is exposed to view
a. The pool structure shall comply with all setbacks from the property line. b. No part of the pool deck shall be within twenty (20) feet of any lot line.		
Children's playhouse, enclosed on all sides and containing a roof	50 square feet, measured by outside dimensions	8 feet
Spa or hot tub	70 square feet of water surface	2½ feet and all exposed wall to be wood or stone covered
Pool house provided:	300 square feet measured by outside dimensions	15 feet

Accessory Building, Use or Structure	Maximum Horizontal Size	Maximum Height at any Point
<p>a. The pool house is accessory to a swimming pool for a single-family dwelling;</p> <p>b. It is not equipped or used for residential habitation;</p> <p>c. Exterior lighting is directed towards the pool house or residence, and is not directed toward neighboring residences; and</p> <p>d. The pool house is not located within thirty (30) feet of any lot line.</p>		

Gazebo, provided:	200 square feet	16 feet
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- a. Gazebo is not located within thirty (30) feet of any lot line;
- b. It is not equipped or used for residential habitation; and
- c. Exterior lighting is directed toward the gazebo or residence, and is not directed toward neighboring residences.

Outdoor Game Court, Temporary (As defined in Section 405.080), provided;	1,000 square feet	15 feet
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- a. **The outdoor game court shall not be located within the side and rear setback lines.**
- b. **An exception shall apply to corner/double frontage lots wherein the outdoor game court shall be permitted behind the setback line of the front yard that is not faced by the front of the house.**
- c. **Exterior lighting is strictly prohibited**

- 3. Satellite earth stations less than one (1) meter in diameter (one (1) per lot).
- 4. For permitted accessory buildings or structures the distance measured from the closest point of the accessory building or accessory structure to a point on the main structure shall not exceed thirty (30) feet. This requirement does not apply to pool houses or gazebos permitted pursuant to this Subsection. Permitted accessory uses, buildings and structures further than thirty (30) feet from a point on the main structure may be permitted as conditional uses, if approved pursuant to the regulations of this Chapter concerning conditional uses.

5. All above-grade accessory buildings and accessory structures shall be landscaped with evergreens so that the outline of the accessory buildings or accessory structures is broken. All accessory buildings and accessory structures shall be compatible with the main structure in terms of architectural harmony and quality of construction.
6. Permitted accessory uses, buildings, and structures exceeding the maximum size and height limitations of Section **405.365(B)(2)** may be permitted as conditional uses, if approved pursuant to the regulations concerning conditional uses.

Section 3. Title IV. Land Use, Chapter 405, the Zoning Regulations, of the City of Town and Country Municipal Code, specifically Section 405.370. is hereby amended to read as follows:

ARTICLE IX ESTATE AND SUBURBAN ESTATE RESIDENTIAL REGULATIONS

SECTION 405.370 CONDITIONAL USES

- A. The following uses are permitted as conditional uses in the Estate "E" and Suburban Estate "SE" Zoning Districts, if approved pursuant to the regulations of this Chapter concerning conditional uses and in accordance with the standards and procedures of Sections **405.190** and **405.200**.
 1. Accessory uses, buildings and structures not enumerated in Section **405.365(B)**.
 2. Telecommunication facilities as provided in Section **405.220** of this Chapter.
 3. Day care centers when located on a lot of at least two (2) acres.
 4. Gates controlling vehicular access to individual lots, provided that:
 - a. The gate mechanism shall permit immediate access to emergency vehicles.
 - b. Gates controlling vehicular access to individual lots shall be located no closer than twenty-five (25) feet from the pavement of the adjacent right-of-way so that waiting vehicles do not impede traffic flow.
 - c. Applicant(s) shall file an agreement as approved by the City Attorney, to indemnify, defend and hold the City harmless from any claims of liability resulting from the placement of any gate controlling vehicular access.
 5. Nursing homes when located on a lot of at least five (5) acres which the nursing home owned as of January 1, 1986.
 6. Private clubs associated with a subdivision.
 7. Private clubs when located on a lot of at least fifteen (15) acres.

- 8. Private stables when used as an accessory structure to a residence or private club when located no closer than sixty (60) feet to any lot line and located on a lot of at least five (5) acres.
- 9. Public utility facilities.
- 10. Ground-mounted solar energy systems, and roof-mounted solar energy systems that are mounted either on the front of the roof or on the side of the roof facing a street.
[Ord. No. 3759 §2, 8-26-2013]
- 11. More than one (1) satellite earth station less than one (1) meter in diameter per lot, or satellite earth stations equal to or greater than one (1) meter in diameter, as provided in Section **405.225** of this Chapter.
- 12. *Group Homes.* The classification single-family dwelling or single-family residence shall include any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the exterior appearance of the home and property shall be in reasonable conformance with the general standards of the surrounding neighborhood. No part of a group home shall be located within eight hundred (800) feet of any part of another group home.
[Ord. No. 3906 §2, 6-22-2015]
- ~~13. Outdoor game courts (sport courts). This shall specifically include, but not be limited to, game courts, tennis courts, hockey/ice rinks, batting cages, racquetball/handball courts, and other similar facilities. These court areas may or may not include a combination of lighting, fencing, netting, or boards for the purposes of their use.[Ord. No. 4032 §2, 11-14-2016]~~
 - ~~a) No portion of the court or amenities affiliated with its use may be in the setback.~~
 - ~~b) Shall have a maximum of twelve (12) feet in height~~
- 13. Permanent Outdoor Game Courts (As defined in Section 405.080).
 - a. The outdoor game court shall not be located within the side and rear setback lines.
 - b. An exception shall apply to corner/double frontage lots wherein the outdoor game court shall be permitted behind the setback line of the front yard that is not faced by the front of the house.
 - c. No portion of the Outdoor Game Court Equipment or fencing shall exceed a height of fifteen (15) feet.
 - d. Exterior lighting is strictly prohibited.

Section 2. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Town and Country upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading:
Second reading:

Introduced by

BILL NO. 18-14

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE BID OF DREXEL TECHNOLOGIES FOR THE PURCHASE OF A LARGE FORMAT PLOTTER FOR THE CITY OF TOWN AND COUNTRY AND AUTHORIZING A MAINTENANCE AGREEMENT AND PURCHASE ORDER FOR SAME

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The bid proposal of Drexel Technologies (the "Contractor"), in the amount of \$7,074.00 for the purchase of a large format plotter for the City of Town and Country is hereby accepted. A copy of said bid is attached hereto as Exhibit "A".

Section 2. There is hereby approved a Maintenance Agreement (the "Agreement") with the Contractor for preventative and on-site maintenance in the amount of \$675.00, in the form of the proposed Agreement which is Exhibit "B," attached hereto.

Section 3. A Purchase Order in the amount of \$7,749.00 to Drexel Technologies is hereby approved.

Section 4. The funds authorized to be expended herein have been appropriated in the 2018 budget.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Section 6. The City Administrator is hereby authorized to execute said Agreement on behalf of the City.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading:
Second reading:

Introduced by

BILL NO. 18-15

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 370 OF TITLE III THE TRAFFIC REGULATIONS OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY SECTION 370.070 REGARDING SEAT BELTS AND CHILD RESTRAINT DEVICES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Title III: Traffic Regulations, Chapter 370: Vehicle Equipment, of the City of Town and Country Municipal Code, specifically Section 370.070 is hereby amended to read as follows: (deletions shown as ~~strike through~~; additions as **bold/underline**)

Section 370.070 Seat Belts and Child Restraint Devices

A. As used in this Section, the following terms shall mean:

CHILD BOOSTER SEAT

A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM

A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER

A person who is in actual physical control of a motor vehicle.

PASSENGER CAR

Every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "*passenger car*" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

- B. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this State and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Section 301.010, RSMo., on a street or highway of this State shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. ~~No person shall be stopped, inspected or detained solely to determine compliance with this Subsection.~~ The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Subsection be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. ~~Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law.~~ The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age as provided in Subsection ~~(F)~~ **(E)**.

- C. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Subsection ~~(F)~~ **(E)**.

- D. Except as otherwise provided for in Subsection **(G)**, each person who violates the provisions of Subsection **(B)** ~~this Section is guilty of an infraction for which a upon conviction may be punished by a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of Subsection **(B)**. ~~In no case shall points be assessed against any person, pursuant to Section 302.302, RSMo., for a violation of this Section.~~~~

- ~~E.~~ ~~If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo., (graduated driver's license).~~

- E. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this State, for providing for the protection of such child as follows:
 1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds and who

are also less than four (4) feet, nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.

- 4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
- 5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat area. The driver transporting children referred to in this subsection is not in violation of this section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus as defined in Section 301.010, RSMo.

- F. Any driver who violates Subdivisions (1), (2) or (3) of Subsection ~~(F)~~ (E) of this Section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection ~~(F)~~ (E) of this Section shall be subject to the penalty in Subsection (D) of this Section. If a driver receives a citation for violating Subdivisions (1), (2) or (3) of Subsection ~~(F)~~ (E) of this Section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.

Section 2. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Town and Country upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk

First reading:
Second reading:

Introduced by

BILL NO. 18-16

ORDINANCE NO.

AN ORDINANCE APPROVING A PURCHASE ORDER WITH STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. IN RELATION TO THE TOWN SQUARE PROJECT PRELIMINARY SITE PLAN REVISIONS AND AMENDING THE 2018 BUDGET BY INCREASING A CAPITAL IMPROVEMENTS FUND EXPENDITURE ACCOUNT AND APPROPRIATING FUNDS TO COVER THE INCREASE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. There is hereby approved a Purchase Order with Stock and Associates Consulting Engineers, Inc. for additional design revisions for the Town Square Project site plan. Said Purchase Order is attached hereto as Exhibit "A" and made a part of this Ordinance.

Section 2. A Capital Improvements Fund expenditure account of the 2018 Budget is hereby amended by appropriating funds from the unappropriated balance of the Capital Improvements Fund the sum of \$33,200.00 for said Purchase Order for Town Square Preliminary Site Plan revisions. The funds are appropriated to the following account in the amount indicated:

CAPITAL IMPROVEMENTS FUND EXPENDITURES

MUNICIPAL BUILDINGS

ACCOUNT NO./TITLE	CHANGE		INCREASE
	FROM	TO	(DECREASE)
35-70-500-10 Town Square	\$ 6,011,145	\$6,044,345	\$ 33,200

Section 3. The City Administrator is hereby authorized and directed to execute said Purchase Order on behalf of the City.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this ____ day of _____, 2018.

BILL NO. 18-16

ORDINANCE NO.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this ____ day of _____, 2018.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk