

## City of Arnold, Missouri

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Public Hearing  
Council Chambers

March 20, 2008  
7:30 p.m.

- A. An Ordinance Rezoning a Tract of Land, Known as Foxwood Estates Subdivision and Further Being Tract One of Dickerson Acres, Located in Part of Lot 32 of U.S. Survey 2991, Township 43 North, Range 6 East in the City of Arnold, Missouri, R-4 Residential to R-5 Residential. (See Item 7C below)**
- B. An Ordinance Zoning a Tract of Land in the City of Arnold, Missouri, Identified in Attachment A Form R-2 Residential to Planned Residential Development (PRD) (See Item 7 D below)**

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Council Meeting

Following the Public Hearing

### Amended Agenda

- 1. Pledge of Allegiance
- 2. Opening Prayer
- 3. Roll Call
- 4. Acceptance Of Minutes: **March 6, 2008**
- 5. Acceptance Of Warrants: **Payroll Warrant #1025 - General Warrant #5471**
- 6. Business From the Floor
- 7. Ordinances
  - A. Bill No. 2299:** An Ordinance Approving a Settlement Agreement with AT&T.
  - B. Bill No. 2300:** An Ordinance Approving a Settlement Agreement with Sprint/Nextel Corporation.
  - C. Bill No. 2301:** An Ordinance Rezoning a Tract of Land, Known as Foxwood Estates Subdivision.
  - D. Bill No. 2302:** An Ordinance Zoning a Tract of From R-2 Residential to Planned Residential Development.
- 8. Resolutions
  - A. Resolution #08-21:** A Resolution Authorizing the Vacation of Sanitary Sewer Easement.
  - B. Resolution #08-22:** A Resolution Adopting a Program to be Know as the "Façade Improvement Program."
  - C. Resolution #08-23:** A Resolution Authorizing a Commercial Lease Agreement with the Arnold Chamber of Commerce
  - D. Resolution #08-24:** A Resolution Authorizing a Commercial Lease Agreement with the Arnold Historical Society.

9. Motions  
None
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
  - A. Conditional Use Permit for a Snow Cone Stand at Tenbrook Plaza
  - B. Conditional Use Permit for Jimmy John's and Four More Restaurant Uses at the Shoppe's at Water Tower Place, Michigan Ave.
15. Adjournment

**Next Regular Council Meeting: April 3<sup>rd</sup> at 7:30 p.m.**  
**Next Work Session Meeting: April 10<sup>th</sup> at 7:00 p.m.**

Mayor Mark Powell called the meeting to order at 7:42 p.m.

The Pledge of Allegiance was recited. There was a moment of silence in honor of those that have given their life as a result of the war in Iraq.

Those present per roll call taken by City Clerk Diane Waller: Powell, Vinson, Crisler, Moritz, Brazeal, Amato, Deckman, Ems, Cooley, Unrein, Waller, Holden, Lewis, Sweeney, Boone (excused), Shockey, Blue, and Hall.

**ACCEPTANCE OF THE MINUTES:**

Al Ems moved to accept the minutes of the March 6, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Butch Cooley.

Bill Moritz requested a change to amend and remove the word upset when referring to Ms. Reuss comments from the floor. Discussion followed. He then offered a motion to remove the word "upset" and change to "spoke". Motion died for lack of a second. Roll call vote on minutes as presented: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, (out of the room); Deckman, yes; Ems, yes; Cooley, yes; 7 yeas. Motion carried.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read payroll warrant #1025. Joyce Deckman moved to pay payroll warrant #1025 pay period ending March 7, 2008 in the amount of \$217,441.54 if the monies are available. Seconded by Al Ems. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; 8 yeas. Motion carried.

City Clerk Diane Waller read general warrant #5471. Randy Crisler moved to pay general warrant #5471 in the amount of \$1,326,129.79 if the monies are available. Seconded by Butch Cooley. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal yes; Amato, yes; Deckman, yes; Ems, yes; Cooley; yes; 8 yeas. Motion carried.

**BUSINESS FROM THE FLOOR**

Mr. James Anderson, 3260 Biscayne, started to read a prepared statement. He was very emotional and nervous and the Mayor offered to have the clerk finish reading the statement. City Clerk Diane Waller then finished the reading of the statement. This was in regards to a parking issue he has been dealing with for quite some time.

Mayor directed City Attorney to review this situation. John Brazeal asked that both councilmen in that ward be updated on a resolution to this situation.

Mayor moved agenda Item 14A, Administrative Reports, Conditional Use Permits, to this point in the meeting. Mary Holden spoke briefly about **2008-09 Conditional Use Permit for a snow cone stand at Tenbrook Plaza** that P & Z approved at their March 11, 2008 meeting with findings and conditions noted. Council voice no objections so permit stands approved.

Mary Holden spoke briefly regarding **2008-09 Conditional Use Permit for Jimmy John's and four more restaurant uses at the Shoppe's at Water Tower Place**, Michigan Ave. P & Z approved this at their March 11, 2008 meeting. Council voiced no objections so permit stands approved.

## **ORDINANCES**

**Bill No. 2299** AN ORDINANCE APPROVING A **SETTLEMENT AGREEMENT WITH AT&T** was read twice by City Clerk Diane Waller. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (out of room); Deckman, yes; Ems, yes; Cooley, yes; 7 yeas, ordinance passed.

**Bill No. 2300** AN ORDINANCE APROVING A **SETTLEMENT AGREEMENT WITH SPRINT/NEXTELL CORPORATION f/k/a SPRINT CORPORATION** was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes; 8 yeas. Ordinance passed.

**Bill No. 2301** AN ORDINANCE **REZONING** A TRACT OF LAND, KNOWN AS **FOXWOOD ESTATES SUBDIVISION** AND FURTHER BEING TRACT ONE OF DICKERSON ACRES, LOCATED IN PART OF LOT 32 OF U.S.SURVEY 2991, TOWNSHIP 43 NORTH, RANGE 6 EAST IN THE CITY OF ARNOLD, MISSOURI, **R-4 RESIDENTIAL TO R-5 RESIDENTIAL** was read **ONE** time. Much discussion followed. Mr. Amato voiced he will vote against this and encouraged others to do the same. He asked the record to reflect this action would be detrimental to the residents surrounding this area and they have already suffered enough from this and expressed other safety and traffic concerns. Randy Crisler echoed these sentiments and added to pass this would be irresponsible on the part of the council. Attorney Bob Sweeney clarified this is a zoning issue and reasons to deny would need to be in the record. More discussion.

John Brazeal offered a motion **to table indefinitely Bill No. 2301** and then so moved. Randy Crisler seconded the motion. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; 8 yeas. Motion carried.

**Bill No. 2302** AN ORDINANCE **REZONING** A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI IDENTIFIED IN ATTACHMENT A **FROM R-2** RESIDENTIAL TO **PLANNED RESIDENTIAL DEVELOPMENT (PRD)** was read twice by city Clerk Diane Waller. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, no; Deckman, yes; Ems, yes, Cooley, yes; 7 yeas, 1 nay. Ordinance passed.

## **RESOLUTIONS**

**RESOLUTION NO. 08-21** A RESOLUTION AUTHORIZING THE **VACATION OF SANITARY SEWER EASEMENT** was offered by John Brazeal. He then so moved. Seconded by Randy Crisler. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes Ems, yes; Cooley, yes; 8 yeas. Resolution passed.

**RESOLUTION NO. 08-22** A RESOLUTION ADOPTING A PROGRAM TO BE KNOWN AS THE “**FAÇADE IMPROVEMENT PROGRAM**” was offered by Phil Amato. He then so moved. Seconded by Joyce Deckman. Discussion followed regarding how this would be implemented. Concerns expressed as to age of structure, location, etc. Mayor offered that a report could be provided showing all applications received and these could be reviewed. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes Cooley, yes; 8 yeas. Resolution passed.

**RESOLUTION NO. 08-23** A RESOLUTION AUTHORIZING A **LEASE AGREEMENT WITH THE ARNOLD CHAMBER OF COMMERCE** FOR THE PROPERTY AT **1838 OLD LEMAY FERRY ROAD** was offered by Randy Crisler. He then so moved. Seconded by John Brazeal. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; 8 yeas. Resolution passed.

**RESOLUTION NO. 08-24** A RESOLUTION AUTHORIZING A **LEASE AGREEMENT WITH THE ARNOLD HISTORICAL SOCIETY** FOR THE PROPERTY AT **1838 OLD LEMAY FERRY ROAD** was offered by Phil Amato. He then so moved. Seconded by Butch Cooley. Roll call vote: Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato yes; Deckman, yes, Ems, yes; Cooley, yes; 8 yeas. Resolution passed.

## **MOTIONS**

There were no motions to discuss.

## **NEW BUSINESS/OLD BUSINESS**

Al Ems approached the subject of obtaining free fill as a result of excavation of some of the developments and suggested the city owned property across the street from the Post Office could use some fill. He felt this would make the property more usable and saleable.

Mr. Moritz stated he would like to discuss the trailer-parking ordinance, referred to earlier this evening, at a future work session. Mayor asked that Attorney review first.

Phil Amato reiterated concerns with the Foxwood development. He stated the City needs to take action before someone is seriously hurt as a result of the work there. Staff directed to take a look at it.

## **COMMITTEE REPORTS**

Joyce Deckman reported she had received and presented a check to the city from Charter Cable for \$86,896.

## **REPORTS FROM MAYOR AND COUNCIL:**

Ward 4 – Butch Cooley –No report

Ward 1 – Paul Vinson – Questioned if there had been any feedback from the residents regarding the possibility of a name change for Lower Tenbrook Road.

Mary Holden responded the contacts she has made have been positive. However, she was asked if the city would help with costs involved in the name change. Also stated at one time this was called Michael Lane and those who would be affected if the name changed brought that to her attention.

Paul Vinson stated he would be moving out of Ward 1 next Thursday and was asking for feedback from the council regarding this.

Attorney Bob Sweeney clarified that the law says you must reside in the ward you represent.

Ward 4 – Al Ems – No Report.

Ward 1 – Randy Crisler – Reported the water is up and Ward 1 is flooding.

Complimented Public Works in assisting in the preventive sandbagging work.

Chief Shockey added a truck is now out front with sand and sand bags should anyone need it tonight.

Ward 2 – John Brazeal - Asked that council be kept informed

Ward 3 – Joyce Deckman – No Report

Ward 2 – Bill Moritz – Thanked staff for assistance with a speeding situation.

Ward 3 - Phil Amato – Questioned if Rec Center was considered for shelter should flooding necessitate the need for shelter. Referred to the requested flashing signage alerting truck drivers of lower Tenbrook and reminded council of solar signing possibility. Complimented staff for their flood activity response.

## **ADMINISTRATIVE REPORTS**

Mayor Powell – Reported he has visited every flood site in the city and observed active sandbagging. Talked about the expected crest in comparison to previous floods and praised two previous city administrators, Eric Knoll and John Brazeal for their actions in clearing the previous flood areas by providing buyouts to the residents effected. This has had a great impact on future losses since most flooding now is not in heavy residential areas. Noted the President has declared 70 counties disaster areas so SEMA and FEMA will be involved.

Added 54<sup>th</sup> Street Grill and Bar had opened and Office Depot in the same Water Tower area would be opening in June.

Attorney Bob Sweeney – Announced the Supreme Court ruling came in on the Tourkakis vs. Arnold and the city will now be moving forward.

Matt Unrien – No Report

Diane Waller – No Report

Greg Hall – Reported a Level One Emergency Meeting had been held to assess the flooding situation. City Hall will be closing at noon tomorrow but there will be staff staying on throughout the day and on Saturday to handle flood related inquiries. He intended to do a press release regarding the flood and provide additional information.

Mary Holden – No report

Jeff Blue – No Report unless anyone had other flood concerns or questions

Amato expressed concerns as to how the additional flood gates and levees that were built north of us could impact the river rising in the Arnold area.

Previous Arnold City Administrators Eric Knoll and John Brazeal were again praised for their efforts in making sure the new bridge access ramps to our city were flood proofed in case of rising river waters.

Deborah Lewis – No report

Susie Boone – Excused

Chief Shockey – Announced the new P.A. system in town is up and running. Added Omar Ruiz, who is now with the Arnold Police Department, had come from the Red Cross and has much experience with disasters.

Motion to adjourn was offered by Randy Crisler. Seconded by Al Ems. Voice vote: motion carried.

Meeting adjourned at 9:03 pm.

Respectfully submitted,

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City Clerk