

City of Arnold, Missouri

Public Hearing
Council Chambers

November 6, 2008
7:30 p.m.

1. **An Ordinance Approving a Record Plat Titled “Litzsinger Fuel Center Consolidation Plat” (See Item 7B Below)**
2. **An Ordinance Amending the Zoning Ordinance, Bill No. 285 and 2074, Ordinance No. 14.2, Relating to Conditional Use Permits (See Item 7C Below)**
3. **An Ordinance Approving the Rezoning and Preliminary/Final Development Plan for Two Tracts of Land Identified as Lots 2 and 3 of Vernon Rhodes Subdivision, Known as Plaza Way Office Center from C-3 to C-4 Commercial (See Item 7D Below)**

Council Meeting
Council Chambers

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **October 16, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1041 - General Warrant #5486**
6. Business From the Floor
7. Ordinances
 - A. **Bill No. 2322:** An Ordinance Amending Article VII, Chapter 2 of the Code of Ordinances Regarding Park and Open Space Advisory Board and Repealing Article XII, Chapter 2 of the Code of Ordinances Regarding a City Recreation and Fitness Advisory Board.
 - B. **Bill No. 2323:** An Ordinance Approving a Record Plat Titled “Litzsinger Fuel Center Consolidation Plat”.
 - C. **Bill No. 2324:** An Ordinance Amending the Zoning Ordinance, Bill No. 285, and 2074, Ordinance No. 14.2 Relating to Conditional Use Permits.
 - D. **Bill No. 2325:** An Ordinance Approving the Rezoning and Preliminary/Final Development Plan for Two Tracts of Land Identified as Lots 2 and 3 of Vernon Rhodes Subdivision.
 - E. **Bill No. 2326:** An Ordinance Accepting Lands Known as Hawksbury Drive and Hawksbury Court in Hawksbury Subdivision for Public Use as Streets and Roads; Authorizing the Mayor of the City of Arnold, MO., to Execute a Formal Acceptance thereof; and Providing for the Recording of Said Acceptance.

- F. Bill No. 2327:** An Ordinance Approving a 180 Day Moratorium on New or Relocated Consumer Installment, Payday or Title Lender Businesses in the City of Arnold.
8. Resolutions
- A. Resolution No. 08-49:** A Resolution Authorizing the Mayor to Sign an Agreement with Sunguard Public Sector for Financial Software.
- B. Resolution No. 08-50:** A Resolution Adopting the City of Arnold Green Building Policy.
- C. Resolution No. 08-51:** A Resolution Adopting the Identity Theft Prevention Program for the City to be in Compliance with the Fair and Accurate Credit Transaction Act.
9. Motions
- A.** A Motion approving Supplemental Agreement No. 5 to Crawford, Murphy & Tilly, Inc.
- B.** A Motion Authorizing the Mayor to Execute a Release of Utility Easement.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
- A.** Wal-Mart Seasonal Storage Containers, Conditional Use Permit.
15. Adjournment

Next Work Session Meeting: Thursday, November 13th at 7:00 p.m.
Next Regular Council Meeting: Thursday, November 20th at 7:30 p.m.

REGULAR MEETING

November 6, 2008

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:37 PM

Mayor Mark Powell called the meeting to order at 7:37 pm.

The Pledge of Allegiance was recited.

Opening Prayer was a moment of silence to honor two Arnold residents who recently passed away, Eugene Winkler and Charles Brazeal.

Those present per roll call taken by City Clerk Diane Waller: Ems, Cooley, Amato, Deckman, Moritz, Poor, Crisler, Hay, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Shockey, Blue, Freese and Hall.

ACCEPTANCE OF THE MINUTES:

Al Ems moved to accept the minutes of the October 16, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Bill Moritz. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, motion carried.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #1041. Joyce Deckman moved to pay payroll warrant #1041 pay period ending October 17, 2008, in the amount of \$233,787.22 if the monies are available. Seconded by Randy Crisler. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5486. Butch Cooley moved to pay general warrant #5486 in the amount of \$640,804.27 if the monies are available. Seconded by Al Ems. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas motion carried.

Before business from the floor, the Mayor asked that Mayor Pro-Tem Randy Crisler and Phil Amato approach the microphone on the floor. Mayor made complimentary remarks about Phil Amato in recognition and appreciation for the commitment he has had towards the city and he was honored as the Grand Marshall in the recent Arnold Days Parade. Plaques were presented to Mr. Amato from the Fox C-6 School District, Jaycees and City of Arnold.

Phil Amato shared a story and said thank you.

BUSINESS FROM THE FLOOR

Mayor explained how our ordinances allow anyone to speak for 3 minutes on any subject, provided they identify themselves.

Jim Edwards, 3338 Boca Raton, stated he hopes the Ozark Bridge project will be done next year.

Alan Bornstein, THF, provided a detailed update on the Arnold Commons developments reporting on the progress of construction and lease signings. Also talked about the activity involving the union labor situation and the inflatable “rat”. Acknowledged they are preparing for the next phase and the use of bonds.

Mayor requested that if there were no objections he would like to amend the agenda to now bring forward Item 14A Conditional Use Permit as the representative is in attendance. No objections were voiced by council members.

Wal-Mart is proposing the use of storage containers for holiday merchandise as they have done in the past. This should be the last year this would be needed. No objections were voiced so the conditional use permit will stand.

Agenda also amended to bring forward the Liquor Applications at this time, as representatives were also present.

Bill Moritz, Liquor Control Committee Chairman, stated a meeting was held tonight and they were recommending approval of the applications presented. Discussion followed.

Questions and comments were asked regarding police activity at another theatre serving alcohol and our Chief responded he has not heard any adverse remarks. A councilman questioned how the serving of alcohol would be enforced. Council agreed to permit Mr. Hoffmeister of Wehrenberg to address this. Mr. Hoffmeister proceeded to say all purchasers of alcohol, regardless of age, must present valid ID, there will be one drink per person and employees participate in numerous training programs.

Mayor questioned if this is a trend to serve alcohol in movie theatres and Mr. Hoffmeister replied “yes” explaining most of the time beer and wine will be available but on special occasions, a mixed drink would be offered to coincide with the movie playing.

Bill Moritz offered a motion to approve the **Change in Managing Officer for Pizza Hut 1926 Richardson Road to Lorene Samson and Dierberg's 860 Arnold Commons to Steven Radcliff** and so moved. Seconded by Jerel Poor. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **Motion carried.**

Bill Moritz offered a motion to approve the **Intoxicating Liquor by the drink and on Sunday for Wehrenbergs Arnold 14 Cine, 1912 Richardson Road, Managing Officer James Hoffmeister and for Texas Roadhouse 806 Arnold Commons Drive, Managing Officer, Rodney Seago** and so moved. Seconded by Matt Hay. Roll call vote: Ems, yes; Cooley, yes; Amato, no; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 7 yeas, 1 nay; **Motion carried.**

ORDINANCES

Bill No. 2322 AN ORDINANCE AMENDING ARTICLE VII, CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING PARK AND OPEN SPACE ADVISORY BOARD AND REPEALING ARTICLE XIII, CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING A CITY RECREATION AND FITNESS ADVISORY BOARD was discussed.

Randy Crisler said he felt a 9 member board was too large and offered **a motion to amend Sec 2-310 to five (5) members appointed and a quorum shall be three (3) members** and so moved. Seconded by Al Ems. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; Hay, no; 6 yeas, 2 nays; **Motion carried.**

More discussion. Randy Crisler also felt the **5 members should be at large with every effort made to have 2 members with experience or expertise in golf, two with experience in recreation activities and one with finance or budgetary experience** and so moved. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; Hay, no; 6 yeas, 2 nays, **Motion carried.**

Amended Bill No. 2322 was then read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; Hay, no; 6 yeas, 2 nays, **Ordinance passed.**

Bill No. 2322 AN ORDINANCE APPROVING A RECORD PLAT TITLED 'LITZINGER FUEL CENTER CONSOLIDATION PLAT' was read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas. **Ordinance passed.**

Bill No. 2324 AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285, AND 2074, ORDINANCE NO. 14.2 RELATING TO CONDITIONAL USE PERMITS was read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **ordinance passed.**

Bill No. 2325 AN ORDINANCE APPROVING THE REZONING AND PRELIMINARY/FINAL DEVELOPMENT PLAN FOR TWO TRACTS OF LAND IDENTIFIED AS LOTS 2 AND 3 OF VERNON RHODES SUBDIVISION, KNOWN AS PLAZA WAY OFFICE CENTER FROM C-3 TO C-4 COMMERCIAL was read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **ordinance passed.**

Bill No. 2326 AN ORDINANCE ACCEPTING LANDS KNOWN AS HAWKSURRY DRIVE, AND HAWKSURRY COURT IN HAWKSURRY SUBDIVISION FOR PUBLIC USE AS STREETS AND ROADS, AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI, TO EXECUTE A FORMAL ACCEPTANCE THEROF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **ordinance passed.**

BILL NO. 2327 AN ORDINANCE APPROVING A 180 DAY MORATORIUM ON NEW OR RELOCATED CONSUMER INSTALLMENT, PAYDAY OR TITLE LENDER BUSINESS IN THE CITY OF ARNOLD was read twice by City Clerk Diane Waller. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; **ordinance passed.**

For the record Phil Amato asked Mary Holden if the city had other regulated businesses which she stated yes, tattoo parlors, adult business, and pawn shops.

RESOLUTIONS

RESOLUTION NO. 08-49 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH SUNGARD PUBLIC SECTOR PENTAMATION INC was offered by Randy Crisler and he so moved. Seconded by Matt Hay. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas; **resolution passed.**

RESOLUTION NO. 08-50 – A RESOLUTION ADOPTING THE CITY OF ARNOLD GREEN BUILDING POLICY was offered by Randy Crisler and he so moved. Seconded by Bill Moritz. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **resolution passed.**

RESOLUTION NO. 08-51 – A RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM was offered by Phil Amato and he so moved. Seconded by Jerel Poor. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **resolution passed.**

MOTIONS

A motion authorizing the Mayor to sign **Supplemental Agreement No. 5 with Crawford, Murphy & Tilly in the amount of \$19,830.00** was offered by Butch Cooley and he so moved. Seconded by Al Ems. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **motion carried.**

A motion to authorize the Mayor to execute the **Release of Easement** as more fully described in the release was offered by Randy Crisler and he so moved. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; 8 yeas, **motion carried.**

NEW BUSINESS/OLD BUSINESS

Jerel Poor brought up Ozark Bridge.

Greg Hall stated an offer was made to Mr. Rosenthal in September and by law we must wait 60 days before taking any legal action. Attorney Sweeney, echoed this remark.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Al Ems – No report

Ward 2– Bill Moritz – Reported he had worked at the polls all day election day and was impressed with the voter turnout.

Ward 4 – Butch Cooley – Reported he also had worked at the polls and was proud of the turnout in Ward 4.

Ward 1 – Randy Crisler – No report

Ward 2 – Jerel Poor - No Report

Ward 3 – Joyce Deckman – Thanked Jeff Blue and his employees for their efforts.

Ward 1– Matt Hay - No Report

Ward 3 – Phil Amato – Shared voting stats and comments on the passing of the Charter for Jefferson County.

ADMINISTRATIVE REPORTS

Mayor Powell – Echoed some of the sentiments expressed regarding the Charter and added this should improve the future of Jefferson County.

Attorney Robert Sweeney – THF and Tourkakis litigation has been resolved and the city has been dismissed in the companion suit.

Matt Unrein – Stated staff has documents that no longer are required to be kept per State Record Retention requirements and arrangements have been made to have them shredded. On Veterans Day City Hall Offices will be closed and staff will attend the yearly day of training. He added he will be presenting the Make A Difference Day Program and was also challenging city staff and others visiting City Hall to donate items for the Arnold Food Pantry. Diane Waller had been in contact with the Food Pantry and they are in desperate need of non- food items and was asked to relay this to contributors.

Diane Waller – No Report

Greg Hall – No Report

Mary Holden – Stated city had issued 7 building permits last month.

Jeff Blue – Thanked Joyce for the kind words earlier and acknowledged he has a very dedicated staff. The fall brush pickup will be starting November 17th, a later date than usual. Recognized Lee Peterson for his 25 years with the City.

Paul Freese – No Report

Deborah Lewis – No Report

Susie Boone – Reported Arnold Days/Family Fall Festival was highly successful and thanked everyone for his or her support. Added there are now 17 holes open at Pomme Creek.

Chief Shockey – No Report

A motion to adjourn was offered by Randy Crisler. Seconded by Bill Moritz.
Voice vote: all yeas, meeting adjourned at 9:10 pm.

Respectfully submitted,

City Clerk