

## City of Arnold, Missouri

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**Public Hearing  
Council Chambers**

**October 15, 2009  
7:00p.m.**

- A. An Appeal of the Planning Commission for Denial of a Conditional use Permit for Drury Development Corporation to Install an Off-Site Sign at 3401 Robinson Road.
- B. An Appeal of the Planning Commission for Denial of a Conditional Use Permit for Drury Development Corporation to Install an Off-Site Sign at 2120 Michigan Avenue.
- C. An Ordinance Zoning a Tract of Land in the City of Arnold, Missouri, Identified in Attachment A From R-2 Residential to Planned Residential Development (PRD).

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**Council Meeting  
Council Chambers**

**Immediately Following the Public Hearing**

### Amended Agenda

- 1. Pledge of Allegiance
- 2. Opening Prayer: **Church of Christ of Arnold - Josh Robinson**
- 3. Roll Call
- 4. Acceptance of Minutes: **October 1, 2009 & October 8, 2009**
- 5. Acceptance of Warrants: **Payroll Warrant #1066 - General Warrant #5509**
- 6. Business from the Floor:
- 7. Ordinances
  - A. **Bill No. 2354:** An Ordinance Zoning a Tract of Land in the City of Arnold, Missouri, Identified in Attachment A From R-2 Residential to Planned Residential Development (PRD).
- 8. Resolutions
  - A. **Resolution 09-50:** A Resolution Appointing James Henson to the Commission On Aging and Disabilities.
  - B. **Resolution 09-51:** A Resolution Appointing Mark Hood to the Tourism Commission.
  - C. **Resolution 09-52:** A Resolution Authorizing the Closing of a Portion of A Certain Street Within the Coporate Limits of the City of Arnold, Missouri.
  - D. **Resolution 09-53:** A Resolution Authorizing the Mayor to Appoint Karl J. Schoenbeck to the City Council to Complete the Unexpired Term of Alfred Ems.

9. Motions
  - A. A Motion Awarding the Proposal of Non-Alcoholic Beverage Concessions to Pepsi Americas.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
  - A. An Appeal of the Planning Commission for Denial of a Conditional Use Permit for Drury Development Corporation to Install an Off-Site Sign at 3401 Robinson Road.
  - B. An Appeal of the Planning Commission for Denial of a Conditional Use Permit for Drury Development Corporation to Install an Off-Site Sign at 2120 Michigan Avenue.

**Next Regular Council Meeting November 5, 2009 at 7:00 p.m.**  
**Next Work Session Meeting November 12, 2009 at 7:00 p.m.**

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October 13, 2009

**REGULAR MEETING**

**October 15, 2009**

**COUNCIL CHAMBERS**

**2101 JEFFCO BLVD**

**7:27 PM**

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Mayor Ron Counts called the meeting to order at 7:27 pm.

The Pledge of Allegiance was recited.

Mr. Josh Robinson from the Arnold Church of Christ offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Counts, Poor, Lindsley, Crisler, Hay, Moritz, Connell, Deckman, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Shockey, Baker, Freese, and Hall (excused).

Mayor Counts requested the **agenda be amended to move Agenda Item 8-D, Resolution No. 09-53** to this part of the meeting. Jerel Poor offered a motion to amend the agenda as requested and so moved. Seconded by Jason Connell. Roll call vote: Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 7 yeas. **Motion carried.**

**RESOLUTION NO. 09-53 A RESOLUTION APPOINTING KARL J. SCHOENBECK TO THE CITY COUNCIL TO COMPLETE THE UNEXPIRED TERM OF ALFRED EMS** was discussed. Jason Connell offered a motion and so moved. Seconded by Matt Hay.

Mr. Crisler asked this item be postponed for 2 weeks, allowing additional time so all could meet with Mr. Schoenbeck. He indicated not all council members had been able to meet or spend time with Mr. Schoenbeck. The Mayor agreed to disagree with Mr. Crisler, advised the position is open and he would like to proceed this evening with the appointment. After discussion, **Mr. Poor called the question.** Roll call vote: Poor, yes; Lindsley, yes; Crisler, abstain; Hay, yes; Moritz, yes; Connell, yes; Deckman, abstain; 5 yeas, 2 abstentions. **Resolution passed.**

Mayor Counts then asked City Clerk Diane Waller to swear in Mr. Schoenbeck as the new Councilman. Mr. Schoenbeck took the oath of office and then took his place on the dais. The meeting continued.

**ACCEPTANCE OF THE MINUTES:**

Jason Connell moved to **accept the minutes of the October 1, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Matt Hay. Roll call vote: Schoenbeck, abstain; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes, 7 yeas, 1 abstention. **Motion carried.**

Bob Lindsley moved to **accept the minutes of the special meeting October 8, 2009** if there are no other deletions, errors, or corrections. Seconded by Jerel Poor. Roll call vote: Schoenebeck, yes; Poor, yes, Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, abstention; 7 yeas, 1 abstention. **Motion carried.**

#### **ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read **payroll warrant #1066**. Matt Hay **moved** to pay payroll warrant #1066 pay period ending October 2, 2009, in the amount of \$246,607.91 if the monies are available. Seconded by Jerel Poor. Roll call vote: Schoenebeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read **general warrant #5509**. Bill Moritz moved to pay **general warrant #5509** the amount of \$405,035.56 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Schoenebeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

Mayor Counts recognized 2 Boy Scouts from Kennerly School, Troop 827 in South St. Louis County. They were Andrew and Michael Heuschele who were in attendance tonight working on their citizenship badges.

#### **BUSINESS FROM THE FLOOR**

The Mayor explained how anyone could speak for up to 3 minutes on any topic, but first must identify himself or herself and state their address.

**Ms. Pat Petermen**, 1169 Hickory Ridge Trail wanted it on the record that she opposes the proposed signage for Drury.

**Brian McArthur**, Chairman of P & Z highlighted the reasoning behind P & Z actions.

**Norman Moss**, 2270 Fawn drive, expressed his opposition to the signage near Water Tower and added there will be 3 more meetings to talk about this signage issue.

**Frank Pointer**, 1009 Southgate, questioned the timing of the traffic signals at Arnold Tenbrook and Jeffco stating sometimes one sits 4 or 5 minutes waiting for the light to change.

Councilman Hay added this happens also with the traffic light at Starling Airport and Jeffco.

Chief Shockey advised MoDot controls this and sensors could be sticking. City will see if they can contact someone regarding this.

**Doris Borgelt.** 653 Louisa, commented that the city encourages businesses to come to our city but does not understand why the city would limit their signage.

## **ORDINANCES**

**BILL NO. 2354 – AN ORDINANCE ZONING A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI, IDENTIFIED IN ATTACHMENT A FROM R-2 RESIDENTIAL TO PLANNED RESIDENTIAL DEVELOPMENT (PRD)** was discussed.

Randy Crisler explained that the developer has met our ordinance requirements and it is the duty of the council to approve or face possible legal action.

Bill Moritz echoed Randy's remarks and reiterated his safety concerns.

Matt Hay added the developer has done what was needed.

**Bill No. 2354** was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, no; Deckman, no; 6 yes, 2 nays. **Ordinance passed.**

## **RESOLUTIONS**

**RESOLUTION NO. 09-50 A RESOLUTION APPOINTING JAMES HENSON TO THE COMMISSION ON AGING AND DISABILITIES FOR A THREE-YEAR TERM** was discussed. Jerel Poor moved on Resolution No. 09-50. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Resolution passed.**

**RESOLUTION NO. 09-51 A RESOLUTION APPOINTING MARK HOOD TO FILL AN UNEXPIRED TERM ON THE TOURISM COMMISSION** was discussed. Jerel Poor moved on Resolution 09-51. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Resolution passed.**

**RESOLUTION NO. 09-52 A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF A CERTAIN STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF ARNOLD MISSOURI** was discussed. Jerel Poor moved on Resolution 09-52. Seconded by Jason Connell. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

#### **MOTIONS**

A motion awarding the contract for non-alcoholic beverage concessions to Pepsi Americas was discussed. Jason Connell **moved to award Pepsi Americas the city contract for non-alcoholic beverage concessions for five (5) years with an option for another five (5) years thereafter.** Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

#### **NEW BUSINESS**

Jerel Poor questioned if the issue with the leaking roof at the VFW had been resolved. Also, thanked city for the grass/weed cutting near the VFW.

Matt Hay questioned how the meeting went with VFW and THF. Matt Unrein responded they had met and reviewed the punch list. THF is to reply and advise city.

Attorney Sweeney added THF is willing to respond to most issues but THF and VFW may need to work things out together.

Mayor added he hopes this will all be able to get resolved.

Matt Hay, acknowledging the upcoming closing of Convair, would like proper signage alerting folks, there is no parking and this street does not go thru.

## **OLD BUSINESS**

Jerel Poor asked for an update on Veolia's progress in supplying the carts for both regular trash and recycling. Diane Waller responded that she had been with Veolia Management today and they were in the process of delivering the requested carts. They indicated they should be finished by the end of the week.

Jason Connell added he had personally witnessed the carts being delivered today.

## **COMMITTEE REPORTS**

Bill Moritz stated the Aging and Disability Commission had met tonight. There are new federal requirements regarding street signage so they are easier to read. In the rear of the council chamber were samples of the street signs displaying the recommended change using both upper and lower case lettering, along with a sign we currently use with one size lettering.

Mr. Moritz also stated the Liquor Control Committee had met earlier, reviewed an application and was **recommending the approval of an intoxicating liquor by the drink and on Sunday license for Mariam G Reyes as Managing Officer of Cazadores Mexican Restaurant, 892 Arnold Commons**. He then offered a motion to approve and so moved. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

Mr. Moritz also stated the liquor control committee will be bringing forward a revised liquor ordinance at the next work session. These changes should make applying and securing a license less complicated for businesses.

Bob Lindsley informed all that the Tourism Board had met last week and Gary Allen is the newest member. The Mayor had recommended appointing Mark Hood and Mr. Hood was approved earlier this evening.

Mr. Lindsley stated the Arnold Sewer Rate Commission will soon meet in November and will be looking at sewer finances, providing recommendations on a rate increase and the need to have a public hearing.

Mr. Unrein responded staff would not necessarily have the numbers and information needed in time for a November meeting.

Randy Crisler stated the Finance Committee had met this evening and things were progressing.

Joyce Deckman, a member of the CCI Board, shared there could be some major changes coming up but would have to wait until January to make the announcements.

## **REPORTS FROM MAYOR AND COUNCIL**

**Mayor Counts** – The Super Wal-mart has opened and it is both amazing and exciting and should help sales tax.

**Ward 4 – Karl Schoenbeck** – No Report

**Ward 2 – Bill Moritz** - Reported he had attended the 75<sup>th</sup> MML Conference recently and there were many informative sessions. Added we need to get an accurate count in the upcoming census.

**Ward 3 – Bob Lindsley** – Reported on some accidents near Woodridge where cars were jumping the curb into the yards of residents. He would like to see guardrails installed but the Mayor advised they are cost prohibitive at this time.

**Ward 1 – Randy Crisler** - Welcomed new Council member Karl Schoenbeck. Mr. Crisler added he too had attended the MML conference and there were many beneficial sessions.

**Ward 3 – Joyce Deckman** - Welcomed Karl and added she would like to get to know him.

**Ward 2 – Jerel Poor** – No Report

**Ward 1 – Matt Hay** - Welcomed Karl

**City Administrator Matt Unrein** –Welcomed Karl

**City Clerk Diane Waller** – Thanked Chief Shockey and his officers for their assistance in resolving business license renewal issues. Distributed a sample copy of the current municipal services bill showing how the trash fee is being charged. Announced many bills went out today but due to mechanical breakdowns, we were unable to finish. Hopefully, tomorrow, the balance of the bills will be in the mail.

**Chief Shockey** – No Report

**Parks Director Susie Boone** – Reported the RFQs for the Ferd B Lang Park is advertised and requests mailed out. Preliminary reports indicate there is asbestos there. Announced Chamber of Commerce will be working with our Parks Department for a Christmas Parade on December 4.

**Community Development Director Mary Holden** – No report.

**Public Works Director – Bryson Baker** – Due to bedrock there will be a delay in the Ozark Bridge. Will bring more information forward in the future regarding how this will affect cost.

**Treasurer Paul Freeze** – Announced Hometown if hoping to raise funds by holding a Trivia Night on November 7<sup>th</sup> at the Rec Center.

**Attorney Robert Sweeney** – Clarified the closing of Convair is just that, it is not a vacation.

**Finance Director Deb Lewis** – Explained the financial reports she had distributed to council.

**Director of Administration Greg Hall** – Excused

A motion to close was offered by Randy Crisler. Seconded by Bill Moritz.  
Voice Vote: all yeas, motion carried and meeting adjourned at 8:37 pm.

Respectfully submitted,

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City Clerk