

**MINUTES
BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
NOVEMBER 14, 2016**

WORK SESSION

The work session meeting of the Board of Aldermen of the City of Town and Country was held at 6:00 PM on Monday, November 14, 2016.

Present were: Aldermen Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright. Aldermen Benigas arrived at 6:15 PM.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

1. Presentation-2017 Draft Budget

Finance Director Betty Cotner gave a PowerPoint presentation regarding the proposed 2017 budget. Information was provided regarding revenues, expenditures, fund balances and sales tax history. Brief discussion was held regarding the projected revenues and sales tax numbers. Budget highlights were shown by fund and briefly detailed. She concluded by providing a timeline for the budget approval process which includes the public hearing and first reading to be held on November 28, 2016.

2. Discussion-Regular meeting agenda items

Upon reaching agenda items 20 and 21 regarding the selection of the Town Square Development Team, Mayor Dalton recused himself and left the Work Session because his law firm has previously performed legal services for both applicants.

In Mayor Dalton's absence, Acting President Mange presided.

Alderman Rallo recused herself and left the Work Session because of a potential conflict of interest as the firm her husband works for has a business relationship with Brinkmann Constructors.

No votes were taken.

REGULAR MEETING

The regular meeting of the Board of Aldermen of the City of Town and Country was held at 7:00 PM on Monday, November 14, 2016 at the Municipal Center, 1011 Municipal Center Drive.

PLEDGE OF ALLEGIANCE

Michael Cozad, Ward 1 resident, led the Pledge of Allegiance.

ROLL CALL

The 7:05 PM roll call indicated Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright to be present.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

Mayor Dalton congratulated Alderman Crawford and called for a round of applause, as the Amateur Athletic Union (AAU) has honored her years of service by the creation of the Gussie Crawford Lifetime Achievement Award.

MINUTES – 10/24/16 Regular Meeting

Alderman Mange moved for approval, seconded by Alderman Frautschi.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 10/24/16 were unanimously approved by voice vote.

MINUTES – 11/02/16 Work Session

Alderman Meyland-Smith moved for approval, seconded by Alderman Butler.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 11/02/16 were unanimously approved by voice vote.

HEARING FROM CITIZENS

Mayor Dalton noted that he and Alderman Rallo have recused themselves from any involvement regarding the selection of a development team for the Town Square project. He stated that as such, he would not be engaging with speakers who would like to address the Board of Aldermen on that topic other than to thank them for their comments.

Karen Fox, 13342 Kings Glen Drive, spoke in support of the Brinkmann Constructors proposal for Town Square. She noted that less parking and unsightly dumpsters would be needed with fewer restaurants, as proposed by Brinkmann.

Jenny Donovan, 13309 Kings Glen Drive, expressed concern about the proposed walking trail, on-site lighting and the need for landscaping. She spoke in support of the Brinkmann Constructors proposal of Town Square because it would have less restaurant space and include references to the community's history.

Michael Cozad, 12701 Carberry, commented on the City's process regarding Town Square. He expressed concern about on-site stormwater issues as well as financial aspects of each proposal.

Cari Switzer, 3 Rutherford Lane, encouraged the Board to consider the impact of Town Square on neighboring residents, especially the proximity and/or need of the walking trails.

Tracy Switzer, 3 Rutherford Lane, spoke in support of the Brinkmann Constructors proposal for Town Square unless the cost was prohibitive.

Mark Freyenberger, 2 Rutherford Lane, echoed his neighbors' concerns about the proposed walking path as it could infringe on the privacy of their homes.

William Frederick, 13324 Kings Glen Drive, described an ongoing stormwater issue involving the Town Square property. He spoke in support of the Brinkmann Constructors proposal but urged the Board to consider a toned down project. He expressed concern about the proposed pedestrian tunnel and suggested a traffic light for crossing Clayton Road.

PUBLIC HEARING(S)

A court reporter with Midwest Litigation was present to record the following public hearings.

- *A public hearing on the application of Les Taylor Investment Co. Inc., owner, for variances from Chapter 420, the Sign Regulations of the Municipal Code, for 5 wall signs at 14195 Clayton Road, in the Commercial (C) Zoning District.*

Mayor Dalton declared the public hearing open.

The City Clerk entered the following exhibits:

1. Typewritten notice of hearing posted at the Municipal Center and on the subject property, and mailed to property owners within 300 ft. of subject property, with a list of property owners attached.
2. Resolution No. R19-2016

David Williams, Bill Yount Signs, and Rick Grosz, West County Phillips 66 owner, were present on behalf of the request.

Alderman Meyland Smith confirmed the number and location of the requested signage and asked for clarification regarding the illumination.

In response, Mr. Williams utilized the previously distributed materials, and explained that the Phillips 66 logo shields would be illuminated in addition to channels along the perimeter of the canopy.

Mr. Grosz stated that the new look was a corporate requirement and clarified that the canopy illumination would not project outward, but rather back toward the canopy itself like a glow.

Alderman Benigas inquired about the reason for the branding change. Mr. Williams explained that the aim of the update was to be higher end and attract more attention without being flashy.

Discussion was held about the existing and proposed illumination of both the signs and canopies.

Mayor Dalton called for public comments.

Hearing none, the public hearing was closed.

- *A public hearing to consider the following amendment of the Zoning Regulations of the Municipal Code: AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.080, 405.625 AND 405.655 REGARDING COMMERCIAL (C) ZONING REGULATIONS FOR MINOR SHOPPING CENTERS*

Mayor Dalton declared the public hearing open.

The City Clerk entered the following exhibits:

1. Affidavit of Publication of Notice of Hearing published in the St. Louis Countian on October 28, 2016.
2. Typewritten notice of hearing posted at the Municipal Center and the on City's website.
3. Bill No. 16-76

Craig Wilde, Planning & Public Works Director, was present to answer any questions.

Mayor Dalton called for public comments.

Hearing no questions or comments, the public hearing was closed.

- *A public hearing to consider a request by Walmar Investment Company, owner, for approval of a Conditional Use Permit for Outside Dining at the Clayton Village Shopping Center, located at 14151 Clayton Road, in the Commercial (C) Zoning District.*

Mayor Dalton declared the public hearing open.

The City Clerk entered the following exhibits:

1. Affidavit of Publication of Notice of Hearing published in the St. Louis Countian on October 28, 2016.
2. Typewritten notice of hearing posted at the Municipal Center and on the subject property, and mailed to property owners within 300 ft. of subject property, with a list of property owners attached.
3. Bill No. 16-78

Michael Kupstas, Forks in the Air, and Katie Collier, Executive Chef and Co-Founder of Katie's Pizza and Pasta Osteria, were present on behalf of the request.

Utilizing a PowerPoint presentation, Mr. Kupstas displayed a rendering of the proposed restaurant and pointed out where it would be located in Clayton Village Shopping Center. He explained that Katie's Pizza and Pasta Osteria is desirous of being a part of the community and serving as a gathering place with outside dining. A rendering of the 60 seat outdoor area was shown and building materials were described. He added that the restaurant is full service with lunch and dinner all week and brunch offered on the weekends. He also displayed the restaurant's proposed signage.

Ms. Collier described the restaurant to be family friendly and briefly outlined the menu and offerings.

Alderman Meyland-Smith noted for the record that the Planning & Zoning Commission had discussed a potential issue with space in the outdoor area but the plan had been modified to provide adequate room for diners and sidewalk pedestrians.

Mayor Dalton called for public comments.

Hearing none, the public hearing was closed.

APPOINTMENTS

COMMUNICATIONS AND REPORTS

Alderman Wright

Alderman Wright reported that the Parks & Trails Commission on will meet at 6:00 PM on Monday, November 21, at the Longview Farm House.

She also acknowledged the passing of longtime resident Janet Williamson who gave her time and talents to volunteering with the City for many years.

Alderman Frautschi

Alderman Frautschi announced that the Public Works Commission will be meeting at 7:00 PM on Monday, November 21, at the Municipal Center. She added that the agenda included discussion about sound walls in the City.

UNFINISHED BUSINESS

BILL NO. 16-66, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.365(B)(2), 405.420(B)(4), 405.430(B)(4) AND 405.430(B)(5) REGARDING SETBACK REQUIREMENTS FOR RESIDENTIAL BUILDINGS AND POOL STRUCTURES (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-66 was read for the second time and placed upon its final passage.

Alderman Wright moved for approval, seconded by Alderman Crawford.

The City Clerk stated for the record that Aldermen Benigas and Meyland-Smith have listened to all appropriate public hearings from the October 24, 2016 meeting.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-66 became Ordinance No. 4029.

BILL NO. 16-67, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.080 AND 405.345(A) REGARDING THE FLOOR AREA REQUIREMENTS OF GARAGES AND ACCESSORY STRUCTURES (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-67 was read for the second time and placed upon its final passage.

Alderman Meyland-Smith moved for approval, seconded by Alderman Frautschi.

Alderman Mange left the dais momentarily at 8:01 PM and returned at 8:03 PM.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-67 became Ordinance No. 4030.

BILL NO. 16-68, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTION 405.345(A) REGARDING RESIDENTIAL BUILDING OFFSETS (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-68 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Benigas.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-68 became Ordinance No. 4031.

BILL NO. 16-69, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.365(A), 405.365(B) AND 405.370(A) REGARDING THE ALLOWANCE OF OUTDOOR GAME COURTS (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-69 was read for the second time and placed upon its final passage.

Alderman Benigas moved for approval, seconded by Alderman Wright.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-69 became Ordinance No. 4032.

BILL NO. 16-70, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.080 AND 405.345(A) REGARDING THE DEFINITION AND COMPOSITION OF GREEN SPACE (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-70 was read for the second time and placed upon its final passage.

Alderman Butler moved for approval, seconded by Alderman Benigas.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-70 became Ordinance No. 4033.

BILL NO. 16-71, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 415.080, 415.100(A) AND ADOPTING SECTION 415.105 REGARDING ON-SITE STORMWATER CONTROL (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-71 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Wright.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-71 became Ordinance No. 4034.

BILL NO. 16-72, AN ORDINANCE AMENDING CHAPTER 500 OF TITLE V OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTION 500.160 REGARDING SITE CONTROL REQUIREMENTS (sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-72 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Benigas.

Alderman Mange thanked Alderman Frautschi and Planning & Public Works Director Craig Wilde for making changes to address his previous site control concerns.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-72 became Ordinance No. 4035.

BILL NO. 16-73, AN ORDINANCE AMENDING CHAPTER 500 OF TITLE V OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTION 500.160 REGARDING TEMPORARY OCCUPANCY
(sponsored by Board as a Whole) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-73 was read for the second time and placed upon its final passage.

Alderman Frautschi moved for approval, seconded by Alderman Benigas.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-73 became Ordinance No. 4036.

Mayor Dalton thanked the Planning & Zoning Commission, Architectural Review Board, and Public Works Commission for their leadership in defining Municipal Code changes that would consider the interests of both the landowners and surrounding neighbors when teardowns, rebuilds and renovations were proposed. He explained that in addition to each commission holding meetings, the City held a Public Forum on June 29 with great attendance and input from residents. He also thanked staff and the Board of Aldermen for all their work on this effort.

BILL NO. 16-74, AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 125 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, REGARDING THE NAME OF THE ENVIRONMENT, HORTICULTURE AND WILDLIFE COMMISSION
(sponsored by Alderman Butler) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-74 was read for the second time and placed upon its final passage.

Alderman Butler moved for approval, seconded by Alderman Frautschi.

Alderman Wright explained that the Commission Task Force was thoughtful when choosing a new name and while she understands the desire to simplify it, she was hopeful that the commission would still honor the expanded duties.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-74 became Ordinance No. 4037.

BILL NO. 16-75, AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 125 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTION 125.270 RELATING TO THE MATCHING GRANT PROGRAM FOR CITY BEAUTIFICATION AND SECTION 125.275 REGARDING THE LAND DONATION POLICY
(sponsored by Alderman Butler) (1st reading 10/24/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-75 was read for the second time and placed upon its final passage.

Alderman Mange moved for approval, seconded by Alderman Frautschi.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 16-75 became Ordinance No. 4038.

NEW BUSINESS

RESOLUTION NO. R18-2016, A RESOLUTION APPROVING A 3 BAY BBQ RESTAURANT AT 14195 CLAYTON ROAD

Alderman Mange moved for approval, seconded by Alderman Crawford.

A voice vote was taken and carried.

RESOLUTION NO. R19-2016, A RESOLUTION APPROVING SIGN CODE VARIANCES FOR PHILLIPS 66 AND 3 BAY BBQ, 14195 CLAYTON ROAD

Alderman Mange moved for approval, seconded by Alderman Wright.

Alderman Benigas moved to continue Resolution No. R19-2016 to the meeting of November 28, 2016. Alderman Meyland-Smith seconded.

Discussion was held regarding the time sensitivity for approval, as well as the need for the additional, illuminated signage. Mayor Dalton encouraged a quick discussion of these factors with the applicant and counsel. Aldermen Benigas and Meyland-Smith left the dais at 8:20 PM and further consideration of this agenda item was suspended until their return.

BILL NO. 16-76, AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.080, 405.625 AND 405.655 REGARDING COMMERCIAL (C) ZONING REGULATIONS FOR MINOR SHOPPING CENTERS (sponsored by Alderman Meyland-Smith and Crawford)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 16-76 was read for the first time by title only.

Mayor Dalton declared Bill No. 16-76 continued to the meeting of Monday, November 28, 2016 for the second reading and consideration.

BILL NO. 16-77, AN ORDINANCE APPROVING AN AMENDED FINAL SITE DEVELOPMENT PLAN FOR THE DEVELOPMENT KNOWN AS CLAYTON VILLAGE SHOPPING CENTER, CITY OF TOWN AND COUNTRY, MISSOURI, WITH CONDITIONS TO BE COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE AMENDED FINAL SITE DEVELOPMENT PLAN (sponsored by Aldermen Wright & Frautschi)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 16-77 was read for the first time by title only.

Mayor Dalton declared Bill No. 16-77 continued to the meeting of Monday, November 28, 2016 for the second reading and consideration.

BILL NO. 16-78, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR OUTSIDE DINING AT KATIE'S PIZZA AND PASTA OSTERIA LOCATED IN CLAYTON VILLAGE SHOPPING CENTER, CITY OF TOWN AND COUNTRY, MISSOURI (sponsored by Aldermen Wright & Frautschi)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 16-78 was read for the first time by title only.

Mayor Dalton declared Bill No. 16-78 continued to the meeting of Monday, November 28, 2016 for the second reading and consideration.

RESOLUTION NO. R20-2016, A RESOLUTION APPROVING A KATIE'S PIZZA AND PASTA OSTERIA RESTAURANT AT 14171 AND 14173 CLAYTON ROAD IN THE CLAYTON VILLAGE SHOPPING CENTER

Alderman Mange moved to continue Resolution No. R20-2016 to the meeting of November 28, 2016.

Alderman Frautschi seconded the motion and a voice vote carried.

ARCHITECTURAL REVIEW

Alderman Butler moved to continue the architectural review of Katie's Pizza and Pasta Osteria to the meeting of November 28, 2016.

Alderman Wright seconded the motion and a voice vote carried.

BILL NO. 16-79, AN ORDINANCE APPROVING AN AMENDED UNIFIED SIGN PLAN AND VARIANCES IN CONNECTION THEREWITH FOR THE SHOPPING CENTER KNOWN AS CLAYTON VILLAGE (sponsored by Aldermen Wright & Frautschi)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 16-79 was read for the first time by title only.

Mayor Dalton declared Bill No. 16-79 continued to the meeting of Monday, November 28, 2016 for the second reading and consideration.

BILL NO. 16-80, AN ORDINANCE ACCEPTING THE BID OF GFI DIGITAL, INC. FOR THE PURCHASE AND MAINTENANCE OF A COPIER/SCANNER/DOCUMENT SERVER FOR THE CITY OF TOWN AND COUNTRY ADMINISTRATION OFFICES, AND AUTHORIZING A MAINTENANCE AGREEMENT AND PURCHASE ORDER FOR SAME (sponsored by Alderman Crawford)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 16-80 was read for the first time by title only.

Mayor Dalton declared Bill No. 16-80 continued to the meeting of Monday, November 28, 2016 for the second reading and consideration.

At this time, Mayor Dalton announced that without objection, item number 22, the Warrant List, would be considered out of agenda order.

WARRANT LIST-11/14/16

Alderman Crawford moved for approval, seconded by Alderman Frautschi.

Mayor Dalton called for any amendments.

Hearing none, a voice vote was taken and the warrant list of November 14, 2016, in the amount of \$463,546.00 was unanimously approved.

Alderman Benigas and Meyland-Smith rejoined the dais at 8:32 PM and consideration of Resolution No. R19-2016 was unsuspended.

RESOLUTION NO. R19-2016, A RESOLUTION APPROVING SIGN CODE VARIANCES FOR PHILLIPS 66 AND 3 BAY BBQ, 14195 CLAYTON ROAD

Alderman Benigas stated that there was a continued issue with the City's Sign Code regulations which requires applications for variances to be made unnecessarily. He added

that he did not want the business owner to experience hardship because of issues with the Code so he would support the Resolution.

Alderman Meyland-Smith echoed the comments of Alderman Benigas and added that these changes were a corporate mandate so he would also support the Resolution in deference to the commercial resident.

Alderman Frautschi explained that she is generally not a fan of lights and signs but she was supportive of the additional lights in this case for increased safety for people getting gas after dark.

Alderman Benigas withdrew his motion to continue and Alderman Meyland-Smith agreed as the second.

There being a motion to approve on the floor, a voice vote was taken and carried.

Mayor Dalton and Alderman Rallo recused themselves and left the dais due to their previously noted perceived conflict of interests regarding the selection of the Town Square Development Team.

The City Clerk entered the Mayor's formal notice of recusal into the record and said notice is attached hereto and made a part of these minutes.

Acting President Mange presided over the remainder of the meeting.

Motion was made by Alderman Frautschi and seconded by Alderman Mange, to move to closed session pursuant to Section 610.021 (1), (2), (3) and (13) to discuss legal actions, litigation, real estate and attorney/client privileged communication and to discuss personnel matters.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and the Board moved to closed meeting at 8:40 PM.

The Board returned to open regular session at 9:12 PM and the roll call indicated the following were present: Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith and Wright.

Brad Hornburg, Town Square Project Consultant, spoke about the Request For Proposals (RFP) that he drafted and stated that it contained six general categories summarized as follows:

1. With respect to M&H Plan, how does developer plan to implement changes or be creative
2. With respect to restaurant and parking flexibility, how will developer implement changes
3. Clearly and unambiguously describe the technical proposal/design criteria
4. In complete detail, describe entire proposal including plan, concept, drawing and schedule
5. List/describe personnel involved, their availability and experience
6. List sub-consultants as well as their experience and availability

He explained that each proposal was objectively graded based solely on the quality and quantity of their submissions and all totaled, Brinkman received 30 points and The Opus Group received 18 points.

Alderman Butler stated that she sent out both proposals to an extensive list of trustees and residents and received an abundance of feedback. She added that with the exception of one person, every respondent was in favor of the Brinkmann Constructors proposal.

Alderman Meyland-Smith stated that prior to the formal presentations on November 2, he perceived that Opus had an advantage because of the proximity and potential synergy with Mason Woods Village. He stated as a result of those presentations, he favors the Brinkmann Constructors proposal. He explained that The Opus Group took the conceptual M&H plan and added structures without incorporating ingenuity. He added that Brinkmann scrutinized the basic components and reengineered the site to show creativity and tie-in the historical nature of the property. He also spoke favorably of Brinkmann's attentiveness to technical details, as well as the outcome of Mr. Hornburg's scoring of listed criteria.

Alderman Benigas stated that Mr. Brinkmann did a fantastic job presenting the technical aspects, vision and the overall plan of his proposal and additionally, demonstrated a heartfelt connection to the project. He added that he similarly felt that The Opus Group had an advantage before presentations but now supported the Brinkmann proposal.

Alderman Wright explained that she thought The Opus Group would provide more updating and connectivity with Mason Woods Village but now sees that Brinkmann has a feel for the neighbors and the community, and as such she was supportive of the Brinkmann proposal.

Upon inquiry, Acting President Mange and City Attorney Steve Garrett clarified that a resolution, without motion and subsequent consideration, would fail for lack of action and the Board would continue on to the next agenda item.

RESOLUTION NO. R21-2016, A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AN AGREEMENT FOR THE TOWN SQUARE DEVELOPMENT (THE WIRTH PROPERTY) WITH THE OPUS GROUP

Acting President Mange called for a motion on the Resolution. Hearing none, the Resolution failed for lack of action by the Board of Aldermen.

RESOLUTION NO. R22-2016, A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AN AGREEMENT FOR THE TOWN SQUARE DEVELOPMENT (THE WIRTH PROPERTY) WITH BRINKMANN CONSTRUCTORS

Alderman Crawford moved for approval, seconded by Alderman Benigas.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

Resolution No. R22-2016 carried unanimously.

Acting President Mange provided information about the next steps to include the City Administrator negotiating with Brinkmann Constructors which would be followed by an agreement to be approved by the Board of Aldermen. He explained that details would then be discussed and specific aspects decided upon so that studies can be completed and a site plan prepared. He stated that once the site plan is completed it will go to the Planning and Zoning Commission for review and recommendation and finally to the Board of Aldermen for approval.

Alderman Benigas stated that continued discussion needs to be held to work out existing conceptual issues.

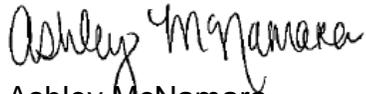
City Attorney Garrett clarified that the contract negotiation phase would be handled in a closed session.

Acting President Mange explained that multiple work sessions would be planned to continue to get feedback and discuss the project.

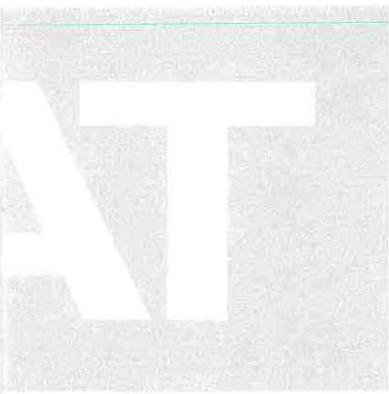
OTHER

ADJOURN

On motion of Alderman Benigas, seconded by Alderman Wright and unanimously approved by voice vote, the meeting adjourned at 9:30 PM.



Ashley McNamara
City Clerk



Jonathan F. Dalton
Direct T 314.259.4702 F 314.552.4861
jdalton@armstrongteasdale.com

MISSOURI KANSAS COLORADO NEVADA ILLINOIS SHANGHAI

November 7, 2016

Ms. Ashley McNamara
City Clerk
1011 Municipal Center Drive
Town and Country, Missouri 63131

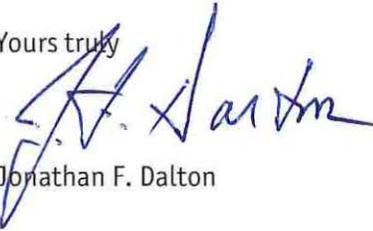
Re: Town Square Project

Dear Ms. McNamara:

This letter is to formally memorialize that I have recused myself from any involvement whatsoever regarding the selection of a general contractor for our Town Square project. The law firm of Armstrong Teasdale, LLP where I am a partner has performed legal services in the past for both applicants under consideration by the Board of Aldermen, The Opus Group and Brinkmann Constructors.

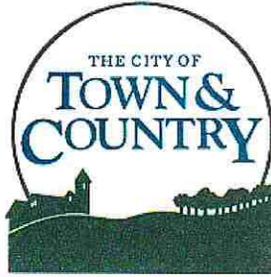
While none of these services in any way related to or involved our project, in order to fully protect the integrity of the process and avoid even the appearance of impropriety, I am taking the extraordinary step of recusing myself completely from the upcoming deliberations and decision on this selection. I regret that I will be unable to participate in this significant matter, but it is essential that the process itself be free of any concern that may emanate from my Firm's prior unrelated representation of the contractors under consideration by the City and its Board of Aldermen. The ultimate success of our Town Square project is too important to our fine community.

Please make this document a portion of any permanent public record associated with the Town Square project. If you are in need of any further information with respect to the foregoing, please let me know. Thank you.

Yours truly

Jonathan F. Dalton

JFD:jts

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



Jonathan F. Dalton
Mayor

Gary A. Hoelzer
City Administrator

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

Notice is hereby given that the Board of Aldermen of the City of Town and Country will hold a Public Hearing on Monday, November 14, 2016 at 7:00 P.M., in the Municipal Center, 1011 Municipal Center Drive, 63131, on the application of Les Taylor Investment Co. Inc., owner, for variances from Chapter 420, the Sign Regulations of the Municipal Code, for 5 wall signs at 14195 Clayton Road, in the Commercial (C) Zoning District.

Interested parties may appear and be heard at the Public Hearing indicated above. All public documents relating to this matter are available for review at the Municipal Center during business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or by special appointment as may be available by contacting Craig J. Wilde – Director of Planning & Public Works at 314-587-2824.

Ashley McNamara
City Clerk
October 28, 2016

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Chanel Jones** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **October 28, 2016** edition and ending with the **October 28, 2016** edition, for a total of 1 publications:

10/28/2016

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Ashley McNamara
City Clerk

11196389 County Oct 28, 2016

Chanel Jones

Subscribed & sworn before me this 28 day of Oct, 2016

(SEAL)

Notary Public

KIMBERLY KAEMMERER
Notary Public - Notary Seal
State of Missouri, St Louis City
Commission #14967146
My Commission Expires Apr 27, 2018

LOCATOR	PROP_ADD	OWNER_NAME	OWN_ADD	CITY	STATE	ZIP
20Q110156	1090 SCHNUCKS WOODS MILL PLZ	CLAYTON FINANCIAL CORPORATION	8000 FORSYTH BLVD SUITE 1300	SAINT LOUIS	MO	63105
20Q110257	383 LAMP AND LANTERN VLG	FIRST BANK	600 JAMES S MCDONNELL BLVD	HAZELWOOD	MO	63042
20Q130295	157 LAMP AND LANTERN VLG	LAMP & LANTERN ASSOCIATES LLC	1850 CRAIGSHIRE RD SUITE 103	CHESTERFIELD	MO	63017
20Q110046	14195 CLAYTON RD	LES TAYLOR INVCO INC MOCORP	895 BOLGER CT	FENTON	MO	63026
20Q110055	1077 S WOODS MILL RD	MANNION GROUP II LLC ETAL	10829 OLIVE BLVD 200	SAINT LOUIS	MO	63141
20Q130240	101 LAMP AND LANTERN VLG	MCDONALDS REAL ESTATE COMPANY	612 HICKORY LN	SAINT LOUIS	MO	63131
20Q110266	1000 TOWN AND COUNTRY XING	RAMCO GERSHENSON PROPERTIES L P	PO BOX 4900 DEPT 365	SCOTTSDALE	AZ	85261
20Q130185	14123 CLAYTON RD	SCHNUCK MARKETS WOODS MILL INC LESSEE	1201 NETWORK CENTER DR	EFFINGHAM	IL	62401
20Q110220	14190 CLAYTON RD	SM PROPERTIES WOODS MILL L L C	25 N BRENTWOOD BLVD	SAINT LOUIS	MO	63105
20Q130130	14137 CLAYTON RD	WALMAR INVESTMENT CO	14151 CLAYTON RD	CHESTERFIELD	MO	63017

14195

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Jonathan F. Dalton
Mayor

Gary A. Hoelzer
City Administrator

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

Notice is hereby given that the Board of Aldermen of the City of Town & Country, Missouri will hold a Public Hearing on Monday, November 14, 2016 at 7:00 p.m., at the Municipal Center, 1011 Municipal Center Drive, 63131, to consider the following amendment of the Zoning Regulations of the Municipal Code:

AN ORDINANCE AMENDING CHAPTER 400 OF TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY, MISSOURI, SPECIFICALLY SECTIONS 405.080, 405.625 AND 405.655 REGARDING COMMERCIAL (C) ZONING REGULATIONS FOR MINOR SHOPPING CENTERS

Interested parties may appear and be heard at the Public Hearing indicated above. All public documents relating to this matter are available for review at the Municipal Center during business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or by special appointment as may be available by contacting Craig J. Wilde – Director of Planning & Public Works at 314-587-2824.

Ashley McNamara
City Clerk
October 28, 2016

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF ST. LOUIS

} S.S.

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Ashley McNamara
City Clerk

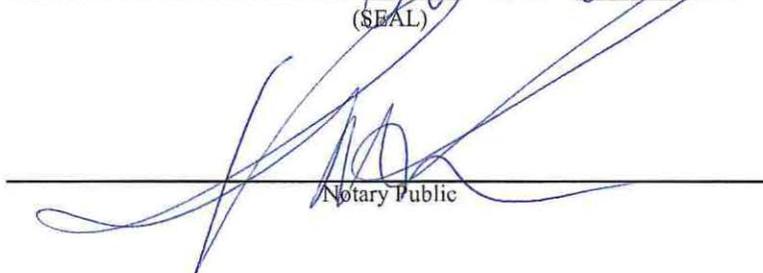
11196394 County Oct 28, 2016



Chanel Jones

Subscribed & sworn before me this 28 day of Oct, 2016

(SEAL)



Notary Public

KIMBERLY KAEMMERER
Notary Public - Notary Seal
State of Missouri, St Louis City
Commission #14967146
My Commission Expires Apr 27, 2018

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Jonathan F. Dalton
Mayor

Gary A. Hoelzer
City Administrator

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BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY, MO**

Notice is hereby given that the Board of Aldermen of the City of Town & Country, Missouri will hold a Public Hearing on Monday, November 14, 2016 at 7:00 p.m., at the Municipal Center, 1011 Municipal Center Drive, 63131, to consider a request by Walmar Investment Company, owner, for approval of a Conditional Use Permit for Outside Dining at the Clayton Village Shopping Center, located at 14151 Clayton Road, in the Commercial (C) Zoning District.

Interested parties may appear and be heard at the Public Hearing indicated above. All public documents relating to this matter are available for review at the Municipal Center during business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or by special appointment as may be available by contacting Craig J. Wilde – Director of Planning & Public Works at 314-587-2824.

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Ashley McNamara
City Clerk

11196392 County Oct 28, 2016

Chanel Jones

Subscribed & sworn before me this 28 day of Oct, 2016

(SEAL)

Notary Public

KIMBERLY KAEMMERER
Notary Public - Notary Seal
State of Missouri, St Louis City
Commission #14967146
My Commision Expires Apr 27, 2018

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20Q130176	1050 S WOODS MILL RD	U S BANK N A	2800 E LAKE ST	MINNEAPOLIS	MN	55406
20Q130167	1041 S WOODS MILL RD	UNITED MISSOURI BANK OF KIRKWOOD	1010 GRAND BLVD 4TH FLR	KANSAS CITY	MO	64106
20Q130130	14137 CLAYTON RD	WALMAR INVESTMENT CO	14151 CLAYTON RD	CHESTERFIELD	MO	63017

14151