

**BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
JULY 26, 2021**

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, July 26, 2021, at the Municipal Center.

PLEDGE OF ALLEGIANCE

Mayor Rehm led the Pledge of Allegiance.

ROLL CALL

The 7:00 PM roll call indicated Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier to be present. Aldermen Allen, Mortland, and Wiesehan were absent.

Mayor Rehm presided.

City Attorney Steve Garrett was present to represent the City.

MINUTES – 07/12/21 Regular Meeting

Alderman Holman moved for approval, seconded by Alderman Hughes.

Mayor Rehm called for any corrections or amendments.

Hearing none, the minutes of 07/12/21 were unanimously approved.

HEARING FROM CITIZENS

PUBLIC HEARING(S)

APPOINTMENTS

COMMUNICATIONS AND REPORTS

Alderman Wittmaier

Alderman Wittmaier announced that the Planning & Zoning Commission met on July 21 and will hold its next meeting on August 18. He noted that without objection of the Board of Aldermen, he will be asking the Commission to consider Municipal Code language regarding the topics of temporary storage units and roadway entrance gates.

City Administrator Shelton

Mr. Shelton reported that in response to inquiry by Alderman Wiesehan, staff will recommend amendment language for Bill No. 21-30 to clarify the role of the Parks & Trails Commission as it relates to Town Square.

UNFINISHED BUSINESS

BILL NO. 21-23, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A DRIVEWAY GATE, LOCATED AT 1926 SOUTH MASON ROAD IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Even & Wiesehan) (1st reading 07/12/21)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-23 was read for the second time and placed upon its final passage.

Mayor Rehm noted appreciation for the applicant's willingness to move landscape rocks on his property in the interest of motorist safety.

Alderman Even moved for approval, seconded by Alderman Holman.

Alderman Even moved to amend the Bill by the addition of Condition H as follows:

H. The location of the gate shall be at least 30 ft. from the edge of pavement.

Alderman Holman seconded.

Alderman Holman thanked staff for providing additional data that was requested and noted her support of the amendment.

Alderman Wittmaier reported that the Planning & Zoning Commission had significant discussion about the presence, position, and design of the gate. He also inquired about whether or not the applicant was okay with the proposed condition regarding gate location. In response, City Planner Ryan Spencer stated that the applicant was aware of the condition and amenable to its inclusion in the CUP.

A voice vote was held on the amendment and carried.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-23, as amended, became Ordinance No. 4437.

BILL NO. 21-24, AN ORDINANCE APPROVING THE AMENDED FINAL SITE DEVELOPMENT PLAN FOR DELMAR (DAYSPRING) BAPTIST CHURCH LOCATED AT 1001 MUNICIPAL CENTER DRIVE WITH CONDITIONS TO BE COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE AMENDED FINAL SITE DEVELOPMENT PLAN (sponsored by Aldermen Holman & Hughes) (1st reading 07/12/21)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-24 was read for the second time and placed upon its final passage.

Alderman Hughes moved for approval, seconded by Alderman Holman.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-24 became Ordinance No. 4438.

BILL NO. 21-25, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A PAVILION, LOCATED AT 1001 MUNICIPAL CENTER DRIVE IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Holman & Hughes) (1st reading 07/12/21)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-25 was read for the second time and placed upon its final passage.

Alderman Hughes moved for approval, seconded by Alderman Holman.

Alderman Holman moved to amend the Bill by the addition of the following conditions:

G. A Noise Permit issued by the City will be required for any sound amplification utilized in conjunction with the pavilion on a per occurrence basis.

H. The five (5) required Green Giant Arborvitae shall be located on the west side of the pavilion.

Alderman Hughes seconded.

Alderman Holman noted that the Dayspring's Pastor and the neighbors were accepting of the proposed conditions.

A voice vote was held on the amendment and carried.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-25, as amended, became Ordinance No. 4439.

BILL NO. 21-26, AN ORDINANCE AMENDING TITLE IV, CHAPTER 405 THE ZONING REGULATIONS AND CHAPTER 410 THE SUBDIVISION REGULATIONS, OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY AMENDING SECTION 405.080 DEFINITIONS, SECTION 405.336.H. RECOMMENDED TREE LIST, AND SECTION 410.200.A.16. LANDSCAPING, REGARDING THE PROHIBITION OF INVASIVE PLANT SPECIES INSTALLATION (sponsored by the Board as a Whole) (1st reading 07/12/21)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-26 was read for the second time and placed upon its final passage.

Alderman Hughes moved for approval, seconded by Alderman Parrotte.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-26 became Ordinance No. 4440.

BILL NO. 21-27, AN ORDINANCE AMENDING TITLE VI, CHAPTER 600 ALCOHOLIC BEVERAGES, OF THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY REGARDING LIQUOR LICENSES (sponsored by the Board as a Whole) (1st reading 07/12/21)

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-27 was read for the second time and placed upon its final passage.

Alderman Parrotte moved for approval, seconded by Alderman Holman.

Alderman Wittmaier moved to accept Substitute Bill No. 21-27 for consideration, seconded by Alderman Holman.

A voice vote on the motion to accept the Substitute carried.

The City Clerk noted for the record that the Substitute Bill was included in the packet and made available to the public in advance of the meeting. In response to Alderman Holman, the City Clerk added that the Substitute language was drafted by legal counsel, in conjunction with staff. Alderman Wittmaier explained that the substitute clarifies language as it relates to alcohol sales at certain times on Sundays and also incorporates verbiage that was recently adopted by the legislature to allow for the sale of by-the-drink alcohol for consumption off premises.

Alderman Parrotte moved to amend the Substitute Bill, specifically by the addition of the following language to Section 600.090.A: (additions shown as underline)

690.090.A. The use by the licensee of any public speaking system... is prohibited. Nothing contained herein shall be interpreted as prohibiting a licensee from having outside music or entertainment if said licensee has received a Conditional Use Permit permitting such use in

accordance with the provisions of Section 405.687 of the City's Municipal Code, as the same may be amended from time to time.

Alderman Parrotte explained that the verbiage cleans up any contradiction that may have existed between the language in the liquor and conditional use permit sections of Code.

Alderman Even seconded the motion to amend the Substitute and a voice vote carried.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-27, as substituted and amended, became Ordinance No. 4441.

NEW BUSINESS

BILL NO. 21-28, AN ORDINANCE AMENDING TITLE I, CHAPTER 125: BOARDS, COMMISSIONS, AND COMMITTEES OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY THE DELETION OF ARTICLE VII REGARDING THE COMMUNITY ART & CULTURE COMMISSION (sponsored by Alderman Even)

Mayor Rehm called for a first reading, without objection. Without objection, Bill No. 21-28 was read for the first time by title only.

Mayor Rehm declared Bill No. 21-28 continued to the meeting of Monday, August 9, 2021 for the second reading and consideration.

BILL NO. 21-29, AN ORDINANCE AMENDING TITLE I, CHAPTER 125: BOARDS, COMMISSIONS, AND COMMITTEES OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY THE DELETION OF ARTICLE III REGARDING THE CONSERVATION COMMISSION, AND THE AMENDMENT OF SECTION 125.270 REGARDING BEAUTIFICATION PROGRAM DUTIES (sponsored by Alderman Parrotte)

Mayor Rehm called for a first reading, without objection. Without objection, Bill No. 21-29 was read for the first time by title only.

Alderman Holman stated that she intends to bring forward an amendment for consideration regarding the oversight of the Beautification Program being transferred to the Public Works Commission. She noted that the change will impact the duties listed in Bill No. 21-30 as well.

Mayor Rehm declared Bill No. 21-29 continued to the meeting of Monday, August 9, 2021 for the second reading and consideration.

BILL NO. 21-30, AN ORDINANCE AMENDING TITLE I, CHAPTER 125: BOARDS, COMMISSIONS, AND COMMITTEES OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY THE AMENDMENT OF ARTICLE VI REGARDING THE PARKS & TRAILS COMMISSION (sponsored by Alderman Holman)

Mayor Rehm called for a first reading, without objection. Without objection, Bill No. 21-30 was read for the first time by title only.

Alderman Holman restated that a proposed amendment would be forthcoming regarding purview of the Beautification Program.

Mayor Rehm declared Bill No. 21-30 continued to the meeting of Monday, August 9, 2021 for the second reading and consideration.

BILL NO. 21-31, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH WINNING TECHNOLOGIES FOR THE PURCHASE AND ADMINISTRATION OF A DATTO BACKUP AND DISASTER RECOVERY DEVICE (sponsored by Alderman Parrotte)

Mayor Rehm called for a first reading, without objection. Without objection, Bill No. 21-31 was read for the first time by title only.

Alderman Wittmaier moved to suspend the agenda rules in order to hear the second reading and consider the Bill in the interest of timing and continuity of service. Alderman Parrotte seconded the motion.

A voice vote was held and the suspension motion carried.

Mayor Rehm consented.

Mayor Rehm called for a second reading, without objection. Without objection, Bill No. 21-31 was read for the second time and placed upon its final passage.

Alderman Wittmaier moved for approval, seconded by Alderman Hughes.

The roll call vote was as follows: AYE, Aldermen Even, Holman, Hughes, Parrotte, and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Allen, Mortland, and Wiesehan.

The motion carried unanimously and Bill No. 21-31 became Ordinance No. 4442.

WARRANT LIST-07/26/21

Alderman Hughes moved for approval, seconded by Alderman Parrotte.

Mayor Rehm called for discussion or amendments.

Alderman Wittmaier inquired about the cost of irrigation at Town Square and what factors may drive that cost. In response, Mr. Shelton explained that in the past, the auto-refill for the pond has been discussed as a cost driver but that feature is not currently turned on at the site. He stated that the higher watering costs reflected on the June bill were to keep plant life alive, and added that the year-to-date costs are in line with budget expectations. Finally, he noted that staff will continue to monitor usage at Town Square.

In response to Alderman Holman, Mr. Shelton noted that Town Square has the most irrigation zones compared to any other City property, with City Hall likely to be second in size.

Hearing no amendments, a voice vote was taken on the warrant list of July 26, 2021, in the amount of \$164,040.30, and carried.

OTHER

Mayor Rehm asked that Mr. Shelton inquire with Missouri American Water (MAW) about the ongoing project on Ballas Road, as work seemed to have slowed. Mr. Shelton reported that staff checked earlier in the day and work was being completed at Crystal View Lane, but it appears the project is done in zones as opposed to contiguous areas. He added that a request for updates from MAW has been submitted.

Alderman Even inquired with Chief Cavins about the Police Department's plan for enforcing the recent mask mandate. Chief Cavins explained that the Police Department (PD) does not have the authority to enforce the mask mandate outside of a complaint driven response which would result in an attempt to educate and obtain voluntary compliance. He clarified that if a situation was reported to the PD that escalates to trespassing or public disturbance, then violations of those local laws would be enforced. In response to Alderman Holman,

Chief Cavins noted that some calls have been received during the pandemic about noncompliance with mask mandates but none that were escalated to the Department of Health for their enforcement.

Alderman Holman requested a mid-year report of criminal activity be provided by Chief Cavins at the next meeting. She also asked for an update about scheduling efforts to hold a Work Session for the purpose of discussing budget and financial matters in advance of the 2022 draft budget being completed by staff. Mayor Rehm noted that he and Mr. Shelton would work on scheduling the Work Session.

ADJOURN

On motion of Alderman Parrotte, seconded by Alderman Hughes, and unanimously confirmed by voice vote, the meeting was adjourned at 7:33 PM.


Ashley McNamara
City Clerk