

**St. Charles County Council Journal
Regular Meeting – October 15, 2019**

The St. Charles County Council met on Tuesday, October 15, 2019 at 7:02 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Vicky Johnson with Sts. Joachim and Anne Care Service provided an invocation and Council Member Cronin led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

Council Member Joe Cronin	present
Council Member Joe Brazil	present
Council Member Mike Elam	present
Council Member Dave Hammond	present
Council Member Terry Hollander	present
Council Member John White	present

County Executive Staff present:

Joann Leykam, Director of Administration
Jennifer George, Assistant Director of Administration
John Greifzu, Assistant Director of Administration

County Counselor’s Office:

John Watson, County Counselor

IN THE MATTER OF)
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CONDITIONAL USE PERMITS)

Bill No. 4771 – CUR19-05(B) - AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUR19-05(B) FOR AUTOMOBILE AND TRUCK SALES TO GOLDEN B.C., L.L.C., PROPERTY OWNER, AND BENSON AUTOMOTIVE PROPERTIES, APPLICANT

Robert Myers, Division Director of Planning and Zoning was sworn in and explained the two separate yet related applications concerning CUR19-05: (A) the rezoning request and (B) the application for conditional use of the property as a car dealership. Myers cited the benefits of the location (2150 Technology Dr) for a car dealership because it borders Technology Dr., has good visibility from Hwy 64, is close to the interchange at Winghaven, and is surrounded by parking for Mastercard Global Operations. Myers stated a minor portion of the property to the South fronts Martell Ridge Subdivision and Doris Dr, a residential street. Myers stated the entire property is currently zoned residential but has potential for commercial operations. Myers voiced County staff’s view that this location, with conditions applied, is a fine site for a car dealership and could be a good neighbor to the surrounding properties. Myers stated that lights, noise from loud speakers and outdoor storage will be conditions to consider. Myers stated that public testimony at the September 18th, Planning and Zoning Commission

hearing led to modification of the site plan to include a berm on the South side of the property to reduce impact on the residents of Martell Ridge Subdivision.

Larry Walker of BAX Engineering and civil engineer for the developer, was sworn in and noted the surrounding properties of 2150 Technology Dr. including MasterCard, Martell Ridge Subdivision, and across Highway 64: Busch Wildlife Area, a movie theater, a soccer field, and 100 acres that the City of O'Fallon recently rezoned commercial. Walker stated a car dealership would be a good use for the property and appropriate as there are other car dealerships in the area. Walker requested the items be approved.

Darric Sowell, partner with Benson Automotive from South Carolina, was sworn in and stated his excitement to operate in St. Charles County. Sowell stated there will be 50-70 employees at the dealership, Benson's initial investment will be \$8 to \$10 million which creates tax revenue, and they hope to be a light in the community with their nicely landscaped business and nice vehicles. Sowell explained there would be 200 new cars and 75-100 preowned cars on the lot.

Council Member Cronin noted this location's closeness to the Suntrup dealership in St. Peters and questioned how this smaller 70-acre dealership would compete with the larger 50 to 100-acre dealerships in the area.

Jorey Sewell – General Motors representative, was sworn in and explained Benson Automotive had been through an exhaustive process to be awarded this franchise. Sewell stated he worked in the area for 2 years with dealer network teams and conducted market studies and he feels the location is ideal for a Buick/GMC franchise. Sewell addressed concerns about the size of the dealership by stating that based on the market, this parcel is just right for GM's sales expectations.

John Whitworth – St. Charles, resident of Martell Ridge, was sworn in and noted existing traffic and safety concerns at entrance to his subdivision, which sits atop a hill next to the proposed dealership. He stated a berm may affect visibility and is concerned that offloading cars on the street will lead to even less visibility. Whitworth stated there is only one entrance to his subdivision and traffic will increase with people missing the car dealership entrance. Whitworth stated he is not opposed to commercial rezoning, just opposed to a car dealership and feels there are other commercial areas better suited.

Philip Hamilton – St. Charles, resident of Martell Ridge was sworn in and expressed concerns about water runoff and flooding due to increased pavement. Hamilton stated traffic concerns if offloading of vehicles happens at the entrance to Martell Ridge. Hamilton noted his property is affected by soccer field lighting across the highway and he doesn't want increased light pollution. He also expressed concern that his property value would be negatively affected especially if the dealership fails.

Council Member Cronin requested a runoff plan and offload plan to which Myers responded the water retention system will be underground and parking is subject to onsite designated parking spaces.

Carrie Hamilton – St. Charles, resident of Martell Ridge was sworn in and questioned enforcement of outdoor storage regulations. Myers responded by stating that once a concept plan is approved it will have to be followed and this plan includes no outside storage. Myers stated requirements in the zoning code call for wrecked or dismantled vehicles and parts to be stored indoors or behind an 8 ft. privacy fence. Hamilton questioned if any funds from the County had been used to support this development to which Myers responded "no." Myers explained that the need for traffic lights would be determined at time of site plan approval.

Trista Baker – St. Charles, resident of Martell Ridge was sworn in and cited traffic safety concerns caused by the speed and number of cars using Technology Dr. Baker stated she doesn't want increased cars, traffic and concrete in her neighborhood. Baker cited visibility concerns due to a berm, water runoff concerns, light pollution and increased traffic in their small neighborhood. Baker stated she doesn't want more commercial properties in her neighborhood and feels there are other more appropriate spaces. Baker stated she opposes the CUP.

Steve Jeffs – St. Charles, resident of Martell Ridge was sworn in and stated he has lived in Martell Ridge subdivision for 13 years and another car dealership is not a necessity. Jeffs stated there are currently 20 dealerships within an 8-mile radius. Jeffs stated entering and exiting his subdivision is already difficult and the width of Technology Dr. won't accommodate a turn lane. Jeffs noted elevation and utility poles would also impede widening Technology Dr. Jeff's pled that if the Council approves this plan that lots #1 and #3 of Martell Ridge stay residential and to preserve the mature trees that buffer the light. Jeffs stated he doesn't see this as a good fit because there are other commercial areas available.

Keith Schneider of Cushman and Wakefield on behalf of the property owner was sworn in and stated he supports this request because of the jobs and sales/property taxes it will generate. Schneider explained the property was sold to the current owner in 2011 to be developed as a funeral center, those plans changed, and the property has been on the market for 5 years. Schneider stated the current land use plan as agricultural and current zoning of residential was not appropriate because of Hwy 64. Schneider stated the County's 2030 land use plan calling for industrial use doesn't fit this lot because of its configuration. Schneider stated Mastercard's only interest in this site was to expand parking which they have already done on-site. Schneider stated this parcel is served by Duckett Creek Sanitary District and Public Water Supply District #2 and Schneider sees no need to annex into the City of O'Fallon or adhere to their zoning regulations. Schneider stated the requested use would better serve the County than a parking lot and asked for support of the rezoning and CUP.

Jennifer Narang – St. Charles, resident of Martell Ridge was sworn in and stated traffic concerns and noted a dangerous blind spot to the south as she exits her subdivision. Narang stated additional traffic from car dealership would necessitate more lanes on Technology Dr. She stated MasterCard has a large, open, campus with a non-commercial feel. Narang stated the requested use is too commercial, not appropriate, and will affect the rural nature of her street.

Council Member Cronin questioned if Technology Dr. was dedicated for widening. Myers stated MoDOT has the right of way on Technology Dr. and stated the County would follow its thoroughfare plan. Council Member Cronin questioned if the proper notification process was used by Community Development for this project to which Myers replied "yes" and his office has no response from the notifications.

Arnie Dienoff – O'Fallon, was sworn in and stated concerns about the public notification process for this request. Dienoff expressed concerns that the property was too small to support a car dealership and stated he thinks a technology driven business that supports the County's approved comprehensive land use plan is appropriate. Dienoff stated he supports conditions on the car lot and called for a comprehensive traffic study if car lot is approved. Dienoff expressed concerns about the effect on property values, signage issues, encroachment into residential areas, and believes the parcel is more suitable for office or retail development. Dienoff asked the Council for a clear "no" vote.

Patrick McKeehan – O’Fallon Economic Development Director, was sworn in and stated the O’Fallon City Council and the O’Fallon Mayor consider this request inappropriate as St Charles County staff has recommended high-tech industrial use for the site. McKeehan requested the Council consider tabling the bill and requested the County work with O’Fallon to find a more appropriate use for this property as it is currently zoned.

Council Member Brazil responded to McKeehan stating there are areas in O’Fallon along the high-tech corridor that are not tech related, like a soccer field. Council Member Brazil stated that O’Fallon suggesting the County Council not consider other uses doesn’t seem consistent. McKeehan responded by stating he supports a higher and better use that falls into the current zoning. Council Member Hammond stated he agrees with Council Member Brazil that this is a County decision.

Walker, civil engineer for the project, addressed public concerns of residents stating there would be no body shop on this property, the berm wouldn’t impede sight or encroach the right of way, the property might require a traffic study and Benson Automotive would comply with all suggested requirements. Walker named additions to the proposed site plan including a sight proof fence, a 35 ft. buffer, and trees planted on the berm protecting the Martell Ridge Subdivision.

William Dunnboski - St. Charles, resident and original developer of Martell Ridge Subdivision, was sworn in and stated he supports commercial zoning but is against a car lot. Dunnboski suggested a 40-foot set back, leaving the mature trees behind houses on Doris Ave as a noise and light buffer and to retain natural beauty. Dunnboski stated he spoke with the State and said they were unaware of any road improvements scheduled for Technology Dr. and didn’t think its width would support the traffic required by a car dealership. Dunnboski appealed to the Council to consider the concerns of the people who live in the subdivision, leave trees and prohibit parking on Doris Ave. to offload vehicles. Dunnboski stated a medical building would be more appropriate for the location.

IN THE MATTER OF)
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PUBLIC COMMENTS)

Paul Stumpf – St. Charles, thanked Council for their time and consideration of his rezoning request (Bill No. 4773). Stumpf stated he has spent thousands of dollars to comply with all ordinances, put in a gravel parking lot, installed new handicap compliant restrooms and wants his business to be clean and safe. Stumpf stated the property was at one time zoned light industrial.

The 3-minute time limit for public comment expired and Council Member Brazil stated he would invite Stumpf to finish speaking when the bill was up for introduction.

Arnie Dienoff – St. Charles, applauded the appointment of Nancy Schneider to the County Council and advised her to be ethical and ignore outside direction when representing her district. Dienoff stated his concerns with the County’s Prosecuting Attorney. Dienoff requested Council’s support of Bill No. 4773 and reconsideration of Bill No. 4750.

IN THE MATTER OF)
ORAL REPORT)
FROM THE COUNTY EXECUTIVE)

Steve Ehlmann, via a pre-recorded video clip, introduced Nancy Schneider as his nominee to the vacant District 6 council seat. Ehlmann stated Schneider is most qualified for the job, will represent her district well and will work well with current officials to improve the County. Ehlmann cited her many professional accomplishments including Schneider’s service as an Associate Circuit Judge and service on various Supreme Court committees.

Council Member White acknowledged that 10 well qualified candidates applied for the District 6 vacancy and thanked those applicants for their time and interest in the County.

IN THE MATTER OF)
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CONSENT AGENDA)

Council Chair White requested consideration of the Consent Agenda. Council Member Brazil made a motion to accept the Consent Agenda as presented, seconded by Council Member Cronin and unanimously approved with the members present. The approved items are as follows:

Approval of Journal of the previous meeting 9-30-19 Closed and Regular Meeting

Approval of Bids

Recorder of Deeds – Granicus Land & Vital Maintenance Software Annual Renewal
Granicus, Inc./\$90,706.00

Highway/Airport – Emergency Airport Fuel Systems Repairs/Neumayer Equipment Co., Inc.
\$85,493.69

Nominations and Appointments

St. Charles County Council – Nancy Schneider/District 6 appointment replacing Mike Klinghammer/term expires 1-1-21

Miscellaneous

Collector of Revenue – County Collector’s Tax Certificate Sale – parcels sold and purchase amounts
Council – Change the dates of the regular meeting of December, 2019 from 12-9-19 and 12-30-19 @ 7:00 p.m. to 12-2-19 and 12-16-19 @ 7:00 p.m.

Facilities Management – Prof. Services for Fuel Island Design and Engineering/Mazzetti/WM Tao
\$147,000.00

Highway – Prof. Services – Wetland Mitigation Credits/Big Rivers Wetland Mitigation Bank
\$55,200.00

Judge Nancy Schneider was sworn in by Robert Schnur, St. Charles County Director of Finance. Schneider read and signed the Oath of Office and took her seat as District 6 representative for the remainder of the Council Meeting. Council Member Schneider stated she was honored by the appointment and looks forward to working with the Council.

IN THE MATTER OF)
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RESOLUTIONS)

Resolution No. 19-07 – Sponsored by Joe Brazil - A RESOLUTION APOINTING JASON KESSLER TO THE BOARD OF TRUSTEES OF THE HANCOCK BOTTOMS DRAINAGE DISTRICT

There being no discussion, Council Chair White requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 19-07 was unanimously approved.

IN THE MATTER OF)
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BILLS FOR FINAL PASSGE)

Bill No. 4768 – Sponsored by John White – AN ORDINANCE APPROVING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES (“MoDHSS”) FOR A GRANT AWARD IN THE AMOUNT OF \$3,000 TO HELP LOCAL AND STATE PUBLIC HEALTH AGENCIES IMPROVE THE QUALITY AND COMPLETENESS OF DATA FOR THE ENHANCED STATE OPIOID OVERDOSE SURVEILLANCE (“ESOOS”) PROGRAM FOR THE ST. CHARLES COUNTY DEPARTMENT OF PUBLIC HEALTH

There being no discussion, Council Chair White requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 4768 was unanimously approved

Bill No. 4769 – Sponsored by John White - AN ORDINANCE AMENDING THE 2019 BUDGET FOR POSITIONS WITHIN THE ST. CHARLES COUNTY POLICE DEPARTMENT, BUREAU OF ADMINISTRATIVE SERVICES TO REALLOCATE POSITIONS WITHIN THE RECORDS DIVISION

There being no discussion, Council Chair White requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 4769 was unanimously approved.

Bill No. 4770 – Sponsored by John White - AN ORDINANCE CALLING FOR THE AMENDMENT OF THE CHARTER IN THE FORM OF A PROPOSITION REQUIRING THAT CONSUMERS BE INFORMED OF TAX RATES IN COMMUNITY IMPROVEMENT DISTRICTS WITHIN ST. CHARLES COUNTY ON THE AUGUST 4, 2020, BALLOT

Council Member Elam motioned to table Bill No. 4770 seconded by Council Member Hammond and approved unanimously. Bill No. 4772 was tabled.

IN THE MATTER OF)

BILLS FOR)
INTRODUCTION)

Bill No. 4772 - Sponsored by: Joe Brazil - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND R1A, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO C2, GENERAL COMMERCIAL DISTRICT, AS PER APPLICATION CUR19-05(A)

Bill No. 4773 - Sponsored by: John White - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, WITH DENSITY FLOODWAY OVERLAY DISTRICT, TO C2, GENERAL COMMERCIAL DISTRICT, WITH DENSITY FLOODWAY OVERLAY DISTRICT, PER APPLICATION RZ19-11

Council Member Brazil called upon Paul Stumpf who stated he has had an auction business for 15 years. Stumpf stated he purchased a building in Portage des Sioux in January as a home base for his business without considering the zoning. Stumpf stated this property is primarily surrounded by farmland and he is unaware of any neighbor complaints for his intended use. Stumpf stated that to deny this rezoning request would shut down his business. Stumpf noted this property was previously zoned industrial and flooding would not close his business as he is only open to the public once or twice a month. Stumpf stated the building was above the 1993 flood stage.

Robert Myers, Division Director of Planning and Zoning, explained that County staff didn't recommend this rezoning because the master plan calls for agricultural use. Myers also stated the property is in the density floodway not the floodway fringe overlay district.

Bill No. 4774 - Sponsored by: Joe Brazil - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM PR, PARK RECREATIONAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, TO A, AGRICULTURAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, PER APPLICATION RZ19-12

Bill No. 4775 – Sponsored by: Mike Elam - AN ORDINANCE AUTHORIZING TWO AGREEMENTS RELATING TO ST. CHARLES COUNTY'S "URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM" OR "URBAN COUNTY CDBG PROGRAM" FOR 2017 THROUGH 2019, NAMELY: A PROGRAM ADMINISTRATION AGREEMENT BETWEEN ST. CHARLES COUNTY AND THE CITY OF ST. CHARLES FOR THE CITY'S OPERATION OF THE URBAN COUNTY'S 2019 PROGRAMS AND SERVICES, AND A SUBRECIPIENT AGREEMENT BETWEEN ST. CHARLES COUNTY AND THE CITY OF ST. CHARLES FOR THE CITY'S OPERATION OF THE CITY'S 2019 PROGRAMS AND SERVICES.

Bill No. 4776 - Sponsored by: Mike Elam - AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT RELATING TO ST. CHARLES COUNTY'S "URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM" OR "URBAN COUNTY CDBG PROGRAM" FOR 2017 THROUGH 2019, NAMELY: A 2019 SUBRECIPIENT AGREEMENT BETWEEN ST.

CHARLES COUNTY AND THE CITY OF ST. PETERS TO OPERATE AND RUN THE CITY'S CDBG PROGRAMS AND SERVICES

Bill No. 4777 - Sponsored by: Council as Whole - AN ORDINANCE APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE GATEWAY GREEN LIGHT PROGRAM, FEDERAL PROJECT CMAQ-5414(632)

Bill No. 4778 - Sponsored by: John White - AN ORDINANCE SETTING THE 2020 RATES FOR GROUP MEDICAL INSURANCE BENEFITS WITH AETNA LIFE INSURANCE COMPANY, DAVIS VISION, AND SELF-INSURED DENTAL INSURANCE BENEFITS FOR COUNTY EMPLOYEES, ELECTED OFFICIALS AND RETIREES

Bill No. 4779 - Sponsored by: John White - AN ORDINANCE AMENDING THE 2019 BUDGET-ADOPTED BY ORDINANCE 18-117 FOR POSITIONS WITHIN THE ST. CHARLES COUNTY SHERIFF'S DEPARTMENT AND ROADS AND TRAFFIC DIVISION

Bill No. 4780 - Sponsored by: John White - AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CURATORS OF THE UNIVERSITY OF MISSOURI REGARDING THE TRANSFER AND ACCEPTANCE OF CERTAIN ROADWAYS AND IMPROVEMENTS AT THE MISSOURI RESEARCH PARK

Council Member Cronin asked if this agreement would be executed by the County Executive at time of closing on the property. County Counselor John Watson stated it was his understanding the agreement would be executed at closing.

**IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)**

Council Member Elam welcomed Judge Nancy Schneider to the Council, seconded by John White. Council Member Elam thanked all the supporters of Paul's Auctions for attending the meeting.

Council Member Mike Elam motioned to adjourn seconded by Council Member Hammond, the meeting adjourned at 9:01 p.m.

Examined and Approved

John White, County Council Chair
St. Charles County, Missouri

/csf