

MINUTES OF THE WORK SESSION
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON JUNE 28th, 2016

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in a work session at City Hall, 3939 S. Lindbergh Blvd., in said City on Tuesday, June 28th, 2016. The meeting convened at 6:00 p.m.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.

Roll Call

Present:

Pat Fribis	-Mayor
Denetra Baebler	-Alderman – Ward I
Richard Gau	-Alderman – Ward I
Steve Bersche	-Alderman – WARD II
Kurt Krueger	-Alderman – WARD III
Keith Kostial	-Alderman – WARD III -by facetime
Thompson Price	-Alderman – WARD IV
Robert E. Jones	-City Attorney
Bryson Baker	-Director of Public Works
Gerald Brown	-Director of Parks & Recreation

Absent: Tom Musich, Mark Colombo arrived at 6:21 pm.

Bill No. 14 -- An ordinance appointing a City Clerk/City Administrator and approving an employment agreement. FIRST READING.

Alderman Baebler read Bill No. 14 for a first reading. Alderman Baebler made a motion to suspend the rules and read Bill No. 14 for a second time. Alderman Gau seconded the motion.

Roll Call Vote:

Alderman Gau	-Aye
Alderman Baebler	-Aye
Alderman Bersche	-Aye
Alderman Kostial	-Aye
Alderman Krueger	-Aye
Alderman Price	-Aye

There being 6 Aye votes and 0 Nay votes, the motion passed.

Alderman Baebler read Bill No. 14 for a second time. Alderman Baebler made a motion to approve Bill No. 14. Alderman Gau seconded the motion.

Roll Call Vote:

Alderman Gau	-Aye
Alderman Baebler	-Aye
Alderman Bersche	-Aye
Alderman Kostial	-Aye
Alderman Krueger	-Aye
Alderman Price	-Aye

There being 6 Aye votes and 0 Nay votes, the motion passed.

Mayor Fribis stated Bill No. 14 adopted and placed in the custody of the City and entered as Ordinance #2011.

 **Resolution No. 388- A Resolution approving a contract with NU Toys Leisure Products and authorizing the Mayor to execute the same on behalf of the City of Sunset Hills.**

Alderman Krueger read Resolution No. 388.

Mr. Gerald Brown stated this is new playground equipment to be installed by the lake and is replacing the obsolete playground equipment.

Motion to approve Resolution No. 388 was made by Alderman Gau and seconded by Alderman Bersche and motion was unanimously approved.

 **Restrictions on height limitations of buildings in commercial zoning districts**

Mayor Fribis stated she, Robert Heacock and Bryson Baker met with the managers/ owners of the four hotels in the city to hear what concerns or issues they had. Discussions were about any problems within the motels, the aging conditions and future improvements. Mayor Fribis stated Mr. Heacock has prepared a report on these issues and Mr. Baker will present a slide show.

Mr. Baker read the definition of the city's districts and the building height requirements based on site size. The four hotels are Holiday Inn, Hampton Inn, Days Inn, and Econo Lodge. He stated one issue was the Holiday Inn which is in the PD-BC district and if a height change was implemented the Holiday Inn could become a 6-8 story tower hotel.

Mr. Baker stated the city is looking into allowing greater heights in the C-I and the PD-LC district, in which the Econo Lodge, Days Inn and Hampton Inn all back up to residential. This would be a difficult area to increase the height because of the residential area.

Mr. Baker stated if the motels decided to redevelop their site vertically, the buffer could be increased, requiring the hotel exposure directed away from the residential area. This would help lighting and the rooms would not be facing the residential areas. Mr. Baker gave a report on other cities and their height requirements.

Mr. Baker stated the main discussion with these hotels were their conditions and what the city can do to help. Mr. Baker stated hotels now want a small footprint and build vertically. He stated this is something where the city could require larger buffers when the building goes higher. Mr. Baker stated these concerns came out of the discussions Mr. Heacock and Mayor Fribis had with the owners and the main reason we wanted to bring it to the board for any thoughts on changing some of the zoning districts height requirements.

Alderman Baebler asked if these hotels are booked over 50% of the time and are in need of additional rooms.

Mr. Heacock responded yes, the hotels all indicated their businesses are very good. The Econo Lodge is more than 50% occupied in fact 25% of occupancy is due to extended stay. Mr. Heacock reported that the hotels are not investing a lot; which means what they have now is as good as it gets. He also stated buildings become outmoded, their footprints are smaller and more vertical and the doors are exterior instead of interior. Some of these hotels will lose their flagship status and become less attractive to guests. Mr. Heacock stated Mayor Fribis had asked staff to look into what the city can do to help address the situation.

Alderman Baebler stated then they are not looking to redevelop and cannot sell to another flagship hotel because of the height requirement and where they are located.

Mr. Heacock stated that's what they have indicated and hotel developers won't even engage in a discussion due to the height restrictions.

Mayor Fribis stated two local businesses send their executives to the Drury Inn in Fenton and she feels the city needs to address this, so when wedding guests come into town we would like to offer them a newer hotel and also the businesses that need this service.

A brief discussion and question session among the aldermen and Mr. Baker regarding what can be done; site sizes, code changes. Mr. Heacock stated that the owner of the Hampton Inn owns 5 properties adjacent to the hotel. The Hampton Inn could increase buffer size if an investment opportunity was there. Mr. Heacock stated again that this was just to communicate what they heard from the property owners and representatives. The owners/managers did not see any opportunity for additional investment until a code revision was changed.

Mayor Fribis stated that hotel executives are on a five year cycle to change and improve their hotels. She also stated they are not going to invest anymore because the hotels are not up to their standards. Mayor Fribis stated the city needs to look at this and be proactive.

Alderman Krueger asked for some clarification regarding the restrictions of the flags and that this may be causing the issue. Another brief discussion among the Aldermen ensued regarding properties, residential areas and buffering.

Mayor Fribis stated this was something that needed to be discussed for the future of the city and what direction the city wants to take to help these businesses.

Alderman Krueger stated that this is why the city needs to adjust zoning ordinances and create an architectural review board. He also stated that just changing the height requirement doesn't give us good quality buildings.

Mr. Heacock stated he agreed and only one hotel property isn't abutting a residential area. If a singular change zone was done without doing a total rewrite, then this would send a strong message indicating the city is willing to help.

Mr. Heacock asked Alderman Gau if this should be on the schedule for the next work session, or defer this to planning and zoning to review and respond. Alderman Gau asked Mr. Baker about just changing the height restrictions. Mr. Baker stated when the Mayor and Mr. Heacock met with the property owners the owners didn't think the city cared about them and by making some changes it shows that the city is trying to work with them and do what is best for the city.

Alderman Gau asked Mr. Baker what is your recommendation 6 or 8 stories or 85 feet. Mr. Baker responded that the Holiday Inn mentioned 8 stories. Alderman Gau reiterated that the city must change the height definitions. Mr. Baker stated if we go an additional 10 feet then it will show that we are willing to help.

Mayor Fribis asked if this should be put on the agenda for the next board session. Mr. Jones asked if he should prepare a draft ordinance and Mayor Fribis stated yes. Mr. Jones clarified changing the height limitations in the PD-BC from 75 feet to 85 feet.

Mr. Heacock asked the Mayor about the remaining hotel areas. Mayor Fribis stated the board should think about it and bring it back to another work session or planning and zoning.

Mr. Heacock stated another issue that was discussed was the higher the building then more buffer requirement. He indicated that the owners were okay with the increase in buffer because they wanted a smaller footprint.

Alderman Bersche stated that the city needs to take a broader view of the issue. The city is very site specific, so we are talking about this specific site rather than looking at the whole block. A brief presentation followed referring to an area on the overhead screen.

Mr. Heacock commented on the possibility of a zoning overlay district for this area and gave some examples of pros and cons. Alderman Gau asked Mr. Jones about the overlay district and would the height requirement be changed. Mr. Jones said it would allow having the flexibility and the adopting ordinance would dictate the height.

Alderman Baebler stated the city should be proactive but still protect our residential property.

Alderman Gau asked Mr. Baker and/or Mr. Jones if they could put together a presentation on the overlay district concept. Mr. Jones stated yes.

Mayor Fribis thanked Mr. Heacock and Mr. Baker for presenting the information.



Discussion-Decency ordinance

Mayor Fribis stated this situation came about regarding a neighboring community's business using body paint as clothing. Mr. Jones stated everyone has a copy of Ballwin's recent ordinance for review and a similar ordinance was also adopted in several other communities in the last two months. He referenced the state regulation which involves liquor lewdness or things to do with lewdness which are not allowed in a facility of a liquor licensee. He also referenced Ballwin's ordinance regarding the display of different body parts including an opaque covering of the female breast and so body painting would not be allowed.

Mr. Jones stated the city's liquor control code has two sections that are very general, it prohibits failing to maintain an orderly business and the other just says lewd or indecent conduct. Mr. Jones stated the city would need to repeal or reinstate these amendments in those two sections and to be tied to the liquor licenses. Businesses licenses do not include these two sections.

Mayor Fribis asked Mr. Jones to prepare an ordinance for the next Board of Aldermen meeting. The Aldermen agreed.

A question was asked if the city has an ordinance that covers lewdness or indecent exposure occurring on public property, like a swimming pool. Attorney Jones answered yes, under Miscellaneous Chapter 16. Alderman Krueger asked about when a person is asked to leave for indecent exposure, how is this enforced. Attorney Jones stated you would ask that person to leave or call the police; then a report would be forwarded to the Board of Aldermen and a scheduled hearing would be held to suspend or revoke the liquor license.

Mr. Heacock suggested posting clear rules on what is appropriate, what is not and instructing the staff on how to address this if a complaint is received.



Text Amendment and rezoning for Hilltop Condominiums

Mr. Jones stated a resident was trying to refinance an attached condominium unit at Hilltop Condominiums. Financial institutions Fanny Mae or Freddie Mac who purchased these loans does not allow a provision that prohibits rebuilding the property due to a fire or disaster. This was brought to the city's attention and the city looked at the overall zoning of this site and it's a legal non-conforming use at this time. The City of Sunset Hills does not have any multifamily zoning.

Mr. Jones stated the city could adopt a new multifamily zoning district but the city has not been interested in this. The city could rewrite the PD-RC district so it would cover this particular site and possibly two others; The Sunset Hills Apartments Condo and one on Sappington, south of Gravois.

Mr. Jones said he looked at the Condominium Declaration on Hilltop and Sunset Hills Apartment Condos and it states they are a conversion. Mr. Jones suggested adding a phrase to the non-conforming use provisions particularly in the damage or sub-standard condition area. The prohibition on rebuilding when there is more than 50% damage will not apply to condominiums developed under Chapter 448 of the revised statutes of Missouri. Mr. Jones said

this would include all three of the condominium complexes and would allow for residents to obtain financing with our rewriting the PD-RC district.

Mayor Fribis asked Mr. Jones if this needs to go to planning and zoning. Mr. Jones answered yes. Mayor Fribis asked if this could be on the August agenda.

Alderman Bersche stated that everywhere else the damage is greater than 50%. Mr. Jones stated that is correct, they cannot rebuild without bringing it into conformity with the underlining zoning requirements.

Mr. Baker explained that these condominiums were annex into the city and put in the R-3 zoning district. The condominiums should not have been in that zone because they do not meet the requirements. Mr. Baker stated so are the other two apartment complexes, they are miss-zoned and the city has no zone for them. Mr. Baker stated the city either needs to create a zoning district, which is more difficult, or just do the text amendment. Mr. Baker stated the text amendment is the best idea for now until the city addresses code changing.

Mr. Jones stated that planning and zoning could even have a different idea.

Alderman Baebler reported that two additional home sites were purchased and closed on this week. Two more homes will be up on West Watson.

 **Request to meet in closed session pursuant to 610.21.3 and 610.21.1 RSMo to discuss personnel matters and litigation.**

Mayor Fribis stated no close session tonight.

Mr. Jones stated he received a memo from the police department regarding intersections with stop signs that are not included in our code, so the sign is not supported. The memo also indicated prohibiting parking in cul-de-sacs and it only specifies 7 cul-de-sacs and we have more than 7. The police department has asked that the board consider an ordinance that identifies these 3-way stop intersections and one way stop intersections with signs but no ordinance to back it up and also considering prohibiting parking in all cul-de-sacs.

Mr. Jones stated he could bring an ordinance to the next Board of Aldermen meeting for discussion. A question was raised about why the city would want to prohibit parking in cul-de-sacs except for a turnaround for emergency vehicles. Mr. Jones answered according to the police department is for routine traffic flow and emergency equipment and the 7 specified so why would the City prohibiting these 7 and not the others.

Mayor Fribis asked if these streets are posted no overnight parking, or weekend parking.

Mr. Jones read the names of the 7 streets and several aldermen stated these are dead end streets and very narrow streets and not cul-de-sacs.

A question was asked where these stop signs were located. Mr. Jones replied Highway 30 and West Watson (a stop sign in the middle of the island) and Rahning and Old Gravois. The stop sign has been there for years but has not been included in the list of stop signs.

Mayor Fribis stated if the city does nothing then we cannot give a ticket and Mr. Jones replied yes.

Alderman Baebler stated she and the Chief had a discussion regarding Gravois and West Watson to schedule a meeting with the residents regarding traffic issues. The meeting projected date is the end of July or early August.

Mayor Fribis said they will have this put on the next work session agenda for the end of August.

Mayor Fribis addressed Mr. Thias stating they normally do not have audience participations at work sessions. She stated he may address the Aldermen or herself after the meeting.

Mr. Thias proceeded to state that he needs more time to develop a plan for the upcoming lot split regarding the family home discussed at the June 14 Board of Aldermen meeting.

Mayor Fribis stated this is a family issue and he needs to contact his sisters regarding the lot split.

Mr. Chris Berry who resides in the Hilltop Condominiums clarified some issues on the refinancing of loans under the provision and the non-conforming loans. He stated he was in contact with Cornerstone Mortgage and they cannot provide any loans through themselves. The roofs have just been replaced on all units and Ryno Shield approved spending \$15,000.00 a unit, (some of these residents don't have that kind of money) to improve the place. He stated under the condominium rules if something happens there are provisions that needs to conform to the rest of condominiums.

Mr. Chris Berry stated he wanted to convey this situation to the board and was just made aware of this when trying to close on his loan. He stated his agent suggested bringing this to the city's attention.

Mayor Fribis reminded him that they are moving forward on this but it will take time.

Mr. Baker was requested to have this issue put on planning and zoning August agenda.

Adjournment

 A motion to adjourn was made by Alderman Bersche and seconded by Alderman Krueger and was unanimously approved. Adjournment at 8:19 p.m.

Dede Hendricks

Recording Secretary