Table of Contents

Agenda 3

Council Minutes dated July 23, 2012

Minutes dated July 23, 2012 7

Resolution No. 1017 - A Resolution Authorizing The City Administrator Of The City Of Creve Coeur To Execute A Contract On Behalf Of The City Of Creve Coeur, Missouri, With St. Louis County, Missouri, For Referral Of Certain Municipal Ordinance Violations To The St. Louis County Mental Health Court

Resolution No. 1017 13

Mental Health Contract 14

PD Memo authorizing the Use of the St. Louis County Mental Health Court. 19

For Information Only

Bills Payable Listing 8-13-12 20

Bill No. 5379 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land “C” Single-Family Residential To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11224 Olive Boulevard. First Reading

Bill No 5379 44

Staff Report 47

Applicant's Materials received July 13, 2012 63

P&Z Chair Letter 77

Revised Elevations and Rendering received 08-08-2012 78

August 6, 2012 Public Hearing Transcript. 80

Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. First Reading

Bill No. 5380 93

Staff Report 96

Applicant's Materials received July 5, 2012 102

P&Z Chair Letter 103

August 6, 2012 Public Hearing Transcript. 104

Bill No. 5381 - An Ordinance Approving A Master Signage Plan Pursuant To Section 405.950.6 Of The City Of Creve Coeur Code Of Ordinances For The Congregation Of B'nai Amoona And Saul Mirowitz Jewish Community School Campus Located At 324 S. Mason Road. First Reading

Bill No 5381 111

Exhibit 1: Revised Master Sign Plan received August 8, 2012. 114

Staff Report from August 6, 2012 P&Z Meeting. 119

Applicant's revised Parking Direction Signs received July 26, 2012 123

Staff Report from July 16, 2012 P&Z Meeting 124
Applicant's Materials received June 11, 2012 136
P&Z Chair Letter 141
Excerpt from July 16, 2012 P&Z Meeting Minutes 142
July 16, 2012 Public Hearing Transcript 145

Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. First Reading

Bill No 5382 156
Bill No. 5383 redlined 171
PD Memo Amending Ordin. 135,210,300, 310, & 340 190

Bill No. 5383 - Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur. First Reading

Bill No 5383 192
Memo-Amendment to Pension Plan 196
e-mail Required Retirement Plan Amendment 197
Bill No. 5383 199

Resolution No. 1018 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Purchase Of A New 20 Cubic Yard Extreme Vac Leaf Vacuum From Key Equipment Co. For $36,945.00

Resolution No 1018 203
Staff Recommendation - Leaf Vacuum Purchase 204

Resolution No. 1019 - A Resolution Authorizing The Purchase (Replacement) Of Two (2) Police Department Vehicles

Resolution No 1019 205
Invoice for the purchase of a 2012 Chevrolet Impala 206
Invoice for the purchase of a 2013 Ford Interceptor 210
Updated-PD Staff Memo for the purchase of two police department vehicles 211

Appointments to the Board of Adjustment, Stormwater, Historic and Parks Committees

Nominating Committee minutes dated July 26, 2012 212

Fourth Quarter FY 2012 Financial Analysis

Fourth Quarter FY 2012 Financial Analyses 215

AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 13, 2012
7:00 PM

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC
(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

a. Council Minutes dated July 23, 2012

b. Resolution No. 1017 - A Resolution Authorizing The City Administrator Of The City Of Creve Coeur To Execute A Contract On Behalf Of The City Of Creve Coeur, Missouri, With St. Louis County, Missouri, For Referral Of Certain Municipal Ordinance Violations To The St. Louis County Mental Health Court

Summary: The Police department has seen a dramatic increase in calls for service dealing with mentally ill subjects over the last couple of years. In an effort to provide the correct application in court with those who suffer from a mental illness, the police department is requesting the City Administrator to execute a contract on behalf of the City for the purposes of referring certain Municipal Ordinance Violations to the St. Louis County Mental Health Court.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated August 8, 2012 in amount of $396,411.04 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

NEW BUSINESS

2. **Bill No. 5379 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land "C" Single-Family Residential To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11224 Olive Boulevard. First Reading**
   Summary: An application was made by Andrew Brown, of Brownstone Properties, LLC to adjust the boundaries of 11224 Olive Boulevard, 834 Mosley Road and 842 Mosley Road, and then rezone the property at 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, for the use as a Goddard School for Early Childhood Development. In accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site development plan for the subject property, addressed as 11224 Olive Boulevard for the development of the school. Planning and Zoning Commission approved the boundary adjustment and recommended approval of the rezoning and site development plan on August 6, 2012.

3. **Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. First Reading**
   Summary: An application was submitted by Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center. Section 405.360(C), all eating and drinking places in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. Planning and Zoning recommended approval on Monday, August 6, 2012.

4. **Bill No. 5381 - An Ordinance Approving A Master Signage Plan Pursuant To Section 405.950.6 Of The City Of Creve Coeur Code Of Ordinances For The Congregation Of B'nai Amoona And Saul Mirowitz Jewish Community School Campus Located At 324 S. Mason Road. First Reading**
   Summary: An application was submitted by the Summit Sign and Graphics, on behalf of Saul Mirowitz Jewish Community School for a Master Signage Plan for the Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School campus located on 324 S. Mason Road, pursuant to Section 405.950.6 of the City of Creve Coeur's Code of Ordinances, to include new signage throughout the campus. Planning and Zoning recommended approval on Monday, August 6, 2012.

5. **Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. First Reading**
   Summary: The proposed ordinance changes to Chapters 135, 210, 300, 310, and 340 are a result of various changes in the laws by the Missouri legislature in the spring session.

6. **Bill No. 5383 - Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur. First Reading**
   Summary: Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur to meet IRS requirements.

7. **Resolution No. 1018 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Purchase Of A New 20 Cubic Yard Extreme Vac Leaf Vacuum From Key Equipment Co. For $36,945.00**
   Summary: The purchase of this 2012 leaf vacuum is part of the normal rotation of our leaf vacuum fleet, replacing a 2000 vacuum as included in the FY 2013 budget.

8. **Resolution No. 1019 - A Resolution Authorizing The Purchase Of Two (2) Police Department Vehicles for $46,633**
   Summary: The police department is requesting replacement of two vehicles, as included in the FY 2013 budget.

APPOINTMENTS

9. **Appointments to the Board of Adjustment, Stormwater, Historic and Parks Committees**
   Summary: Nominating Committee recommendation for appointments.

BUSINESS FROM THE MAYOR and CITY COUNCIL

BUSINESS FROM CITY ADMINISTRATOR

10. **Fourth Quarter FY 2012 Financial Analysis**
    Summary: Fourth Quarter FY 2012 results for the two major operating funds-the General Fund and the Municipal Enterprise Fund

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 8/9/2012
Deborah Ryan, MRCC
City Clerk

MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, July 23, 2012
7:00 PM

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, July 23, 2012.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz said the invocation and asked for a moment of silence for the families and victims of the Aurora, CO shootings.

ROLL CALL

The following members were in attendance:

Mr. Glantz	Mayor
Mrs. Kistner	Council Member Ward I
Mr. Kreuter	Council Member Ward I
Mr. Wang	Council Member Ward II
Mrs. Nealey	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV

***** Absent: Council Member Saunders

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

Council Member Rhoades stated she wanted to provide the letter she received from the Missouri Ethics Commission dismissing the complaints she filed and a statement she prepared for the record. (Exhibit A)

Mayor Glantz stated as many are aware approximately two weeks after he was seated as Mayor an ethics complaint was filed against his Mayoral campaign and against him personally. This past Thursday afternoon he received a letter from the Missouri Ethics Commission dated July 16, 2012. The letter states, "From the facts presented, the Commission voted to dismiss this case. The allegations that Mr. Glantz concealed his involvement in sending a political mailer against his opponent and that he concealed the employer or a campaign contributor were unsubstantiated." In addition, the Missouri Ethics Commission did request that his thirty day after election financial disclosure form be amended to show in kind contributions received from

various people in regard to letters of support that were sent out on his behalf. Earlier today, copies of that amended report were filed with the St. Louis County Board of Election Commissioners, the Missouri Ethics Commission and with the Creve Coeur City Clerk. Mayor Glantz stated it is his sincere hope and desire that we can put the recent Mayoral election behind us and move forward together to make Creve Coeur and even better place to live, work, play and retire.

ACCEPTANCE OF AGENDA

Council Member Kistner moved, seconded by Council Member Hoffman to accept the agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

Council Member Kistner moved, seconded by Council Member Rhoades to approve the consent agenda as presented.

a. Council Minutes dated July 9, 2012

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kistner – Aye
Council Member Nealey – Aye
Council Member Hoffman - Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated July 18, 2012 in the amount of $156,893.09 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. **Bill No. 5378 - An Ordinance Updating Chapter 230 Of The Creve Coeur Code Of Ordinances Concerning Human Rights. Final Reading and Passage**

City Clerk read Bill No. 5378 for the final time.

Council Member Kistner moved, seconded by Council Member Nealey to approve Bill No. 5378.

Council Member Kistner moved, seconded by Council Member Want to substitute the version of Bill No. 5378 that was provided in the July 23, 2012 Council packet.

Council Member Kistner stated the subject of this ordinance was brought to her attention by Mr. Andrew Shawnessy of PROMO and requested that he come forward and speak to some of his concerns and thoughts that are reflected in this ordinance.

Andrew Shaughnesy, the St. Louis and Southeast Missouri Regional Field Organizer for PROMO which is the Missouri's Legislative Organization that advocates for lesbian, gay, bisexual and transgender equality here in the State of Missouri, thanked Council Member Kistner for her fantastic leadership with this ordinance and thanked the Council for allowing him to speak on this subject. Mr. Shaughnesy stated this ordinance will protect gay, lesbian, bisexual and transgender community from discrimination in employment, housing and public accommodations. Currently in Missouri and in most parts of the Nation, gay people can still be fired from their jobs for being gay and be denied house and denied access to public spaces including parks and libraries. What this ordinance will do is protect those individuals in the City of Creve Coeur from experiencing that form of discrimination. In St. Louis and across Missouri, Creve Coeur will be joining a long list of municipalities that have already moved forward in protecting the lesbian, gay, bisexual and transgender community. Mr. Shaughnesy wanted to thank State Representative Jill Schupp for her continuous work for these protections on the state wide level.

Council Member Kistner stated since coming to the Council with this she has received nothing but supporting e-mails and messages from residents.

Mayor Glantz called the question to approve the substitution of Bill No. 5378, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Nealey – Aye

Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Kistner moved, seconded by Council Member Rhoades to approve Bill No. 5378 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Nealey – Aye
Council Member Kistner – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5378 becomes Ordinance No. 5262.

David Caldwell requested Council to reopen comments from the General Public.

Council agreed.

David Caldwell resident of 257 Brooktrail Court stated not too long ago Council gave approval for the artistic bus stop and he understands there is some hang up in getting the easement to allow this project to move forward. Mr. Caldwell suggested the Council use some of its political influence to get this accomplished. Mr. Caldwell also stated it would be nice to see the job postings under the FAQ on the City's website so that it is more visible to those interested.

Mark Perkins stated staff will consider the website suggestion, but folks interested in job postings can sign up for the list serve on the website to receive notifications when a new position is posted. In regards to the easement, staff has spoken with Garrick Hamilton regarding this issue and Koman is no longer the property owner. The property is owned by an Arizona based company but staff is expecting to receive a signed easement agreement very soon.

NEW BUSINESS

BUSINESS FROM THE MAYOR and CITY COUNCIL

BUSINESS FROM CITY ADMINISTRATOR

Carl Lumley stated the annual MML Conference is coming up in September and his firm has usually donated funds to the City to cover the cost of one of the dinners for the attendees from the City and wanted to have Council approval prior to the conference.

Council Member Wang moved, seconded by Council Member Kistner to approve the donation of approximately $400 from the City Attorney to the City to cover the cost of one of the dinners at the MML conference for City attendees, with the vote upon such motion being as follows:

Council Member Kistner – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Kistner moved, seconded by Council Member D'Alfonso to go into Executive Session at 7:17 p.m., pursuant to Section 610.022, for purposes of discussing personnel matters, real estate and legal advice, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter - Aye
Council Member Wang – Aye
Council Member D'Alfonso - Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Kistner - Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member Rhoades to resume regular session at 8:30 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Rhoades - Aye
Council Member Nealey – Aye
Council Member Wang - Aye
Council Member D'Alfonso - Aye
Council Member Hoffman – Aye
Council Member Kistner – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Council Member Kistner moved, seconded by Council Member Rhoades to adjourn at 8:33 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kreuter - Aye
Council Member Wang – Aye
Council Member D'Alfonso - Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Kistner - Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Submitted by:

Deborah Ryan	Barry Glantz
City Clerk	Mayor

Resolution No. 1017

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF CREVE COEUR, MISSOURI, WITH ST. LOUIS COUNTY, MISSOURI, FOR REFERAL OF CERTAIN MUNICIPAL ORDINANCE VIOLATIONS TO THE ST. LOUIS COUNTY MENTAL HEALTH COURT.

WHEREAS, from time to time defendants in municipal court proceedings have special needs that cannot be effectively and efficiently served by the City's Municipal Court, and

WHEREAS, St. Louis County has established a Mental Health Court that is better equipped to serve such persons, and

WHEREAS, the City is authorized by state law (479.040 RSMo) to refer such matters pursuant to contract to St. Louis County, as may be designated on the information by the prosecutor as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the City's Municipal Court, provided that the County Municipal Court has established specialized dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as a mental health court, housing court, domestic violence court, family court, or DWI court, and the County Municipal Court accepts such election by County contract, and further provided that upon a determination by the court that the accused does not have such special needs, the matter shall be transferred back to the City's Municipal Court,

NOW, THEREFORE: BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

SECTION 1. The City Administrator is hereby authorized and directed to enter into and execute an agreement with St. Louis County, Missouri, regarding mental health court services substantially in form of Exhibit A attached hereto, and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives, and the Municipal Court, are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Agreement.

SECTION 2. All attorneys employed by the St. Louis County Counselor's Office and designated by the St. Louis County Counselor are hereby appointed as Mental Health Court Prosecuting Attorneys for the City of Creve Coeur, Missouri, for purposes of handling cases referred under the hereby approved contract.

SECTION 3. This Resolution shall become effective upon execution hereof.

Adopted this 13 day of August 2012.

_____

Barry Glantz, Mayor

Attest

_____

Deborah Ryan, City Clerk

CONTRACT FOR PROSECUTION OF MUNICIPAL ORDINANCES
IN ST. LOUIS COUNTY MUNICIPAL COURT'S
MENTAL HEALTH COURT/JAIL DIVERSION PROGRAM

THIS CONTRACT, entered into by and between the CITY OF CREVE COEUR, MISSOURI, a municipality in St. Louis County Missouri, hereinafter referred to as CITY, and ST. LOUIS COUNTY, MISSOURI, a Charter County, hereinafter referred to as the COUNTY:

WITNESSETH THAT:

WHEREAS, the provisions of Section 70.210 to 70.320, inclusive, RSMo. empower municipalities and other political subdivisions to contract and cooperate with each other for a common service, and Section 2.180(20) 1979, St. Louis County Charter, provides that the County Council may authorize contracts between the COUNTY and an incorporated area for a common service; and

WHEREAS, Section 479.040 RSMo. authorizes a city within a county having a county municipal court to elect to have such county court hear and determine those violations of its municipal ordinances as may be designated on the information by the prosecutor as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the city, provided that the county municipal court has established specialized dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as a mental health court, housing court, domestic violence court, family court, or DWI court, and such county municipal court accepts such election by county contract, and further provided that upon a determination by the court that the accused does not have such special needs, the matter shall be transferred back to the municipal court; and

WHEREAS, the prosecution of such ordinance violations constitutes a service within the scope of the powers of the CITY and COUNTY; and

WHEREAS, the COUNTY is authorized to enter into this Contract by Section 105.110 SLCRO, 1974, as amended, and Ord. No. 22,669: and

WHEREAS, the COUNTY operates the St. Louis County Municipal Court System which furthermore operates the St. Louis County Municipals Court's Mental Health Court/Jail Diversion Program, which program meets the requirements of Section 479.040 referenced above; and

WHEREAS, the CITY has enacted and approved Resolution No. _____, a copy of which is attached hereto and made a part hereof, authorizing the CITY to execute this contract and to appoint any or all attorneys of the St. Louis County Counselor's Office, designated by the St. Louis County Counselor thereof, as Prosecuting Attorneys of said CITY for purposes thereof;

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE CITY AND THE COUNTY AS FOLLOWS:

(1) The COUNTY shall provide all personnel, services, equipment and facilities necessary for the hearing and determination of the CITY ordinance violations referred by the CITY's prosecutor to the St. Louis County Municipal Court's Mental Health Court/Jail Diversion Program as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the CITY.

(2) Upon such referral by the CITY's prosecutor, the COUNTY shall render to the CITY the general prosecution services in the enforcement of the ordinances of the CITY, as it now renders to all of unincorporated St. Louis County, including all appeals resulting therefrom.

(3) The attorneys of the St. Louis County Counselor's office shall, without detracting from their power and authority as members of the St. Louis County Counselor's Office, serve as prosecuting attorneys of the CITY, and shall perform such duties as are required to prosecute municipal ordinances of the CITY pursuant to this Contract.

(4) The clerks and judges of the St. Louis County Municipal Court shall perform such duties as are required to hear and determine municipal ordinance violations of the CITY which are set in the Mental Health Court/Jail Diversion Program pursuant to this Contract, provided that upon a determination by the court that an accused does not have special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the CITY, the matter shall be transferred back to the municipal court of the CITY.

(5) The COUNTY shall assess and collect all fines and costs generated by the hearing and determination of the municipal ordinance violations of the CITY which are set in the Mental Health Court/Jail Diversion Program. The COUNTY shall retain such fines as compensation for services rendered in accordance with paragraph (9) of this Contract. With regards to court costs, the COUNTY shall assess, collect and distribute such court costs as allowed or required by law, and shall retain the CITY'S share of such costs as further compensation for this contract.

(6) Upon reasonable request, the COUNTY shall provide an accounting to the CITY of the number of cases finally determined, and the fines and costs assessed and collected, through the provision of services as contemplated herein.

(7) The CITY shall supply St. Louis County with certified copies of its ordinances when requested and shall supply at least two such copies to the Court Administrator at the commencement of this Contract.

(8) The CITY shall provide all documents, information, witnesses and materials necessary to prosecution of violations pursuant to this Contract, and the CITY shall otherwise cooperate with the COUNTY in the provision of such documents, information, witnesses or materials as may be necessary for such prosecution.

(9) Once a case is referred to St. Louis County for handling, the County shall receive all fines and costs generated by the prosecution of that case under the terms of this Contract. The City hereby assigns the COUNTY the said amount, to be retained by the COUNTY as such fines and costs are collected. In addition, the CITY shall pay the COUNTY for the services set out herein, $300.00 per person referred and accepted on the Mental Health Court, up to a maximum of $3,000.00/year regardless of total number of referred persons accepted within that year.

(10) Either party may terminate this Contract at any time by giving the other party sixty (60) days prior written notice.

(11) This Contract shall take effect when fully signed by the parties, and shall expire on the 31st day of December, 2013. It is further agreed by the parties that should they wish to enter into a similar contract for such services for the year succeeding this contract and years subsequent thereto but are unable, by December 31, 2013 or by December 31, of any subsequent year, to agree on the terms of any such renewal, the terms of the present contract shall continue in effect until such time as either the parties reach an agreement on the said terms or one of the parties elects to terminate by giving the other party

sixty (60) days prior written notice.

IN WITNESS HEREOF, on the ___ day of _____, 2012, both parties have affixed their signatures to this Contract.

CITY OF CREVE COEUR, MISSOURI

By_____
Mark Perkins, City Administrator

ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Attorney

ST. LOUIS COUNTY, MISSOURI

By_____
County Executive

ATTEST:

_____
County Clerk

APPROVED:

_____
County Counselor

APPROVED:

_____
Accounting Officer

APPROVED:

_____
St. Louis County
Municipal Court Administrator

CREVE COEUR POLICE DEPARTMENT
INTEROFFICE MEMO

DATE: August 8, 2012

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Mental Health Court

The Police department has seen a dramatic increase in calls for service dealing with mentally ill subjects over the last couple of years. In an effort to provide the correct application in court with those who suffer from a mental illness, the police department is requesting the City Administrator to execute a contract on behalf of the City for the purposes of referring certain Municipal Ordinance Violations to the St. Louis County Mental Health Court.

The Police department has seen an increase in CIT calls as follows:

2007-14 calls (first year the system went live)	2008-23 calls
2009-32 calls (39% increase)	2010-43 calls (34% increase)
2011-83 calls for service (93% increase)	2012-46 to date-projection of 90+ calls

Under Missouri State law RSMo 479.040 the city is authorized to allow the prosecuting attorney in Municipal Court to refer those with special needs due to mental disorder or mental illness as defined by section 630.005, or those whose special needs, circumstances, and charges that cannot be adequately accommodated by the City's Municipal Court. The St. Louis County Municipal Court has established dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as mental health court, housing court, domestic violence court, family court, or DWI court, and the County Municipal Court accepts such election by County contract, and further provided that upon a determination by the court that the accused does not have such special needs.

City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: August 8, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated August 8, 2012 in the amount of $396,411.04

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01748	0		072512	25-Jul-12	BRANDT, WILBERT	SEWER LATERAL REIMBURSEMENT	02-00-00-1901	2,224.00
00084	0		3888128103	31-Jul-12	COCA-COLA	SODA FOR SHOP	01-00-00-4739	159.66
00066	0		207632	19-Jul-12	FROESEL OIL	UNLEADED GAS FOR GARAGE	01-00-00-1651	24,088.94
01749	0		072412	24-Jul-12	KNOPF, RANDY	SEWER LATERAL REIMBURSEMENT	02-00-00-1901	2,820.00
00116	0		8448	19-Jul-12	SAM'S CLUB	PRISONER MEALS	01-00-00-2410	63.46
01342	0		39677	09-Jul-12	ST LOUIS COUNTY DEPARTMENT OF JUSTICE SERVICE	ST LOUIS COUNTY MUNI HOUSING	01-00-00-2410	180.00
01752	0		080612	06-Aug-12	UDE, ROBIN L	REFUND 2012 BUS LICENSE FEE	01-00-00-4402	10.00
01559	0	P001447	0237327-IN	30-Jun-12	WILL ELECTRONICS	VIDEO, AUDIO, EMERGENCY BUTTON	01-00-00-2410	4,195.00
01559	0		0123327-IN.	30-Jun-12	WILL ELECTRONICS	FREIGHT CHARGES	01-00-00-2410	37.73

Sum of Invoices *33,778.79*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01000	0	071212	41090		SULLIVAN PUBLICATIONS	CODE UPDATE	01-11-13-6203	680

Sum of Invoices *680.00*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01694	0	P001437	16804	41113	ILLUSTRATED MAN	CREVE COEUR VIDEO SERIES, 5-MI	01-12-11-6203	2922.66
00189	0		072212	22-Jul-12	MIRIKITANI & ASSOCIATES	EMPLOYEE COACHING	01-12-11-6203	650.00
00052	2		40448402 7/14	14-Jul-12	ST LOUIS POST-DISPATCH	NEWSPAPER SUBSCRIPTION	01-12-11-6262	29.88

Sum of Invoices *3,602.54*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01169	0		3178569749	21-Jul-10	STAPLES ADVANTAGE	REPLACEMENT KEYBOARD-PD	01-12-51-6213	49.25
00280	1		S28572130101	27-Jul-12	ZONES	CANON INKJET PHOTO PRINTER	01-12-51-6213	99.98

Sum of Invoices *149.23*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

FINANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00041	0		080312	03-Aug-12	ALANIZ, RONNA	WORK FROM 7/2 - 8/2/12	01-13-11-6202	1,495.00
00016	0		071612	16-Jul-12	COLLECTOR OF REVENUE	SALES TAX REPORT-JULY 2012	01-13-11-6202	20.00
01005	1/0/1900	P001468	1026	01-Jul-12	PFI STRATEGIES, LLC	INVESTMENT SERVICES JULY-SEPT	01-13-11-6202	2,500.00
01559	0		0237328-IN	30-Jun-12	WILL ELECTRONICS	2 PANIC BUTTONS-FINANCE	01-13-11-6213	461.20

Sum of Invoices *4,476.20*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00045	1		615974294001	30-Jun-12	OFFICE DEPOT	FOLDERS	01-13-14-7304	215.69
00045	1		615974215001	41090	OFFICE DEPOT	MOBILE SCANNER	01-13-14-9503	134.99
00050	0		INV0023757	15-Jul-12	REJIS	2012	01-13-14-6202	2,252.06
01169	0		3178226808	30-Jun-12	STAPLES ADVANTAGE	FILE CART	01-13-14-7304	98.99

Sum of Invoices *2,701.73*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01739	0		3144326000 8/12	19-Jul-12	AT&T	GOVERNMENT CTR SERVICE	01-13-15-6253	832.55
01739	0		3145698916 8/12	19-Jul-12	AT&T	ANALOG LINES	01-13-15-6253	291.98
00191	0		2109114	08-May-12	BUCK CONSULTANTS LLC	PENSION CONTRIBUTION ANAI	01-13-15-6202	267
00014	0		0215116 7/12	06-Jul-12	CHARTER COMMUNICATIONS	TV SVC @ SHOP - JULY 2012	01-13-15-6255	62.87
00045	1		616983875001	16-Jul-12	OFFICE DEPOT	ELECTRIC HOLE PUNCH-PD	01-13-15-7312	109.75
00046	0		0917621	31-Jul-12	OFFICE ESSENTIALS	25 CASES PAPER	01-13-15-7312	807.5
00166	1		949805	12-Jul-12	OFFICEMAX	CHAIRMAT, PENS	01-13-15-7312	94.16
00077	0		4317687	12-Jul-12	QUILL	TONER-COPPS OFFICE	01-13-15-7312	151.29
00077	0		4570524	24-Jul-12	QUILL	INJET CARTRIDGE	01-13-15-7312	39.08
00077	0		4564830	24-Jul-12	QUILL	INKJET CARTRIDGES	01-13-15-7312	185.25
00077	0		4663181	27-Jul-12	QUILL	TONER/HIGHLIGHTERS	01-13-15-7312	374.26
01169	0		3178226810	14-Jul-12	STAPLES ADVANTAGE	PARTITION CLIPS	01-13-15-7312	3.43
01169	0		3178226809	14-Jul-12	STAPLES ADVANTAGE	VARIOUS OFFICE SUPPLIES	01-13-15-7312	100.68
01169	0		3178226811	14-Jul-12	STAPLES ADVANTAGE	FILE FOLDERS-BLDG DEPT	01-13-15-7312	53.52
01169	0		3178226812	14-Jul-12	STAPLES ADVANTAGE	HANGING FILE FOLDERS	01-13-15-7312	38.95
01169	0		3178569746	21-Jul-12	STAPLES ADVANTAGE	HANGING FILE FOLDERS	01-13-15-7312	38.95
01169	0		3178569749	21-Jul-10	STAPLES ADVANTAGE	PACKING TAPE	01-13-15-7312	12.95
01169	0		3178569748	21-Jul-12	STAPLES ADVANTAGE	HIGHLIGHTERS,POST-ITS	01-13-15-7312	60.24
01169	0		3178569747	21-Jul-12	STAPLES ADVANTAGE	TONER,VARIOUS OFC SUPPLIES	01-13-15-7312	173.65
01169	0		3178922185	28-Jul-12	STAPLES ADVANTAGE	TONER	01-13-15-7312	101.85
01169	0		3178922186	26-Jul-12	STAPLES ADVANTAGE	TONER	01-13-15-7312	592.14
01169	0		3178922187	27-Jul-12	STAPLES ADVANTAGE	VARIOUS OFFICE SUPPLIES	01-13-15-7312	128.07
01754	0		114265289	27-Jul-12	STAPLES ADVANTAGE	PENS, SUPPLIES	01-13-15-7312	78.08
01754	0		114025356	03-Jul-12	STAPLES ADVANTAGE	BINDING COVERS-PUB WKS	01-13-15-7312	126.58
00447	0		537983	02-Jul-12	THE DANIEL & HENRY CO.	12-13 INTERNET LIABILITY INS	01-13-15-6220	1,461.00
00447	0		537804	29-Jun-12	THE DANIEL & HENRY CO.	12-13 D&o LIABILITY INS	01-13-15-6222	23,498.00
00447.	0		5386.25	31-Jul-12	THE DANIEL & HENRY CO.	Liquor Liability Renewal	01-13-15-6220	798.00
00447	0		538486	24-Jul-12	THE DANIEL & HENRY CO.	12-13 PROPERTY INS	01-13-15-6226	54,027.00

Sum of Invoices *84,508.78*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

COMMUNITY SERVICES

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00623	0		921456432-01	17-Jul-12	ASSOCIATION	ANNUAL MEMBERSHIP USTA	01-14-11-6262	100.00

Sum of Invoices *100.00*

8/8/2012

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-4941520	17-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (071712)	06-14-31-7301	0.80
01550	0		452-4967685	24-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (072412)	06-14-31-7301	0.80
01550	0		452-4994037	31-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIS (073112)	06-14-31-7301	0.80
01550	0		452-4941520	17-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORMS (071712)	06-14-31-7308	3.60
01550	0		452-4967685	24-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORMS (072412)	06-14-31-7308	3.60
01550	0		452-4994037	31-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORMS (073112)	06-14-31-7308	3.25
00080	0		4731-104-5	20-Jul-12	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	21.99
00080	0		1638-186-5	29-Jul-12	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	27.99
00082	0		0598346	16-Jul-12	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	135.32
00082	0		0603149	30-Jul-12	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	117.00

Sum of Invoices *315.15*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00080	0		5862-182-5	14-Jul-12	DIERBERGS	BIRTHDAY CAKES	06-14-32-7304	49.98
00141	0		115772	31-Jul-12	ELECTRO BATTERY	BATTERY FOR KABOTA MOWER	06-14-32-6211	35.45
00023	1		271904	11-Jul-12	FRED WEBER, INC	STONE FOR GOLF COURSE	06-14-32-6212	90.78
01415	0		INV0005696	31-Jul-12	GREENSPRO, INC.	FUNGICIDE FOR GREENS	06-14-32-7303	460.00
01415	0		INV0005676	25-Jul-12	GREENSPRO, INC.	FUNGICIDE FOR GREENS	06-14-32-7303	742.00
00042	0		I89138	10-Jul-12	MPR SUPPLY	PVC PIPE, DRAIN BOX, COUPLERS	06-14-32-6212	180.26
00042	0		I89377	12-Jul-12	MPR SUPPLY	HYDRAULIC COUPLER & FITTINGS	06-14-32-6212	61.36
00042	0		90949	30-Jul-12	MPR SUPPLY	RELAY SWITCH FOR FOUNTAIN	06-14-32-6212	67.50
00970	1		1388-420286	18-Jul-12	O'REILLY AUTO PARTS	OIL, FILTER, GREASE, FREON SEA	06-14-32-6211	94.13
00116	0		1566	16-Jul-12	SAM'S CLUB	ROOMS	06-14-32-7301	52.44
00173	0		IN104792	12-Jul-12	SUPREME TURF PRODUCTS	FERTILIZER & IRON	06-14-32-7303	534.50
00173	0		IN104790	11-Jul-12	SUPREME TURF PRODUCTS	FUNGICIDES FOR GREENS	06-14-32-7303	550.00

Sum of Invoices *2,918.40*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01098	0		225771	18-Jul-12	ALL STAR PRO GOLF	SUPPLIE	06-14-33-7304	184.04
01140	0		55013	25-Jul-12	ARCHWAY BOWLING & TROPHY	GOLF BALLS FOR RESALE	06-14-33-8324	45.00

Sum of Invoices 229.04

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-4941520	17-Jul-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (071712)	06-14-34-7301	3.25
01550	0		452-4967685	24-Jul-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (072412)	06-14-34-7301	3.25
01550	0		452-4994037	31-Jul-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (073112)	06-14-34-7301	3.60
00084	0	P001476	3888128102	31-Jul-12	COCA-COLA	MISC ITEMS FOR RESALE (7/31/12	06-14-34-8317	56.65
00084	0	P001476	3888128102	31-Jul-12	COCA-COLA	SODA FOR RESALE (7/31/12)	06-14-34-8317	386.23
00084	0	P001476	3848236502	17-Jul-12	COCA-COLA	SODA FOR RESALE (8317)	06-14-34-8317	672.96
00084	0	P001476	3878114802	03-Jul-12	COCA-COLA	SODA FOR RESALE (8317)	06-14-34-8317	634.74
00116	0	P001478	9141	09-Jul-12	SAM'S CLUB	FOOD FOR RESALE (8315)	06-14-34-8315	50.62
00116	0	P001478	1126	23-Jul-12	SAM'S CLUB	FOOD FOR RESALE (7/23/12)	06-14-34-8315	80.21
00116	0		1126.	23-Jul-12	SAM'S CLUB	WINE FOR RESALE	06-14-34-8316	97.41
00116	0	P001478	9141	09-Jul-12	SAM'S CLUB	SNACKS FOR RESALE (8319)	06-14-34-8319	147.48
00116	0	P001478	1126	23-Jul-12	SAM'S CLUB	SNACKS FOR RESALE (7/23/12)	06-14-34-8319	158.27
00116	0	P001478	1126	41113	SAM'S CLUB	MISC ITEMS (7/23/12)	06-14-34-8321	15.98
00086	0	P001477	207020555	02-Jul-12	SYSCO FOOD	FOOD FOR RESALE (8315)	06-14-34-8315	468.76
00086	0	P001477	207020555	02-Jul-12	SYSCO FOOD	SNACKS FOR RESALE (8319)	06-14-34-8319	100.90
00086	0	P001477	207020555	41092	SYSCO FOOD	MISC ITEMS (8321)	06-14-34-8321	133.98
01121	0		39450	16-Jul-12	TJ'S PIZZA	SNACKS & PIZZA FOR RESALE	06-14-34-8315	67.40

Sum of Invoices *3,081.69*

8/8/2012

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00090	0		2012-2391	05-Jul-12	AMERICAN WATER TREATMENT	7/1 TO 9/30/12 WATER TRTMENT	01-16-11-6212	494.44
01550	0		452-4967684	24-Jul-12	ARAMARK UNIFORM SERVICES	CH UNIFORM RENTAL (7/24/12)	01-16-11-7308	7.20
01550	0		452-4941519	17-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL CH (7/17/12)	01-16-11-7308	7.20
01550	0		452-4994036	31-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL CH (7/31/12)	01-16-11-7308	7.20
00117	0		1028290	27-Jul-12	HOME DEPOT	CARPET,PAINT,ADHESIVE-PD	01-16-11-6212	224.40
01750	0		4187374	04-Jun-12	HOME DEPOT CREDIT SERVICES	FLOORING FOR PD	01-16-11-6212	269.19
01750	0		9356377	30-May-12	HOME DEPOT CREDIT SERVICES	FLOORING FOR PD	01-16-11-6212	628.12
00039	0		784974	13-Jul-12	INDUSTRIAL SOAP	PAPER TOWELS CH USE	01-16-11-6212	661.50

Sum of Invoices *2,299.25*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00190	1	P001445	EXT0005049	17-Jul-12	UNIVERSITY OF MISSOURI-COLUMBIA AR	14 EA 2011 MO CRIME CODE HANDB	01-21-11-7304	252.00
01048	0		0121116253	18-Jul-12	VERIZON WIRELESS	JULY AIR CARD CHARGES	01-21-11-6253	43.01
01436	0	P001472	12-012	18-Jul-12	WEST CENTRAL DISPATCH CENTER	FYI 2013 BASE FEE	01-21-11-6202	100,000.00
01436	0	P001471	12-012.	18-Jul-12	WEST CENTRAL DISPATCH CENTER	1ST QTR UTILIZATION FEES	01-21-11-6202	83,698.00
00091	0		199525	18-Jul-12	WIRELESS USA	ADDITION TO SERVICE CONTRACT	01-21-11-6211	25.00

Sum of Invoices *184,018.01*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00426	0		23695	23-Jul-12	ADGRAPHIX	POLICE LETTERS FOR HELMETS	01-21-22-7308	25.00
00669	1		222209	06-Jul-12	APPLIED CONCEPTS-STALKER RADAR	PARTS FOR RADAR EQUIPMENT	01-21-22-6211	33.66
00234	0		371817	02-Aug-12	ED. ROEHR SAFETY PRODUCTS	UNIFORM ITEMS FOR BAEZ/KOLER	01-21-22-5107	134.36
00234	0		371818	02-Aug-12	ED. ROEHR SAFETY PRODUCTS	REPLACE KEYBD PART FOR CAR 17	01-21-22-6210	16.92
00094	0		152904	01-Aug-12	FIRESTONE	CAR 2406 BRAKE PADS AND ROTORS	01-21-22-6210	611.92
00094	0		152711	30-Jul-12	FIRESTONE	CAR 2404 RADIATOR FAN MOTOR	01-21-22-6210	497.92
00094	0		152837	30-Jul-12	FIRESTONE	CAR 11 REPLACE HEADLAMP BULB	01-21-22-6210	68.84
00094	1		152270	17-Jul-12	FIRESTONE	CAR 2404 3000 MILE SERVICE	01-21-22-6210	22.99
00094	1		152245	16-Jul-12	FIRESTONE	CAR 2408 3000 MILE SERVICE	01-21-22-6210	22.99
00094	1		152206	15-Jul-12	FIRESTONE	CAR 2419 3000 MILE SVS/HDLIGHT	01-21-22-6210	118.01
00094	1		152257	17-Jul-12	FIRESTONE	CAR 2403 3000 MILE SERVICE	01-21-22-6210	22.99
00094	1		152355	19-Jul-12	FIRESTONE	CAR 2410 3000 MILE SERVICE	01-21-22-6210	26.98
00094	1		152536	23-Jul-12	FIRESTONE	CAR 2417 3000 MILE SERVICE	01-21-22-6210	19.00
00094	1		152311	18-Jul-12	FIRESTONE	CAR 2406 BATTERY CHECK	01-21-22-6210	8.49

Sum of Invoices *1,630.07*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

PUBLIC WORKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00368	0		7-957-36853	19-Jul-12	FEDEX	FED EX-K BERGER PERSONAL ITMS	01-31-11-6203	36.85
00126	0		INV0187746	20-Jul-12	ROTOLITE	SVC CONTRACT XEROX 3030	01-31-11-6213	240.00
01048	1		2771780307	13-Jul-12	VERIZON WIRELESS	AIRCARD CHARGES	01-31-11-6253	43.03

Sum of Invoices *319.88*

8/8/2012

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00302	0		35389	29-Jun-12	AL-DON HEATING AND AIR CONDITIONING	A/C REPAIR @ GARAGE	01-31-41-6212	444.00
00272	0		14900159	10-Jul-12	ARAMARK	FLEXFIT CAPS W/EMBROIDERY	01-31-41-7308	305.76
01550	0		452-4941517	17-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (7/17/12)	01-31-41-6212	8.10
01550	0		452-4967681	24-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (7/24/12)	01-31-41-6212	8.10
01550	0		452-4994034	31-Jul-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (7/31/12)	01-31-41-6212	8.10
01550	0		452-4941517	17-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENT W/EMBROID (7/17)	01-31-41-7308	319.58
01550	0		452-4967681	24-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/24/12)	01-31-41-7308	216.89
01550	0		452-4994034	31-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL SHOP (7/31/12)	01-31-41-7308	324.56
00693	0		254022	25-Jul-12	BMC ENTERPRISES, INC.	EQUIP TO REPLACE CURB	01-31-41-6211	368.50
00712	0		K74746	16-Jul-12	BOBCAT COMPANY	BRUSHES FOR BOBCAT	01-31-41-6211	369.52
00712	0		J41987	19-Jul-12	BOBCAT COMPANY	FAN REPAIR-GARAGE EQUIPMNT	01-31-41-6211	438.02
00010	0		911626	30-Jul-12	BRANNEKY HARDWARE	PAINT PRIMER,FLAT FILE,BITS	01-31-41-7311	23.95
00295	0		1496566	14-May-12	CARDIAC SCIENCE	BATTERY,ELECTRODES FOR SHOP	01-31-41-6271	277.00
00013	0		1763-196419	13-Jul-12	CARQUEST AUTO PARTS	BRAKE PADS-TRUCK #106	01-31-41-6210	81.83
00099	0		3471221	20-Jul-12	CEEKAY SUPPLY	PLASMA THERMAL SHIELD	01-31-41-6210	157.95
00099	0		3471222	20-Jul-12	CEEKAY SUPPLY	PLASMA TIPS,ELECTRODES	01-31-41-6210	330.45
01187	0		786214	12-Jul-12	CHEMSEARCH	YIELD AEROSOL FOR SHOP	01-31-41-7301	175.44
01466	0		140037806	27-Jul-12	CROSS MIDWEST TIRE	FRONT TIRES-TRUCK #207	01-31-41-6210	263.62
00049	0		35144	12-Jul-12	EMPLOYEE STAFFING GROUP	TEMP HELP W/O 7/2/12	01-31-41-6207	864.00
00049	0		35155	18-Jul-12	EMPLOYEE STAFFING GROUP	TEMP HELP W/O 7/9/12	01-31-41-6207	864.00
00049	0		35168	26-Jul-12	EMPLOYEE STAFFING GROUP	TEMP HELP W/O 7/13	01-31-41-6207	1,080.00
00049	0		35129	30-Jun-12	EMPLOYEE STAFFING GROUP	TEMP HELP W/O 6/25/12	01-31-41-6207	972.00
00413	0		X-22834	09-Jul-12	FASTSIGNS	SIGNS-GARAGE FRONT GATE & DOOR	01-31-41-7311	173.68
00023	0		275642	26-Jul-12	FRED WEBER	APHALT-SIDEWALKS/POTHOLES	01-31-41-7305	59.00
00023	0		275788	27-Jul-12	FRED WEBER	ASPHALT-SIDEWALKS/POTHOLES	01-31-41-7305	295.00
00023	1		272636	13-Jul-12	FRED WEBER, INC	APHALT-TRIP HAZARD BEAVER DR	01-31-41-7305	472.00
00023	1		271581	10-Jul-12	FRED WEBER, INC	STONE-FIX SINKHOLE TEALWOOD	01-31-41-7305	43.43
00023	1		272291	12-Jul-12	FRED WEBER, INC	ASPHALT-TRIP HAZARD TEALWOOD	01-31-41-7305	236.00
00023	1		273508	17-Jul-12	FRED WEBER, INC	ASPHALT-TRIP HAZARD COUNTRY M	01-31-41-7305	295.00
00023	1		273813	18-Jul-12	FRED WEBER, INC	PATCH TO REPAIR TRIP HAZARDS	01-31-41-7305	59.00
00023	1		273915	19-Jul-12	FRED WEBER, INC	ASPHALT-TRIP HAZARD & PATCH	01-31-41-7305	354.00
00023	1		274888	24-Jul-12	FRED WEBER, INC	ASPHALT-REPAIR HIBLER & PATCH	01-31-41-7305	295.00

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00023	1		274253	20-Jul-12	FRED WEBER, INC	ASPHALT-TRIP HAZARD & PATCHING	01-31-41-7305	295.00
00023	1		274597	23-Jul-12	FRED WEBER, INC	ASPHALT PATCHING MATERIAL	01-31-41-7305	59.00
00023	1		271640	10-Jul-12	FRED WEBER, INC	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	354.00
00023	1		273034	16-Jul-12	FRED WEBER, INC	ASPHALT-TRIP HAZARD REPAIRS	01-31-41-7305	59.00
00117	0		3027627	25-Jul-12	HOME DEPOT	A/C UNIT FOR GARAGE LUNCH RM	01-31-41-6212	329.00
00117	0		2027955	26-Jul-12	HOME DEPOT	PROTECTION PLAN-NEW A/C UNIT	01-31-41-6212	59.95
00117	0		5024343	13-Jul-12	HOME DEPOT	LUMBER,NAILS,HINGES,BOLTS	01-31-41-7305	44.52
00117	0		3027627	41115	HOME DEPOT	PLASTIC & TARP FOR CONCRETE	01-31-41-7305	74.95
00156	0		0052441	16-Jul-12	L & C TRUCK REPAIR, INC.	PIPE & CLAMP-TRUCK #312	01-31-41-6210	20.23
01490	0		W622401-IN	16-Jul-12	MEDNIK * RIVERBEND	CORDUROY WIPERS (RAGS)	01-31-41-6212	37.76
00042	0		89509	13-Jul-12	MPR SUPPLY	POP-UP ROTOR-OLIVE & 270	01-31-41-6211	600.00
00042	0		89913	18-Jul-12	MPR SUPPLY	BATTERY,CEMENT-IRRIGATION	01-31-41-6211	54.39
00818	0	P001486	E92275	26-Jul-12	NU WAY CONCRETE FORMS	USED MORRISON PB16R CONCRETE P	01-31-41-9503	4,595.00
00796	0		357202	17-Jul-12	OVERHEAD DOOR COMPANY OF ST. LOUIS	REPAIR OPERATOR-DOOR #1	01-31-41-6212	337.80
00047	0		P94055	17-Jul-12	PAT KELLY EQUIPMENT	CELL PHONE/PAINT HOLDERS	01-31-41-7302	64.44
00110	0		311770	13-Jul-12	RICMAR INDUSTRIES	AIR FRESHENERS FOR GARAGE	01-31-41-7301	143.98
00110	0		311752	12-Jul-12	RICMAR INDUSTRIES	ASPHALT CLEANER FOR TOOLS	01-31-41-7305	415.60
00270	1		55464-00	23-Jul-12	TERMINAL SUPPLY CO.	ADHESIVE CABLE CLAMPS	01-31-41-6210	38.10

Sum of Invoices *17,766.20*

8/8/2012

HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00631	0		272313	15-Jul-12	PERALES AE LAWN CARE LLC	LAWN MOWING	01-31-42-6215	81.34

Sum of Invoices *81.34*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/8/2012

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00272	0		14900159	10-Jul-12	ARAMARK	FLEXFIT CAPS W/EMBROIDERY	01-31-43-7308	305.76
01550	0		452-4941517	17-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENT W/EMBROID (7/17)	01-31-43-7308	319.57
01550	0		452-4967681	24-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/24/12)	01-31-43-7308	216.89
01550	0		452-4994034	31-Jul-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL SHOP (7/31/12)	01-31-43-7308	37.87
00559	0		061202226	30-Jun-12	BARCO PRODUCTS CO.	PET LITTER BAGS FOR PARKS	01-31-43-6212	678.40
00010	0		911349	25-Jul-12	BRANNEKY HARDWARE	CREDIT INV #910968	01-31-43-6212	(59.95)
00010	0		910968	19-Jul-12	BRANNEKY HARDWARE	HOSES,NOZZLES,CONNECTERS	01-31-43-6212	531.33
00010	0		911348	25-Jul-12	BRANNEKY HARDWARE	WATER KEY,SPRINKLERS,HOSES	01-31-43-6212	232.06
00010	0		911460	27-Jul-12	BRANNEKY HARDWARE	MENDERS,SAVER,CONNECTORS	01-31-43-6212	65.48
01187	0		786214	12-Jul-12	CHEMSEARCH	YIELD AEROSOL FOR SHOP	01-31-43-7301	175.43
00731	0		322424-001	26-Jul-12	GOLDSTEIN-SCHWARTZ INC	BRASS FITTINGS FOR WATER TANK	01-31-43-6211	55.20
01136	1		61962370	10-Jul-12	JOHN DEERE LANDSCAPES/LESCO	MARKING FLAGS - PARKS	01-31-43-6212	27.30
01136	1		61962370	10-Jul-12	JOHN DEERE LANDSCAPES/LESCO	CHEMICALS CROSSCHECK PLUS	01-31-43-7301	67.02
00040	0		788942	12-Jul-12	MILBRADT	NYLON STRING FOR WEED EATER	01-31-43-6211	29.69
00110	0		311770	13-Jul-12	RICMAR INDUSTRIES	AIR FRESHENERS FOR GARAGE	01-31-43-7301	143.98
00547	0	P001426	223487	06-Jul-12	ST LOUIS BACKFLOW SERVICES	ANNUAL BACKFLOW TESTING	01-31-43-6212	552.00
00547	0	P001426	223486	06-Jul-12	ST LOUIS BACKFLOW SERVICES	ANNUAL BACKFLOW TESTING	01-31-43-6212	1,550.00
00109	0		447800	17-Jul-12	WESTPORT POOLS	CHEMICALS FOR SPLASH PAD	01-31-43-7301	64.00

Sum of Invoices 4,992.03

8/8/2012

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00303	1		10108325	18-Jul-12	MISSOURI LAWYERS MEDIA	P&Z HRG PUBLIC NOTICE 8/6/12	01-32-11-6260	37.12
00303	1		10108331	18-Jul-12	MISSOURI LAWYERS MEDIA	P&Z HRG NOTICE 8/6/12	01-32-11-6260	35.96
00303	1		10108337	18-Jul-12	MISSOURI LAWYERS MEDIA	P&Z PUBLIC HRG NOTICE 8/6/12	01-32-11-6260	37.12
00126	0		INV0187746	20-Jul-12	ROTOLITE	SVC CONTRACT XEROX 3030	01-32-11-6213	240.00

Sum of Invoices *350.20*

8/8/2012

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01751	0		INV0160656	27-Jul-12	INTERNATIONAL CODE COUNCIL, INC	2012 INT'L RESIDENTIAL CODE	01-32-61-6261	102.50
01751	0		INV0155147	11-Jul-12	INTERNATIONAL CODE COUNCIL, INC	CODE BOOKS/STUDY COMPANIONS	01-32-61-6261	116.25
00112	0		41624	27-Jul-12	MPS	FIELD CORRECTIONS FORMS	01-32-61-7304	94.00
00163	2		5561373X	01-Jul-12	NFPA	NFPA FIRE CODE SUBSCRIPTN	01-32-61-6262	855.00
00126	0		INV0187746	20-Jul-12	ROTOLITE	SVC CONTRACT XEROX 3030	01-32-61-6213	240.00
01048	1		2767259037	04-Jul-12	VERIZON WIRELESS	INSPECTORS WIRELESS TABLETS	01-32-61-6253	157.35

Sum of Invoices *1,565.10*

8/8/2012

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01650	0	P001414	PA #3	01-Aug-12	AMERICAN BOILER & MECHANICAL	GOVERNMENT CENTER BOILER-JULY	02-61-71-9501-12101	32,239.62
01753	0		863872	30-Jul-12	COUNTY BLUE REPROGRAPHICS	PLANS-OLIVE LIGHTING PROJ	02-61-71-9510	235.28
01292	0	P001398	033170201	30-Jul-12	HOLT ELECTRICAL SUPPLIES	BALLASTS, LAMPS, RETROFIT KITS	02-61-71-9501-12101	1,010.40
01333	0	P001237	0	30-Jun-12	M & H CONCRETE	FINAL PAYMENT	02-61-71-9510-12602	13,362.11

Sum of Invoices *46,847.41*

GRAND TOTAL OF ALL INVOICES ***396,411.04***

BILL NO. 5379 **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE LAND FROM "C" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "GC", GENERAL COMMERCIAL, AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT, AND APPROVING THE SITE DEVELOPMENT PLAN FOR THE PROPERTY ADDRESSED AS 11224 OLIVE BOULEVARD.

WHEREAS, an application was made by Andrew Brown, of Brownstone Properties, LLC to adjust the boundaries of 11224 Olive Boulevard, 834 Mosley Road and 842 Mosley Road, and then rezone the property at 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, for the use as a Goddard School for Early Childhood Development; and

WHEREAS, in accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site development plan for the subject property, addressed as 11224 Olive Boulevard, to the Division of Planning; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application; and

WHEREAS, notice of said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, approved the proposed boundary adjustment, subject to conditions, at its meeting on August 6, 2012; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the rezoning, subject to conditions, at its meeting on August 6, 2012; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: After the approved boundary adjustment has been duly recorded with the St. Louis County Recorder of Deeds, the Official Zoning Map of the City of Creve Coeur shall be amended to rezone the property with such adjusted boundaries addressed as 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, subject to the conditions stated herein, which property is more specifically described as follows:

> A tract of land being part of Lots 1, 2 and 3 of "Kraemer Acres", a subdivision according to the plat thereof recorded in Plat Book 87 page 20 of the St. Louis County Records, in U.S. Survey 1962, Township 45 North - Range 5 East, City of Creve Coeur, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the Southeast right-of-way line of Olive Street Road, 90 feet wide, and the West line of Lot 1 of "Wir-Don Meadows", a subdivision according to the plat thereof recorded in Plat Book 69 page 21 of the St. Louis County Records; thence Southwardly along said West line of Lot 1 and the West line of Lots 2 and 3 of said "Wir-Don Meadows" South 25 degrees 41 minutes 00 seconds East 222.98 feet to a point; thence South 59 degrees 14 minutes 00 seconds West 442.97 feet to a point in the East line of Mosley Road, variable width; thence Northwardly along said East line of Mosley Road, variable width, North 29 degrees 52 minutes 00 seconds West 37.00 feet to the Westernmost corner of aforesaid Lot 3 of "Kraemer Acres"; thence Northeastwardly along the Northwest line of said Lot 3 North 59 degrees 14 minutes 00 seconds East 205.64 feet to a point in the West line of aforesaid Lot 2 of "Kraemer Acres"; thence Northwardly along said West line of Lot 2 North 25 degrees 41 minutes 00 seconds West 186.05 feet to a point in the aforesaid Southeast right-of-way line of Olive Street Road; thence Northeastwardly along said Southeast right-of-way line North 59 degrees 17 minutes 00 seconds East 240.02 feet to the point of beginning and containing 1.40 acres according to calculations by Volz Incorporated on June 28, 2012.

As a result of the boundary adjustment, the lot known as 842 Mosley Road will be eliminated. The adjusted lot known as 834 Mosley Road will remain zoned as "C" Single Family Residential.

Section 2: As required by Section 405.1080 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance with the site development plan, as further revised as required and approved by the City of Creve Coeur, and subject to the following additional conditions:

1. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July 13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except that the placement of the fence along the east elevation shall not extend beyond the front of the building.
2. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July 13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except the front elevation shall be revised to meet with the intent of the Design Guidelines and as discussed in the August 6, 2012 staff report on Application #12-019, for the Zoning Administrator's approval.
3. The Landscape Plan prepared by Landscape Technologies, dated July 11, 2012 shall be revised to relocate a minimum of 20% of the planting along the east half of the south property line to the Olive Boulevard frontage to meet with the intent of the "green line" park described in the City of Creve Coeur Comprehensive Plan and Design Guidelines, for the Zoning Administrator's approval.
4. The applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building for the Zoning Administrator's approval.
5. The existing homes at 11224 Olive Boulevard and 843 Mosley Road shall be demolished within one year of the approval for the rezoning, or prior to the issuance of an occupancy permit for the property at 11224 Olive Boulevard, whichever comes first.
6. An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on The Site Development Plans.

7. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
9. The applicant shall provide written acceptance by the Missouri Department of Transportation of the proposed Olive Boulevard access and any modifications to Olive Boulevard prior to the issuance of any building permits for the project. The applicant shall comply with all requirements of the City regarding the proposed access to Mosley Road and all modifications thereto.
10. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved pursuant to Section 405.1080 of the Zoning Code.

Section 3: The Missouri American Water Company shall, in accordance with the terms of franchise contract, Ordinance No. 165, between the City of Creve Coeur and the Missouri American Water Company, install one (1) public fire hydrant in the City of Creve Coeur at the following location, to-wit:

> One (1) new public fire hydrant approximately 300 feet west of Mosley Road on the south side of Olive Boulevard.

Section 4: All of said work for the new fire hydrant shall be done under the supervision of the City Council or its proper representative, and for the purpose of this ordinance, the Missouri American Water Company is hereby given permission to make all necessary excavations for the proper execution of said work.

Section 5: Ordinance Number 5035 regarding the prior approved special use permit, site development plan and Residential Design Development (RDD) subdivision plat for the subject properties is hereby repealed.

Section 6: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter and the conditions stated above.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION #12-019 FOR SUBDIVISION AND REZONING FROM "C" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL AND SITE DEVELOPMENT PLAN APPROVAL FOR THE PROPERTY LOCATED AT 11224 OLIVE BOULEVARD

FOR THE MEETING OF: August 6, 2012

LOCATION: 11224 Olive Boulevard and 842 Mosley Road

REQUEST:
Andrew Brown, of Brownstone Properties, LLC has submitted a request for boundary adjustment, rezoning, and site development approval of a 1.4 acre portion of 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, for the development and use as a Goddard School for Early Childhood Development, with the entrance at Olive Boulevard. The remaining 1.5 acres will remain "C" Single Family Residential and be combined with the adjacent lot to the south. The property is generally located around the southeast corner of Olive Boulevard and Mosley Road.

ADDITIONAL INFORMATION:
Section 405.360 "GC" General Commercial District requires a minimum area of five acres only if not expanding an existing "GC" District, and the property to the west is already zoned "GC" General Commercial. Child Day Care Services and elementary schools are permitted uses within the "GC" District, while a conditional use in all residential districts that requires a minimum of three acres (Section 405.470 Conditional Uses).

Key Issues:
- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request meet with the minimum standards of the proposed "GC" General Commercial?
- Does the site development plan follow the Design Guidelines?

Comp. Plan References
- Residential Preservation and Economic Development
- East Olive Corridor Action Area
- Design Guidelines
- Pedestrian Plan

Zoning Code References
- Section 405.360 "GC" General Core Business District
- Section 405.1060 Zoning Changes and Text Amendments

APPLICANTS: Andrew Brown
Brownstone Properties, LLC
635 Trade Center Boulevard
Chesterfield, MO 63005

REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — 8/3/2012 Date

ATTACHMENTS: Applicant's Materials received July 13, 2012
Draft Ordinance

INTRODUCTION

Andrew Brown, of Brownstone Properties, LLC has submitted a request for the following:

- Boundary adjustment approval of the lots at 11224 Olive Boulevard, 842 Mosley Road and 834 Mosley Road to create one lot of 1.4 acres at 11224 Olive Boulevard and one lot of 2.35 acres at 834 Mosley Road.
- Rezone the adjusted 11224 Olive Boulevard property from "C" Single Family Residential District to "GC" General Commercial District.
- The adjusted 834 Mosley Road will remain "C" Single Family Residential.
- Site Development Plan approval for an 8,660 sq. ft. new building for a Goddard School for Early Childhood Development facility, with the main entrance along Olive Boulevard, and a rear exit lane to Mosley Road to allow for access to the lighted intersection of Mosley Road and Olive Boulevard.

The property borders an existing General Commercial district to the west. Section 405.360 "GC" General Commercial District requires a minimum area of five acres, but this proposal is expanding an existing "GC" District, so the five acre minimum requirement does not apply. Child Day Care Services are permitted uses within the "GC" District, while a conditional use in all residential districts that requires a minimum of three acres (Section 405.470 Conditional Uses).

DEVELOPMENT HISTORY

The applicant received approval for the rezoning of 11122 Olive Boulevard to "GC" General Commercial District. However, the members of the Rose Hill Masonic Lodge decided to remain in its current location, and the contract with Brownstone Properties was withdrawn.

The existing home at 11224 Olive Boulevard was converted to a commercial use in 1986 and in 1991 received approval for a DJ music studio and office.

In 2008, City Council approved a request from the property owner for the development of a 14,000 sq. ft. "house" at 11224 Olive Boulevard that was to be immediately converted to an office use under the provision of the Special Use Permit that allows for the commercial use of single-family residential structures along Olive and Lindbergh Boulevards. Included in this approval was the Residential Design Development (RDD) of 11224 Olive Boulevard, 842, 834, and 828 Mosley Road for a total of 5 acres. This project was never completed, and the home has remained as the DJ service use. The RDD was never recorded at St. Louis County either.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office: Creve Coeur Fire Protection District	"CB" Core Business District	Olive Boulevard
South	Residential	"C" Single Family Residential	NA
East	Commercial Use of Residential Structure; Photography Studio	"C" Single Family Residential District	NA
West	Retail, Commercial; Mosley Square Shopping Center	"GC" General Commercial	NA

BOUNDARY ADJUSTMENT
Although labeled a "subdivision" on the Applicant's site development plan, the proposed rearrangement of property lines is, under the terms of the Subdivision Code, a boundary adjustment. Per Section 410.030, Scope And Application:

> D. Sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of recording by plat; provided however, that certification by the Planning and Zoning Commission shall be required prior to such sale or transfer. This certification shall be recorded with the title of the property by the St. Louis County Recorder of Deeds.

Since the proposal will reduce three lots to two without creating any non-conformities, the decision of the Commission is a ministerial act and should be in the affirmative. It should be noted that St. Louis County maps indicate one lot for 11224 Olive Boulevard and 842 Mosley Road. In fact, there are two lots still in existence, only the ownership has been consolidated into one parcel for taxation purposes. The applicant will still need to prepare a final drawing for signature and recording.

COMPREHENSIVE PLAN REVIEW
The subject property is located in the East Olive Corridor of the Comprehensive Plan that envisions an area of small businesses with a residential neighborhood character with substantial green spaces and landscaping for a "green line" park that gives the impression of driving or walking through a park along Olive Boulevard (page 51).

The Residential Preservation and Economic Development Section discuss:

1. *Preserve and protect single-family residential areas from intrusions of non-residential uses. Limit commercial and non-single family uses to Olive Boulevard. Limit retail uses to a size and scale designed to provide goods and services to the Creve Coeur market rather than to a regional market.*
3. *Maintain this area with a residential character, even when homes are converted or replaced by business uses. New development or redevelopment should be compatible with the low-density residential character of the corridor, as discussed below. (page 52)*

Further, the Comprehensive Plan provides recommendations of key properties along the East Olive Corridor. The subject property is located in the East Olive Corridor Key Property Area 2, which recommends that as redevelopment and new investment occurs, the area will be encouraged to remain commercial, with uses limited to neighborhood-oriented commercial. Redevelopment should be designed to protect and be compatible with adjacent residential areas, as provided for in the *Residential Preservation and Economic Development* recommendations for the East Olive Corridor. (Page 57)

The proposed "GC" District is intended to provide the kind services that are appropriate for this location. With this particular project, the applicant is proposing to build a new facility for a Goddard School for Early Childhood Development, which meets with the intent of the Comprehensive Plan as a neighborhood-oriented business. Further discussion of the landscaping is provided below.

DESIGN GUIDELINES REVIEW
The Design Review Guidelines provide specific direction for the redevelopment of properties:

Chapter 1 for Site Layout
B. Streetscape/Pedestrian Orientation

1. *High Quality, pedestrian scale and walkable area are the objective. Site and building design should address pedestrian needs and develop creative approached to improving pedestrian interest, access, and enjoyment*
2. *Avoid spatial gaps and interruptions along the "streetscape" caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.*

9. At intersections, crosswalks, and main building entries, a change in sidewalk color, texture or material should emphasize the location. Paint striping to accentuate these areas is strongly discouraged.

11. Vehicular access is limited with no more than one (1) access pert street frontage. The sharing of vehicular access between properties to minimize the number of curb cuts is encourages.

13. All sidewalks should conform to the City of Creve Coeur Pedestrian Plan.

C. Pedestrian and Vehicular Circulation

4. Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.

5. Pedestrian linkages between uses in commercial development should be provided and emphasized.

Chapter 2 / Building

C. Design

1. A diversity of high quality architectural design is strongly encouraged. Building design should incorporate a clear and well articulated design concept.

3. The primary building entrance that is clearly defined and provide a sense of entry. It should be oriented to the street and provide protection from the elements, such as recesses roof overhangs, projecting canopies or other similar features.

6. Buildings that are stylized in an attempt to use the building itself as advertising is strongly discouraged, particularly where the proposed architecture is the result of a "corporate" or franchise style. The building should not be designed as a sign and should not be flood lit at night.

8. All elevations should receive equal design consideration as the primary elevation. Rear and side façades should be designed with similar architectural detailing and materials to be compatible with the principal facades of the building.

F. Building Services

1. Services and trash or utility areas should be positioned to minimize view and visual impact. Building equipment and utilities are to be located, designed, and/or screen to minimize visual impact on public streets, surface parking lots and neighboring properties.

The Design Guidelines provide further recommendations regarding the "use" of the building:

Chapter 3 / "Use" Specific Guidelines

E. Accessory Buildings and Facilities

1. Accessory buildings or facilities such as ATM's, trash enclosures, storage and utility buildings are to be designed to directly relate in material, character and detail to the primary building(s) on the site.

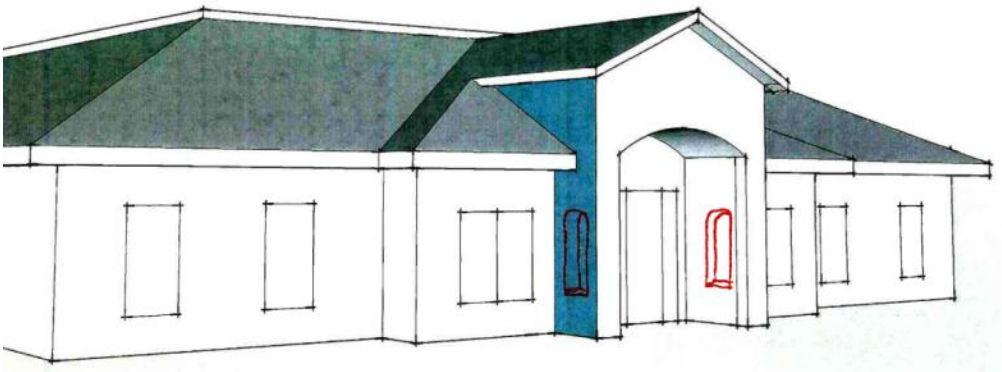
Structure:

The applicant is proposing to tear down the existing homes at 11224 Olive Boulevard and 842 Mosley Road for the development of a new Goddard School with a design that is unique to Creve Coeur, in a style of a traditional school house design with a cast stone foundation and Hardie Board lap siding in a neutral earth tone color. Staff finds that the overall design of the building meets with the Design Guidelines. However, the entry element appears to be stuck on and out of scale and character (a commercial element on the traditional school house design) with the rest of the building, which is demonstrated in the rendering below:

Staff has discussed revising this element to further the overall design theme of a traditional school house. Doing so will more fully meet with the intent of the Design Guidelines, similar to example historic photos of traditional school houses below:

(Images gathered from a simple search of "early school" on *Google Images*, on August 3, 2012)

The Architect has submitted a preliminary drawing that moves in this direction. However, full drawings were not available in the time of this staff report. Therefore, Staff has included a condition of approval that the north elevation be revised to meet with the intent of the Design Guideline for Staff's approval, especially through the inclusion of key elements such as wide roof overhangs, a well-articulated and detailed entrance gable, and a bell tower/cupola.



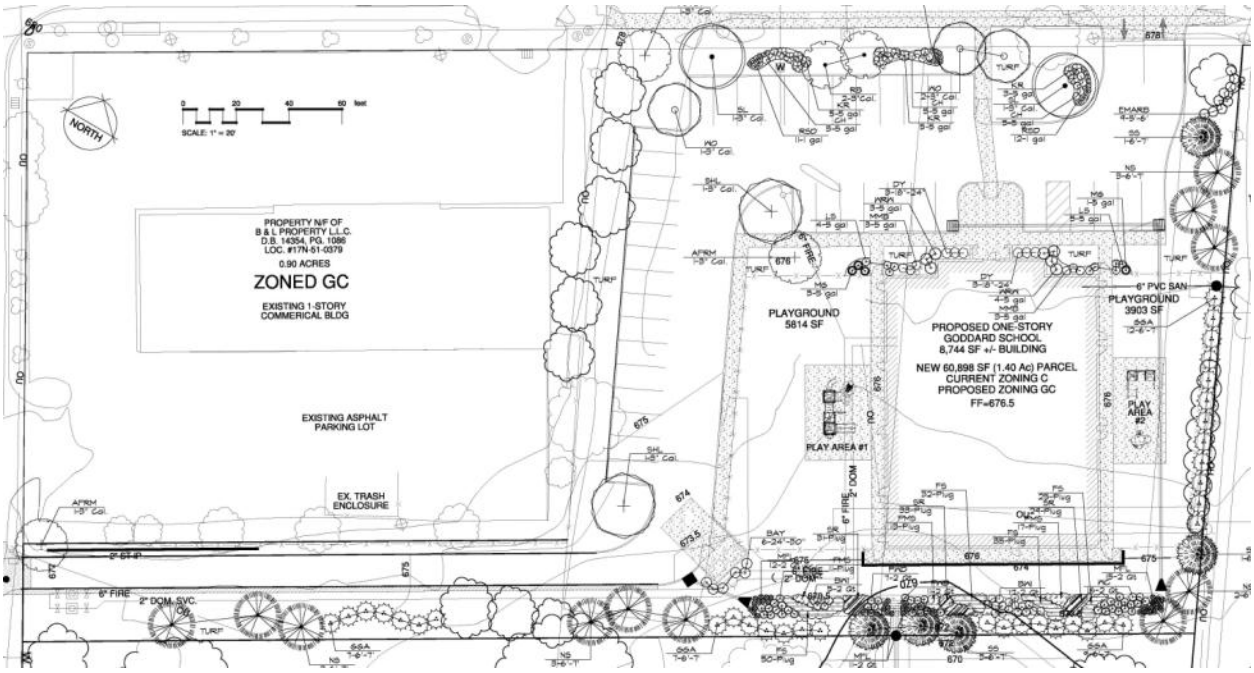
Also of note, the submitted site development plan shows a trash enclosure, however, no elevations were included. Staff recommends that a condition of approval include revising the drawing to provide an elevation of the trash enclosure, with the materials matching the proposed façade, for approval by the Director of Community Development.

Landscape:
The Design Guidelines also provide recommendations on the landscape design:

Chapter 4 / Landscape Design

1. *The City of Creve Coeur strongly encourages high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City. All landscape plans should exhibit a clear design concept.*
2. *There should be a consistency of landscape design throughout a development. Different landscape themes may be used to heighten the distinction between spaces, and to strengthen a sense of movement and space, but such themes should be internally consistent*
3. *The design of a landscape plan should aid and direct vehicular and pedestrian circulation and encourage pedestrian interaction.*
6. *Parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings, and shrubbery or other landscape enhancements, including berms.*
8. *Landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan.*
9. *Landscape plans should incorporate all site elements, such as outdoor lighting, signage, trash receptacles and fencing.*
10. *The scale and nature of landscape materials are to be appropriate to the site and/or the structure. Large-scale landscaping generally should complement large-scale buildings. Landscaping of sites on major streets should include large-scale trees.*

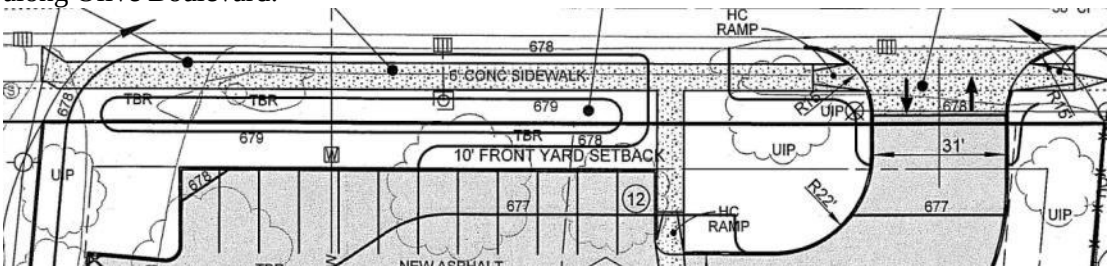
As mentioned earlier, the Comprehensive Plan calls for a "green line" park along Olive Boulevard. Below is a close up of the proposed landscaping:



The proposed landscaping is well designed; however it is oriented toward the rear perimeter of the property. The proposed front yard design includes only minimal planting and single rows of shrubs to fill in the gaps between the trees. The Applicant is including a six-foot sight proof fence along the east and south boundary lines to separate the proposed commercial district from the adjacent residential uses, so much of the value of the landscaping is lost. Therefore, in order to meet with the intent of the "green line" park, Staff is recommending that a revised landscaping plan be submitted for Staff's approval that has a minimum of 20% of the planting in the back moved to the front along Olive Boulevard.

PEDESTRIAN PLAN REVIEW

The Pedestrian Plan identifies Olive Boulevard as a primary street with a recommended sidewalk corridor width of 15 feet, and the street trees between the street and the sidewalk (page A-17). Section 405.730 *Sidewalks* of the Zoning Regulations requires a minimum of a three-foot wide greenspace or landscape area, and a six-foot wide sidewalk for non-residential districts. The applicant is proposing to move the site entrance to the east and will be filling in the existing entrance. In doing so, the applicant's site plan includes a new 6 foot sidewalk that is consistent with the Pedestrian Plan, pulling it back 3 feet from the street, as well as provides a pedestrian connection to the building. Below is a close-up of the site plan along Olive Boulevard:



ZONING REVIEW

Appropriate Expansion of the "GC" District

Section 405.1060: Zoning Changes and Text Amendments requires that all rezoning of property to "GC" General Commercial shall be accompanied by a site concept or site development plan and the action of the Planning and Zoning Commission approving, disapproving or conditionally approving the site concept or site development plan shall accompany its recommendation to the City Council regarding the rezoning. Further, Section 405.1060.E provides for the standards for rezoning a property:

Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit.

Olive Boulevard has long been the commercial corridor within the City of Creve Coeur. In fact, this property and all of its neighbors to the east, west and north are all used commercially. So all of the residents to the south have long been adjacent to commercial uses, and this application does not change that arrangement. It is true that this proposal will change the zoning from residential to commercial. However, as with any property that has frontage along Olive Boulevard, commercial development pressure will continue to occur. The Code has recognized the potential for conversion of residences along Olive Boulevard to office and retail service uses, per Section *405.450.E Commercial Uses of Single-Family Residential Structures*. Staff has noticed that all of the homes along Olive Boulevard that are being used commercially appear to be in a state of decline and require increased code enforcement to bring the properties into compliance.

Compared with the stated purpose of the "GC" District:

Section 405.360: "GC" General Commercial District

A. Purpose And Intent. The "GC" General Commercial District is intended to accommodate by site development plan approval (see Section 405.1080) convenience retail shopping and services and offices which are freestanding or part of small scale planned commercial developments and which are compatible in scale and intensity of use with adjacent residential uses.

The only difference between the two is the range of uses; in all cases they are to be small scale and compatible with adjacent residences. What impacts might result from a broader range of uses could likely be managed through the site development plan process. With the specific use of a child day care service and elementary school, the rezoning changes the use from a conditional use within the "C" Single Family Residential District to a permitted use in the "GC" District. The required site development plan approval provides the opportunity to address and/or mitigate any impacts of the use in a manner comparable with the conditional use process.

Development Regulations

Development in the "GC" General Commercial District must meet the following:

Section 405.360: "GC" GENERAL COMMERCIAL DISTRICT

D. Site Development Plan Required. Site development plan approval by the Planning and Zoning Commission shall be required for all proposed developments within the "GC" District as provided for in Section 405.1080.

E. Dimensional Regulations. The following area and yard regulations apply in the "GC" General Commercial District.

1. Minimum district size. The minimum district size shall be five (5) acres. Such a district may consist of a single tract of land or two (2) or more contiguous tracts of land that are at least five (5) acres combined. In addition, a tract of land that is less than five (5) acres may be zoned "GC" General Commercial District when it is contiguous to an existing "GC" District.

2. Lot size requirements.

a. Minimum lot area. One-half (½) acre (twenty-one thousand seven hundred eighty (21,780) square feet).
b. Minimum lot width. Seventy-five (75) feet.
c. Minimum lot depth. One hundred fifty (150) feet.

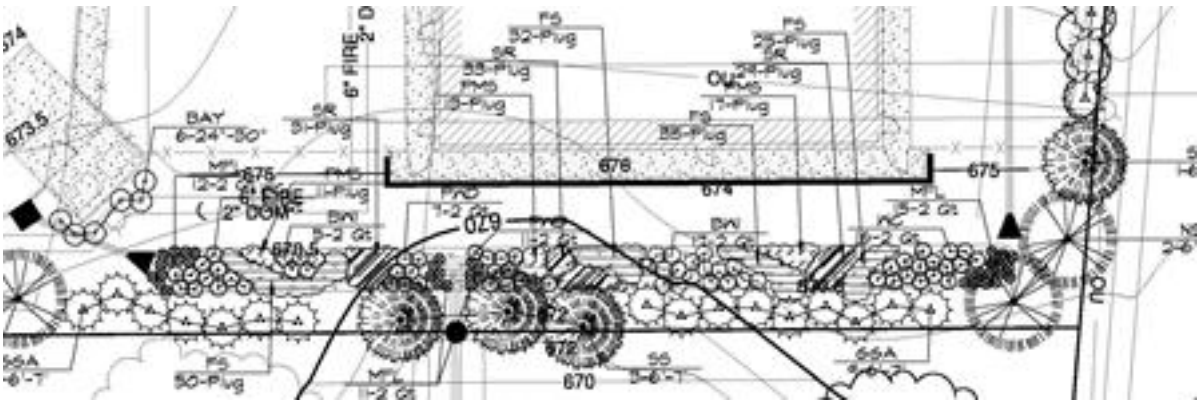
3. Building bulk regulations.
a. Maximum structure height. No building or structure shall exceed three (3) stories or forty-five (45) feet.
b. Maximum site coverage. Sixty-three percent (63%). The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus by an additional factor (not to exceed a total of seventy percent (70%) site coverage) in consideration of special or outstanding landscape and site planning features as demonstrated by a site development plan submitted in accordance with Section 405.1080. The features to be considered in the granting of any bonus coverage may include, but not be limited to, the provisions of:
(1) Special pedestrian facilities and features such as gardens, fountains, seating areas and outdoor recreation amenities;
(2) Objects of art or beautification; statuary or other unique visual features;
(3) Burial of overhead transmission lines and removal of utility poles.
c. Maximum floor area ratio. Four-tenths (0.4).

4. Yard and setback requirements.
a. Minimum front yard. No building or structure shall be located closer than ten (10) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, said building or structure shall be set back a minimum of fifty (50) feet from the right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.
b. Minimum side yard. Twelve (12) feet.
c. Minimum rear yard. Twenty (20) feet.
d. Buffer yards. Notwithstanding the provisions of Sections 405.360(E)(4)(b) and 405.360(E)(4)(c) above, any tract or site abutting or adjoining a single-family residential zoning district shall provide a buffer yard of twenty (20) feet on all sides that abut the single-family district. The minimum required buffer yard shall be increased in five (5) foot increments, up to a maximum of forty (40) feet, for each acre of the subject property over two (2) acres in area. All acreage shall be rounded up to the next whole number for buffer yard calculation purposes. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.

The expansion of the existing district and the development of the site meets the minimum requirements above. The new lot is 1.4 acres, with proposed site coverage of 55%. A 20 foot buffer is provided along the south and east property line. It should be noted that the playground along the east property line is within this buffer yard. However, the play equipment has been placed outside of the buffer yard as close to the building and outside of the buffer yard as possible to minimize the impact to the neighboring

property to the east. This arrangement conforms to the zoning regulations pending approval by the Planning and Zoning Commission.

Landscaping Review
The Zoning Code regulates landscaping through Section 405.540 *Landscaping*. As discussed above, the proposed landscaping is oriented along the south property line to provide screening for the residential uses. However, the applicant has also included a six-foot solid fence along the property line and therefore much of the landscaping is between the building and the fence, particularly at the southeast corner. Below is a close-up of southeast corner landscaping:



As the value of this landscaping is lost between the fence and the building, Staff recommends that a minimum of 20% of the plant materials be moved to the front along Olive Boulevard to meet with the "green line" park objective of the Comprehensive Plan. (Please see prior discussion.).

The applicant has also indicated that a tree preservation plan for maintaining approximately 25% of the trees on site incompliance with Section 410:320.

> *SECTION 410.320: TREE CONSERVATION*
> *Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.*
>
> *1. A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.*

Sidewalks
As discussed above, the Pedestrian Plan recommends a minimum sidewalk corridor width of 15 feet with street trees between Olive Boulevard and the sidewalk for primary commercial corridors. Section 405.730 requires a minimum three-foot landscaped area with a six-foot wide sidewalk, as stated below:

> *SECTION 405.730: SIDEWALKS*
> *The following standards shall apply to all internal sidewalks in non-residential developments within the City of Creve Coeur:*
> *1. Sidewalks shall be safe, clearly defined and direct:*
> *a. Sidewalks shall be buffered from the street, vehicular traffic and parking areas by a minimum three (3) foot greenspace or landscape area.*

b. All non-residential developments requiring site concept plan and/or site development plan approval must provide safe, clearly defined and direct access between buildings and from the principal building's entrance to the public sidewalk.

c. Sidewalks shall be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation and the placement of sidewalks shall take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings shall be utilized where pedestrian circulation paths cross a vehicular route as determined by the Planning and Zoning Commission.

d. The Planning and Zoning Commission, as part of the site development plan or site concept plan approval, shall require internal sidewalks to be extended to property lines or to areas anticipated for future development, redevelopment or expansion.

2. The minimum width of internal sidewalks in non-residential developments shall be at least six (6) feet or eight (8) feet if used as a curb stop.

With the proposed sidewalks and pedestrian connection to the building, plus the additional front yard landscaping discussed above, staff believe the final landscape plan will meet all of the sidewalk and pedestrian access requirements.

Parking Requirements
Section 405.820 Required Off Street Parking Spaces provides the calculation for the minimum parking below:

SECTION 405.820: REQUIRED OFF-STREET PARKING SPACES

11. Social services (SIC Code 83).

a. Child day care facilities (SIC Code 8350). One and one-half (1.5) spaces per staff person required for the licensed capacity of the facility. In addition, day care facilities shall provide safe drop-off areas near the main entrance to the facility.

The applicant has indicated a total staff of 21 persons thus requiring a total of 32 spaces. The total parking spaces proposed are 39 (including 2 handicapped spaces), thus, creating a surplus of 7 spaces available on site.

Signage
The drawings show a sign for the Goddard School that appears to be in general compliance with Section 405. 950 Sign in Non-Residential Districts. However, all signage is approved under a separate review process and any approval of the rezoning and site development plan does not constitute approval of the signage shown on the drawings.

SUMMARY AND RECOMMENDED CONDITIONS OF APPROVAL
Conditions discussed within the staff report which are included in the draft ordinance include:

- The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except that the placement of the fence along the east elevation shall not extend beyond the front of the building.
- The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except the front elevation shall be revised to meet with

the intent of the Design Guidelines and as discussed in the August 6, 2012 staff report on Application #12-019, for the Zoning Administrator's approval.

- The Landscape Plan prepared by Landscape Technologies, dated July 11, 2012 shall be revised to relocate a minimum of 20% of the planting along the east half of the south property line to the Olive Boulevard frontage to meet with the intent of the "green line" park of the City of Creve Coeur Comprehensive Plan and Design Guidelines, for the Zoning Administrator's approval.
- The applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building.
- The existing home at 11224 Olive Boulevard and 843 Mosley Road shall be demolished within one year of the approval for the rezoning, or prior to the issuance of an occupancy permit, whichever ever comes first.

ACTION

If the Planning and Zoning Commission finds the proposed boundary adjustment to be technically acurate and in conformance with the Subdivision Code it must vote to approve the request. If the Commission find the attached draft rezoning ordinance and site development plan approval, with the stated conditions, to be in conformance with the purposes and regulations of the Comprehensive Plan, and Zoning Code, it must vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

The applicant will also be placing a new fire hydrant along the Olive Boulevard and the attached ordinance includes approval of the new hydrant per Ordinance #165.

MOTION

The following are example motions for this application:

On the question of the boundary adjustment:

> "I move to approve the boundary adjustment of 11224 Olive Boulevard, 842 Mosley Road and 834 Mosley Road into two lots as discussed in the staff report on application #12-019, dated August 6, 2012, subject to the condition that a final drawing be prepared for signature and recording." (Conditions may be added, eliminated, or modified by preceding motion).

An additional motion is needed for the rezoning and site development of the property:

> "I move to recommend approval of the draft rezoning ordinance and site development plan approval attached to the staff report on Application #12-019, dated August 6, 2012, subject to the conditions contained therein." (Conditions may be added, eliminated, or modified by preceding motion).

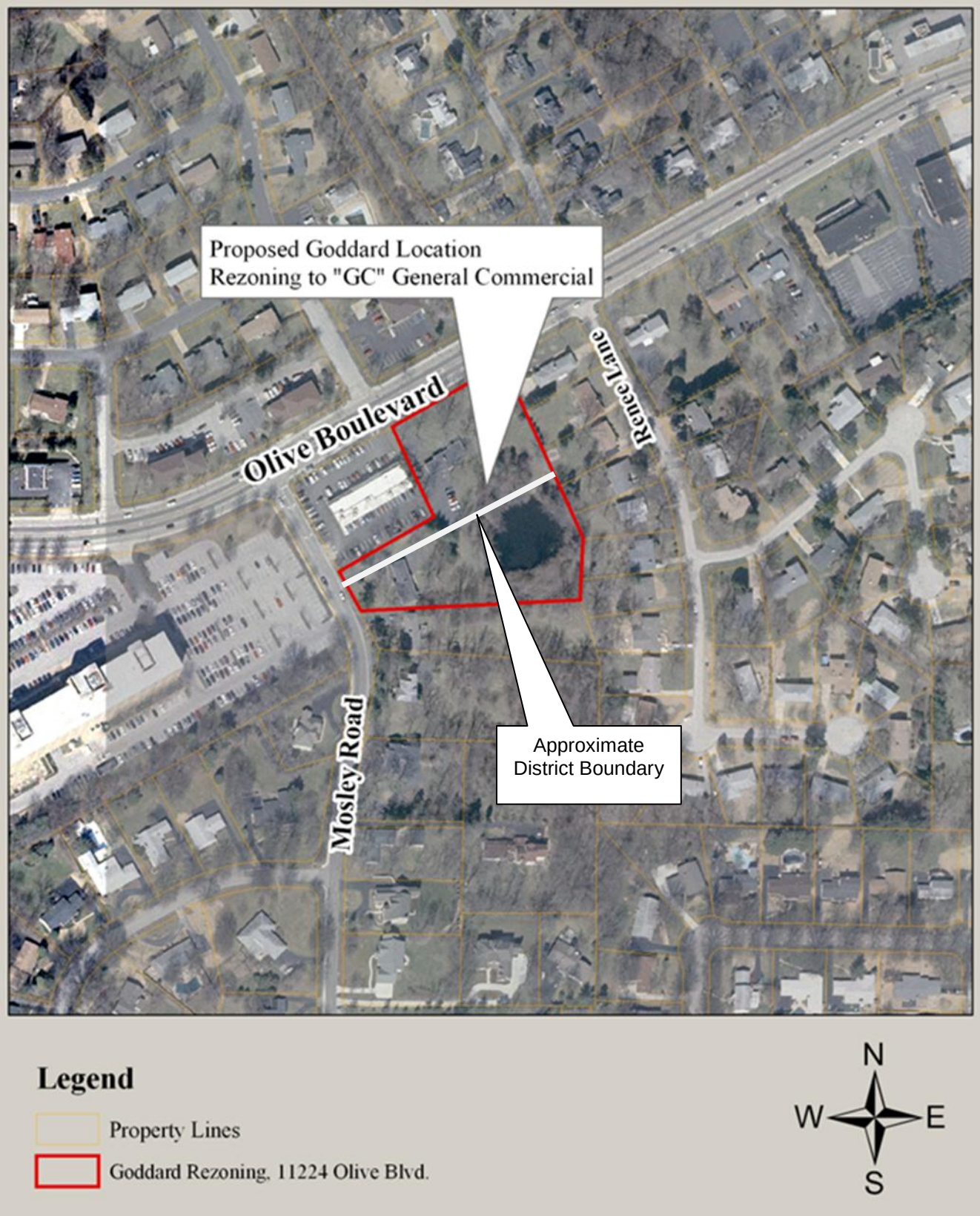
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/26/2012
	Description: View of the subject property from Olive Boulevard.
	Description: View looking north from the subject property at the commercial structure across Olive Boulevard.
	Description: View of the residential structure to the east of the subject property that has been converted to a commercial use.

	Description: View looking east at the Mosley Square Shopping Center from the subject property.
	Description: View of the home at 843 Mosley Road that will be torn down.
	Description: View looking northeast towards the Fire District offices and a residential structure that was converted to a commercial use across Olive Boulevard.

	Description: View looking northwest at the commercial uses across Olive Boulevard

GENERAL NOTES:

THIS SITE IS IN THE FOLLOWING DISTRICTS:

METROPOLITAN ST. LOUIS SEWER DISTRICT
CREVE COEUR FIRE PROTECTION DISTRICT
PARKWAY SCHOOL DISTRICT
CREVE COEUR CREEK WATERSHED

THIS SITE IS IN THE FOLLOWING UTILITY SERVICE AREAS:

AMEREN UE
LACLEDE GAS COMPANY
MISSOURI AMERICAN WATER COMPANY
CHARTER COMMUNICATIONS (CABLE TV)
AT&T TELEPHONE COMPANY

1. SANITARY SEWER CONNECTION SHALL BE APPROVED BY METROPOLITAN ST. LOUIS SEWER DISTRICT.
2. STORMWATER MANAGEMENT IMPROVEMENTS SHALL BE DESIGNED PURSUANT TO THE CITY OF CREVE COEUR STANDARDS AND METROPOLITAN ST. LOUIS SEWER DISTRICT REQUIREMENTS AND DISCHARGE AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.
3. THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL LOCATIONS SHALL BE DETERMINED BY FIELD CONDITIONS AND SHALL BE INDICATED ON THE IMPROVEMENT PLANS.
4. GRADING AND DRAINAGE SHALL BE PER CITY OF CREVE COEUR STANDARDS AND METROPOLITAN ST. LOUIS SEWER DISTRICT REQUIREMENTS
5. LANDSCAPING WILL BE PROVIDED AS REQUIRED BY CITY OF CREVE COEUR.
6. SLOPE SHALL NOT EXCEED 3 (HORIZONTAL) : TO 1 (VERTICAL), UNLESS SUPPORTED BY GEOTECHNICAL REPORT AND APPROVED BY THE CITY OF CREVE COEUR STANDARDS.
7. SETBACKS AND BUFFERS FOR GC ZONING PER CITY CODE OF ORDINANCES.
8. SITE COVERAGE FOR GC ZONING IS 63% MAXIMUM EXCLUDING SIDEWALKS AND PLAYGROUNDS.
9. THE PROPOSED LIGHT STANDARDS SHALL BE IN COMPLIANCE TO THE CITY OF CREVE COEUR'S LIGHTING CODE.
10. THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES SHOWN OR NOT SHOWN AND SHALL BE LOCATED IN EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS IN THE FIELD PRIOR TO ANY GRADING. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

PROJECT NOTES:		
LOCATOR NO. AND ADDRESS:	842 MOSLEY ROAD – LOC #17N 51 0654 11224 OLIVE BOULEVARD	
OWNEOF RECORD:	SIMS DANIEL T & DIANE R H/W 12554 CLARK MANOR CIR SAINT LOUIS, MO 63141	
PREPARED BY:	VOLZ INCORPORATED 10849 INDIAN HEAD IND'L. BLVD. ST. LOUIS, MISSOURI 63132 314.426.6212	VOLZ Incorporated
PREPARED FOR:	BROWNSTONE PROPERTIES, LLC 635 TRADE CENTER BLVD. CHESTERFIELD, MO 63005 636.537.3636	
AREA OF SITE:	60,898 S.F. = 1.40 ACRES	
EXISTING ZONING:	C - SINGLE FAMILY RESIDENTIAL DISTRICT	
PROPOSED ZONING:	GC – GENERAL COMMERCIAL	
PROPOSED USES:	SCHOOL – EARLY CHILDHOOD DEVELOPMENT TOTAL ACRES:	
STORMWATER MANAGEMENT CALCULATIONS:	EXISTING MPERVIOUS:	+/- 18 % PI=1.95 10,675 SF (0.25 Ac)
	PROPOSED IMPERVIOUS:	+/- 55 % PI=2.67 33,494 SF (0.77 Ac)
	DIFFERENTIAL RUNOFF:	1.40 ACRES (2.67 – 1.95) = 1.01 cfs
	WATER QUALITY (WQV):	SITE DISTURBANCE = 1.40 Ac (MORE THAN 1.0 ACRE – REQUIRED)
	CHANNEL PROTECTION CPV):	SITE = 1.40 Ac (LESS THAN 5.0 ACRES)
	FLOOD PROTECTION (QP):	DIFF. RUNOFF = 1.01 cfs (LESS THAN 2cfs)
	THUS, WATER QUALITY IS REQUIRED, BUT NO CHANNEL PROTECTION OR FLOOD PROTECTION IMPROVEMENTS ARE REQUIRED.	
PARKING CALCULATIONS:	1.5 SPACES PER STAFF PERSONS SPACES REQUIRED 1.5 SPACES X 21 STAFF = 32 SPACES	TOTAL PARKING SPACES PROPOSED = 39 SPACES (2 HANDICAP SPACES)
SITE COVERAGE:	63% MAX. IMPERVIOUS ALLOWED	
	AREA OF SITE:	1.40 ACRES = 60,898 S.F.
	IMPERVIOUS AREA:	0.77 ACRES = 33,494 S.F. (55%)
	GREEN SPACE:	0.63 ACRES = 27,404 S.F. (45%)
FLOOR AREA RATIO:	TBD = FAR (40% ALLOWED)	
TREE PRESERVATION:	EX. TREE MASS = 530 S.F. - PROP. TO SAVE = 530 S.F. (100%) EX. INDIVIDUAL TREES = 39 - PROP. TO SAVE = 10 (25%) THUS, WE ARE SATISYING THE CITY TREE PRESERVATION REQUIREMENT OF 25% OR MORE.	

CALL MISSOURI ONE CALL SYSTEMS INC. TWO FULL WORKING DAYS IN ADVANCE OF STARTING

WORK.MISSOURI
ONE-CALL 1-800-344-7483

THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, OR NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD, SHOWN OR NOT SHOWN, PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

H:\CAD\10900-10999\10998\Planning\SDP\SDP.dgn

BY ORDER OF BROWNSTONE PROPERTIES, L.L.C., WE HAVE PREPARED A PRELIMINARY PLAT, THE RESULTS OF WHICH ARE CURRENTLY REPRESENTED ON THIS DRAWING, WHICH IS A PRELIMINARY PLAT – NOT FOR CONSTRUCTION – AND WAS PREPARED FOR THE SOLE LIMITED PURPOSE OF PROVIDING A CONCEPT FOR THE PROPOSED DEVELOPMENT OF THE TRACT AND IS INTENDED ONLY FOR THE PRELIMINARY USE OF GOVERNMENTAL REVIEWING AUTHORITIES FOR THE PURPOSE OF OBTAINING APPROVAL OF A CONCEPT AND IS SUBJECT TO SUCH COMMENTS, RECOMMENDATIONS OR REVISIONS AS MAY BE DEEMED NECESSARY OR APPROPRIATE IN FURTHERANCE OF SUCH PURPOSES.

IN PREPARATION OF THIS PLAN, NO GRADING BALANCES HAVE BEEN DONE AND THIS CONCEPT PLAN IS SUBJECT TO THAT WHICH A MORE DETAILED EVALUATION MAY INDICATE. SOILS AND SUBSURFACE INFORMATION HAVE NOT BEEN TAKEN INTO ACCOUNT. BOUNDARY LINES SHOWN ARE PER BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY VOLZ, INC. INTERSECTION SITE DISTANCE HAS NOT BEEN EXAMINED. THE CAPACITY AND AVAILABILITY OF UTILITIES ARE TAKEN FROM AVAILABLE INFORMATION WITHOUT VERIFICATION. THE UNDERSIGNED DISCLAIMS RESPONSIBILITY FOR THE ACCURACY OF THE AFORESAID MATTERS AND/OR DILIGENCE THAT WOULD BE NECESSARY TO ADDRESS ALL OTHER ISSUES OF DEVELOPMENT.

STATE OF MISSOURI
DANIEL ROBERT KOZIATEK
NUMBER PE-2004017198
PROFESSIONAL ENGINEER
7/13/12

DANIEL R KOZIATEK, P.E.
PROFESSIONAL ENGINEER
PE-2004017198

STATE OF MISSOURI
ERIC J. KIRBY
NUMBER PLS-2005000074
PROFESSIONAL LAND SURVEYOR
7/13/12

ERIC J. KIRBY, P.L.S.
PROF. LAND SURVEYOR
MO P.L.S. #2005000074

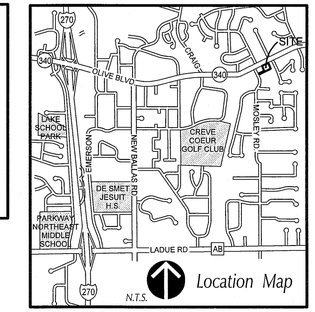
Survey Description:

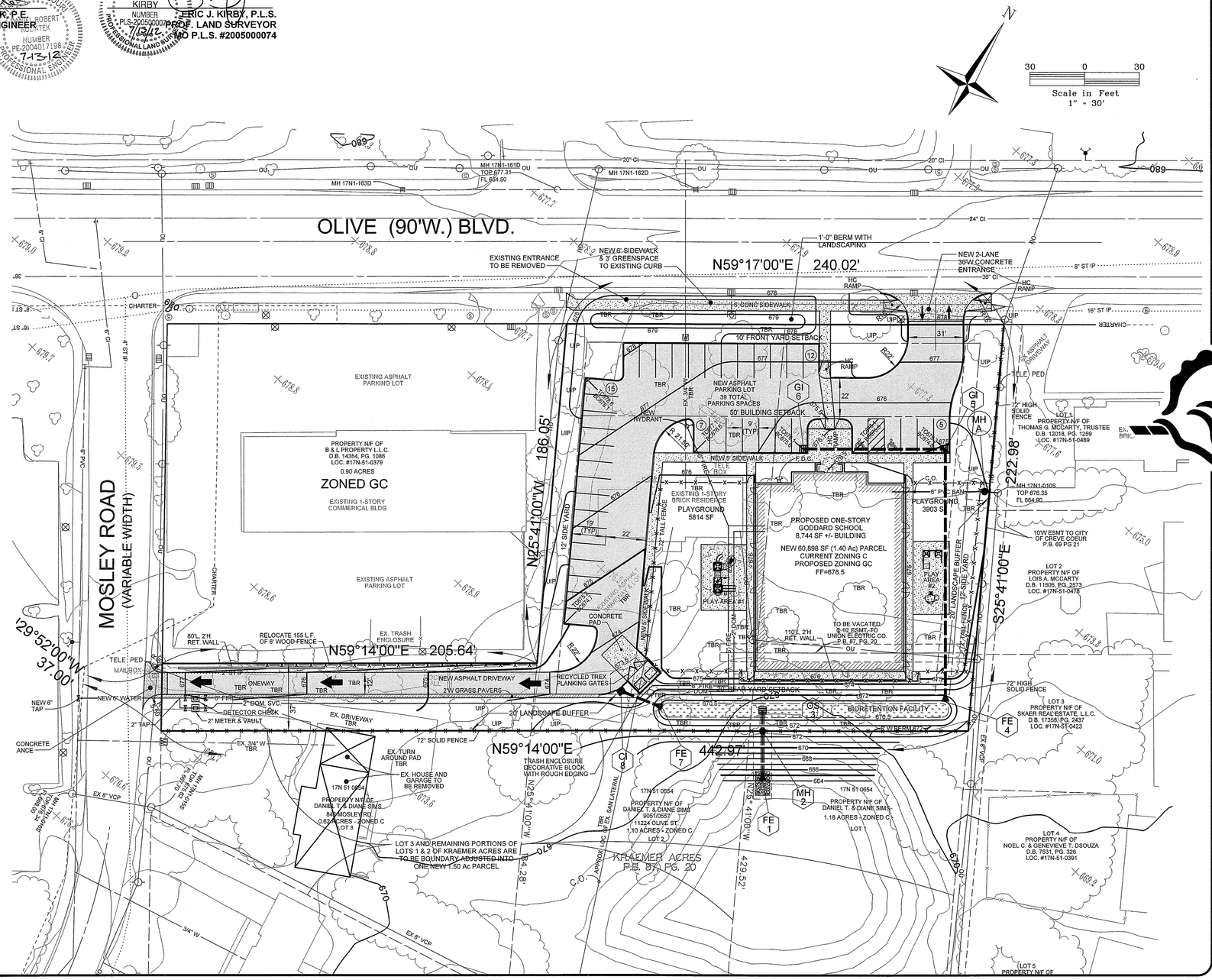
A tract of land being part of Lots 1, 2 and 3 of "Kraemer Acres", a subdivision according to the plat thereof recorded in Plat Book 87 page 20 of the St. Louis County Records, in U.S. Survey 1962, Township 45 North - Range 5 East, City of Creve Coeur, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the Southeast right-of-way line of Olive Street Road, 90 feet wide, and the West line of Lot 1 of "Wir-Don Meadows", a subdivision according to the plat thereof recorded in Plat Book 69 page 21 of the St. Louis County Records; thence Southwardly along said West line of Lot 1 and the West line of Lots 2 and 3 of said "Wir-Don Meadows" South 25 degrees 41 minutes 00 seconds East 222.98 feet to a point; thence South 59 degrees 14 minutes 00 seconds West 442.97 feet to a point in the East line of Mosley Road, variable width; thence Northwardly along said East line of Mosley Road, variable width, North 29 degrees 52 minutes 00 seconds West 37.00 feet to the Westernmost corner of aforesaid Lot 3 of "Kraemer Acres"; thence Northeastwardly along the Northwest line of said Lot 3 North 59 degrees 14 minutes 00 seconds East 205.64 feet to a point in the West line of aforesaid Lot 2 of "Kraemer Acres"; thence Northwardly along said West line of Lot 2 North 25 degrees 41 minutes 00 seconds West 186.05 feet to a point in the aforesaid Southeast right-of-way line of Olive Street Road; thence Northeastwardly along said Southeast right-of-way line North 59 degrees 17 minutes 00 seconds East 240.02 feet to the point of beginning and containing 1.40 acres according to calculations by Volz Incorporated on June 28, 2012.

Legend

SYMBOL	DESCRIPTION
	BUILDING LINE
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
520	EXISTING CONTOUR
520	PROPOSED CONTOUR
	EXISTING TREE LINE
	PROPOSED TREE LINE
	TREES TO REMAIN





BROWNSTONE PROPERTIES, LLC
635 TRADE CENTER BLVD. CHESTERFIELD, MO 63005

VOLZ Incorporated
10849 INDIAN HEAD IND'L. BLVD.
ST. LOUIS, MISSOURI 63132
314.426.6212 MAIN
314.426.6217 FAX
www.volzinc.com

11224 Olive Blvd.
Creve Coeur, MO 63141

THE Goddard School
FOR EARLY CHILDHOOD DEVELOPMENT

SITE DEVELOPMENT PLAN/
PRELIMINARY PLAT

10998-1

REVISIONS
1 07-13-2012

EAST ELEVATION

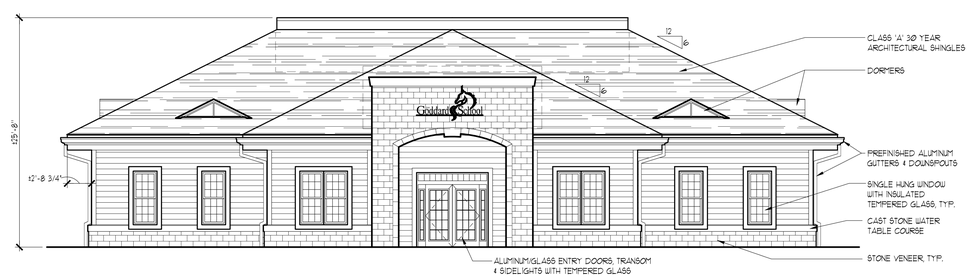
1/8"=1'-0"

SOUTH ELEVATION

1/8"=1'-0"

WEST ELEVATION

1/8"=1'-0"



NORTH ELEVATION (FRONT)

1/8"=1'-0"

THE ARCHITECT'S SEAL AFFIXED TO THIS SHEET INDICATES THAT THE NAMED ARCHITECT HAS PREPARED OR DIRECTED THE PREPARATION OF THE WORK SHOWN ON THIS SHEET. OTHER DRAWINGS AND DOCUMENTS, NOT BEARING THE SEAL, WERE NOT PREPARED OR SUPERVISED BY OR THE RESPONSIBILITY OF THE UNDERSIGNED.

Proposed New Facility for...

THE Goddard School
FOR EARLY CHILDHOOD DEVELOPMENT
Quality That Lasts A Lifetime

Olive Boulevard
Creve Coeur, Missouri 63141

ISSUE DATES

CITY SUBMITTAL	06-18-12
CITY SUBMITTAL	07-13-12

COPYRIGHT © 2012 DAVID W. DIAL ARCHITECTS, P.C.

A.J. Brown, Inc.
construction services

DAVID W. DIAL ARCHITECTS, P.C.
425 South Woodsmill Road
Suite 290
Chesterfield, Missouri 63017
Phone (314) 439-9353
Fax (314) 439-9373

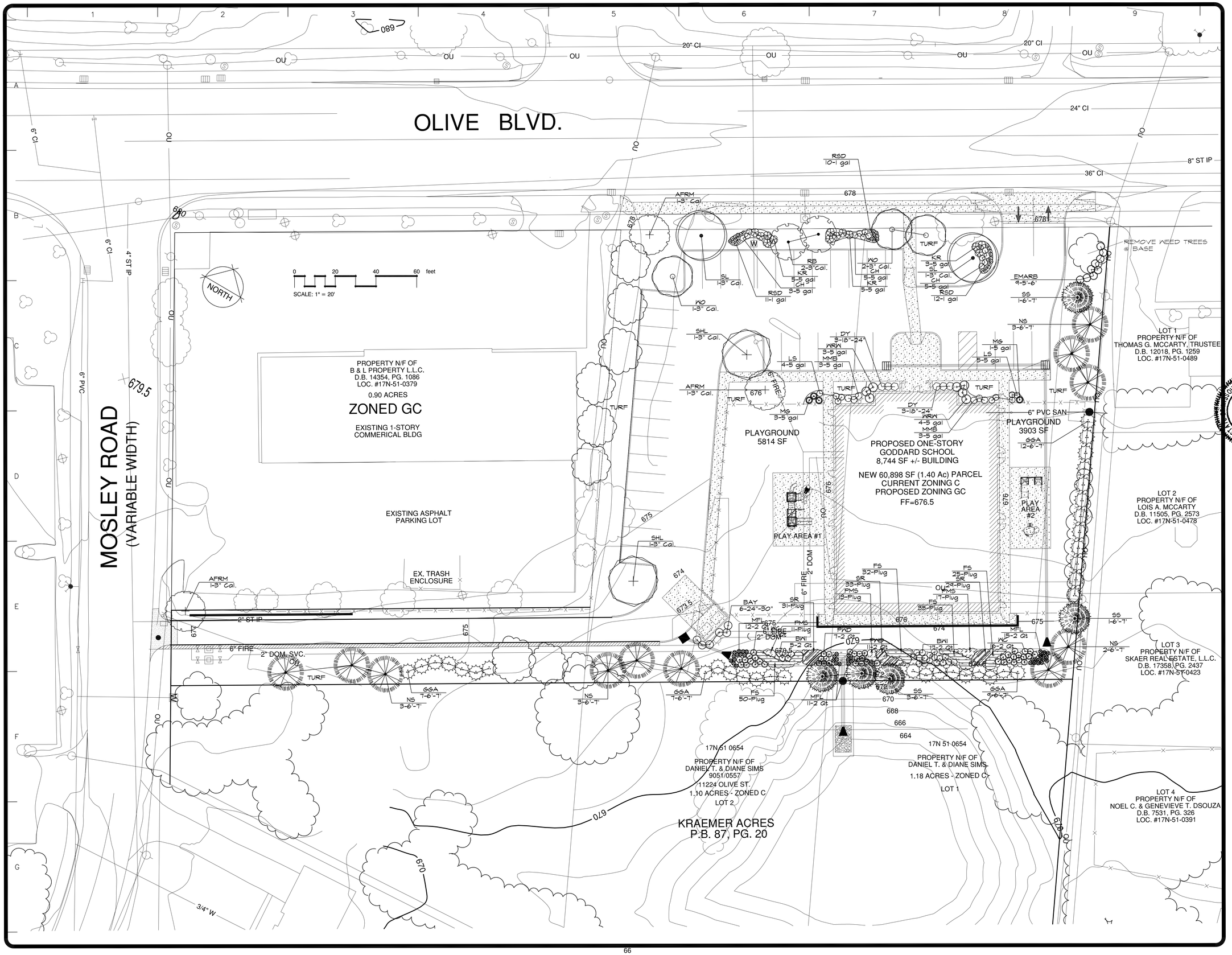
SHEET NUMBER:

A1 of 1

BUILDING ELEVATIONS

PROJECT NUMBER: 12130 DATE: 07-13-12

The Goddard School



REVISIONS	BY

landscape TECHNOLOGIES

67 Jacobs Creek Drive
St. Charles, Missouri 63304
MO Landscape Architecture Corporation #2006000152

(636) 928-1250
Fax: (636) 928-4563

RANDALL K. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000009
DATE: 7/11/12

STATE OF MISSOURI
MARDIS
NUMBER
019
REGISTERED LANDSCAPE ARCHITECT

PLANTING PLAN FOR THE PROPOSED

Goddard School

11224 OLIVE BLVD. CREVE COEUR, MISSOURI 63141

DRAWN	R. MARDIS
CHECKED	RKM
DATE	7/11/12
SCALE	1"=20'-0"
JOB No.	2011-151
SHEET	L-1

OF TWO SHEETS

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
SL	2	Silver Linden / Tilia tomentosa	3" Cal.
WO	3	Willow Oak / Quercus phellos	3" Cal.
AFRM	3	'Autumn Flame' Maple / Acer rubrum 'Autumn Flame'	3" Cal.
SHL	2	'Skyline' Locust / Gleditsia triacanthos 'Skyline'	3" Cal.
EVERGREEN TREES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
EMARB	9	Emerald Arborvitae / Thuja occidentalis 'Emerald'	5'-6'
GGA	35	Green Giant Arborvitae / Thuja plicata 'Green Giant'	6'-7'
NS	11	Norway Spruce / Picea abies	6'-7'
SS	5	Serbian Spruce / Picea omorika	6'-7'
FLOWERING TREES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
RB	2	Redbud / Cercis canadensis	3"Cal.
SHRUBS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
CH	13	China Boy/Girl Holly / Ilex meserveae 'China Boy/Girl' TM	5 gal
DY	6	Dense Yew / Taxus media 'Densiformis'	18"-24"
LS	9	Limemound Spirea / Spiraea bumalda 'Limemound' TM	5 gal
MMB	6	Morris Midget Boxwood / Buxus microphylla japonica 'Morris Midget'	5 gal
BAY	6	Northern Bayberry / Myrica pensylvancia	24"-30"
WRW	7	Wine & Roses Weigela / Weigela florida 'Wine & Roses'	5 gal
ANNUALS/PERENNIALS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
RSD	33	Red Stella Daylily / Hemerocallis hybrid 'Red Stella'	1 gal
FORBS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
BWI	22	Blue Wild Indigo / Baptisia australis	2 Qt
MFL	38	Monkeyflower / Mimulus ringens	2 Qt
PWD	18	Pickerel Weed / Pontederia cordata	2 Qt
WC	27	Wild Canna / Thalia dealbata	2 Qt
GRASSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
MG	4	Maiden Grass / Miscanthus sinensis 'Gracillimus'	5 gal
ROSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
KR	13	Knockout Rose / Rosa 'Knockout'	5 gal
NATIVE GRASSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
	271 sf	Fringed Sedge / Carex crinita	Plug @ 18" oc
	77 sf	Palm Sedge / Carex muskingumensis	Plug @ 18" oc
	177 sf	Soft Rush / Juncus effusus	Plug @ 18" oc

LANDSCAPE REQUIREMENTS:

ONE (1) STREET TREE PER 30' OF FRONTAGE
240.02 LF FRONTAGE; THEREFORE, 8 TREES REQUIRED & PROVIDED

ONE (1) TREE PER 100' OF PARKING ROW
135.00 LF PARKING ROW; ONE EXISTING TREE TO BE RETAINED & ONE ADDED

425 SQ. FT. OF INTERIOR PARKING GREEN SPACE IS REQUIRED / 1,320 SQ. FT. IS PROVIDED (45% GREEN SPACE IS PROVIDED THROUGHOUT SITE)

IN-GROUND, AUTOMATIC IRRIGATION SYSTEM IS REQUIRED AND WILL BE PROVIDED AS A CONDITION OF DEVELOPMENT (By Others)

LANDSCAPE GUIDELINE SPECS:

GENERAL:

1.) All natural vegetation shall be maintained where it does not intertere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public.
2.) The landscape contractor shall be responsible for any coordination with other site related work being performed by other contractors. Refer to architectural drawings for further coordination of work to be done.
3.) Underground facilities, structures and utilities must be considered approximate only. There may be others not presently known or shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-DIG-RITE).
4.) Plant material are to be planted in the same relationship to grade as was grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
5.) It shall be the landscape contractor's responsibility to:
   A.) Verify all existing and proposed features shown on the drawings prior to commencement of work.
   B.) Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
   C.) Stake the locations of all proposed plant material and obtain the approval of the owner's representative or landscape architect prior to installation.
6.) Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
7.) Provide single-stem trees unless otherwise noted in plant schedule.
8.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
9.) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect prior to acceptance. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
10.) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract.
11.) All plant material to be transplanted shall be transplanted according to guidelines set by AAN standards. Transplanted material will not be guaranteed by the landscape contractor.

INSURANCE:

1.) The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

MULCH:

1.) All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
2.) No plastic sheeting or filter fabric shall be placed beneath shredded bark mulch beds. Mynafi fabric shall be used beneath all gravel mulch beds.
3.) Edge all beds with spade-cut edge unless otherwise noted.

MAINTENANCE:

1.) Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
2.) Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.

TOPSOIL:

1.) Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Roto-till topsoil mix to a depth of 6" minimum and grade smooth.
2.) Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious material, pH and mineral content.
3.) Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material.
4.) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.

MISC. MATERIAL:

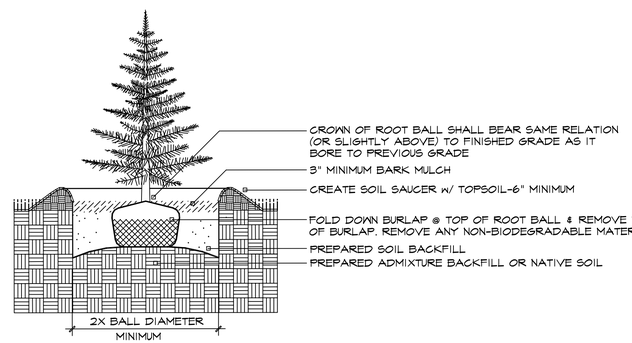
1.) Provide stakes and deadmen of sound, new hardwood, free of knotholes and defects.
2.) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

TURF:

1.) All disturbed lawn areas to be seeded with a mixture of Turf-Type fescue (300# per acre) and bluegrass (18# per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of final acceptance. Bare areas more than one square foot per any 30 square feet shall be replaced.
2.) Landscape contractor shall offer an alternate price for sod in lieu of seed. Sod shall be cut at a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted.
3.) Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
4.) All sod shall be placed a maximum of 24 hours after harvesting.
5.) Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.

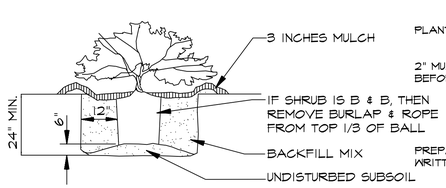
WARRANTY:

1.) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after installation at 100% of the installed price.
2.) Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
3.) Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
4.) Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.



EVERGREEN TREE PLANTING

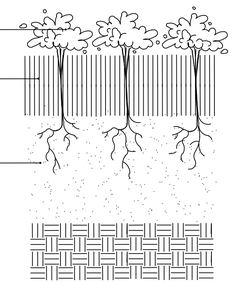
N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

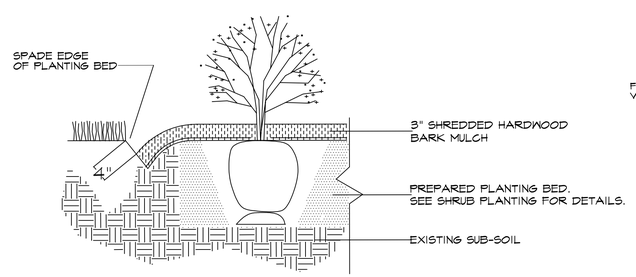
SHRUB PLANTING

N.T.S.



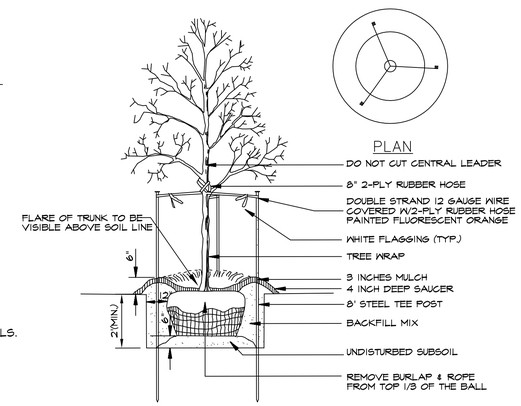
PERENNIAL / ANNUAL PLANTING

N.T.S.



SPADE-CUT EDGE DETAIL

N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

DECIDUOUS TREE PLANTING

N.T.S.

REVISIONS	BY

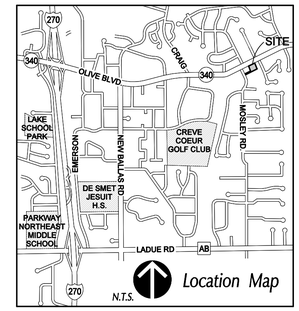
landscape TECHNOLOGIES
67 Jacobs Creek Drive
St. Charles, Missouri 63304
MO Landscape Architectural Corporation #2006000152
(636) 928-1250
Fax: (636) 928-4563
RANDALL K. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000014
DATE: 7/11/12

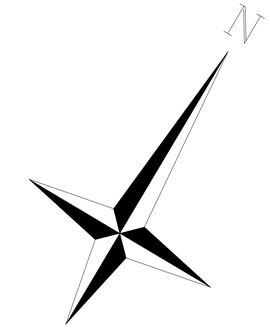
PLANTING PLAN FOR THE PROPOSED
Goddard School
11224 OLIVE BLVD. CREVE COEUR, MISSOURI 63141

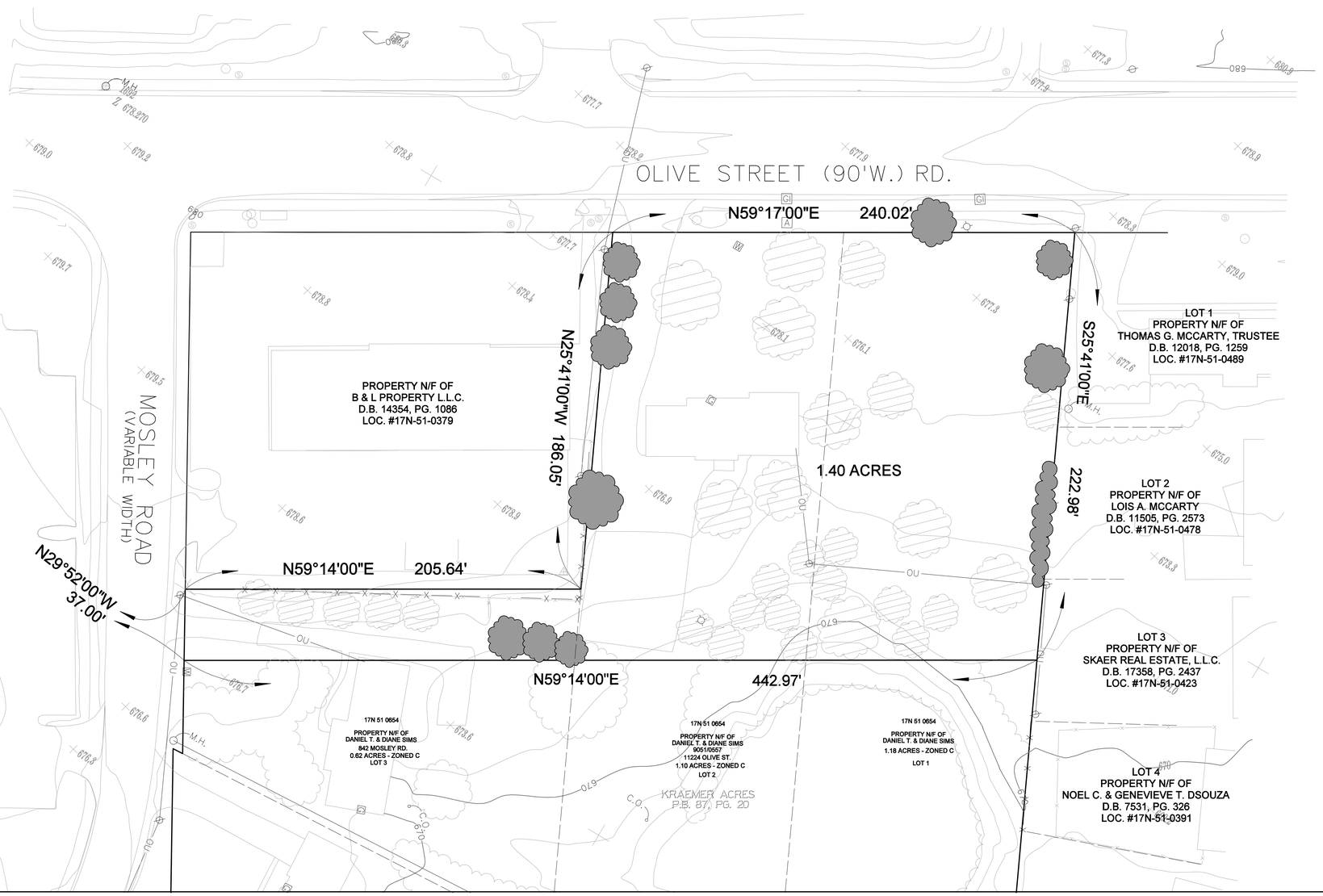
DRAWN	R. MARDIS
CHECKED	RKM
DATE	7/11/12
SCALE	N.A.
JOB No.	2011-151
SHEET	L-2
OF TWO SHEETS	

APPROXIMATE COUNT ON 10/22/2007 (CHECKED ON 06/12/2012)
INDIVIDUAL TREES: 2 - 8" DIA OR LARGER

TREE CENSUS			LEGEND	REQUIRED TO SAVE	SAVED	LEGEND
EXISTING TREE MASS:	0.01 ACRES	530 SF		25% = 132.50 SF	530 SF	
INDIVIDUAL TREES: 8" DIA. OR MORE	0.41 ACRES 39 TREES	17,768 SF		25% = 10 TREES	10 TREES	
TOTAL EXISTING TREES:	0.42 ACRES	18,298 SF				







H:\CAD\10900-10999\10998\Planning\SDP\tree census.dgn

BROWNSTONE PROPERTIES, LLC
635 TRADE CENTER BLVD, CHESTERFIELD, MO 63005

VOLZ Incorporated
10846 INDIAN HEAD IND. BLVD.
ST. LOUIS, MISSOURI 63132
314.428.6212 MAIN
314.890.1250 FAX
www.volzinc.com

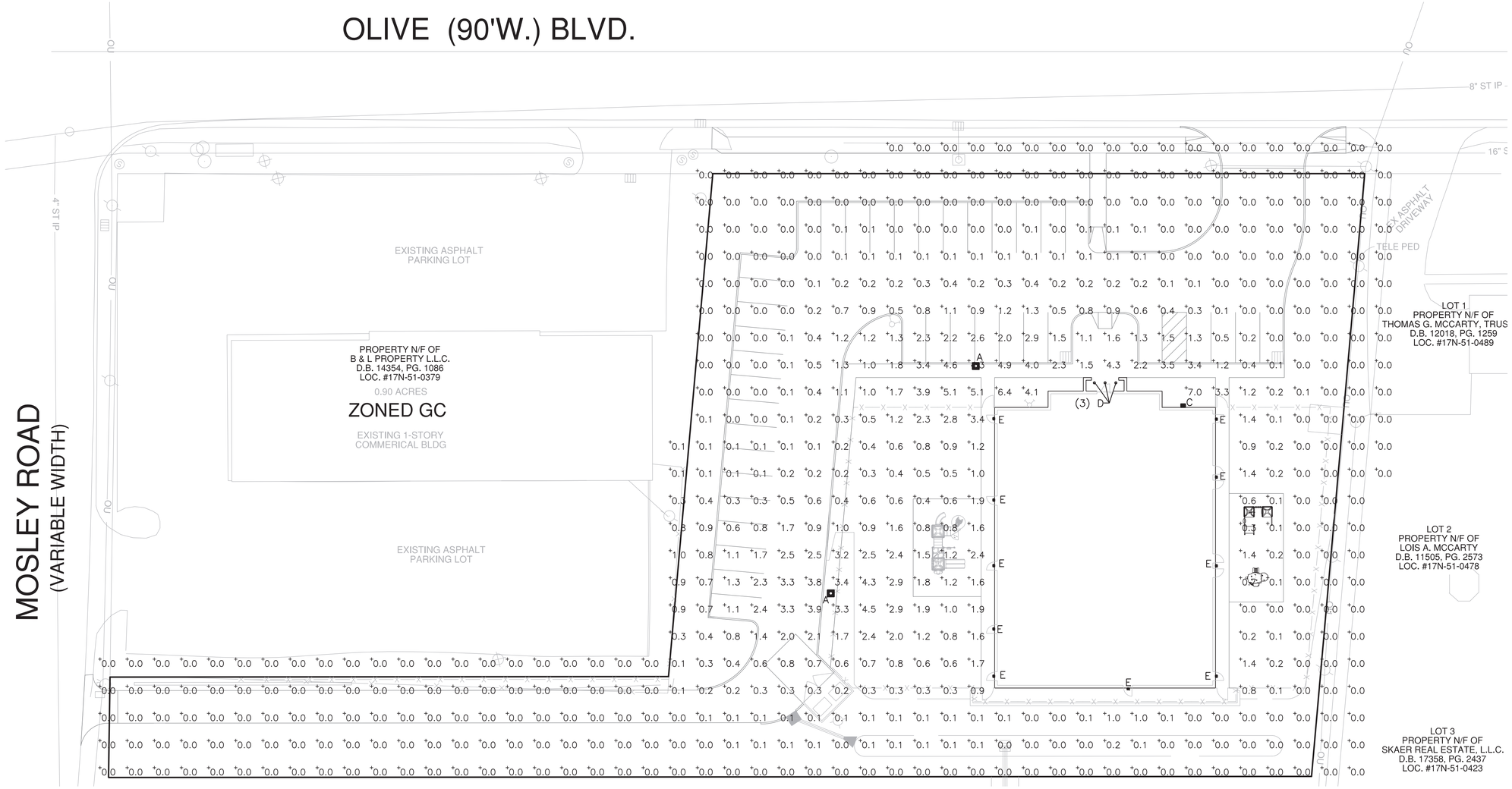
11224 Olive Blvd.
Creve Coeur, MO 63141

THE Goddard School FOR EARLY CHILDHOOD DEVELOPMENT

TREE CENSUS
TREE PRESERVATION PLAN

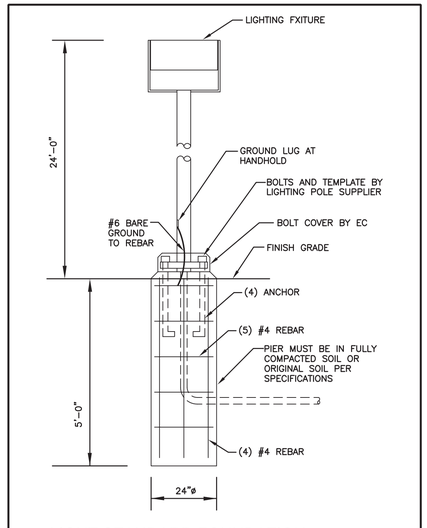
10998-1

REVISIONS
06-18-2012
1



1 PH1 PHOTOMETRIC PLAN
SCALE: 1" = 20'-0"

LUMINAIRE SCHEDULE								
Symbol	Label	Qty	Catalog Number	Description	Lamp	Lumens	LLF	Watts
	A	2	GSM-XX-250-MP-XX-2S-FG	MEDIUM ARCHITECTURAL AREA LUMINAIRE – TYPE II DISTRIBUTION	250 WATT PULSE-START CLEAR ED-28 HORIZONTAL BURN	22000	0.81	283
	C	1	IMT-150-MP-XX-3S	IMPACT ELITE MEDIUM WALL SERIES – TRAPEZOID	150W MH	12000	0.81	150
	D	3	C6142E-6180LI1	PORTFOLIO 6 IN RECESSED FLUORESCENT DOWNLIGHT WITH SEMI SPECULAR PRIMARY REFLECTOR AND SPECULAR SECONDARY REFLECTOR WITH PRISMATIC LENS AND MODIFIED SOCKET BRACKET	4 PIN TTT COMPACT FLUORESCENT LAMP	3200	0.91	48
	E	10	CFWP-FC-42-E	LUMARK WAL-PAK FLUORESCENT WALL MOUNTED FIXTURE WITH FULL CUTOFF DOOR WITH CLEAR GLASS	4 PIN GX24Q-4 T4 TRIPLE TWIN TUBE 42W COMPACT FLUORESCENT LAMP	3200	0.91	47.9



LIGHT STANDARD FOUNDATION
SCALE: NONE

MEP Engineer:
Ædifica case engineering
Ædifica Case Engineering
796 Meramec Court
St. Louis, MO 63026
T 636. 349.1600
F 636. 349.1730
Corporation Certificate of Authority No: E2000155319-D

Proposed New Facility for...

Creve Coeur, Missouri 631

THE Goddard School
FOR EARLY CHILDHOOD DEVELOPMENT
Quality That Lasts A Lifetime

ISSUE DATES
PRELIMINARY 06-19-12

COPYRIGHT © 2012 DAVID W. DIAL ARCHITECTS, P.C.

DAVID W. DIAL ARCHITECTS, P.C.
14368 Manchester Road
Suite 300
Manchester, Missouri 63011
Phone (636) 230-0400
Fax (636) 230-0402
www.dialarchitects.com

SHEET NUMBER:
PH-1

PROJECT NUMBER: --- DATE: - -12

McGRAW-EDISON®

energy solutions

Catalog #		Type
Project		
Comments		Date
Prepared by		

DESCRIPTION

Galleria's beauty and versatility make it an excellent choice for roadway and general area lighting applications. An aesthetic reveal in the formed aluminum housing gives the Galleria a distinctive look while a variety of mounting options and lamp wattages provide maximum flexibility.

Galleria's superior light distributions makes it the optimum choice for almost any small, medium or large area lighting application.

SPECIFICATION FEATURES

Construction
HOUSING: Formed aluminum housing with stamped reveal has interior-welded seams for structural integrity and is finished in premium TGIC polyester powder coat. U.L. listed and CSA certified for wet locations. DOOR: Formed aluminum door has heavy-duty hinges, captive retaining screws and is finished in premium TGIC polyester powder coat. (Spider mount unit has steel door.)

Electrical
BALLAST TRAY: Ballast tray is hard-mounted to housing interior for cooler operation.

Optical
REFLECTOR: Choice of 14 high efficiency optical systems utilizing horizontal and vertical lamp orientations. Optional high efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs or other means of attachment which may cause streaking in the light distribution. Standard with mogul-base socket. All optical modules feature quick disconnect wiring plugs and are field rotatable in 90° increments. LENS: Convex tempered glass lens or flat glass.

Mounting
Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during assembly. Specify arm-included mounting for contractor-friendly single carton packaging of housing and arm.

GSS/GSM/GSL
GALLERIA SQUARE

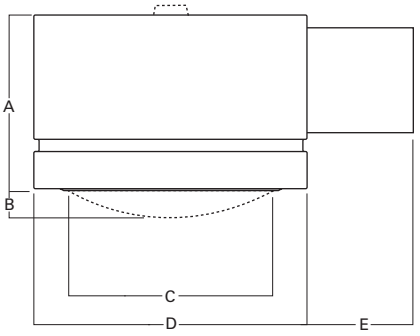
70 - 1000W
Pulse Start Metal Halide
High Pressure Sodium
Metal Halide

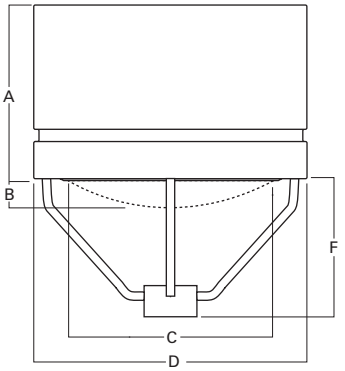
ARCHITECTURAL AREA LUMINAIRE

DARK SKY COMPLIANT FCO Full Cutoff

NOTE: In all flat glass configurations only.

DIMENSIONS



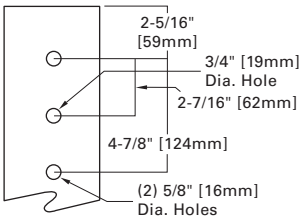


Fixture	A	B	C	D	E	F
GSS	9-1/4"	1-1/2"	12-7/8"	15-5/8"	6" or 9"	3-1/4"
	235mm	38mm	327mm	397mm	152mm or 229mm	337mm
GSM	11"	3-1/2"	19-1/4"	21-3/4"	6" or 14"	15" or 16"
	279mm	89mm	480mm	552mm	152mm or 356mm	381mm or 406mm
GSL	14-1/2"	4-1/4"	25-7/8"	27"	6" or 14"	18-3/4" or 19-3/4"
	368mm	108mm	657mm	686mm	152mm or 356mm	476mm or 502mm

NOTE: Top cap used on GSM with 1000W flat glass vertically lamped optics only.

ARM DRILLING

TYPE "M"



WATTAGE TABLE

Fixture	Lamp Type	Wattage
GSS (Galleria Small)	Pulse Start Metal Halide (MP)	70, 100, 150W
	High Pressure Sodium (HPS)	70, 100, 150W
	Metal Halide (MH)	175W
GSM (Galleria Medium)	Pulse Start Metal Halide (MP)	70, 100, 150, 175, 200, 250, 320, 350, 400, 450, 750, 875, 1000W
	High Pressure Sodium (HPS)	70, 100, 150, 250, 400, 750, 1000W
	Metal Halide (MH)	175, 250, 400, 1000W
GSL (Galleria Large)	Pulse Start Metal Halide (MP)	250, 320, 350, 400, 450, 750, 1000W
	High Pressure Sodium (HPS)	250, 400, 750, 1000W
	Metal Halide (MH)	250, 400, 1000W

ENERGY DATA

CWA Ballast Input Watts
150W MP HPF (185 Watts)
175W MP HPF (198 Watts) G
250W MP HPF (283 Watts) G
250W HPS HPF (295 Watts)
400W MP HPF (452 Watts) G
400W HPS HPF (457 Watts)
750W MP HPF (820 Watts)
1000W MH HPF (1080 Watts)
1000W HPS HPF (1100 Watts)

EPA
Effective Projected Area: (Sq. Ft.)
[Without Arm]
GSS: 1.20 **GSM**: 2.40 **GSL**: 3.90
[Spider Mount]
GSS: 1.53 **GSM**: 2.86 **GSL**: 4.45

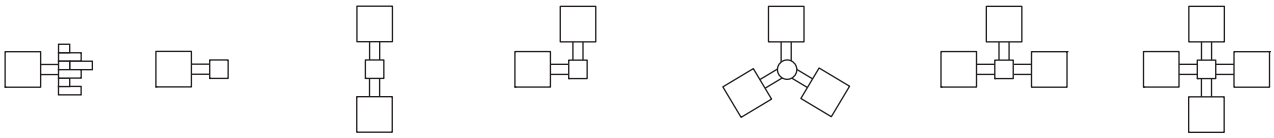
SHIPPING DATA

Approximate Net Weight:
36 lbs. (16 kgs.)
79 lbs. (36 kgs.)
88 lbs. (40 kgs.)

ADH082575 pc
2010-10-22 13:03:12

MOUNTING CONFIGURATIONS

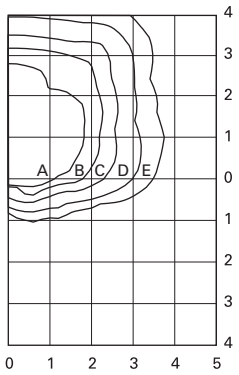
Wall Mount | **Arm Mount Single** | **Arm Mount 2 @ 180°** | **Arm Mount 2 @ 90°** | **Arm Mount 3 @ 120°** (Round Pole Only) | **Arm Mount 3 @ 90°** | **Arm Mount 4 @ 90°**



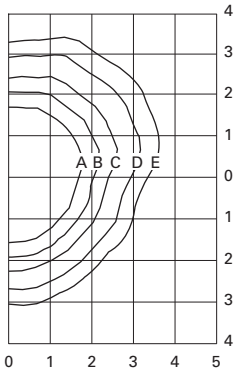
E.P.A. TABLE

	Single [w/arm where applicable]	**2 @ 180°**	**2 @ 90°**	**3 @ 120°**	**3 @ 90°**	**4 @ 90°**
GSS	1.7	3.4	3.4	4.6	4.6	5.2
GSM	2.9	5.8	6.8	9.2	9.2	10.4
GSL	4.4	8.8	9.8	13.7	13.7	15.6

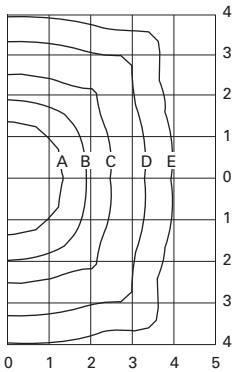
PHOTOMETRICS



GSM-XX-1000-MH-SL-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Spill Light Eliminator
Flat Glass



GSM-XX-1000-MH-3V-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Type III Vertical
Flat Glass



GSM-XX-1000-MH-AS-SG
1000-Watt MH
110,000-Lumen Clear Lamp
Area Square
Flat Glass

Footcandle Table

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

Mounting Height	**Footcandle Values for Isofootcandle Lines** A	B	C	D	E
1000W [SL] / 400W [AR]					
25'	2.88	1.44	0.72	0.29	0.14
30'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
35'	1.46	0.73	0.37	0.15	0.07
1000W [3V/AS]					
30'	3.50	2.00	1.00	0.50	0.20
35'	2.60	0.73	0.37	0.18	0.07
40'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**

ORDERING INFORMATION

Sample Number: GSM-AM-400-MP-MT-3V-SG-BK-L

Product Family
GSS=Galleria Square Small
GSM=Galleria Square Medium
GSL= Galleria Square Large

Mounting Method
AM= Arm Mount[1]
AIR= Arm Included for[2] Round Pole
AIS= Arm Included for[2] Square Pole
SM1= Spider Mount[3] (2 3/8" OD Tenon)
SM2= Spider Mount (3" OD Tenon)
SM3= Spider Mount[4] (3 1/2" OD Tenon)

Lamp Wattage [5]
MP
70=70W
100=100W
150=150W
175= 175W
200= 200W
250= 250W
320= 320W
350= 350W
400= 400W[6]
450= 450W
750= 750W
875= 875W
1000= 1000W[7]
HPS
70= 70W
100= 100W
150= 150W
250=250W
400=400W
750=750W
1000=1000W[7]
MH [8]
175=175W
250=250W
400=400W
1000=1000W[7]

Lamp Type
MP=Pulse Start Metal Halide
HPS=High Pressure Sodium
MH= Metal Halide[8]

Voltage [9]
120= 120V
208= 208V
240= 240V
277= 277V
347= 347V
480= 480V
MT= Multi-Tap[10]
TT= Triple-Tap[10]
5T= 5-Tap[11]

Distribution
Horizontal Lamp
1F=Type I Formed[12]
2F=Type II Formed
2S=Type II Segmented[13]
3F= Type III Formed
3S= Type III Segmented[13]
4S= Type IV Segmented[13]
5S= Type V Segmented[13]
FT= Forward Throw
SL= Spill Light Eliminator[14]
CA= Cutoff Asymetric with EHS [15]
Vertical Lamp
AR= Area Round
AS= Area Square[15]
3V= Type III Vertical[15]
RW= Rectangular Wide[15, 16]

Lens Type
FG= Flat Glass[17]
SG=Sag Glass

Color [18]
AP=Grey
BZ=Bronze
BK=Black
WH=White
DP= Dark Platinum
GM= Graphite Metallic

Options [19]
F= Single Fuse (120, 277 or 347V)
FF= Double Fuse (208, 240 or 480V)
L= Lamp Included
EM= Quartz Restrike w/[20] Delay
Q= Quartz Restrike[20]
R= NEMA Twistlock Photocontrol Receptacle
EHS= External Adjustable House Side Shield
HS= House Side Shield[21, 22]
VS=Vandal Shield[23]

Accessories [24]
GSM-EXTHS=External House Side Shield - 2.24 EPA
GSL-EXTHS=External House Side Shield - 2.46 EPA
MA1004XX=14" Arm for Square Pole. 1.0 EPA[15]
MA1005XX=6" Arm for Square Pole. 0.5 EPA[15]
MA1006XX= Direct Mount Kit for Square Pole[15]
MA1007XX= 14" Arm for Round Pole. 1.0 EPA[15]
MA1008XX= 6" Arm for Round Pole. 0.5 EPA[15]
MA1009XX= Direct Mount Kit for Round Pole[15]
MA1021XX= 6" Arm for Square Pole. 0.5 EPA[3]
MA1022XX= 6" Arm for Round Pole. 0.5 EPA[3]
MA1023XX= 9" Arm for Square Pole. 0.5 EPA[3]
MA1024XX= 9" Arm for Round Pole. 0.5 EPA[3]
MA1029XX= Wall Mount Bracket with 10" Arm
MA1046XX= Wall Mount Bracket[3]
MA1208XX= 11 1/2" Arm and Round Pole Adapter - . 0.8 EPA
OA1066XX= Mast Arm Adapter
MA1010XX= Single Tenon Adapter for 3 1/2" O.D. Tenon
MA1011XX= 2@180° Tenon Adapter for 3 1/2" O.D. Tenon
MA1012XX=3@120° Tenon Adapter for 3 1/2" O.D. Tenon
MA1013XX=4@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1014XX=2@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1015XX=2@120° Tenon Adapter for 3 1/2" O.D. Tenon
MA1016XX=3@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1017XX=Single Tenon Adapter for 2 3/8" O.D. Tenon
MA1018XX=2@180° Tenon Adapter for 2 3/8" O.D. Tenon
MA1019XX=3@120° Tenon Adapter for 2 3/8" O.D. Tenon
MA1045XX=4@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1048XX=2@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1049XX=3@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1060=House Side Shield for GSS (Field Installed)[25]
MA1061=House Side Shield for GSM (Field Installed)[25]
MA1062=House Side Shield for GSL (Field Installed)[25]
OA/RA1016=NEMA Twistlock Photocontrol - Multi-Tap
OA/RA1027=NEMA Twistlock Photocontrol - 480V
OA/RA1201=NEMA Twistlock Photocontrol - 347V

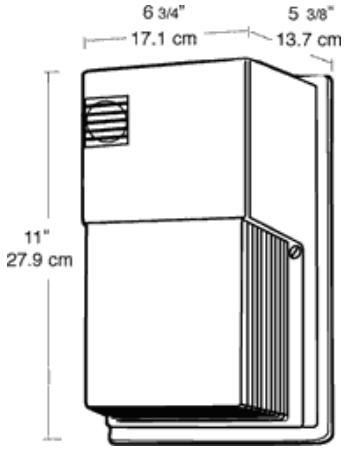
Notes:
1. Arm not included. See Accessories.
2. Arm length varies based on housing size: 9" for GSS, 11-1/2" for GSM and 14" for GSL.
3. Available on GSS housing only.
4. Available on GSL housing only.
5. Standard with medium-base sockets in GSS housing. Mogul-base sockets in GSM and GSL housings. Wattage availability varies by housing size - see Wattage Table.
6. Requires reduced envelope ED-28 lamp when used with GSM housing and flat glass vertically lamped optics.
7. Requires reduced envelope BT-37 lamp when used with GSM housing.
8. 175, 250 and 400W MH available for non-US markets only.
9. Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information.
10. Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 277/347/480V wired 347V.
11. 5-Tap ballast is 120/2008/240/277/480V wired 480V. Only available in 400-1000W.
12. Medium housing fixture only.
13. Maximum wattage on segmented optical distributions is 400W. 400W Metal Halide lamp must use reduced envelope ED-28 lamp. Not available in GSL housing.
14. Must use reduced envelope lamp, not available in GSL housing.
15. Available on GSM and GSL housings only.
16. RW optic not available with flat glass.
17. 1000W GSL with flat glass requires BT-37 lamp and is not available in AS, RW, SL or 3V distributions.
18. Other finish colors available, including a full line of RAL color matches. Consult your Cooper Lighting Representative.
19. Add as suffix in the order shown.
20. Quartz options not available with SL optics.
21. House side shield not available with 5S, RW, AS, AR, SL and CA optics.
22. Not available in 1000W.
23. Arm mount only, 400W Maximum.
24. Order separately, replace XX with color suffix.
25. Compatible with sag lens vertical optics only.

WPTF42/PC2

28 thru 42 watt compact fluorescent Tallpack. Vandal resistant polycarbonate housing. Heavy die-cast aluminum back plate with 1/2" bottom and back conduit opening. Factory installed 120V photocell with bypass cap included. Operating temperature 28w (-20 deg. F), 26, 32 & 42w(0 deg. F). Lamp supplied.

Color: Bronze

Weight: 4.5 lbs



Lamp Info

Type:	42W Triple
Watts:	42
Shape/Size:	N/A
Base:	N/A
ANSI:	N/A
Hours:	10,000
Lamp Lumens:	3,000
Efficacy:	65 LPW

Ballast Info

Type:	Elec HPF QT
120V:	0.38
208V:	0.3
240V:	0.2
277V:	0.17
Input Watts:	46W
Efficiency:	91%

Technical Specifications

UL Listing:
Suitable for wet locations

Reflector:
Die formed aluminum for wide light distribution. Moveable Glare Shield for field adjustable light control slanted slightly downward for more light on the job

Ballast Housing:
Stamped steel painted white

Back Plate:
Heavy die cast aluminum. 1/2" bottom conduit knockout. Knockouts for mounting to 3" or 4" junction boxes

Housing and Refractor:
Vandal resistant polycarbonate molded refractor. Die cast aluminum back plate

Ballast Minimum Starting Temperature:
0 F

Patents:
The unique RAB Tallpack is protected by U.S. Patent D569,029; China Patent ZL200730149211.2; Taiwan Patent D124,864 and Canada Patent D121,993

Country of Origin:
Designed by RAB in New Jersey and assembled in the USA by IBEW Local 3

Buy American Act Compliant:
This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

Recovery Act (ARRA) Compliant:
This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010)

Trade Agreements Act Compliant:
This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

GSA Schedule:
This product is suitable for listing on the GSA Schedule of the US General Services in accordance with FAR Subpart 25.4

Copyright ©2012 RAB Lighting, Inc. All Rights Reserved

DESCRIPTION

The IMPACT Elite Trapezoid full cutoff wall luminaire makes an ideal complement to site design. Rugged construction and full cutoff classified optics provide facade and security lighting for light restricted zones surrounding schools, office complexes, apartments, and recreational facilities. UL/cUL Listed for wet locations in down mount applications and damp locations in up mounted applications.

McGRAW-EDISON® energy solutions

		Type
Catalog #		
Project		
Comments		Date
Prepared by		

SPECIFICATION FEATURES

Construction

Durable two-piece die-cast aluminum housing and removable hinged door frame envelopes the optical enclosure from nature's elements. 1/8" clear, heat and impact resistant tempered flat glass lens combined with molded silicone gasket seals the integrated optical assembly to ensure peak optical performance. Captive stainless steel hardware secures the removable hinged door allowing for ease of installation and maintenance.

Electrical

Integral hard mount electrical components are safely secured and grounded within the die-cast aluminum housing for optimal heat sinking and extended component life. All wiring is extended through a silicone grommet at the back of the housing to prevent entry of debris, moisture, dust and insects. UL listed high power factor ballasts are Class H insulation rated [metal halide: 150, 175, 200, 250, 320, 350, 400W [-30°C /-20°F], [high pressure sodium: 250, 400W [-40°C/-40°F]. High efficiency ballasts are available in a multitude of voltage configurations. Compact fluorescent high power factor ballasts are Class P insulation rated for 120V-277V and have a starting temperature of -18°C / 0°F.

Optical Systems

Custom engineered highly reflective anodized aluminum reflectors provide high efficiency Type II, Type III and Type IV distributions. All Impact Wall Series reflectors classify as IESNA full cutoff in downlight only applications. Optional silk screened house-side flat glass shield provides decreased wall brightness. Optical assemblies are offered standard with horizontal medium or mogul-based metal halide [MH/MP], high pressure sodium [HPS] or energy efficient 4-pin compact fluorescent [CF] lamps. Available 10% or 30% uplight options allow for architectural highlighting of building details.

Mounting

Impact Elite's "Hook-N-Lock" gasketed and zinc plated rigid universal mounting assembly fits directly to a 4" junction box or wall. The "Hook-N-Lock" system allows for fast installation and mounting in both traditional downlighting [wet location] or inverted uplighting [damp location only] mounting positions.

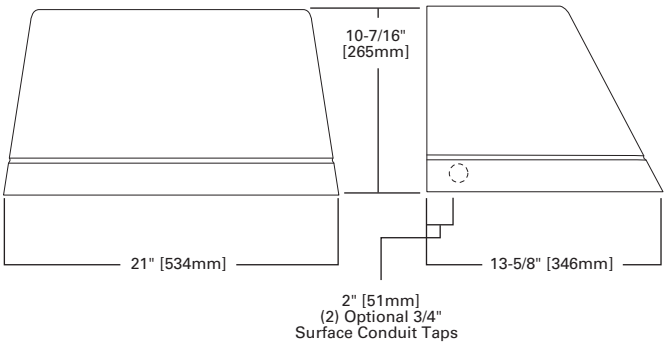
Finish

Housing and door are protected with 5-stage premium TGIC polyester powder coat paint. Premium TGIC powder coat finishes withstand extreme climate changes while providing optimal color and gloss retention over the fixture's installed life. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult McGraw-Edison Architectural Colors Brochure for complete selection.

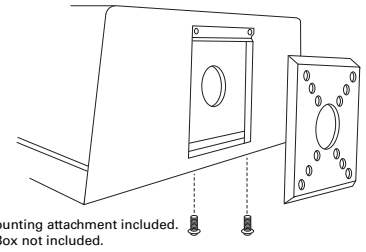
IMT
IMPACT ELITE MEDIUM TRAPEZOID

150 - 400W
Pulse Start Metal Halide
Metal Halide
High Pressure Sodium
32 - 120W
Compact Fluorescent

FULL CUTOFF WALL MOUNT LUMINAIRE



HOOK-N-LOCK MOUNTING



iMPACT™

DARK SKY COMPLIANT | FCO Full Cutoff

NOTE: In downlight applications only.

TECHNICAL DATA

UL1598 Listed, CUL Listed
Down Mounted - Wet Location
Up Mounted - Damp Location
25°C Ambient Temperature,
40°C w/HA Option
EISA Compliant Ⓔ

ENERGY DATA

High Reactance Ballast Input Watts
150W MP HPF (185 Watts)
250W HPS HPF (300 Watts)
400W HPS HPF (465 Watts)

CWA Ballast Input Watts
200W MP CWA (227 Watts) Ⓔ
250W MP CWA (283 Watts) Ⓔ
320W MP CWA (365 Watts) Ⓔ
350W MP CWA (400 Watts) Ⓔ
400W MP CWA (452 Watts) Ⓔ

Electronic Ballast Input Watts
32W CF HPF (36 Watts)
42W CF HPF (46 Watts)
57W CF HPF (59 Watts)
60W CF HPF (70 Watts)
70W CF HPF (75 Watts)
85W CF HPF (98 Watts)
120W CF HPF (139 Watts)

SHIPPING DATA

Approximate Net Weight:
42 lbs. (19 kgs.)

ORDERING INFORMATION

Sample Number: IMT-250-MP-MT-3S-GM

Product Family

IMT=Impact Elite Medium Trapezoid

Lamp Wattage [1]

MP

150=150W
200=200W
250=250W
320= 320W
350= 350W
400= 400W

HPS

250= 250W
400= 400W

MH [2]

175= 175W[2]
250= 250W[2]
400= 400W[2]

CF

57= (1) 57W
60= (1) 60W
64= (2) 32W
70= (1) 70W
84=(2) 42W
85=(1) 85W
96=(3) 32W
114=(2) 57W
120=(1) 120W
126=(3) 42W

Lamp Type

MP=Pulse Start Metal Halide
HPS=High Pressure Sodium
MH=Metal Halide[2]
CF= Compact Fluorescent

Voltage [3]

120= 120V
208= 208V
240= 240V
277= 277V
347= 347V[3]
480= 480V
DT= Dual-Tap[4]
MT= Multi-Tap[4]
TT= Triple-Tap[3, 4]
E1= Electronic 120-277V[3]

Distribution

HID

3S=Type III Segmented
4S=Type IV Segmented

CF

2S= Type II Segmented[5]
4S= Type IV Segmented[5]

Color [6]

AP= Grey
BZ= Bronze
BK= Black
WH= White
DP= Dark Platinum
GM= Graphite Metallic

Options

F=Single Fuse,Specify Voltage (120, 277 or 347V)[7]
FF=Double Fuse, Specify Voltage (208, 240 or 480V)[7]
L= Lamp Included
HA= 40 Degrees C High Ambient[8]
SC= Surface Conduit entry Taps (2) 3/4" NPT[9]
CSW= Circuit Switching[10]
FR= Frosted Lens[11]
P= Button Type Photocontrol (120V, 208, 240, or 277V)[7, 12]
TR= Tamper Resistant Fasteners
UPL10= 10% Uplight
UPL30= 30% Uplight[13]
DIM= CF Dimming Ballst (CF Lamp/Must Specify Number of Lamps)[14]
HS= House Side Shield Glass[15]
Q= Quartz Restrike T4 Lamp[16, 17]
EM= Emergency Quartz Restrike T4 Lamp w/ Time Delay Relay[16, 17]
EM/SC=Emergency Separate Circuit T4 Lamp[16, 17, 18]
QMR=Quartz Restrike MR16 Lamp[17, 19]
2QMR=Quartz Restrike w/ (2) MR16 Lamps[17, 19]
2QMR/SC=Quartz Restrike (1) MR16 Lamp and (1) Emergency Separate Circuit MR16 Lamp[17, 18, 19]
EMMR=Emergency Quartz Restrike MR16 Lamp w/ Time Delay Relay[17, 19]
2EMMR=Emergency Quartz Restrike with (2) MR16 Lamps w/Time Delay Relay[17, 19]
2EMMR/SC=Emergency Quartz Restrike with Time Delay Relay (1) MR16 and (1) MR16 Emergency Separate Circuit Lamp[17, 18, 19]
EM/SC/MR=Emergency Separate Circuit MR16 Lamp[17, 18, 19]
2EM/SC/MR=Emergency Separate Circuit with (2) MR16 Lamps[17, 18, 19]
EM/SC/12V=Emergency Separate Circuit 12V Low Voltage (1) MR16 Lamp[17, 18, 20]
2EM/SC/12V=(2) Emergency Separate Circuit MR16 Lamps (12V)[17, 18, 20]
EMI40=Emergency Cold Temperature (UL924 Listed) Power Pack -18 degrees C / 0 degrees F, (1) CF Lamp[7, 21]
2EIM40=Emergency Cold Temperature (UL924 Listed) Power Pack -18 degrees C/0 degrees F, (2) CF lamps with Back Box matching housing finish.[7, 22]
CFEM= Emergency CF Power Pack (UL924 Listed) (1) CF Lamps, 0 Degrees C/32 Degrees F[7, 23]
2CFEM= Emergency CF Power Pack (UL924 Listed) , 0 Degrees C/32 Degrees F, (2) CF Lamps, with Back Box matching housing finish.[7, 24]

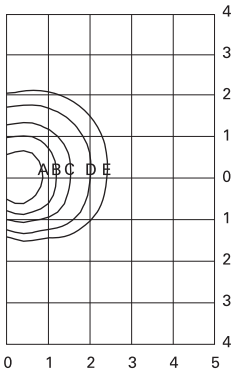
Accessories [25]

WG/ITM= Wire Guard[26]
VS/ITM= Vandal Resistant Shield[27]

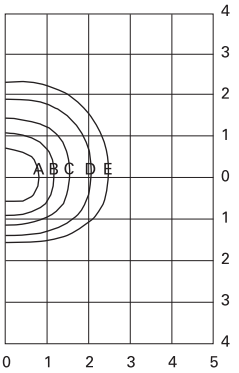
Notes:

1. All HID Metal Halide lamps are mogul-base, reduced envelope ED-28 except 200W Pulse Start Metal Halide is T15. All HID High Pressure Sodium lamps are mogel-base ED-18.
2. 175, 250 and 400W MH available for non-US markets only.
3. Products also available in non-US voltages and 50HZ for international markets. 88% Efficient EISA Compliant MP Fixtures not available in 347V and TT Voltages. Electronic E1 only available with CF source. Consult your Cooper Representative for availability and ordering information.
4. Dual-Tap ballast is 120/277V wired 277V. Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 120/277/347V wired 347V.
5. Type II - 60, 64, 70, 84, 85, 96, 114 or 126W CF only. Type IV - 60, 85, 120W CF only. In cold temperatures, compact fluorescent lamps produce lower illumination levels.
6. Add as suffix.
7. Must specify voltage.
8. Rated for 40°C for 250W and below fixture. Not available with CF lamps.
9. Not available in Type IV 320V through 400W. Not available in Type III with PE 320W through 400W. 175-250W requires thru-wire rating of 120°C, 320-400W requires rating of 140°C
10. Each ballast independently wired. Available on 96, 114, or 126W CF wattages.
11. Not available with 320W thru 400W or 114 or 126W CF options.
12. Not available with SC option teamed with 320-400W. Not available with 480V.
13. Type III only. Not available with CF lamps.
14. Specify CF option 96 or 126W, not available with HS, FR, or VS options. Must specify number of lamps.
15. Not available with 320 thru 400W.
16. (1) 120W Lamp, 150W maxinum quartz lamp. Utility power may need to cycle to allow HID lamp to cool in warm climates.
17. Emergency lamps supplied by others.
18. Leads out of the back of the unit for auxillary power.
19. (1) or (2) 120V Lamps. GU10 base, 50W maximum each. Lamps supplied by others.
20. Power supplied by low voltage DC source (supplied by others). (1) or (2) 12V bi-pin socket GU5.3 base. 12V 35W maximum.
21. Specify 120 or 277V, (-18°C) minimum temperature, not available with UP10 or CSW option, 57W CF maximum.
22. Specify 120 or 277V, (-18°C minimum,operates (2) 32W 4-pin lamps or less, not available with UPL10 or CSW option, (lamps supplied by others).
23. Specify 120 or 277V, (0°C) minimum temperature, not available with UPL10 or CSW option, 57W CF maximum.
24. Specify 120 or 277V, (0°C minimum, operates (2) 32W 4-pin lamps or less, not available with UPL10 or CSW option, (lamps supplied by others).
25. Order separately.
26. Not available with VS option.
27. Not available with 320 thru 400W. Not available with wire guard.

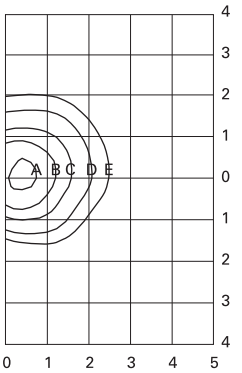
PHOTOMETRICS (Complete IES files available at www.cooperlighting.com)



IMT-126-CF-XX-2S
126-Watt CF
[3] 9,600-Lumen Clear Lamp
Type II



IMT-114-CF-XX-2S
114-Watt CF
[2] 8,600-Lumen Clear Lamp
Type II

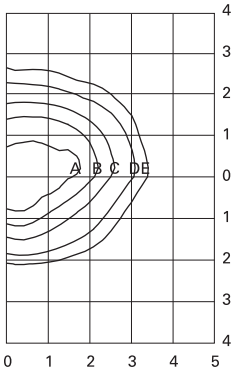


IMT-85-CF-XX-2S
85-Watt CF
6,000-Lumen Clear Lamp
Type II

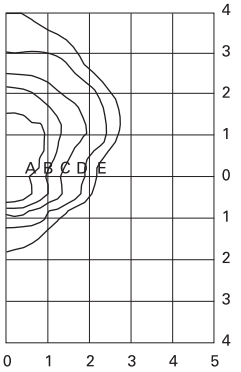
FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

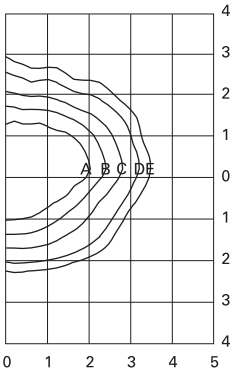
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
126-CF-2S / 114-CF-2S / 85-CF-2S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06



IMT-150-MP-XX-3S
150-Watt MP
14,000-Lumen Clear Lamp
Type III



IMT-150-MP-XX-4S
150-Watt MP
14,000-Lumen Clear Lamp
Type IV

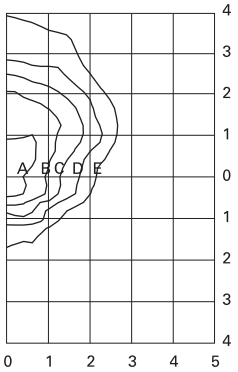


IMT-250-MP-XX-3S
250-Watt MP
23,750-Lumen Clear Lamp
Type III

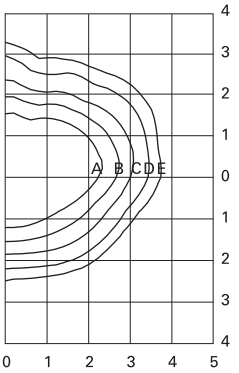
FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

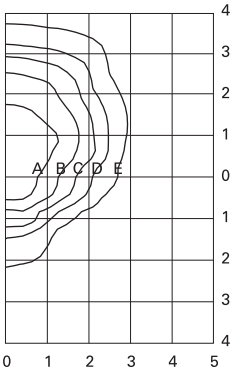
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
150-MP-3S / 150-MP-4S / 250-MP-3S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06



IMT-250-MP-XX-4S
250-Watt MP
23,750-Lumen Clear Lamp
Type IV



IMT-400-MP-XX-3S
400-Watt MP
40,000-Lumen Clear Lamp
Type III



IMT-400-MP-XX-4S
400-Watt MP
40,000-Lumen Clear Lamp
Type IV

FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
400-MP-3S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06
250-MP-4S / 400-MP-4S					
18'	6.15	2.46	1.23	0.62	0.25
20'	**5.00**	**2.00**	**1.00**	**0.50**	**0.20**
25'	3.20	1.28	0.64	0.32	0.13

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

August 8, 2012

Mr. Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Drive
Saint Louis, MO 63146

Re: Application #12-021: New conditional use permit
China King Restaurant – 12784 Olive Boulevard

Mr. Amos:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a new conditional use permit for China King Restaurant located at 12784 Olive Boulevard within the Schnucks Bellerive Plaza Shopping Center.

By unanimous vote, the Planning Commission recommends approval of the new conditional use permit for China King Restaurant, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

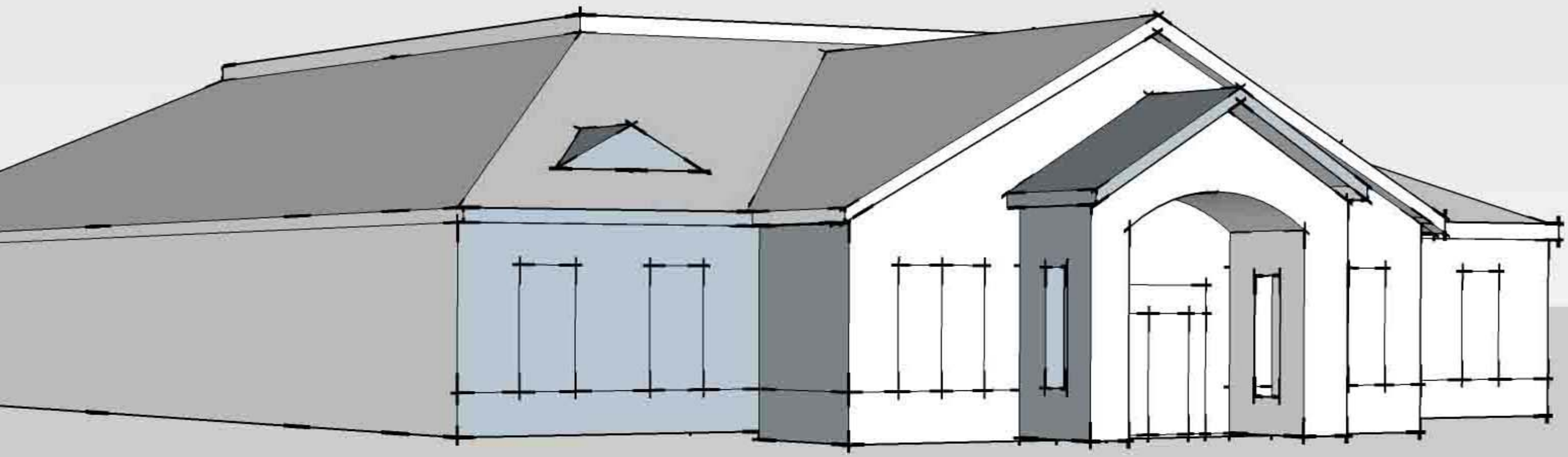
CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
G. Eidman, Chief of Police
S. Unser, Chief Building Official

Goddard School



PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, AUGUST 6, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Gary Eberhardt, Chair
Dr. Michael Barton
Mr. James Faron
Ms. Cynthia Kramer
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314)487-2259

CHAIRMAN EBERHARDT: The Creve Coeur Planning & Zoning Commission for Monday, August 6th will come to order.

I'd like to begin by calling the roll.

Dr. Michael Barton?

MR. BARTON: Here.

CHAIRMAN EBERHARDT: James Faron?

MR. FARON: Present.

CHAIRMAN EBERHARDT: Ken Howard, absent. Cynthia Kramer, absent. Tim Madden, absent.

Jim Schnarr?

MR. SCHNARR: Present.

CHAIRMAN EBERHARDT: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN EBERHARDT: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN EBERHARDT: Ms. Whitney Kelly, City Planner?

MR. KELLY: Present.

CHAIRMAN EBERHARDT: And, Ms. Julie Lowery, Recording Secretary?

MS. LOWERY: Present.

(Cynthia Kramer is now present.)

2

CHAIRMAN EBERHARDT: Okay.

The next item on the agenda will be a public hearing being Public Hearing No. 12-019, Application For Subdivision and Rezoning from C-Single Family Residential to GC, General Commercial, and Site Development Plan for the Development of a Goddard School For Early Childhood Development at 11224 Olive Boulevard.

The applicant's representative is Andrew Brown from Brownstone Properties.

Yes, sir.

MR. BROWN: That would be me.

CHAIRMAN EBERHARDT: Would -- now anyone else be testifying, please come up, be sworn in before you make your presentation.

(Speakers were sworn in by the court reporter.)

CHAIRMAN EBERHARDT: Mr. Brown, you have the floor.

MR. BROWN: Okay. Members of the Commission, thank you for considering our application.

This is the second time in a year that we stand before you making a very similar request. The first time was on the Masonic Temple a block and a half to the east.

Unfortunately, that project didn't close. They had a changing of the board, and the new board wanted to stay in Creve Coeur and didn't want to sell the building,

so we're starting over. We found a very nice site at Olive and Mosley.

And the Goddard School -- I'd like to keep this brief because I'm sure a lot of you have heard this presentation before. The Goddard School is a premier childcare development program. It's a great school. It's out of King of Prussia, Pennsylvania. We identified a need in the Creve Coeur area to provide childcare services. There's a need. We want to fill the need.

We're applying for the subdivision -- the -- the site plan approval and a -- a -- and a zoning change from Single-Family to Commercial.

The staff report is very thorough. We worked a long time with the staff to, hopefully, work out most of -- most of the items.

We have an entrance off of Olive. It's a two-way entrance, and we have a single-entrance off of

Mosley.

We met with MoDOT. They've reviewed this. They approve it.

The entrance off of Mosley makes the condition very safe to make a left turn onto Olive. We're trying to direct mothers and their children to the stoplight and not have traffic making a left turn out onto Olive.

We've prepared a buffer along the -- the back

4

property and the east property line that consists of very heavy landscaping. It'll be very attractive along the green corridor along Olive, and to the east there's a -- a fence, and to the south there's an abundance of landscaping. The City has asked 20 percent of that landscaping to be moved upfront.

There's two playgrounds, one to the east and one to the west; 39 parking spaces.

The architecture of the school is -- it's not prototypical to Goddard. The size of the building is similar. They're all approximately 8500 square feet. And we have an architectural board. Everything on the board is correct except for, Paul, you'll notice the fence is white vinyl, and I know that's a -- that's something that Paul doesn't like, and we discussed that we wanted to do a black metal, so that's -- that's incorrect on -- on the board.

I have representatives from Goddard corporate, the local Goddard operator, who operates several successful schools, the architect, the civil engineer, and we would welcome the opportunity to answer or field any questions that you may have.

23 CHAIRMAN EBERHARDT: Thank you.

24 Are there any other representatives of the

25 Goddard School who want to make any additional part of the

5

1 presentation, or just here to answer questions? Okay.

2 City staff -- City staff? Whitney, would --

3 Ms. Kelly. I mean --

4 MR. KELLY: Good evening. Whitney Kelly, City

5 Planner for the City of Creve Coeur.

6 As the applicant indicated, this is almost the

7 exact same project that we looked for at the Rose Hill

8 Masonic Temple. We have just moved a little further west.

9 It is in with the same Comprehensive Plan

10 accretionary of East Olive Corridor, which recommends as

11 properties redevelop they maintain commercial with

12 residential character. Given that the daycare facility is

13 already a conditional use allowed within residential

14 districts, we find that this use is appropriate for this

15 district, and for the continuation of the GC district and

16 to the east of this area.

17 The project will tear down the existing home at

18 11224 Olive Boulevard, as well as the property along -- as

19 the home at 842 Mosley.

20 And as the -- as Andrew indicated, it is of a

21 traditional schoolhouse design.

22 The new district boundary will split the

23 property in two, and this part here will become the

24 General Commercial District, and this property will be

25 combined with the property to the south and maintain the

6

1 C-Single Family Residential District.

2 The proposed development does meet with the

Comprehensive Plan design guidelines, however, we -- as we discussed in the staff report, we found that the entry element on the front of the home was kind of commercial in nature and didn't fit in with the overall design, and we have discussed this with the applicant, and they agreed.

They have submitted a rendering of a direction that moves the element into the compliance with the design guidelines, however, they were not able to get as full rendering drawings at the time of the staff report, and so we just included a condition that be done prior -- for our approval prior to any building permits being issued.

The zoning of the District GC, the purpose and the intent as provided in the Zoning Code is for the convenience, retail and services which is compatible with adjacent residential districts.

And it is important to note that this allows for a buffer that is not currently allowed for the C-Single Family District. The home that will be torn down along Olive Boulevard is being used as a conditional use under the special permit condition that allows for homes to be converted into commercial use. This does not provide such a buffer, whereas the GC District does.

And while we find this use to be compatible with

7

the Comprehensive Plan and the neighborhood character of the GC District, we also have to feel comfortable that all uses within the GC District is fitting in with the character of the area.

And given that the commercial will continue to expand along Olive Boulevard, and it provides a certain number of protections of the residential neighborhoods to

the south, we do find that this is an appropriate expansion of the GC District.

There were -- there are -- the applicant is proposing to provide 39 parking spaces on site, and the Code provides for 32 spaces, so they are meeting all of the Zoning Code requirements of the district.

And if you have any other questions.

CHAIRMAN EBERHARDT: The landscaping, was that an issue as well?

MR. KELLY: Oh, sorry.

We did find that the landscaping was well-designed, however, it is focused at the back of the building between the site proof fence and the building, which loses much of the value of providing such the landscaping.

It is a little lacking along Olive Boulevard to meet with the green line park effect that is required for this district, this area of Olive Boulevard.

8

Therefore, we have included a condition that 20 percent of the plantings along this area just be relocated along the front to meet with that intent.

CHAIRMAN EBERHARDT: Was there also a staff recommendation concerning the trash enclosure?

MR. KELLY: Yes, sir. All accessory buildings and structures must have -- must maintain the same architectural standard as the main building, and, therefore, we have also included that as a condition as they did not provide elevations of those structures so.

CHAIRMAN EBERHARDT: Okay. Thank you, Ms. Kelly.

MR. FARON: I had a couple questions.

CHAIRMAN EBERHARDT: Sure.

MR. FARON: I -- the first about the -- so we're going to approach the green line issue of the Comprehensive Plan to move that 20 percent to the --

MR. KELLY: Uh-huh.

MR. FARON: -- front and accomplish that.

As has the other submittal months ago brought up a lot of, you know, concerns about the sidewalk in front.

MR. KELLY: Correct.

MR. FARON: Are we going to agree to leave the sidewalk as it is into the Mosley Square Shopping Center or are we going to try to pull that back like we did?

9

MR. KELLY: No, the site plan does show that it is being pulled back from the street and in compliance with the pedestrian plan. They're moving it, but you can see -- jaggs out right there.

MR. FARON: I couldn't really. So what's the buffer, is there like a 3 feet then a sidewalk then 6 feet to parking?

MR. KELLY: Yes, you can see it's approximately 3 feet and then a 5 foot sidewalk.

MR. FARON: Okay.

MR. KELLY: And then the landscaping along here.

MR. FARON: So the intent was to continue that approach along that part of Olive all the way down to Mary Meadows, and eventually when this all possibly goes --

MR. KELLY: Right. As projects redevelop further down Olive, we would be able to match up with this sidewalk and continue it down.

MR. FARON: And I believe, you can correct me if

I'm wrong, that's pretty much what I was asking for on the previous site, right, that matches --

MR. KELLY: Correct.

MR. FARON: -- kind of the request there, okay.

And third question, on that new entrance, is the material the same, is it a veneer stone there, I guess is -- I saw the geometry of it, but I guess the material is

10

going to be the same as what the -- the fully rendered elevation looks like just with the hip roof instead of the flat roof?

MR. KELLY: No, we did talk about a variation in the materials to be consistent with the design, and if you'd like to make a recommendation, we can have the applicant consider that.

MR. FARON: What, stone off the table?

MR. KELLY: No. You want to address the --

MR. BROWN: On the elevation?

MR. KELLY: Yeah.

MR. BROWN: Or the front elevation, the line there?

MR. KELLY: Correct.

MR. BROWN: Well, right now we're proposing to have it as stone.

MR. FARON: Just with the different design at the roof, basically?

MR. BROWN: Yeah, you know, if the City would urge us to go away with that, then we would -- we would like to comply with whatever.

MR. FARON: I would say I personally like that in that fashion. But I mean I guess we're open to other options, maybe brick or something that's residential, but,

25 obviously, it's not going to be an east system or

11

1 whatever, whatnot. Just curious when I saw the elevation
2 showing the different design, just had a question about
3 the materials, the finished look, so thank you.
4 MR. BARTON: Mr. Chairman.
5 CHAIRMAN EBERHARDT: Sure. Excuse me.
6 MR. BARTON: Just clarification, you had an
7 exhibit there with a white line across it?
8 MR. KELLY: Uh-huh.
9 MR. BARTON: What would be the disposition of
10 the land to the south of the white line?
11 MR. KELLY: The GC District is 1.4 acres, and I
12 believe the area to the south is 1.5.
13 Is that correct? So.
14 MR. BARTON: And what ultimately will become of
15 that land? Is that --
16 MR. KELLY: It's going to be combined with the
17 property -- included in your staff report is a motion
18 to -- for a boundary adjustment to combine it with the
19 property to the south, and it would be C-Single Family
20 Residential.
21 MR. BARTON: I see.
22 CHAIRMAN EBERHARDT: Any other questions from
23 the Commission Members?
24 Anyone in the audience wish to address the issue
25 or ask questions?

12

1 Please.
2 State your name and address for the record,
3 please.

MR. CALDWELL: David Caldwell, 257 Brooktrail Court.

This seems like a good project, but I do have a couple of comments.

One is this application reiterates what has been said before, and that is the need to address this whole area of Olive in a broader context better than a lot by lot.

The -- the idea that so long as it looks like a house it's okay is kind of anachronistic.

What's important is that we get the highest level of development along here, and it all has an appropriate buffer for the residential areas, and I don't argue about the buffer in this case, but I do worry that continuing to rely on a case -- lot by lot addressing of this is not the best way to achieve the best development and the -- and the fastest development of this area.

And that we need to address it in the Comprehensive Plan and get that -- get the buffer requirements established for the whole area along Olive in this area -- in this part of the City.

Now, I do have one specific question with

13

respect to this project.

The staff report lists the section about vehicular access is limited to no more than one per access -- per street, and the sharing of vehicular access between properties to minimize the number of curb-cuts is encouraged. This is the issue of cross access, which always comes up along here in these applications.

While I don't argue that cross access is necessarily the best answer for this particular lot, I

would ask staff to explain what rationalization has been used to not say anything about that requirement in this conditional -- in this permit, and particularly with respect to the lot to the east, would any cross access or requirement be required if that lot to the east was developed in the future?

CHAIRMAN EBERHARDT: Does someone from staff want to respond to Mr. Caldwell's question?

MR. LANDGDON: Mr. Chairman, we did look at it with the property, and we have talked with the property owners to the west.

There's really two things that -- that come to bear here in the case of the applicant because of the particular use that they have in mind, which is childcare.

They have, I would say, unique security concerns, not only from vehicular safety and cars crossing

14

through the property who may not even realize that it's a childcare, but also from a monitoring of the traffic, who's on the property and who's coming in, but then you also have the property owner to the west is simply unwilling to grant the cross access. It is a partnership arrangement that owns it. The partners don't all agree, but the prevailing group says no access will be granted.

As far as what could happen down the road if the residential corner on Renee were to redevelop, you know, at this point I would see that as well down the road, and it may be something that we can address at the time if the childcare has gone away, but so long as it's a childcare, I don't think that property owner manager will be willing to grant cross access either.

So normally we do pursue it. We did pursue it here. And we don't have willingness on any of the parties involved, so it's -- it's sort of a stopped issue at this point.

CHAIRMAN EBERHARDT: Any further questions or comments from anyone, Commission or otherwise?

Mr. Lumley, would you -- we'll close the public hearing now and ask you to read the items into -- that go into the record.

MR. LUMLEY: Thank you.

The following exhibits are offered into the

record of this public hearing: Documentation in possession of the City Clerk reflecting the notice that was provided to the public regarding this hearing, the staff's report regarding the application and materials presented this evening, the City's Code of Ordinances and Charter, the City's Comprehensive Plan, and the public file regarding the application.

CHAIRMAN EBERHARDT: Thank you.

(The public hearing was closed.)

BILL NO. 5380 **ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 1,465 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT LOCATED AT 12784 OLIVE BOULEVARD WITHIN THE SCHNUCKS/BELLERIVE PLAZA SHOPPING CENTER

WHEREAS, under Section 405.360(C), all eating and drinking places in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on August 6, 2012; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.
4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at12784 Olive Boulevard, in the "GC" General Commercial zoning district, within the Bellerive Plaza Shopping Center, whose legal description is as follows:

> Lot 1 of BELLERIVE EXECUTIVE PARK PLAT TWO, a Subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 164 page 62 of the St. Louis County Records, excluding therefrom the following described property:
>
> BEGINNING at the point in the southwestern line of property described in deed to the State of Missouri, recorded in Book 6807, Page 2147, St. Louis county Recorder's Office, distant North 53 degrees 26 minutes 01 second West 25.05 feet from the most eastern corner of said Lot 1; thence South 35 degrees 13 minutes 59 seconds West 169.17 feet; thence North 89 degrees 27minutes 16 seconds West 106.24 feet; thence North 01 degree 07 minutes 29 seconds East 267.45 feet to the southwestern line of the aforesaid State of Missouri property; thence South 60 degrees 48 minutes 21 seconds East 106.86 feet and South 53 degrees 26 minutes 01 second East 131.10 feet along said State of Missouri property to the point of beginning, and containing 35,180 Square Feet; according to a survey by Pitzman's Co. of Surveyors & Engineers, on July 23, 1976.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The conditional use permit shall be for the operation of 1,465 square-foot eating and drinking establishment at 12784 Olive Boulevard.
2. Maximum seating permitted is limited to 32 seats indoors.
3. Hours of operation shall be 10:30am to 10:30pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
6. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
7. Any mechanical equipment installed for the site shall be properly screened with approved materials.
8. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
9. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
10. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not

more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

11. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO THE PLANNING AND ZONING COMMISSION #12-021 FOR A NEW CONDITIONAL USE PERMIT FOR CHINA KING RESTAURANT LOCATED AT 12784 OLIVE BOULEVARD WITHIN THE SCHNUCKS/BELLERIVE PLAZA SHOPPING CENTER

FOR THE MEETING OF: August 6, 2012

LOCATION: 12784 Olive Boulevard

REQUEST:
Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, has submitted an application for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center.

ADDITIONAL INFORMATION:
Bellerive Plaza is located at the southwest corner of Olive Boulevard and Timber Run, and is in the "GC" General Commercial Zoning District. All eating and drinking places are permitted with conditions in the "GC" General Commercial District [Section 405.360(C)(7)].

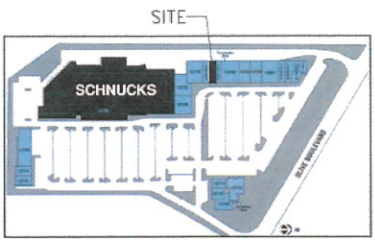
Key Issues:
- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

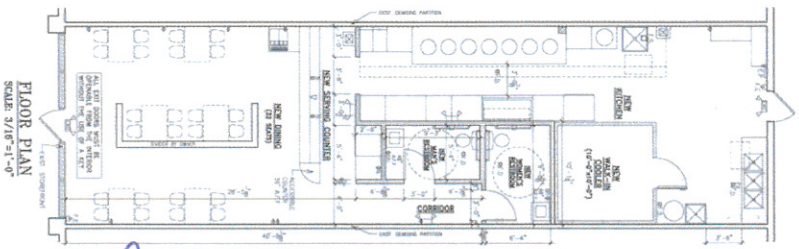
Comp. Plan References
- Health and Connectivity Goals
- Design Guidelines: Streetscape/Pedestrian Orientation

Zoning Code References
- Section 405.360 "GC" General Commercial
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT:
Xiao Bin Chen
China King
12784 Olive Boulevard
Creve Coeur, MO 63141

REPRESENTATIVE:
Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Dr.
Saint Louis, MO 63146





REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — Date: 8/3/2012

ATTACHMENTS: Applicant's Materials received July 5, 2012
Draft Ordinance

PROPOSAL AND ZONING HISTORY

Bellerive Plaza shopping center, located south of Olive Boulevard and west of Mason Road, was approved and constructed in 1980 in compliance with St. Louis County zoning regulations. The property was annexed by the City of Creve Coeur in 1996, and subsequently zoned "GC" General Commercial. The center consists of three buildings, housing approximately 24 tenant spaces, including the anchor of a Schnucks Supermarket, and totals 115,207 square feet. The overall development is legally pre-existing, with non-conforming site coverage.

In 2007, Desco received a variance to the required parking by 45 parking spaces in anticipation of a St. Louis Bread Company location within the center at what is now the "Dave & Tony's Premium Burgers".

On May 21, 2012, the Planning and Zoning Commission approved the site development plan for the reconfiguration of the main entrance to create an additional left turn onto westbound Olive Boulevard. Due to the site related nonconformities, the approval required that additional greenspace be added on a one-to-one ratio. Several parking lot islands will be expanded to meet this requirement, thus the remaining surplus of parking on site was one space. The following table was presented at the May 21st meeting, and was based on the 2007 parking study:

Bellerive Plaza Parking Calculations

	# of Parking Spaces
Existing Parking Supply (based on ALTA survey and field checks)	527
Spaces Occupied by Cart Corrals and Dumpsters	(20)
Net Supply - Existing	507
Proposed Parking Addition (striping only - no new pavemen	12
Net Supply - Proposed	519
Current Parking Requirement for Bellerive Plaza (incl. 186 rest. sea	523
Additional Req. for Bread Company (99 indoor/10 outdoor seats)	35
Gross Requirement - Proposed	558
Variance Granted	(45)
Net Requirement - Proposed	513
Proposed Surplus	6
Spaces lost due to relocating entrance median landscaping	5
Remaining Surplus	1

The new 1,465 square foot restaurant is filling a vacant tenant space with a proposed maximum interior seating of 32. The applicant is not proposing any changes to the exterior of the building or site.

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Offices	Unincorporated St. Louis County C8 Commercial	Olive Boulevard
South	Offices	"PO" Planned Office District	N/A
East	Bank	"GC" General Commercial District	N/A
West	Multi-family residences	"AR" Attached Single Family Residential District	N/A

COMPREHENSIVE PLAN REVIEW
The subject property is located within the General Commercial District that encourages a mix of uses including retail, residential, government, and park uses. The proposed use will fill a vacant space in a building that was originally developed for, and still contains, a variety of uses. Therefore, the request meets with the Goals and Objectives of the Comprehensive Plan.

ZONING REVIEW
Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space within the Bellerive Shopping Center that has a mix of restaurants and stores. No changes to the exterior of the building or site are being proposed. As the site-related code compliance issues regarding landscaping were discussed with the reconfiguration of the main entrance, review of this project is limited to the discussion of the parking.

Parking:
Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces: "One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area."

As discussed above, Bellerive Plaza received a variance for 45 spaces in 2007. At the time, the study conducted for the request looked at all of the parking available for the center, in addition to the parking requirements of a proposed St. Louis Bread Co. with 99 indoor seat and 10 outdoor seats, for a total of 513 required, with 519 spaces available on site. However, St. Louis Bread Co. did not pursue the location. A conditional use permit for what is now the "Dave & Tony's Premium Burgers" was issued in 2009 (Ordinance 5109) for the same location that was considered for the St. Louis Bread Co. with a maximum of 60 indoor seats, thus requiring only 20 spaces, versus the 35 reviewed under the variance request. The tenant space under consideration with this application was calculated as retail, at 4 spaces per 1,000 sq. ft. or 1 space per 250 sq. ft. Based on the submitted floor plan with 32 seats, the required additional parking for the proposed use is a total of 11 parking spaces. This is still within the number reviewed for the variance, and within the available parking on site, with a surplus of 5 spaces. Due to the small surplus, the CUP should limit the size of the restaurant to preclude future parking problems.

RECOMMENDATION
Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinance. Conditions listed below are the standard general conditions for eating and drinking establishments which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 1,465 square-foot eating and drinking establishment at 12784 Olive Boulevard.
2. Maximum seating permitted is limited to 32 seats indoors.
3. Hours of operation shall be 10:30am to 10:30pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

ACTION
If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it should vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION
The following is an example of an appropriate motion for this application:

"I move to recommend approval of Application #12-021 for a Conditional Use Permit for a eating and drinking establishment located at 12784 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of August 6, 2012" (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

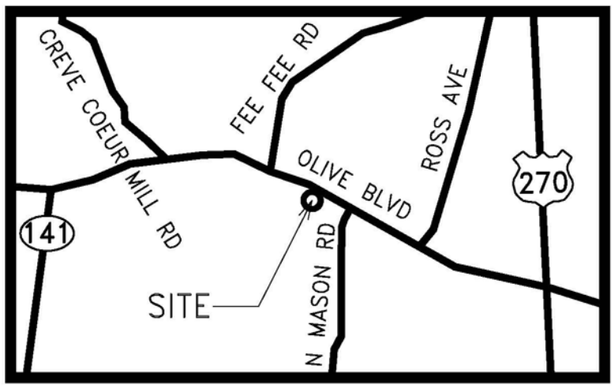
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO

APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/27/2012
	View of the proposed tenant space from the parking lot.
	View from in front of the proposed tenant space looking east.
	View from in front of the proposed tenant space looking northeast to Olive Boulevard.

CHINA KING RESTAURANT

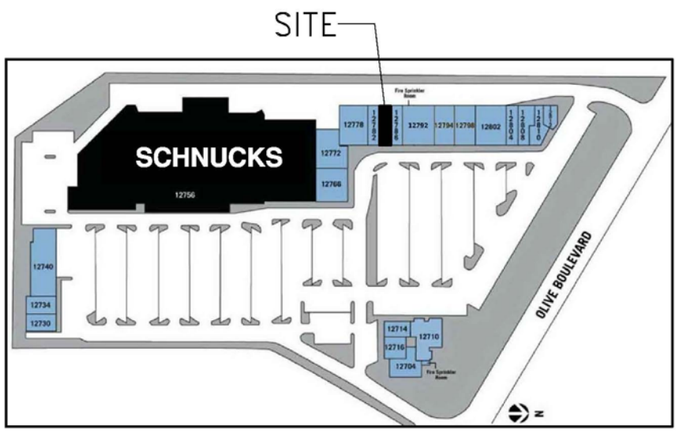
12784 OLIVE BLVD.,
ST. LOUIS, MISSOURI



N

LOCATION MAP

NOT TO SCALE



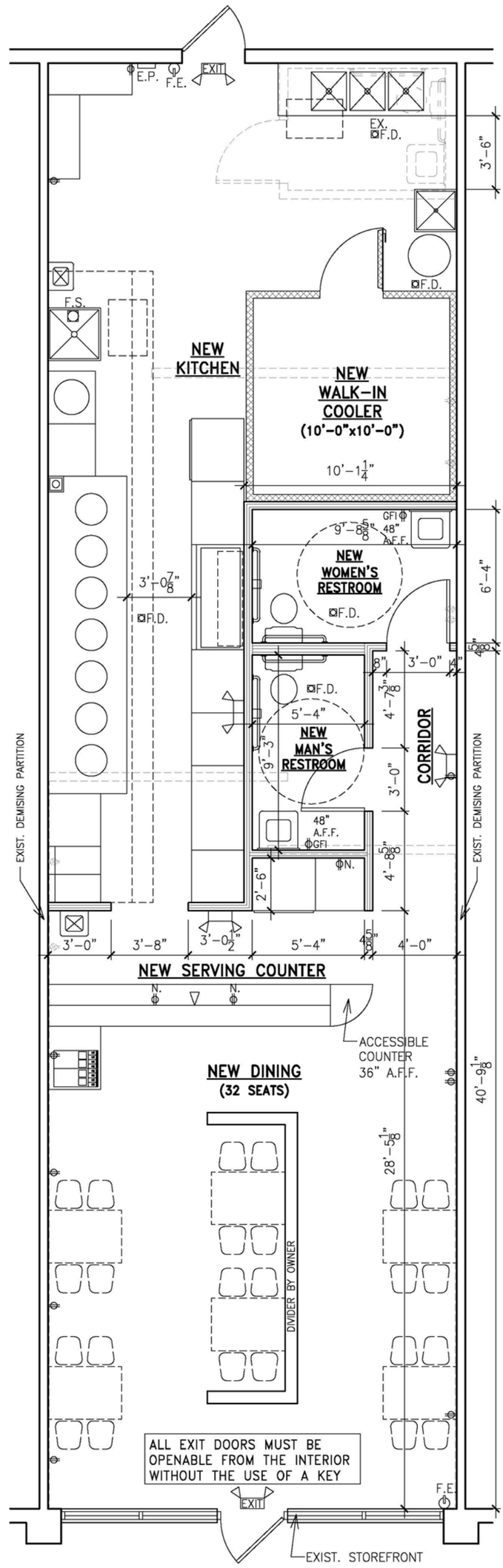
N

KEY PLAN

NOT TO SCALE

LEGEND:

- NEW PARTITION
- EXIST. PARTITION TO REMAIN
- REMOVE EXIST. ELEMENTS/PARTITION INCLUDING RELATED MEP COMPONENTS IN ITS ENTIRETY
- EXIST. ELECT. RECEPTACLE
- N. NEW ELECT. RECEPTACLE
- REMOVE EXIST. ELECT. RECEPTACLE
- EXIT — NEW COMBINATION EXIT LIGHT & EMERGENCY LIGHT UNIT
- NEW EMERGENCY LIGHT UNIT
- F.D. NEW FLOOR DRAIN
- EX. F.D. EXIST. FLOOR DRAIN
- F.S. NEW FLOOR SINK
- F.E. NEW FIRE EXTINGUISHER – TYPE "K" IN KITCHEN – 2A10BC IN OTHER AREA
- NEW TELEPHONE/DATA OUTLET
- E.P. EXIST. ELECT. PANEL
- EXIST. DOOR TO REMAIN: CHANGE TO ADA LEVER STYLE DOOR HANDLE AS REQUIRED
- 3068 NEW DOOR SELECTED BY OWNER



FLOOR PLAN

SCALE: 3/16"=1'-0"

PROJECT NO.: 1512	CHINA KING RESTAURANT	MAK ARCHITECTS, INC.	
DRAWING NO.: A-1	12784 OLIVE BLVD.,	ARCHITECTURE • PLANNING • INTERIOR DESIGN	
DATE: 07-03-12	ST. LOUIS, MISSOURI	8328-R Olive Blvd., St. Louis, Missouri 63132	
DRAWN BY: P.C.		(314) 997-3802 www.makarchitects.com	
		(314) 993-3761 (Fax)	

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

August 8, 2012

Mr. Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Drive
Saint Louis, MO 63146

Re: Application #12-021: New conditional use permit
China King Restaurant – 12784 Olive Boulevard

Mr. Amos:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a new conditional use permit for China King Restaurant located at 12784 Olive Boulevard within the Schnucks Bellerive Plaza Shopping Center.

By unanimous vote, the Planning Commission recommends approval of the new conditional use permit for China King Restaurant, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
G. Eidman, Chief of Police
S. Unser, Chief Building Official

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, AUGUST 6, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Gary Eberhardt, Chair
Dr. Michael Barton
Mr. James Faron
Ms. Cynthia Kramer
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314)487-2259

CHAIRMAN EBERHARDT: The Creve Coeur Planning & Zoning Commission for Monday, August 6th will come to order.

I'd like to begin by calling the roll.

Dr. Michael Barton?

MR. BARTON: Here.

CHAIRMAN EBERHARDT: James Faron?

MR. FARON: Present.

CHAIRMAN EBERHARDT: Ken Howard, absent. Cynthia Kramer, absent. Tim Madden, absent.

Jim Schnarr?

MR. SCHNARR: Present.

CHAIRMAN EBERHARDT: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN EBERHARDT: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN EBERHARDT: Ms. Whitney Kelly, City Planner?

MR. KELLY: Present.

CHAIRMAN EBERHARDT: And, Ms. Julie Lowery, Recording Secretary?

MS. LOWERY: Present.

(Cynthia Kramer is now present.)

2

CHAIRMAN EBERHARDT: Okay.

16

The next item will be another public hearing.

This one No. 12-021, Application for a New Conditional Use Permit for China King Restaurant located at 12784 Olive Boulevard within the Schnuck's Bellerive Plaza Shopping Center.

The applicant's representative is Mr. Amos.

MR. AMOS: Yes.

CHAIRMAN EBERHARDT: Are you Mr. Amos?

MR. AMOS: Yes, I am.

CHAIRMAN EBERHARDT: Would you state your name and address for the record, please.

MR. AMOS: Ned --

MR. KELLY: We need to be sworn.

CHAIRMAN EBERHARDT: Apologize. We need to have people sworn in.

(Speakers were sworn in by the court reporter.)

CHAIRMAN EBERHARDT: Anyone else who anticipates speaking on this matter?

Okay. Mr. Amos, please, go ahead.

MR. AMOS: Did you want me to state my name?

CHAIRMAN EBERHARDT: State your name on the record.

MR. AMOS: Okay. Ned Amos. I'm the owner of Cardinal Plumbing and Construction. I reside at 10452 Willowdale Drive, St. Louis, Missouri.

17

CHAIRMAN EBERHARDT: Thank you.

MR. AMOS: I am representing Mr. Chen and China King in the conditional use for a new sit down and dine in -- I mean carry out and dining restaurant located at 12784 Olive.

China King, this will be the seventh restaurant of a chain that they already own throughout St. Louis and in Illinois.

The restaurant will be open seven days a week, Monday through Saturday, from 10:30 till 10, and on Sunday from 11:30 to 10. They will also provide delivery in the surrounding area with call-in orders so.

CHAIRMAN EBERHARDT: Do you have -- want some

14 explanation about the document up there? Tell us where --
15 MR. AMOS: Okay. This -- we're located inside
16 of the Bellerive Shopping Plaza. Would be in the middle
17 of the nail salon and the insurance company located on the
18 north end of the -- the strip mall.
19 We will have 32 seats inside the restaurant.
20 We'll comply with everything as it relates to construction
21 as far as ADA restrooms and everything, and will be a
22 complete build-out for the kitchen.
23 CHAIRMAN EBERHARDT: Okay. Any questions from
24 anyone on the Commission?
25 Ms. Kelly.

18
1 MR. KELLY: Whitney Kelly, City Planner for the
2 City of Creve Coeur.
3 This is a conditional use permit within the
4 Schnuck's Bellerive Plaza Shopping Center for a new
5 restaurant eating and drinking establishment.
6 They are not proposing any changes to the
7 exterior of the building or any site -- or changes to the
8 site, therefore, staff analysis is relegated to the issue
9 of parking.
10 In 2007 DESCO received a variance request -- or
11 variance approval for 45 spaces, and at that time they did
12 an analysis of all the parking needed on site in
13 anticipation of receiving a St. Louis Bread Company
14 restaurant, what is now Dave & Tony's.
15 And as part of that variance study, they
16 anticipated an additional 35 parking spaces for this Bread
17 Company.
18 Dave & Tony's utilized the same space, however,
19 they only needed an additional 20 spaces -- parking

spaces. With this application at 32 seats, that is an additional eleven. That's still within the variance requested provided, and, therefore, we do not foresee any issues with the parking on site.

The conditions that are listed in the staff report are typical conditions for all eating and drinking

19

establishments regarding signage and make-up -- yeah, parking of the delivery vehicles from Olive Boulevard so.

CHAIRMAN EBERHARDT: Any questions from the Commission?

MR. FARON: So to be clear, we actually have a one spot surplus than when they come in under that other variance?

MR. KELLY: Actually, we would have a five parking space surplus.

When I looked at this analysis before, it's still under -- the Bread Company was requiring 35 parking spaces; Dave & Tony's has a maximum seating of 60, so that requires 20 spaces, and this would -- is an additional eleven, so that's 32, so we are actually under those -- we still have a surplus of five parking spaces. And that's still taking into consideration the -- the green space of the prior project for the intersection --

MR. FARON: Uh-huh.

MR. KELLY: -- that will be --

MR. FARON: So with their additional, plus this one, we're coming up with the five extra plus?

MR. KELLY: Right.

MR. FARON: And that is in addressing the previous entrance changes that you made?

25 MR. KELLY: Correct.

1 MR. FARON: Thank you.
2 CHAIRMAN EBERHARDT: Any other questions?
3 MS. KRAMER: Yeah.
4 CHAIRMAN EBERHARDT: Yes, I'm sorry, Ms. Kramer.
5 MS. KRAMER: I want to -- just on the signage.
6 So there will be -- any changes will be brought to you,
7 correct?
8 MR. KELLY: Correct.
9 MS. KRAMER: Okay.
10 MR. KELLY: The condition is that all signage
11 has to meet with our Sign Code Ordinance so.
12 MS. KRAMER: Great. Thank you.
13 CHAIRMAN EBERHARDT: Questions? Comments?
14 All right. I'll declare the public hearing
15 closed.
16 Mr. Lumley, will you please read into the
17 record.
18 MR. LUMLEY: Offer the following exhibits into
19 the record of this public hearing: Documentation in
20 possession of the City Clerk reflecting the notice to the
21 public concerning the hearing, staff's report regarding
22 the application, City's Code of Ordinances and Charter,
23 the City's Comprehensive Plan, and the public file
24 regarding the application.
25 CHAIRMAN EBERHARDT: Thank you.

1 (The public hearing was closed.)
2
3 STATE OF MISSOURI)
) SS
4 COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

BILL NO. 5381 **ORDINANCE NO. _____**

AN ORDINANCE APPROVING A MASTER SIGNAGE PLAN PURSUANT TO SECTION 405.950.6 OF THE CITY OF CREVE COEUR'S CODE OF ORDINANCES FOR THE CONGREGATION B'NAI AMOONA AND SAUL MIROWITZ JEWISH COMMUNITY SCHOOL CAMPUS LOCATED AT 324 S. MASON ROAD

WHEREAS, an application was submitted by the Summit Sign and Graphics, on behalf of Saul Mirowitz Jewish Community School for a Master Signage Plan for the Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School campus located on 324 S. Mason Road, pursuant to Section 405.950.6 of the City of Creve Coeur's Code of Ordinances, to include new signage throughout the campus; and

WHEREAS, the boundaries of the Master Signage Plan will be for the entire development including all existing and proposed signage as demonstrated in the Plan dated August 8, 2012 and attached as Exhibit 1; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on July 16, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard; and

WHEREAS, the Planning and Zoning Commission reviewed and by an 5-0 vote recommended approval of the Plan subject to certain conditions at its meeting on Monday, August 6, 2012; and

WHEREAS, a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and this Bill having been read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that approving the Plan subject to certain conditions would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

Section 1: A Master Sign Plan is approved for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus pursuant to Section 405.950.6 in the "A" Single Family Residential zoning district whose legal description is as follows:

> Parcel Number 1:
> A tract of land In Section B, T 45N, R 5 E, being part of a larger tract conveyed to P. William Hoffman by deed recorded in Book 782, Page 292, SL Louis County Records and described as:

Beginning at a point in the eastern line of tract described by the above mentioned deed, distant N 01° 09' 00" W, 348.30 ft from Its Intersection with the northern line of Conway Road, 60 ft wide; thence along the eastern line of tract so convoyed, N 01° 09' 00" W, 720.55 ft to a point, hence along the western line of tract conveyed to said F. William Hoffman by above mentioned deed S 01° 09' 00" E, 869.56 ft to a point and thence S 89° 04' 00" E, 720.69 ft to the place of beginning.

Parcel Number 2:
A tract of land in Section b, T 45 N R 5 E, and being part of the larger tract conveyed to Leo Hoffman by deed recorded In Book 782, Page 291, SL Louis County Records, and described as:

Beginning at an Iron pipe in the eastern line of Mason Road, 40 ft wide, being In the northern line of the tract conveyed to Clarence WJ Hoffman and wife, by deed recorded In Book 3540, Page 2 of the SL Louis County Records; thence along the northern line of tract so conveyed, N 86° 42' 30" E, 335.08 ft to an iron pipe at northwestern comer of tract conveyed in last mentioned deed; thence along the east line of tract conveyed in last mentioned deed S 03° 17' 30" E, 260.00 ft. to the southeast comer thereof; thence N 86° 42' 30' E, 378.25 ft to a point In the eastern line of tract conveyed to Leo Hoffmann by the first above mentioned deed, thence along the east line of tract so conveyed N 0I° 09' 00" W, 869.56 ft. to a point; thence N 89° 29' 00" W, 286.20 ft to a concrete monument; thence N 00° 25' 00" W, 50.00 ft. to the southeast comer of tract conveyed to Ronald E. Hoffmann by deed recorded In Book 3544; Page 200 of the SL Louis County Records, and thence along the south line of tract so conveyed N 89° 29' 00" W, 463.57 ft to a concrete monument in the east line of Mason Road, 40 ft wide, and thence along said eastern line S 03° 17' 30" E, 708.64 ft to the place of beginning EXCEPTING THEREFROM the west 15.00 feet conveyed to ST. Louis County, MO for the widening of Mason Road by deed recorded In Book 7255, Page 2416.

Parcel Number 4:
A tract of land in Lot 2 of the Subdivision of Melvina Smith's Estate in the E 1/2 of the SE 1/4 of Section B, T .45 N, R 05 E, and described as follows:

Beginning at the northwest comer of said Lot 2; thence S 01° 09' 00" E, along the west line of said Lot 2, 815.97 ft to the northwest comer of a tract conveyed to Jacobs Bair by deed recorded In Deed Book 20, Page 436 of St. Louis County Records; thence S 88° 38' 00" E, along the north line of said Bair property, 104.38 ft to the northeast comer of said Bair property; thence N 01° 09' 00" W, along the northward north line of said Lot 2; thence N 89° 29' 00" W, along the north line of said Lot 2, 104.32 ft to the point of beginning.

Parcel Number 5:
A tract of land in Section B, T 45 N, R 05 E, St. Louis County, Missouri, and described as follows:

Beginning at a point in the eastern line of Mason Road, 40 ft wide, said point being the northwestern comer of property conveyed to Southern Missouri District Council of the Assemblies of God by deed recorded In Book 6711, Page 57 of the St. Louis County Records; thence along said road line N 03° 17' 00" W, 270.00 ft to its intersection with

the northern line of property conveyed to Clarence WJ Hoffmann and wide by deed recorded in Book 4574, Page 232 of the St. Louis County Records; thence along said Hoffmann's northern line N 86° 43" 00' E, 335.08 ft to the northeast comer thereof; thence along said Hoffmann's eastern line S 03° 17' 00" E, 260.00 ft to the southeastern comer thereof, said point being an angle point In the northern line of property conveyed to Southern Missouri District Council of the Assemblies of God, as aforementioned; thence along said northern line N 86° 43' 00" E, 28.42 ft to a point thence leaving said northern line and running S 03° 17' 00" E, 135.00 feet to a point; thence leaving said point and running S 86° 43' 00" W, 363.50 ft to a point in the eastern line of Mason Road, as aforementioned; thence along said road line N 03° 17' 00" W, 125.00 ft to the point of beginning.

SECTION 2: Such approval of the Master Signage Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus shall be subject to the following conditions:

1. The applicant shall submit sign permit and/or building permit applications for proposed signs referred to in the Master Sign Plan that currently do not possess a sign permit.
2. The applicant shall follow the Master Signage Plan dated August 8, 2012 for all new or altered signage on the campus, as approved by the City of Creve Coeur. The location, size, shape, color, type, and design of each sign shall not substantively depart from the Master Sign Plan, unless approved by the City of Creve Coeur.
3. Light pole banners are not permitted.
4. No additional signage is allowed for the campus.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

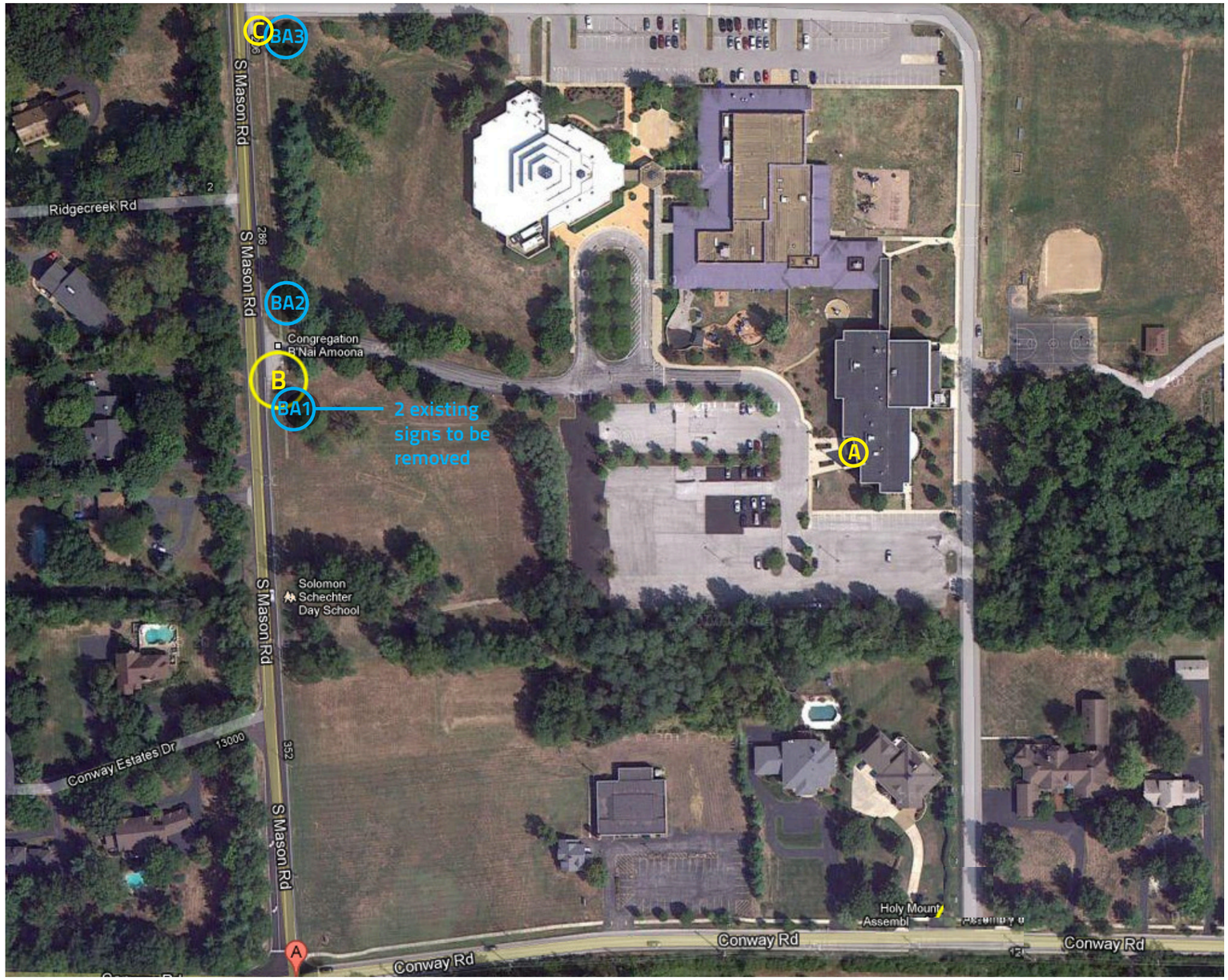
_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK



Proposed New Signage

A **Custom Fabricated Sign**
- located at front entrance

B **Post and Panel Sign System-**
located at Mason Rd entrance

C **Post and Panel Sign System-**
located North side at Mason Rd

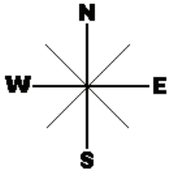
Existing Signage

BA1 **B'Nai Amoona**
2 signs slated for removal
1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 **B'Nai Amoona-**
Concrete Monument Sign
located North side of entrance
at Mason Rd.

BA3 **B'Nai Amoona-**
1 sign slated for removal
Sanctuary Identification Sign
located North side at Mason Rd.

Please go to page 2-5 for specific Details of Signage



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

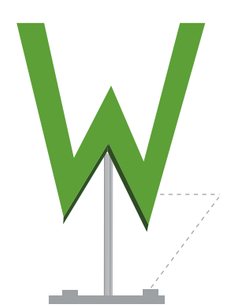
Date _____

Proposed New Signage

Ⓐ Custom Fabricated Sign
- located at front entrance

TOTAL QTY: 1

Color Details



12" Flat Cut Metal Letters
-Letters Stud-Mounted to Awning
-.125" Flat Cut Out Aluminum letters
-Painted-edges painted
-to have nutserts welded on backs with 1/4" x 4" all threads

Welded contstruction
-Letters Welded to steel beam
-Reverse channel letters (estimated 2" deep)
- Non Illuminated w/ aluminum backs
-1/4" Nutserts with 6" long all thread
-Painted 4 different colors (matthew's paint finish)
-Mounted on square tube pedestals with 6" mounting platesrts with 6" long all thread

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

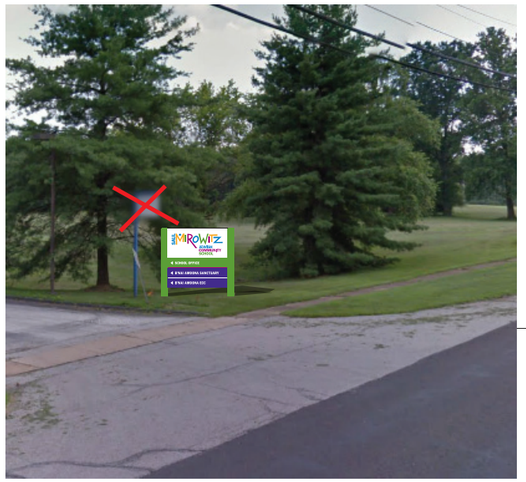
City of Creve Coeur, Missouri
Saint Louis County

Date _____

Proposed New Signage

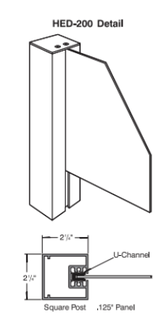
(B) Post and Panel Sign System- located at SouthMason Rd. entrance

TOTAL QTY: 1



Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

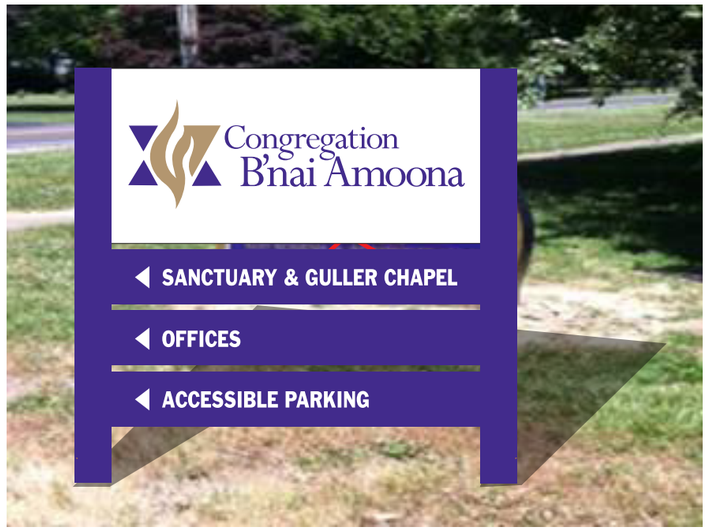
City of Creve Coeur, Missouri
Saint Louis County

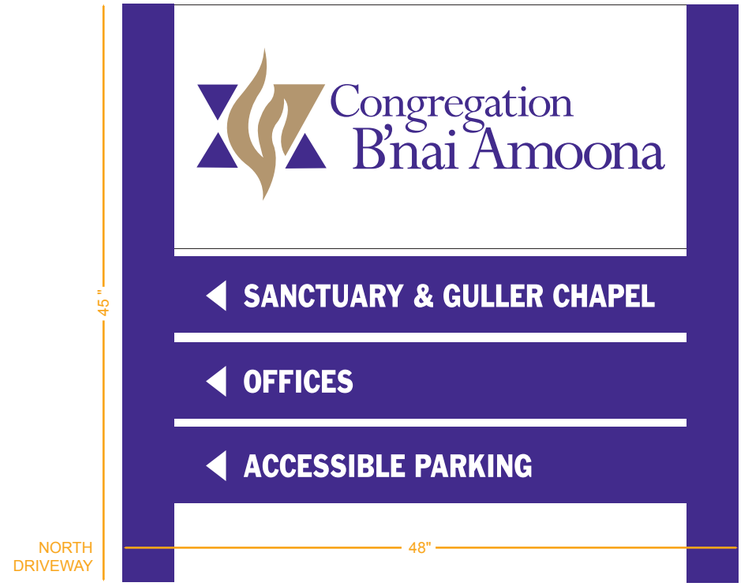
Date _____

Proposed New Signage

Ⓒ Post and Panel Sign System- located at North Mason Rd. entrance

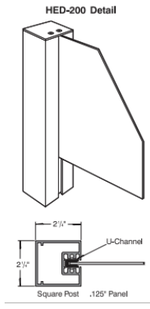
TOTAL QTY: 1





Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

Existing Signage

BA1 B'Nai Amoona — TOTAL QTY: 2

2 signs slated for removal

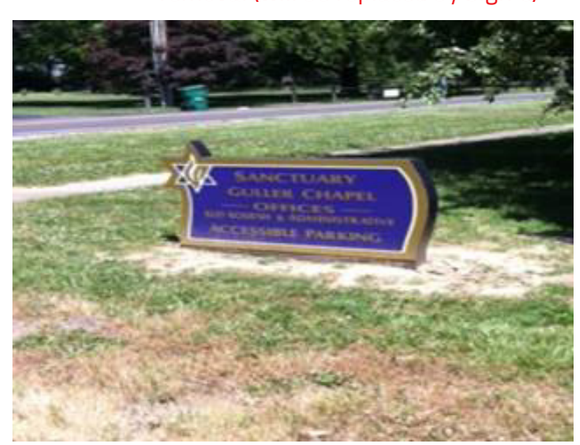
1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 B'Nai Amoona- Concrete Monument Sign — TOTAL QTY: 1

located North side of entrance
at Mason Rd. - WILL REMAIN

BA3 B'Nai Amoona- Sanctuary Identification Sign — TOTAL QTY: 1

located North side at Mason Rd. - Slated for removal (will be replaced by Sign C)



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION #12-018 FOR APPROVAL OF A MASTER SIGN PLAN FOR THE SAUL MIROWITZ & B'NAI AMOONA CAMPUS AT 324 S. MASON ROAD

FOR THE MEETING OF: August 6, 2012

LOCATION: 324 S. Mason Road

REQUEST: Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a revised request for approval of a Master Sign Plan to allow for new signs on the campus that include new building sign for the school, and two new directional signs along Mason Road, replacing the existing signs.

ADDITIONAL INFORMATION: The 32.8 acre campus is located at 324 S. Mason Road (see attached map) at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District Section 405.950.6 Master Signage Plans allows for consideration of a comprehensive plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council for residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres.

Key Issues:
- Consistency in design, materials, and siting
- Visual clutter
- Protection of pedestrian and vehicular traffic safety from the proliferation of signs.

Comp. Plan References
- Design Guidelines

Zoning Code References
- Article VIII Sign Regulations
- 405.940 Signs in Residential Districts
- 405.950.6-Master Signage Plans

APPLICANT: Patty Bloom
Director of Admissions
and Marketing
Saul Mirowitz Jewish
Community School

REPORT PREPARED BY: Whitney Kelly, AICP, City Planner — 8/3/2012 Date

ATTACHMENTS: Applicant's revised materials
Draft Ordinance
Staff Report from July 16, 2012 P & Z Commission Meeting

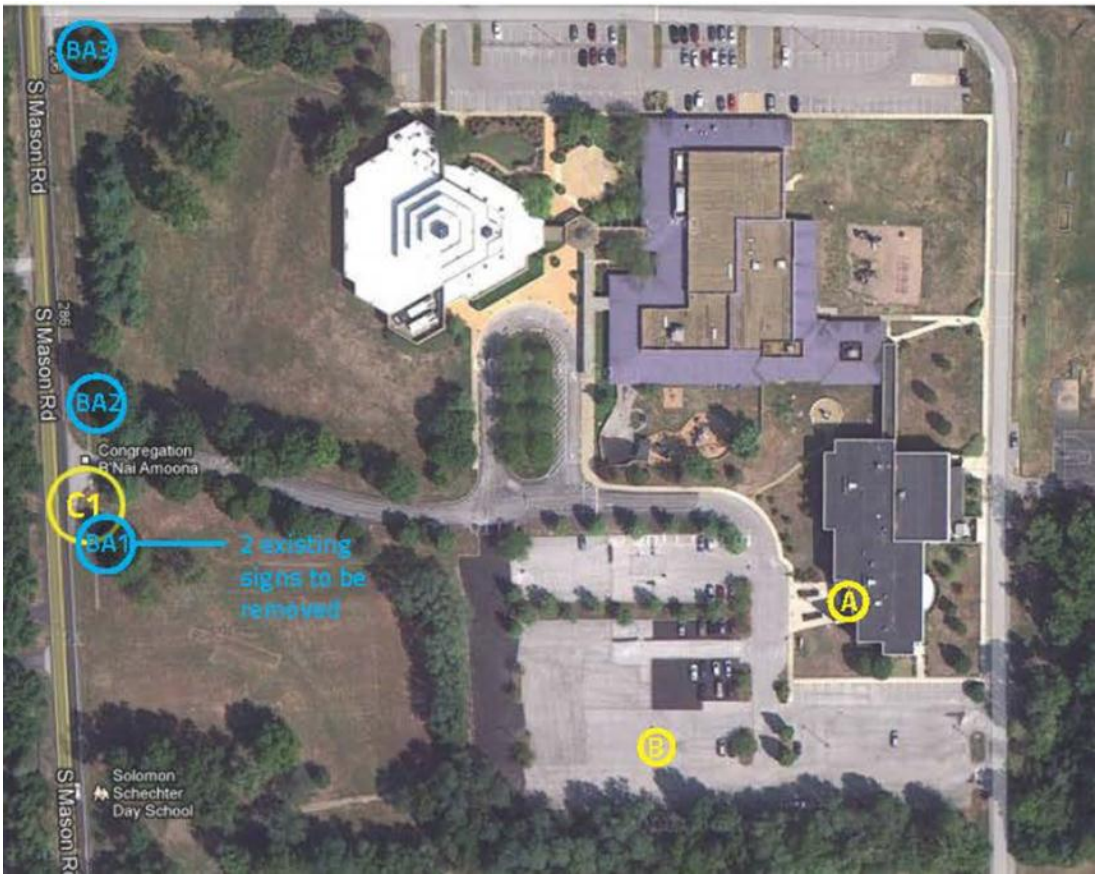
BACKGROUND

B'nai Amoona Congregation received approval for a site development plan and conditional use permit for the Solomon Schechter Day School in 1999. The 32.8 acre campus is located at 324 S. Mason Road at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District.

Saul Mirowitz Jewish Community School, which is leasing the former the Solomon Schechter Day School space, submitted a request for approval of a Master Sign Plan to allow for new signs on the campus. During the July 16th Planning and Zoning Commission meeting, Commission members continued the discussion to the August 6th, so that the applicant could revise the plan to address concerns with the proposal's lack of conformity with the zoning code requirements.

REVISED MASTER SIGN PLAN PROPOSAL

The applicants have revised the directional signage at the north, identified as BA3 in the prior plan, and south entrance, identified as C1 on the prior plan map below, along Mason Road to provide for a unifying design elements of the signs, and will not pursue the light-pole banners for the south parking lot.

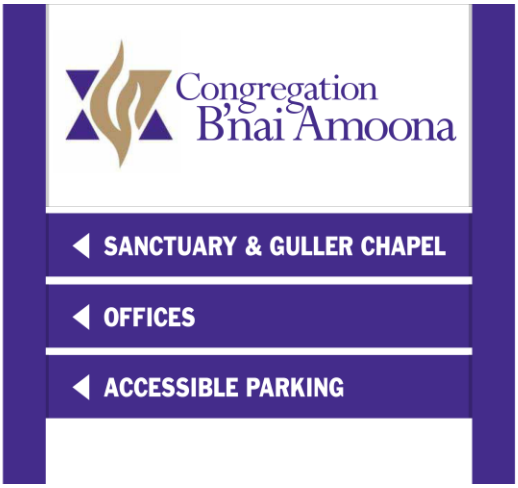


Map of sign locations at the B'Nai Amoona Congregation & Saul Mirowitz Jewish Community Day School

Therefore, the new signs include a 68.6 square-foot Saul Mirowitz sign placed over the entrance canopy of the school, and the 20 square-foot tag line for "Jewish Community School" attached to the face of the canopy (as pictured below).

Building Signage (A)

Two new 4 feet high, 15 square-foot, parking direction signs along Mason Road at the north and south entrances have been redesigned to appear as follows:



The existing ground sign for the B'nai Amoona along S. Mason Road, will remain.

CONCLUSION AND ACTION

With these changes, Staff find the request to be consistent with the intent of the Master Sign Plan, and the Design Guidelines, and requirements of Article VIII, Sign Regulations of the Zoning Ordinance. If the Commission members finds the attached draft ordinance to be in conformance with the purposes and regulations of the Zoning Code, it should vote on a recommendation to the City Council for approval. Action on the proposal will come in the form of a recommendation of approval, approval with conditions, or denial. The following is an example of an appropriate motion for this application:

> "I move to recommend approval of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of August 6, 2012" (conditions may be added, eliminated, or modified by preceding motion)

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

SAUL MIROWITZ JEWISH COMMUNITY SCHOOL

◀ SCHOOL OFFICE

◀ B'NAI AMOONA SANCTUARY

◀ B'NAI AMOONA ECC

Congregation B'nai Amoona

◀ SANCTUARY & GULLER CHAPEL

◀ OFFICES

◀ ACCESSIBLE PARKING

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION #12-018 FOR APPROVAL OF A MASTER SIGN PLAN FOR THE SAUL MIROWITZ & B'NAI AMOONA CAMPUS AT 324 S. MASON ROAD

FOR THE MEETING OF: July 16, 2012

LOCATION: 324 S. Mason Road

REQUEST: Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a request for approval of a Master Sign Plan to allow for new signs on the campus that include light pole banners, new building sign, and directional signage. The 32.8 acre campus is located at 324 S. Mason Road (see attached map) at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District

ADDITIONAL INFORMATION: Section 405.950.6 Master Signage Plans allows for consideration of a comprehensive plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council for residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres.

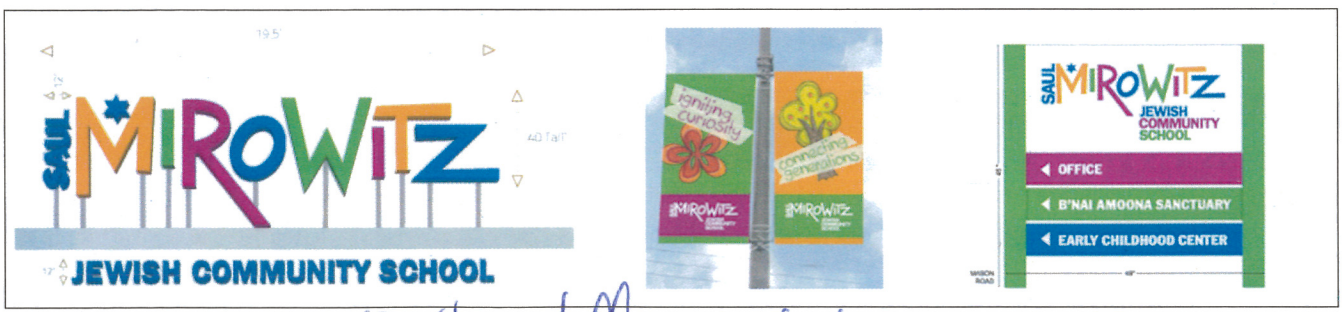
Key Issues:
- Consistency in design, materials, and siting
- Visual clutter
- Protection of pedestrian and vehicular traffic safety from the proliferation of signs.

Comp. Plan References
- Design Guidelines

Zoning Code References
- Article VIII Sign Regulations
- 405.940 Signs in Residential Districts
- 405.950.6-Master Signage Plans

APPLICANT: Patty Bloom
Director of Admissions and Marketing
Saul Mirowitz Jewish Community School

APPLICANT'S REPRESENTATIVE: Andy Hrdlicka
Summit Sign and Graphics
330 Southport Drive
Columbia, Illinois 62236



REPORT PREPARED BY: Whitney Kelly 7/12/2012

Whitney Kelly, AICP — Date
City Planner

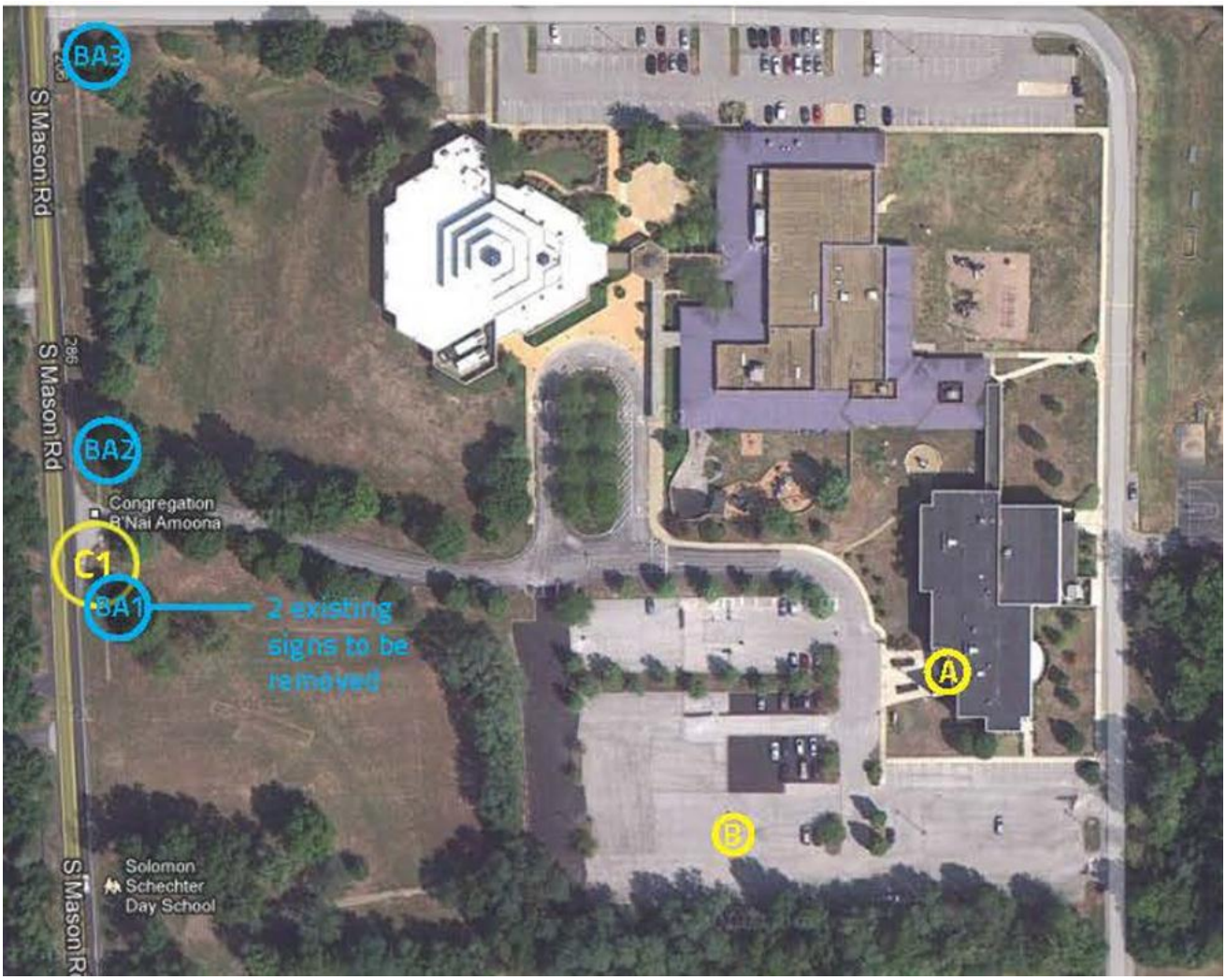
ATTACHMENTS: Draft Ordinance
Applicants Materials, received June 11, 2012

BACKGROUND

B'Nai Amoona Congregation received approval for a Site Development Plan and Conditional Use Permit for the Solomon Schechter Day School in 1999. The 32.8 acre campus is located at 324 S. Mason Road at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District.

MASTER SIGN PLAN PROPOSAL

Andy Hrdlicka of Summit Sign and Graphics, on behalf of Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a request for approval of a Master Sign Plan to allow for new signs on the campus that include light pole banners, new building signage, and directional signage, along with maintaining the existing ground sign for B'Nai Amoona Congregation (identified as BA2 on the map below and pictured) and the parking direction sign for the north entrance (identified as BA3 on the map below and pictured).



Map of sign locations at the B'Nai Amoona Congregation & Saul Mirowitz Jewish Community Day School

Existing Ground sign to remain (BA2)

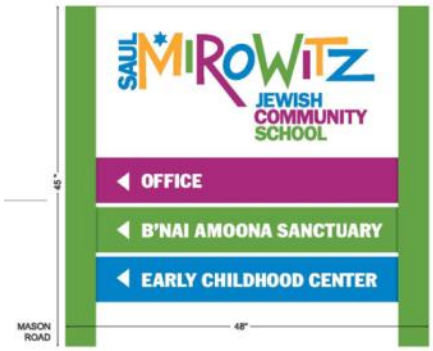
Existing parking direction sign to remain (BA3)

New signs include a 68.6 square foot Saul Mirowitz sign placed over the entrance canopy of the school, and the 20 square foot tag line for Jewish Community School attached to the face of the canopy (as pictured below)

Building Signage (A)

The applicant is also proposing to add 10 light pole banners, located in the south parking lot (identified as B on the map above and shown below), and to replace the existing parking direction sign for the south entrance with a new 15 square foot parking direction sign along Mason Road (identified as C1 and shown below).

Example of the light pole graphics located in the south parking area (B)



New parking direction sign along Mason Road (C1)

Existing parking direction sign to be removed (BA1) and replaced with the above proposed sign

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residential	"A" Single Family Residential	NA
South	Residential	"A" Single Family Residential	NA
East	Residential	"A" Single Family Residential	NA
West	Residential	City of Town and County	S. Mason Road

COMPREHENSIVE PLAN REVIEW
The Comprehensive Plan does not provide much direction in sign review, except recommend that they City ensure that non-residential development is compatible with adjacent residential development (page 23).

The Design Guidelines offer further recommendations in reviewing signs, by recommending that sign plans include a consistency of materials, siting, and design, while allowing for individual identification. Specifically, all signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. New signs proposed for existing buildings should provide a compatible appearance with other building signage. Where no sign program exists there should be an attempt to bring in a unifying element (such as size). (Chapter 5, page 17)

The purpose of the master sign plan is to ensure that the overall design themes for signs are incorporated throughout the campus setting in a comprehensive manner, but to also allow for different tenant identification beyond what the existing sign regulations allow. As the proposed signs are within a residential setting and will have a greater visual impact on the surrounding community, a unifying design theme is critical to meet with the intent of the Design Guidelines and the Comprehensive Plan. Having competing signs on one campus creates visual clutter. The proposed signs provide no unifying theme with the existing signs on the campus, nor do they relate to the surrounding residential development. The use of inconsistent materials, particularly

with the competing parking direction signs and the ground sign along Mason Road, as well as the light pole banners concentrated on one side of the campus, visually divides the campus when it should be tying it together. Therefore the proposed Master Sign Plan for the B'Nai Amoona/Saul Mirowitz Campus is inconsistent with the Comprehensive Plan and the Design Guidelines.

ZONING CODE REVIEW

All signs within the City are regulated under Article VIII of the Zoning Ordinance. The purpose of the Sign Regulations are to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety, and to lessen confusion and visual clutter caused by a proliferation of signs competing for attention. Signs in residential districts are limited to 12 square feet for wall signs, and light pole banners are limited to non-residential districts. Relevant sections of the Sign Regulations are below:

Article VIII SIGN REGULATIONS OF THE ZONING ORDINANCE

Section 405.940 SIGNS IN RESIDENTIAL DISTRICTS

E. Institutional Uses In Residential Districts.

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with changeable copy or may be an on-premises permanent sign. In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises.
2. Low monument signs. An institutional use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign used primarily for identification or as a bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria:
   a. The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; or
   b. The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard.
3. Campus monument sign. An institutional use occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign identifying the institutional campus or complex in accordance with the following standards:
   a. Maximum sign area. Sixty (60) square feet.

b. Maximum area per sign face. Twenty-four (24) square feet.
c. Maximum height. Six (6) feet above prevailing base grade.
d. Setback from right-of-way. Fifteen (15) feet.

4. Parking direction signs. One (1) freestanding parking direction sign, which may be internally illuminated subject to Section 405.930(F) shall be permitted for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign does not exceed fifteen (15) square feet in gross sign area per face, the sign height does not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and may contain the name and logo of the institution in addition to messages providing directional information.

However, the Master Signage Plan allows for deviation from the sign regulations on large campuses in order to provide for a more consistent program as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development. All signs shall be in scale and harmonious with the development and provide an overall design them throughout the campus in a comprehensive manner.

6. *Master signage plans*--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and campuses, the following options may be applicable to signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):
   a. As an alternative, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs, as well as the nature of the information to be displayed on the signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.
   b. In addition, a plan for off-site directional signs in commercial districts which identify commercial centers and institutional campuses may be recommended by the Planning and Zoning Commission and approved by the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the signage plan, as well as the nature of the information to be displayed on each sign. All such signs shall be located within the "CB" Core Business District,

"PH" Planned Hospital District or "HE" Higher Education District. Off-site signage is not permitted in residential districts.

c. Any application submitted pursuant to Subsection (6)(a) or (b) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.

d. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in Section 405.1080. All proposed signs shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

The proposed B'Nai Amoona/Saul Mirowitz Campus Master Sign Plan is inconsistent with the intent of the Zoning Code provision for master sign plan as there is no unifying comprehensive approach to the campus setting and the residential character of the zoning district, as outlined in the Design Guidelines discussion above.

CONCLUSION AND ACTION

It is Staff's opinion that the absence of a unifying element is inconsistent with the intent of the Master Sign Plan, and the Design Guidelines. However, if the Planning and Zoning Commission believe the Master Sign Plan proposal for the B'Nai Amoona/Saul Mirowitz Campus is consistent with the purpose and requirements of Article VIII, a recommendation to the City Council for approval is necessary. Action on the proposal will come in the form of a recommendation of approval, approval with conditions, or denial. The following is an example of an appropriate motion for this application:

> "I move to recommend approval of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of July 16, 2012" (conditions may be added, eliminated, or modified by preceding motion).

If the Commission members wish to defer the recommendation to the following meeting to allow the applicant to modify the designs to be consistent with the Design Guidelines and the Master Sign Plan provision, the following is an example of an appropriate motion:

> "I move to recommend deferral of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, until the August 2nd meeting date to allow the applicant to address the concerns raised in the staff report for the meeting of July 16, 2012"

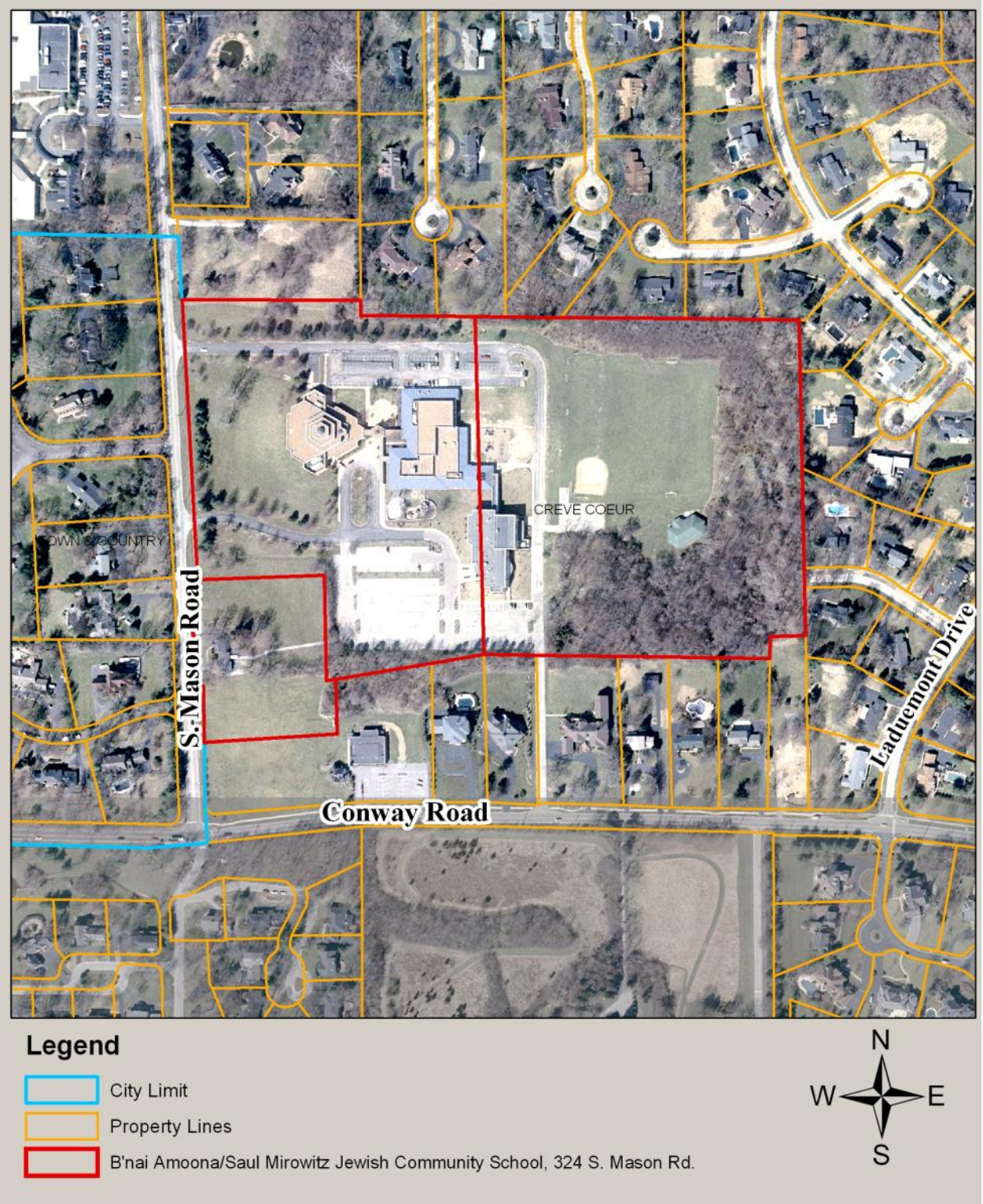
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

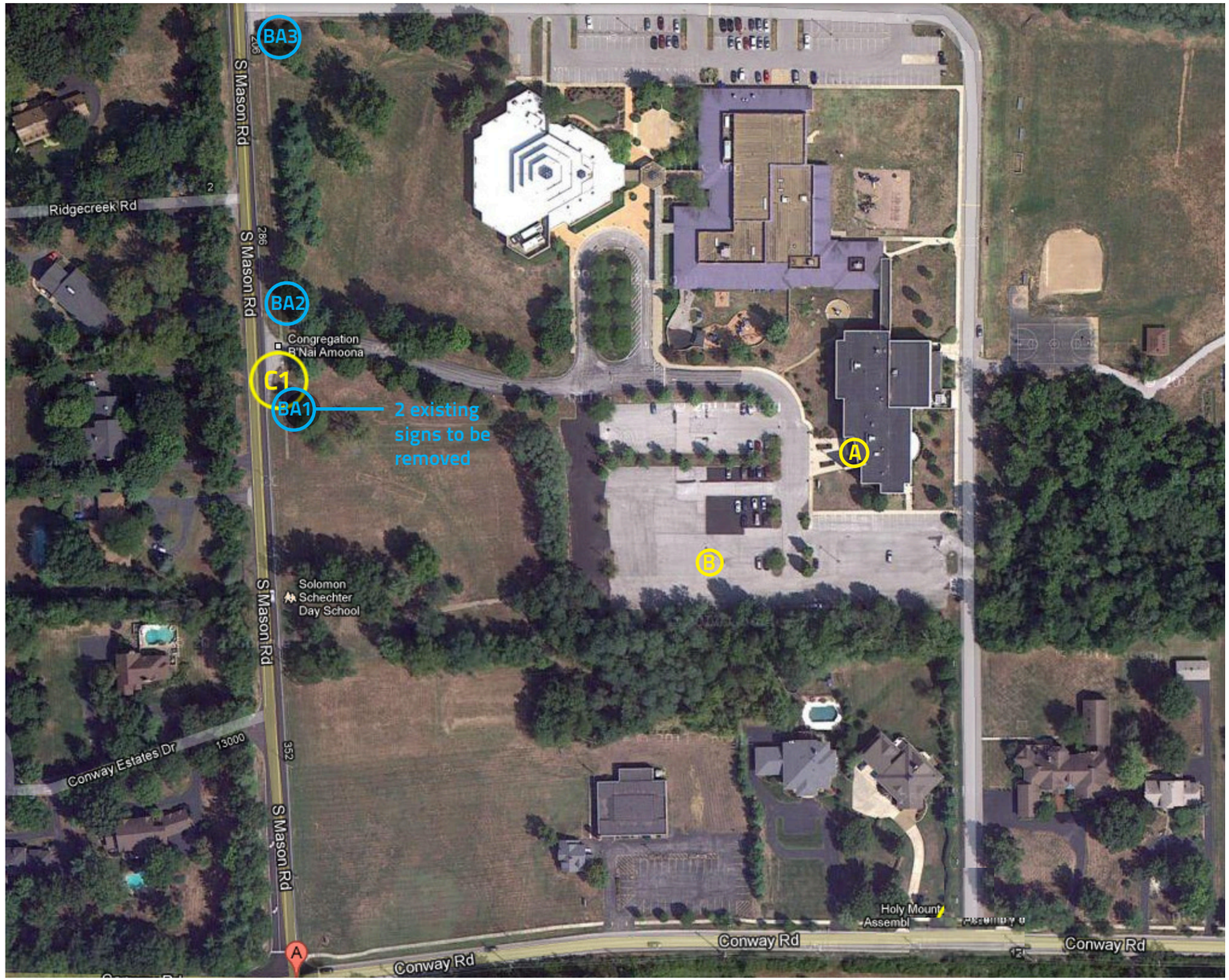
APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/09/2012 and 7/12/2012
	Picture of the existing school building where the proposed building signage will be located.
	View of the existing ground monument sign that is proposed to remain.
	View of the existing parking direction sign at the north entrance along Mason Road that is proposed to remain.

	View of illegal temporary signs at the north entrance.
	View of the illegal temporary banner within the south parking lot.
	View of the pole sign proposed for removal at the south entrance from Mason, along with the low parking direction sign that matches the one at the north entrance. (Note: approval of the existing, low parking direction sign required removal of the pole sign. In other words, the pole sign will need to be removed either way.)

	View looking south along Mason Road, from the southern entrance into the campus.
	View looking north along Mason Road at the southern entrance into the campus.



Proposed New Signage

A Custom Fabricated Sign
- located at front entrance

B Pole Banners
- located on light posts in parking lot

C1 Post and Panel Sign System-
located at Mason Rd entrance

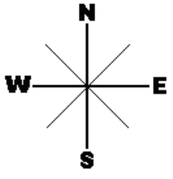
Existing Signage

BA1 B'Nai Amoona
2 signs slated for removal
1-purple sign, 1- blade sign located South side of entrance at Mason Rd.

BA2 B'Nai Amoona-
Concrete Monument Sign
located North side of entrance at Mason Rd.

BA3 B'Nai Amoona-
Sanctuary Identification Sign
located North side at Mason Rd.

Please go to page 2-5 for specific Details of Signage



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

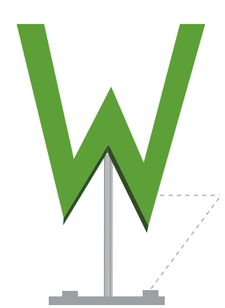
Date _____

Proposed New Signage

Ⓐ Custom Fabricated Sign
- located at front entrance

TOTAL QTY: 1

Color Details



12" Flat Cut Metal Letters
-Letters Stud-Mounted to Awning
-.125" Flat Cut Out Aluminum letters
-Painted-edges painted
-to have nutserts welded on backs
with 1/4" x 4" all threads

Welded contstruction
-Letters Welded to steel beam
-Reverse channel letters (estimated 2" deep)
- Non Illuminated w/ aluminum backs
-1/4" Nutserts with 6" long all thread
-Painted 4 different colors (matthew's paint finish)
-Mounted on square tube pedestals with 6"
mounting platesrts with 6" long all thread

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

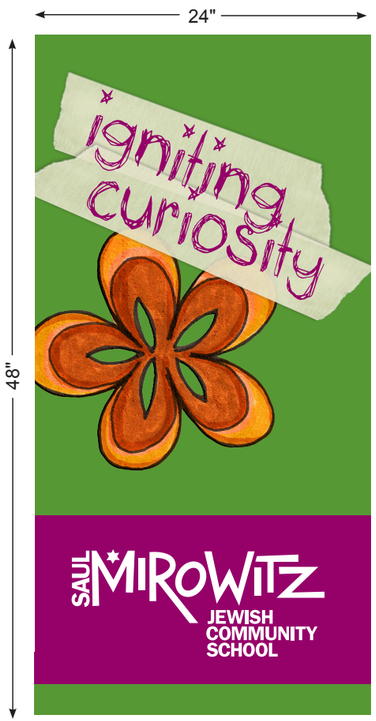
Date _____

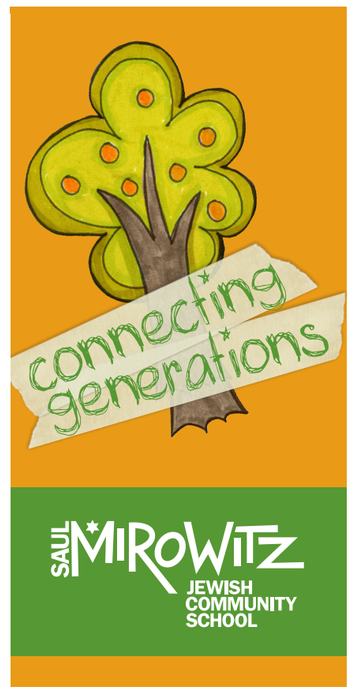
Proposed New Signage

Ⓑ Pole Banners
- located on light posts in parking lot

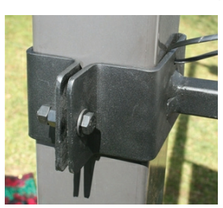
TOTAL QTY: 10 (5 of each color)

These designs will alternate on each side of the pole





Vinyl Banners
-Durable 13 oz scrim vinyl (extra strong)
-Digitally Printed and Double-sided
-Mounted with two way iron straight arm brackets to light poles



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

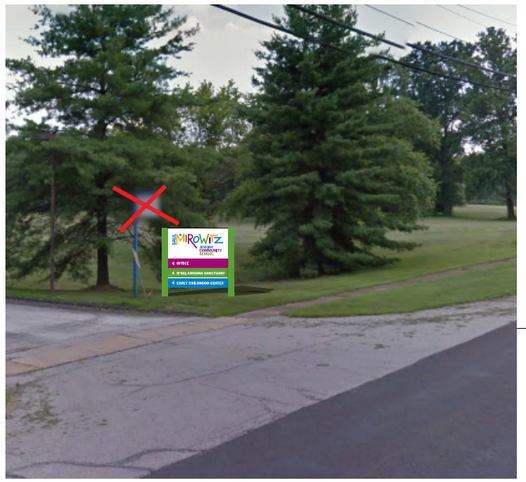
City of Creve Coeur, Missouri
Saint Louis County

Date _____

Proposed New Signage

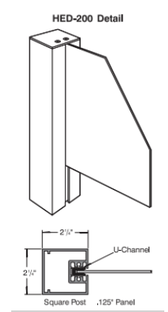
C1 Post and Panel Sign System-
located at Mason Rd. entrance

TOTAL QTY: 1



Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

Existing Signage

BA1 **B'Nai Amoona** **TOTAL QTY: 2**
2 signs slated for removal

1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 **B'Nai Amoona-** **TOTAL QTY: 1**
Concrete Monument Sign

located North side of entrance
at Mason Rd. - WILL REMAIN

BA3 **B'Nai Amoona-** **TOTAL QTY: 1**
Sanctuary Identification Sign

located North side at Mason Rd. -
WILL REMAIN

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

August 7, 2012

Ms. Patty Bloom
Director, Admissions and Marketing
324 S. Mason Road
Creve Coeur, MO 63141

Re: Application #12-018: Application for approval of a master sign plan
Saul Mirowitz and B'Nai Amoona Campus – 324 S. Mason Road

Ms. Bloom:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a master sign plan for the Saul Mirowitz/B'Nai Amoona Campus at 324 S. Mason Road.

By unanimous vote, the Planning Commission recommends approval of the Master Sign Plan for the Saul Mirowitz/B'Nai Amoona Campus, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
G. Eidman, Chief of Police
S. Unser, Chief Building Official

CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 16, 2012
7:00 P.M.

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 16, 2012, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: ***Mr. Timothy Madden, Chair***
Dr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Ms. Cynthia Kramer
Mr. Jim Schnarr

OTHERS PRESENT: ***Mr. Carl Lumley, City Attorney***
Mr. Paul Langdon, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner

A. PUBLIC HEARING
Application #12-018: Request for approval of a Master Sign Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School Campus at 324 S. Mason Road.

Applicant/Agent: Patty Bloom
Director of Admissions and Marketing
Saul Mirowitz Jewish Community School
Applicant's Representative: Andy Hrdlicka
Summit Sign and Graphics
330 Southport Drive
Columbia, IL 62236

Ms. Whitney Kelly, City Planner, presented the application submitted by Saul Mirowitz Jewish Community School, for a Master Sign Plan. Ms. Kelly explained they are seeking a new wall sign, 10 light pole banners located in the south parking lot, replacement of an existing parking directional sign on Mason Road, and maintenance of the existing sign and low ground sign. Staff finds that all the signs are in competition with each other, are not compliant with the City's Comprehensive Plan nor the design guidelines, and therefore does not recommend approval of this request.

Ms. Kramer disclosed, for the record, that she is a longstanding member of the Congregation B'Nai Amoona and believes that the Mirowitz School is what is really being presented and looked at, and that she is not connected with it.

Mr. Mark Bluestone, Board Member of the Saul Mirowitz Jewish Community School, addressed the Commission stating B'Nai Amoona and Saul Mirowitz School are two different organizations. Saul Mirowitz Jewish Community School is a tenant of B'Nai Amoona, making them different organizations, different missions, different boards, and serving different clients. That being said, what B'Nai Amoona and the school are proposing is to try and provide each organization with its own identity represented through its parking directional signs. Mr. Bluestone gave an illustrated presentation and pointed out B'Nai Amoona is willing to give up one of their signs at one of the entrances. As for the on-building sign, Mr. Bluestone stated that, while the building is in a residential area, the site is large and surrounded by trees, thus making the sign only visible once one pulls into the campus. Addressing the parking lot signage, Mr. Bluestone feels it will not affect the homes around the campus.

Mr. Eberhardt asked why Saul Mirowitz School could not create a sign similar to the existing B'Nai Amoona sign, but with their information on it. Mr. Bluestone replied, by being a tenant on such a large campus, they wanted to be able to represent the uniqueness of their organization and not be forced into the identity of an existing, unrelated organization.

Ms. Kramer asked Ms. Kelly what made this request fall under the Master Sign Plan. Ms. Kelly explained the original sign permit application included a wall sign that is larger than what the code allows. In response, staff advised the school that they would have to modify their permit applications or they could pursue a Master Sign Plan.

Mr. Carl Lumley, City Attorney, asked if the existing campus has a Master Sign Plan, and Ms. Kelly replied no they do not. Mr. Lumley then asked if there was a representative that can explain whether the school's lease is specific just to the building with access paths or does it parcel the real estate into two components. Mr. Michael Samis, Executive Director, B'Nai Amoona, 324 South Mason Road, explained that it is a land lease only on the property; however they do share in the common area of maintenance. Saul Mirowitz pays a percentage based on square footage of the total campus.

Mr. Faron asked about signage on Conway Road and Ms. Kelly replied that such signs would be located off-site because the property does not include Conway frontage, only a leased access drive, and the City does not allow off-site signage.

Chairman Madden asked the applicant if they would like another chance to meet with Staff and work on a compromise for the sign plan. Mr. Bluestone stated they would like to do so.

Mr. David Caldwell, 257 Brooktrail Court, spoke in favor of the applicant's request.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron moved to recommend deferral of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, until the August 6th

meeting date to allow the applicant to address the concerns raised in the staff report for the meeting of July 16, 2012. Mr. Eberhardt seconded the motion with resultant vote as follows:

Mr. Eberhardt – aye	Mr. Faron – aye	Ms. Kramer – aye
Mr. Schnarr – aye	Chair - aye	

2. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:10 p.m.

_____
Timothy Madden, Chair

_____
Julie Lowery, Recording Secretary

PLANNING AND ZONING COMMISSION PUBLIC HEARING
CITY OF CREVE COEUR, MISSOURI
300 NORTH NEW BALLAS ROAD
MONDAY, JULY 16, 2012
7:00 P.M.

THOSE IN ATTENDANCE:
Mr. Tim Madden, Chair
Dr. Michael Barton
Mr. Gary Eberhardt, Vice Chair
Mr. James Faron
Ms. Cynthia Kramer
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.
Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128

CHAIRMAN MADDEN: Like to call to order the Planning Zoning Commission Meeting for the City of Creve Coeur, Missouri for Monday July 16th, 2012.
We'll start with roll call.
Dr. Michael Barton?
MR. BARTON: Present.
CHAIRMAN MADDEN: Mr. Gary Eberhardt?
MR. EBERHARDT: Present.
CHAIRMAN MADDEN: Mr. James Faron?
MR. FARON: Present.
CHAIRMAN MADDEN: I don't see Mr. Howard or Ms. Kramer.
Mr. Jim Schnarr?
MR. SCHNARR: Present.
CHAIRMAN MADDEN: Carl Lumley, our City Attorney?
MR. LUMLEY: Present.
CHAIRMAN MADDEN: Paul Langdon, our Director of Community Development?
MR. LANGDON: Present.
CHAIRMAN MADDEN: Whitney Kelly, our City Planner?
MS. KELLY: Present.
CHAIRMAN MADDEN: And Julie Lowery, our Recording Secretary?
MS. LOWERY: Present.

oOo

CHAIRMAN MADDEN: Okay. That'll move us to B, Public Hearing Application No. 12-018: Request for approval of Master Sign Plan for the Congregation B'nai Amoona & Saul Mirowitz Jewish Community School Campus at 324 South Mason Road.

Anybody that'll be commenting on this or handling it, if you could come up and get sworn in, I'd appreciate it.

(Speakers were sworn by the court reporter.)

MR. LANGDON: Mr. Chair, I think Whitney is presenting this one.

CHAIRMAN MADDEN: Pardon me?

MR. LANGDON: I think Whitney is presenting this one.

CHAIRMAN MADDEN: Okay, Whitney.

MS. KELLY: Good evening. Whitney Kelly, City Planner for the City of Creve Coeur.

The representatives of B'nai Amoona & Saul Mirowitz has submitted an application for a campus Master Sign Plan.

The 32-acre campus is located on just south of

0056

Mason Road and north of Conway and is zoned Residential District.

The Zoning Code requires that a Master Sign Plan in a Residential District requires 20 acres at a minimum.

The Saul Mirowitz is leasing the former Solomon Schechter Day School space.

The Master Sign Plan calls for a comprehensive approach to all signs on campus and, therefore, we must look at all of the signs within the campus, both for the B'nai Amoona and the Saul Mirowitz School.

They are asking to have a new wall sign over the existing canopy. It's approximately 68 square feet for this portion and an additional 20 square feet for this portion.

They are asking for ten light-pole banners to be located within the south parking lot.

MR. LANGDON: Ms. Kelly, need to zoom the imagine out, so we can all see the --

MS. KELLY: Oh, sorry.

They are asking to replace an existing parking directional signs on Mason Road with this current design, and then maintain the existing design, as well as the low ground sign.

Staff finds that these signs are all in competition with each other and is noncompliant with the

0057

Comprehensive Plan nor the Design Guidelines nor with the intent of the Zoning Code.

The Comprehensive Plan and the Design Guidelines recommend that a sign plan include a consistency of all materials and design throughout the campus.

I have repeatedly -- all of these ground signs along Mason Road compete with each other, and there is no consistent design between any of them.

I have repeatedly asked the applicant just to revise these two or just to revise this one or this one, so that there is a consistency within the design, while allowing for the tenant identification and the information needed for public direction.

As they have wished to proceed with their design

as proposed, staff cannot recommend approval at this time.
We've also further discussed that the Residential District does not currently allow light-pole banners, and at a very minimum, they could revise their plan to provide light-pole banners throughout the campus that with a consistent design on all of it for tenant identification.
Any questions?
CHAIRMAN MADDEN: Cynthia.
MS. KRAMER: I just wanted to make a disclosure, for the record, that I am actually a longstanding member
0058
of Congregation B'nai Amoona, so I believe we're looking at more the Mirowitz School, which I'm not connected with, but I did want to go ahead and put that on the public record.
CHAIRMAN MADDEN: Thank you.
Anybody else have a question?
Okay. Do they have a representative here or --
MR. BLUESTONE: Yes.
CHAIRMAN MADDEN: Okay.
MR. BLUESTONE: Hi. Good evening. My name is Mark Bluestone, I'm a board member of the Saul Mirowitz Jewish Community School.
I want to thank the Commission for the opportunity to speak this evening, as well as the Planning Department for all the work. I know a lot of time has gone into this conversation.
We believe that -- well, really the first thing I'd like to talk about is the consistency of design.
We have two completely different organizations here. The Saul Mirowitz Jewish Community School is a tenant of B'nai Amoona; different organizations; different missions; different boards. We serve different clients, and really what we have is a landlord tenant relationship.
We understand the City's desire for consistency in design and materials for a signage plan. And what
0059
B'nai Amoona and the school have -- are proposing is to try to provide for the ability for each organization to have its own identity represented through its parking directional signs by B'nai Amoona's willingness to give up a sign.
Something that was not clear, I believe in the presentation, and I want to see if I have this -- I don't have the same exact graphic, but you were shown -- at a little disadvantage here. Let me try it this way, if it's okay.
At present there are signs with B'nai Amoona's identity at each of the street entrances to the campus.
What B'nai Amoona and the school agree upon, with, of course, the City's permission, is for B'nai Amoona to abandon one of their entrances; to remove their sign from that entrance, and to, instead, since it's the entrance closest to the school, to allow the school to replace their sign with the sign that we're proposing, which is a parking directional sign, which falls within the City's, I believe it is 15 square feet of area with the top being not more than 4 feet high.
It's a sign that represents the character of the school, and we were hoping that by B'nai Amoona removing their identification signs from that entrance, replacing with ours, it reduces the visual clutter, because the next

0060

B'nai Amoona sign, the next parking identification sign for B'nai Amoona, would be approximately 300 feet down the road.

So I think that that's pretty significant in terms of number of feet, especially considering the conversation that I just heard tonight with some -- some lesser footages.

What we've tried to do with the directional signage that -- that we propose, which is that center sign there, is create something that's clean, that's safe, that's easy to identify 300 feet from the next nearest B'nai Amoona parking directional sign.

We believe that causes it to not have excessive visual clutter. We also believe that the sign will promote good traffic management within the site, because people will clearly know which entrance to use for the school, because the sign is with our brand, and which entrance to use for B'nai Amoona.

We do believe that that's a safety issue because by having vehicles, which are going in to pick up children in an area where there are many children, following a prescribed path rather than people being confused by similar signage and entering different ways and driving different directions, we believe we can also provide a safer environment for the children that way. So that's

0061

our thoughts on the sign.

Again, removing a B'nai Amoona sign; replacing it with the Saul Mirowitz Jewish Community sign. The two signs are approximately 300 feet apart. We're hoping that that solves the clutter issue.

Regarding the on-building sign, I think the -- our -- our feeling is that the -- the site is, although in a residential area, the site is -- it's a very large one; it's -- it's 32 acres, and it's completely surrounded by trees, fairly dense trees. The sign that would go on the building, I don't believe would be visible from Mason Road. It would be visible only when you drive onto the campus, which is completely surrounded by trees. It's also set into the building. The architecture of the building is such that the building actually comes out beyond the sign and reduces the angle of view for the sign. So really it's visible by people driving directly towards the building.

Regarding the parking lot signage, again, within an area that's completely surrounded by trees. It's not affecting homes around it. We had not thought of the idea of extending banners to other areas of the campus. I think that would be something that we'd have to talk about with B'nai Amoona, but it's certainly something that could be considered on our part.

0062

I believe that concludes my comments.

But thank you.

CHAIRMAN MADDEN: Any questions?

Mr. Eberhardt.

MR. EBERHARDT: Question. Sir, why would it not be possible to have a sign similar to the existing signs, but with your logo and your information on it, but that the structure of the sign, the general design of the sign itself wouldn't be too dissimilar from what's there at the moment?

MR. BLUESTONE: Well --
MR. EBERHARDT: Why would that not work for you?
MR. BLUESTONE: That's a good question. Thank you.
It's our hope that, as a tenant of that large campus, that we would be able to represent the uniqueness of our organization and not be forced to come under the identity of a -- a previously existing and unrelated organization. That -- that would be our hope.
We also think it'll be very readily identifiable just because of it containing design cues that are consistent with our advertising, and allow people to know very easily the direction for parking, the direction for access, and then really they don't even have to read the sign or slow down on Mason Road or go past it and turn

0063

around or anything that could promote a traffic issue.
CHAIRMAN MADDEN: Thank you.
MR. BLUESTONE: Okay.
CHAIRMAN MADDEN: Cynthia.
MS. KRAMER: I have a question for Whitney actually.
So can I just understand what kicked this into the Master Design Plan?
MS. KELLY: The Master -- is when they submitted an application or wanted us to look at the wall sign that is larger than what the Code currently requires, Institution and Residential Districts limit wall signs to 12 square feet. They are looking at approximately 107 square feet.
So in order to even consider that, it prompted the Master Sign Plan, and that they threw in the light-pole banners, which are also not permitted in that Residential District.
A minimum of 20 acres is required for any campus with -- institution in a Residential District for a Master Sign Plan, and, therefore, as they are a lease of the B'nai Amoona property we have to consider all of the signage on the property whether they're two different entities or not.
MS. KRAMER: Thank you, Whitney.

0064

So I -- I guess my thoughts on this is, you know, I think this is incredibly exciting and -- and awesome.
I do know that we're charged though with the bigger picture of not just this instance.
So I think my concern, and I'm -- I'm still a little bit fuzzy on, so, for instance, if you drive into the -- the other driveway, you cannot wrap around to the school anymore --
MR. BLUESTONE: You --
MS. KRAMER: -- or you can?
MR. BLUESTONE: You can wrap around the school.
MS. KRAMER: So, truthfully, there's just people will -- could realistically just use the wrong driveways anyway.
So I guess what I'm kind of a little bit curious about is the discussions you've had that it looks like there's a request to have a much larger wall sign; there's a request to have banners that weren't done before; there's a request to have us sort of look at the fact that these signs are not cohesive when, in fact, it is a Master

Plan Design property cause it is really falling underneath this particular zoning.

So I'm just trying to see, did -- were -- were there any options that were brought to the City that we

0065

don't -- aren't aware of that were compromises on your part? Cause I'm also confused if you're thinking that perhaps the banners could be expanded, if it's in terms of branding, you'd actually be moving from one side of the campus to the other. So I just want to make sure that there's a consistency here because I would say to you that while I understand everything, I do look at those two signs and they're so vastly different, that from a design standpoint, not just of this particular issue, but of an overarch in Creve Coeur ordinance issue, it just leads me to kind of wonder where the compromise is and -- and brings up a concern.

MR. BLUESTONE: Uh-huh. I -- I understand your concerns. Thank you.

As far as expanding the -- the parking lot signs, that's not something that I'd heard before, or to my knowledge, it may have been brought to the school, but I've not heard it.

I think that we would -- it would probably make more sense to, from a compromise position, to not use parking banners rather than expand them throughout the entire campus. I --

MS. KRAMER: But I don't think those are seen by the street anyway.

So I think what I'm asking is if -- if it was

0066

the wall sign that kicked in the issue with the signs at the entrance, because that kicked in the Master Design Plan --

MR. BLUESTONE: Uh-huh.

MS. KRAMER: -- then it seems like there's been this kind of let's see how we can make this work, and really it seems the big issue at this point are the signs at the entrance, so have there been any submissions of anything that would be a little bit more --

MR. BLUESTONE: There -- there has -- there has not been a submission other than the -- the sign that was created by the -- the agency that we've retained, and we're hoping that the -- in light of the fact that it's a relatively small sign and that it is 300 feet from the next B'nai Amoona sign, we're hoping that the City would recognize the unique nature of the two different organizations.

I think a compromise has been made significantly by B'nai Amoona being willing to abandon one entrance and to remove their sign, so we're not really looking to add a sign, we're looking to swap a sign.

MS. KRAMER: No, I think we're discussing the designs of the site. So is B'nai Amoona willing to revise their sign to be closer in line with your sign?

MR. BLUESTONE: I don't know the answer to that.

0067

I think that's a -- a conversation that we'd have to have.

I mean they have a longstanding tradition in their community with -- with their signage, so I'm not -- I'm not certain what their -- I can't speak for them is what I'm saying.

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: Yeah, I'd just like to reiterate.
When I see those sanctuary signs, I'll say off of Mason there, they tend to lead me to the sanctuary, that seems to be the natural sanctuary entrance.
Can the Conway side be dictated as the -- the school entrance, where the more colorful educational signage would be more consistent maybe with --
MR. BLUESTONE: That's also a great question.
We entered, and speaking towards compromise, when we entered the merger discussions, and when we began looking at how we could identify the school, there was a lot of conversation given to the Conway side and how we could make use of that.
And I've been led or told really to -- to understand that that's not possible that because of the nature of that access, because of, I guess, a relationship with the property owner for -- I guess that's just an easement, that it's not possible to put a sign there at all. That's something that we did want, but I'm told that

0068

we can't have one.
MR. FARON: Don't know the particulars over there, but would seem that would be a more natural location for that signage.
I don't have a problem with the -- the colorful signage, but in combination with the B'nai Amoona, the -- the more legacy signage, it's --
MR. BLUESTONE: Yeah.
MR. FARON: -- it's quite a contrast there, and I see you say 300 feet, but I guess BA 1, 2 and 3 are going to all exist, right, so aren't we talking about a sign on each side of that entrance there?
MR. BLUESTONE: We're talking, there's two -- there's two -- two main entrances to B'nai Amoona off of Mason. Each one has a -- a street sign and each street sign, I believe, is different, I'm not 100 percent sure about that, but I think it's two different streets.
Is that right? Street -- the names of the streets where the green identifying street signs are going into the B'nai Amoona Campus?
Yeah, I believe that they're two different street signs. They're approximately 300 --
VOICE IN AUDIENCE: Only one's named.
MR. BLUESTONE: Only one is named, okay.
They're approximately 300 feet apart.

0069

There would not -- at -- there would not be an entrance that had both a B'nai Amoona and a school directional sign. B'nai Amoona's willing to move their directional sign.
MR. FARON: The -- the top monument there, could there be a school signage added to that somehow to keep in character with that design right there, cause I would assume that's the entrance that's closer to the school than the one further to the north?
MR. BLUESTONE: It is.
MR. FARON: And I mean -- and not having a problem with the signage on the building or the -- the signage on the parking lot, which you can't really see, it's just that that contrast, as you go along Olive, even the original sign that you are going to take out, to me looks like a -- maybe it's a considerable expense, but in comparison to the concrete and the legacy sign there,

it's -- it looks a little out of proportion, out of place, and out of, you know, context I'd say. But just wanting to ask some of those questions.

If the school signage could be moved to Conway. I know there's some issues that you bought up, but and if there can be some discussion to add some signage to the B'nai Amoona sign, that's the top photo there, that would direct you to the school without putting something that is

0070

that colorful and kind of a little more education driven in -- in conflict with the more sanctuary sign and religious application, I think, for signage so.

MR. BLUESTONE: I appreciate your comments.

MR. FARON: Thank you.

MS. KELLY: Sir, I would -- I just want to clarify that the Code prohibits any off-premise sign, and as they do not own that entrance along Conway, it would not be a permitted sign.

MR. FARON: By adding on to that?

MS. KELLY: By adding a sign along Conway. It's not a -- it's a prohibited sign, as it would be an off-premise sign.

MS. KRAMER: Could -- could -- can I ask one more question?

MS. KELLY: Sure.

MS. KRAMER: Do we have precedent on -- I understand definitely the challenge also because it is a tenant situation, so while I understand the branding issue, how has that manifested itself in other places in the City?

MS. KELLY: The best example we have is the City Place sign, and I did forward these pictures to the applicant as a guideline of what we would be seeking for.

But you can see here two different signs. You

0071

can see where the tenants are identified on this one. This is a second ground sign. And then you have the parking direction sign here. And as well as a monument sign for the City Place Retail Center.

They were all created to have a similar format, a similar design element and were of similar materials, and it received approval through a Master Sign Plan by the City Council.

But it allowed for specific tenant identification that were leasing office space within all those entities, and, therefore, it was able to work together. And it's a similar style that we're seeking or reason that we're seeking for this Master Plan Sign as well.

CHAIRMAN MADDEN: Mr. Lumley has some questions.

MR. LUMLEY: Is the -- the existing campus -- am I correct that it's not taking advantage of a Master Sign Plan?

MS. KELLY: It did not receive prior approval for a Master Sign Plan, correct.

They are seeking now a Master Sign Plan to allow for the new Saul Mirowitz sign.

MR. LUMLEY: Is the -- is there anyone here that can explain whether the school's lease is specific just to the building with access paths or is it actually -- does

0072

it delineate separate -- basically parceling the real estate into two components?

MS. KELLY: I actually did get a copy of the lease, and it is for the building with use of the parking lot and providing for signage.

MR. LUMLEY: So, for example, the school won't have responsibility for the grounds at the -- in the area at Mason and the entrance. That's still going to be the Congregation's responsibility?

MS. KELLY: Correct, as far as I can read.

If there's someone from the Congregation.

MR. LUMLEY: If somebody could clarify that.

CHAIRMAN MADDEN: Could you please come forward, and state your name and address, please.

And you need to be sworn in too, sir.

(Mr. Samis was sworn by the court reporter.)

MR. SAMIS: My name is Michael Samis. I'm the executive director of B'nai Amoona, so my work address is 324 South Mason Road in Creve Coeur.

So to answer your question the -- you're correct that it is a land lease only on the property, but they do share in the common area of maintenance. They pay a percentage based on the square footage that they -- of the total campus. They -- I think it's about 26 percent. So they do have a share of the expense of the upkeep of the

0073

property.

MR. LUMLEY: But in terms of the actual upkeep, the Congregation's going to be doing that through their contractor --

MR. SAMIS: That's correct.

MR. LUMLEY: You haven't said this part of the ground is --

MR. SAMIS: No.

MR. LUMLEY: -- up to you?

MR. SAMIS: No.

CHAIRMAN MADDEN: Thank you.

MR. FARON: Could I ask staff, do we know or is there any explanation of the limitations for the Conway entrance for signage? Do we know what the -- the issues are in terms of putting signage there? Are we up to speed on that staff wise?

MS. KELLY: Yes, we don't allow off premise signs, and they do not have -- own the property for that entrance along Conway.

They have an easement for a residence property to -- to allow the access point, but they do not own it.

MR. FARON: Okay.

MS. KELLY: And the Code prohibits any off premise signs.

MR. FARON: And across the street, Priory owns

0074

that property around their Conway entrance?

CHAIRMAN MADDEN: We'll make a deal with you.

MR. FARON: I believe. Yeah, okay.

Thanks, Whitney.

CHAIRMAN MADDEN: Let me just ask staff and Carl, would it be better to let them meet with staff and maybe come up with something that might meet their approval or should we just have a vote?

MR. LUMLEY: I mean that's -- I believe the question is what the Commission feels comfortable doing.

CHAIRMAN MADDEN: But we can do either one? Okay.

Paul.

MR. LANGDON: That's what I was going to say. Essentially, it's in your hands. If you feel like the discussion is exhausted, then you can go to a vote. And if you want to offer something in terms of an opportunity to the applicant, because you're concerned, then you would vote to -- to continue.

CHAIRMAN MADDEN: Can you come forward again, please.

Just so we have this on the record.

MR. FARON: I agree.

CHAIRMAN MADDEN: Would you like to meet with staff again some -- in the near future here and try to

0075

work out a compromise on the sign?

MR. BLUESTONE: May I confer with the president of our board for just a moment?

CHAIRMAN MADDEN: Sure.

MR. BLUESTONE: Thank you.

Yes, we would like to have an opportunity to work cooperatively with the Planning Department to see if we can come up with something that makes senses.

CHAIRMAN MADDEN: Is there anybody else in the audience that wishes to speak on this before we close? Okay.

MR. CALDWELL: I will.

CHAIRMAN MADDEN: Oh, okay.

Mr. Caldwell. You need to be sworn in, I think since it's a different one.

MR. LUMLEY: He was sworn in.

CHAIRMAN MADDEN: Okay. That counts. Okay.

MR. CALDWELL: Well, I didn't know how you were going to do this procedurally. I didn't think my comments were really a part of the public hearing, but if it comes to a vote, I would support the applicant because I -- I see this as a technical issue. This doesn't really fit into the ordinance, so there should be some flexibility, I think.

I don't see anybody complaining about the sign.

0076

I mean neighbors, anybody else. The property owner's not complaining about the sign. I'm not complaining about the sign. I think that there's room for -- for flexibility here, and I would encourage it.

CHAIRMAN MADDEN: Thank you.

MR. LUMLEY: Mr. Chairman, I offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk reflecting the notice that was provided to the public regarding this hearing; the staff report developed regarding the application; the City's Code of Ordinances and Charter, and the City's Comprehensive Plan, the public file regarding the application.

CHAIRMAN MADDEN: And that will close the public hearing.

(Public hearing was closed.)

0077

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

BILL No. _5382__ **ORDINANCE No. _____**

AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 135, 210, 300, 310, AND 340 OF THE CREVE COEUR CODE OF ORDINANCES REGARDING PROCEDURES OF AND OFFENSES PROSECUTED IN THE CITY'S MUNICIPAL COURT.

WHEREAS, as a result of various changes in law, the City Council has determined it to be in the best interests of the citizens of the City of Creve Coeur to update various provisions of Chapters 135, 210, 300, 310, and 340 of the Code of Ordinances of the City of Creve Coeur, regarding procedures of and offenses prosecuted in the City's Municipal Court; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI THAT:

SECTION 1. In accordance with SS2 SCS HCS HB 111 (2011) and *Arizona v. United States,* -- S.Ct. – (2012), Section 135.120 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.120: RELEASE AND BAIL

A. Any person arrested for violation of any ordinance and not released by an arresting officer either pursuant to the bail schedule furnished by the Municipal Judge or otherwise, shall be released from custody pending trial or other proceedings on personal recognizance, unless the Municipal Judge determines in the exercise of discretion that such a release is not sufficient reasonably to assure the appearance of the person as required, or the person poses a danger to a victim, the community or any other person. When such a determination is made, the Municipal Judge may impose any combination of the following conditions of release which will reasonably assure the appearance of the person as required, taking into account available information, without regard to rules of admissibility of evidence, concerning the nature and circumstances of the charged offense, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, length of residence in the community, record of convictions, and record of appearances at court proceedings or flight to avoid prosecution or failure to appear:

(1) place the person in the custody of a designated person or organization agreeing to supervise the person;

(2) place restriction on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of a bail bond with sufficient solvent sureties, or in lieu thereof the deposit in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(4) require the person to report regularly to some officer of the court, or peace officer, in such manner as the Municipal Judge directs;

(5) require the execution of a bond in a stated amount and the deposit in the registry of the court of ten percent, or such lesser sum as the Municipal Judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(6) place the person on house arrest with electronic monitoring, with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs;

(7) any other condition deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

B. When authorizing the release of a person under this section, the Municipal Judge shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the person of the penalties applicable to violations of the conditions of release and shall advise him that a warrant for arrest will be issued immediately upon any such violation. When issuing a warrant for arrest, the Municipal Judge shall likewise set the conditions for release, which shall be stated on the warrant.

C. A person for whom conditions of release are imposed who continues to be detained after 24 hours from the time of the release hearing as a result of inability to meet the conditions of release, or who has been ordered to return to custody after specified hours, shall upon application be entitled to have the conditions reviewed by the Municipal Judge who imposed them, which application shall be determined promptly.

D. The Municipal Judge may amend an order of release by imposing additional or different conditions, subject to the other provisions of this section and applicable court rules. The court shall review such conditions when it enters a judgment.

E. In accordance with this section, a person shall be admitted to bail by executing a bond to the City, with sufficient security to be approved by the Municipal Judge in a sum not to exceed one thousand dollars ($1,000.00), conditioned that such person will appear on the day therein stated before the Municipal Court to answer to the charge against them and all bonds so taken shall forthwith be filed with the Municipal Judge or the Clerk of the Court by the officer approving and taking the same and whenever any person shall be arrested and brought before the Municipal Court and for any cause the trial is postponed to a time certain, such person shall be required to enter into a recognizance with security, to be approved by the court, at the time and place appointed then and there to answer the complaint alleged against them. If any person arrested or brought before the court shall fail or refuse to enter into recognizance, they shall be committed to jail and held to answer the information filed against them.

F. If the person is not released or does not meet the conditions of release, they shall be committed to jail until discharged by due course of law. There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the Judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the County Jail as provided in Section 135.200, until such person provides verification of their lawful presence in the United States or otherwise rebuts such presumption. If the person adequately proves their lawful presence or otherwise rebuts such presumption, the Judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove their lawful presence or otherwise rebut such presumption, the person shall continue to be committed to the jail and remain until discharged by due course of law. (R.O. 2008 §17-12; Ord. No. 5041 §1, 5-27-08; Ord. No. 5058 §7, 9-4-08)

References: RSMo 544.455, 544.470, Rules 37.15-37.20.

SECTION 2. In accordance with SS2 SCS HCS HB 111 (2011), Section 135.190 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.190: JUDGMENT

If the defendant pleads or is found guilty, the Municipal Judge shall declare and assess the punishment prescribed by ordinance or Statute according to such finding and render a judgment accordingly. For violation of ordinances involving alcohol- or drug-related traffic offenses, the Municipal Judge shall order the person to participate in and successfully complete a substance abuse traffic offender program under Section 577.001 RSMo, and the person shall pay the fees for such program as determined by the State Department of mental Health. In the event a sentence of confinement is ordered executed, the Municipal Judge may order that a person serve all or any portion of such sentence on electronic monitoring with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs.

(R.O. 2008 §17-19; Ord. No. 5041 §1, 5-27-08)

References: RSMo. 557.011, 577.049 Rule 37.64

SECTION 3. In accordance with SS HCS HB 1647 and CCS HCS SB 628 (2012), Section 135.240.A.10 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.240: COURT COSTS -- GENERALLY

A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

10. A surcharge of two dollars ($2.00) pursuant to the provisions of Section 488.5026 RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, maintain, repair, and replace biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.

SECTION 4. In accordance with CCS HCS SB 628 (2012), Section 210.015 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member, including any child who is a member of the family or household, as defined in Section 455.010, RSMo., and the person either engages in abuse or stalking as defined in Section 455.010, RSMo., or:

1. The person attempts to cause or recklessly causes physical injury to such family or household member;

2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;

3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. 5227 §1, 10-24-11)

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 5. In accordance with SS HCS HB 1647 (2012), Section 210.020 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury;

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term *"utility worker"* means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term *"cable worker"* means any employee including any person employed under contract, of a cable operator, as such term is defined in section 67.2677 RSMo.

SECTION 6. In accordance with *State v. Vaughn*, 366 SW3d 513 (Mo. 2012), Section 210.030 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.030: HARASSMENT

A. A person commits the offense of harassment if he or she:

1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;

3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;

4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

5. Knowingly makes repeated unwanted communication to another person orwithout good cause engages in any other act, with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

B. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 7. In accordance with SS HCS HB 1647 and SCS SB 835 (2012), Section 210.180 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.180: FIREWORKS

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.

B. The term *"fireworks"*, as used in this Section, any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Chief of Police and a permit has been issued for such demonstration or display by the Chief of Police. (R.O. 2008 §10-1; Ord. No. 513 §21, 12-23-68)

SECTION 8. In accordance with SS HCS HB 1647 (2012), Section 210.250 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.250: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL USE

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

2. Sets a spring gun;

3. Discharges or shoots a firearm within the City limits;*

4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;

5. Has a firearm or projectile weapon readily capable of lethal use on his or her person while intoxicated and handles or uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges it other than in self-defense;

6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits;

7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as

otherwise provided in this Subsection. Subdivisions (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons when such uses are reasonably associated with or necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;

7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and

9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111 RSMo.; and

11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

G. Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (Ord. No. 5212 §1, 8-22-11)

Note--Under certain circumstances this offense can be a felony under state law.

**State Law Reference--Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.*

SECTION 9. In accordance with SS HCS HB 1647 and SS SCS SB 489 & 637 (2012), Section 210.255 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

3. A gas gun;

4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

5. Knuckles; or

6. Any of the following in violation of Federal law:

a. A machine gun;

b. A short barreled rifle or shotgun;

c. A firearm silencer; or

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5) of Subsection (A), the item was possessed in conformity with Federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or

5. Was incident to using with the weapon in a manner reasonably related to a lawful dramatic performance. (Ord. No. 5212 §1, 8-22-11)

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 10. In accordance with SS SCS SB 689 (2012), Section 210.375 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally

affecting the elderly or disabled person. **It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor.**

B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.

2. Failure to correct a false impression which the offender previously has created or confirmed.

3. Preventing another person from acquiring information pertinent to the disposition of the property involved.

4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.

5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

UNDUE INFLUENCE: **", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 11. In accordance with CCS HCS SB 628 (2012), Sections 210.475 and 210.480 of the Code of Ordinances are hereby amended to read as follows:

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm, or to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;

2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm;

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person; or

4. Coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct if such person purposely subjects another person to sexual contact without that person's consent.

SECTION 12. In accordance with CCS HCS SS SCS SB 470, and SB 568 and SB 611 (2012), the definition of "Emergency Vehicle" in Section 300.010 and the provisions of section 310.050 of the Code of Ordinances are hereby amended to read as follows:

300.010 - *EMERGENCY VEHICLE:* A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police Department or Fire District, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.050 of this Title;

4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

9. Any vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assist vehicle.

SECTION 310.050: EMERGENCY VEHICLES -- USE OF LIGHTS AND SIRENS -- RIGHT-OF-WAY -- STATIONARY VEHICLES, PROCEDURE -- PENALTY

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.060 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

2. The driver of an emergency vehicle may:

a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

SECTION 13. In accordance with SS HCS HB 1647, CCS HCS SS SCS SB 470, and SB 480 and HB 1402 (2012), the definition of “Recreational Off-Highway Vehicle” in Section 300.010 is hereby amended and a new Section 340.085 is hereby added to the Code of Ordinances, to read as follows:

300.010 - *RECREATIONAL OFF-HIGHWAY VEHICLE:* Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-four (64) inches or less in width, with an unladen dry weight of two thousand (2000) pounds or less, traveling on four (4) or more non-highway tires, with a non-straddle seat and steering wheel, which may have access to ATV trails.

SECTION 340.085 – NO OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES ON STATE HIGHWAYS -EXCEPTIONS.

1. No person shall operate a recreational off-highway

vehicle, as defined in section 301.010 RSMo, upon state highways within the City, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence, but only pursuant to special license issued by the City Council as provided herein or, as to County roads, issued by the County Council;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) The City Council may in its discretion based on all relevant factors issue special permits on an annual basis to licensed drivers for special uses of recreational off-highway vehicles on state highways within the city limits. An annual fee of fifteen dollars shall be paid, collected and retained by the City for each such permit;

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

SECTION 14. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

BILL No. _5382__ **ORDINANCE No. _____**

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

BILL NO. _____ **ORDINANCE NUMBER _____**

AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 135, 210, 300, 310, AND 340 OF THE CREVE COEUR CODE OF ORDINANCES REGARDING PROCEDURES OF AND OFFENSES PROSECUTED IN THE CITY'S MUNICIPAL COURT.

WHEREAS, as a result of various changes in law, the City Council has determined it to be in the best interests of the citizens of the City of Creve Coeur to update various provisions of Chapters 135, 210, 300, 310, and 340 of the Code of Ordinances of the City of Creve Coeur, regarding procedures of and offenses prosecuted in the City's Municipal Court; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI THAT:

SECTION 1. In accordance with SS2 SCS HCS HB 111 (2011) and *Arizona v. United States,* -- S.Ct. – (2012), Section 135.120 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.120: RELEASE AND BAIL

A. Any person arrested for violation of any ordinance and not released by an arresting officer either pursuant to the bail schedule furnished by the Municipal Judge or otherwise, shall~~may~~ be released from custody pending trial or other proceedings on personal recognizance, unless the Municipal Judge determines in the exercise of discretion that such a release is not sufficient reasonably to assure the appearance of the person as required, or the person poses a danger to a victim, the community or any other person. When such a determination is made, the Municipal Judge may impose any combination of the following conditions of release which will reasonably assure the appearance of the person as required, taking into account available information, without regard to rules of admissibility of evidence, concerning the nature and circumstances of the charged offense, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental

condition, length of residence in the community, record of convictions, and record of appearances at court proceedings or flight to avoid prosecution or failure to appear:

(1) place the person in the custody of a designated person or organization agreeing to supervise the person;

(2) place restriction on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of a bail bond with sufficient solvent sureties, or in lieu thereof the deposit in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(4) require the person to report regularly to some officer of the court, or peace officer, in such manner as the Municipal Judge directs;

(5) require the execution of a bond in a stated amount and the deposit in the registry of the court of ten percent, or such lesser sum as the Municipal Judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(6) place the person on house arrest with electronic monitoring, with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs;

(7) any other condition deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

B. When authorizing the release of a person under this section, the Municipal Judge shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the person of the penalties applicable to violations of the conditions of release and shall advise him that a warrant for arrest will be issued immediately upon any such violation. When issuing a warrant for arrest, the Municipal Judge shall likewise set the conditions for release, which shall be stated on the warrant.

C. A person for whom conditions of release are imposed who continues to be detained after 24 hours from the time of the release hearing as a result of inability to meet the conditions of release, or who has been ordered to return to custody after specified hours, shall upon application be entitled to have the conditions reviewed by the Municipal Judge who imposed them, which application shall be determined promptly.

D. The Municipal Judge may amend an order of release by imposing additional or different conditions, subject to the other provisions of this section and applicable court rules. The court shall review such conditions when it enters a judgment.

E. In accordance with this section, a person shall be admitted to bail by executing a bond to the City, with sufficient security to be approved by the Municipal Judge in a sum not to exceed one thousand dollars ($1,000.00), conditioned that such person will appear on the day therein stated before the Municipal Court to answer to the charge against them and all bonds so taken shall forthwith be filed with the Municipal Judge or the Clerk of the Court by the officer approving and taking the same and whenever any person shall be arrested and brought before the Municipal Court and for any cause the trial is postponed to a time certain, such person shall be required to enter into a recognizance with security, to be approved by the court, at the time and place appointed then and there to answer the complaint alleged against them. If any person arrested or brought before the court shall fail or refuse to enter into recognizance, they shall be committed to jail and held to answer the information filed against them.

F~~B~~. If the person is not released or does not meet the conditions of release, they shall be committed to jail until discharged by due course of law. There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the Judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the County Jail as provided in Section 135.200, until such person provides verification of their lawful presence in the United States or otherwise~~to~~ rebuts such presumption. If the person adequately proves their lawful presence or otherwise rebuts such presumption, the Judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove their lawful presence or otherwise rebut such presumption, the person shall continue to be committed to the jail and remain until discharged by due course of law. (R.O. 2008 §17-12; Ord. No. 5041 §1, 5-27-08; Ord. No. 5058 §7, 9-4-08)

References: RSMo 544.455, 544.470, Rules 37.15-37.20.

SECTION 2. In accordance with SS2 SCS HCS HB 111 (2011), Section 135.190 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.190: JUDGMENT

If the defendant pleads or is found guilty, the Municipal Judge shall declare and assess the punishment prescribed by ordinance or Statute according to such finding and render a judgment accordingly. For violation of ordinances involving alcohol- or drug-related traffic offenses, the Municipal Judge shall order the person to participate in and successfully complete a substance abuse traffic offender program under Section 577.001 RSMo, and the person shall pay the fees for such program as determined by the State Department of mental Health. In the event a sentence of confinement is ordered executed, the Municipal Judge may

order that a person serve all or any portion of such sentence on electronic monitoring with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs.

(R.O. 2008 §17-19; Ord. No. 5041 §1, 5-27-08)

References: RSMo. 557.011, 577.049 Rule 37.64

SECTION 3. In accordance with SS HCS HB 1647 and CCS HCS SB 628 (2012), Section 135.240.A.10 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.240: COURT COSTS -- GENERALLY

A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

10. A surcharge of two dollars ($2.00) pursuant to the provisions of Section 488.5026 RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, ~~and~~ maintain, repair, and replace ~~a~~ biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.

SECTION 4. In accordance with CCS HCS SB 628 (2012), Section 210.015 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member, including any child who is a member of the family or household, as defined in Section 455.010, RSMo., and the person either engages in abuse or stalking as defined in Section 455.010, RSMo., or:

1. The person attempts to cause or recklessly causes physical injury to such family or household member;

2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;

3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. 5227 §1, 10-24-11)

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 5. In accordance with SS HCS HB 1647 (2012), Section 210.020 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury;

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a

construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term *"utility worker"* means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term *"cable worker"* means any employee including any person employed under contract, of a cable operator, as such term is defined in section 67.2677 RSMo.

~~D. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.~~

SECTION 6. In accordance with *State v. Vaughn*, 366 SW3d 513 (Mo. 2012), Section 210.030 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.030: HARASSMENT

A. A person commits the offense of harassment if he or she:

1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;

3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;

4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

5. Knowingly makes repeated unwanted communication to another person~~;~~ or

~~6.~~ w~~W~~ithout good cause engages in any other act, with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

~~B. Harassment is an ordinance violation unless:~~

~~1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or~~

~~2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.~~

B~~C~~. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 7. In accordance with SS HCS HB 1647 and SCS SB 835 (2012), Section 210.180 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.180: FIREWORKS

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.

B. The term *"fireworks"*, as used in this Section, any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations~~ and American Pyrotechnics Association 87-1 standards~~.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Chief of Police and a permit has been issued for such demonstration or display by the Chief of Police. (R.O. 2008 §10-1; Ord. No. 513 §21, 12-23-68)

SECTION 8. In accordance with SS HCS HB 1647 (2012), Section 210.250 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.250: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL USE

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

2. Sets a spring gun;

3. Discharges or shoots a firearm within the City limits;*

4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;

5. Has a firearm or projectile weapon readily capable of lethal use on his or her person while intoxicated and handles or uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges it other than in self-defense;

6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits;

7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as

otherwise provided in this Subsection. Subdivisions (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons when such uses are reasonably associated with or necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;

7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and

9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111 RSMo.; and

11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

F. Nothing in this Section shall make it unlawful for a student to actually participate in school- sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

G. Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (Ord. No. 5212 §1, 8-22-11)

Note--Under certain circumstances this offense can be a felony under state law.

State Law Reference--Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.

SECTION 9. In accordance with SS HCS HB 1647 and SS SCS SB 489 & 637 (2012), Section 210.255 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

3. A gas gun;

~~4. A switchblade knife;~~

4~~5~~. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

5~~6~~. Knuckles; or

6~~7~~. Any of the following in violation of Federal law:

a. A machine gun;

b. A short barreled rifle or shotgun; ~~or~~

c. A firearm silencer; or~~.~~

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5~~6~~) of Subsection (A), the item was possessed in conformity with Federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or

5. Was incident to using with the weapon in a manner reasonably related to a lawful dramatic performance. (Ord. No. 5212 §1, 8-22-11)

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 10. In accordance with SS SCS SB 689 (2012), Section 210.375 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly ~~and~~ by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. ~~Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than fifty dollars ($50.00).~~

It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor.

B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or

employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.

2. Failure to correct a false impression which the offender previously has created or confirmed.

3. Preventing another person from acquiring information pertinent to the disposition of the property involved.

4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.

5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

UNDUE INFLUENCE: **", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that

such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 11. In accordance with CCS HCS SB 628 (2012), Sections 210.475 and 210.480 of the Code of Ordinances are hereby amended to read as follows:

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm, or to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;

2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; ~~or~~

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person;~~.~~ or

4. Coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct ~~in the first degree~~ if such person purposely subjects another person to sexual contact without that person's consent.

SECTION 12. In accordance with CCS HCS SS SCS SB 470, and SB 568 and SB 611 (2012), the definition of "Emergency Vehicle" in Section 300.010 and the provisions of section 310.050 of the Code of Ordinances are hereby amended to read as follows:

300.010 - *EMERGENCY VEHICLE:* A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police Department or Fire District, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.050 of this Title;

4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

9. Any vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assist vehicle.

SECTION 310.050: EMERGENCY VEHICLES -- USE OF LIGHTS AND SIRENS -- RIGHT-OF-WAY -- STATIONARY VEHICLES, PROCEDURE -- PENALTY

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.060 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

2. The driver of an emergency vehicle may:

a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

SECTION 13. In accordance with SS HCS HB 1647, CCS HCS SS SCS SB 470, and SB 480 and HB 1402 (2012), the definition of "Recreational Off-Highway Vehicle" in Section 300.010 is hereby amended and a new Section 340.085 is hereby added to the Code of Ordinances, to read as follows:

300.010 - *RECREATIONAL OFF-HIGHWAY VEHICLE:* Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-four (64~~0~~) inches or less in width, with an unladen dry weight of two~~one~~ thousand ~~eight hundred fifty~~ (2000~~1,850~~) pounds or less, traveling on four (4) or more non-highway tires, with a non-straddle seat and steering wheel, which may have access to ATV trails.

SECTION 340.085 – NO OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES ON STATE HIGHWAYS -EXCEPTIONS.

1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010 RSMo, upon state highways within the City, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence, but only pursuant to special license issued by the City Council as provided herein or, as to County roads, issued by the County Council;

(4) Recreational off-highway vehicles operated by handicapped

persons for short distances occasionally only on the state's secondary roads;

(5) The City Council may in its discretion based on all relevant factors issue special permits on an annual basis to licensed drivers for special uses of recreational off-highway vehicles on state highways within the city limits. An annual fee of fifteen dollars shall be paid, collected and retained by the City for each such permit;

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

SECTION 14. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

CREVE COEUR POLICE DEPARTMENT
INTEROFFICE MEMO

DATE: August 8, 2012

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Staff Memo Amending Provisions of Chapters 135, 210, 300, 310, and 340

As a result of various changes in the laws by the Missouri legislature, I am requesting that the following Chapters of the City of Creve Coeur Code of Ordinances by amended as follows:

Section 135.120-Release of Bail
This section deals with the authorization of the Municipal Judge granting options for release which would include electronic monitoring, with all costs associated therewith to be charged to the person.
Section 135.190-Judgement
This section deals with the punishment of a violator upon pleading or being found guilty in Municipal Court.
Section 135.240-Court Costs
This section outlines the surcharge of two dollars for the biometric verification system and information sharing systems to ensure that inmates, prisoners, or detainees in a holding facility or other detention facility or area which holds persons detained.
Section 210.015-Domestic Assault
This section will include any child who is a member of the family or household.
Section 210.020-Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker or Probation and Parole Officer
This section adds utility workers, and cable worker.
Section 210.030-Harassment
This section updates the language with the changes in the state statute.
Section 210.180-Fireworks
Eliminates the American Pyrotechnics Association 87 1 standards.
Section 210.250-Weapons-Carrying Concealed –Other Unlawful Use
This section includes the carrying of a firearm into any church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision.
Section 210.255-Possession, Manufacture, Transport. Repair, sale of Certain Weapons

Section 210.375-Financial Exploitation of the Elderly and Disabled

The terminology and definitions of the elements are changed in the new statute.
Section 210.475-Indecent Exposure (Sexual Misconduct)
Additional information has been added to the ordinance, age of the victim, and coercion.
Section 300.010-Emergency Vehicle
MoDot vehicles defined as emergency vehicles, specifics of the MoDot vehicle will be allowed to respond in the same manner as an emergency vehicle.

AMENDMENT TO THE
DEFINED BENEFIT RETIREMENT PLAN FOR EMPLOYEES OF
THE CITY OF CREVE COEUR

WHEREAS, the City Council adopted Ordinance No. 1474 on August 26, 1991 which adopted an amended and restated Defined Benefit Retirement Plan for Employees of the City of Creve Coeur (the "Plan"); and

WHEREAS, the City Council over the years has periodically amended the Plan and by Ordinance No. 2131, adopted June 11, 2001, amended and restated the Plan; and

WHEREAS, pursuant to Section 9.02 of the Plan, the City Council, subject to certain exceptions, reserves the right to amend the Plan from time to time; and

WHEREAS, the City Council has determined to amend the Plan- to comply with the Heroes Earnings Assistance Act of 2008 and the Pension Protection Act of 2006 effective as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, THAT THE PLAN IS AMENDED EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL.

1. Section 1.02 is amended to read as follows effective July 1, 2008:

1.02 Actuarial Equivalent or Actuarial Equivalence means a benefit which is of equal value at the date of determination to the benefit for which it is to be substituted. For all purposes other than lump sum benefits, Actuarial Equivalence shall be based upon an interest rate of eight percent (8%) and a mortality table constructed from eighty-five percent (85%) of the male rates and fifteen percent (15%) of the female rates from the 1971 Group Annuity Mortality Table.

For lump sum benefits, Actuarial Equivalence shall be based on the annual rate of interest on 30-year Treasury securities, as specified by the Secretary of Treasury, for the second month preceding the Plan Year in which the determination is made. For lump sum benefits, Actuarial Equivalence shall also be based on the 1983 Group Annuity Mortality Table converted to a unisex basis by assuming fifty percent (50%) males. Effective for distributions with annuity starting dates on and after July 1, 2008. Actuarial Equivalence shall be based on the applicable interest rate and applicable mortality table. Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the second month prior to the calendar year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

2. Section ——2.06 is amended to read as follows effective January 1, 2007:

2.06 Uniform Services Employment and Reemployment Rights Act of 1994. Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994 contributions, Benefits and Credited Service with respect to qualified military service will be provided in

accordance with Section 414(u) of the Code. Effective January 1, 2007, in the case of a Participant who dies while performing qualified military service (as defined in Code section 414(u) and any related legislation or guidance) and while his reemployment rights are protected by the Uniformed Services Employment and Reemployment Rights Act of 1994, for purposes of determining eligibility for any additional benefits to which a Participant's survivors would have become entitled if he had been employed by the Employer on his date of death (including computation of a Participant's vested percentage, but excluding benefit accruals relating to the period of such qualified military service) such Participant will be deemed to have resumed employment prior to his or her death and then to have terminated employment on account of death.

Formatted: Font: (Default) Arial, 11 pt

3. A new Section 6.05 is added to read as follows effective January 1, 2007:

6.05 Mandatory Survivor Benefits on Behalf of Participants Who Die In Qualified Military Service. Effective January 1, 2007, the death benefit paid with respect to a Participant who dies in Qualified Military Service shall be determined as provided in Section 2.06.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

4. Section 7.01(d) is amended to read as follows effective July 1, 2008:

(d) For purposes of applying the adjustments required under Code section 415(b)(2), the "applicable interest rate" is the annual rate of interest on 30-year Treasury Securities as specified by the Commissioner of Internal Revenue for the second month preceding the first day of the calendar quarter in which the determination is made and "applicable mortality table" is the table prescribed by the Secretary of the Treasury as described in Code section 415(b)(2)(E)(v). Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the limitation year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

Formatted: Font: 11 pt, Underline

5. Section 9.06(a)(3) is amended to read as follows effective July 1, 2009:

(3) Twenty percent (20%) of the Employee's first fifty thousand dollars ($50,000) of average annual compensation (within the meaning of Treasury Regulation Section 1.415(c)-2(d)(4), averaged over five (5) years) multiplied by the number of years between the commencement of the Restricted Period and the earliest of the following dates whichever may be applicable:

6. Section 11.06 is amended to read as follows effective January 1, 2007:

11.06 Direct Rollover. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distribution, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(1) Eligible Rollover Distribution means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and for distributions made before January 1, 2002, any portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) Eligible Retirement Plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible plan under Section 457(b) of the Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that agrees to separately account for amounts transferred into such plan from this Plan, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution.

Effective January 1, 2008, the term eligible retirement plan shall also include a Roth IRA as described in IRC Section 408A. Effective January 1, 2010, for the purpose of a distribution to a distributee who is a non-spouse beneficiary, eligible retirement plan shall only include an individual retirement account described in Code section 408(a), an individual retirement annuity described in IRC Section 408(b), or a Roth IRA described in IRC Section 408A (collectively, "IRA") that is established on behalf of the non-spouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC Sections 402(c)(11) and 408(d)(3)(C)(ii).

(3) Distributee means an Employee or former Employee. In addition, the Employee's or former Employee's surviving Spouse and the Employee's or former Employee's Spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the Spouse or former spouse. Notwithstanding any provision of this Section to the contrary, effective as of January 1, 2010, the term distributee shall also include a non-spouse beneficiary of a deceased Participant.

(4) Direct Rollover means a payment by the Plan to the eligible retirement plan specified by the distributee.

THIS AMENDMENT shall take effect on the date of its adoption as indicated below.

CITY OF CREVE COEUR

Date: _____ By _____

City Administrator

ATTEST:

_____

Secretary

MEMORANDUM

DATE: August 7, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance DPS

SUBJECT: Amendment to Pension Plan to Comply With Federal Law

We have been informed by Steve Siepman, our actuary, that our current Defined Benefit Employee Pension Plan needs to be amended to comply with federal law. As you can see from the attached memo from Mr. Siepman the amendments to the plan will likely have no effect on the benefits to the participants.

I have also attached a redlined copy of the proposed legislation to highlight the actual changes to the plan.

Since the proposed changes are required by the federal law staff recommends approval.

You will note there is a small penalty for late implementation of these changes. Since Buck Consultants is responsible for monitoring these changes, they will absorb this cost.

I would be happy to respond to any questions.

Pls prepare a cover memo. We will also need an ordinance amending the plan, perhaps Debbie can prepare one.

Thanks,

From: Smith, Daniel N
Sent: Monday, July 30, 2012 2:01 PM
To: Perkins, Mark C.
Subject: FW: Required Retirement Plan amendment

Mark here is an amendment to the Pension plan required by the IRS. Since Buck should have notified the City they will pay the late fee to bring us into compliance. This needs to be on the next agenda. Thanks. DNS

Daniel N. Smith, CPA, CPFO
Director Of Finance
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, Missouri 63141
314-872-2519
dsmith@ci.creve-coeur.mo.us

From: Siepman, Stephen [mailto:Stephen.Siepman@buckconsultants.com]
Sent: Monday, July 30, 2012 9:18 AM
To: Smith, Daniel N
Subject: Required Retirement Plan amendment

Dan,

Attached is an amendment to the City's Retirement Plan making a number of changes as required by law. Also attached is a red-line version that clarifies what is being added or changed.

By way of explanation, recent federal law changes indicate these revisions to the Plan document:

1. The use of interest rates for determining small lump sum benefits and related to maximum benefit limitations (Sections 1.02 and 7.01(d)).
2. HEART Act changes with regard to participants who enter the military and die while in the military (Sections 2.06 and 6.05).
3. Change in regulation reference for distributions in case of plan termination (Section 9.06(a)(3)).
4. Modifications in eligible rollover provisions (Section 11.06).

I believe we have discussed these items briefly in the past. There is no practical impact on the Plan's funding or costs as a result of this amendment. It is highly unlikely that any participant is going to have a benefit small enough to be cashed out is a lump sum. The only type of Plan distribution that can be rolled over is a lump sum distribution, so the rollover provisions are not likely to have any practical applicability. The only practical impact would be if a Plan participant enters the military and dies while serving. The probability of that actually occurring is extremely low, so we do not recognize any additional Plan liability for the possibility it might occur. If it actually happened, the death benefits would be determined as if the person were actively employed with the City at the time of death. No benefit service credit would be granted for the time served in the military.

Finally, this amendment should have been adopted by the City no later than June 30, 2012. I apologize that we failed to notice that deadline and are providing it to you late. The IRS offers a Voluntary Compliance Program (VCP) that allows these types of oversights to be corrected for a modest user fee. When the amendment has been adopted, we will guide you through the VCP filing process and ask that you pay the fee. Of course, we will credit you the amount of the fee on an invoice so that the City will have no obligation whatsoever for correcting the late amendment.

If you have any questions, please let me know. Thanks.

Steve Siepman
Buck Consultants
231 S. Bemiston, Suite 400
St. Louis, MO 63105
314.719.2529 Phone
314.725.2724 Fax
stephen.siepman@buckconsultants.com
www.buckconsultants.com

Please consider the environment before printing this email

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

If you have received this message by mistake, please notify the City of Creve Coeur Information Systems Manager(314-442-2069)and delete this message from your system. All email to and from the City are checked for viruses. Although this e-mail and any attachment(s) are believed to be free of any virus, worm, or other digital illness or defect that might affect any computer system that receives and opens this message, it is the responsibility of the recipient to make sure that it is free from any virus or other defect. The City does not accept, and specifically disclaims, any responsibility or liability for any loss or damage arising from the receipt or use of this message, and any attachment(s) in any way.

BILL NO. 5383 **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE DEFINED BENEFIT RETIREMENT PLAN FOR EMPLOYEES OF THE CITY OF CREVE COEUR

WHEREAS, the City Council adopted Ordinance No. 1474 on August 26, 1991 which adopted an amended and restated Defined Benefit Retirement Plan for Employees of the City of Creve Coeur (the "Plan"); and

WHEREAS, the City Council over the years has periodically amended the Plan and by Ordinance No. 2131, adopted June 11, 2001, amended and restated the Plan; and

WHEREAS, pursuant to Section 9.02 of the Plan, the City Council, subject to certain exceptions, reserves the right to amend the Plan from time to time; and

WHEREAS, the City Council has determined to amend the Plan to comply with the Heroes Earnings Assistance and Relief Tax Act of 2008 and the Pension Protection Act of 2006 effective as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

Section 1. The Defined Benefit Retirement Plan for Employees of the City of Creve Coeur is hereby amended, as follows:

1. Section 1.02 is amended to read as follows effective July 1, 2008:

1.02 Actuarial Equivalent or Actuarial Equivalence means a benefit which is of equal value at the date of determination to the benefit for which it is to be substituted. For all purposes other than lump sum benefits, Actuarial Equivalence shall be based upon an interest rate of eight percent (8%) and a mortality table constructed from eighty-five percent (85%) of the male rates and fifteen percent (15%) of the female rates from the 1971 Group Annuity Mortality Table.

For lump sum benefits, Actuarial Equivalence shall be based on the annual rate of interest on 30-year Treasury securities, as specified by the Secretary of Treasury, for the second month preceding the Plan Year in which the determination is made. For lump sum benefits, Actuarial Equivalence shall also be based on the 1983 Group Annuity Mortality Table converted to a unisex basis by assuming fifty percent (50%) males. Effective for distributions with annuity starting dates on and after July 1, 2008. Actuarial Equivalence shall be based on the applicable interest rate and applicable mortality table. Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the second month prior to the calendar year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

2. Section 2.06 is amended to read as follows effective January 1, 2007:

2.06 Uniform Services Employment and Reemployment Rights Act of 1994. Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994 contributions,

Benefits and Credited Service with respect to qualified military service will be provided in accordance with Section 414(u) of the Code. Effective January 1, 2007, in the case of a Participant who dies while performing qualified military service (as defined in Code section 414(u) and any related legislation or guidance) and while his reemployment rights are protected by the Uniformed Services Employment and Reemployment Rights Act of 1994, for purposes of determining eligibility for any additional benefits to which a Participant's survivors would have become entitled if he had been employed by the Employer on his date of death (including computation of a Participant's vested percentage, but excluding benefit accruals relating to the period of such qualified military service) such Participant will be deemed to have resumed employment prior to his or her death and then to have terminated employment on account of death.

3. A new Section 6.05 is added to read as follows effective January 1, 2007:

6.05 Mandatory Survivor Benefits on Behalf of Participants Who Die In Qualified Military Service. Effective January 1, 2007, the death benefit paid with respect to a Participant who dies in Qualified Military Service shall be determined as provided in Section 2.06.

4. Section 7.01(d) is amended to read as follows effective July 1, 2008:

(d) For purposes of applying the adjustments required under Code section 415(b)(2), the "applicable interest rate" is the annual rate of interest on 30-year Treasury Securities as specified by the Commissioner of Internal Revenue for the second month preceding the first day of the calendar quarter in which the determination is made and "applicable mortality table" is the table prescribed by the Secretary of the Treasury as described in Code section 415(b)(2)(E)(v). Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the limitation year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

5. Section 9.06(a)(3) is amended to read as follows effective July 1, 2009:

(3) Twenty percent (20%) of the Employee's first fifty thousand dollars ($50,000) of average annual compensation (within the meaning of Treasury Regulation Section 1.415(c)-2(d)(4), averaged over five (5) years) multiplied by the number of years between the commencement of the Restricted Period and the earliest of the following dates whichever may be applicable:

6. Section 11.06 is amended to read as follows effective January 1, 2007:

11.06 Direct Rollover. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distribution, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(1) Eligible Rollover Distribution means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and for distributions made before January 1, 2002, any portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) Eligible Retirement Plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible plan under Section 457(b) of the Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that agrees to separately account for amounts transferred into such plan from this Plan, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution.

Effective January 1, 2008, the term eligible retirement plan shall also include a Roth IRA as described in IRC Section 408A. Effective January 1, 2010, for the purpose of a distribution to a distributee who is a non-spouse beneficiary, eligible retirement plan shall only include an individual retirement account described in Code section 408(a), an individual retirement annuity described in IRC Section 408(b), or a Roth IRA described in IRC Section 408A (collectively, "IRA") that is established on behalf of the non-spouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC Sections 402(c)(11) and 408(d)(3)(C)(ii).

(3) Distributee means an Employee or former Employee. In addition, the Employee's or former Employee's surviving Spouse and the Employee's or former Employee's Spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the Spouse or former spouse. Notwithstanding any provision of this Section to the contrary, effective as of January 1, 2010, the term distributee shall also include a non-spouse beneficiary of a deceased Participant.

(4) Direct Rollover means a payment by the Plan to the eligible retirement plan specified by the distributee.

Section 2. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

BILL NO. 5383 **ORDINANCE NO. _____**

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

RESOLUTION NO. 1018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE PURCHASE OF A NEW 20 CUBIC YARD EXTREME VAC LEAF VACUUM FROM KEY EQUIPMENT CO. FOR $36,945.00

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide quality equipment to city employees; and

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide leaf collection service to the residents in the city; and

WHEREAS, this equipment has been competitively bid as required by the City of Creve Coeur Code of Ordinances

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The purchase of a new 2012 Diesel Powered 2012 Extreme Vac SCL65TM leaf vacuum with an impeller upgrade from Key Equipment Co. for an amount of $36,945.00, is hereby approved. The purchase shall be consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the agreement.

Adopted this 13th day of August, 2012

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

DEPARTMENT OF PUBLIC WORKS
OFFICE MEMO

DATE: August 9, 2012

TO: Mark C. Perkins, City Administrator,

FROM: Jim Heines, Director of Public Works

SUBJECT: FY 2013 Leaf Vacuum Purchase Recommendation

City council approved the purchase of a new 20 cubic yard diesel powered "Extreme Vac" leaf vacuum from Key Equipment on May 29, 2012. Prior to this purchase, city staff bid out this equipment as well as demoed available units. Although the Extreme Vac was second lowest in price by $1,250 it was determined that this model was of superior quality and had a better warranty.

This purchase of this leaf vacuum will replace a 2000 model year leaf vacuum. Public Works staff plans to send the 2000 Giant Vac leaf vacuum to the St. Louis County Equipment Auction after we receive delivery of the new unit.

As a term of the FY 2012 Leaf Vacuum purchase bid documents, the successful bidder must keep the bid prices effective for one year in the event that the city should choose to purchase another unit. City staff would like to take advantage of this option to purchase another 20 cubic yard diesel powered "Extreme Vac" from Key Equipment. By ordering this unit now, there is a good chance it will be delivered in time for use during our 2012 fall leaf season.

Recommendation

Public Works staff recommends purchasing a 2012 Extreme Vac SCL65TM 20 Cubic Yard Leaf Vacuum with an impeller upgrade from Key Equipment Co. for an amount of $36,945. There is $38,000 identified in the FY2013 Capital Equipment account # 02-61-71-9516 for this purchase.

RESOLUTION NO. 1019

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) POLICE DEPARTMENT VEHICLES FOR $46,633

WHEREAS, in the interest of pubic safety, the police department requires police vehicles to effectively patrol the City; and

WHEREAS, such police vehicles will be replaced when they are determined to have surpassed their life expectancy as a reliable police unit; and

WHEREAS, the police department is requesting funds totaling $21,096.00 payable to Don Brown Chevrolet for the purchase of one 2012 Chevrolet Impala; in accordance with Missouri State Fleet contract #B1E12055;to be purchased from the Police Department's Administrative and Support Services Budget, and

WHEREAS, the police department is requesting funds totaling $25,537.00 payable to Machens Ford for the purchase of one 2013 Ford Explorer; in accordance with Missouri State Fleet contract #C112055004: to be purchased from the Police department's Patrol Budget, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR THAT:

SECTION 1: The City of Creve Coeur is hereby authorized to enter into an agreement with Don Brown Chevrolet to provide one 2012 model year Chevrolet Impala at a cost of $21,096.00.

SECTION 2: The City of Creve Coeur is hereby authorized to enter into an agreement with Machens Ford to provide one 2013 model year Ford Explorer at a cost of $25,537.00.

SECTION 3. This Resolution shall become effective upon execution hereof.

Adopted this 13th day of August 2012.

_____
Barry Glantz, Mayor

Attest

_____
Deborah Ryan, MPCC
City Clerk

Date: 08-07-2012

Customer: Lt. Lively
Creve Couer P.D.

Make: Chevrolet

Model: Impala 9C3

Year: 2012

DON BROWN CHEVROLET
2244 S Kingshighway · St Louis, MO 63110
(314)772-1400 Fax (314)772-1022
dave@donbrownchevrolet.com

Equipment			
2012 Impala police per specs and headlight taillight Flashers Per State Contract #B1E12055 Black 36 MONTH 36,000 MILE BUMPER/BUMPER WARRANTY 60 MONTH 100,000 MILE DRIVETRAIN WARRANTY		Per	$21,096.00

Please if you have any questions feel free to contact me 314-772-1400

Thank you,
David Helterbrand

Attn Lt Lively
442-2090

PRICING SUMMARY

PRICING SUMMARY - 2013 Fleet/Non-Retail 1WS19 4dr Sdn Police

	MSRP	VQ2
Base Price	$27,205.00	$25,300.66
Total Options:	$715.00	$607.75
Vehicle Subtotal	$27,920.00	$25,908.41
Advert/Adjustments	$0.00	$0.00
Destination Charge	$825.00	$825.00
GRAND TOTAL	$28,745.00	$26,733.41

Your Cost

$21,096.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 236.0, Data updated 7/31/2012 2:01:00 PM

©Copyright 1988-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

SELECTED MODEL & OPTIONS

SELECTED MODEL - 2013 Fleet/Non-Retail 1WS19 4dr Sdn Police

Code	Description	MSRP	VQ2
1WS19	2013 Chevrolet Impala Police 4dr Sdn Police	$27,205.00	$25,300.66

SELECTED VEHICLE COLORS - 2013 Fleet/Non-Retail 1WS19 4dr Sdn Police

Code	Description
-	Interior: No color has been selected.
-	Exterior 1: No color has been selected.
-	Exterior 2: No color has been selected.

SELECTED OPTIONS - 2013 Fleet/Non-Retail 1WS19 4dr Sdn Police

CATEGORY / Code	Description	MSRP	VQ2
EMISSIONS			
FE9	EMISSIONS, FEDERAL REQUIREMENTS	$0.00	$0.00
ENGINE			
LFX	ENGINE, 3.6L SIDI DOHC V6 VVT (302 hp [225.2 kW] @ 6800 rpm, 262 lb-ft of torque [353.7 N-m] @ 5300 rpm) (STD)	$0.00	$0.00
TRANSMISSION			
MX0	TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED WITH OVERDRIVE (STD)	$0.00	$0.00
PREFERRED EQUIPMENT GROUP			
3FL	PREFERRED EQUIPMENT GROUP	$0.00	$0.00
MODEL OPTION			
9C3	UNMARKED POLICE PACKAGE	$0.00	$0.00
PAINT			
41U	BLACK	$0.00	$0.00
PAINT SCHEME			
—	STANDARD PAINT	$0.00	$0.00
SEAT TYPE			
AN3	SEAT, FRONT 40/20/40 SPLIT-BENCH WITH CLOTH (Requires 9C3 Unmarked Police package)	$0.00	$0.00
SEAT TRIM			
19C	EBONY, CLOTH SEAT TRIM WITH CLOTH REAR BENCH SEAT (Requires 9C3 Unmarked Police package)	$0.00	$0.00
RADIO			
U1C	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER seek-and-scan, digital clock, auto-tone control, automatic volume, TheftLock and auxiliary input jack (STD)	$0.00	$0.00
ADDITIONAL EQUIPMENT			
FHS	E85 FLEXFUEL CAPABLE (includes rear decklid badge)	INC	INC
B86	MOLDINGS, BODY-COLOR BODYSIDE	$100.00	$85.00
6J7	FLASHER SYSTEM, HEADLAMP AND REAR LAMPS, DRL COMPATIBLE with control wire	$375.00	$318.75

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 236.0, Data updated 7/31/2012 2:01:00 PM

©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

SELECTED MODEL & OPTIONS

SELECTED OPTIONS - 2013 Fleet/Non-Retail 1WS19 4dr Sdn Police

CATEGORY			
Code	Description	MSRP	VQ2
ADDITIONAL EQUIPMENT			
DK2	MIRRORS, OUTSIDE HEATED POWER-ADJUSTABLE, BODY-COLOR	$60.00	$51.00
B34	FLOOR MATS, CARPETED FRONT AND REAR (Not available with (6A3) heavy-duty vinyl floor covering.)	$80.00	$68.00
6C7	LIGHTING, FRONT AUXILIARY DOME	$100.00	$85.00
OPTIONS TOTAL		**$715.00**	**$607.75**

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 236.0, Data updated 7/31/2012 2:01:00 PM

©Copyright 1986-2005 Chrome Systems Corporation. All rights reserved.

Customer File:

CNGP530 VEHICLE ORDER CONFIRMATION 08/07/12 12:44:12

==> Dealer: F53792

2013 EXPLORER 4-DOOR Page: 1 of 1

Order No: 9058 Priority: J1 Ord FIN: QS036 Order Type: 5B Price Level: 315

Ord Code: 500A Cust/Flt Name: MACHENS PO Number:

		RETAIL			RETAIL
K8A	4DR AWD POLICE	$29705	794	PRICE CONCESSN	
	.112.6" WB			REMARKS TRAILER	
UX	INGOT SILVER			FLEX FUEL	
F	CLTH BUCKETS/RR	60		SP DLR ACCT ADJ	
W	BLACK INTERIOR			SP FLT ACCT CR	
500A	EQUIP GRP			FUEL CHARGE	
99R	.3.7L V6 TIVCT	NC	B4A	NET INV FLT OPT	NC
44C	.6-SPD AUTO TRAN	NC		DEST AND DELIV	825
	FRT LICENSE BKT	NC	TOTAL	BASE AND OPTIONS	31160
16C	CARPET FLR COV	125	TOTAL		31160
43D	COURTESY DISABL	20			
51Y	DRV SDE SPT LMP	215			
60A	GRILL WIRING	50			
60R	NOISE SUPPRESS	100			
64B	18" WHEEL COVER	60			

THIS IS NOT AN INVOICE

*TOTAL PRICE EXCLUDES COMP PR

F1=Help F2=Return to Order F3/F12=Veh Ord Menu

F9=View Trailers

S005 - INQUIRY IS COMPLETE. QC08006

2013 Police Interceptor
All-Wheel Drive

#25,537 (delivered)

Standard Equipment

EXTERIOR	INTERIOR	FUNCTIONAL	SAFETY/SECURITY
245/65R18 A/S POLICE TIRES	BLACK VINYL FLOOR COVERING	ALL WHEEL DRIVE SYSTEM	75 MPH REAR CRASH TESTED
18" HD STEEL WHEELS	PWR DR SEAT/6-WAY/M LUMBAR	COLUMN MOUNTED SHIFTER	ADVANCETRAC WITH RSC
18" WHEEL HUB CAP	MANUAL PASS SEAT 2-WAY	HEAVY DUTY 78-AMP BATTERY	AIRBAGS FRONT AND SIDE
FULL SIZE 18" SPARE W/TPMS	CLOTH BUCKET FRONT SEATS	220 AMP ALTERNATOR	AIRBAGS SAFETY CANOPY
DUAL POWER MIRRORS	60/40 SPLIT VNYL REAR	POLICE BRAKES 4 WHL DISC W/ ABS & TRACTION CONTROL	PERSONAL SAFETY SYSTEM
INTEGRATED SPOTTER MIRRORS	TILT STEERING WHL CRUISE & AUDIO CONTROLS	HEAVY DUTY SUSPENSION	SOS POST CRASH ALERT SYS
HALOGEN HEADLAMPS	1-TOUCH DOWN DRIVER WINDOW	POWER STEERING W/EPAS	TIRE PRESSURE MONITOR SYS
PRIVACY GLASS 2ND/3RD ROW	A/C W/MANUAL CLIMATE CONTROL, SINGLE ZONE	ENGINE OIL COOLER	WARRANTY
DUAL EXHAUST SYSTEM	CERTIFIED SPEEDOMETER	TRANSMISSION OIL COOLER	3YR/36K MILE WARRANTY
GRILLE-BLACK	ENGINE HOUR/IDLE METER	POWER LOCKS AND WINDOWS	
KEYLOCKS (DR/PASS/LFTGT)	CONSOLE MOUNTING PLATE	AM/FM SINGLE CD/MP3, 6SPKR	
EASY FUEL CAPLESS FILLER	UNIVERSAL TOP TRAY	ADJUST PEDALS, NON MEMORY	
	RED/WHITE DOME LAMP	BATTERY SAVER FEATURE	
		POWERPOINTS (2)	

CREVE COEUR POLICE DEPARTMENT
INTEROFFICE MEMO

DATE: August 8, 2012

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Staff Memo for the Purchase of Two Police Vehicles

The police department would like to replace two vehicles in the fleet. The replacement of these two vehicles was planned for and approved by the City Council in the 2012/2013 budget.

The first vehicle to be purchased is from the Administrative and Support Services Budget which would be a 2012 Chevrolet Impala. This would replace the Chief's car, a 2011 Chevrolet Impala. The 2011 Chevrolet Impala would be rolled into the fleet for service by Investigations. One of the vehicles in Investigations will be sold at Manheim Auto Auctions. The cost of this vehicle is $21,096.00 purchased under Missouri State Contract #B1E12055 from Don Brown Chevrolet.

The second vehicle would be purchased from the Patrol Division Budget to replace a 2002 Ford four wheel drive truck. This vehicle will be sold at Manheim Auto Auctions. The vehicle to be purchased is a 2013 Ford Interceptor 6 cylinder four wheel drive from Machens Ford for a cost of $25,537.00 purchased under Missouri State Contract #C112055004. It is estimated that this vehicle would last for approximately 5 years or longer before needing to be replaced.

Both vehicles are 6 cylinders and are rated better for gasoline consumption, and can be used in inclement weather. The police department would have 3 four wheel drive vehicles for use in inclement weather, as well as 3 front wheel drive Chevrolet Impalas, to be used by patrol in a winter storm. The ability to respond safely during this kind of weather is paramount and should be done so in a safe manner.

During this upcoming year, the police department will evaluate our fleet vehicle replacement and examine the best fiscal solution for replacing patrol cars and their maintenance. These current purchases will avoid a price increase which will take effect after the first of the year.

MINUTES OF A MEETING
OF THE NOMINATING COMMITTEE
JULY 26, 2012
7:30 A.M.

A meeting of the Nominating Committee for the Historic, Stormwater, Board of Adjustment and Park Committees was held on Thursday, July 27, 2012 at 7:30 a.m. at the Creve Coeur Government Center, 300 N New Ballas Road.

Mayor Glantz called the meeting to order to consider appointment of two (2) unexpired terms for the Historic Preservation Committee, one (1) unexpired term and one (1) alternate term for the Board of Adjustment, one (1) unexpired term for the Stormwater Committee and two (2) full terms for the Parks and Rec Committee pursuant to the requirements of Section 4.4(i) of the Creve Coeur City Charter.

Historic Preservation Committee

The Nominating Committee consisted of:
Barry Glantz, Mayor
Robert Hoffman, Council President
Carole Levin, Committee Chair

The following resumes/letters of interest were received:
- Christopher Valeriote
- Lon Zimmerman
- Georleen Williamson
- Bob Stolzberg

Mayor Glantz stated we have two vacancies due to the resignations of Lucie Peyton and Carol Wehling.

Chair Carole Levin stated she made contact with all of the interested applicants and would recommend both Bob Stolzberg and Christopher Valeriote. Mr. Valeriote is excited for the opportunity and eager to attend meetings. Mr. Stolzberg is located outside of the city limits but would be a good candidate from his interests and experience. The other two applicants couldn't commit to the meetings of the committee.

Council President Hoffman stated although we have a few other Historic Preservation Committee members that are not residents of the City he would prefer that we only appoint Christopher Valeriote and leave the other vacancy for a resident that is interested in the position and serving the City. Residents come first.

Chair Carl Levin moved, seconded by Council President Hoffman to appoint Christopher Valeriote to fill an unexpired term which will expires June 30, 2014, with the vote upon such motion being as follows, to-wit:
Council President Hoffman – Aye
Committee Chair Levin – Aye
Mayor Glantz – Aye

The vote on the motion being 3 ayes and 0 nays, the nomination recommended was approved.

Stormwater Committee

The Nominating Committee consisted of:
Barry Glantz, Mayor
Robert Hoffman, Council President

The following resumes/letters of interest were received:
- Christopher Valeriote
- Richard Koch
- Richard Homans
- Alexandra Gada

Mayor Glantz stated we have one vacancy due to the resignations of Sheila Engel, she moved.

Council President Hoffman stated the Vice Chair, Stacy Manolakas was unable to attend the meeting but did send an e-mail dated July 14, 2012 5:58 a.m. to the City Clerk with her recommendation. She reviewed the applications and is recommending Richard Koch as he is the only applicant that is an engineer and works in the field.

Council President Hoffman moved, seconded by Mayor Glantz to appoint Richard Koch to fill the unexpired term which expires June 30, 2014, with the vote upon such motion being as follows, to-wit:

Council President Hoffman – Aye
Mayor Glantz – Aye

The vote on the motion being 2 ayes and 0 nays, the nomination recommended was approved.

Board of Adjustment

The Nominating Committee consisted of:
Barry Glantz, Mayor
Robert Hoffman, Council President

The following resumes/letters of interest were received:

- Ivan Schenberg
- Alexandra Gada

Mayor Glantz stated we have one full member vacancy due to the resignations of Martin Jaffe and one alternate member vacancy due to the resignation of Kenneth Balk.

Council President Hoffman stated the Board Chair, Earl Schenberg was unable to attend the meeting but did send an e-mail dated July 18, 2012, 2:16 p.m. to the City Clerk with his recommendation. He called each applicant and is recommending Ivan Schenberg as the full member and Alexandra Gada alternate.

Council President Hoffman moved, seconded by Mayor Glantz to appoint Ivan Schenberg to fill the unexpired term which expires June 30, 2016 and to appoint Alexandra Gada to the alternate member position with no term limit, with the vote upon such motion being as follows, to-wit:

Council President Hoffman – Aye
Mayor Glantz – Aye

The vote on the motion being 2 ayes and 0 nays, the nomination recommended was approved.

Parks and Rec Committee

The Nominating Committee consisted of:
Barry Glantz, Mayor
Robert Hoffman, Council President

Mayor Glantz stated we have two vacancies due to the resignations of Jeffrey Bernstein, Chair and Linda Sosna, Vice-Chair. Mayor Glantz stated we received three applications and two of them are not city residents. Mayor Glantz recommended not making any appointments until the Committee has had a chance to meet and select a new Chair and Vice-Chair and the new Parks Director has had an opportunity to meet with this Committee for some new ideas and direction from and for the committee.

The Nominating Committee Meeting adjourned at 7:49 a.m.

MINUTES OF A MEETING
OF THE NOMINATING COMMITTEE
JULY 26, 2012
7:30 A.M.

Attest:

Deborah Ryan	Barry Glantz
City Clerk	Mayor

Memorandum

DATE: July 31, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance DNS

SUBJECT: Fourth Quarter FY 2012 Financial Analyses

Attached is a financial report for the 4th quarter of FY 2012. As we had previously indicated a large surplus was anticipated. Some of the highlights are as follows:

1. **General Fund**
   a. Revenues
   Revenues were higher than anticipated for 2012. This was primarily due to revenues being higher than anticipated in 3 areas: sales tax, electric utility gross receipts and building permits. Property tax revenues were lower due to a decrease in assessed value as a result of Board of Equalization adjustments.

   b. Expenditures
   Expenditures for the General Fund were less than originally budgeted as were transfers out. The only departments exceeding their budget were Park Maintenance and Community Services. The Park Maintenance budget was exceeded primarily as a result of unanticipated repairs to the Tappmeyer House and other unanticipated expenses such as water and sewer.

As indicated previously a significant surplus was generated as revenues were higher than anticipated and expenses were less.

2. **Municipal Enterprise Fund**
   a. Revenues
   Revenues for the Enterprise Fund were higher than anticipated excluding transfers. Revenues in all divisions including ice arena, golf course and snack bar were higher than anticipated. Especially encouraging was the increase in golf course revenues over 2011 which was 19%.

   b. Expenditures
   Expenses were substantially less than budgeted especially in the golf course and snack areas. These savings resulted primarily from reduction in staffing and savings in capital purchases.

Overall the increase in revenues and saving in expenses substantially reduced the FY 2012 transfer from the General Fund.

3. **Capital Fund**
   a. Revenues
      Revenues were less than budgeted for 2012. Revenues for the Conway Road project will not be received until FY 2013. In addition revenues for the energy retrofit loan/grant will not be received at this time.

   b. Expenditures
      Expenses were less than anticipated in FY 2012. This was primarily due to a delay in the majority of the Conway Road expenditures until 2013 and a reduction in the energy retrofit project scope.

Overall the city had a good financial year in 2012. The General Fund realized a significant surplus and appears to be in good financial shape for at least the next 5 years.

The performance of the Enterprise Fund was vastly improved over the prior 2-3 years. This resulted in a much lower transfer of $25,000 from the General Fund. Given the nature of the financing for this fund continued monitoring of the revenues and expenditures for this fund will be important.

In addition the Capital Fund performed as projected during FY 2012.

It should be noted that the figures for this report are preliminary for 2012. Additional expenditures will be charged to the funds as the July and August bills are paid due to the governmental accounting guidelines. Even with those additional expenses I do not anticipate substantial change in the operating results. I would be pleased to respond to any questions.

CITY OF CREVE COEUR
Statement of Revenues and Expenditures
As of June 30, 2012
FY 2012

UNAUDITED

	ANNUAL BUDGET	ADJUSTED BUDGET	YTD ACTUAL	YTD ENCUMB	ACTUAL AS % of BUDGET	*2011 4th Qtr Actual*	*2011 Actual As % of Budget*
General Fund Revenues:							
Property Taxes	687,800	659,800	624,866		94.7%	686,394	99.6%
Utility Taxes	5,675,000	5,654,000	5,817,424		102.9%	5,781,976	101.3%
Intergovernmental	6,145,000	6,295,000	6,334,997		100.6%	5,297,217	99.7%
Licenses and Permits	712,050	712,050	870,462		122.2%	618,616	105.8%
Charges for Services	78,600	78,600	85,502		108.8%	82,805	116.3%
Municipal Court	1,834,000	1,834,000	1,873,236		102.1%	1,817,716	97.4%
Other Revenues	777,007	777,007	759,661		97.8%	760,605	93.2%
Transfers	138,537	138,537	56,550		40.8%	59,609	40.1%
Total Revenues	**16,047,994**	**16,148,994**	**16,422,698**		**101.7%**	**15,104,938**	**99.4%**
General Fund Expenditures:							
Legislative Services	357,214	357,821	309,049		86.4%	312,983	88.6%
Administrative Services	786,988	786,270	760,473	9,307	97.9%	705,556	97.3%
Non-Departmental	472,902	496,402	435,205	877	87.8%	455,828	96.3%
Maint. of Municipal Prop.	339,529	325,523	301,162	0	92.5%	332,058	90.3%
Municipal Court	875,181	876,854	801,116	67,116	99.0%	829,781	93.8%
Finance Department	497,922	498,671	485,788		97.4%	437,641	96.7%
Police Department	6,609,307	6,597,456	6,482,634	4,842	98.3%	6,610,697	97.8%
Park Maintenance	470,432	508,948	507,875	8,721	101.5%	447,607	93.8%
Community Services	71,084	72,687	76,238		104.9%	62,423	93.2%
Public Works - Admin.	395,229	405,870	394,032	17	97.1%	356,478	95.5%
Street Maintenance	1,672,865	1,645,976	1,569,586	13,535	96.2%	1,578,855	94.8%
Health and Welfare	1,384,025	1,289,025	1,288,015	5,625	100.4%	1,321,505	98.8%
Community Development	1,058,801	1,092,225	1,047,929	4,044	96.3%	1,048,333	98.6%
Annual Infrastructure Maintenance	0	0				0	0
Total Expenditures	**14,991,479**	**14,953,728**	**14,459,102**	**114,084**	97.5%	**14,499,745**	**96.6%**
Total Operating Surplus (-Deficit)	**1,056,515**	**1,195,266**	**1,849,512**			**605,193**	
Transfers To Other Funds(1)	**540,000**	**540,000**	**425,000**	0		**495,000**	
Operating Revenues Over (under) Expenditures	**516,515**	**655,266**	**1,424,512**			**110,193**	

(1)- Actual Transfers- $400,000 Capital Fund, $25,000 Enterprise Fund

CITY OF CREVE COEUR
Statement of Revenues and Expenditures
As of June 30, 2012
FY 2012

UNAUDITED

UNAUDITED

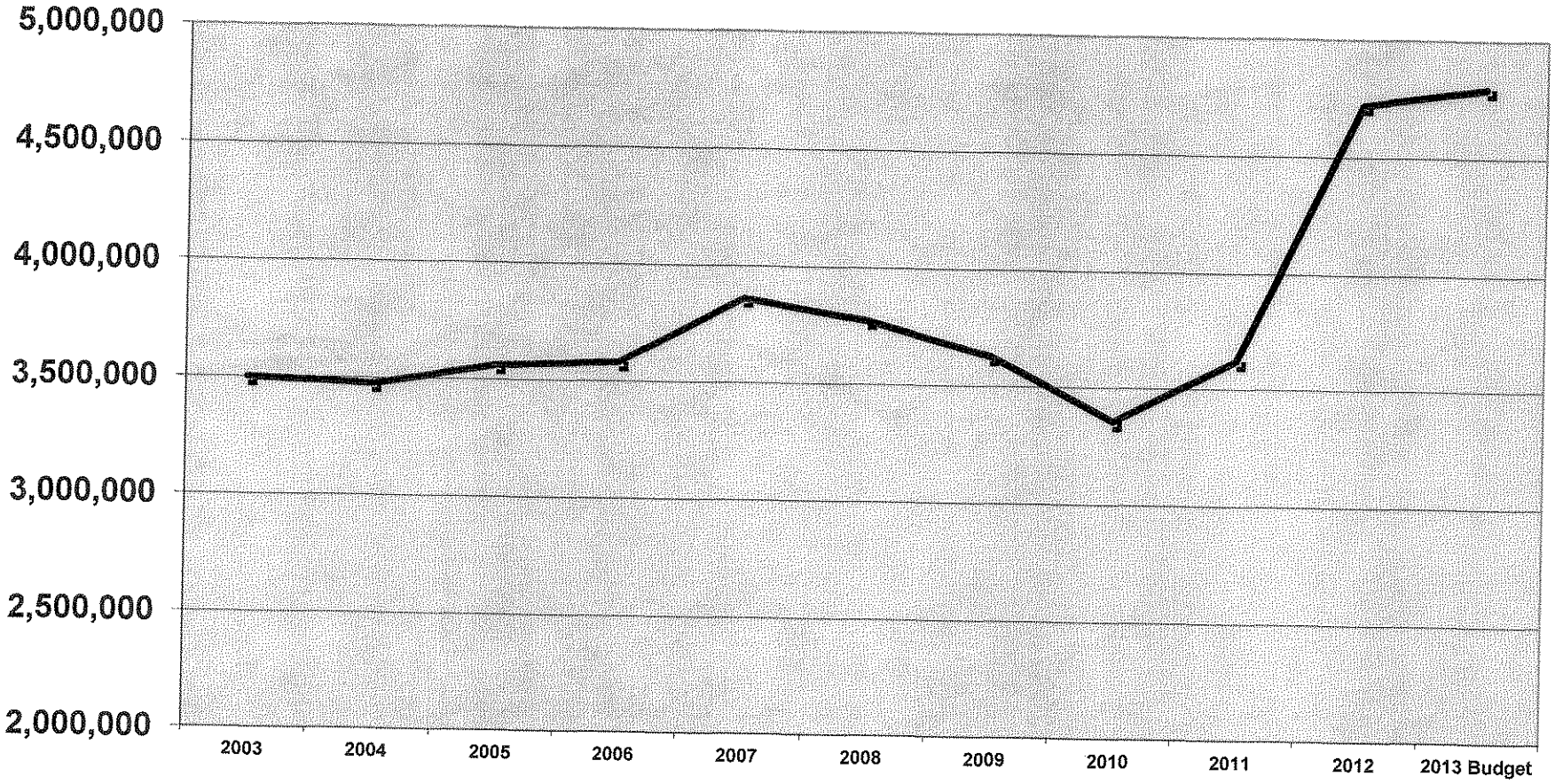
	ANNUAL BUDGET	ADJUSTED BUDGET	YTD ACTUAL	YTD ENCUMB	ACTUAL AS % of BUDGET	*2011 4th Qtr Actual*	*2011 Actual As % of Budget*
Municipal Enterprise Fund Revenues:							
Golf Course	404,725	414,225	430,287		103.9%	361,518	94.7%
Food Service	54,950	54,950	57,871		105.3%	54,569	90.2%
Ice Arena	492,675	503,675	521,063		103.5%	507,479	101.3%
Other Revenues	1,350	1,350	729		54.0%	5,173	1115.5%
Transfers-In	140,000	140,000	25,000		17.9%	135,000	90.0%
Total Revenue	**1,093,700**	**1,114,200**	**1,034,950**	**0**	**92.9%**	**1,063,739**	**97.3%**
Municipal Enterprise Fund Expenditures:							
Golf Course	506,068	488,307	459,022	1,302	94.3%	499,992	93.8%
Food Service	51,117	51,117	38,111	2,483	79.4%	44,277	84.5%
Ice Arena	456,983	462,188	456,938		98.9%	455,603	94.0%
Transfers	0		0	0	#DIV/0!	0	0.0%
Total Expenditures	**1,014,168**	**1,001,612**	**954,071**	**3,785**	**95.3%**	**999,872**	**92.5%**
Total Operating Surplus (-Deficit)	**79,532**	**112,588**	**77,094**	**0**		**63,867**	
Estimated Depreciation expense:							
Ice				219,149			
Golf				37,026			
Food Service				549			
Total Depreciation				256,724			
Annual Debt Repayment(1)	81,987	81,987	81,987	0	100.0%	75,987	
Fund Balance Adjustment				**(179,630)**			
Total Net Assets,July 1				2,601,604			
Total Net Assets,June 30				**2,421,974**			

(1) Annual Debt payment reduces cash but not Total Net Assets

Tracker
City of Creve Coeur
Portfolio Holdings
Investment Portfolio - by Security Type, Detail
Report Format: By Transaction
Group By: Security Type
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 6/30/2012

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	YTM @ Cost	Face Amount / Shares	Cost Value	Book Value	Market Value
Certificate Of Deposit								
Business Bank 0.5 7/6/2012	18223258	Escrow Fund	7/7/2011	0.5	350,000.00	350,000.00	350,000.00	350,000.00
Citizens National Bank 0.75 7/30/2012	4040642850	General Fund	7/30/2011	0.75	506,481.26	506,481.26	506,481.26	506,481.26
BANK OF BARODA 0.4 8/2/2012	0606232B0	General Fund	8/2/2011	0.4	245,000.00	245,000.00	245,000.00	245,082.18
Safra National Bank 0.4 8/20/2012	786580RG7	General Fund	7/20/2011	0.4	240,000.00	240,000.00	240,000.00	240,121.95
FIRST FINANCIAL BANK 0.5 8/20/2012	TENNESSEE5	General Fund	8/18/2011	1.00252	200,000.00	198,996.84	198,996.84	200,000.00
Community Bank 0.409 10/4/2012	CDARS3100412	General Fund	10/6/2011	0.40916	12,700.17	12,700.17	12,700.17	12,700.17
Bank of the West 0.409 10/4/2012	CDARS1100412	General Fund	10/6/2011	0.40916	236,500.00	236,500.00	236,500.00	236,500.00
Cole Taylor Bank 0.409 10/4/2012	CDARS2100412	General Fund	10/6/2011	0.40916	14,299.83	14,299.83	14,299.83	14,299.83
East West Bank 0.409 10/4/2012	CDARS4100412	General Fund	10/6/2011	0.40916	236,500.00	236,500.00	236,500.00	236,500.00
Israel Discount Bank of New York 0.65 11/16/2012	MOSIP2	CIP	11/17/2011	0.65	248,000.00	248,000.00	248,000.00	248,000.00
VIST Bank 0 12/10/2012	TENNESSEE4	General Fund	6/10/2011	0.74924	150,000.00	148,326.76	148,326.76	150,000.00
Bank of China 0.28 12/27/2012	CDARS62812	General Fund	6/28/2012	0.28	155,500.00	155,500.00	155,500.00	155,500.00
Citizens National Bank 0.65 2/8/2013	CITIZEN4	General Fund	2/12/2012	0.65	226,458.01	226,458.01	226,458.01	226,458.01
Citizens National Bank 1 3/30/2013	CITIZEN5	CIP	3/30/2012	1	357,794.59	357,794.59	357,794.59	357,794.59
BUSINESSBANK 0.45 4/26/2013	18223255	Escrow Fund	4/26/2012	0.45	304,819.71	304,819.71	304,819.71	304,819.71
BUSINESS BANK 0.8 4/26/2013	18223256	Escrow Fund	4/26/2012	0.8	248,164.64	248,164.64	248,164.64	248,164.64
Compass BK Birmingham ALA 0.85 9/16/2013	20449E2Z8	General Fund	9/14/2011	0.85	245,000.00	245,000.00	245,000.00	245,000.00
Ally Bank 1.35 11/5/2013	02004M3R2	CIP	11/5/2010	1.35	240,000.00	240,000.00	240,000.00	240,000.00

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	YTM @ Cost	Face Amount / Shares	Cost Value	Book Value	Market Value
American Express Centurion 1.05 2/11/2014	02587DCA4	General Fund	8/11/2011	1.05	245,000.00	245,000.00	245,000.00	245,000.00
Discover Bank 1.2 3/24/2014	254670A77	General Fund	3/23/2011	1.2	240,000.00	240,000.00	240,000.00	240,000.00
GE Capital Financial 1.45 5/13/2014	36160VSU6	General Fund	5/13/2011	1.45	150,000.00	150,000.00	150,000.00	150,000.00
Fifth Third Bank 0.7 5/19/2014	TENNESSEE6	General Fund	5/21/2012	1.40977	100,000.00	98,623.06	98,623.06	100,000.00
GE Money Bank 1.45 5/20/2014	36159UC53	General Fund	5/20/2011	1.45	150,000.00	150,000.00	150,000.00	150,000.00
Goldman Sachs Bank 0.8 5/23/2014	38143ATA3	General Fund	5/23/2012	0.8	240,000.00	240,000.00	240,000.00	240,000.00
Suntrust Bank Var. CD 5/28/2014	86789VHM2	General Fund	5/28/2009	4	97,000.00	97,000.00	97,000.00	97,000.00
CIT Bank 1.7 6/22/2015	17284AUE6	General Fund	6/22/2011	1.7	240,000.00	240,000.00	240,000.00	240,000.00
Sub Total / Average				**0.87217**	**5,679,218.21**	**5,675,164.87**	**5,675,164.87**	**5,679,422.34**
FFCB Bond								
FFCB 1.33 12/7/2015-12	31331KZ29	General Fund	12/7/2011	1.27345	400,000.00	400,880.00	400,755.92	401,081.60
FFCB 0.85 2/22/2016-12	3133EADK1	General Fund	2/22/2012	0.87422	300,000.00	299,715.00	299,715.00	300,777.90
FFCB 1.62 10/18/2016-12	31331KG87	General Fund	10/18/2011	1.65029	500,000.00	499,275.00	499,275.00	502,136.50
FFCB 1.2 4/25/2017-13	3133EAMV7	General Fund	4/26/2012	1.21036	400,000.00	399,800.00	399,800.00	401,302.40
Sub Total / Average				**1.30058**	**1,600,000.00**	**1,599,670.00**	**1,599,545.92**	**1,605,298.40**
FHLB Bond								
FHLB 3.125 12/13/2013	3133XSP93	General Fund	3/8/2010	2.07008	400,000.00	415,196.00	405,864.15	416,172.80
FHLB 3.5 3/28/2016-13	3133735M0	General Fund	9/1/2011	2.40851	500,000.00	523,500.00	520,558.98	510,565.50
FHLB Step 7/20/2016-12	313374NT3	General Fund	11/15/2011	2.10299	400,000.00	401,898.40	401,825.09	400,308.80
FHLB Step 2/28/2017-12	3133782S9	General Fund	3/2/2012	3.38888	400,000.00	398,800.00	398,800.00	400,171.60
FHLB Step 3/28/2017-12	313378LK5	General Fund	4/13/2012	1.11275	500,000.00	499,325.00	499,325.00	500,689.50
FHLB Step 4/27/2017-12	3133792R9	General Fund	4/27/2012	1.56237	500,000.00	499,825.00	499,825.00	500,013.00
FHLB Step 5/24/2017-12	313379C23	General Fund	5/24/2012	1.18543	400,000.00	399,960.00	399,960.00	400,395.60
FHLB Step 6/26/2017-12	313379SQ3	General Fund	6/26/2012	1.08449	400,000.00	399,720.00	399,720.00	398,799.60
Sub Total / Average				**1.84988**	**3,500,000.00**	**3,538,224.40**	**3,525,878.22**	**3,527,116.40**
FHLMC Bond								
FHLMC 1.05 9/28/2016-14	3134G3SP6	General Fund	40997	1.151	400000	398234	398234	399734.38
Sub Total / Average				**1.15101**	**400,000.00**	**398,234.00**	**398,234.00**	**399,734.38**
FNMA Bond								

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	YTM @ Cost	Face Amount / Shares	Cost Value	Book Value	Market Value
FNMA 0 7/2/2012	313588YW9	General Fund	1/3/2012	4.27851	738,000.00	722,626.13	722,626.13	737,997.79
FNMA 2 8/10/2015-12	3136FM5E0	General Fund	10/7/2011	1.63579	400,000.00	405,400.00	405,400.00	400,735.60
Sub Total / Average				**3.34961**	**1,138,000.00**	**1,128,026.13**	**1,128,026.13**	**1,138,733.39**
Money Market								
US Bank MM	USBANK	CIP	6/30/2011	0.00997	101,921.78	101,921.78	101,921.78	101,921.78
US Bank MM	USBANK	General Fund	6/30/2011	0.00997	730,825.71	730,825.71	730,825.71	730,825.71
PNC Bank MM	PNC	Escrow Fund	6/30/2011	0.2	303,434.75	303,434.75	303,434.75	303,434.75
PNC Bank MM	PNC	General Fund	6/30/2011	0.2	1,454,064.26	1,454,064.26	1,454,064.26	1,454,064.26
Sub Total / Average				**0.13891**	**2,590,246.50**	**2,590,246.50**	**2,590,246.50**	**2,590,246.50**
Total / Average				**1.21689**	**14,907,464.71**	**14,929,565.90**	**14,917,095.64**	**14,940,551.41**

SALES TAX 2003-2013