

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON AUGUST 9, 2022

BE IT REMEMBERED that that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session in the Robert C. Jones Auditorium at City Hall, 3939 S. Lindbergh Boulevard and via Zoom on Tuesday August 9, 2022. The meeting convened at 6:00 p.m.

The meeting began with the reciting of the Pledge of Allegiance.

ROLL CALL:

Patricia Fribis	-Mayor
Ann McMunn	-Alderman Ward I
Brian Fernandez	-Alderman Ward I
Casey Wong	-Alderman Ward II
Christine Lieber	-Alderman Ward II
Cathy Friedmann	-Alderman Ward III
Randal Epperson	-Alderman Ward III
Lindsay Hof	-Alderman Ward IV
Fred Daues	-Alderman Ward IV
Brittany Gillett	-City Administrator
Susanna Messmer	-Finance Director
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks & Recreation
Stephen Dodge	-Chief of Police
Erin Seele	-City Attorney

APPROVAL OF THE AGENDA:

Alderman Daues made a motion to approve the agenda as listed. Alderman Epperson seconded the motion and it was unanimously approved.

APPROVAL OF MINUTES:

Alderman Wong requested to place closed session minutes on the closed agenda for approval.

Alderman Daues made a motion to approve the minutes as read for the July 12, 2022 regular session meeting. Alderman McMunn seconded the motion and it was unanimously approved.

Mayor Fribis asked for a moment of silence in memory of resident Al Moore.

Mayor Fribis spoke on the donation made by Lutheran Extension Fund for the PD body cameras. She displayed the large check presented to the City and thanked them for their support.

Alderman Epperson made a motion to offer Reverend Day a pool party pass for the 2023 pool season as a thank you for their generous donation. Alderman Lieber seconded the motion and it was unanimously approved.

Consent Agenda:

- a) Bills to be approved.
- b) Request by Prestige Pools for special event tent sales 8/19/22-08/28/22 and 10/21/22-10/30/22 at 10416 Watson Road

Alderman McMunn made a motion to approve the consent agenda. Alderman Lieber seconded the motion and it was unanimously approved.

PUBLIC HEARING:

The Board will Consider and discuss a petition for a Change of Zoning from R-4 Single Family Residential-10,000 square foot minimum lot size to R-5 Single Family Residential-7,500 square foot minimum lot size submitted by Rolwes Development LLC for the properties that make up Gates Manor Subdivision

The Board will consider and discuss a petition for a Text Amendment to change the minimum site size in Appendix B Zoning Regulations, Section 4.10-6B1 from ten (10) acres to 4.85 acres submitted by Rolwes Development LLC for the properties that make up Gates Manor Subdivision

The Board will consider and discuss a petition for a Text Amendment to change the minimum building setback for detached Single Family dwellings from abutting residentially zoned property required in Appendix B Zoning Regulations, Section 4.10-6B4A from fifty feet (50') to twenty feet (20') submitted by Rolwes Development LLC for the properties that make up Gates Manor Subdivision

The Board will consider and discuss a petition for Change of Zoning from R-5 Single Family Residential-7,500 square foot minimum lot size to PD-R Planned Development- Residential submitted by Rolwes Development LLC for the properties that make up Gates Manor Subdivision

The Board will consider and discuss a petition for a Preliminary Development Plan submitted by Rolwes Development LLC for the properties that make up Gates Manor Subdivision

Mr. Drew Weber with Rolwes reviewed the proposed development. He explained the reasoning for the requested changes.

Mr. Adam Bayer with Rolwes explained he knocked on doors in the neighborhood to see who was in favor of the development. He stated out of the 13 homes he visited, 10 were for the development, 3 were neutral.

Mr. Drew Weber continued to explain there would be 4 basins for storm water and that there were no significant traffic changes.

Discussion ensued on the lot sizes, density of homes and types of buyers each served.

Additional discussion was had on sending the developer back through P&Z for changes to accommodate a new Zoning classification specifically for the development.

Mr. Weber stated he felt they could meet with Attorney Seele to figure out the details to keep moving forward with the project.

The Board will consider and discuss the Unified Development Ordinance, by Houseal Lavigne, to replace the following sections of the current Code of Ordinances: Appendix A, Subdivision Code; Appendix B, Zoning Regulations; Appendix D, Sign Regulations; and The Zoning Map

Alderman Friedmann stated she had questions. She explained they had separated the Sign regulations out from the UDO and felt it should be taken out. She stated she also had three questions on the proposed zoning map and asked if it should be addressed during the hearing or with Mr. Baker. Mr. Baker replied he could speak with her about the changes since this would only be the first reading.

Establish the annual rate of tax levy for the year of 2022 on all property within the City of Sunset Hills

Ms. Messmer explained this was an annual approval with the numbers provided by the Missouri State Auditor's based on property tax assessments provided by St. Louis County. Approving the tax rate is required by the State and the County.

There was brief discussion by Alderman Friedmann on changing the verbiage at the end of each section of the proposed Ordinance to read "not to exceed the preliminary rate provided ".

PUBLIC COMMENT:

Mayor Fribis read the public comments submitted and called up members of the audience who submitted requests to speak.

1. Steve Holly, Executive Director of Guns & Hoses sent a letter of commendation for outstanding work and efforts for Backstoppers by Alderman Christine Lieber, Police Advisory member Jesse Finney and Chief Dodge.
2. Kathie Berkel of 1427 Home Crest Dr. expressed her opposition to Bill 13, nominations of members for committees.
3. Deb Wilke of 9839 Lebanon Greens Dr- Board of Trustees sent a letter stating they were very unhappy with the Board's decision to allow the Airbnb to operate into October.
4. Margaret Szkatak of 9850 Sunset Greens sent a letter stating she was against Airbnb operating in her neighborhood.
5. Mary Yousef of 9840 Lebanon Greens Drive stated she was very against Airbnb being in her neighborhood and expressed concern with the Board's decision to allow it to operate.
6. Susan Newsom of 9822 Lebanon Greens stated she was thankful for the letter the trustees sent in opposition to the Airbnb.
7. Bruce Studer of 9826 Sunset Greens read his statement against the Airbnb being allowed in their neighborhood. He asked the Board to please rectify the situation.
8. Shawn Charney 12503 Sunset Greens Drive read his statement against allowing short term rentals to continue in his neighborhood. He expressed his concern with the rentals stopping at the end of October.
9. Lori Stoppelman of 12516 Sunset Greens stated she and her husband were next door neighbors of the Airbnb. She asked the Board to please hear them and help them end the Airbnb. She stated they were now uncomfortable in their own homes due to the Airbnb being allowed to continue. She stated the renter schedule submitted by the Virtue's attorney was not being followed.
10. Roger Wilke of 9839 Lebanon Greens stated he was disappointed the Board voted to allow the Airbnb to continue through October. He stated he expected more support from the City.
11. Dr. George Hruza introduced himself as a candidate for the Missouri State Senate. He reviewed his platform and thanked the audience.
12. Dr. Doug McGuire of the Parks Board expressed his concern for the nomination procedure and stated the process should include the Chairman of each due to their experience.

Old Business:

Bill No. 09- An Ordinance adopting a new Section 15-26 of Chapter 15 of the Code of Ordinances of the City of Sunset Hills with respect to Short-Term Rentals SECOND READING

Alderman Epperson read Bill No. 09 for a second reading.

There was brief discussion on passing the bill and tabling it.

Alderman Epperson made a motion to postpone Bill No. 9 indefinitely due to the conflict with the HB 1662.

Alderman McMunn seconded the motion.

There was lengthy discussion on the Airbnb operating in Sunset Greens Subdivision. Alderman Friedmann asked Chief Dodge when the police could intervene. Chief Dodge explained there would need to be some type of violation occurring for the PD to cite the renters.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Hof, Alderman Daues

Mayor Fribis declared Bill No. 09 to be postponed indefinitely.

Several Alderman addressed the residents from Sunset Greens that were in attendance. They attempted to reassure the residents that they were against the short-term rentals as well.

Mayor Fribis called on audience member Don Stoppelman.

Mr. Don Stoppelman of 12516 Sunset Greens stated he was very concerned with the Airbnb. He stated he spoke with both of his Alderman the day prior to the Board voting to let them operate through October, and was assured the Airbnb would not be allowed. Mr. Stoppelman stated that people become engaged in City government when it doesn't seem like things are going their way.

Ms. Susan Newsom of 9822 Lebanon Greens asked about the noise ordinance and if it could be used to cite the Airbnb. There was discussion on the noise ordinance and what times were covered.

Lengthy discussion ensued on how to handle the rentals when causing issues in the neighborhood.

Alderman Hof stated she would be the resident's main point of contact for the non-criminal issues.

Mayor Fribis called on audience member Roger Wilke.

Mr. Wilke stated the accusation against the Mayor for organizing residents against the Board was untrue. He stated he and the neighbors have been very upset with the Board's decision to allow the business to run.

Mayor Fribis called on audience member Don Stoppelman.

Mr. Stoppelman stated there were violations of the agreement between the Virtues and the City and he had proof of the violations. Lengthy discussion ensued on monitoring the agreement conditions. Mary Yousef asked for a copy of the operation dates provided to the City.

Bill No. 13- An Ordinance amending Chapters 2 and 19 of the Code of Ordinances relating to appointments to and filling vacancies of the Police Advisory Board, Business Development Committee, Finance Committee, Claire Gempp Davidson Memorial Conservation Area Commission, Swim and Dive Advisory Committee, Public Works Committee, Parks and Recreation Commission, and Board of Adjustment, and amendments to Chapter 2 regarding general appointment procedure
SECOND READING

Alderman Wong read Bill No. 13 for a second reading.

Alderman Epperson made a motion to approve Bill No. 13.
Alderman Lieber seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=5, No =3)

Aye: Alderman Friedmann, Alderman Epperson, Alderman Hof, Alderman Daves, Alderman Lieber

Nay: Alderman McMunn, Alderman Wong, Alderman Fernandez

Mayor Fribis enacted her power to Veto and returned Bill 13 to the Board with her list of objections.

MAYOR'S VETO OF BILL 13, PURSUANT TO SECTION 79.140 (RSMO)

Pursuant to Section 79.140 (RSMO) and City Ordinances, the Mayor hereby vetoes Bill 13, and returns said Bill 13 to the Board of Alderman with her written objections.

The Mayor's objections are as follows:

Bill 13 is a proposed ordinance designed to undo in part the last election for Mayor of The City of Sunset Hills. The voting residents elected one Mayor to be their Mayor between two candidates. This proposed ordinance seeks to change the purposeful outcome of the election achieved by a majority of the voting residents by taking powers from the duly elected Mayor and giving them to the Board of Alderman. Our City government, as does the United States government, and State governments of our nation, and the vast majority of local governments, follow our founding fathers' intent and purpose by the establishment of federal, state, and local governments incorporating the principles of protecting the citizens from authoritarian or dictatorial leadership, by establishing a government with separation of governmental powers between three separate branches of government.

Consequently, each branch of government would act as a check and balance over the other branches, so that one branch of government may not become overly and dangerously authoritative, one-sided, and repressively controlling, like King George III (3rd), during the colonial period prior to our country's Declaration of Independence.

This proposed ordinance begins the travel down the proverbial slippery slope toward the unwanted and feared consequences of authoritarianism. Does our City want an authoritarian Board of Alderman and a weak ceremonial mayor? I think not. Bill 13, not only undermines the treasured values of the great American experiment known as democracy, the bill also undermines and disrespects our city residents who own this city, and voiced their intent and purpose by voting for and electing a mayor in the last election, with the powers bestowed upon her as mayor. Our residents voted for a continuation of the current Mayor's handling and administration of the City after three terms and six years in office, as the leader of the Executive branch of government.

The Board of Alderman were not given executive powers by statute or by the voters. The issue of nominations for City Board and Committee members was not discussed nor debated in the last campaign. The issue only comes up after a candidate for mayor loses.

For the above reasons and objections, I veto Bill 13 and return the same to the Board of Aldermen.

Mayor Pat Fribis

Alderman Daues stated he did not take this vote lightly and he wanted residents the opportunity to serve.

Alderman Epperson commented he did not feel the nomination process was being followed and that was the reason for his vote.

Alderman Epperson read a statement in reference to the Mayors Veto.

“The mayor has objected to the Board’s vote to enact Bill 13- pursuant to section 2-32 of the Sunset Hills Code of Ordinances. I ask the question “Shall the bill pass, the objections of the Mayor thereto notwithstanding? I move that the Bill shall so pass.”

Mayor Fribis asked Attorney Seele how to proceed. Attorney Seele stated there needed to be a second.

Alderman Lieber seconded the motion to pass Bill 13 in objection to the Mayor’s Veto.

Additional discussion ensued in reference to passing Bill 13 and the communication between the Mayor and the Board.

Alderman Friedmann discussed the existing committee nomination ordinance and the need for change.

Alderman McMunn requested to postpone the vote overturning the Mayor’s Veto of Bill 13.

Alderman Epperson stated he would modify his motion to postpone voting until the next regular meeting.

Alderman Daues seconded the motion and it was unanimously approved.

Bill No. 16- An Ordinance for the purpose of establishing minimum regulations for controlling erosion and sediment from land disturbance activities at construction sites within the City of Sunset Hills Missouri; Providing for the issuance of Permits; Making Inspections; Collection of Permit and Inspection Fees; and providing penalties for the violation thereof through adoption of the Land Disturbance Code of St. Louis County, Missouri as the Land Disturbance Code of the City of Sunset Hills

SECOND READING

Alderman Daues read Bill No. 16 for a second reading.
Alderman Daues made a motion to approve Bill No. 16.
Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: Passed(Summary Yes=8)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Hof, Alderman Daues

Mayor Fribis declared Bill No. 16 to become Ordinance # 2253.

Bill No. 17- An Ordinance authorizing the Mayor to execute an agreement with the County of St. Louis, Missouri for the enforcement of the Land Disturbance Code.

SECOND READING

Alderman Lieber read Bill No. 17 for a second reading.
Alderman McMunn made a motion to approve Bill No. 17.
Alderman Hof seconded the motion.

ROLL CALL VOTE:

Vote: Passed(Summary Yes=8)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Hof, Alderman Daves

Mayor Fribis declared Bill No. 17 to become Ordinance # 2254.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett stated she was in contact with CTS on the tentative August installation date.

Director of Finance, Susanna Messmer stated that budget templates had been distributed and were due back from department heads by mid-August.

Chief of Police, Stephen Dodge stated there had been an increase in crime in the Gravois Ind. Area, and with the use of the LPR technology they were able to thwart two different thefts from occurring.

City Attorney, Erin Seele stated nothing to report.

City Engineer, Bryson Baker stated they were working on the Eddie and Park sidewalks, phase 1 of West Watson, and that the concrete work was completed by M&H, and Sweetens was nearing completion.

Director of Parks & Recreation, Gerald Brown stated he wanted to remind everyone of the shortened hours at the aquatic center.

COMMITTEE REPORTS:

Finance Committee -Alderman Fernandez stated the Committee would be meeting August 29 and he would report at the next meeting.

Economic Development Committee – no report.

Parks & Recreation Commission – Alderman Wong stated the last Music and Market event was tomorrow evening, and reminded everyone of the changing hours.

Police Advisory Board – Alderman Epperson stated Cops and Bobbers would be held October 8, 2022.

Public Works Committee – Alderman Friedmann stated there was a meeting on 8/04/22 and / options for developer to pay for street repairs.

NEW BUSINESS:

**Bill No 18- An Ordinance amending Section 2.3-1 of the Appendix of the Code of Ordinances of the City of Sunset Hills by Rezoning eleven properties that make up Gates Manor Subdivision from R-4 Single Family Residential to R-5 Single Family Residential
FIRST READING**

Alderman McMunn read Bill No. 18 for a first reading.

Alderman Epperson made a motion to postpone Bills 18-22 until next month.
Alderman Daves seconded the motion and it was unanimously approved.

Bill No 19- An Ordinance amending Section 4.10-6(B)4.A of Appendix B of the Code of Ordinances of the City of Sunset Hills to change the minimum building setback for detached single Family Dwellings abutting a Residential zoned property from 50 to 20 feet in the PD-R Planned Development-Residential District
POSTPONED

Bill No. 20- An Ordinance amending Section 4.10-6B1 of Appendix B of the Code of Ordinances of the City of Sunset Hills to change the minimum Site Size for PD-R Planned Development- Residential District from 10 acres to 4.85 acres
POSTPONED

Bill No. 21- An Ordinance amending Section 2.3-1 of Appendix B of the Code of Ordinances of the City of Sunset Hills by rezoning eleven properties that make up Gates Manor Subdivision from R-5 Single Family Residential to PD-R Planned Development Residential District
POSTPONED

Bill No. 22- An Ordinance approving a Preliminary Development plan for the Gates Manor subdivision
POSTPONED

Bill No. 23 – An Ordinance repealing Appendices A (Subdivision Regulations), B (Zoning Regulations), and D (Sign Regulations) of the Code of Ordinances of the City of Sunset Hills, enacting a new Unified Development Ordinance regarding the same including penalties for violation of same, adopting a new Official Zoning Map, and Rezoning property as shown on the same
FIRST READING

Alderman Friedmann read Bill No. 23 for a first reading.

Alderman Friedmann made a motion to remove the sign regulation section.

Alderman Epperson seconded the motion and it was unanimously approved.

Bill No. 24- An Ordinance establishing the annual rate of tax levy for the year 2022, on all property within the City of Sunset Hills
FIRST READING

Alderman Daues read Bill No. 24 for a first reading.

Alderman Friedmann made a motion to revise draft Bill 24 sections A, B, C, and D to include the language at the end of each paragraph to read “not to exceed the preliminary rate provided” in lieu of the last sentence.

Alderman Daues made a motion to approve the changes.

Alderman Lieber seconded the motion and it was unanimously approved.

Bill No. 25- An Ordinance amending Chapter 2, Article 3 of the Code of Ordinances adopting an Attendance Policy for the City’s Boards, Committees, and Commissions and amending Chapter 19 relating to The Parks and Recreation Commission
FIRST READING

Alderman Fernandez read Bill No. 25 for a first reading.

Alderman McMunn commented on section B and stated she felt the verbiage should be changed from “shall be automatically removed” to “may be removed”. Ms. Gillett stated that a procedure needed to be in place to accommodate that verbiage.

Alderman Epperson made a motion to delay the Bill 25 until Bill 13 was resolved as it directly affected it.

Alderman Daues stated he felt there was still quite a bit of work to be done on the attendance policy and discussed absence notifications to committee Chairs.

Alderman McMunn seconded Alderman Epperson's motion to delay Bill 25 until Bill 13 was resolved, and it was unanimously approved.

Resolution No. 637- A Resolution approving a Contract with ORC and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Hof read Resolution No. 637.

Alderman Epperson made a motion to approve Resolution No. 637.

Alderman Hof seconded the motion and it was unanimously approved.

Resolution No. 638 – A Resolution approving a Grant request for renovations to Lynstone Park and authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Wong read Resolution No. 638.

Alderman Wong made a motion to approve Resolution No. 638.

Alderman Lieber seconded the motion and it was unanimously approved.

Resolution No. 639- A Resolution approving a change order on contract with Greenflush Restrooms and authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Daues read Resolution No. 639.

Alderman Daues made a motion to approve Resolution No. 639.

Alderman Epperson seconded the motion and it was unanimously approved.

APPOINTMENTS: None

GENERAL DISCUSSION:

Alderman McMunn asked about the intersection at West Watson and Gravois.

Motion to have staff check with MoDot keep speed limit at 50 MPH and possibly install a flashing dangerous intersection sign at West Watson.

Alderman Hof stated she would like to add to the discussion and had researched the possible use of sensor activated flashing lights for the dangerous intersection at West Watson.

Mr. Baker stated MoDot would look at the proposed solutions and would come back with an answer as to whether it would be implemented or not. He explained it could take some time as MoDot was extremely busy this time of year.

There was additional discussion on making the intersection a "right in" and "right out" only intersection.

Mayor Fribis asked Mr. Baker to also inquire on a flashing light for the Gravois exit lane to Weber Hill Road from the South Bound 270 exit. Alderman Lieber also asked Mr. Baker to request MoDot look at the Tidal Wave exit on to East Watson.

MoDot will be bidding out the job in October of this year and construction would take place in 2023 or 2024.

Additional discussion was held on various traffic issues throughout the City.

Attorney Seele asked if there needed to be discussion on the UDO including new language on home occupations in light of HB 1662.

Alderman Friedmann made a motion to include the language for the UDO
Alderman Daues seconded the motion and it was unanimously approved.

Additional discussion was held on the procedure for citing Airbnb and other short term rental properties.

Attorney Seele reviewed the process for sending non-compliant properties to court.

Alderman Wong made a motion to excuse staff after Committee reports if they had no additional business on the agenda as standard procedure moving forward.

There was consensus of the Board and Mayor to follow this as the rule.

Incentive/Pay-

Ms. Gillett explained the City received approximately \$800,000.00 in ARPA funds and would be receiving additional funds of over \$800,000.00 this year. She explained the ARPA funds were available for incentive pay to employees. She stated the bonus would be an act of good will due to employees receiving 6-month delayed raises in both 2021 and 2022.

Alderman Lieber asked if the Finance Committee had approved the ARPA funded bonus. Ms. Gillett explained the Finance Committee decided to push the vote to the Board of Alderman.

There was discussion on the information provided by Alderman Daues outlining the cost of living and gas prices.

Alderman Epperson spoke on the importance of giving a bonus to employees.

Alderman Epperson made a motion to give the bonus of \$1,000.00 to employees.

Alderman Wong discussed giving bonuses with very little data. Alderman Wong asked how many employees were laid off during Covid, and expressed he thought it was zero employees.

Alderman Friedmann asked how much ARPA money the City received in 2021. Ms. Gillett replied the City received \$871,000.00 in 2021 and the other half would be received in 2022 at some point. Alderman Friedmann asked where the bonus money would come from when it appeared the funds were allocated. Ms. Gillett explained the budgeted items were estimated and would change with actual project costs. Alderman Friedmann asked if it was possible to make the bonus merit based.

Alderman Epperson made a motion to approve a one-time bonus for \$1,000.00 per each full-time employee.

Alderman Wong asked if the Board would approve a budget amendment for the bonuses. Ms. Gillett confirmed a budget amendment would be forthcoming at the end of the year.

Pavement Management-

Mr. Searcy gave a brief presentation on the City streets and emphasized the need to budget for additional work in order to bring streets up to the required standards.

The Board thanked Mr. Searcy for his hard work putting together the street maintenance tracking program.

REQUEST TO MEET IN CLOSED SESSION PURSUANT TO 610.21 (1), (2) AND (3)RSMo TO DISCUSS LEGAL MATTERS, REAL ESTATE AND PERSONNEL:

Alderman Lieber made a motion to go into closed session. Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

Alderman McMunn, Alderman Stewart, Alderman Wong, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Hof, Alderman Daues

The Board went into closed session at 10:40 p.m.

The Board reconvened in open session at 11:44 p.m.

ADJOURNMENT:

Alderman Lieber made a motion to adjourn the meeting. Alderman Daues seconded the motion and it was unanimously approved.

Meeting adjourned at 11:44 p.m.

Deputy City Clerk
Lori Stone