



**BOARD OF ALDERMEN
Meeting Minutes**

OCTOBER 9, 2023

7:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

THE MINUTES ARE PREPARED IN SUMMARY TO REFLECT THE OVERALL DISCUSSIONS, NOT VERBATIM QUOTES.

The meeting was called to order by Mayor Pogue at 7:00 p.m.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Mike Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Mark Weaver
Alderman Ross Bullington
Alderman David Siegel
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

MINUTES

The minutes from the September 25, 2023 Board of Aldermen meeting were submitted for approval. A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The motion was approved unanimously.

CITIZEN COMMENTS

None.



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CONSENT ITEMS

Presentations: New Ballwin Police Officer Elizabeth Hemingway was introduced to the Board of Aldermen. She comes to the City of Ballwin from the St. Louis Metropolitan Police Department.

LEGISLATION

Bill 4176 – AN ORDINANCE CREATING LIGHTING STANDARDS AND REQUIREMENTS IN THE CITY OF BALLWIN.

This ordinance will create exterior lighting standards in the City of Ballwin. With the invention of LED lighting, lights are getting brighter and brighter. This ordinance would set illumination, aiming, fit and maintenance standards.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann for a first reading of Bill 4176, title only. The motion was approved unanimously and the title was read for the first time.

Discussion:

Alderman Mark Stallmann noted the Planning & Zoning Commission met and reviewed the bill and made one change, which was adding in the location for testing lighting standards was to be at ground level. Alderman Mike Utt made a motion to add the a line “or the lowest elevation at the property line to avoid any obstructions” to 31 (a) 2 and (b). Alderman David Siegel seconded the motion. The motion was approved unanimously and the revision was made.

Alderman Kevin Roach questioned the clarity of the last sentence on paragraph (d), questioning the replacement of fixtures and whether this is in effect on day one of adoption. City Attorney Bob Jones noted the Board intends that spillover be enforced on day one, but light fixtures don’t need to be replaced on day one as long as it doesn’t violate the ordinance.

Alderman Roach questioned whether the wording was clear enough on that, and whether people would understand what went into effect on day one of the ordinance being enacted. Alderman Roach made a motion to amend the last sentence in (d) to say “subsection” instead of section. Alderman Frank Fleming seconded that motion. The motion failed.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Ross Bullington for a second reading of Bill 4176, title only. The motion was approved unanimously and the title was read for a second time.

A roll call vote was taken for passage and approval of Bill 4176. Bill No. 4176 was approved unanimously and became Ordinance No. 23-22.



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CONSENT ITEMS

Public Works – Leaf Collection Temporary Labor

To keep up with leaf collection, the City’s Public Works Department will supplement with contractors for some of the work for six weeks. The City will hire six workers at \$22.22 an hour through Labor Finders. Staff Recommends approval.

Alderman Frank Fleming made a motion to accept staff’s recommendation, which was seconded by Alderman Mark Stallmann. Staff’s recommendation was approved unanimously.

MAYOR’S REPORT

None.

CITY ADMINISTRATOR’S REPORT

City Administrator Eric Sterman noted the Parks & Recreation Citizen Advisory Committee will hold their first meeting at 7 p.m. at the Pointe on Monday, October 16th. They’ll discuss the Vlasis Park playground bids, of which there are five recently received. City Administrator Sterman noted they will be working with vendors to discuss alternate designs to include a larger overall big kid area and include ADA compliance for the playground.

CITY ATTORNEY’S REPORT

Retail Tobacco Stores Ordinance - AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

This is a draft bill that will be discussed regarding adding in restrictions for these types of businesses. City Attorney Bob Jones brought forward this draft ordinance to the Board of Alderman. He noted there are several different sections in this ordinance that he included, it just depends on what scope the Board wants to restrict these businesses. Mayor Tim Pogue noted he was in favor of keeping all the restrictions in. Alderman Mark Stallmann questioned whether current businesses would be grandfathered in. City Attorney Jones said yes, unless the businesses are sold or get a new owner. Then they would be subject to these ordinances. Alderman Stallmann then asked whether cigar bars were included. City Attorney Jones indicated yes. Alderman Stallmann also questioned if the 300 feet off right of way restriction in the ordinance would prohibit these businesses from being located off Manchester in most shopping centers. Alderman Frank Fleming noted this ordinance would have to go before Planning and Zoning, who could amend that 300 feet restriction. He also noted he was in favor of more stringent requirements for these kinds of shops. Alderman Michael Finley made a



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motion to move the bill to Planning & Zoning, seconded by Alderman Frank Fleming. The motion was approved unanimously.

STAFF REPORTS

Public Works – Contractual Leaf Collection

To keep up with the work for leaf collection, the Public Works Department will supplement for leaf collection in the Meadowbrook Country Club and Claymont subdivisions as well as other areas as needed. The contractual work will be for six weeks starting October 23rd at an expected cost of \$72,340. Staff recommends approval.

Discussion:

Public Works Director Jim Link noted this contract is because the City is short on staff, so the department has to supplement with contractors. He also noted there will be GPS on the contractors trucks to track where the contractors are working. He also noted there will most likely be three to four rounds of leaf collection this year, as in years past. City Administrator Eric Sterman noted this will not create better or worse service in the Meadowbrook Country Club and Claymont subdivision, the contractors will still follow the same service schedule the City does and will still do the same number of passes in that neighborhood.

Alderman Frank Fleming made a motion to accept staff’s recommendation. It was seconded by Mark Stallmann and approved.

ALDERMANIC COMMENTS

Alderman Michael Finley paid tribute to Planning & Zoning Commissioner Gary Carr, who recently passed away. He noted the city lost a great public servant who had the heart of a servant. Alderman Mike Utt also noted Carr helped on the Historical Commission as well, and that he would be greatly missed.

Alderman Kevin Roach continued the discussion on smoke shops in the City of Ballwin. He noted that there are currently five smoke shops, soon to be six, in Ballwin. He noted three out of the five currently sell whip-its, which is what was sold to the driver involved in the fatal accident on Clarkson Road. He was wondering if shops were misunderstanding what was legal under the City’s code.

Alderman Frank Fleming noted that from his knowledge, they are a legal product that is used in an illegal manner. City Attorney Bob Jones agreed, noting that the containers are filled with Nitrous Oxide, or laughing gas, which is legal to sell. He noted he would look into other cities ordinances to see if they restrict it. Alderman Roach asked City Attorney Jones to see what other cities have done with these kinds of products to restrict the sale.

CLOSED SESSION



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Pursuant to Section 610.020 (4), a motion was made by Alderman Ross Bullington and seconded by Alderman David Siegel to move to closed session. The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:41 p.m.

A motion was made by Alderman Siegel to adjourn the closed session. The motion was seconded by Alderman Utt. The motion was passed by unanimous affirmative voice vote and the meeting moved to open session at 9:01 p.m.

When the Board returned to open session, a motion was made by Alderman Fleming to reconvene. The motion was seconded by Alderman Stallman and passed by unanimous voice vote at 9:02 p.m. Alderman Bullington then made a motion to adjourn. The motion was seconded by Alderman Siegel and passed by a unanimous voice vote. The meeting adjourned at 9:03 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ MEGAN FREEMAN, CITY CLERK