

**MINUTES**  
**DES PERES BOARD OF ALDERMEN**  
**JANUARY 14, 2019**  
**DES PERES GOVERNMENT CENTER**

The regular meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road commencing at 7:02 PM on Monday, January 14, 2019.

**ROLL CALL**

The City Clerk took roll with the following board members present: Alderman Pound, Alderman Sansone, Alderman Kleinschmidt, Alderman Fitzpatrick, Alderman Concagh and Alderman Barrett. Mayor Becker was also present.

Staff Members present included City Administrator, City Attorney, Assistant City Administrator, City Clerk, and Director of Public Safety. Director of Parks & Recreation was excused. At this time the Board of Aldermen, staff and citizens rose for the Pledge of Allegiance.

**SPECIAL PRESENTATION**

Chief Hall announced the recently promoted and reassigned employees in the Public Safety Department:

Dale Fiala promoted from Lieutenant to Captain (Commander of Fire & EMS Services)

John Applebaum promoted from Sergeant to Lieutenant (Assigned to B-Shift)

Brett Zolla promoted to Sergeant (Assigned to B –Shift)

Blake Simmons promoted to Sergeant (Assigned to A-Shift)

John Preuss transferred from Lieutenant on B-Shift to Detective Lieutenant

**PUBLIC HEARING**

Mayor Becker began the Public Hearing at 7:07pm.

Mayor Becker stated that there was a public hearing for the proposed zoning text amendment to allow craft distilleries and microbreweries as a Conditional Use Permit in Commercial Districts. Mayor Becker indicated that this for introduction only and a vote would not take place.

The City Clerk read the following exhibits:

1. Notice of Public Hearing posted December 19, 2018 on the City Website and at City Hall
2. Publication of Notice of Public Hearing in the St. Louis Countian, a newspaper of general circulation, on December 28, 2018
3. List of property owners who have attended a past meeting of the Planning & Zoning Commission regarding the proposed amendment, who received a notification of the Public Hearing
4. Planning & Zoning Commission Minutes dated July 11, 2018
5. Subcommittee Summary dated July 30, 2018
6. Planning Commission Minutes dated August 8, 2018
7. Subcommittee Summary dated September 11, 2018
8. Planning Commission Minutes dated September 12, 2018
9. Subcommittee Summary dated September 25, 2018
10. Planning Commission Minutes dated October 10, 2018
11. Subcommittee Summary dated October 29, 2018
12. Planning Commission Minutes dated November 14, 2018
13. Subcommittee Summary dated December 4, 2018
14. Planning Commission Minutes dated December 12, 2018
15. Petition to the City of Des Peres to not allow Micro-Breweries and Craft Distilleries in C-1, C-2, PD-C and PD-MXD Commercial Districts in the City of Des Peres, received December 28, 2018
16. Internal Memo provided to the Planning & Zoning Commission dated July 27<sup>th</sup>, 2018
17. Petition to the City of Des Peres to allow Micro-Breweries and Craft Distilleries in C-1, C-2, PD-C and PD-MXD Commercial Districts in the City of Des Peres, received January 11<sup>th</sup>, 2019 and January 14<sup>th</sup>, 2019
18. Municipal Code of the City of Des Peres and all files related

City Administrator Harms stated that eight months ago the City was contacted by the owners of the Village Bar regarding the possibility of opening a craft distillery, where upon application the matter was sent to the Planning & Zoning Commission for review and recommendation.

Mr. Harms stated that on December 12, 2018 the Planning & Zoning Commission recommended approval with a 7-4 vote, to amend the Zoning Code to allow microbreweries and craft distilleries as conditional uses within any commercial district.

Mr. Harms provided a brief power point presentation that included the definitions and restrictions for craft distilleries and microbreweries, as well as the next steps in the process. Mr.

Harms reminded the Board and audience that the Village Bar Conditional Use Permit will be a separate vote from the zoning text amendment, and held on a later date pending the outcome of the vote.

Mark Disper, Petitioner & owner of The Village Bar, stated that over the course of eight months they have attended several meetings and addressed many of the concerns regarding the plans to renovate and preserve the barn at 12247 Manchester Road, for the use of an event space and craft distillery. Mr. Disper stated that they are seeking an amendment to the zoning code to allow craft distilleries in the commercial districts.

Dr. David Fenton, engineer, stated that during the meetings and subcommittee meetings with the Planning & Zoning Commission there were three issues that were the primary focus: Odor, Noise, and Environmental Impact. Dr. Fenton stated that the noise often affiliated with distilleries is the milling of the corn. However, all milling will be done off site and delivered in totes. Dr. Fenton added that the odor would be controlled through ventilation and emitted through charcoal filters. Dr. Fenton stated that there wouldn't be any black mold, fungus or dust associated with the craft distillery. Dr. Fenton added that following fermentation and distilling, the residuals and proteins remaining would be placed back into the totes for pick up to be used as animal feed.

Mayor Becker asked if there would any steam or smoke. Dr. Fenton stated that there would be some water vapor but not much.

Mayor Becker asked what size the still would be. Mr. Disper stated it would be 500 gallons, and about five feet tall.

Alderman Sansone asked how many totes were required to do a single batch. Dr. Fenton stated no more than two.

Alderman Sansone asked if the operation would be continuous throughout the week. Mr. Disper stated that it would depend on their sales, but added that it takes three days to ferment and an additional day to still, sterilize and clean.

Alderman Sansone asked Dr. Fenton if he believed this was a manufacturing operation. Dr. Fenton responded that he would consider this processing, not manufacturing.

Alderman Sansone asked Dr. Fenton if he was aware of any other distilleries that were located ten feet away from a park. Dr. Fenton stated that he was not aware of any.

Alderman Barrett asked in regards to the proposed language on microbreweries that they suggested 10,000 barrels. Mr. Harms stated that the state statute defines microbreweries as an

establishment producing less than 10,000 barrels. Mr. Harms added that the Planning & Zoning Commissions recommendation was to allow restaurants with a brewery as an ancillary use, not a brewery that would serve food.

Alderman Kleinschmidt asked that if the bill passed if this would allow the use throughout all commercial districts. City Administrator Harms stated all commercial districts with the exception of C-3 (Edwards Jones).

Alderman Concagh asked the petitioner if he was aware of any fire hazards associated with craft distilleries. Mr. Disper stated that he was only aware of one fire that was a result of distilling which was at a non-regulated home operation.

City Attorney O'Keefe stated that both state law and what the bill is proposing would only allow the sale of alcohol on site, direct to the consumer. Mr. Disper added that they would sell the bottles either individually or in cases, but only on site.

Alderman Sansone stated that on page three of the proposed bill the phrase "relatively small quantities" was vague. City Attorney O'Keefe stated that he consulted with the Planning & Zoning Commission, and that was the language the Commission requested.

Alderman Sansone stated that the state law would allow the distillery to sell on site only, but asked if that would include online sales. City Attorney stated that that would require separate licensure.

Nancy Greenlee, 12121 Georgian Trail, spoke in opposition of the proposed amendment, stating that in her research most craft distilleries are located in low dense low population areas. Ms. Greenlee stated that the City should create a manufacturing district for this use instead.

Eileen Bader, 12100 Georgian Trail, spoke in opposition of the proposed amendment stating that she believes that the City will not gain anything from the amendment except crime, traffic and negative environmental impacts.

John Reinsel, 12210 Georgian Trail, spoke in opposition of the proposed amendment on behalf of his mother. Mr. Reinsel asked the Board if they wanted manufacturing services along Manchester Road. Mr. Reinsel stated that traffic from Highway 270 to Bopp Road has increased significantly over the past few years, and this rezoning could potentially create more traffic.

Daniel Sabio, 105 Bellerosa Dr, spoke in favor of the zoning amendment. Mr. Sabio stated that what the Village is proposing is new and unique, and will give citizens a reason to stay in Des Peres. Mr. Sabio stated he understood the opposing citizen comments, but believed that this would be both a lost opportunity and a loss in tax revenue.

Mr. Disper stated that he has made a commitment to the Chief of Police to use the best engineers and contractors to ensure the renovation meets all building codes. Mr. Disper added that the EPA does regulate these facilities, and that he does not believe there would be any environmental issue.

Mr. Phillips, local business owner in Des Peres, stated that the cities of St. Charles, Chesterfield, Ferguson, and St. Louis have similar establishments and have had great success and no safety issues, and he would like to see Des Peres pass a similar ordinance.

Mayor Becker closed the Public Hearing at 8:27pm.

### **AMENDMENT OF AGENDA - None**

### **CITIZEN COMMENTS**

Andrew & Jane Tayon, 2347 Fairoyal, addressed the Board regarding the retaining wall they constructed in 2017 that was featured on a Special Report with Channel 4 News. Mr. & Mrs. Tayon voiced their frustration with the permitting process, and communications from the Board. Mayor Becker stated that the Board will consider their comments, review the information and get back to them. When pressed by the Tayon's, the Mayor indicated that it could take until March to get back to them.

### **REPORTS OF OFFICERS AND COMMITTEES**

The Mayor acknowledged the following written reports submitted to the Board of Aldermen:

- a. Report on the Planning & Zoning Commission Meeting of December 12, 2018
- b. Report on the Parks & Recreation Commission Meeting of January 3, 2019
- c. Report on the Public Safety Commission Meeting of January 7, 2019

### **CONSENT AGENDA**

Mayor Becker advised that the Consent Agenda consisted of seven (7) items. Under the Board Rules, all items on the consent agenda can be approved by a single motion and any item on the warrant list may be removed prior to the vote at the request of any individual member of the Board of Aldermen. Items on the consent agenda included:

1. Minutes of Board of Aldermen Meeting of December 10, 2018
2. Warrant List dated January 10, 2019
3. R19-3257 Authorizing a Unit Quantity Contract for Concession Beverages at The

Lodge with Pepsi

4. R19-3258 Authorizing Member Participation in the TIPS Purchasing Alliance and Recognizing Contracts under TIPS as Fulfilling Bidding Requirements Pursuant to Section 2-328 of the Municipal Code
5. R19-3259 Authorizing Purchase of a Power Load Stretcher from Stryker Medical
6. R19-3260 Authorizing Purchase of a Bucket Truck from Altec Inc Utilizing a Cooperative Procurement Contract thru Sourcewell and Declaring a 1999 Bucket Truck as Surplus Property
7. R19-3261 Repealing Resolution #12-3261 Adopted December 10, 2018 Relative to Payment of Bills in the Event of Cancellation of a Board of Aldermen Meeting

Alderman Fitzpatrick moved to approve the Consent Agenda as amended, second by Alderman Barrett. A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 6-0.

#### **LEGISLATION (UNFINISHED) - None**

#### **LEGISLATION (NEW)**

1. B19-2845 An Ordinance Amending Appendix C; Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Micro-Breweries and Craft Distilleries as Conditional Uses in the C-1, C-2, PD-C and PD-MXD Commercial Districts (Introduction Only)

Alderman Fitzpatrick introduced Bill 18-2845, and read it for the first time.

Mayor Becker stated that this bill would be held for a 2<sup>nd</sup> reading at our next meeting on January 28<sup>th</sup> at which time the board may take the issue up for a vote.

2. B19-2846 An Ordinance Amending Section 2-333 of the Municipal Code Relating to Procedures and Approvals for Payment of Bills (Introduction)

Mayor Becker stated that this bill would be held for a 2<sup>nd</sup> reading at our next meeting on January 28<sup>th</sup> at which time the board may take the issue up for a vote.

Alderman Barrett introduced Bill 18-2846, and read it for the first time.

3. B19-2847 An Ordinance Authorizing a Contract With FR Fire Recovery EMS LLC For Ambulance Billing and Collection Services (Introduction)

Mayor Becker stated that this contract was the topic of a work session held earlier in the evening during which the board reviewed the bid process, evaluation and recommendation. In addition, the board discussed EMS rates and billing policies all of which will be discussed further after additional information is received. This bill will be introduced tonight and then held until the next meeting for further consideration.

Alderman Concagh introduced Bill 18-2847, and read it for the first time.

#### **REPORTS OF STAFF**

1. City Administrator Harms stated that the Board has received the Board of Aldermen Meeting Schedule for 2019, which proposes the cancellation of the second meetings in June, July and December, as well as pushes some meetings from Monday to Tuesday due to holidays. Mr. Harms stated that no action was required at this time.

#### **ADJOURNMENT**

There being no additional business to come before the regular session of the Board of Aldermen, Alderman Concagh moved to adjourn, second by Alderman Fitzpatrick at 8:54 PM. A roll call vote was then taken with the following results: A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 6-0.

Minutes prepared by:

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Stacey Mann, City Clerk

These minutes have not yet been approved by the Board of Aldermen.

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Mark Becker, Mayor

**ATTEST:**

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Stacey Mann, City Clerk