

## **AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - a. November 28, 2022 Board of Aldermen Meeting Minutes
  - b. November 28, 2022 Closed Session Meeting Minutes
- 5. Citizen Comments**
- 6. Presentations**
  - a. Public Hearing - 2023 Budget
- 7. Legislation**
  - a. 4150 - 2023 Operating Budget
  - b. 4151 - 2023 Capital Budget
  - c. 4152 - Recreational Marijuana Sales Tax
  - d. 4153 - Home Based Business Code Changes
  - e. 4154 - Tealux Café SUE
  - f. 4155 - The Ground Coffeeshop and Retail SUE
- 8. Mayor's Report**
- 9. City Administrator's Report**
- 10. City Attorney's Report**
- 11. Aldermanic Comments**
- 12. Closed Session**
- 13. Adjourn**

**NOTE:** Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

**CLOSED SESSION:** Pursuant to Section 610.022 RSMo., The Board of Aldermen could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss legal matters, personnel/employee matters, and/or real estate, as provided under Sections 610.021(1) RSMo., 610.021(2) RSMo., 610.021(3) RSMo.

**ADA NOTICE:** Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 28, 2022

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

Absent

- Mayor Tim Pogue
- Alderman Mike Utt
- Alderman Michael Finley
- Alderman Kevin M. Roach
- Alderman Mark Stallmann
- Alderman Frank Fleming

Alderman Jim Leahy

- Alderman Ross Bullington
- Alderman David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

The Pledge of Allegiance was recited.

**MINUTES**

The minutes from the November 14, 2022 Board of Aldermen meeting were submitted for approval. Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Michael Finley. The minutes from the November 14, 2022 Board of Aldermen meeting were approved unanimously.

The minutes from the November 14, 2022 Board of Aldermen Closed Meeting were submitted for approval. Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Mike Utt. The minutes from the November 14, 2022 Board of Aldermen Closed Meeting were approved unanimously.



**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 28, 2022

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

**CITIZEN COMMENTS**

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No Citizen Comments.

**LEGISLATION**

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BILL 4146 - AN ORDINANCE AMENDING THE 2022 BUDGET OF CASH REVENUE AND CASH DISBURSEMENTS FOR THE OPERATING, CAPITAL AND TDD FUNDS OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, PROVIDING FOR EXPENDITURE REVISIONS IN ACCORDANCE WITH SAID BUDGET AND MAKING REAPPROPRIATIONS THEREOF.

Alderman Frank Fleming made a motion for a first reading of Bill 4146, title only, seconded by Mark Stallmann. The vote was unanimous for a first reading. Bill 4146 was read for the first time.

*Discussion:*

Alderman Kevin Roach asked for highlights of the budget reappropriations, and Mayor Tim Pogue believed the memo written up by Finance Officer Denise Keller and included in the packet was a good summary of the highlights.

A motion was made by Alderman Frank Fleming and seconded by Alderman Kevin Roach for a second reading of Bill 4146, title only. The motion passed unanimously. Bill 4146 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4146. Bill No. 4146 was approved unanimously and became Ordinance No. 22-32.

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Bill 4147 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "CASCADES SUBDIVISION."

A motion was made by Alderman Michael Finley and seconded by Alderman Mark Stallmann for a first reading of Bill 4147, title only. The motion passed unanimously. Bill 4147 was read for the first time.

*Discussion:*

City Administrator Eric Sterman noted that this ordinance is the first of two ordinances annexing new portions into Ballwin: the Cascades and Charleston Oaks subdivisions. Both were approved earlier in the year by the St.



**BOARD OF ALDERMEN  
Meeting Minutes**

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Louis County Boundary Commission. City Administrator Sterman noted that the approvals before the Board of Alderman tonight are just formalities. Mayor Tim Pogue asked if there were concerns with street annexations, and City Administrator Sterman noted that the Cascades Subdivision streets will need to be deeded over to the City of Ballwin from the Cascades HOA, as the streets are currently privately owned. Therefore, maintenance work on those streets cannot begin until the City owns the streets.

City Administrator Sterman also noted that these two annexations, like the previous one, have been through simplified boundary adjustments, requiring signatures of 75% of the registered voters in each subdivision.

A motion was made by Alderman Michael Finley and seconded by Alderman Mike Utt for a second reading of Bill 4147, title only. The motion passed unanimously. Bill 4147 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4147. Bill No. 4147 was approved unanimously and became Ordinance No. 22-33.

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Bill 4148 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "CHARLESTON OAKS SUBDIVISION."

A motion was made by Alderman Ross Bullington and seconded by Alderman David Siegel for a first reading of Bill 4148, title only. The motion passed unanimously. Bill 4148 was read for the first time.

*Discussion:*

There was no discussion.

A motion was made by Alderman Ross Bullington and seconded by Alderman David Siegel for a second reading of Bill 4148, title only. The motion passed unanimously. Bill 4148 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4148. Bill No. 4148 was approved unanimously and became Ordinance No. 22-34.

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Bill 4149 - AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES REGARDING SEXUAL OFFENSES.



## BOARD OF ALDERMEN Meeting Minutes

NOVEMBER 28, 2022

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

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for a first reading of Bill 4149, title only. The motion passed unanimously. Bill 4149 was read for the first time.

### *Discussion:*

Mayor Tim Pogue asked if the state statutes have changed and whether this bill moves us into compliance with the new state statutes. City Attorney Bob Jones replied in the affirmative, stating this bill adds sections onto City Ordinance to bring us into compliance with the new rules.

A motion was made by Alderman Michael Finley and seconded by Alderman David Siegel for a second reading of Bill 4149, title only. The motion passed unanimously. Bill 4149 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4149. Bill No. 4149 was approved unanimously and became Ordinance No. 22-35.

## CONSENT ITEMS

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### Parks – Holloway Park General Contracting

Staff recommends awarding contract to the low bidder, Ideal Landscape & Construction in the amount of \$103,400 which includes the two alternate bids, for Holloway Park.

### *Discussion:*

Parks and Recreation Director Chris Conway told the Board that bids came in under budget for the general contractor for Holloway Park. Alderman Kevin Roach asked if the bulk of the work under the general contractor would be for the concrete pad underneath the new restroom being built. Parks Director Conway added that concrete work on the entire park is the bulk of the work, with utilities being another big part.

A motion was made by Alderman Kevin Roach and seconded by David Siegel to accept staff's recommendation. The motion passed unanimously and the consent item was approved.

## MAYOR'S REPORT

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Mayor Tim Pogue mentioned the article in the Post Dispatch this morning regarding the comments from St. Louis County Administrator Sam Page that a merger between St. Louis County, St. Louis City and other municipalities is once again being discussed, along with the prospect of a Board of Freeholders. Mayor Pogue made note that he will fight the merger again if it does indeed come to fruition, as he believes it is not in the best interest of our citizens. He made note that there are three former St. Louis County subdivisions that have since come to the City of Ballwin since the last merger talks.



**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 28, 2022

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

**CITY ADMINISTRATOR’S REPORT**

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City Administrator Eric Sterman noted that there are several things that may come up with the recently approved recreational marijuana amendment to the state constitution. He noted that City Attorney Bob Jones is working on figuring out what in Ballwin’s Code of Ordinances needs to be updated. He mentioned that there are two things that are permitted to be brought to the voters: a potential prohibition on recreational marijuana and a potential 3 percent sales tax on recreational marijuana. The prohibition can only be brought up in a Presidential Election year by a citizen petition or board action, which would mean the earliest it could be brought up is November 2024.

He also stated that the 3 percent sales tax on recreational marijuana would need to be approved at the next Board of Aldermen meeting in order for it to be approved to be put on the April 2023 ballot.

City Administrator Sterman also noted that there are currently no dispensaries in the City of Ballwin right now that would be able to sell recreational marijuana to the public as it stands, so the City has time to approve such a sales tax if the Board deems it necessary. If there are any new businesses that would be interested in selling recreational marijuana, they would have to come before the board.

City Attorney Bob Jones said if the City is interested in creating a 3 percent sales tax on recreational marijuana, the funds would go to the general fund but could be earmarked for a specific fund.

Alderman David Siegel indicated he was interested in seeing if the City of Ballwin could create a lower than three percent tax on recreational marijuana.

A motion was made by Alderman Frank Fleming and seconded by Alderman David Siegel to have City Attorney Bob Jones draft an ordinance for a 3 percent sales tax on recreational marijuana to be brought before the board at the next regular meeting. That motion was approved unanimously.

**CITY ATTORNEY’S REPORT**

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Nothing to report.

**STAFF REPORTS**

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Parks – Holloway Park Comfort Station

Staff recommends purchasing CXT prefabricated comfort station utilizing the Sourcewell Contract at a cost of \$92,805.

*Discussion:*

Parks & Recreation Director Chris Conway noted that this comfort station bid is for a 2 unit restroom facility without a water fountain. Mayor Tim Pogue noted that the total cost of the project came in around 20 thousand dollars under budget. Aldermen David Siegel and Michael Finley both questioned the removal of the water fountain on the comfort station, wondering if it should be put back on there due to popularity of the park, especially among pickleballers.



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Parks Director Conway noted that the cost of adding a water fountain onto the scope of the building project would be between four and five thousand dollars.

Alderman Frank Fleming also mentioned he would like to see a water bottle filler as part of the water fountain. A motion was made by Alderman Frank Fleming and seconded by Mark Stallmann to approve the staff report for the Holloway Park Comfort station, adding in a water fountain into the bid. That motion was approved unanimously.

**ALDERMANIC COMMENTS**

Alderman Kevin Roach made a note recognizing former City Board Member Ray Kerlagon in the audience. Alderman Mark Stallmann wanted to commend City staff for their work on the capital budget. In 2021, it was estimated the City would have a significant budget deficit for 2022, and this year the City will end up \$500,000 in the black.

Alderman Ross Bullington took a moment to welcome the residents of Charleston Oaks into the City of Ballwin.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to move to closed session regarding Section 610.021 (2) and 610.021 (9) RSMo. The motion was passed by unanimous affirmative roll call vote and the meeting moved to closed session at 7:42 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to reconvene in open session at 8:16 p.m. The motion was passed by unanimous affirmative voice vote and the motion passed.

The meeting reconvened at 8:17 p.m. A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to adjourn the meeting. The motion was passed by a unanimous voice vote. The meeting was adjourned at 8:18 p.m.

\_\_\_\_\_ TIM POGUE, MAYOR

ATTEST:

\_\_\_\_\_ LINDA LECHNER, INTERIM CITY CLERK



Bill No. 4150  
Ordinance No. \_\_\_\_\_

INTRODUCED BY  
ALDERMEN UTT, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE APPROVING AND ADOPTING AN OPERATIONS BUDGET OF ANTICIPATED CASH REVENUE AND CASH DISBURSEMENTS FOR THE GENERAL REVENUE FUND OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023, PROVIDING FOR EXPENDITURES IN ACCORDANCE WITH SAID BUDGET AND MAKING APPROPRIATIONS THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The budget of anticipated cash revenue and cash disbursements, as submitted by the City Administrator and Financial Officer of the City of Ballwin, for the fiscal year commencing January 1, 2023, and ending December 31, 2023, which operating budget is attached hereto and made a part hereof, is hereby approved and adopted as the **Operations Budget** of the City of Ballwin for the twelve (12) month period January 1, 2023, through December 31, 2023.

Section 2. The expenditures set out in the **Operations Budget** attached hereto and made a part of this ordinance are authorized for the period January 1, 2023, through December 31, 2023, subject to the certification by the heads of the various departments of the City and the City Administrator, and subject also to the general supervisory control of the Board of Aldermen of the City of Ballwin.

Section 3. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

**PASSED** this 12<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

**APPROVED** this 12<sup>th</sup> day of December, 2022.

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*TIM POGUE, MAYOR*

**ATTEST:** \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*





Bill No. 4151

Ordinance No. \_\_\_\_\_

INTRODUCED BY

ALDERMEN UTT, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE APPROVING AND ADOPTING A BUDGET OF ANTICIPATED CASH REVENUE AND CASH DISBURSEMENTS FOR THE CAPITAL IMPROVEMENT PROGRAM OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023, PROVIDING FOR EXPENDITURES IN ACCORDANCE WITH SAID BUDGET AND MAKING APPROPRIATIONS THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The budget of anticipated cash revenue and cash disbursements, as submitted by the City Administrator and Financial Officer of the City of Ballwin, for the fiscal year commencing January 1, 2023, and ending December 31, 2023, which capital budget is attached hereto and made a part hereof, is hereby approved and adopted as the **Capital Budget** of the City of Ballwin for the twelve (12) month period January 1, 2023, through December 31, 2023.

Section 2. The expenditures set out in the **Capital Budget** attached hereto and made a part of this ordinance are authorized for the period January 1, 2023, through December 31, 2023, subject to the certification by the heads of the various departments of the City and the City Administrator, and subject also to the general supervisory control of the Board of Aldermen of the City of Ballwin.

Section 3. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

**PASSED** this 12<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

**APPROVED** this 12<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

**ATTEST:** \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*



INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE LEVYING AN ADDITIONAL SALES TAX ON SALES OF ADULT USE MARIJUANA AND CALLING AN ELECTION FOR VOTER APPROVAL OF SUCH TAX.

WHEREAS, on November 8, 2022, the people of Missouri enacted an amendment to the Missouri Constitution relating to the legalization, regulation and taxation of marijuana; and

WHEREAS, among the provisions enacted by the people was Section 2.6(5) of Art. XIV of the Missouri Constitution which authorizes the governing body of any local government to impose an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in the political subdivision in addition to any and all other tangible personal property retail sales tax allowed by law if approved by the voters of the political subdivision at a municipal, county or state general, primary or special election; and

WHEREAS, the Board of Aldermen has determined that it is in the best interests of the people of the City of Ballwin to act in accord with the authority which the voters of Missouri granted to offer the City’s voters an opportunity to approve such a sales tax so that some of the revenue derived from adult marijuana sales can be kept in the City and put to use to enhance services to the residents of Ballwin;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section One. Conditional Levy of Tax. If approved by the voters as hereinafter provided, there is imposed an additional sales tax in an amount of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City in addition to any and all other tangible personal property retail sales tax allowed by law.

Section Two. Calling an Election. At the general municipal election to be held on April 4, 2023, the following proposition shall be submitted to the voters of the City:

Proposition M

Shall the City of Ballwin be authorized to impose an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in the city?

- Yes
- No

Section Three. Election Administration. The city clerk and other administrative officers of the city are hereby authorized and directed to do all things necessary to certify the proposition specified herein to the election authority for submission to the voters at the April 4, 2023, general



municipal election.

Section Four. Notice of Tax Levy. If a majority of the votes cast are in favor of the proposition the city clerk and other administrative officers of the city are authorized and directed within ten days after receipt of the certified election results to forward to the Missouri Director of Revenue by United States registered mail or certified mail a certified copy of this ordinance and the election results in accord with the provisions of Sec. 32.087, RSMo., and to do all things necessary or prudent to effectuate the levying and collection of the tax provided herein and account for revenues provided thereby.

Section Five. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor. In accord with the provisions of Sec. 32.087.2, RSMo., the tax levied hereby shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax, and shall be imposed on all transactions on which the tax is applicable pursuant to Art. XIV, Section 2.6(5) of the Missouri Constitution.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

ATTEST: \_\_\_\_\_  
**ERIC STERMAN, CITY ADMINISTRATOR**



INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

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AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES REGARDING HOME BASED BUSINESSES.

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**WHEREAS**, recent amendments to state laws regarding home-based businesses necessitate changes in City ordinances (HB 1662 2022),

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Appendix A, Article XVI, Section 30 of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

**Section 30. Residential business accessory use.**

Any home-based business owned or operated by the owner or tenant of the residential dwelling that is “no impact” pursuant to Sections 71.990 and 89.500 of the Revised Statutes of Missouri including being incidental and secondary to the principal use of the residential dwelling unit shall be permitted in any such residential dwelling unit, provided it complies with the following criteria:

1. The use of the residential dwelling unit for the home-based business shall be clearly incidental and secondary to its use for residential purposes by its occupants and shall under no circumstances change the residential character of said residential dwelling.
2. There shall be no exterior storage of equipment or material used in connection with the home-based business.
3. The activities of the business shall only occur inside the residential dwelling unit or in the yard and shall not be visible from the street.
4. No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside the residential dwelling unit.
5. Any need for parking generated by the conducting of such home-based business shall be met by lawful off-street parking.
6. No alterations or changes to the exterior appearance of the residential building or premises shall be made which detract from the residential nature or appearance of the residential dwelling unit.

7. Delivery or pickup vehicles shall not restrict or interfere with traffic or parking on rights-of-way adjacent to the residential dwelling unit where the residential business accessory use is conducted.
8. No home-based business shall involve commercial vehicle traffic on or in the vicinity of the residence. For the purpose of this section, “commercial vehicle” shall be defined as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—
  - (a) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
  - (b) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
  - (c) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
  - (d) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.
9. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area.
10. A home-based business shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.
11. There shall not be any displays or signs other than those permitted in Chapter 22 of the City’s Code of Ordinances and shall under no circumstances change the residential character of said residential dwelling.
12. The home-based business shall register with the City to ensure that the business activity of the home-based business is compliant with state and federal law and paying applicable taxes.
13. Short Term Residential Rentals
  - A. Definitions. As used in this subsection, the following terms shall have the prescribed meaning:

*Short Term Residential Rental.* The leasing of a residential dwelling, or portion thereof, to overnights guests.



- B. Requirements and restrictions. In addition to all other pertinent and applicable federal, state, and local regulations, including but not limited to tax, occupancy, fire, building, zoning, and property maintenance regulations, the following special conditions shall apply to short term residential rentals:
  - 1. Prior to offering short term residential rentals, the resident shall register with the City to ensure that the business activity of the short term rental is compliant with state and federal law and paying applicable taxes.
  - 2. The total number of guests on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.
  - 3. All vehicles of the resident, overnight guests, and guests of overnight guests shall not violate any parking regulations contained in the City Code of Ordinances.
  - 4. Short term rentals shall be subject to compliance with all applicable property maintenance, nuisance, zoning and building code regulations.
- C. Penalties for violation.
  - (a) Any act in violation of the requirements set forth in this section is declared to be unlawful and shall be subject to Section 1.6 General Penalty.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*



INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO SOPHIA TRAN AND NOEL FEHR D/B/A TEALUX CAFÉ FOR A RESTAURANT WITH FRONT YARD PARKING AT 14788 MANCHESTER ROAD.

WHEREAS, a petition has been received from Sophia Tran and Noel Fehr d/b/a Tealux Cafe for a restaurant with front yard parking at 114788 Manchester Road; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on December 5, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance," have been adequately provided for:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Sophia Tran and Noel Fehr d/b/a Tealux Cafe for a restaurant with front yard parking at 114788 Manchester Road, as is made and provided for in Article XIV of Ordinance No. 557.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Section 7, Item e.

Bill No. 4154

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022. \_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022. \_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*



## EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

4. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

5. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

6. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

7. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

8. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

9. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development.



10. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

11. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

12. No alcohol shall be sold or permitted to be carried in or consumed on the premises subject to this special use exception.



Bill No. 4155

Ordinance No. \_\_\_\_\_

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO SHANNON MOORE FOR A RESTAURANT WITH RETAIL SALES AT 109 BALLPARK DRIVE.

WHEREAS, a petition has been received from Shannon Moore d/b/a The Ground Coffeeshop for a restaurant with retail sales at 109 Ballpark Drive; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on December 5, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance," have been adequately provided for:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Shannon Moore d/b/a The Ground Coffeeshop for a restaurant with retail sales at 109 Ballpark Drive, as is made and provided for in Article XIV of Ordinance No. 557.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Section 7, Item f.

Bill No. 4155

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022. \_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022. \_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*

## EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

4. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

5. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

6. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

7. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

8. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

9. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development.



10. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

11. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

12. No alcohol shall be sold or permitted to be carried in or consumed on the premises subject to this special use exception.