

## **AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - [a.](#) Minutes of the November 27, 2023 Board of Aldermen Meeting
  - [b.](#) Minutes of the November 27, 2023 Board of Aldermen Closed Session Meeting
  - [c.](#) Minutes of the November 29, 2023 Board of Aldermen Meeting
  - [d.](#) Minutes of the November 29, 2023 Board of Aldermen Closed Session Meeting
  - [e.](#) Minutes of the December 6, 2023 Board of Aldermen Meeting
  - [f.](#) Minutes of the December 6, 2023 Board of Aldermen Closed Session Meeting
- 5. Citizen Comments**
- 6. Presentations**
  - [a.](#) Employee Recognition – Police Department
  - [b.](#) Public Works Facility Update
  - [c.](#) Public Hearing – 2024 Budget
- 7. Legislation**
  - [a.](#) Bill 4179 – Operating Budget
  - [b.](#) Bill 4180 – Capital Budget
  - [c.](#) Bill 4181 – Charleston Oaks R-3 Rezoning
  - [d.](#) Bill 4182 – Cascades R-4 Rezoning
  - [e.](#) Bill 4183 – Midas SUE
  - [f.](#) Bill 4184 – Retail Tobacco Stores
- 8. Consent Items**
  - [a.](#) Administration – Facility Usage Policy
- 9. Mayor’s Report**
  - [a.](#) Planning & Zoning Appointment
- 10. City Administrator’s Report**
- 11. City Attorney’s Report**
- 12. Aldermanic Comments**
- 13. Closed Session**
  - [a.](#) Pursuant to Section 610.022 RSMo., The Board may vote to move to closed session to discuss legal and personnel matters under Section 610.021 (1) and (3).
- 14. 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 27, 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

Absent

Alderman Mark Weaver

Alderman Ross Bullington via video conference  
Alderman David Siegel  
City Administrator Eric Sterman  
City Attorney Robert Jones

The Pledge of Allegiance was recited.

**MINUTES**

The minutes from the November 13, 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 minutes from the November 13, 2023 Board of Aldermen Closed Session meeting were submitted for approval. A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley.



**BOARD OF ALDERMEN**  
**Meeting Minutes**

NOVEMBER 27, 2023

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

**CITIZEN COMMENTS**

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None.

**LEGISLATION**

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**Bill 4178- AN ORDINANCE AMENDING THE 2023 BUDGET OF CASH REVENUE AND CASH DISBURSEMENTS FOR THE OPERATING, CAPITAL, TDD AND FEDERAL ASSET SEIZURE FUNDS OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, PROVIDING FOR EXPENDITURE REVISIONS IN ACCORDANCE WITH SAID BUDGET AND MAKING RE-APPROPRIATIONS THEREOF.**

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann for a first reading of Bill 4178, title only. The motion was approved unanimously and Bill 4178 was read for the first time, title only.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Utt for a second reading of Bill 4178, title only. The motion was approved unanimously and Bill 4178 was read for a second time, title only.

A roll call vote was taken for passage and approval of Bill 4178.

Bill No. 4178 was approved unanimously and became Ordinance No. 23-24.

**CONSENT ITEMS**

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None.

**MAYOR'S REPORT**

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Mayor Tim Pogue noted the City received notification of a large sewer project that will replace 5,500 feet of undersized wastewater sewers along Downall Green Drive, Wetherburn Road, Capitol Landing Drive, Golfview Drive, Del Ebro Drive, Kettington Road and Richborough Road.

**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 27, 2023

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

**CITY ADMINISTRATOR'S REPORT**

City Administrator Eric Sterman noted Candidate Filing will begin at 8 a.m. on Tuesday, December 5th and run through 5 p.m. on Tuesday, December 26th.

He also noted before the December 11th meeting, tours will be given of the Public Works building at 6 p.m. There was discussion about canceling the second meeting in December, but Mayor Pogue noted he wanted to wait until the budget had been approved.

City Administrator Sterman also noted he was bringing forward a policy update on Board/Commission discounts at City facilities. There is some outdated language that needs to be replaced. He noted he will bring that forward during the next meeting.

**CITY ATTORNEY'S REPORT**

None.

**STAFF REPORTS****Administration – Ballwin Life Magazine 2024 Bids**

*Staff recommends going with Messenger Print for the printing of the 2024 Ballwin Life Magazine issues because they were the cheapest option and were within budget.*

Communications & Marketing Specialist/City Clerk Megan Freeman noted the City went out to bid for the 2024 Ballwin Life Magazine issues, rather than bidding issue by issue which had been done for the past several years because of fluctuating pricing. She noted there were only two bidders, the lowest of which was Messenger Print.

Alderman Mark Stallmann made a motion to accept staff's recommendation that was seconded by Alderman David Siegel. Staff's recommendation was accepted unanimously.

**Parks & Recreation – Vlasik Park Playground**

*Staff recommends awarding the bid for redoing Vlasik Park Playground to All Inclusive Recreation. It is important to note that with playground bids, the deciding factor is typically not price. Rather, the bid spec includes the budgeted amount and the vendors provide their best design and product for that price.*

Parks & Recreation Director Chris Conway noted the City received 5 bids for the Vlasik Park Playground redesign. All Inclusive Recreation had the third lowest bid, but best design and product for the price.

Alderman Frank Fleming noted he appreciated the design and noted it looks like more equipment, which he's pleased with.



**BOARD OF ALDERMEN**  
**Meeting Minutes**

NOVEMBER 27, 2023

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

Alderman David Siegel noted he wanted another section of swings. Parks & Recreation Director Conway said he could have the company look into it, but there are fall height restrictions and there might be restrictions with the amount of space that's available.

Alderman Kevin Roach asked when the playground is expected to be completed. Parks & Recreation Director Conway noted the goal is right before Ballwin Days. City Administrator Sterman clarified the City is hoping for a winter demolition of the current playground, then the City will bid out site work, and then the playground installation will happen sometime in the late spring/summer.

Alderman Mark Stallmann noted the Parks & Recreation Citizen Advisory Committee reviewed the plans and had no objections to the one chosen.

Alderman Michael Finley noted he wanted to make sure the City did the project right, even if the City was over budget.

Alderman Mark Stallmann made a motion to accept staff's recommendation that was seconded by Alderman Michael Finley. Staff's recommendation was approved unanimously.

**Police Department – Westrun Drive Stop Sign**

*Staff recommends not installing stop signs at the three-way intersection of Westrun Drive and Marsten Court. Traffic Data from the area does not justify the installation.*

Ballwin Police Captain John Bergfeld noted a traffic study had been done at the intersection of Westrun Drive and Marsten Court. He noted most people are obeying the speed limit, 91% of drivers are around 25 mph. He noted the Department's policy doesn't justify the need for a stop sign. He also noted Federal and MODOT guidelines say there's no need for a stop sign to stop speeding under those conditions.

Alderman David Siegel thanked officers and noted a resident had reached out and submitted a petition in 2021. He asked for a new one but had not received anything back. He had also not received any other emails from anyone else complaining.

Alderman Ross Bullington noted he had also not received any phone calls or emails from any residents regarding this issue.

Staff was recommending nothing be done, so no motion was made.

**ALDERMANIC COMMENTS**

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**BOARD OF ALDERMEN**  
**Meeting Minutes**

NOVEMBER 27, 2023

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

Alderman Mark Stallmann asked when the target date for leaf collection completion was. Public Works Director Jim Link noted staff was at 20 percent with the fifth round as of this meeting. He noted there will need to be a sixth and final round that will most likely take until the middle of December to complete.

**CLOSED SESSION**

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A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to move to closed session under 610.022 RSMo (3). The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:24 p.m.

Alderman Frank Fleming made a motion to reconvene in open session. The motion was seconded by Alderman Michael Finley and passed by a unanimous voice vote at 8:00 p.m.

Alderman Frank Fleming made a motion to adjourn. The motion was seconded by Alderman Michael Finley and passed by a unanimous voice vote and the meeting adjourned at 8:01 p.m.

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

ATTEST:

\_\_\_\_\_  
MEGAN FREEMAN, CITY CLERK



BOARD OF ALDERMEN  
Meeting Minutes

NOVEMBER 29, 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

<u>Present</u>	<u>Absent</u>
Mayor Tim Pogue	
Alderman Mike Utt	
Alderman Michael Finley	
Alderman Kevin M. Roach	
Alderman Mark Stallmann	
Alderman Frank Fleming	
Alderman Mark Weaver (joined the meeting at 7:11 p.m.)	
Alderman Ross Bullington (via videoconference)	
Alderman David Siegel	
City Administrator Eric Sterman	
City Attorney Robert Jones	

MINUTES

CLOSED SESSION

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A motion was made by Alderman Mike Utt and seconded by Alderman Mark Stallmann to move to closed session pursuant to RSMo. Section 610.021.3. The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:00 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann to reconvene to open session. The motion passed by unanimous voice vote at 8:08 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:09 p.m.





**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 29, 2023

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

\_\_\_\_\_ TIM POGUE, MAYOR  
ATTEST:

\_\_\_\_\_ MEGAN FREEMAN, CITY CLERK



**BOARD OF ALDERMEN**  
**Meeting Minutes**

DECEMBER 6, 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 (via videoconference)  
Alderman David Siegel  
City Administrator Eric Sterman  
City Attorney Robert Jones

Absent

**MINUTES**

**CLOSED SESSION**

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A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Utt to move to closed session pursuant to RSMo. Section 610.021.3. The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:00 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to reconvene to open session. The motion passed by unanimous voice vote at 7:55 p.m.

A motion was made by Alderman Mike Utt and seconded by Alderman Michael Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:57 p.m.



**BOARD OF ALDERMEN**  
**Meeting Minutes**

DECEMBER 6, 2023

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

\_\_\_\_\_  
ATTEST: \_\_\_\_\_ TIM POGUE, MAYOR

\_\_\_\_\_  
MEGAN FREEMAN, CITY CLERK



Bill No. 4179

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

INTRODUCED BY

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

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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, 2024, AND ENDING DECEMBER 31, 2024, PROVIDING FOR EXPENDITURES IN ACCORDANCE WITH SAID BUDGET AND MAKING APPROPRIATIONS THEREOF.

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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, 2024, and ending December 31, 2024, 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, 2024, through December 31, 2024.

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, 2024, through December 31, 2024, 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

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

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

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



TO: Mayor Pogue, Board of Aldermen

FROM: Denise Keller, Finance Officer

DATE: December 1, 2023

RE: 2024 Operating Budget

Several revisions have been made to the proposed budget after it was initially presented to the Board in the September and October budget workshops. This is normally done as new information becomes available.

Revisions include increased gross receipts revenues for gas, water and electric of \$176,000. Estimates for 2023 were raised during the review for budget re-appropriation, as gross receipt budget numbers are affected by current year estimates.

A correction of LOAP revenues added \$11,000.

County road tax revenues are reduced by \$57,000 due to a reduction in St. Louis County's residential rate for Road and Bridge tax.

Three one ton truck beds ordered and appropriated in 2023 will not be available until spring of 2024. The cost for these, \$134,274, was added to the 2024 budget.

Social media software was added at a cost of \$3,780.

A deficit of \$20,292 had originally been presented. With the above revisions a deficit of \$28,346 is now proposed.

Bill No. 4180

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

## INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, WEAVER, 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, 2024, AND ENDING DECEMBER 31, 2024, 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, 2024, and ending December 31, 2024, 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, 2024, through December 31, 2024.

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, 2024, through December 31, 2024, 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

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

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

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



Bill No. 4181

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

INTRODUCED BY

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

AN ORDINANCE AMENDING ORDINANCE NO. 557, KNOWN AS "THE ZONING ORDINANCE" OF THE CITY OF BALLWIN, AND AMENDING "THE DISTRICT MAP" BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN LAND IN THE CITY OF BALLWIN FROM ST. LOUIS COUNTY R-3 TO BALLWIN R-3 SINGLE FAMILY ZONING DISTRICT.

WHEREAS, a petition was received from City Staff, to change the zoning classification of certain land in the City of Ballwin; and

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

WHEREAS, a public hearing before the Planning and Zoning Commission was held on December 4, 2023, upon the petition, due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that said property be rezoned in accordance with the petition received.

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

Section 1. Ordinance No. 557 of the City of Ballwin, known as "The Zoning Ordinance," and "The District Map" of the City of Ballwin are hereby amended by changing the existing zoning classification of the properties in the Charleston Oaks Subdivision from St. Louis County R-3 to Ballwin R-3 Single Family Zoning District.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.

Section 3. This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST: \_\_\_\_\_

**ERIC STERMAN, CITY ADMINISTRATOR**



Bill No. 4182

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

INTRODUCED BY

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

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AN ORDINANCE AMENDING ORDINANCE NO. 557, KNOWN AS "THE ZONING ORDINANCE" OF THE CITY OF BALLWIN, AND AMENDING "THE DISTRICT MAP" BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN LAND IN THE CITY OF BALLWIN FROM ST. LOUIS COUNTY R-4 TO BALLWIN R-4 PLANNED MULTIPLE DWELLING DISTRICT.

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WHEREAS, a petition was received from City Staff, to change the zoning classification of certain land in the City of Ballwin; and

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

WHEREAS, a public hearing before the Planning and Zoning Commission was held on December 4, 2023, upon the petition, due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that said property be rezoned in accordance with the petition received.

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

Section 1. Ordinance No. 557 of the City of Ballwin, known as "The Zoning Ordinance," and "The District Map" of the City of Ballwin are hereby amended by changing the existing zoning classification of the properties in the Cascades subdivision from St. Louis County R-4 to Ballwin R-4 Planned Multiple Dwelling District.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.

Section 3. The building setbacks approved in St. Louis County Ordinance 10,361 (attached) shall continue to apply to all buildings in existence upon the date of passage and approval of this Ordinance.

Section 4. This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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





Bill No. 4182

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

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

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

BILL NO. 320, 1981ORDINANCE NO. 10,361, 1981Introduced by Councilman Stewart

## AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT OF LAND LOCATED IN THE "R-4" 7,500 SQ. FT. RESIDENCE DISTRICT AND THE "FP R-4" FLOOD PLAIN 7,500 SQ. FT. RESIDENCE DISTRICT, SUBJECT TO CONDITIONS. (P.C. 88-81 Westco Development Company, a Partnership).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the "R-4" 7,500 Sq. Ft. Residence District, and the "FP R-4" Flood Plain 7,500 Sq. Ft. Residence District in St. Louis County, Missouri, is granted, said tract being described as follows:

A tract of land in the Southwest quarter of Section 11, Township 44 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at a point reached by the following courses and distances: beginning at the Center of said Section 11, Township 44 North - Range 4 East; said point being also a point in the centerline of Oak Street, 60 feet wide; thence Westwardly along said centerline of Oak Street, being also along the East and West Center Section line of said Section 11, South 89 degrees 16 minutes West 85.25 feet to a point; thence South 01 degrees 18 minutes West 30.02 feet to a point in the South line of Oak Street, 60 feet wide; said point being the actual point of beginning; thence Southwardly along the West line of property now or formerly of Anthony S. Schumacher and wife South 01 degree 18 minutes West 313.98 feet and South 27 degrees 15 minutes West 1049.20 feet to a point in the North line of property now or formerly of Adeline E. Reilman; thence Westwardly along said North line of the Reilman property South 80 degrees 43 minutes West 770.60 feet to a point in the East line of Ries Road, 30 feet wide; thence Northwardly along said East line of Ries Road North 00 degrees 17 minutes East 1354.77 feet to its intersection with the South line of Oak Street, 60 feet wide; thence Eastwardly along said South line of Oak Street North 89 degrees 16 minutes East 1241.47 feet to the actual point of beginning and containing 31.146 acres.

SECTION 2. The preliminary approval, pursuant to Section 1003.187 SLCRO 1974, as amended, is granted subject to all ordinances, rules and regulations and to the conditions recommended by the Planning Commission in its report dated August 18, 1981, as follows:

## PERMITTED USES

1. This Planned Environment Unit shall authorize the development of twenty (20) single family residences on separate lots, 142 multiple family units and supporting recreational facilities. A maximum of thirty-eight multiple family units may be garden apartment units.

## FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT

2. Within twelve (12) months of the date of approval of the preliminary development plan by the County Council and prior any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Final Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning Commission. Said Final Development Plan shall include, but not be limited to, the following:

- a. The general development plan, including basic arrangement of multiple-family building locations, common land areas, walkways, stormwater detention areas, setback lines from all streets and roadways on, or adjacent to the property in question including right-of-way dimensions, and a preliminary lighting plan.
- b. A typical building configuration for each type of structure indicating size of buildings and associated parking facilities, architectural type, and construction materials to be used.
- c. The approximate location and size of all parking areas.
- d. The location and approximate size of all existing tree masses.
- e. Existing and proposed contours at five (5) foot intervals. Slopes in excess of twenty (20) percent may be indicated with ten (10) foot intervals.
- f. The design, location, and size of all proposed free standing signs, lighting, fences, and other above ground structures.
- g. A landscape plan, including, but not limited to, the location, size, and type of all plant and other materials to be used. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.

## FINAL DEVELOPMENT DESIGN CRITERIA

3. The above Final Development Plan shall adhere to the following specific design criteria:

## PARKING REQUIREMENTS

- a. Parking shall be provided at a ratio of not less than two (2) parking stalls per dwelling unit.
- b. Each detached single family residence and townhouse unit shall have an enclosed parking space.
- c. No parking stall or internal drive, excluding points of ingress and egress, shall be located within the following established setbacks:
  - i. Fifty (50) feet of the proposed right-of-way of Oak Street.
  - ii. Thirty-five (35) feet of the proposed right-of-way of Ries Road.
  - iii. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.

All said setbacks shall be landscaped with a combination of evergreen and deciduous trees and shrubs as approved by the Planning Commission on the Final Development Plan.

- d. No parking stall shall be located in front of the front yard building line on any single family detached lot.

## MULTIPLE-FAMILY, INCLUDING ATTACHED SINGLE FAMILY BUILDING SETBACKS

- e. Setbacks for multiple-family buildings shall be as follows:
  - i. Fifty (50) feet from the proposed right-of-way of Oak Street.
  - ii. Thirty-five (35) feet from the proposed right-of-way of Ries Road.
  - iii. Ten (10) feet of all internal roadways.
  - iv. Twenty-five (25) feet of the high water line of the lake as approved by the Department of Public Works on the Final Development Plan.
  - v. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.
  - vi. Twenty (20) feet minimum between sides of individual buildings.
  - vii. Thirty (30) feet minimum between facing balconies or decks.

## DETACHED SINGLE-FAMILY BUILDING SETBACKS

- f. Setbacks for detached single-family buildings shall be as follows:
- i. Ten (10) feet minimum between buildings with zero (0) foot side yard lines.
  - ii. Thirty (30) feet from the proposed right-of-way of Oak Street.
  - iii. Except as otherwise noted, all other building lines shall conform with the setback requirements of the "R-4" Residence District.

## ROAD IMPROVEMENTS INCLUDING SIDEWALKS

- g. Dedicate and improve one-half of Oak Street to a sixty-six (66) foot right-of-way and forty-seven (47) foot pavement, and one-half of Ries Road to a seventy (70) foot right-of-way and twenty-four (24) foot pavement including all bridges and culverts. Provide additional right-of-way and pavement for left turn facilities on Ries Road at Oak Street and left turn facilities on Oak Street at Ries Road. In addition, the developer shall be responsible for escrow of 25% of the cost of installation of traffic signals at the intersection of Oak Street and Ries Road as approved by the St. Louis County Department of Highways and Traffic.
- h. Sidewalks shall be provided along the entire frontage of this development on Oak Street and Ries Road. Meandering sidewalks are appropriate within the Ries Road right-of-way.

## ACCESS

- i. Access shall be provided via four bi-directional drives, two off Ries Road and two off Oak Street at locations approved by the St. Louis County Department of Highways and Traffic.

## MISCELLANEOUS CONDITIONS

- j. A low water pedestrian crossing and pathway shall be provided between single family residences and recreation facilities.
- k. The minimum lot area for single family residences shall be 8,000 sq. ft.
- l. Sign regulations for the Planned Environment Unit shall be the same as those specified in Section 1003.117 "R-4" Residence District Regulations of the St. Louis County Zoning Ordinance.
- m. All exterior trash areas shall be surrounded by a six foot high sight-proof fence.
- n. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 316.0 "Physically Handicapped and Aged" of S.L.C.R.O. 1974, as amended.
- o. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. The location of street light standards shall be as approved on the Final Development Plan.
- p. Except as herein noted, comply with all preliminary plat requirements of the St. Louis County Subdivision Ordinance. Said requirements shall be fulfilled in addition to those items specifically cited herein.
- q. All subdivision streets shall be constructed in accord with the approved design standards of the St. Louis County Department of Highways and Traffic.
- r. The stormwater detention areas for this development shall be located on common ground or within flood plain reservation lines.
- s. The height of garden apartment units shall be as approved by the Planning Commission on the Final Development Plan.
- t. Detached single family homes shall be restricted to that area east of the Fishpot Creek flood plain.
- u. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

## RECORDING

4. Within sixty (60) days of approval of the Final Development Plan by the Planning Commission, the approved plan and a copy of conditions of the ordinance authorizing establishment of the Planned Environment Unit shall be recorded with the St. Louis County Recorder of Deeds.

## VERIFICATIONS PRIOR TO APPROVAL

5. Prior to approval of the Final Development Plan, the petitioner shall:

## ON-SITE STORMWATER

- a. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate handling of differential runoff due to proposed impervious areas by use of reservoir or ponding on the site.

## ROADWAY IMPROVEMENTS AND CURB CUTS

- b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

## FLOOD PLAIN STUDY

- c. Submit a flood plain study for approval by the Department of Public Works and Planning.

## VERIFICATION PRIOR TO BUILDING PERMITS

6. Subsequent to approval of a Final Development Plan, and prior to issuance of any building permit, except for permits authorized under a Display House Plat, the following requirements shall be met:

## SPECIAL STORMWATER EASEMENT REQUIREMENTS

- a. Designate on the Final Development Plan a Flood Plain Area easement along Fishpot Creek, that being the area below the 100 year flood elevation as determined by the Department of Public Works, and a stormwater control easement consisting of the area contained by a line ten feet outside of the high water elevation of the storm water retention lake.
- b. The Flood Plain Area easement, the stormwater control easement, containing the lake and access easements from within the projects to each of the preceding shall be dedicated to the Metropolitan St. Louis Sewer District with the recording of each subdivision plat.
- c. No grading or development shall occur within the Flood Plain Area easement or stormwater control easement beyond that initially approved by the Department of Public Works in accordance with an approved plan for flood plain reclamation, or as necessary to specifically provide a structure at a location required by this ordinance.
- d. A trust indenture shall be filed with the first record plat and shall contain a provision and schedule for the assessment of fees for the purpose of maintaining the Flood Plain Area and stormwater control easement. Said fees shall be assessed until such time as the Flood Plain Area and stormwater control easement is accepted by MSD, their successors or assigns, and it is determined by MSD that such maintenance fees are no longer required.

## SANITARY SEWERS

- e. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate provision of sanitary services.

## STORMWATER AT ROADWAYS

- f. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Highways and Traffic indicating adequate handling of stormwater runoff off the subject property at abutting roadways.

## LANDSCAPE BONDS OR ESCROWS

- g. The developer shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of all landscaping shown on the Final Development Plan. Said bonds or escrows shall be based on costs determined by a plant nursery and approved by the Department of Planning.

## DEVELOPMENT PHASING

- h. The petitioner shall furnish a bond or place into a County approved escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the petitioner shall provide the necessary funds as above for each plat or phase of development.

## RECORD PLAT

- i. Record a proper subdivision of the property.

## INDENTURES

- 7. With the filing of the first record plat the petitioner shall record an approved indenture or other document defining the necessary assessment and specific resident obligations for care of all open space in accord with provisions of Section 1003.187 of the St. Louis County Zoning Ordinance.

## STANDARD DEVELOPMENT CONDITIONS

- 8. Within twelve (12) months of the date of approval of the Final Development Plan by the Planning Commission, construction shall commence. Said time limit may be extended on approval by the Planning Commission.
- 9. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.
- 10. During the period of construction, heavy accumulation of stormwater shall be temporarily diverted away from the construction site by using ditches, cofferdams, earth berms, and/or channels. Early installation of storm drains to collect water and convey it underground to a safe discharge point shall also be used.
- 11. No outdoor incineration shall be permitted.
- 12. The petitioner shall be required to provide temporary off-street parking for construction employees. Parking on non-paved surfaces shall be prohibited.
- 13. Prior to the issuance of an occupancy permit, all right-of-way dedication and required road improvements shall be completed as necessary to each plat.
- 14. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved development plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
- 15. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this permit in accord with the Final Development Plan approved by the St. Louis County Planning Commission.

**SECTION 3. The St. Louis County Council, pursuant to petition of Westco Development Company, a Partnership, requesting the approval of a Planned Environment Unit Development for the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on July 20, 1981, adopts this ordinance pursuant to the St. Louis County**

Charter authorizing the Council to exercise legislative power pertaining to planning and zoning, and returns the application and plan to the St. Louis County Planning Commission for consideration of final development plans pursuant to Section 1003.187 SLCRO 1974, as amended,  
ADOPTED September 10, 1981

HARRY E. VON ROMER  
CHAIRMAN, COUNTY COUNCIL

APPROVED September 11, 1981

GENE MCNARY  
COUNTY EXECUTIVE

ATTEST: LELA APPERSON  
DEPUTY ADMINISTRATIVE DIRECTOR

## INTRODUCED BY

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

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AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MIDAS FOR FRONT YARD PARKING AND OPERATION OF AN AUTOMOBILE AND MOTOR VEHICLE SERVICE BUSINESS AT 15230 MANCHESTER ROAD.

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WHEREAS, a petition has been received from Steve Towers Enterprise d/b/a Midas, requesting the use of certain property for front yard parking and operation of an automobile and motor vehicle service business at 15230 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 4, 2023, 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 Appendix A, "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 Midas, to use the premises in the City of Ballwin, Missouri, known as 15230 Manchester Road for front yard parking and operation of an automobile and motor vehicle service business in a commercial district, as is made and provided for in Article XIV of Appendix A.

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.





Bill No. 4183  
Ordinance No. \_\_\_\_\_

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*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 a detailed final development plan, meeting the requirements of the Board of Aldermen and The Zoning Commission as outlined in the final staff report and public meeting minutes, shall be submitted to the Building Commissioner within thirty (30) days of passage and approval of this ordinance by the Board of Aldermen.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

11. 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.

12. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

13. 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.

14. All motor vehicles shall be parked on a paved parking lot that has been paint striped to show designated parking areas.

15. No motor vehicle may be parked outdoors unless it has a current license issued by a state government.

16. No motor vehicle may be parked outdoors for more than 45 consecutive days or more than 50 days during any 12-month period.

17. The aggregate number of motor vehicles parked outdoors for more than 24 hours shall not exceed the greater of six motor vehicles per enclosed service bay or 12 motor vehicles per acre of the premises of the shop.

18. In off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.

19. Permittee shall execute and record a cross-access easement with the owner of the abutting property to the East, upon development or redevelopment of either property.

INTRODUCED BY

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

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AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

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

**Section 1:** Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by adding the following definitions thereto:

**HOOKAH LOUNGE**

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

**RETAIL TOBACCO STORE**

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

**VAPOR LOUNGE**

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

**Section 2:** Appendix A, Article XIV shall be amended by adding a new Section 11 thereto, as follows:

**Section 11. Restrictions on Retail Tobacco Stores.**

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be

measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. Off-street parking shall be provided pursuant to the City Code.
6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter **22** of the City Code as it pertains to a retail tobacco store.
8. Lighting of the parking area shall conform to the requirements of the City Code.

**Section 3:** Appendix A, Article XIV shall be amended by adding a new Section 12 thereto, as follows:

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:

1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.



Bill No. \_\_\_\_\_

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

**Section 4:** Appendix A, Article XIV, Section 1 shall be amended by adding a new subsection (38) thereto, as follows:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

**Section 5:** This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

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



## **Consent Item**

**RE:** Facility Usage Policy

**Department/Program:** Administration

**Explanation:** As discussed at the 11/27 Board of Aldermen meeting, the City's facility usage policy has been updated with the following changes:

- Revised the building room usage portion to reflect the facilities at the current government center and police station
- Added the Parks Board to the list of groups that get a discount at parks facilities
- Removed deceased members of the honorary pass list

**Recommendation:**

Adopt the revised facility usage policy

**Submitted By:** Eric Sterman

**Date:** 12/1/23

**FACILITY USAGE – SECTION 3**

**CITY OF BALLWIN  
OFFICIAL POLICY**

**POLICE STATION TRAINING ROOM USAGE**

Approved: 1994  
Revised by Voice Vote: October 11, 2010

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**TRAINING ROOM:**

Free use of the Training Room at the Ballwin Police Department shall be restricted to Ballwin subdivision meetings, community information groups, and/or official City commissions, committees or functions such as Municipal Court. Under no circumstances shall use of the Training Room be permitted for private, for-profit, or non-profit purposes in which any political advertising is distributed.

**OTHER FACILITIES:**

With prior approval by the Board of Aldermen and/or City Administrator, other City facilities may be used by civic and community based groups subject to availability notwithstanding standard procedures and commitments. Such usage shall be considered on a case-by-case basis. Free use for professional or official groups (i.e. Ballwin Days Committee) shall be permitted when sponsored and/or attended by City employees or the Board of Aldermen as a group.

**CITY OF BALLWIN  
OFFICIAL POLICY**

**RECREATIONAL FACILITIES - USE OF**

Approved by Ordinance # 2537: August 12, 1996  
Revised by Voice Vote: October 11, 2010

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**THE POINTE AT BALLWIN COMMONS & NORTH POINTE AQUATIC CENTER**

City staff, elected officials, members of the Planning & Zoning Commission, Board of Adjustment, and Parks Board will be entitled to free use of The Pointe At Ballwin Commons and the outdoor pool. Family members of full-time and benefit eligible part-time employees, Planning & Zoning Commission, Board of Adjustment, and Parks Board may purchase a season pass at one-half off the price of a resident adult Pointe Plus membership.



CITY OF BALLWIN  
OFFICIAL POLICY

RECREATIONAL FACILITIES - COMPLIMENTARY USE

Approved by Ordinance # 2537: August 12, 1996  
Revised by Voice Vote: October 11, 2010  
Golf: Revised by Voice Vote: March 9, 2015  
Revised by Voice Vote: October 8, 2018

GOLF

The Mayor, Board of Aldermen, and City Administrator, showing current identification, shall receive unlimited complimentary golf and riding cart privileges for themselves and a guest (exclusive and non-transferable). Upon the completion of 10 years of elected service, this will become permanent.

Full-time and part-time (part-time: working a minimum of 20 hours per week) employees, members of the Planning & Zoning Commission, Board of Adjustment, and Parks Board will receive complimentary golf for themselves. Immediate family members of full-time and benefit eligible part-time employees, Planning & Zoning Commission, Board of Adjustment, and Parks Board can play golf at a reduced rate by purchasing the discounted season pass.

Aldermen and Mayor currently receive 4 free 9-hole golf passes for guest use per year. After 4 free passes per year, additional passes will be provided at cost of the prevailing resident rate with no free golf cart.

HONORARY RECREATION PASSES

Honorary Recreation Passes have been issued only with the approval of the Board of Aldermen. Said passes shall entitle the recipient and his/her spouse to lifetime use of the City recreation facilities (golf course and pool only) at no charge. This benefit shall also include free use of a riding or pull cart.

ELIGIBILITY REQUIREMENTS

Honorary Recreation Passes are restricted to the following:

CURRENT HONORARY PASSES

- |                              |   |
|------------------------------|---|
| Mr. Don Mertz                | Mr. and Mrs. Gary Kramer                  |
| Mrs. Bob Ferris              | Mr. and Mrs. Linda Bruer                  |
| Mr. and Mrs. Lionel Lucchesi | Mr. and Mrs. Bob Kuntz plus one companion |
| Mr. and Mrs. Jerry Klein     |   |
| Mr. and Mrs. Tom Aiken       |   |

Upon the death of any of the above holders of Honorary Passes, the name will automatically be removed.