

CITY OF OVERLAND, MISSOURI  
OVERLAND CITY COUNCIL MEETING  
COUNCIL CHAMBERS - 6:00 P.M.  
9119 LACKLAND ROAD, OVERLAND, MO 63114  
OCTOBER 24, 2016

PUBLIC HEARING  
2200 LACKLAND ROAD

McLaughlin Court Reporting Services, Inc.  
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1           MAYOR SCHNEIDER: Good evening, ladies and  
2 gentlemen, and welcome you to Overland City Council for a  
3 special City Council meeting for a public hearing.

4           And the public hearing is for 2200 Lackland  
5 Road: Installation of a new 120-foot telecommunication  
6 tower in R-3 Single-Family Residential District.

7           Now, with these proceedings being somewhat not a  
8 regular for this Council, and I want to make sure that we  
9 get everything exactly right, we do have a court recorder  
10 that you won't have to say, for the record, cause it's all  
11 going to be on the record.

12           And with that, I'm going to turn this -- these  
13 proceedings over to Counsel Newton McCoy.

14           MR. MCCOY: Mr. Mayor, thank you very much.

15           This is a different procedure than we normally  
16 have for conditional use permits, because  
17 telecommunication facilities involve matters of state  
18 statutory law, as well as federal statutory law, in  
19 addition to our code.

20           Compliance with all the provisions of law  
21 requires us to have a hearing where the witness is under  
22 oath and make a full record with respect to the  
23 application tonight.

24           It's not similar to the normal conditional use  
25 permit process where the Planning and Zoning

1 recommendation prevails if the Council takes no action.

2           The Council has to take action on this  
3 application tonight, based solely on the evidence that's  
4 presented during the public hearing tonight.

5           And at the conclusion of the hearing, to also  
6 make findings of fact and conclusions of law.

7           The format will be that those who will be  
8 witnesses will be placed under oath. The Applicant will  
9 have the opportunity to make its presentation first by  
10 calling its witnesses. For each witness, that will be  
11 presented by the Applicant, and they'll be presented by  
12 Mr. Duke, who represents the Applicant tonight, there will  
13 be an opportunity for cross-examination by counsel  
14 representing the City's interest tonight, which is  
15 Ms. Erin Seele from Cunningham, Vogel & Rost, who has  
16 worked through the process of this application, and the  
17 various correspondence that's been involved with it.

18           When the Applicant is done with his  
19 presentation, Ms. Seele will have the opportunity to make  
20 a presentation on behalf of the City.

21           There'll be an opportunity for Council members  
22 to address questions, both to Mr. Duke and Ms. Seele and  
23 to the witnesses, and also an opportunity for public  
24 comment.

25           At the conclusion of the hearing, each of you

1 will have the opportunity to consider findings of fact and  
2 conclusions of law.

3 We're required to make findings and a decision  
4 tonight. And we'll go through and review the proposed  
5 findings and discuss them briefly, so that we'll have an  
6 understanding of what we're talking about.

7 There will also be, at the outset, three  
8 exhibits that will be offered to be submitted for the  
9 record by agreement between the Applicant and the City.

10 The first one is Exhibit A.

11 Ms. Seele, could you describe what Exhibit A is  
12 going to be.

13 MAYOR SCHNEIDER: Can I interrupt.

14 MR. MCCOY: Yeah.

15 MAYOR SCHNEIDER: There is one thing I forgot to  
16 do is roll call --

17 MR. MCCOY: Okay.

18 MAYOR SCHNEIDER: -- for the record.

19 So can we have the roll call, please.

20 MS. BURTON: Councilman Dody?

21 MR. DODY: Present.

22 MS. BURTON: Councilman Little?

23 MR. LITTLE: Present.

24 MS. BURTON: Councilman Fetsch is excused.

25 Councilwoman Ridolfi?

1 MS. RIDOLFI: Present.

2 MS. BURTON: Mayor Schneider?

3 MAYOR SCHNEIDER: Here.

4 MS. BURTON: Councilman Owensby?

5 MR. OWENSBY: Present.

6 MS. BURTON: Councilman Shadley?

7 MR. SHADLEY: Here.

8 MS. BURTON: Councilman Jones?

9 MR. JONES: Here.

10 MS. BURTON: Councilman Dills?

11 MR. DILLS: Here.

12 MS. SEELE: Okay. Exhibit A is the entire  
13 file --

14 MAYOR SCHNEIDER: I don't think your microphone  
15 is on. I'm not sure.

16 MS. SEELE: All right. Thank you. Sorry about  
17 that.

18 Exhibit A is the entire application file as kept  
19 in the City's normal course of business, so that is going  
20 to include the actual application submitted by the  
21 Applicant, as well as the City's deficiency notices, which  
22 are required by law to be sent, the responses by the  
23 Applicant for those, as well as all of the site plans, and  
24 we've also included a copy of the construction plans for  
25 the Ashby Tower in the City of Overland that is from

1 T-Mobile. We also looked at that within our zoning  
2 review.

3 So it's, basically, the entire application file  
4 as kept in its usual course.

5 MR. MCCOY: Exhibit B is the certified copy of  
6 the entire Code of Ordinances of the City of Overland.

7 Exhibit C is going to be an exhibit offered on  
8 behalf of the Applicant, which contains some photographs,  
9 some elevations, some drawings, as well as some state and  
10 federal statutes, that I'm sure Mr. Duke will address.

11 All three of those, counsel for the City and for  
12 the Applicant have agreed can be admitted into the record  
13 of this hearing by stipulation.

14 And, Mr. Mayor, we'd ask that on behalf of both  
15 the Applicant and the City that those exhibits be admitted  
16 into this record.

17 MAYOR SCHNEIDER: Do we need to take -- Council  
18 need to take an action on that?

19 MR. MCCOY: You, as the Chair, can rule on that.

20 MAYOR SCHNEIDER: Tell you what, I'm going to  
21 ask for a motion.

22 MR. DODY: Motion to accept the --

23 MR. MCCOY: Exhibits. The Exhibits A, B and C.

24 MAYOR SCHNEIDER: A, B and C.

25 VOICE: Second.

1 MAYOR SCHNEIDER: All in favor?

2 (All responded aye.)

3 MAYOR SCHNEIDER: Opposed?

4 MR. MCCOY: Mr. Duke.

5 MR. DUKE: Thank you, ladies and gentlemen.

6 MR. MCCOY: And, Mr. Duke, are you going to be  
7 testifying as a witness? Do we need to put you under oath  
8 for purposes of this?

9 MR. DUKE: You can put me under oath.

10 MR. MCCOY: Why don't we do that.

11 (Mr. Jeffrey Duke was sworn in by the court  
12 reporter.)

13 MR. DUKE: My job really is to direct the  
14 application -- the presentation of the application.

15 Some of you were here for the Planning and  
16 Zoning Committee, I'm sorry that you're going to hear some  
17 of the same information over again.

18 Some of the things have been settled since then.  
19 I think I do want to clarify that there is a new site plan  
20 that was submitted October 4th, 2016 to the City. You all  
21 should have that now.

22 The Exhibit B -- or Exhibit C, I'm sorry, from  
23 RF Alternatives, is similar to what we had last time with  
24 a few updated pages, and, yes, it does include -- and I do  
25 want to correct one thing for the record.

1 I believe that the Mayor said it was 120-foot  
2 pole application, but it has been changed to 100 feet, the  
3 height. Over the process of meeting your setback  
4 requirements, it was changed to 100-foot application, so  
5 just to be clear on that.

6 And so for the record, you said don't say that,  
7 but we are submitting that packet of information that you  
8 all have in front of you. We can answer questions about  
9 that.

10 I do want to incorporate Missouri's Uniform  
11 Wireless Communications Infrastructure Deployment Act and  
12 all applicable provisions of that; of Chapter 71 for towns  
13 and villages; Chapter 77 for third-class cities, which  
14 Overland is, and by particular reference and inclusion to  
15 the Revised Statutes of Missouri, Chapter 67.0 -- .5090  
16 through 67.5104, as amended from time to time.

17 Title 47 of the United States Code, Section 332  
18 that your Special Counsel referred to, is part of the  
19 Telecommunications Act. And then Section 704 of the  
20 Federal Telecommunications Act of 1996.

21 And we did discuss coverage maps last time. I'm  
22 not sure that coverage maps are going to be included,  
23 but --

24 MR. OWENSBY: They are in the back of package,  
25 yeah.

1 MR. DUKE: Oh, they are in the back of the  
2 package, that's correct.

3 So there may be -- probably will be items for  
4 discussion.

5 Our expert in the industry, Russell Been, will  
6 testify to these. Talk mostly about technology, and he  
7 will be -- will -- subject to cross-examination by your  
8 City Council.

9 So let me just say that the Applicant has made  
10 every effort to ensure that its conditional use permit  
11 complies, both with the purpose and form of Article X of  
12 Chapter 400.

13 We appreciate the cooperation from the City and  
14 your Council.

15 I could go into the benefits of this  
16 application, but I think I'm going to forgo that. We can  
17 talk about those, if you all want to do that.

18 You now have the final application, as referred  
19 to in the report that I received from your counsel at page  
20 36 of 94 pages, No. 14, per Exhibit A.

21 Primary outstanding issues before the Council, I  
22 think in this application, are the leasehold interest. As  
23 we came through this, you know, it was our understanding  
24 that, contrary to what -- my clients have done thousands  
25 of cell sites, and I mentioned this in the Planning and

1 Zoning Committee, generally we deal with a 50-by-50  
2 leasehold interest.

3 Your city code has a requirement that it be no  
4 less than 20,000 square feet. That -- that's pretty  
5 onerous to try to meet that for an applicant who is trying  
6 to get a cell tower within your city. But it is what it  
7 is.

8 So the issue there is it would appear to require  
9 that any subdivided lot, and you all have been schooled on  
10 this I'm sure, even though this leasehold wouldn't  
11 actually have to be subdivided, that it meet all the  
12 requirements of an actual subdivided lot. And that, in  
13 this case, because it includes such a large portion of the  
14 church's parking lot, would force them to go to off-street  
15 parking and then be out of compliance with the code.  
16 That's, obviously, an untenable position.

17 So we will attempt to get the -- go through the  
18 proper -- if it's an option, and I've been counseled that  
19 it is an option, to get the -- go through the City's  
20 requirements to get that through the Board of Adjustment,  
21 if necessary, is what I'm trying to say.

22 So my client has increased its leasehold from  
23 2500 square feet to nearly 20,000 square feet, which is  
24 just a little under half an acre.

25 We did reduce the height from 120 to 100. I

1 mentioned that.

2           The next issue really, and I think probably is  
3 the biggest issue, and I think you'll hear some testimony  
4 about it today, I know you will, is Section 400.870A7C of  
5 your code, which expressly prohibits the -- the type of  
6 cell tower where there are a raise at the top, which  
7 include both antennas and radios, the newer technology on  
8 cell towers, and I would remind you, if you want to see  
9 what one looks like, just walk outside your building and  
10 look at your own tower, because it has a triangular crow's  
11 nest, and it has the newer types of antennas and the new  
12 technology.

13           I'm not saying that you can't go with the older  
14 technology of canisters and contained towers, which is  
15 what was popular about a decade ago, I'm just saying that  
16 new towers that go up generally do not use that  
17 technology.

18           And my client will talk -- in fact, I think now  
19 probably is the appropriate time for you to do that.

20           What I want to say, you see as a packet here,  
21 items for discussion, I can enter it into evidence, but we  
22 have those for all of the Council Members that we can get  
23 to you, if you want to -- I don't know, would you want me  
24 to enter that in as an exhibit?

25           MS. SEELE: Can I see it?

1 MR. DUKE: Yeah, sure. Yeah.

2 Just to talk about the technology, it's got --  
3 it talks about cellular coverage, and we'll give the  
4 Council an opportunity to question about this important  
5 part of the project.

6 MR. MCCOY: Mr. Duke, are you going to offer  
7 that to be included as an exhibit in the record of this  
8 public hearing?

9 MR. DUKE: I think we probably should.

10 MR. MCCOY: Okay.

11 MR. DUKE: And I think that means that it  
12 probably needs to be Exhibit D.

13 MR. MCCOY: Okay.

14 Ms. Seele, is there any objection?

15 MS. SEELE: Is this, I assume, created by --

16 MR. DUKE: Yeah.

17 MS. SEELE: Yeah.

18 MR. DUKE: Yeah. Okay.

19 MR. MCCOY: So what Ms. Seele said, probably not  
20 by a microphone, is that this is an exhibit that has been  
21 created by the Applicant for purposes of facilitating  
22 discussion tonight.

23 Mr. Mayor, do you want to have a motion as to  
24 whether to admit this exhibit into the record?

25 MAYOR SCHNEIDER: I think so since we've done

1 the other exhibits.

2 So I have a motion --

3 VOICE: Motion --

4 MAYOR SCHNEIDER: -- to accept the exhibit?

5 VOICE: Motion to accept the exhibit.

6 VOICE: I'll second.

7 MAYOR SCHNEIDER: All in favor?

8 (All responded aye.)

9 MAYOR SCHNEIDER: Opposed?

10 It'll be received.

11 MR. DUKE: And I do also want to say to the  
12 Council, we agreed beforehand, we could do this like  
13 trials or hearings are often done, which is I ask the  
14 questions and my witnesses answer the questions, but I  
15 believe your Council has agreed that as long as we keep it  
16 to a minimum, that my -- that the people that I'm going to  
17 call forward, and this is Mr. Russell Been, by the way, I  
18 introduced him as an industry expert, and I do have a  
19 vitae of his, that he's just going to speak to the issues  
20 according to this. And you can ask him questions as well  
21 as your counsel.

22 MR. MCCOY: Okay.

23 Madam Court Reporter, do you have the  
24 gentleman's name and identity clear for the record,  
25 please.

1           Thanks so much. All right.

2           (Mr. Russell Been was sworn in by the court  
3 reporter.)

4           RUSSELL BEEN: Good evening. My name is Russell  
5 Been. I work for Collective Solutions. We are a  
6 telecommunications site acquisition firm.

7           I started in the industry in November of 1999.  
8 Have strictly done telecommunication site acquisitions  
9 since.

10           What I wanted to talk tonight, very briefly, is  
11 about the technology that's -- that's being used in the  
12 telecommunication industry.

13           We're not so much building towers and putting up  
14 sites to cover areas. Most of the networks in St. Louis  
15 are mature. There's coverage almost everywhere.

16           The problem that the industry's running into is  
17 capacity. Where there was once one or two people with  
18 cellphones in their cars, there's now everybody in their  
19 house on their couch with their phones watching Netflix,  
20 YouTube, watching movies, checking their emails almost  
21 constantly.

22           So what's happened is is there's been a drain on  
23 capacity. So what these carriers are coming through now  
24 and trying to do is increase capacity of their sites. So  
25 one of the ways they've -- they've found to increase

1 capacity is to decrease loss of signal. And the way  
2 they've done this is your -- you've all been on the board,  
3 you probably heard cell tower cases before.

4 Everything used to be at the base of the tower.  
5 There would be huge buildings, and they'd have all their  
6 radio and all their equipment at the bottom of the tower,  
7 and they would be connected to their antennas via coaxial.

8 Well, what happens is the longer the coax run,  
9 the more loss there is. Which requires two things. You  
10 either need to shorten or run or thicken the cable. And  
11 the way these towers are built, you can't have twelve runs  
12 of inch and five-eighths cable on a tower when there's  
13 three sets of antennas on there. Just doesn't work.

14 So what the industry has done is they've created  
15 new technology. And what they've done is they've taken  
16 the radios that used to sit in the base of the tower and  
17 moved it to the top of the tower next to the antennas.  
18 And the bottom rung on your tower here is a really good  
19 example.

20 You'll see there's an antenna and behind it  
21 there's two rectangular boxes. And what that's done is  
22 they can take the -- the equipment that connects the cell  
23 tower into the phone network or into the internet, and  
24 they can put that at the base of the tower and they can  
25 run via one strand of fiberoptics up to the radios that

1 are on top the tower.

2 And what that's done is decrease loss and has  
3 multiplied capacity three and four fold.

4 So this is become the industry standard. The  
5 difficulty is that when you come up to a -- a STEALTH  
6 tower, a tower with canisters, the antennas and the radios  
7 don't all fit to the point where the -- just for example,  
8 T-Mobile, who's a tenant on this tower, they're wanting to  
9 put up six antennas, and they're wanting to put up six  
10 radios. Well, that's not going to fit inside of a  
11 canister.

12 A real good example of what we're trying to do,  
13 it just happened in Bridgeton. Bridgeton has received an  
14 application for a Monopole style, and when I say Monopole,  
15 without the canisters, and it's right around the corner  
16 from a STEALTH pole, and this is AT&T, and they -- they  
17 can't fit their equipment in there to the -- to the  
18 canister to make best use of their -- of -- of the site.

19 So what the industry has become, and then I'm  
20 kind of skipping around on my package, if you go to the --  
21 would be the second -- or third from last page of the --

22 VOICE: What's it look like? What's it titled?

23 MR. BEEN: It's called "Past Equipment".

24 This is what typically a carrier would have  
25 asked for five, six, seven years ago. That -- that

1 technology.

2           What -- what you guys would know as 4G or LTE,  
3 just didn't exist. So what they're asking for now, if you  
4 flip to the very next page, the future of cellular  
5 equipment -- well, actually the future's now, this is what  
6 they're asking for now.

7           Your typical canister at the top of a flagpole  
8 is 36 inches, and what we're looking at here is almost  
9 that by itself.

10           What -- what would -- and I'm sure that the City  
11 Attorney let us know that it's not impossible. Could they  
12 put their equipment inside of a flagpole, yes. But what  
13 we would be doing is decreasing the capacity about half,  
14 and then moving down the street, having to fill in another  
15 site with another tower.

16           You've probably heard this line a hundred times;  
17 prevent the proliferation of towers, but that's what we're  
18 really trying to do here by allowing the equipment that's  
19 proposed.

20           That's pretty much the short and sweet of why  
21 we're asking for the type of tower that we're asking for.

22           And at the appropriate time, I'd be happy to  
23 answer any questions.

24           MR. MCCOY: Ms. Seele, do you have questions for  
25 Mr. Been?

1 MS. SEELE: Yeah.

2 MR. MCCOY: Do you want to use the microphone  
3 that Mr. McConachie has there? That might make it a  
4 little bit easier.

5 MS. SEELE: I'll sit by him. We can share. No,  
6 we'll just share, and then you can hear better --

7 VOICE: Okay.

8 MS. SEELE: -- anyway.

9 All right. Just for the record, are you an RF  
10 engineer?

11 MR. BEEN: I am not.

12 MS. SEELE: All right. And so you did testify  
13 that it is not impossible to construct the antennas within  
14 the tower, correct?

15 MR. BEEN: That is correct.

16 MS. SEELE: And there are multiple kinds of  
17 disguised towers, correct, it's not just a STEALTH tower?

18 MR. BEEN: Correct.

19 MS. SEELE: So there could be monopine towers,  
20 for example, where they actually do have an exposed  
21 antenna, which does not require it to be within the tower,  
22 but they are exposed and then more disguised, correct?

23 MR. BEEN: However, it would have the crow's  
24 nest at the top.

25 MS. SEELE: Correct, but it's a disguised tower,

1 correct --

2 MR. BEEN: Correct --

3 MS. SEELE: -- like monopine?

4 MR. BEEN: -- however it would have a exposed.

5 MS. SEELE: Absolutely. Yes, I understand that.

6 And that's why our code requirement -- well,  
7 we'll get to that.

8 But, yes, I understand that.

9 All right. And you are aware that there are  
10 disguised towers being built around the St. Louis County  
11 area?

12 MR. BEEN: I am.

13 MS. SEELE: All right. And are you aware, does  
14 T-Mobile actually have disguised towers within the city  
15 right now?

16 MR. BEEN: They do. Actually in 1999, almost  
17 ten years ago -- almost twenty years ago, I zoned  
18 disguised towers in the city.

19 MS. SEELE: And are you aware that in 2013,  
20 actually they rebuilt the Ashby tower and kept it as a  
21 disguised tower?

22 MR. BEEN: I am not aware of that.

23 MS. SEELE: All right. And you're more -- in  
24 your testimony, you talk about the antennas could not be  
25 put within the antenna.

1           Did you provide any testimony about whether the  
2 antennas could actually be flush-mounted to the cell  
3 tower -- or the tower, excuse me?

4           MR. BEEN: Well, again, you're looking at having  
5 the radios behind the tower, and they -- I mean you could  
6 have a singular antenna, but then you're still offset  
7 because of the radios have to sit in there.

8           MS. SEELE: But it would be possible to make the  
9 antennas flush-mounted --

10          MR. BEEN: Well, you could -- you could hang a  
11 elephant by its tail from a daisy, but --

12          MS. SEELE: Would it be possible?

13          MR. BEEN: Oh, absolutely.

14          MS. SEELE: Thank you.

15          MR. BEEN: Anything's possible.

16          MS. SEELE: Thank you.

17          MR. DUKE: Okay. I shared with the Planning and  
18 Zoning Committee, it is my client's purpose and often  
19 desire to place cell towers with schools or, you know,  
20 charitable agencies, things like that.

21                 And Overland Christian Church has really the  
22 best site for my applicant's application. And just like  
23 last time, there are two people I would like to have  
24 address the City Council representatives from the Overland  
25 Christian Church.

1           The first is the moderator, John Allen, who  
2 spoke to you last time.

3           Mr. Allen.

4           And then the second will be Morris Taylor, who I  
5 dealt with, he is an attorney, but he's also a member of  
6 the church, but he negotiated the leasehold interest with  
7 me, so.

8           MR. MCCOY: Sir, could you please raise your  
9 hand.

10           (Mr. John Allen was sworn in by the court  
11 reporter.)

12           MR. MCCOY: And could you identify yourself  
13 fully for the record, sir.

14           JOHN ALLEN: My name is John Allen, A-L-L-E-N.  
15 I'm the moderator of Overland Christian Church. Have been  
16 for the last nine years.

17           We need this tower. We were a congregation of  
18 several hundred people. Were over on West Belton for a  
19 while and then we moved out here to Lackland Road.

20           We are now a congregation of 50 to 60 people on  
21 Sundays.

22           If we want to continue to have that church  
23 there, we need the money that we're going to get from the  
24 cell tower.

25           And my background has been, for a long time, in

1 telecommunications. I started with telecommunications in  
2 1959. More than a week ago.

3 I was with the United States Air Force. We ran  
4 at 300 bytes per second, and then we got really high  
5 speed, we got to 1200 bytes per second.

6 When I left McDonnell Douglas, when I retired  
7 from there, we had -- I first installed the first  
8 fiberoptic system in McDonnell Douglas, personally  
9 installed it as an engineer.

10 We went from the 300 bytes per second to the  
11 gigabytes per second. We had two separate lines that ran  
12 down to AT&T downtown, two separate fibers. We changed  
13 the speeds on the fibers from 5 or 600 megabyte per second  
14 to 1200 megabytes per second, and now they've changed it  
15 again and now they're running gigabytes down -- downtown  
16 on the same fiber.

17 This communications tower that they're putting  
18 up, and they want to put up, and we want to put up, needs  
19 to have the capacity to serve each of you in your home in  
20 Overland with high speed communications by whatever  
21 communications devices you use wireless.

22 In order to do that, they need to put the big  
23 antenna up properly. It's okay to hide it. Not all the  
24 antennas get hidden anymore. You go around and look in  
25 the neighborhood outside of Overland, you'll find the

1 bigger antennas.

2           So, in essence, this church needs the money, put  
3 it plain and simple. Overland needs the communications,  
4 plain and simple.

5           And that's all I have.

6           Any questions?

7           MR. MCCOY: Ms. Seele, do you have any questions  
8 for the witness?

9           MS. SEELE: No questions. Thank you.

10          MR. DUKE: And, briefly, before my closing  
11 comments, and I do want to honor your time and your  
12 seven o'clock.

13          So, Morris Taylor, if you could come forward.

14          And he is -- you are an attorney?

15          MORRIS TAYLOR: I am indeed.

16          (Mr. Morris Taylor was sworn in by the court  
17 reporter.)

18          MR. MCCOY: Could you identify yourself  
19 completely for the record, please, Mr. Taylor.

20          MORRIS TAYLOR: W. Morris Taylor, member of the  
21 Overland Christian Church, and just happen to be a lawyer.

22          I've bored some of you that were here for the  
23 Planning and Zoning.

24          I've been attending that church for 68 of the --  
25 actually 69 now of the 72 years of my life. And some of

1 the early days I don't remember. But what I do remember  
2 from the early days is we've always been a good neighbor,  
3 and I think it's been a good occupant over, both on West  
4 Belton and then as we graduated over to the Lackland Road  
5 address.

6 As John said, it may well be an assistant as a  
7 lifesaver to the church because you guys read, and you  
8 know that the attendance of Christian churches is  
9 dropping, Catholics dropping, attendance generally is  
10 dropping. So we need -- we need a little bit of an edge,  
11 and I think this will certainly help us be there in the  
12 future after we're gone.

13 I think we all know that not only is it a plus  
14 for the church itself, that it's a plus for the community  
15 of Overland because we've been a good neighbor. And we  
16 certainly don't need any more vacant buildings or vacant  
17 properties. It's a large piece of ground. It probably,  
18 being a church, would be hard to fill that particular  
19 area.

20 The church is recognized as -- as great property  
21 owners. You probably don't know, but you've given awards  
22 in the past as property owners.

23 We've always cooperated with the City. I think  
24 you know each year you stage your parade over in our  
25 parking lot.

1           So that's where we are, folks, come and visit  
2 us.

3           One thing I want to say is that in terms of the  
4 project itself, I think it's, if you look at our property,  
5 it's at the rear of the parking lot, and the contiguous  
6 neighbors that we have have a really mature treeline, and  
7 he says it's 100 foot. I can tell you the trees are  
8 substantially high. And I say that because we're not  
9 going to be interfering with our neighbors. We've been  
10 good neighbors. And what you're going to have is that  
11 you're not going to have a guy barbecuing in his backyard  
12 and looking up and seeing the tower, because it is totally  
13 tree-lined all the way across.

14           And we've seen the site plan. We know that  
15 they're doing a nice job with the visual and hiding it  
16 from other neighbors who would be traversing in the area.

17           Not only are they good neighbor, you need to  
18 recognize that we do have a not-for-profit daycare center.  
19 And we have -- we've been successfully doing that for  
20 probably close to forty years now. And I'm happy to say  
21 we have sixty-six kids in there right now. We have  
22 fourteen staff members. So, you know, we've got -- we've  
23 got eighty people rolling in and out of there on a daily  
24 basis. So it brings people into the area.

25           And, fortunate for us, it's an outreach program.

1 We don't make any money off of it. It's not-for-profit.  
2 If you check into our scheduling and our costs, we are at  
3 the lowest realm of helping the residents of Overland to  
4 have daycare.

5           And I think that's significant, both for us and  
6 for you.

7           So I think, not only are we an outreach program,  
8 I think the application is good for the neighborhood, and  
9 if it's good for the neighborhood, I think it's good for  
10 Overland.

11           So we appreciate your consideration.

12           VOICE: Erin.

13           MR. MCCOY: Ms. Seele indicates she has no  
14 questions on behalf of the City.

15           MR. DUKE: So really the issues, I think,  
16 primarily have been addressed, although I will say that  
17 the adjustments that my client made to the fence  
18 surrounding the base structure, those were discussed at  
19 Planning and Zoning, and to accommodate, to be sure that  
20 it has a more natural look to it, we proposed vertical  
21 wooden fencing around the -- the base structure of the  
22 tower.

23           So I would be remiss if I didn't make these  
24 closing comments.

25           The Federal Telecommunications Act does not

1 establish substantive standards, but instead focuses on  
2 and is determined by whether your zoning authority's  
3 decision is consistent with applicable substantive state  
4 law.

5           So, as your Special Counsel know, there's three  
6 governmental bodies working together here, as well as your  
7 zoning law, which we addressed with the Planning and  
8 Zoning.

9           Its other main focus is to prevent local zoning  
10 regulations from prohibiting or have any effect of  
11 prohibiting wireless service. That's why the law was  
12 enacted in 1966, and has been amended since.

13           State law, additionally the purpose of  
14 Missouri's new statute, Missouri Uniform Wireless  
15 Communication Infrastructure Deployment Act, is to  
16 encourage and streamline the deployment of broadcast and  
17 broadband facilities to help ensure that robust wireless  
18 radio-based communication services are available  
19 throughout the State of Missouri.

20           And that is all I have to say. So I am done  
21 with my portion of it. And I have no further witnesses.

22           MR. MCCOY: Okay. Thank you, Mr. Duke.

23           Ms. Seele, on behalf of the City.

24           (Ms. Erin P. Seele was sworn in by the court  
25 reporter.)

1 MS. SEELE: Yes, thank you.

2 I won't go too much over the facts or the law as  
3 he went over, but I do want to point that within your  
4 packet, as well as within the zoning plan, we did have a  
5 staff report to the Planning and Zoning Commission that  
6 did lay out kind of the process that we have gone through  
7 with this application and the revisions that have been  
8 made, as the Applicant mentioned, reducing the height,  
9 increasing the landscaping and changing the fence to try  
10 to, I guess, appease some of the Planning and Zoning  
11 Commissioners' comments about the -- how the base of the  
12 tower would look.

13 So I won't go over all that. I assume that you  
14 have read your packets, but that detail was in there, so  
15 if there are any questions over the kind of factual  
16 history, please let us know during that time, and I'm sure  
17 me or Mr. Duke can make sure we get you those answers.

18 So, as Mr. Duke has -- there -- there were state  
19 law changes. The City has, as you know, kind of enacted  
20 ordinances to address some of those changes, seeing that  
21 the City is aware that those changes have occurred, and  
22 have self-preempted themselves, so that if any of their  
23 applications out -- even telecom or outside telecom,  
24 should be illegal as applied to a certain application,  
25 they shall be deemed to be automatically preempted.

1           So what that means in simple language is we have  
2 reviewed their application without looking at any of the  
3 provisions within our code that might not be enforceable  
4 due to the new laws.

5           One of the prohibitions that we disagree with  
6 what the meaning is is that you cannot impose unreasonable  
7 appearance requirement or dictate the type of wireless  
8 underlying exclusive of the structure. So you cannot  
9 impose unreasonable appearance requirements.

10           And that is a new prohibition of state law. So  
11 we have kind of been guided through that within our  
12 procedures, and that is why we kind of did make sure that,  
13 for the record, we did establish that disguised towers are  
14 still very common.

15           As he mentioned with the federal law changes as  
16 well, even the federal law has recognized that a tower is  
17 going to be deemed a substantial modification if the  
18 tower -- if an application to the tower is going to  
19 destroy the disguised nature.

20           So federal law does recognize disguised towers  
21 being a common and something that they at least believe  
22 that the City Council would want to protect by having that  
23 be one exemption to when something is of substantial  
24 modification.

25           So we just did want to make clear for the record

1 that we are very aware of those and have been reviewing  
2 the application in compliance with those.

3           And as the Council, we do have proposed findings  
4 of fact, which do have the criteria that we are supposed  
5 to be looking at when approving a conditional use permit,  
6 and then as well as the one additional requirement for a  
7 telecommunication tower. So that's established by Section  
8 485. The one specific criteria that's special to  
9 telecommunication towers is to make sure that the design  
10 of the wireless communications facility, including the  
11 ground layout, is going to maximally reduce the visual  
12 degree and otherwise complies with the provisions and  
13 intents of the telecom application.

14           It also then says you have to look at the normal  
15 CUP requirements or conditional use requirements, which is  
16 within your Article X, and those are listed in your  
17 findings of fact.

18           And conclude to make sure that the proposed  
19 conditional use at the specified location will contribute  
20 and promote to the welfare, convenience of the public. So  
21 I think we've heard some testimony on that.

22           The proposed conditional use will not cause  
23 injury to the value of the other property in the  
24 neighborhood, which it -- which it is going to be located,  
25 which, again, I believe we've heard evidence on that

1 talking about the landscaping and the fencing that's going  
2 to be put around to deal with the appearance of it.

3           And then you have to also look at the location  
4 and the size of the conditional use, the nature and  
5 intensity of the operation involved and/or conducted in  
6 connection with it, and the location of the site with  
7 respect to the street access and traffic and all of that.

8           So some of the, as you can tell in the  
9 conditional use, factors, some are more applicable than  
10 other when -- than others when dealing with  
11 telecommunication towers, but we do need to make sure that  
12 we kind of look at all of those when approving this.

13           So, very briefly, I mean going through all of  
14 this, as Mr. Duke said, we have been able to eliminate all  
15 but two of the code violations that this tower has.

16           When you look at your code, there is actually  
17 one criteria within your code that allows City Council and  
18 Planning and Zoning to have discretion on. And that's a  
19 requirement within your code for a compound masonry wall  
20 as landscaping, and your code specifically says that you  
21 are allowed to approve lesser or approve different  
22 alternative landscaping, as long as you find that it is an  
23 equivalent degree of screening. And that was presented to  
24 Planning and Zoning, and that's when they kind of  
25 mentioned maybe some more landscaping. And they have

1 added the additional landscaping and changed the fence.

2 So that is the one provision that the code  
3 authorizes you to waive and approve alternate screening.

4 There are two provisions, however, in your code  
5 where there just isn't a method absent the Board of  
6 Adjustment, which is given the power to vary the zoning  
7 requirements, to vary those zoning requirements. And they  
8 were already mentioned by Mr. Duke, but I will mention  
9 them again.

10 It is the requirement in 400.870.A.1, which  
11 states, again, that if, and this only applies if you  
12 actually are using a leasehold interest of a property, so  
13 if you actually are trying to put a tower just on a  
14 property as the principal use, this provision does not  
15 apply. But because it's being used as a church, and it's  
16 subject to a leasehold interest, this provision applies  
17 and states that, again, you don't actually have to  
18 subdivide the lot, but it has to meet all requirements.  
19 So if you actually got an application for subdividing this  
20 lot, as a way the leasehold interest is proposed, you  
21 would have to be able to approve that. So we don't make  
22 it actually be subdivided, but you have to meet all of the  
23 requirements.

24 We did meet with the Applicant, and we were able  
25 to get that -- the leasehold area up, meet all the

1 setbacks. We just have that one issue, that because the  
2 leasehold area completely takes over the church's parking  
3 lot, if you actually approve that and subdivide it, it  
4 would leave the church without the required parking, as  
5 Mr. Duke had explained. So that's the one code.

6 The other one is kind of mixed together with  
7 code violations that has to do with the antennas and the  
8 tower appearance.

9 So per Code Section 400.885, which is the  
10 conditional use permit, it states that you can actually  
11 only get a conditional use permit if the Applicant can  
12 prove that the tower cannot be built as a disguised tower;  
13 that it is impossible to not -- to build that as a  
14 disguised tower.

15 If the Applicant does prove that it is  
16 technologically impossible to build it as a disguised  
17 tower, then you can go on to Section 400.870, which  
18 prohibits exposed towers -- or I mean exposed antennas.  
19 Excuse me.

20 So, technically, it violates 488 -- 400.885 and  
21 400.870, the general requirement by being both a not  
22 disguised towers, and then having the antennas be exposed,  
23 crow's nest.

24 And we -- I believe there has been testimony  
25 that -- that the Applicant has admitted that it is not

1 impossible to build the antennas within it, it just may  
2 not be the most up-to-current technology.

3           However, as I noted earlier with Exhibit A, we  
4 do have a construction application for Ashby tower where  
5 they did rebuild the tower in 2013. So it is not  
6 impossible.

7           But maybe this is, as Applicant has testified,  
8 newer technology, which is why we have proposed, and it  
9 is, obviously, and I think you will explain as well, when  
10 we get to the proposed findings of fact, why we have  
11 proposed that one thing would be to approve it subject to  
12 variances, because that is the method within the City and  
13 within our Code of Ordinances that would actually  
14 authorize this to be approved. We just couldn't find  
15 anything within the zoning code that authorized you to  
16 waive these two requirements.

17           MR. MCCOY: Mr. Duke, do you have questions you  
18 want to ask at this point?

19           MR. DUKE: No, I have no questions, no.

20           MR. MCCOY: Okay. Questions from Members of the  
21 Council, either for the Applicant or for Ms. Seele on  
22 behalf of the City?

23           MR. JONES: I do, Your Honor.

24           MAYOR SCHNEIDER: Go ahead, Tim.

25           MR. JONES: The first one is the -- the issue

1 with the parking lot that you did mention.

2           How can that be corrected, you know, if they do  
3 have to take over the parking lot?

4           MS. SEELE: Well, I think two ways; either they  
5 can redesign to try to move the parking lot, the church's  
6 parking lot, into another area within theirs, or try to  
7 get a variance, which would be one of the alternatives.

8           And that's why in our conclusion we have that it  
9 would be approved subject to bringing into compliance or  
10 subject to them receiving a variance for those.

11           MR. JONES: So if they have to reconstruct the  
12 parking lot, that would be costly.

13           MS. SEELE: Costly.

14           MR. JONES: They're admitting that the cost  
15 isn't there right now, you know, the funds are low, so we  
16 have to look at, I guess, Option B.

17           MR. DUKE: And you said Option B was looking at  
18 the variance Board of Adjustment.

19           MAYOR SCHNEIDER: So, I'm going to ask a  
20 question.

21           All the things that are the variables that are  
22 contradictory to the way our code is written, can all be  
23 rectified at Board of Adjustment without us getting --  
24 putting ourselves in a position, or me put in a position  
25 to sign a document that could be illegal if I was, you

1 know, going against the code? Is that -- did I miss  
2 anything here?

3 MR. MCCOY: No, Your Honor.

4 MAYOR SCHNEIDER: I mean -- I mean I appreciate  
5 breaking the law for somebody's behalf, but I want to keep  
6 being Mayor for just a little while longer.

7 So I think that, obviously, and I think the  
8 church would probably understand this more than all of us,  
9 somewhere between heaven and hell is purgatory, and I  
10 think there's no question at all, cause I was at the  
11 meeting of the night of Planning and Zoning, with sitting  
12 on the board, there is no question at all that the City  
13 wants to work with and be compassionate to the church.

14 MR. JONES: Your Honor, I have another question.

15 From day one when we -- when they accepted all  
16 this for the liability of the grounds, who's responsible  
17 for that, for the time -- from construction, for  
18 maintenance, the lifelong time of the tower?

19 MR. DUKE: Well, if I'm not mistaken, I think  
20 all the required insurances are carried by, you know, the  
21 contractors who have to put things, and electricians and  
22 all those people.

23 Russ, and if you can speak to this, you're  
24 welcome to do that.

25 But, yeah, the insurance, the City isn't

1 responsible, and certainly the church isn't accepting  
2 responsibility for that.

3 MR. JONES: That's what I wanted to hear. So  
4 this is a large lot, 20,000 square.

5 MR. DUKE: Right, yeah, it is, yeah.

6 MR. JONES: That's all I have.

7 MAYOR SCHNEIDER: Go ahead, Lisa.

8 MS. RIDOLFI: As far as the disguised tower,  
9 does that affect the capacity of the tower, and is  
10 T-Mobile opposed to a disguised tower?

11 MR. DUKE: And I think, Russ, you need to speak  
12 to this, and, again, subject to cross-examination, you can  
13 answer that.

14 MR. BEEN: I work for all four major carriers,  
15 and all four major carriers have said avoid STEALTH  
16 towers. It's flagpoles at all costs. So what you're also  
17 dealing with here, if this is forced to go to a STEALTH  
18 tower, you're dealing with marketability.

19 We don't want to build a tower for one carrier;  
20 we want to build a tower for all four carriers. And what  
21 you're going to end up doing is, folks like myself, I  
22 don't -- I don't work every site in St. Louis, but I have  
23 been -- received the same mandate. If -- don't go in a  
24 STEALTH tower.

25 There are -- there are companies all over

1 St. Louis building monopoles next to STEALTH towers  
2 because the carriers just don't want to use them. So what  
3 you're doing is you're going to affect the marketability  
4 of this tower. And I think I could speak for our client,  
5 RF Alternatives, they don't build STEALTH towers.

6 If they're forced to make this a STEALTH tower,  
7 they're not going to build it.

8 MS. RIDOLFI: Because it affects capacity or  
9 why?

10 MR. BEEN: It affects -- it affects the  
11 capacity -- it affects the carrier's desire to use this  
12 tower.

13 If we -- if we put up a STEALTH tower, I can  
14 tell you Sprint is not going to want it; Verizon's not  
15 going to want it. They're -- you're not going to get a  
16 second or a third carrier on this tower.

17 MS. RIDOLFI: And I guess I'm not understanding  
18 the reason why though. Because it makes it more  
19 expensive? It makes it --

20 MR. BEEN: Because capacity is exactly the  
21 answer.

22 MS. RIDOLFI: Okay.

23 MR. BEEN: They want to put up six and nine  
24 antennas. They can't do that in a STEALTH tower.

25 MS. RIDOLFI: Okay.

1           MR. BEEN:  If they do that in a STEALTH tower, a  
2 flagpole-style STEALTH -- I don't want to confuse what  
3 the -- what the counselors has said -- a flagpole  
4 canister-type tower, the only way to get six antennas,  
5 nine antennas in a tower is to use three canisters, and  
6 then you end up having a tower that was just built for one  
7 carrier.

8           MS. RIDOLFI:  Thank you.

9           MAYOR SCHNEIDER:  Go ahead, Jared.

10          MR. SHADLEY:  Might I ask a question?

11                 As far as -- because you keep saying canister  
12 tower or a camouflage tower, maybe it's just not my  
13 understanding, I -- I know what you're speaking of, the  
14 canister towers, I know of pole tower, because of what's  
15 behind our City Hall.  But as far as camouflage, is there  
16 another type I'm just not aware of?  Is that like the fake  
17 tree towers?  Because, to me, it seems like it would look  
18 very strange to have a parking lot, a fake tree in an  
19 empty grassy field.

20          MR. BEEN:  There -- may I?

21                 If you -- if you think it, they can build it.  I  
22 mean there are clock towers, bell towers, people have put  
23 up fake buildings.

24                 And that brings us, again, to the question of  
25 costs.

1           For instance, a regular monopole cost \$6 to  
2 build. A -- a monopine cost \$12 to build. And the whole  
3 idea of our client, and, again, RF Alternatives isn't a  
4 carrier. They're a -- they are a tower -- they're  
5 vertical realty, and they won't -- they won't -- if they  
6 can't make money, they're not going to build it.

7           MR. SHADLEY: Right.

8           MR. BEEN: So.

9           MR. SHADLEY: I was just saying because it  
10 almost seemed more reasonable to have a regular tower and  
11 be understanding what it was there than some strange  
12 looking tree.

13           MR. BEEN: I will relay a conversation I  
14 recently had with St. Charles County, and they said how  
15 many hundred foot pine trees do you see in St. Charles  
16 County. None.

17           And their -- their planner, I can't speak for  
18 the entire county, their planner relayed to me that they  
19 would much rather deal with a monopole than a -- something  
20 that wouldn't fit naturally in the environment.

21           MR. SHADLEY: Right. Okay.

22           MS. SEELE: Just for the record, I need to note,  
23 as he had mentioned, there are numerous different types,  
24 so I mean I believe you can even Google. I saw recently  
25 T-Mobile was actually putting up a disguised cross tower,

1 so there are numerous different disguises that you can do  
2 for the communication tower.

3 MAYOR SCHNEIDER: Lisa, do you have a question?

4 MS. RIDOLFI: So I guess this kind of relates to  
5 that.

6 I'm assuming -- so you talked about residential  
7 area to the rear of the property. I'm assuming they've  
8 all been notified this, and is there anybody you know that  
9 is against it that we're aware of that's a neighbor to the  
10 church?

11 MR. DUKE: Mr. Taylor's saying no. I haven't  
12 spoken to the neighbors. But I think the church has been  
13 a good neighbor to the neighbors.

14 And have you heard any --

15 MS. RIDOLFI: I mean they're aware --

16 MORRIS TAYLOR: Not a soul.

17 MR. DUKE: Position. Yes.

18 MS. SEELE: Notice is required.

19 MS. RIDOLFI: Notice is -- okay.

20 MS. SEELE: Not to each resident, but newspapers  
21 and all of that was sent.

22 MS. RIDOLFI: Okay. Thank you.

23 MR. DUKE: So, in other words, legally everybody  
24 has had opportunity to hear it whether they got a flier,  
25 to come and speak against it.

1 MS. RIDOLFI: Understood. Thank you.

2 MR. MCCOY: Any comments?

3 MAYOR SCHNEIDER: Do we have anybody in the  
4 audience that would like to take and speak on this matter?

5 I would say that's a no.

6 MR. MCCOY: Mr. Mayor.

7 Ms. Seele, do you want to address the findings  
8 before I start to try to review them?

9 MS. SEELE: Yes. Absolutely. Yes.

10 We have proposed findings of fact, draft finding  
11 of fact, please review them. They were based on the  
12 Planning and Zoning hearing and the evidence that we  
13 anticipated would be sent. So, obviously, we know right  
14 now we're going to have to add Exhibit D to it.

15 But as the Applicant has had a chance to review  
16 the findings of fact as well. They are set out,  
17 basically, with a summary that we did have this hearing,  
18 and then try to go kind of factually of the application  
19 process, the Planning and Zoning hearing, finishing with  
20 the Council hearing tonight, and then having some legal  
21 findings based on that and a proposed decision as well,  
22 that, as we discussed, gives them kind of two options to  
23 get approval immediately.

24 MR. MCCOY: So the reason that -- go ahead,  
25 Mr. Duke. I'm sorry.

1 MR. DUKE: No, no.

2 MS. SEELE: Sorry, I was asking if he had any.

3 MR. DUKE: Nothing further.

4 MR. MCCOY: Okay.

5 The reason that this document of proposed  
6 findings of fact and conclusions of law has been submitted  
7 is that the U.S. Supreme Court, in deciding the procedure  
8 for these kinds of applications, have -- has indicated  
9 that a municipality considering an application like this  
10 does have to conduct a public hearing of this kind, and  
11 makes specific written findings of fact and conclusions of  
12 law, and that the municipality has to do so  
13 contemporaneously, preferably the same night, in order to  
14 satisfy the standard that the U.S. Supreme Court has given  
15 us.

16 So the findings in your packet are designed to  
17 comprehensively address the evidence that was expected to  
18 be presented tonight.

19 On page 1 and 2, there are findings with respect  
20 to the application background, which simply describes that  
21 the application was originally submitted -- was originally  
22 for 120-foot monopole. There was correspondence back and  
23 forth between Ms. Seele's office and Mr. Duke dealing with  
24 the deficiencies of the application, and the Applicant's  
25 efforts to cure those deficiencies. And so that

1 correspondence back and forth is described in Paragraphs 1  
2 through 7 of the findings of fact.

3           The next section deals with the proceedings  
4 before the Planning and Zoning Commission. That a  
5 hearing -- a continuance from the initial hearing was  
6 sought in order to revise the application.

7           A lot of changes were made, including lowering  
8 the height from 120 feet -- 120 feet to 100 feet,  
9 providing a leasehold interest and some other revisions.

10           There's a public hearing held in September. At  
11 the conclusion of that hearing, there were three code  
12 issues that were identified and Ms. Seele described those.  
13 They're referred to in the findings of fact and  
14 conclusions of law as the continuing code violations.

15           And those are the provisions of 400.870, which  
16 required towers to be disguised, or which prohibit exposed  
17 towers, and the provisions of 400.885.

18           The other provision that creates a violation of  
19 the code is 400.870, to the extent that if there is leased  
20 property, the property that's leased has to comply with  
21 the requirements that it would have to meet if it were  
22 actually legally subdivided, although it's not subject to  
23 actually being subdivided.

24           And the issue there is is that the leasehold  
25 substantially takes up the entire parking lot.

1           There was no specific request at Planning and  
2 Zoning for variances from the Board of Adjustment. There  
3 was a request for waivers of these requirements, which is  
4 something Planning and Zoning could not do under the code,  
5 and something this Council cannot do under the code.

6           Because there was nothing before Planning and  
7 Zoning with respect to a request for variances from the  
8 Planning and Zoning Commission, the Planning and Zoning  
9 Commission, basically, gave an up or down vote to whether  
10 to recommend approval of the plan overall without reaching  
11 the question of whether or not approval should be  
12 conditioned on obtaining variances from the Board of  
13 Adjustment.

14           So that issue is before the Council tonight.

15           Ms. Seele has reviewed the criteria that are set  
16 forth in Paragraph 12 of the findings of fact with respect  
17 to conditional use permits, and also the additional  
18 requirement that the design of the wireless communication  
19 facilities, including the ground layout maximally reduces  
20 visual degradation, and otherwise complies with the  
21 provisions and intent of the zoning code.

22           We do need to add, if I can have your  
23 permission, Mr. Mayor, to what's considered, add to the  
24 findings that Exhibit D was offered by the Applicant and  
25 received in evidence without objection.

1           And the ultimate conclusion of the proposed  
2 findings of fact and conclusions of law is that the tower,  
3 as proposed, can come into compliance with the zoning code  
4 one of two ways.

5           Other -- one way would be to alter the plans, so  
6 that these violations of the code do not exist.

7           The second way of complying would be to make  
8 application to the Board of Adjustment for variances for  
9 the three issues that we have culled out tonight.

10          And by doing so, the application would then come  
11 into compliance with the city code.

12          MAYOR SCHNEIDER: So, once again, unless I'm not  
13 connecting the dots, the Board of Adjustment would be the  
14 logical path, unless you want to take the code book and  
15 just chuck it out the window?

16          MR. MCCOY: The issue is that, at least from the  
17 point of view of Ms. Seele's office, Special Counsel for  
18 telecommunications and from our office, it's not a  
19 precedent that the City wishes to set to approve an  
20 application that is contrary in any respect to the code,  
21 and in order to bring it into compliance with the code,  
22 one method of doing that would be to obtain variances from  
23 the three code provisions we've culled out from the Board  
24 of Adjustment to prevent us from violating our code.

25          MAYOR SCHNEIDER: Okay.

1 Council Members, anybody else have a comment  
2 about --

3 MS. RIDOLFI: Just make sure I understand.

4 But what if we -- what if this Council said,  
5 well, we want to let them go to the Board of Adjustment  
6 for variance on --

7 VOICE: For the variances.

8 MS. RIDOLFI: -- subdivision -- on the  
9 subdivision of the property, but not on the disguising of  
10 the tower, could we do that?

11 MR. MCCOY: Are you -- are you suggesting  
12 that -- I guess I want to make sure I understand your  
13 question -- to allow them to go request a variance for the  
14 subdivision compliance requirements, but to require them  
15 to change their application to comply with the other two  
16 code provisions? Is that what you're asking?

17 MS. RIDOLFI: I guess that is what I'm asking.

18 I guess my concern is, legally, the residents  
19 have been notified, but I would be really shocked that  
20 when the tower goes up that we don't hear from those  
21 residents, and some of them aren't going to be happy.

22 I just want to make sure everybody is being  
23 looked at in this situation.

24 MR. MCCOY: Okay. Well, I think -- I see  
25 Mr. Duke has come to the podium, so I'm sure he has some

1 comments on that question.

2 MR. DUKE: All I'm going to say is if -- if what  
3 you're proposing is that we change the application, that  
4 cannot and won't happen --

5 MS. RIDOLFI: Okay.

6 MR. DUKE: -- at this point.

7 And I do want, one other thing, that No. 14 on  
8 page 4, the findings of fact, there's an error, just a  
9 minor thing. It says page A1 in the site plan, it really  
10 should be A1A, technical little-bitty thing.

11 MR. MCCOY: Can you hit me with that again,  
12 Mr. Duke?

13 MR. DUKE: Yes. It's at page 4.

14 MR. MCCOY: Uh-huh.

15 MR. DUKE: At least numbered here. And No. 14  
16 refers to, and on page A1 to provide more landscaping  
17 detail to --

18 MR. MCCOY: So you're looking at the fourth line  
19 down of Paragraph --

20 MR. DUKE: Correct.

21 MR. MCCOY: -- 14?

22 MR. DUKE: That's correct. It should be A1A.

23 MR. MCCOY: A1A.

24 MR. DUKE: Yeah.

25 And I realize, I'm not trying to put the Board

1 in an --

2 MS. RIDOLFI: No, I --

3 MR. DUKE: -- uncomfortable position of the  
4 Council, but we can't change the application at this  
5 point, if that's what you were suggesting so.

6 MS. RIDOLFI: That was the question.

7 Thank you.

8 MAYOR SCHNEIDER: I would say there was not one  
9 person at the Planning Zoning meeting that had any  
10 negative comment about this. And like you said, the  
11 people were notified of the meeting, or have I heard  
12 from -- have we heard from anybody since then.

13 Jason, have you heard from anybody?

14 MR. MCCONACHIE: No, sir.

15 And I would also offer, pursuant to the city  
16 code under the Board of Adjustment, the hearing  
17 requirements, the -- the requirement is that all of the  
18 adjoining property owners be notified. It says, "All  
19 adjoining property owners shall be given written notice by  
20 first class mail or personal delivery of the hearing with  
21 the application for a variance at least seven days prior  
22 to such hearing".

23 MS. RIDOLFI: Okay. That helps.

24 Thanks, Jason.

25 MAYOR SCHNEIDER: Anybody else have anything?

1 Yes.

2 MS. SEELE: I just have one thing that I  
3 would -- if -- I would suggest adding to the additional  
4 evidence findings, that we did offer a public comment and  
5 no one spoke in opposition to it.

6 MR. DUKE: And -- and I'm not sure what your  
7 Board of Adjustment schedule is.

8 What's the soonest that we could be heard once  
9 application is made?

10 MR. MCCONACHIE: The next available hearing  
11 would be November the 9th. That's the next scheduled  
12 hearing. I would have to speak with the Planning Zoning  
13 Coordinator in the morning.

14 MR. DUKE: But in order to get the application  
15 in and get the notice out to the neighbors --

16 MR. MCCONACHIE: Well, you have -- you have to  
17 give the notice seven days in advance.

18 MR. DUKE: All right. Have to get busy, in  
19 other words. Okay.

20 MR. MCCONACHIE: So, yeah.

21 MR. DUKE: Sure. Okay.

22 MR. MCCONACHIE: And it doesn't appear, based on  
23 the reading of the code, it does not appear -- it does  
24 call on the same section that in the discretion of the  
25 Board of Adjustment, notice may be published in the

1 newspaper of different circulation in the city. So it  
2 does appear that there is a newspaper publication  
3 requirement, but I can certainly speak with Kadi Sanders  
4 in the morning.

5           MAYOR SCHNEIDER: So we could -- we could find a  
6 way to make sure that we do meet that November 9th meeting  
7 date and it should be no --

8           MR. MCCONACHIE: Yeah, we're sixteen calendar  
9 days from today to the meeting. I just checked my  
10 calendar and counted them off, so, but we are sixteen days  
11 from the date, so I can certainly speak with Ms. Sanders  
12 first thing in the morning --

13           MAYOR SCHNEIDER: Okay.

14           MR. MCCONACHIE: -- see if we can't turn that  
15 around rather quickly.

16           Otherwise you're looking at December the 14th.  
17 But let me -- let me run that by Kadi first.

18           MR. MCCOY: So, Mr. Mayor, as we've discussed  
19 this, we've discussed amending Paragraph 14 on page 4 of  
20 the findings, four lines down, to refer to page A1A with  
21 respect to the fencing and the landscaping, and Paragraph  
22 18 on page 5, to add the language, "Exhibit D was offered  
23 by the Applicant and received in evidence without  
24 objection". The chair called for public comments on the  
25 application. No members of the public offered any

1 comments.

2 So that at this point the question is whether or  
3 not the Council wishes to -- wishes or does not wish to  
4 adopt the proposed findings of fact and conclusions of law  
5 as amended.

6 MR. OWENSBY: I would like to make that motion.

7 MR. DODY: I will second that.

8 MAYOR SCHNEIDER: All in favor?

9 (All responded aye.)

10 MAYOR SCHNEIDER: Opposed?

11 Okay.

12 MR. MCCOY: Mr. Duke, do you have anything  
13 further you want to state on behalf of the Applicant?

14 MR. DUKE: I do not.

15 MR. MCCOY: Okay.

16 Ms. Seele?

17 MS. SEELE: I do not. Thank you.

18 MR. MCCOY: Mr. Mayor, I think it be in order  
19 now to close the public hearing.

20 MAYOR SCHNEIDER: Motion to close the public  
21 hearing?

22 MR. DODY: Motion to close the public hearing.

23 MAYOR SCHNEIDER: A second?

24 MS. RIDOLFI: Second.

25 MAYOR SCHNEIDER: All in favor?

1 (All responded aye.)

2 MAYOR SCHNEIDER: The public hearing is closed.

3 And give us about four minutes. At ten after --  
4 yeah, ten after, we will start the regular Council  
5 meeting.

6 (The public hearing was closed at 7:05 p.m.)

7 (The public hearing was opened back up during  
8 the regularly scheduled Council hearing, and the following  
9 proceedings were had:)

10 MR. MCCOY: What I'd like to do, there's a  
11 little piece of unfinished business that we'd like to  
12 follow-up on on the public hearing.

13 Mr. McCoy.

14 MR. NEWTON MCCOY: Your Honor, Mr. Duke, on  
15 behalf of the Applicant, has raised a question to make  
16 sure that the record is absolutely clear, and has  
17 requested that the Council entertain a motion of the sense  
18 of which is that by approving the proposed findings of  
19 fact and conclusions of law that the Board has voted to  
20 approve the application with the amendments referred to in  
21 the findings of fact tonight, subject only to either  
22 amendment of the application in the future to cure the  
23 violations of the code, or else obtaining variances for  
24 the three code violations that have been culled out  
25 tonight for the Board of Adjustment, and those are

1 specifically the provisions of 400.870 and 400.885 that  
2 require towers to be disguised with antennas within a  
3 support structure or else -- or building a crow's nest or  
4 other platforms and extensions, and also the requirement  
5 that the leasehold meet the requirements that it would  
6 have to meet if it were legally subdivided.

7           So the sense of the motion would be that the  
8 application as amended has been approved, subject either  
9 to amendment to cure the variances, or subject, as the  
10 second alternative, to obtaining variances from those  
11 three issues from the Board of Adjustment.

12           Have I stated that correctly, Mr. Duke?

13           MR. DUKE: That is correct. Except that it was  
14 both your counsel and me that recognized that this needed  
15 to be clarified, so, yes.

16           MR. NEWTON MCCOY: Okay.

17           MR. DUKE: Thank you.

18           MR. NEWTON MCCOY: And -- and so it's our  
19 collective request that the Council entertain a motion.

20           MR. OWENSBY: Motion to approve.

21           MAYOR SCHNEIDER: Do I have a second?

22           VOICE: Second.

23           MAYOR SCHNEIDER: All in favor?

24           (All responded aye.)

25           MAYOR SCHNEIDER: Opposed?

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MR. NEWTON MCCOY: Thank you.

MR. DUKE: Thank you very much.

(The public hearing ended at 7:16 p.m.)

(This ends the transcript of the public hearing.)



**JOHN ALLEN: [1]**

21/13

**MAYOR SCHNEIDER:**

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42/19 44/4 45/2 45/4  
45/7 45/8 45/8 45/21  
46/3 49/9 50/12

THE MINUTES OF THE 1527<sup>th</sup>  
MEETING OF THE CITY COUNCIL  
OF THE CITY OF OVERLAND, MISSOURI,  
HELD ON OCTOBER 24<sup>th</sup>, 2016 AT 7:00 P.M.

**CALL TO ORDER**

Dody	Owensby
Little	Shadley
Fetsch – <i>excused</i>	Jones
Ridolfi	Dills

**PLEDGE OF ALLEGIANCE**

**REMEMBRANCE OF OUR SERVICE MEN AND WOMEN**

**PUBLIC HEARING**

Mayor Schneider reopened the public hearing for 2200 Lackland from the Special Meeting which began at 6:00 p.m.

Attorney Newton McCoy stated the applicant has requested a motion of the sense of which is that by approving the proposed findings of fact and conclusions of law that the Board has voted to approve the application with the amendments referred to in the findings of fact tonight, subject only to either amendment of the application in the future to cure the violations of the code, or else obtaining variances for the three code violations that have been culled out tonight for the Board of Adjustment, and those are specifically the provisions of 400.870 and 400.885 that require towers to be disguised with antennas within a support structure or else – or building a crow's nest or other platforms and extensions, and also the requirement that the leasehold meet the requirements that it would have to meet if it were legally subdivided.

Councilman Owensby made a motion to approve the proposed findings of fact and conclusions of law for the application as presented with amendments subject to either amendments to cure the violations of the code or the applicant receiving variances from the Board of Adjustment. Councilman Little seconded the vote. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

There being no further business, Mayor Schneider closed the public hearing for 2200 Lackland Road.

City Clerk Burton read the following:

Please take notice that the City Council of the City of Overland, Missouri will conduct a Public Hearing on October 24, 2016 at 7:00 P.M. in the Council Chambers in the Overland City Hall located at 9119 Lackland Road, Overland, Missouri

63114, for the purpose of reviewing and receiving comments with respect to the following matters:

- 8948 Forest Avenue – Subdivision of 8942 Forest and consolidation with 8948 Forest

Any interested parties may attend and be heard at the public hearing.

There being no further discussion, Mayor Schneider closed the public hearing 8948 Forest Avenue

### **RESIDENTS COMMENTS**

*Jeri Schneider – 2650 Chaucer – President of Ritenour Pride and Promise Foundation – annual trivia night is Friday, November 11, at St. Ann Community Center. Nearly \$45,000 of goods have been given to the Ritenour School District in the last five years.*

*Tom Ennis – 2211 Wengler – spoke on the trash contract and stated there are code violations at 8847 Windom and 9620 Theodosia.*

*Amy Foulks – 10256 Lackland Road – spoke in support of the park tax.*

### **APPROVAL OF MINUTES**

#### **September 26, 2016 City Council Work Session**

Councilman Jones made a motion to approve the minutes as presented. Councilman Dills seconded the motion. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

#### **September 26, 2016 City Council Meeting**

Councilman Owensby made a motion to approve the minutes as presented. Councilman Shadley seconded the motion. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

#### **October 3, 2016 Park Tax Information Session**

Councilman Owensby made a motion to approve the minutes as presented. Councilman Dills seconded the motion. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

### **APPROVAL OF BILLS**

Councilman Owensby made a motion to approve the bills as presented. Councilman Jones seconded the motion. Mayor Schneider polled the vote as follows: Dody –

Yes; Little – Yes; Ridolfi – Yes; Owensby – No; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

## **REPORT OF THE CITY CLERK**

### **Conditional Use Permits**

- CUP/Site Plan Review – 9375 Page Avenue – New Beginnings Bible Church – electronic message board

The Commission has concluded the applications be approved with the following conditions:

- The behavior and display of any on-premise electronic message sign existing on the date of the effective date of this Section that may be electronically programmed by any means, and of any on-premise electronic message sign installed or erected after the effective date of this Section, shall be subject to the following restrictions.
  - The electronic message sign image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
  - No portion of the on-premise electronic message sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
  - No portion of any electronic message sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or that in any manner creates the illusion of movement.
  - No audio speaker may be used in association with an on-premise electronic message sign.
  - Any conditional use permit issued for an on-premise electronic message sign shall at a minimum contain the restrictions set forth in Subdivisions (a) to (d) of this Subsection (D)(3).
  - The City is granted permission to advertise on said sign for city functions and/or emergency situations.
- CUP/Site Plan Review – 9553 Page Avenue – NJN Auto Service – Automotive Repair Facility
- The Commission has concluded the application be approved with the following conditions:
- Days and Hours of operation – Monday thru Friday 8am to 5pm, Saturday 9am to 4pm;
  - Total number of employees – 1 employee during startup process;
  - All repairs of vehicles to be completed within bay(s);
  - Overnight parking of vehicles not to exceed total number of bays. 5 bays/5 vehicles;
  - No vehicle sales on lot;
  - No derelict and/or unlicensed vehicles on lot;
  - No outside storage.

### **Record Retention & Destruction**

Councilman Owensby made a motion to include in the minutes the list of records scheduled to be destroyed in accordance with Secretary of State guidelines. Councilman Shadley seconded the motion. Mayor Schneider polled the vote as

follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – No; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried. List of records is attached.

## **REPORT OF CITY ATTORNEY**

### **Resolutions**

- **R2016-67 – Liquor License**

Councilman Owensby made a motion to approve R2016-67 as presented. Councilman Dody seconded the motion. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

### **Ordinance**

- **Bill 23-2016 – No Parking – Wabaday Avenue**

Assistant City Attorney Ted Wells read Bill 23-2016 in the short form.

Councilman Owensby made a motion to read Bill 23-2016 a second time in the short form. Councilman Little seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – No; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

City Attorney Wells read Bill 23-2016 in the short form.

Councilman Dody made a motion to adopt Bill 23-2016, *“An Ordinance Amending Title III, Traffic Code, Chapter 300, Schedule V, Of The Code Of Ordinances Of The City Of Overland, Missouri, By The Addition Of Certain Provisions To The Present Limited And Prohibited Parking On Specified Streets And Towing Provisions; No Parking On Wabaday Avenue As Noted Herein”* as Ordinance #2016-21. Councilman Little seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

*Ordinance #2016-21 – An Ordinance Amending Title III, Traffic Code, Chapter 300, Schedule V, Of The Code Of Ordinances Of The City Of Overland, Missouri, By The Addition Of Certain Provisions To The Present Limited And Prohibited Parking On Specified Streets And Towing Provisions; No Parking On Wabaday Avenue As Noted Herein*

- **Bill 24-2016 – Stop Sign: Theodosia and Huntington**

Assistant City Attorney Wells read Bill 24-2016 in the short form.

Councilman Shadley made a motion to read Bill 24-2016 a second time in the short form. Councilwoman Ridolfi seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

City Attorney Wells read Bill 24-2016 in the short form.

Councilman Owensbys made a motion to adopt Bill 24-2016, "*An Ordinance By The City Council Of The City Of Overland, Missouri, Amending City Of Overland Code Title Iii Traffic Code, Chapter 300: General Provisions, Schedule Ii Stop Intersections By Adding Huntington Avenue At Theodosia Avenue*" as Ordinance #2016-22. Councilwoman Ridolfi seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

***Ordinance 2016-22 – An Ordinance By The City Council Of The City Of Overland, Missouri, Amending City Of Overland Code Title Iii Traffic Code, Chapter 300: General Provisions, Schedule Ii Stop Intersections By Adding Huntington Avenue At Theodosia Avenue***

- **Bill 25-2016 – Amend Contract with Republic Services (Allied Waste)**

City Attorney Wells read Bill 25-2016 in the short form.

Councilman Owensby made a motion to read Bill 25-2016 a second time in the short form. Councilman Little seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

City Attorney Wells read Bill 25-2016 in the short form.

Councilman Shadley made a motion to adopt Bill 25-2016, "*An Ordinance Authorizing The Mayor To Execute An Amended Contract With Allied Services LLC. To Provide Residential Solid Waste Collection And Disposal Services Effective January 1, 2017*" as Ordinance #2016-23. Councilman Dody seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

***Ordinance 2016-23 – An Ordinance Authorizing The Mayor To Execute An Amended Contract With Allied Services Llc. To Provide Residential Solid Waste Collection And Disposal Services Effective January 1, 2017***

- **Bill 26-2016 – Subdivision and Consolidations of 8942 Forest and 8948 Forest**

City Attorney Wells read Bill 26 -2016 in the short form.

Councilman Owensby made a motion to read Bill 26-2016 a second time in the short form. Councilman Dody seconded. Mayor Schneider polled the vote as

follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

City Attorney Wells read Bill 26-2016 in the short form.

Councilman Shadley made a motion to adopt Bill 26-2016, “*An Ordinance Of The City Of Overland, Missouri, Approving The Subdivision And Lot Consolidation Plat Of Adjusted Lots 4 And 5 Of A Tract Of Land Being Lots 4 And 5 In Block 23 North Range 6 East Of The Charlack Subdivision Of The St. Louis County, Missouri, Records*” as Ordinance #2016-24. Councilwoman Ridolfi seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

*Ordinance 2016-24 – An Ordinance Of The City Of Overland, Missouri, Approving The Subdivision And Lot Consolidation Plat Of Adjusted Lots 4 And 5 Of A Tract Of Land Being Lots 4 And 5 In Block 23 North Range 6 East Of The Charlack Subdivision Of The St. Louis County, Missouri, Records*

## **STAFF REPORTS**

### **Beautification**

Councilman Jones made a motion to approve the appointment of Joe Mannisi and Ann Stover to the Beautification Commission. Councilwoman Ridolfi seconded. Mayor Schneider polled the vote as 8 “yes,” 0 “no,” and 0 “abstain” votes. Motion carried.

### **Parks & Recreation**

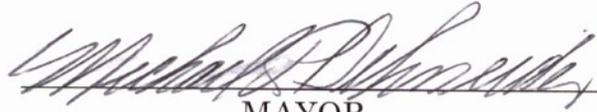
Councilman Jones made a motion to provide the use of Wild Acres Gymnasium at no cost to the Kiwanis Club of Ritenour on April 22, 2017, for a fundraiser. Councilwoman Ridolfi seconded the motion. Mayor Schneider polled the vote as 8 “yes,” 0 “no,” and 0 “abstain” votes. Motion carried.

## **REPORT OF THE COUNCIL**

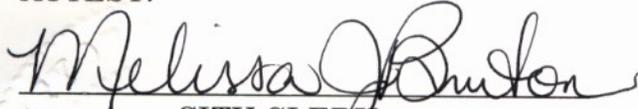
### **REPORT OF THE MAYOR**

### **ADJOURNMENT**

There being no further discussion, Councilman Owensby made a motion to adjourn. Councilwoman Ridolfi seconded. Mayor Schneider polled the vote as follows: Dody – Yes; Little – Yes; Ridolfi – Yes; Owensby – Yes; Shadley – Yes; Jones – Yes; and Dills – Yes. Motion carried.

  
MAYOR

ATTEST:

  
CITY CLERK

Business Licenses**Records Destroyed Report****As per Missouri Municipal Records Manual**

<b>Date Of Item</b>	<b>Code</b>	<b>Description</b>
09/14/93 to 07/31/14	GS 050	A-1 Books, 10204 Page Avenue Francis L Pfeiffer
07/09/13 to 07/31/14	GS 050	Affordable Services SEO Co LLC, 9518 Theodosia Jasen Paulson
12/28/07 to 07/31/14	GS 050	Alliance In Home Care Service, 9449 Lackland Rd. Z Bonner/N Bonner
02/03/12 to 07/31/14	GS 050	Apex It Consulting Group Inc, Geoffrey Baltz 1507 Woodson Rd
09/15/93 to 07/31/14	GS 050	A's Heating & Cooling, 9419 Lackland Rd. Steven L. Aubuchon
07/10/00 to 07/31/14	GS 050	Attitudz.....A Hair Salon, 2132 Woodson Rd. L Jones/B Barnett
12/16/13 to 07/31/14	GS 050	Automoto St. Louis, 2138 Woodson Rd., Ste. 7 Bruce McKenzie Jr.
08/01/10 to 07/31/14	GS 050	Be Blessed Adult Care Service, 10262 & 10270 Ste. C. Page Tonia Ambus
09/07/93 to 07/31/14	GS 050	Brown Road Barber Shop, 3105 Brown Road Albert Morlen
02/04/14 to 07/31/14	GS 050	Brownsville Intl Air Cargo Inc. d/b/a Bi-National Air Cargo, 1803 Beltway, Ricardo Farias Nicolopoulos
08/01/11 to 07/31/14	GS 050	Caring Heart Adult Services, 9539 Lackland Rd., Ste B Dana R Carey
08/25/93 to 07/31/14	GS 050	Childrens Resale Shop, 9451 Page Ave. Margaret A. Williams
08/01/10 to 07/31/14	GS 050	Community Action Agency, #1 Document Dr., Ste. B Meline P. Anderson
05/16/11 to 07/31/14	GS 050	Computer Clinic, 2138 Woodson Rd., Ste. 1 Lauren Cole
09/26/96 to 07/31/14	GS 050	Dianna's Vault, 9321 Midland Blvd. Richard M. Wolf
08/01/95 to 07/31/14	GS 050	Dots LLC #359, 9068 Overland Plaza Robert A Glick
08/18/08 to 07/31/14	GS 050	Elite Janitorial, 9451 Lackland Rd Eugene Henry
08/17/12 to 07/31/14	GS 050	Ellen Kurtz Interiors Inc., 10380 Page Industrial Ellen Kurtz

Date Destroyed: \_\_\_\_\_

Approved by: \_\_\_\_\_















**Business Licenses**  
**Records Destroyed Report**  
**As per Missouri Municipal Records Manual**

<b>Date Of Item</b>	<b>Code</b>	<b>Description</b>
03/06/06 to 07/31/14	GS 050	The Print Shop, 9425 Lackland Road Joseph Meade
05/02/94 to 07/31/14	GS 050	Thermal Industries Inc., 10244-56 Page Industrial Blvd. David Rascoe
08/01/12 to 07/31/14	GS 050	300 Music Group, 2138 Woodson Rd., Ste. 7 Byron Waters
03/14/11 to 07/31/14	GS 050	Torelion Productions LLC, 2126 Woodson Rd. Thomas A. Baker
09/14/12 to 07/31/14	GS 050	Triple T Services, 9451 Lackland Rd., Ste. 205 Jennifer Steinshower
08/01/12 to 07/31/14	GS 050	Wireless Spot, 10204 Page Ave. Soomar Hasan

Date Destroyed: \_\_\_\_\_

Approved by: \_\_\_\_\_



