



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
OF MONDAY, AUGUST 18, 2014  
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:00 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

- a. Minutes of the August 4, 2014 Public Hearing regarding a request for a Special Use Permit to operate a bookstore at 14336 Manchester Road

Alderman Clement and Alderman Hamill simultaneously made the motion to approve the Minutes of the August 4, 2014 Public Hearing regarding a request for a Special Use Permit to operate a bookstore at 14336 Manchester Road. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- b. Minutes of the August 4, 2014 Public Hearing regarding a Special Use Permit request to open a not-for-profit educational institution at 929 Big Bend Road

Alderman Hamill made the motion to approve the Minutes of the August 4, 2014 Public Hearing regarding a Special Use Permit request to open a not-for-profit educational institution at 929 Big Bend Road. The motion was seconded by Alderman Clement and carried unanimously, without objection.

- c. Minutes of the August 4, 2014 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the August 4, 2014 Regular Board of Aldermen meeting. The motion was seconded by Alderman Clement and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Clement made the motion to approve the Order of Items on the Agenda, as submitted. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Comments from the Public

Ms. Jackie Kelam, 1232 Dornewood Place, presented pictures to the Board and said the reason why she brought the pictures is because it involves one of the questions that she posed to the use of the land behind her house that it presently Lafayette Baptist Church and proposed to be the new church and school. One of the points that she asked was if there will be new construction and how the grounds will be taken care of. Ms. Kelam said the gentleman said they would be well taken care of. She went to the present school and she took pictures of the grounds and it is not well taken care of. She realizes that we have had some wet weather, and that may have something to do with it. Since the property being considered adjoins her backyard, she is concerned. She said that when there is a school or business, generally they make an attempt to beautify the area around it so they are gentle intrusion on the residents.

Ms. Kelam stated Lafayette Baptist Church has not always been super good about it, but she always thought it was grandfathered for whatever reasons. She brought up the fact there are some things left behind by the Baptist Church, and she thought they would be cleared up, but they haven't been yet. The playground that is there presently is in about the order that that those pictures show right now. Ms. Kelam said one of her biggest concerns is the proof in pictures that the present location is not cared for, which affects what confidence she has about the new location being cared for.

Mr. Ali Abdulah expressed support for the permit. He said that at the old church the people worship together, now with the building bought by Muslims, they should be given the same opportunity. They should make it beautiful; make it nice if there are issues. He said he is a Muslim, and they take care of neighbors because it is their religious duty, it is very important. He believes all should take the opportunity to work together. He said they should all come together as Muslims, Christians, Jews regardless of race and discuss issues to talk about.

Mr. Rashid Muhammad stated that as one of the Board members of Al Manara Academy, he didn't know the format would be a little different, but he realizes they are at a different stage. He wanted to give an update after the meeting on August 4. Mr. Muhammad stated that at the first Public Hearing they presented about Al Manara Academy, he said there are eight grades, and they have interest in moving into the property at 929 Big Bend. They presented that information and received questions from the Council and community. It became obvious that there are lots of concerns from community members from that meeting. The biggest concerns are traffic safety, enrollment numbers of the school, and, in general, the newness of change-out. However as a result of feedback from community members, the Council advised that they would not move forward with the second reading of the Bill on August 4. The Board thought it would be a good idea to have some discussions before the second reading, so he had the first meeting and had a session in the Police Facility hallway after the Public Hearing. During that time, a lot of concerns were expressed. The community members have concerns of the safety and well-being because there is a lot of traffic there. The previous church enrollment was about 40 or less students where this enrollment will be higher.

Mr. Muhammad stated they came up with some ideas of compromise, and wanted the community members to know they did hear them. It was a good idea to get to know the community members. On August 14, using the list of addresses of people who had been invited to be present at the August 4 meeting, they had a “meet and greet” held at 929 Big Bend, where they got to know each other. Everyone was probably there 1 ½ hours and discussed issues at hand. The only drawback is there were more people to come, but everyone is busy. They hope to have more such functions with their neighbors; it is a very important matter.

Mr. Muhammad stated one of the main issues is traffic safety and enrollment. They talked as a Board and let the residents know that they will put a cap on the enrollment at 125. Also, to let them know that if it will be suitable to their neighbors, they would be willing to erect a sign on the property letting drivers know not to make a left turn onto Big Bend during peak time. Their school runs 7:00 a.m. until 2:00 p.m. The students arrive between 6:45 a.m. and 7:30 a.m., it is staggered. The other concern is not to make a right turn on Big Bend, then a right on Hanna and then use Hanna Bend for a turnaround spot.

Mr. Muhammad advised that the dumpster was also mentioned, and they will fence it in. They plan to maintain open communication with community members. They had a discussion with the Church. He is open to questions as he is giving updates.

Alderman Ottenad said that at the last meeting, they heard a lot about fencing and evergreens. She said if they don’t want to do the fence, she didn’t see anything about putting evergreens on that fence line to the right to shield residents from the activity, to give them some privacy. She said that he was also talking about adding more lighting. If lighting is added, Mr. Muhammad would need to come before the City to make sure it is not reflecting on peoples’ yards or in their houses.

Mr. Muhammad said that one resident says she lives behind the dumpster and she requested that be fenced. As far as in the front, they have no problem doing that.

Alderman Ottenad said there was nothing provided about trees on the east side of the property as a buffer.

Mr. Muhammad said they have no problem trying to work that out; it is important to be courteous to their neighbors. He added that it is not their plan now to add lighting.

Mr. Muhammad stated someone had mentioned that the property where they are located is currently not up to par. They are in a transition period, and that is the case right now. Obviously they have to maintain their property for themselves, their children and their families.

Alderman Schrader said that driving by the other place; one cannot tell if someone is still there.

Alderman Clement thanked Mr. Muhammad for meeting with the residents and he asked if the dialogue addresses the primary concerns of those residents who live around the proposed location of the school.

Mr. Muhammad said they tried to address many of the issues that came up on August 4, and the one that Alderman Ottenad mentioned they let them know that they are open and anything that would make things better between neighbors is something they are open to working on. It doesn’t take away their ability to conduct the school program; it would only enhance it. They were able to give off a good understanding between all at that gathering on August 14.

Mr. Hal Roth, 48 Pas Drive, stood and complained from the audience that this discussion has become a public hearing.

Mayor Willson said he runs the meetings and he doesn't have a problem with this at this time. He said this is a community issue, and it is important for the people who live around the school and for his presentation. Mayor Willson added that the Board asked for Mr. Muhammad to come back and to meet with these people to discuss the issues and then to come back and report the issues to the Board. He said that as long as the Board doesn't object, he would allow the discussion to continue to clear up any concerns. He believes it is important to let everyone have a chance to say what they think about this issue.

Alderman Clement stated in regard to the new location, he was out there looking at it, and he saw a rundown playground and tall grass. He wonders what Mr. Muhammad envisions for a new playground area for the students. He also asked who will maintain the grounds.

Mr. Muhammad said they need to make sure that the area is tidied up so it looks nice. They have small children and they have concerns for their safety. As far as bringing new equipment in or taking equipment out, they have no plans for that at this time. He said their contractors will come and maintain the grounds.

Alderman Clement asked if there is any concern on the school's part of being at Big Bend and concern of a child running out onto Big Bend.

Mr. Muhammad stated they would take a similar stance as the previous church, he would envision that front area will be off limits; it is not a play area. There are rules and regulations for a school.

Alderman Clement asked about the no-left-turn sign, Mr. Muhammad stated they agreed upon this in the meeting that they had.

Alderman Stevens asked for clarification that they have capped enrollment at 125 students, and that the school is accredited to eighth grade. She said they are willing to have a sign there stating no left turn and to educate the parents there is a traffic issue. She said they have agreed to support, if turnaround became a problem, and to be a partner to get that taken care of. Alderman Stevens said even though the school previously did not have a fence around the dumpster; they are willing to do it now. They are willing to do some planting for privacy even though the school in operation there didn't do that.

Mr. Muhammad agreed to everything Alderman Stevens mentioned.

Mr. Ron Kelam, 1232 Dornewood Place, stated that he lives directly behind the proposed church and he wants to refute what was said by Mr. Muhammad. He advised that there are seven families at the meeting tonight who were not informed of the meeting that took place on Thursday. As far as what was said that the neighbors agreed to, he can't say that is correct. The curve balls keep coming. He said that Mr. Muhammad talked about enrollment capped at 125, but the current enrollment is at 135 students. It is frustrating. One other thing he said was discussed actually was not discussed. Mr. Kelam said there were numerous curve balls being thrown. He said the math doesn't add up. When they said there would be only 25 cars with 160 students; it's not going to be 25 cars. The traffic sign would have to be 6:00 until 9:00 a.m. and from 3:00 until 6:00 p.m. for no left turns. Mr. Kelam asked if Mr. Muhammad will need to come to another Board meeting and ask to increase enrollment. He added there are three times as much traffic morning and evening, not counting the other events throughout the week and the year.

Mr. Amir Kundalic, 542 Brook Meadow Drive, said he is resident of the area for nine years and a board member of the academy. He stated that there are 34,000 vehicles that pass by Big Bend. Mr. Kundalic said he is a chief technology officer working in Clayton and he is on the board of the school. There are very good questions posed tonight. Although a list provided by the City was used to notify neighbors of the meeting, a lot of community members didn't get a letter. Mr. Kundalic advised that the traffic flow after 8:00 a.m. is not a problem; the problem is unsynchronized stop lights on Big Bend. Mr. Kundalic said that 25 vehicles bringing students is a reasonable number, as most families are coming from South County. Many carpool from the City or from South County. They cannot improve the property until there is something tangible, they cannot appease the community.

Mr. Hal Roth, 48 Pas Drive, asked how this matter came from the Planning and Zoning Commission with unanimous approval and a recommendation for fast-track. There are so many unanswered questions. There were no questions, or maybe the right questions were not asked. Mr. Roth said this Special Use Permit is in Ward One; he questioned why the Bill was assigned to Alderman Ottenad who is in Ward Two.

Mr. Scott Parker, Principal and Assistant Pastor of the Lafayette Baptist Church advised that they had 30 to 40 students, and the church ran 180 to 210 people, with services three times a week mostly at night. There were also two to three meetings a year during the daytime. The school ran from 8:15 a.m. until 3:30 p.m. He said he has been there for 24 years, and the school had a maximum of 40 students.

Mr. Faizan Sayed said Al Manara is an accredited school planning to start on September 3. They have been operating off of Sam's Drive for the last year and they are really in need to ask the Board to give them their permit. They do have 70 students already enrolled and there will be about 90 when they start. The students are waiting to see if they will start or not. They did have a meeting with the neighbors. Sadly some of the neighbors didn't receive an invitation. But with the neighbors that did come, it was a very pleasant meeting.

Mr. Sayed stated they discussed the traffic issue; the nice thing is that they start their school after the Morning Prayer which is after sunrise. Mr. Sayed advised that there are children starting to come to school at 6:30 a.m. to 7:00 a.m., well before traffic begins. School ends at 2:00 p.m. which is well before traffic begins as well. So the traffic issue can be solved or decreased by that. He spoke about the dumpster issue in the back, and said they are willing to build a fence around it. Mr. Sayed said that in regard to the six-foot evergreens, he didn't hear that concern brought up at the meeting, but they are willing to take care of that although they are not buying the property; they are leasing the property. The main concern is to get the school open and then as they open, they will work on other issues as time allows.

Mr. Sayed stated another issue that was brought up was the lighting, with a light that keeps flickering on and off, and the neighbors have asked if it could be turned off. Mr. Sayed said he thought that was an issue their board would need to decide on. Mr. Sayed said the challenge with location off Sam's Drive is the property was leased and the main concern is to get school started. This building they are looking into is more of a long-term building and they have the intention to make the grounds look nicer and make the area more safe and secure. They do believe the building will be maintained; but the building exterior will remain as it is. There are students who live in that area and children want to know if they will be going to school on September 3 or not.

Alderman Ottenad commented that the Board of Aldermen is being rushed, and she asked whose fault it is that this is so late.

Mr. Sayed said this is an issue in dealing with bureaucracy. They thought they would just come to this meeting and everything would be alright. You cannot punish people because they might not have known about it. In reality there are people in the community who are learning.

Alderman Ottenad said the City should have told them that this process started too late.

Mr. Sayed stated if that was mentioned, it would have saved a lot of hassle of knowing if they wanted to lease this building. They would have maybe stayed in their other building another year.

Alderman Ottenad said she does want to welcome the school but something needs to be put in the Special Use Permit so the City can go back to verify that certain things are done to protect neighbors who already live there.

Mrs. Jackie Kelam, 1232 Dornewood, said the flickering light issue is a motion light. Because the congregation would be coming and going at all hours, that light would keep going on, and it shines into their house. Ms. Kelam said she has concern about the continual traffic that comes in the morning and evening. She said it is her backyard, with the Baptist Church that was there previously. She expressed concern that there will balls coming into her property and with 125 children, with bigger and older children that might be a problem, especially since there is no buffer between her house and the property. As far as maintaining the property, Ms. Kelam stated that the present school property is not being taken care of because they are in a state of flux, and for that, she faults Lafayette Bible Baptist Church. She asked how she will know what the general practice will be once Al Manara is located there. Ms. Kelam advised that no one on their block got an invitation, but she thought her home would definitely be on the list or someone would have been at their home, because their house backs up to the property. Ms. Kelam stressed again that Lafayette Baptist Bible Church had 40 children, compared to 125 children for Al Manara, and there is no buffer.

Mr. Kundalic interjected that recess times would be spread out. At the most there would be 20 to 30 children out at a time.

Mr. Scott Bader, 827 Mallard Woods Drive, stated that Al Manara wants the City of Manchester to jump through hoops to get it solved. He attended a meeting in the hall after the last meeting; a lot of these questions came up and everything changed. When there is a lack of planning to get to this point and there is a constant changing of the numbers, even if it is all put it all in writing, his concern is that this agreement is never going to be honored. At this stage, the City controls Al Manara's ability to be in the space, once they are in the space, other laws apply and the City loses control. He said the City has not been given enough information to make this decision in a proper matter. Mr. Bader said that Manchester operates in a very professional manner. He is urging the Board to sit back and think this thing through.

Mr. Muhammad said when he was at the meeting in the hallway, a 34-year resident, Don, was at the last meeting. Mr. Muhammad said he saw Don's address and went by the house. He saw a neighbor, and gave a message and phone number, but he didn't do that with every residence. He did not want to veer away from the feedback offered. They are not trying to avoid the feedback. Mr. Muhammad said that at no time will 125 students be outside playing at the same time. The light issue came up in their meeting, and it is part of their interest that be taken care of. It might not be a motion sensor issue, but they want to take care of it so as to not bother neighbors. Mr. Muhammad said they don't want the

neighbors or Council to feel pressured. They met with neighbors at another meeting and had a good, cordial discussion and there is a common ground. He said their push is not to strong arm.

Mr. David Ritchey, 915 Hanna Bend Court, stated he is very impressed with Al Manara. He was invited to the meeting and had a tour. They are hard-working professional people just like every one of us, and also have children like us. They have Freedom of Religion and are all Proud Americans. Mr. Ritchey said to take a look at Ferguson; our hearts go out to everybody there. We have to be thankful for what we have in the City of Manchester and also should be very proud. Mr. Ritchey said that Lafayette Bible Baptist Church left a mess for Al Manara to clean up. He said people need to go out there and help them.

Mr. Dale Schmid, 517 Connie Lane, said he was an alderman at one time for many years. Any time when there is a change of a character of a neighborhood, once something is in place, it is there. Their employees go home every day to a peaceful and quiet neighborhood, but they need to be aware.

Mr. Schmid asked if there was still going to be action on the Bill in regard to the firearms law. He said Amendment Five has passed. One of the things on the new constitutional amendment refers to the new right to bear arms. When the original change to restrict the exposure of long guns in Manchester came through, one of the main proponents was one of the officers saying if something happens in Walmart, for instance, the City would have nothing to do about it, so the City needs a Bill to be able to do something about it. He is hoping what is done tonight is to change the wording of the previous Ordinance that restricts the right to keep and bear arms for no compelling reason. Mr. Schmid said he is a proponent of concealed carry, and the Police Department wants a law in case there is a problem. He asked that the Board of Aldermen take the opportunity with this Bill to repeal the previous Bill. He asked that the Board of Aldermen doesn't go back and start a new open-carry law that is not necessary. He urged using this Bill not to augment the law, but to repeal it.

Ms. Roberta Everson, 610 Connie Lane, said she is opposed to original weapons Bill from about a month ago. She doesn't believe the current one is going to address her concerns. The other weapons Ordinance should be repealed. She said she thinks that the three-minute rule should be eliminated, because sometimes the three-minute rule is enforced and other times it is not enforced. Ms. Everson said that when she comes and talks, makes comments or asks questions, she is always met with blank stares and no one answers.

## 6. REPORTS FROM THE MAYOR

### a. Mayoral Report

Mayor Willson reported that August 5 was National Night Out, and he attended events at Lynwood Forest and the Police Station. On August 6, he attended Court and the intention was to meet the new provisional judge, John Gunn, and then he stayed for the court proceedings. On August 9, he attended, on behalf of the City of Manchester, the Pakistani North American event at the Marriott celebrating their independence from India in 1947. There is a wellness community at Manchester and Henry that is run by Pakistani physicians. Others there in attendance were Attorney General Chris Koster, Mayors from Chesterfield and Town and Country, and Steve Stenger. Manchester was presented with an award.

Mayor Willson reported that he attended: on August 11, a Planning and Zoning Commission meeting, the Homecoming meeting on August 13, and on August 14, the senior staff meeting. On August 17, he attended the Eagle Scout ceremony where Nicholas Fuss, who earned 52 merit badges;

was presented with a Proclamation. The “Concert in the Park” was good music and attendance was good even with the rain. He gave out candy and popcorn as the concert was based on movies.

Mayor Willson responded to concerns brought up by a citizen earlier in the meeting. He stated in regard to the three-minute rule, he runs the meeting, so it is his choice what to do. In regard to assigning bills, he involved Alderman Ottenad for the Al Manara Bill because she is President of the Board and it is significant Ordinance, and she has been on the Board for a number of years. She is tenacious and good about asking questions. For those reasons, Mayor Willson said he felt she was the best member of the Board to introduce the Bill.

Mayor Willson stated that in regard to the conversation about maintaining the property, at any given time, the City has over 200 Code violations a month of people not cutting their grass. When talking about the church maintaining the property, it is the hope that they will maintain the property. If there are properties in the City that are not maintained, the City has the right to come in and cut grass for instance, and then put a lien on the property.

Mayor Willson stated that he grew up in University City, and was surrounded by synagogues in the Jewish community, and they never had any issues. He finds it intriguing that there is so much worry about people wanting to come in and trying to reorganize this property and turning it into a Church and school to practice their religion and for the children to go to school. He thinks the City should give them an opportunity to do it. If it comes back and the City didn’t do right, then shame on us, but you can’t judge it.

7. REPORTS FROM THE CITY ADMINISTRATOR

- a. List of Paid Bills (Warrant dates of August 4-August 15, 2014)

There were no questions.

- b. Reminder that the next meeting will be on Tuesday, September 2, 2014 because of the Labor Day Holiday

City Administrator Andy Hixson stated the next Board of Aldermen meeting will be on Tuesday, September 2, since Monday, September 1 is Labor Day.

8. REPORTS FROM COMMITTEES

- a. Planning and Zoning Commission

Alderman Clement reported that the Planning and Zoning Commission did meet a week ago and dealt with a drive-through for a new Jimmy John’s proposed at Stonegate Center. He said the Commission did recommend it with their approval.

- b. Homecoming Committee

Alderman Ottenad advised that the Manchester Homecoming will be September 5, 6, and 7. There will be a hot air balloon advertising the event. There will be a new beverage; “Johnny Appleseed” will be available for purchase. The car show prize is a set of tires with a value of up to \$500. The next meeting will be on August 27 at 6:30 p.m. at the American Legion Hall.

- c. Manchester Arts

Alderman Stevens reported that the concert on Sunday night was basically done with the support of the volunteer conductor, volunteer band members, the cooperation of the Parkway School District, commitment of the City of Manchester and the tireless work from City Staff. It went without a hitch and made it look easy.

Alderman Stevens stated that Manchester Arts will sponsor Bill Vivrett's Watercolor Exhibit here in the Board room on September 4 through the 20. There will be more information to come as it gets closer.

Alderman Stevens stated the Manchester Arts Council has been planning things for next year.

Alderman Clement expressed pleasure about Mayor Willson being at the concerts. He brings a lot of joy and people enjoy meeting him.

Mayor Willson said there are people from Fenton, Ballwin, Arnold, not only Manchester, who enjoy the concerts. The food trucks did a lot of business.

9. ACTION ON OLD BILLS

- a. BILL # 14-2196 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO CARRYING A CONCEALED WEAPON

Alderman Clement read for the second time Bill # 14-2196, entitled: "AN ORDINANCE AMENDING SECTION 210.311 OF THE CODE OF ORDINANCES RELATING TO CARRYING A CONCEALED WEAPON", by title only.

Alderman Stevens asked for clarification that this Bill doesn't prohibit someone from being able to clean their gun on their porch or to take it to their vehicle, hold it in their back seat or have their picture taken with it.

City Attorney Gunn stated it does not.

Alderman Clement made the motion that Bill # 14-2196 become Ordinance # 14-2083. The motion was seconded by Alderman Hamill.

A poll of the Board showed:

Alderman Schrader - aye  
Alderman Ottenad - aye  
Alderman Clement - aye  
Alderman Stevens - aye  
Alderman Hamill - aye  
Alderman Diehl - abstain

Mayor Willson announced the motion passed 5 – 0, with one abstention.

- b. SUBSTITUTE BILL # 14-2198 – AN ORDINANCE CREATING A SPECIAL USE PERMIT FOR A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION AT 929 BIG BEND ROAD

Alderman Ottenad stated the reason why it is a Substitute Bill is because of the discussion regarding the three conditions that were added to the Bill.

Alderman Ottenad read for the second time Bill # 14-2198, entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO AL MANARA ACADEMY TO OPERATE A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION AT 929 BIG BEND ROAD, AS PROVIDED FOR IN SECTION 405.210(B)(1) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

Alderman Clement said the conditions that were added really do not include several that were discussed. He said he thinks the additional conditions need to be added or some assurance is needed for everyone to know these are the conditions that, if the Board approves it, that the new school needs to live with.

Alderman Ottenad discussed the conditions that were added.

Alderman Stevens asked if there are certain proceedings that regulate the Board as far as what could be required and regulated. She said she read them off and he agreed to them. She has no experience that would indicate he is not going to do those things. She said legally she doesn't know if the City has the ability to require some of those conditions.

Alderman Ottenad advised that this has been done with other churches, so to say the City is doing something different, the City is not asking them to do anything that others have not been asked to do. She asked if these conditions are going to remain as stated or if more conditions can be added.

Attorney Gunn stated that in regard to the conditions in this Bill, he has offered a legal opinion several weeks ago on this question. He said if they add conditions, it is subject to his legal opinion.

Alderman Ottenad stated they agree to a cap of 125 students, put up a sign on their property that prohibits a left turn lane during a certain times, the landscaping with six-foot evergreens to be placed on eastern border and spaced ten feet apart, and the motion detector light to be changed or fixed.

Alderman Stevens questioned the light issue. She asked what the difference is, if she can't require her neighbor to fix the sensor, but the members of the Board are asking a school to fix the sensor. Also once stipulations are put in, she questioned how they are they monitored.

Attorney Gunn said if there is an intention to install a sign, he would suggest putting in a timeline on the approval of the Bill. He said the point is with these conditions, it jeopardizes their Special Use Permit and they cannot exercise their Freedom of Religion if they are in violation.

After some further discussion, Attorney Gunn reiterated the conditions the members of the Board wanted to see added to the Bill as follows:

- 1) Holder shall not allow more than 125 students to attend Al Manara Academy at any given time.
- 2) Holder shall install signs on its property to prohibit left-hand turns at each exit out of the property which is the subject of this Special Use Permit between the hours of 7:00 a.m. and 8:00 a.m. and between 2:00 p.m. and 3:00 p.m., Monday through Friday, such to be installed within 60 days of approval of this Ordinance.
- 3) All dumpsters on the property shall be appropriately screened.
- 4) Holder will install six-foot-tall evergreen trees on the eastern border of the property at ten-foot intervals, such to be installed within 60 days of approval of this Ordinance.

- 5) Holder shall remove the motion sensor light/flickering light on the property, such to be removed within 60 days of approval of this Ordinance

Alderman Ottenad read for the second time Substitute Bill # 14-2198 entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO AL MANARA ACADEMY TO OPERATE A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION AT 929 BIG BEND ROAD, AS PROVIDED FOR IN SECTION 405.210(B)(1) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

Alderman Ottenad made the motion that Bill # 14-2198 become Ordinance # 14-2084. The motion was seconded by Alderman Clement.

A poll of the Board showed:

- Alderman Ottenad - aye
- Alderman Clement - aye
- Alderman Stevens - aye
- Alderman Hamill - aye
- Alderman Diehl - aye
- Alderman Schrader - aye

Mayor Willson announced that the motion passed 6 – 0, with no objections.

10. INTRODUCTION OF NEW BILLS

a. BILL CREATING A COMMUNITY IMPROVEMENT DISTRICT

Alderman Diehl introduced Bill # 14-2199, entitled: “AN ORDINANCE AUTHORIZING A PRELIMINARY FUNDING AGREEMENT WITH CAPLACO SIX, INC.; ESTABLISHING AN ESCROW FOR FUNDING COSTS; AND AUTHORIZING THE ENGAGEMENT OF THE FIRM OF GILMORE & BELL, P.C., AS THE CITY’S SPECIAL LEGAL COUNSEL, AND THE FIRM OF PECKHAM GUYTON ALBERS & VIETS, INC., AS THE CITY’S PLANNING CONSULTANT, IN CONNECTION WITH THE PROPOSED CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF MANCHESTER, MISSOURI”, by title only.

Alderman Clement asked for an explanation.

Attorney Patrick Gunn said owners of Lafayette Center want to give the center a considerable facelift. As part of the process they have indicated they want to create a Community Improvement District, a special taxing district recognized by the Statutes which allows the imposition of an additional sales tax in the district to generate revenue which will reimburse those persons who make the initial investment of funds for the facelift. This is a preliminary funding agreement, which is the first step in the process. He said the Developer will deposit with the City \$30,000 for expenses the City may incur. It retains Gilmore & Bell, for the bond counsel and also authorizes the retention of Albers and Viets, which is the firm the City will use to determine whether this project satisfies the statutory requirements for the creation of the Community Improvement District (CID). There will be no money expended by the City, and it is hoped this will be a nice enhancement to the City.

Alderman Clement asked if this meets the criteria, what the next step would be and when this would take place.

Attorney Gunn said if this qualifies for CID treatment, this would move at a faster pace. So if it will qualify, it would be months rather than a matter of years. They have plans already.

Alderman Ottenad asked if there is an idea what this would cost a resident who is shopping there.

Attorney Gunn stated tax rate has relationship to improvements that can and would be done. He said a tax rate cannot be fixed at this time.

Alderman Stevens said that voting on this does not start it.

Attorney Gunn stated the tax rate is set up by the owners. They have had discussions with their tenants. Dierbergs, the major tenant, is 100% behind this.

Alderman Ottenad asked if the members of the Board have any control over the tax amount.

Attorney Gunn stated he doesn't believe the Board is in control over the tax amount. It involves the entire district, anyone who is in the Lafayette Center. It would be a nice improvement.

No further action at this time.

11. MISCELLANEOUS

a. Comments from the Public

Ms. Jackie Kelam, 1232 Dornewood Drive, stated she spoke concerning children in her backyard. She said it was previously 40 kids for a half hour time, now it will be 125 kids from 10:30 a.m. until 1:30 p.m. She asked for a buffer between her house and the school, and said it wasn't addressed at all. She doesn't feel the members of the Board listened to her. Children do not know where the property line is. She has been there and worked around the small school, and now with 125 children, her home and family were not considered.

Ms. Donna Bari, Assistant Principal of Al Manara said they go above and beyond to be good neighbors. If there is worry about a buffer, they will put in a buffer. She said they need the building, the extra space, and they will be good neighbors.

Alderman Stevens stated it isn't the responsibility of the children to know where the property line is, but it is the staff's responsibility. Secondly, there are agreements that have been made. The key is to adhere to those and keep the open line of communication. The first time that they do not adhere to the understanding, they have broken a trust and that has nothing to do with legal issues. She wants to see if the words and actions match.

Ms. Roberta Everson asked if the Lafayette Center tax area includes Kohl's.

City Attorney Gunn answered that it does not.

Mr. Dale Schmid, 517 Connie Lane, asked if the City still has an Ordinance that requires following Robert's Rules of Order. He said that respectfully speaking, Alderman Ottenad was chosen to read the Bill.

Attorney Gunn's response was that Robert's Rules of Order states that the Chairman, the Mayor in this case, assigns the Bills.

Mr. Schmid said he was thrilled to hear the Attorney refer to the Bill of Rights. He said regarding open carry long guns and the display, it was a broadly written Ordinance, and it is going to run afoul of strict scrutiny. He stated that this Ordinance will not stop someone with evil intent, somebody who really wants to hurt somebody.

Alderman Hamill asked for clarifications that open carry of long guns was prohibited before the Bill and that it is still prohibited after the Bill.

Attorney Gunn answered that is correct. He said many cities throughout this Country and a large number of Cities in our area have enacted similar Ordinances.

## 12. ADJOURNMENT

At 9:13 p.m., there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Clement and carried unanimously, without objection. The meeting adjourned at 9:13 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC-S  
City Clerk

*Note: This is a journal of the Board of Aldermen meeting held August 18, 2014 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*