

City of Bellefontaine Neighbors
Planning & Zoning Commission Meeting Minutes
April 12, 2021

The meeting was called to order at 7:03 pm by Chairman Barrett.

Present: Mayor Pierson, City Engineer Klein, Inspector Raben, Members Barrett, Boryzmowski, Gordon, Lane, White, and City Attorney White-Coleman.

Excused: Member Duhadway, Alderwoman Avant Elliott.

Members were asked if there were any changes to the minutes dated March 8, 2021. Member Gordon suggested including Chairman Barrett's name under "Present." Chair suggested we make that change going forward. There were no other content changes. The minutes were adopted unanimously.

North County Fire Protection District, Conditional Use Permit, 800 Chambers Road

Chair made a brief summary of the March 8, 2021 meeting. He attempted to have dialog with the Superintendent of the RGSD regarding the property at 805 Chambers Road to find out what "was on the table" when negotiations with the Fire District ended. Superintendent cited confidentiality reasons why he could not share that information.

City Code 17-81 of BN City Code authorizes the Police Department the authority to establish pedestrian safety zones. Chair and Police Chief Ihler met with Santa Cruz Corporation to discuss plans for traffic. Chair and Chief were satisfied with the agreement that Knights of Columbus personnel would provide traffic direction in the event of social activity at the Knight's building.

Chair reiterated the importance of the General Warranty deed dated 1956, which states restrictions on the property. The deed stipulates the property should only and perpetually be used for parks and recreational purposes.

Chair stated the City of Bellefontaine requires an indemnification and hold harmless agreement, which must be delivered to our City Attorney for review prior to any public hearing, if Planning & Zoning recommends to the Board a CUP be granted for construction.

Fire District Attorney Billings stated two title companies have examined the title to the 800 Chambers Road property. Attorney Billings agreed that the Fire District will provide the City an Indemnification and Hold Harmless agreement. In his opinion, this matter has been fully resolved. Further, he believes the Surrey Lane Corner indenture is not binding and is not a covenant which runs with the land. He believes this issue is fully resolved, in his opinion.

Attorney Billings made several references to the Knights of Columbus being a commercial organization. Chair stated the Knights is a fraternal organization, not a commercial organization.

City Engineer questioned who makes the decision regarding the installation of a traffic light. Director Tiberghien stated that is a decision between St. Louis County and the Fire Department.

Member Lane made comments regarding the lack of communication with the Surrey Lane Corners Trustees and the Knights' exemption from the Surry Lane indenture restrictions, as is documented.

Member Borzymowski asked if the District's specifications meet the National Fire Protection Association's standards. The District Architect responded affirmatively.

The District Architect asked a question verifying the definition of a community building. City Attorney referred the Architect to section 29-29(b)(2), and stated the terminology suggests that means recreational activity.

City Attorney asked District Attorney has any court made a determination that any of those restrictions regarding the deed or the indenture are not valid. Until a court declares, a title company cannot assure that. District Attorney agreed.

City Attorney asked what was the title companies' reason why restrictions are not valid. District Attorney responded, they were lawyers, they are title examiners, and they just didn't think it was applicable.

Member White commented at the last meeting it was agreed the Commission would receive a presentation regarding response times, hot spots, and other supporting data from the Fire District. There was no information presented.

Chair asked if the ownership of the L-shaped right of way has been determined. The Architect responded St. Louis County owns the right of way. The Fire District's attorney said the Indemnification they've agreed to provide will protect the City from legal action regardless of its ownership. Attorney White-Coleman confirmed that would be the case.

Member Borzymowski asked if all legal questions been answered.

City Engineer Klein reiterated the best location for this construction is 805 Chambers Rd. To put this fire house in a hole does the District nor the Citizens any good. The 805 Chambers Rd. location will serve this community better.

Mayor volunteered to have a conversation with the RGSD to try to help facilitate the negotiation of the price of the land.

Member Gordon has concerns of clear title, resistance to the additional \$65,000 for the property, and encouraged a fair negotiation process. He is concerned about the shared driveway, and if the county/state will pay for it.

The School & Fire Districts seemed inclined to resume negotiations privately. Director Tiberghien suggested tabling the conversation. Borzymowski made a motion to table the discussion, seconded by Gordon. The motion passed unanimously.

Chair adjourned the meeting at 8:46 pm.

Respectfully submitted,

Wanda Lane

Recommendations:

1. Finalize and vote on the CUP for the NCFPD