

CITY OF FLORISSANT



COUNCIL MINUTES

November 10, 2014

The Florissant City Council met in regular session at Florissant City Hall at 955 rue St. Francois on Monday, November 10, 2014 at 7:30 p.m. with Council President Joseph Eagan presiding. The Chair asked everyone in attendance to stand and join with a local boy scout troop in the Pledge of Allegiance.

On Roll Call the following were present: Caputa, Schildroth, Henke, Pagano, Schmidt, Hernandez, Lee, Jones and Eagan. Also present was Mayor Thomas P. Schneider, City Attorney John Hessel and City Clerk Karen Goodwin. A quorum being present the Chair stated that the Council meeting was in session for the transaction of business.

Councilwoman Pagano moved to approve the Meeting Minutes of 10/27/2014, seconded by Lee. Motion carried.

The next item on the Agenda was *Hearings from Citizen*.

Dick Kellett, 2025 Washington, North County Labor, thanked the Mayor and Council for the excellent job they are doing, for reinstalling the "Step Program" and boosting employee morale. He also thanked the City for sponsoring the Veterans Day Parade every year. He added that Florissant was a great city to live in.

Steve Elliott, 1355 Flicker, thanked the veterans for their efforts, and then expressed his concerns about several various items: payday lenders hurting Florissant's poorer residents, residents moving out of the city, his opinion regarding Ward 2 Councilman Jones and lastly, keeping trees maintained so that sidewalks and power lines aren't damaged.

Luke Branson, 2735 N. Waterford, asked the Council to put a skate park in the City for young people who enjoy extreme sports. It might also help address the obesity problem in teens and keep them from getting into trouble. He suggested turning the JJE

32 ice rink into a skate park when not in use. He provided informational handouts regarding
33 skate park equipment for ice rinks.

34 The next item on the Agenda was *Communication*.

35 1. Email dated November 3, 2014 from Steve Elliott regarding payday lenders in
36 Florissant.

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38 The next item on the agenda was *Public Hearings*.

39 The City Clerk reported that Public Hearing #14-11-029 to be held this night on
40 a request to authorize a Special Use Permit to JX Restaurants, Inc. d/b/a Lu Lu Chinese
41 Express to allow for the operation of a sit-down, carry-out restaurant for the property
42 located at 8461 N. Lindbergh had been advertised in substantially the same form as
43 appears in the foregoing publication and by posting the property. The Chair declared the
44 Public Hearing to be open and invited those who wished to be heard to come forward.

45 Julia Lee, petitioner, provided hand-outs of the proposal to the Council. Ms. Lee
46 explained that her family's first restaurant in St. Louis was Lu Lu's Seafood Restaurant
47 on Olive Blvd. Although there will be some sit-down eating available, the Florissant
48 express restaurant will provide predominantly "grab and go" authentic Chinese food.
49 They have received many awards and honors for their food and restaurants throughout
50 St. Louis. Two years ago they partnered with Dierbergs Markets to sell their food in 15
51 of their grocery stores. This will be their first "express" restaurant that is not located
52 within Dierbergs and is free standing.

53 Mr. Lee, owner, explained that they were currently in the process of applying for
54 a beer/wine only liquor license. The hours of operation will be 9 am until 10 pm. There
55 will be no outside speakers. Mr. Lee explained that he had purchased the site and both
56 of the other tenants will remain. One tenant is located in the front and the other tenant
57 is located at the rear of the site.

58 The Chair asked if there were any citizens who would like to speak on said
59 public hearing.

60 Kevin O'Donnell, 512 Rancho Lane, expressed his concerns regarding adequate
61 parking spaces. Mr. Lee responded that they have 18 parking spaces and that they are
62 mostly a carry-out restaurant.

63 Being no other persons who wished to speak, Councilwoman Pagano moved to
64 close P.H. #14-11-029, seconded by Hernandez. Motion carried.

65 The City Clerk reported that Public Hearing #14-11-030 to be held this night on
66 a request to authorize a Special Use Permit to Avi Khemlani d/b/a Jimmy John's to
67 allow for the operation of a sit-down, carry-out and drive through restaurant for the
68 property located at 370 N. Highway 67 had been advertised in substantially the same
69 form as appears in the foregoing publication and by posting the property. The Chair
70 declared the Public Hearing to be open and invited those who wished to be heard to
71 come forward.

72 Avi Khemlani, petitioner, stated that he bought the Jimmy John's franchise for
73 the Florissant area in 2007. He currently has 3 Jimmy John's locations and 5 Papa
74 John's locations. He finally found a site in Florissant that corporate would approve at
75 370 N. Hwy 67, the old Tocco's Audio property. It will be a drive-through, sit down, and
76 delivery location with 20 parking spaces, with stacking lanes for 6-7 vehicles and
77 extensive landscaping. Mr. Khemlani is purchasing the building and the venture is a
78 long term investment for him. He has a cross-access agreement with Handyman
79 Hardware. Three of the four recommendations by the Planning and Zoning Commission
80 are no problem for him to comply with: grease trap, landscaping, and bollards. The
81 brick issue is what he is struggling with. The hours of operation will be from 5 a.m.
82 until midnight seven days a week. No alcohol will be served.

83 Jimmy John's wants to paint the brick building black and they have very strict
84 requirements. Mr. Khemlani has suggested other options in an effort to not paint the
85 building including T1(11), stucco, and cultured stone, all to no avail. As a compromise,
86 he is now suggesting a stain with a high permeability rate and which no water will be
87 absorbed. They would be using two coats if approved. He presented the stain samples
88 and specifications to show the Council. The stain was the best solution that he has
89 been able to arrive at after many months of research and is something that Jimmy John's
90 will agree to.

91 The Chair asked if there were any citizens who would like to speak on said
92 public hearing. Kevin O'Donnell, 512 Rancho, asked that this request be postponed
93 until the masonry code has been changed to allow the painting of brick.

94 Being no other persons who wished to speak, Councilman Caputa moved to close
95 P.H. #14-11-030, seconded by Lee. Motion carried.

96 Councilman Henke moved that Bill No. 9042 An Ordinance to authorize a
97 Special Use Permit to Essential Playzone d/b/a Essential Playzone to allow for the
98 operation of an educational development center for the property located at 640 N.
99 Highway 67 be read for a second time, seconded by Hernandez. Motion carried and
100 Bill No. 9042 was read for a second time.

101 Councilman Henke moved that Bill No. 9042 be read for a third time, seconded
102 by Schildroth. Motion carried and Bill No. 9042 was read for a third and final time and
103 placed upon its passage. Councilman Caputa expressed his concern regarding the age
104 disparity of the children at the center. He thought it was not a good “mix” of ages.

105 Before the final vote all interested persons were given an opportunity to be
106 heard. On roll call the Council voted: Caputa no, Schildroth yes, Henke yes, Pagano
107 yes, Schmidt yes, Hernandez yes, Lee yes, Jones no, Eagan no. Whereupon the Chair
108 declared Bill No. 9042 to have passed and said Bill became Ordinance No. 8091.

109 Councilwoman Pagano moved that Bill No. 9045 An Ordinance approving the
110 Community Development Block Grant (CDBG) FY2015-2019 5-Year Consolidated
111 Plan and the FY2015 Annual Action Plan for the City of Florissant, Missouri and
112 authorizing and directing the Mayor to submit such plan to the United States Department
113 of Housing and Urban Development be read for a second time, seconded by Schmidt.
114 Motion carried and Bill No. 9045 was read for a second time.

115 Councilman Caputa moved that Bill No. 9045 be read for a third time, seconded
116 by Henke. Motion carried and Bill No. 9045 was read for a third and final time and
117 placed upon its passage. Before the final vote all interested persons were given an
118 opportunity to be heard. On roll call the Council voted: Caputa yes, Schildroth yes,
119 Henke yes, Pagano yes, Schmidt yes, Hernandez yes, Lee yes, Jones yes and Eagan yes.
120 Whereupon the Chair declared Bill No. 9045 to have passed and said Bill became
121 Ordinance No. 8092.

122 Councilman Eagan moved that Bill No. 9046 An Ordinance adopting the Budget
123 for the City of Florissant for the Fiscal Year commencing on December 1, 2014 and
124 ending on November 30, 2015 and providing for its effective date be read for a second

125 time, seconded by Schildroth. Motion carried and Bill No. 9046 was read for a second
126 time.

127 Councilman Lee moved that Bill No. 9046 be read for a third time, seconded by
128 Pagano. Motion carried and Bill No. 9046 was read for a third and final time and placed
129 upon its passage. Before the final vote all interested persons were given an opportunity
130 to be heard. On roll call the Council voted: Caputa yes, Schildroth yes, Henke yes,
131 Pagano yes, Schmidt yes, Hernandez yes, Lee yes, Jones yes and Eagan yes. Whereupon
132 the Chair declared Bill No. 9046 to have passed and said Bill became Ordinance No.
133 8093.

134 Councilman Hernandez moved to reappoint Francine Andrews, 3500 Dwyer, to
135 the Citizens Participation Committee as a member from Ward 9 for a term expiring on
136 8/14/2015, seconded by Schildroth. Motion carried.

137 Councilman Eagan introduced Bill No. 9048 An Ordinance to authorize a
138 Special Use Permit to JX Restaurants, Inc. d/b/a Lu Lu Chinese Express to allow for
139 the operation of a sit-down, carry-out restaurant for the property located at 8461 N.
140 Lindbergh and said Bill was read for the first time by title only.

141 Councilman Eagan introduced Bill No. 9049 An Ordinance to authorize a
142 Special Use Permit to Avi Khemlani d/b/a Jimmy John's to allow for the operation of a
143 sit-down, carry-out and drive through restaurant for the property located at 370 N.
144 Highway 67 and said Bill was read for the first time by title only.

145 Council as a Whole introduced Bill No. 9050 An Ordinance providing for
146 boundary adjustment between St. Louis County and the City of Florissant and said Bill
147 was read for the first time by title only.

148 Council as a Whole introduced Bill No. 9051 An Ordinance repealing
149 Ordinance No. 7930 and authorizing the Mayor of the City of Florissant to enter into a
150 contract with the law firm of Lewis, Rice & Fingersh represented by John M. Hessel
151 for legal services for the City of Florissant commencing on December 1, 2014 and
152 ending on November 30, 2016 and said Bill was read for the first time by title only.

153 Councilman Eagan introduced Bill No. 9052 An Ordinance appropriating the
154 sum of \$4,000 from the General Revenue Fund to Acct. No. 3633 "Materials and
155 Supplies" for the installation of panic buttons in City Hall and said Bill was read for the

156 first time. Councilman Lee moved that Bill No. 9052 be read for a second time,
157 seconded by Eagan. Councilman Lee stated that although he fully supported this Bill
158 he asked if competitive bids had been taken on this request. On the motion for a
159 second reading, motion carried and Bill No. 9052 was read for a second time.
160 Councilman Eagan moved that Bill No. 9052 be read for a third time, seconded by
161 Henke. Mayor Schneider informed Councilman Lee that he would get the information
162 that he had requested. On roll call the Council voted: Caputa yes, Schildroth yes,
163 Henke yes, Pagano yes, Schmidt yes, Hernandez yes, Lee yes, Jones yes and Eagan
164 yes. Having received the unanimous vote of all members present Bill No. 9052 was
165 read for the third and final time and placed upon its passage.

166 Before the final vote all other interested persons were given an opportunity to be
167 heard. Dawn Spink, 1836 Don Donna, asked what the Mayor's response was to
168 Councilman Lee's request. The Mayor responded that if Councilman Lee was not
169 comfortable passing the Bill this evening, they could postpone it until the next meeting.
170 Subsequently, the Mayor stated that he would get Councilman Lee the information that
171 he had requested. Ms. Spink asked how money could be appropriated without a firm
172 accurate bid. Kevin O'Donnell, 512 Rancho, asked why this money had not been put in
173 the budget.

174 Being no other persons who wished to be heard, on roll call the Council voted:
175 Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes, Hernandez yes, Lee
176 yes, Jones yes and Eagan yes. Whereupon the Chair declared Bill No. 9052 to have
177 passed and said Bill became Ordinance No. 8094.

178 Councilman Eagan introduced Bill No. 9053 An Ordinance authorizing a
179 transfer of \$500 from Acct. No. 7042 "Dues, Travel and Training" and \$3,000 from
180 Acct. No. 7010 "Salaries" to Acct. No. 7050 "Professional Services" for the purpose of
181 funding additional Focus mailing expenses and said Bill was read for the first time.
182 Councilman Lee moved that Bill No. 9053 be read for a second time, seconded by
183 Henke. Motion carried and Bill No. 9053 was read for a second time. Councilman Lee
184 moved that Bill No. 9053 be read for a third time, seconded by Pagano. On roll call
185 the Council voted: Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes,
186 Hernandez yes, Lee yes, Jones yes and Eagan yes. Having received the unanimous

187 vote of all members present Bill No. 9053 was read for the third and final time and
188 placed upon its passage.

189 Before the final vote all other interested persons were given an opportunity to be
190 heard. Kevin O'Donnell, 512 Rancho, questioned the fiscal responsibility of this
191 appropriation.

192 Seeing no other questions, on roll call the Council voted: Caputa yes, Schildroth
193 yes, Henke yes, Pagano yes, Schmidt yes, Hernandez yes, Lee yes, Jones yes and Eagan
194 yes. Whereupon the Chair declared Bill No. 9053 to have passed and said Bill became
195 Ordinance No. 8095.

196 Councilman Eagan moved to amend the agenda to add the Mayor's Board
197 appointments, seconded by Pagano. Motion carried.

198 Councilman Eagan moved to approve the Mayor's request to reappoint Bill
199 Boschert, 2085 Valencia, to the Senior Commission as a member from Ward 9 for a
200 term expiring on 11/25/2018, seconded by Jones. Motion carried.

201 Councilman Caputa moved to approve the Mayor's request to reappoint Allen
202 Bluiett, 4054 Highwillow, to the Traffic Commission as a member from Ward 8 for a
203 term expiring on 10/11/2018, seconded by Henke. Motion carried.

204 Councilman Jones moved to approve the Mayor's request to appoint Dacia
205 Slater, 2425 Johnstown Dr., to the Youth Advisory Commission as a member from
206 Ward 6 for a term expiring on 11/24/2017, seconded by Pagano. Motion carried.

207 The next item on the Agenda was Council Announcements.

208 Councilman Henke stated that he was proud of the City and of everyone who
209 participated in the Veterans Parade.

210 Councilman Lee agreed that the Veterans Parade was a great event. He thanked
211 all those who have served our country. He will be hosting a ward meeting on December
212 4th.

213 Councilman Jones congratulated the Boy Scouts on their 30th anniversary of their
214 annual can drive which will be held this Saturday. He recently at Phat Boys BQ on St.
215 Ferdinand St. and stated that it was a great restaurant with delicious food.

216 Councilman Caputa announced that Hazelwood Central would be having a band
217 concert for veterans on November 11th, beginning at 7 pm. He thanked all the veterans
218 for their service and congratulated the Marine Corp on their birthday.

219 Councilman Schildroth thanked all the residents who attended the recent ward
220 meeting. He thanked the Mayor and staff for attending the meeting as well. Also, he
221 thanked Northwest Healthcare for allowing him to attend their recent chili cook off. He
222 thanked all the veterans for their service to this Country.

223 Councilwoman Pagano thanked all the residents who attended the recent ward
224 meeting. She read a letter from a Florissant resident who asked for donations for the
225 Florissant and Ferguson police officers who are working long shifts in light of the recent
226 unrest. Restaurants were encouraged to donate meals for the officers. Call the
227 Florissant Police Department at 831-7000 for further information.

228 Councilman Hernandez thanked all those involved in the Veterans Day Parade
229 and all the veterans who served our country, especially those who made the ultimate
230 sacrifice.

231 Councilman Eagan agreed that the parade was excellent and thanked all the
232 veterans currently serving in the military or who served in the past. He thanked Luke
233 Branson for his well thought out presentation regarding having a City skate board park.
234 He also thanked the Boy Scouts who were in attendance for coming to the Council
235 Meeting. St. Ferdinand Parish recently held a first responders Mass and asked for
236 donations for those who are serving in such capacities.

237 The next item on the Agenda was Mayor Announcements.

238 The Mayor thanked Lessie Summers and the Parks Department employees who
239 made the Halloween D.A.R.E. event so much fun for the children. The City just
240 finished their collection for the troops overseas. He thanked all the residents who were
241 involved in sponsoring block parties. On Nov. 15, the city will host the 60th anniversary
242 of the first voodoo jet at 1 p.m. at the Eagan Center where one is currently located. On
243 Nov. 18, there will be a Mass at the Shrine honoring St. Rose Philippine Duchesne and
244 at 6:30 a plaque for Rosemary Davison will be installed on the "Walk of History" on rue
245 St. Francois. Mass at 7 pm at the Shrine. On December 6th there will be a tree lighting
246 on the lawn of City Hall at 5 p.m. and at 6 p.m. Project Liftoff will begin at the Eagan

247 Center. On Nov. 28 there will be a food pantry collection at City Hall, JFK and the
248 Eagan Center.

249 He thanked the Veterans Coalition and all those who participated in the Veterans
250 Day Parade. He gave a brief overview of the history of major veterans events.

251 The next City Council Meeting is scheduled for November 24, 2014 at 7:30 pm.

252 Councilman Jones moved to adjourn the meeting, seconded by Caputa. Motion
253 carried. The meeting was adjourned at 8:49 p.m.

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Karen Goodwin, City Clerk

259 The following Bills were signed by the Mayor:

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261 Bill No. 9042 Ord. No. 8091

262 Bill No. 9045 Ord. No. 8092

263 Bill No. 9046 Ord. No. 8093

264 Bill No. 9052 Ord. No. 8094

265 Bill No. 9053 Ord. No. 8095

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