

CITY OF FLORISSANT



COUNCIL MINUTES

March 12, 2018

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, March 12, 2018 at 7:30 p.m. with Council President Pagano presiding. The Chair asked everyone in attendance to stand and join in reciting the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Henke, Pagano, Parson, Siam, Jones, Caputa and Schildroth. Councilmen Lee and Eagan were excused. Also present was City Attorney John Hessel and Deputy City Clerk Anita Moore. A quorum being present the Chair stated that the Council Meeting was in session for the transaction of business.

Councilman Caputa asked for a moment of silence honoring the passing of Keith English, former Ward 4 Councilman.

Councilman Parson moved to approve the Executive and Meeting Minutes of February 26, 2018, seconded by Henke. Motion carried.

The Chair stated the next item on the agenda was Hearing from Citizens.

Kevin O'Donnell, 512 Rancho Lane, expressed his view regarding the City's lack of acknowledgment of the passing of former Florissant Councilman Keith English. Council President Pagano responded that the city has, in fact, responded to the passing of Mr. English and has reached out to his family.

Diane Livingston, 855 Lilac, expressed her views regarding the lack of ability to play lacrosse in Florissant/Hazelwood Parks for North County lacrosse teams.

The next item on the Agenda was Communications of which there were none.

The next item on the Agenda was Public Hearings.

The City Clerk reported that Public Hearing #18-03-010 to be held this night on a Request to amend the Zoning Code to allow for cigar bars as a Special Use in the "HB" Historic Business District had been advertised in substantially the same form as appears in the foregoing publication and by

32 posting the same. The Chair declared the Public Hearing to be open and invited those who wished to
33 be heard to come forward.

34 Anthony Bowlson, petitioner, stated that he was simply in attendance to ask the Council to
35 allow cigar bars in the Historic District.

36 The City Attorney explained that St. Louis County adopted the Clean Air Act (CAA) in 2010
37 which allows St. Louis County to come into any city in the county, including Florissant, and enforce
38 their CAA because it affects public safety. Florissant can adopt its own clean act, but the city law
39 cannot be *less restrictive* than county's. Mr. Hessel stated that in 2012, St. Louis Co. revised their
40 CAA and stated that those cigar bars that existed prior to 2012 were exempt. New cigar bars are not
41 allowed. Mr. Hessel talked to several County Councilpersons and to Michelle Bogan with county's
42 Liquor Licensing Office. Florissant cannot prevent St. Louis County from enforcing their Clean Air
43 Act.

44 Mr. Bowlson stated that since 2012, approximately 20 cigar bars have opened across St. Louis
45 Co., including Ferguson, Sunset Hills, Creve Coeur and Chesterfield. Mr. Lum had a list of the Cigar
46 Bars operating in St. Louis Co. and he will pass along a copy to the Council. Mr. Bowlson added that
47 he and his partner had been encouraged to proceed with their plans and that the zoning code could be
48 changed to allow cigar bars. For this reason, he moved forward with his business. Although they
49 currently have a special use permit to operate a cocktail lounge, they did not move to Florissant to open
50 a bar. He and his partner want a cigar bar business. Mr. Hessel informed Mr. Bowlson that he would
51 contact the County Counselor's Office and the City Attorney of Ferguson to hopefully help straighten
52 this situation out.

53 The Chair asked if there were any citizens who would like to speak on said public hearing.
54 Being no citizens who wished to speak, Councilman Henke moved to postpone P.H. #18-03-010 to
55 3/26/18, seconded by Schildroth. Motion carried.

56 The City Clerk reported that Public Hearing #18-03-011 to be held this night on a Request to
57 authorize a Special Use Permit to Flower Valley Group, LLC, d/b/a Privilege Lounge to allow for the
58 operation of a cocktail lounge located at 129 Flower Valley Shopping Center to allow had been
59 advertised in substantially the same form as appears in the foregoing publication and by posting the
60 property. The Chair declared the Public Hearing to be open and invited those who wished to be heard
61 to come forward.

62 Diane McNutt, petitioner, stated she would like to open a cocktail lounge and added that there
63 would be music. She stated that there would be a DJ and maybe a small band, with music targeted
64 towards older residents. No food will be served and the doors will be shut when music is playing.

65 The Chair asked if there were any citizens who would like to speak on said public hearing.
66 Being no citizens who wished to speak, Councilman Siam moved to close P.H. #18-03-011, seconded
67 by Parson. Motion carried.

68 The City Clerk reported that Public Hearing #18-03-012 to be held this night on a Request to
69 amend the Zoning Code to allow for Adult Day Cares as a Special Use in all "B" Zoning Districts had
70 been advertised in substantially the same form as appears in the foregoing publication and by posting
71 the same. The Chair declared the Public Hearing to be open and invited those who wished to be heard
72 to come forward.

73 Vernita Lewis, petitioner, stated that she would like adult day cares to be open in all "B" Zoning
74 Districts, which is what the Planning & Zoning Commission has recommended. Mr. Lum stated that
75 Ms. Lewis had found an appropriate location to open an adult day care, but the zoning did not allow for
76 it. The P & Z Commission decided that adult day cares should be allowed in all "B" districts with a
77 special use permit.

78 The Chair asked if there were any citizens who would like to speak on said public hearing.
79 Being no citizens who wished to speak, Councilman Caputa moved to close P.H. #18-03-012, seconded
80 by Jones. Motion carried.

81 Councilman Schildroth moved to accept Substitute Bill No. 9339 An Ordinance authorizing an
82 amendment to B-5 Ordinance No. 6836 to allow for an addition of the Siteman Cancer Center and
83 parking in an existing B-5 Zoning District located at 1225 Graham Road, seconded by Pagano. Motion
84 carried. Councilman Schildroth moved to suspend the rules to hear from the petitioner, seconded by
85 Pagano. Motion carried.

86 Greg Bratcher and Nancy Coleman, BJC, stated that they had been informed that there was a \$7
87 million overage on this project. That being said, Mr. Bratcher stressed that BJC was committed to
88 Florissant and they want to provide an excellent health care center that Florissant can be proud of. As
89 a result, three basic changes have been made to the original plan in order to reduce cost.

90 Ms. Coleman informed the Council of the following architectural changes:

91 1) Plantings/trees have been moved from around the building and relocated to the borders
92 surrounding neighboring properties. They will keep the existing plantings on Graham Rd.

93 2) A skylight will be removed from the project and a screen wall will be used to hide the
94 HVAC equipment.

95 3) Since the future expansion area is located at the rear of the building, they would like to use a
96 spray EIFS material instead of using the thin brick. This change will not be seen from the road. A
97 sample of the EIFS was shown to the Council. This product will match the existing brick and make
98 expansion easier in the future. The front of the building will remained unchanged.

99 On the motion to accept the substitute Bill, Motion carried.

100 Councilman Schildroth moved that Substitute Bill No. 9339 be read for a second time, seconded
101 by Pagano. Motion carried and Substitute Bill No. 9339 was read for a second time. Councilman
102 Schildroth moved that Substitute Bill No. 9339 be read for a third time, seconded by Pagano. Motion
103 carried and Substitute Bill No. 9339 was read for a third and final time and placed upon its passage.

104 Before the final vote all interested persons were given an opportunity to be heard. On roll call
105 the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes, Lee absent, Jones yes, Eagan absent,
106 Caputa yes and Schildroth yes, Whereupon the Chair declared Substitute Bill No. 9339 to have passed
107 and said Bill became Ordinance No. 8392.

108 Councilman Siam moved that Bill No. 9363 An Ordinance authorizing 32 hours of paid
109 administrative leave per year for unclassified be read for a second time, seconded by Parson. Motion
110 carried and Bill No. 9363 was read for a second time. Councilman Henke moved that Bill No. 9363 be
111 read for a third time, seconded by Jones. Motion carried and Bill No. 9363 was read for a third and
112 final time and placed upon its passage. Before the final vote all interested persons were given an
113 opportunity to be heard. On roll call the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes,
114 Lee absent, Jones yes, Eagan absent, Caputa yes and Schildroth yes. Whereupon the Chair declared
115 Bill No. 9363 to have passed and said Bill became Ordinance No. 8393.

116 Councilman Schildroth moved to accept Substitute Bill No. 9364 An Ordinance authorizing a
117 Special Use Permit to Sipp, LLC to allow for the operation of a cocktail lounge for the property located
118 at 1833 Dunn Rd., seconded by Henke. Motion carried. Councilman Schildroth moved that Substitute
119 Bill No. 9364 be read for a second time, seconded by Henke. Motion carried and Substitute Bill No.
120 9364 was read for a second time. Councilwoman Pagano moved that Substitute Bill No. 9364 be read
121 for a third time, seconded by Henke. Motion carried and Substitute Bill No. 9364 was read for a third
122 and final time and placed upon its passage. Before the final vote all interested persons were given an
123 opportunity to be heard. On roll call the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes,

124 Lee absent, Jones yes, Eagan absent, Caputa yes and Schildroth yes. Whereupon the Chair declared
125 Substitute Bill No. 9364 to have passed and said Bill became Ordinance No. 8394.

126 Councilman Jones moved that Bill No. 9365 An Ordinance authorizing a Special Use Permit to
127 MBR Management Corp. d/b/a Domino's Pizza to allow for the operation of a carry-out restaurant with
128 a pick-up window for the property located at 8428 N. Lindbergh be read for a second time, seconded by
129 Caputa. Motion carried and Bill No. 9365 was read for a second time. Councilman Caputa moved that
130 Bill No. 9365 be read for a third time, seconded by Schildroth. Motion carried and Bill No. 9365 was
131 read for a third and final time and placed upon its passage. Before the final vote all interested persons
132 were given an opportunity to be heard. On roll call the Council voted: Henke yes, Pagano yes, Parson
133 yes, Siam yes, Lee absent, Jones yes, Eagan absent, Caputa yes and Schildroth yes. Whereupon the
134 Chair declared Bill No. 9365 to have passed and said Bill became Ordinance No. 8395.

135 Councilman Schildroth moved that Bill No. 9366 An Ordinance to rezone the property located
136 at 180 Dunn Road from B-3 "Extensive Business District" to establish a new Historic District the "John
137 B. Meyers House Historic District" be read for a second time, seconded by Parson. Motion carried and
138 Bill No. 9366 was read for a second time. Councilman Schildroth moved that Bill No. 9366 be read for
139 a third time, seconded by Henke. Motion carried and Bill No. 9366 was read for a third and final time
140 and placed upon its passage. Before the final vote all interested persons were given an opportunity to
141 be heard. On roll call the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes, Lee absent,
142 Jones yes, Eagan absent, Caputa yes and Schildroth yes. Whereupon the Chair declared Bill No. 9366
143 to have passed and said Bill became Ordinance No. 8396.

144 The next item on the Agenda was Board Appointments.

145 Councilman Schildroth moved to reappoint Walt Kaiser, 105 N St. Charles, to the Parks and
146 Recreation Advisory Board as a member from Ward 5 for a term expiring on 3/26/2021, seconded by
147 Pagano. Motion carried.

148 Councilman Schildroth moved to reappoint Chris Keil, 110 St. Pierre, to the Citizens
149 Participation Committee as a member from Ward 5 for a term expiring on 3/22/2019, seconded by
150 Jones. Motion carried.

151 Councilman Caputa moved to reappoint Jean Noltkamper, 545 Versailles, to the Minimum
152 Standard Board of Appeals as a member from Ward 4 for a term expiring on 2/27/2021, seconded by
153 Jones. Motion carried.

154 Council as a Whole introduced Resolution No. 1001 A Resolution of the Florissant City
155 Council and Mayor supporting the PowerPlex Sport Complex proposed development at the St. Louis
156 Outlet Center and said resolution was read for the first time. Councilman Caputa moved that
157 Resolution No. 1001 be read for a second time, seconded by Schildroth. Motion carried and
158 Resolution No. 1001 was read for a second time. Councilman Caputa moved that Resolution No. 1001
159 be read for a third time, seconded by Schildroth. On roll call the Council voted: Henke yes, Pagano
160 yes, Parson yes, Siam yes, Lee absent, Jones yes, Eagan absent, Caputa yes and Schildroth yes.
161 Having received the unanimous vote of all members Resolution No. 1001 was read for a third and
162 final time and placed upon its passage.

163 Before the final vote all interested persons were given an opportunity to be heard. On roll call
164 the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes, Lee absent, Jones yes, Eagan
165 absent, Caputa yes and Schildroth yes. Whereupon the Chair declared Resolution No. 1001 to have
166 been adopted.

167 Councilman Siam moved that Bill No. 9370 An Ordinance to authorize a Special Use Permit to
168 Flower Valley Group, LLC d/b/a Privilege Lounge to allow for the operation of a cocktail lounge
169 located at 129 Flower Valley Shopping Center and said bill was read for the first time by title only.

170 Councilman Siam moved that Bill No. 9371 An Ordinance to authorize an amendment to the
171 Zoning Code, Section 405.115 to allow for “Adult Day Care” as a Special Use in all ‘B’ Zoning
172 Districts and said bill was read for the first time by title only.

173 Councilwoman Pagano introduced Bill No. 9372 An Ordinance amending the General Fund
174 Budget to reflect \$79,000 from Asset Forfeiture funds in escrow to Forfeiture Revenue Acct. No. 01-
175 4-34511 and to the Forfeiture Expenditure Acct. No 01-5-49-61000 for various police department
176 equipment expenditures and said Bill was read for the first time. Councilwoman Pagano moved that
177 Bill No. 9372 be read for a second time, seconded by Schildroth. Motion carried and said Bill was
178 read for a second time. Councilman Henke moved that Bill No. 9372 be read for a third time,
179 seconded by Schildroth. On roll call the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes,
180 Lee absent, Jones yes, Eagan absent, Caputa yes and Schildroth yes. Having received the unanimous
181 vote of all members Bill No. 9372 was read for a third and final time and placed upon its passage.

182 Before the final vote all interested persons were given an opportunity to be heard. On roll call
183 the Council voted: Henke yes, Pagano yes, Parson yes, Siam yes, Lee absent, Jones yes, Eagan absent,

184 Caputa yes and Schildroth yes. Whereupon the Chair declared Bill No. 9372 to have passed and said
185 Bill became Ordinance No. 8397.

186 The next item on the Agenda was Council Announcements.

187 Councilman Schildroth congratulated Nathan and Christine Bennett, Hendels Café, on being
188 featured in *St. Louis Magazine*.

189 Councilman Caputa reminded residents to keep their firearms secure and not to leave them in
190 their vehicles. Ward 4 will be hosting a Neighborhood Watch Program meeting on March 28 in
191 Council Chambers. He congratulated Jana Elementary on recently being honored as an “exemplary
192 school” of which there were only 20 schools across the state receiving the award.

193 Councilman Jones encouraged everyone to donate and volunteer at T.E.A.M. located on rue St.
194 Catherine. He added that Shackelford Rd. was nearing construction completion.

195 Mayor Schneider stated he recently went to a leadership open house at McNair School and he
196 was very impressed with the students. Also, he announced that the city was looking for summer help
197 for the city’s playground camps, pool cashiers, and life guards.

198 The Seniors will be celebrating St. Patrick’s Day at the Eagan Center from 10-2. He wished
199 Happy 76th Birthday to the Navy Sea Bee’s. On March 24 there will be the annual “Easter Egg Hunt.”
200 March 23rd will be the Underwater Egg Hunt at the JJE Pool. On March 28th there will be Easter Egg
201 decorating contest. Spring Break Camp will be held from March 19-23.

202 The Council President announced that the next regular City Council Meeting was scheduled for
203 Monday, March 26, 2018 at 7:30 pm.

204 Councilman Henke moved to adjourn the meeting, seconded by Parson. Motion carried. The
205 meeting was adjourned at 9:02 p.m.

206

207

208

Anita Moore, Deputy City Clerk

209 The following Bills were signed by the Mayor:

210	SBill No. 9339	Ord. 8392
211	Bill No. 9363	Ord. 8393
212	SBill No. 9364	Ord. 8394
213	Bill No. 9365	Ord. 8395
214	Bill No. 9366	Ord. 8396
215	Bill No. 9372	Ord. 8397

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