

CITY OF FLORISSANT



COUNCIL MINUTES

February 13, 2017

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, February 13, 2017 at 7:30 p.m. with Council President Pagano presiding. The Chair asked everyone in attendance to stand and join in the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Eagan, Caputa, Schildroth, Pagano, Schmidt, Siam, Lee and Jones. Councilman Henke was excused. 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.

Councilman Lee moved to approve the Meeting Minutes of 1/23/17, seconded by Eagan. Motion carried.

The Chair stated that the next item on the agenda was *Hearing from Citizens* and asked any citizen who wished to speak to come forward.

Jessica Ponder, 1480 St. Catherine, introduced herself to the residents of Florissant. She is a candidate for the upcoming election for board member for the Ferguson-Florissant School District.

Joshua Polsky, 748 Loekes Dr., recapped information regarding bite statistics relating to the BSL and its ineffectiveness in controlling dangerous dogs. HB905 has been introduced at the state legislature and, if passed, will prevent local municipalities from banning specific breeds of dogs.

Connie Nolan, 170 Ruth Dr., thanked Councilmembers' Pagano and Caputa for introducing legislation tonight that would repeal the BSL. The media has not presented an accurate version of pit bull dogs.

Andrea Castleberry, 5414 Blow St., asked the City Council to please repeal the BSL, as statistics support that it is not effective legislation.

37 Lori Stimac, 3866 Grand National, stated that she owned two wonderful pit bull dogs and they
38 couldn't be more loving with her family and grandchildren.
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40 Robin Brown, 26 St. Laurence, asked the Council to repeal Florissant's breed specific
41 legislation.
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43 Donna Slemmer, 2612 Poe Ave., stated that support for banning pit bulls dogs is not
44 substantiated by facts. Each dog should be looked at as an individual. Pit bulls are trained and used as
45 support dogs.
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47 Mike Cardenes, 2475 Stoney End Ct, thanked the Council for listening to the FBA and for
48 introducing the repeal legislation onto the agenda.
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50 Angie Schaefer, 2 Robin Ct., stated that she owns two pit bulls, and they were both recently
51 allowed into Busch stadium for a charity walk. She shared pictures of them getting along with other
52 dogs and asked the Council to repeal the pit bull ban.
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54 Linda Church, 13 McNulty, stated that every community has its laws and people should know
55 that there is a pit bull ban before they move in. There are pit bulls in the community now that are not
56 tagged. She questioned whether there would be enough staff to enforce the new legislation.
57

58 Elizabeth Thurman, 37 Jamestown Farms, stated she has been a veterinarian for 16 years and
59 understands the emotional issues behind the BSL. She suggested a possible compromise: that pit bull
60 dogs allowed into Florissant be neutered. Pit bulls are abused, not socialized and used for nefarious
61 reasons. Their reputation has nothing to do with the inherent breed.
62

63 John Englemeyer, 1281 Graham Rd, addressed the asphalt behind Doozles which he felt was in
64 need of further repair. He addressed the issue of a legacy of the City of Florissant and Florissant's
65 future.
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68 The Chair stated that the next item on the agenda was *Communications*.

- 1 Letter received January 19, 2017 received from Mandy Ryan regarding the repeal of the pit bull ban
- 2 Email dated January 23, 2017 from Gail Scarfino regarding the repeal of the pit bull ban
- 3 Email dated January 23, 2017 from Vickie Rolfes regarding the repeal of the pit bull ban
- 4 Email dated January 23, 2017 from Amy Newton regarding the repeal of the pit bull ban
- 5 Email dated January 23, 2017 from Erin Berghold regarding the repeal of the pit bull ban
- 6 Email dated January 23, 2017 from Heather Dye regarding the repeal of the pit bull ban
- 7 Email dated January 23, 2017 from Brittany Schleicher regarding the repeal of the pit bull ban
- 8 Email dated January 24, 2017 from Andrea Castleberry regarding the repeal of the pit bull ban
- 9 Email dated January 24, 2017 from Laura Wichlinski regarding the repeal of the pit bull ban
- 10 Email dated January 24, 2017 from Mindy Boyer regarding the repeal of the pit bull ban
- 11 Email dated January 24, 2017 from Connie Nolan regarding the repeal of the pit bull ban
- 12 Email dated January 24, 2017 from Sandra Link regarding the repeal of the pit bull ban
- 13 Email dated January 25, 2017 from Becky Keesling regarding the repeal of the pit bull ban
- 14 Email dated January 25, 2017 from Debbie Causevic regarding the repeal of the pit bull ban

- 15 Email dated January 25, 2017 from Melissa Jeffery regarding the repeal of the pit bull ban
- 16 Email dated January 25, 2017 from Tamara Vastine regarding the repeal of the pit bull ban
- 17 Email dated January 25, 2017 from Angie Schaefer regarding the repeal of the pit bull ban
- 18 Email dated January 26, 2017 from Carl Hughes regarding the repeal of the pit bull ban
- 19 Email dated January 25, 2017 from the Staff of Slem's Pet Care regarding repeal of the pit bull ban
- 20 Email dated January 25, 2017 from Donna Slemmer regarding the repeal of the pit bull ban
- 21 Email dated January 26, 2017 from Shawna Walker regarding the repeal of the pit bull ban
- 22 Email dated January 26, 2017 from Cheryl Genail regarding the repeal of the pit bull ban
- 23 Email dated January 30, 2017 from Gail Howell regarding the repeal of the pit bull ban
- 24 Email dated January 30, 2017 from Diane Dedert regarding the repeal of the pit bull ban
- 25 Email dated January 30, 2017 from Dave Wineman regarding the repeal of the pit bull ban
- 26 Email dated January 30, 2017 from Tracy Dedert regarding the repeal of the pit bull ban
- 27 Email dated January 30, 2017 from Andy Wilson regarding the repeal of the pit bull ban
- 28 Email dated January 31, 2017 from Ashley Rhodes regarding the repeal of the pit bull ban
- 29 Email dated January 31, 2017 from Frank Bougher regarding the repeal of the pit bull ban
- 30 Email dated February 1, 2017 from Maryrose Booher regarding the repeal of the pit bull ban
- 31 Email dated February 1, 2017 from Nichole McDonald regarding the repeal of the pit bull ban
- 32 Email dated February 1, 2017 from Judy Richter regarding the repeal of the pit bull ban
- 33 Email dated February 1, 2017 from Kevin McDonald regarding the repeal of the pit bull ban
- 34 Email dated February 2, 2017 from Jennifer Harutunian regarding the repeal of the pit bull ban
- 35 Email dated February 2, 2017 from Cynthiana Echele regarding the repeal of the pit bull ban
- 36 Email dated February 2, 2017 from Kristin Korte regarding the repeal of the pit bull ban
- 37 Email dated February 3, 2017 from Miriam Atlee regarding the repeal of the pit bull ban
- 38 Email dated February 2, 2017 from Jeff Cook regarding Plaza Madrid

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71 *Hearing from Citizens-continued:*

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73 Cindi O'Shea, 125 W. St. Anthony, vet tech, stated that she had been bit by a pit bull dog. She
74 felt that blood DNA testing be required for pit bulls.

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76 Cedric Brown, 1204 St. Jean, stated that he received notification from the City that he must get
77 rid of his mild mannered terrier. When he and his wife were out of town, the dog's caretaker
78 accidentally let the dog loose. He asked that the BSL be repealed.

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80 Amy Harrison, 695 Hargrove, asked that the discriminatory BSL be repealed. She supports
81 neutering of all dogs.

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83 Shawnee Rose, 3051 Valley Vista Drive, asked that the BSL be repealed.

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85 Joan Swanston, 116 Birkdale, stated that Florissant residents, as tax payers, have a right to own
86 any kind of dog. Throughout recent history, many different breeds of dogs have been deemed
87 "dangerous" in the court of public opinion - now it is the pit-bull's turn. She asked the Council to
88 repeal the BSL in Florissant.

Theresa Schmidt, 10344 Sannois Dr, asked that the discriminatory BSL be repealed. She feels irresponsible dog owners are at fault. Many notable organizations oppose the BSL.

Larry Appel, 1485 Lindsay, expressed his concern about the speeding and traffic on Lindsay Lane.

Alan Jones, 665 S Skinker, stated that the issue is not that pit bulls bite more frequently, but that their bite is stronger and does more harm. He supported the BSL.

Karon McCoy, 1866 Basket Oak Drive, asked that the BSL be repealed. She has owned a pit bull for many years and another one is being trained to be a therapy dog.

Sean Madden, 93 North Oaks Plaza, informed the residents about the St. Louis Youth Build/AmeriCorps. This program is a pre-apprentice program for youth who have dropped out of school and need help getting a GED. They are taught carpentry and construction skills and the program lasts 8-12 months. It is currently open enrollment time.

The next item on the Agenda was Public Hearings.

The City Clerk reported that Public Hearing #16-09-026 to be held this night on a request to rezone for Lyons Properties, LLC d/b/a Dunkin Donuts the property located at 8115 N. Lindbergh from B-3 "Extensive Commercial District" to B-5 "Planned Commercial District" to allow for the construction of a new building had been advertised in substantially the same form as appears in the foregoing publication and by posting the property. The Chair declared the Public Hearing to be open and invited those who wished to be heard to come forward.

Chairman Eagan stated that the petitioner had requested a continuance. Being no citizens who wished to speak, Councilman Eagan moved to postpone P.H. #16-09-026 to 3/13/2017, seconded by Jones. Motion carried.

The City Clerk reported that Public Hearing #17-02-004 to be held this night on a request to issue an amendment to B-5 Ordinance No. 6868 to allow for a new sit-down, carry-out restaurant with signage for the property located at 2180 N. Highway 67 had been advertised in substantially the same form as appears in the foregoing publication and by posting the property. The Chair declared the Public Hearing to be open and invited those who wished to be heard to come forward.

Michael Mueller, representative for McAlister's, stated that the proposed site is the old Bob Evans Restaurant on Lindbergh. The existing brick on the building will remain "as is" but they will be adding a 700 square foot patio on the "bank" side of the building, to be accessed only through the restaurant. The parking will remain the same. There will be a sidewalk off of the back patio for

emergency egress from the patio itself. There is some existing landscaping around the patio which will be removed and replaced with new landscaping to match existing. Initially staff expressed concern about traffic coming across the “bank” side onto the patio itself. Mr. Mueller explained that the patio was 2 feet above the existing grade and Mr. Lum felt that would be sufficient.

The brick will remain the same and the red awnings will be replaced with hunter green awnings. The faux EIFS on the east and west elevations will be painted to match the bronze on the doors at the back of the building. There will be a new awning located over the patio area. The patio will be smoke free. The Bob Evans “tower” will be removed and McAlister’s will be put in its place. A sign package was submitted. The existing red lights on the side of the building will be painted black. The lights will not flash but will be steady and turned on during business hours only. No traffic study will be completed as it will be approximately the same as it was Bob Evans. The petitioner stated that the outside concrete foundation will be painted to match the band of brick above the awnings. The petitioner didn’t want just a gray concrete slab to be exposed. Bushes will hide the concrete foundation as well. There will be no drive – thru as this restaurant. The Mayor asked the petitioner to install pedestrian trash receptacles on the site.

The Chair asked if there were any citizens who would like to speak on said public hearing. Linda Church, 13 McNulty, asked if there was any way that a vehicle could hit the patio to which the petitioner stated no, any traffic would be stopped.

Kevin O’Donnell, 512 Rancho Lane, thanked the Mayor and Councilman Eagan for requesting trash receptacles on site.

Mike Cardenes, 2475 Stoney End Ct, thanked McAlister’s for opening a restaurant in Florissant. Being no other citizens who wished to speak, Councilman Siam moved to close P.H. #17-02-004 seconded by Lee. Motion carried.

Councilman Schmidt moved that Bill No. 9255 An Ordinance to authorize an amendment to Special Use Permit No. 4830, as amended by Ordinance Nos. 5071, 5255 and 5259 for the location of a ground sign in an R-4 Zoning District for the property located at 1001 Dunn Road be read for a second time, seconded by Schildroth. Motion carried and Bill No. 9255 was read for a second time. Councilman Schildroth moved that Bill No. 9255 be read for a third time, seconded by Caputa. Motion carried and Bill No. 9255 was read for a third and final time and placed upon its passage.

Before the final vote all interested persons were given an opportunity to be heard. On roll call the Council voted: Eagan yes, Caputa yes, Schildroth yes, Henke absent, Pagano yes, Schmidt yes,

Siam yes, Lee yes and Jones yes. Whereupon the Chair declared Bill No. 9255 to have passed and said Bill became Ordinance No. 8295.

Councilman Schildroth moved that Bill No. 9256 An Ordinance to authorize an amendment to Special Use Permit No. 7398 to allow for exterior alternations for the property located at 1261 Graham Road be continued to 2/28/2017 at the request of the petitioner, seconded by Pagano. Motion carried.

Councilman Pagano moved to reappoint Linda Rose, 1080 Wycomb, to the Parks & Recreation Advisory Board as a member from Ward 7 for a term expiring on 2/28/2020, seconded by Eagan. Motion carried.

Councilman Siam moved to appoint Kalyn Brantley-McNeal, 57 Clubs Grounds North, to the Personnel Commission as a member from Ward 9 for a term expiring on 12/13/2021, seconded by Lee. Motion carried.

Councilman Lee moved to accept the Mayor's reappointment of Rob Shoemaker, 1440 Thoroughbred Lane, to the Emergency Management Commission as a member from Ward 9 for a term expiring on 11/14/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's reappointment of Alan Kennedy, 960 Kostka, to the Emergency Management Commission as a member from Ward 3 for a term expiring on 1/27/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's reappointment of Mary Janis, 1135 St. Regis, to the Emergency Management Commission as a member from Ward 7 for a term expiring on 1/27/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's reappointment of Eric Thomas, 3725 Estates Dr., to the Emergency Management Commission as a temporary member from Ward 1 for a term expiring on 1/11/2018, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's appointment of Daniel Cunningham, 325 Holiday Hill Dr., to the Emergency Management Commission as a temporary member from Ward 6 for a term expiring on 2/13/2018, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's appointment of Seth Gorman, 2020 Flamingo, to the Youth Advisory Commission as an adult member from Ward 1 for a term expiring on 2/13/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's appointment of Kerry Jones, 2318 SuCasa, to the Youth Advisory Commission as a member from Ward 1 for a term expiring on 2/13/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's appointment of Keshon Pulliam, 2302 SuCasa, to the Youth Advisory Commission as a member from Ward 1 for a term expiring on 2/13/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to accept the Mayor's reappointment of Amanda Gorman (Fox), 2020 Flamingo, to the Youth Advisory Commission as a member from Ward 1 for a term expiring on 2/14/2020, seconded by Eagan. Motion carried.

Councilman Jones moved to approve the request for Donna Scholl to keep three hens for the property located at 1485 Lindsay, seconded by Caputa. Motion carried.

Councilman Siam moved to approve the request for a Transfer of Special Use Permit No. 7716 from Tot Lots Learning Center to Florissant Kids Care Center, LLC for the operation of a day care center located at 2184 N Waterford, seconded by Siam. Motion carried and the request was approved.

Council as a Whole introduced Resolution No. 993 A Resolution authorizing the Mayor of the City of Florissant to make application under the Municipal Parks Grant for planning services at Manion Park for an inclusive playground and said Resolution was read for the first time. Councilman Caputa moved that Resolution No. 993 be read for a second time, seconded by Schildroth. Motion carried and Resolution No. 993 was read for a second time. Councilman Schildroth moved that Resolution No. 993 be read for a third time, seconded by Schmidt. On roll call the Council voted: Eagan yes, Caputa yes, Schildroth yes, Henke absent, Pagano yes, Schmidt yes, Siam yes, Lee yes and Jones yes. Having received the unanimous vote of all members present Resolution No. 993 was read for the third and final time and placed upon its passage.

Before the final vote all other interested persons were given an opportunity to be heard. Being no persons who wished to be heard, on roll call the Council voted: Eagan yes, Caputa yes, Schildroth yes, Henke absent, Pagano yes, Schmidt yes, Siam yes, Lee yes and Jones yes. Whereupon the Chair declared Resolution No. 993 to have been adopted.

Councilman Siam introduced Bill No. 9257 An Ordinance to authorize an amendment to B-5 Ordinance No. 6868 to allow for a new sit-down, carry-out restaurant with signage for the property located at 2180 N Hwy. 67 and said Bill was read for the first time by title only.

Councilman Pagano introduced Bill No. 9258 An Ordinance amending the General Fund Budget to reflect \$85,000 from Asset Forfeiture Funds in escrow to Forfeiture Revenue Acct. 01-4-34511 and to the Forfeiture Expenditure Acct. 01-5-49-61000 for various police department expenditures and said Bill was read for the first time by title only.

Councilman Siam introduced Bill No. 9259 An Ordinance authorizing a Transfer of Special Use Permit 7716 from Tot Lots Learning Center to Florissant Kids Care Center, LLC for the operation of a day care located at 2184 N. Waterford Drive and said Bill was read for the first time by title only.

Councilmen Pagano and Caputa introduced Bill No. 9260 An Ordinance amending Title II, Chapter 205 by deleting Section 205.395 "Regulation of Pit Bull Dogs," and said Bill was read for the first time by title only.

Councilmen Pagano and Caputa introduced Bill No. 9261 An Ordinance amending Title II Chapter 205 by amending Section 205.260 "Dangerous Animals," and said Bill was read for the first time by title only.

Councilman Pagano introduced Bill No. 9262 An Ordinance amending Revenue Acct. No. 3490 "Grants and Reimbursements" in the amount of \$9,780 and appropriating the sum of \$9,780 from the General Revenue Fund to Budget Acct. No. 4921 "Uniforms" to purchase ballistic vests awarded through a local law enforcement block grant and said Bill was read for the first time by title only.

Councilman Pagano moved to move the Monday, February 27, 2017 City Council Meeting to Tuesday, February 28, 2017, seconded by Caputa. Motion carried.

The next item on the Agenda was Council Announcements.

Councilman Jones encouraged all residents to volunteer/donate to TEAM. He announced that the old Deaver's Restaurant has changed ownership and has reopened as Irma Jean's. Wednesday will be the grand opening. Steve Stenger, County Executive, had a cross walk installed across Charbonier Road at Park Side Estates, the newly completed subdivision. Mr. Stenger also helped install new signage in a timely manner to which Council and the administration was grateful.

Councilman Eagan announced that the St. Ferdinand March Madness is scheduled, starting with a BBQ on the last weekend in February. Officer Craig Tudor is the beneficiary of the fundraiser.

Councilman Caputa encouraged residents to secure their firearms and not leave them in their vehicles. The MSD work at Humes at Patterson Lane should be winding down soon. He thanked the Bully Alliance for their Valentines Gift.

Councilman Schildroth announced that on Feb. 2 he attended an MSD meeting regarding a project on Graham Rd which will last until approximately late spring.

Councilman Schmidt announced that “Right to Work” passed in Missouri and the labor unions are putting together a referendum. If enough signatures are collected and verified in a timely manner, it can be put to a vote of the people.

Councilman Pagano announced that Wards 5, 6, & 8 will be hosting a Neighbor Watch Meeting on March 7th.

The next item on the Agenda was Mayor Announcements.

Mayor Schneider announced that February 27th will be the Valley of Flowers Fundraiser Dinner at Hendel’s Restaurant. The Explorers Post will hold a trivia night at JFK on March 11th. The Mayor announced that there has been an overall decrease in crime within the City of Florissant. He thanked the Chief and the officers for their diligence in keeping Florissant safe. Jake Zimmerman, County Assessor, announced that property values were on the rise in Florissant. The Community Development Office will hold a public hearing for the CAPER on Tuesday February 28th at City Hall. All the mechanical upgrades at the Civic Center have been completed. The Mayor congratulated high school student Emily Bower on winning the “Poetry Out Loud Contest” who will represent the area in Washington D.C. on April 15th. St. Ferdinand Shrine recently had a very successful fundraiser at Kemoll’s Restaurant. The Parks and Recreation Department will host a spring break camp from 3/20 thru 3/25 for ages 6-12. April 29th will be the City’s annual garage sale at the JJE ice rink and a free skate will be held on Feb 20. Feb. 28th is the dead line for the snowman building contest.

The next City Council Meeting is scheduled for Tuesday, February 28, 2017 at 7:30 pm. Councilman Caputa moved to adjourn the meeting, seconded by Jones. Motion carried. The meeting was adjourned at 9:03 p.m.

Karen Goodwin, City Clerk

The following Bills were signed by the Mayor:

Bill No. 9255 Ord. 8295