

# CITY OF FLORISSANT



## COUNCIL MINUTES

October 9, 2017

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, October 9, 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: Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Parson, Siam and Lee. 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 Parson moved to approve the Meeting Minutes and Executive Minutes of September 25, 2017, seconded by Henke. Motion carried.

Councilwoman Pagano moved to amend the Agenda in order to add a statement from the City Council, seconded by Schildroth. Motion carried.

The following statement was read by Council President Pagano in its entirety:

“The City Council recently received an e-mail from Mary Elizabeth Dorsey concerning her involvement as a Prosecuting Attorney, in the case of Florissant v. Paul Schneider. This communication became the subject of a Post-Dispatch article and the Council then received a letter from David Naumann, the attorney involved in the case, in which Mr. Naumann shared his viewpoint. Every member of the City Council has received phone calls and messages from Florissant residents asking questions about the events and questioning whether the Council is going to take some action.

The City Council is a legislative body and the power and authority of this legislative body is set forth in the Florissant City Charter and applicable state statutes. Florissant Council Members, in conjunction with the City Attorney (and a second attorney), reviewed the Charter and the state law, and the City Council has no investigative authority nor any power to address the issues being raised.

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We encourage those involved to address any issues or complaints to the proper authorities so that those authorities can act appropriately. The Members of this Council are extremely frustrated by this situation, but cannot get involved in a matter that is beyond our authority”.

Councilman Caputa moved that the previous statement be submitted to the city as a press release and be placed on the official website of the City of Florissant, seconded by Jones, motion approved unanimously.

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

- Kevin O’Donnell, 512 Rancho Ln., congratulated the city for a fine Fall Festival. He wished it would last two days instead of one.
- Jo-Maal Davis, 170 Duquette, appreciated the council addressing the issue of the Mayor. He read an email that he previously sent to the City Council. He express his disappointment with the situation with the Mayor. He feels the council needs to look into future legislation to address any future occurrences.
- HD Bernard, 16 Confederate Way, St. Charles, is a long-time friend of the Mayor and feels he would never go out of his way to hurt anyone.
- Kathy McInnis, 1690 Queens Dr., thanked the Mayor for all of the rock gardens and presented a painted rock for the Mayor.
- Bernice Foley, 3475 Stonehaven Dr., stated that she is proud of living in Florissant, she feels Mayor Schneider has done a wonderful job.
- Rance Thomas, 2480 Wedgewood Dr., spoke in support of Mayor Schneider.
- David Booher, 1870 Flamingo Dr., grew up with Mayor Schneider and supports him and thanked him for his service.
- Joyce Chancey, 445 Myrtle Dr., stated that she is disappointed in the Mayor at this point.
- Mark Behlmann, 740 Lindsay Ln., discussed the political process. He stated that he did research on why he lost his elections. He has sent reports to the authorities.
- John Engelmeyer, 1281 Graham Rd., stated that the charter needs to be reviewed and feels the Mayor should resign.
- Jeanne Thornburgh, 1120 Mullanphy, spoke in support of Mayor Schneider. She thanked the Mayor for keeping the city safe.

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

72 The next item on the Agenda was Public Hearings.

73 The City Clerk reported that Public Hearing #17-09-024 to be held this night to discuss the  
74 proposed Budget for the City of Florissant for the fiscal year beginning on December 1, 2017 had  
75 been advertised in substantially the same form as appears in the foregoing publication and by posting  
76 the property. The Chair declared the Public Hearing to be open and invited those who wished to be  
77 heard to come forward.

78 Randy McDaniel, Finance Director stated that the proposed budget was presented by the Mayor  
79 to the City Council at the Council meeting on September 26<sup>th</sup> and subsequently amended and  
80 resubmitted to the City Council on September 28<sup>th</sup>.

81 Councilman Lee made the following statement:

82 "The City of Florissant has a large and somewhat complex budget. All of us  
83 have budgets for our own families. We anticipate income, as well as  
84 expenses. There are always unforeseen things that pop up, and hopefully we  
85 can rely on savings. For large purchases like a car, we may borrow money  
86 and pay over time.

87  
88 **BUT WE ALL HAVE TO LIVE WITHIN OUR BUDGET!**

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90 Last year during the budget discussions, the Finance Director gave us a  
91 very good presentation on the long term budget issues we were facing. The  
92 City Council came to the realization that we were in trouble. The long term  
93 outlook was not good. We scheduled several budget work sessions for this  
94 year to try to address the inevitable problems we were facing. At one of these  
95 meetings Councilman Eagan asked how long we could go without making  
96 changes, the Finance Director said "NOT LONG".

97  
98 It was my hope that we would be able to address the "expenditure" side  
99 of the budget. How could we as a city make cuts in spending that would  
100 LEAST impact the services to our residents.

101 The Finance Director estimated 2017 general fund revenue would be less  
102 than the actual revenue in 2016. He is hoping it will increase in 2018.

103 But he also anticipates that 2018 general fund expenditures will exceed  
104 revenue by over **\$2.1 million** .

105  
106 **THE PROPOSED BUDGET ACTUALLY INCREASES SPENDING**  
107 **BY OVER \$1.1 MILLION FOR 2018!**

108  
109 The proposed budget also includes forecasting of revenue and  
110 expenditures for 2019-2022. Based on the projections by our Finance

111 Director, the City of Florissant will be more than \$7.2 million SHORT of  
112 revenue compared to projected expenditures for these 4 years.

113  
114 And this is "IF" we CUT spending by \$1.24 million for 2019, and keep  
115 spending at or below what we are projecting for 2018 for the years 2019-  
116 2022. Keep in mind that the proposed budget for 2018 increases spending by  
117 over \$1.1 million.

118  
119 In past years, the City of Florissant was able to grow and flourish on sales  
120 tax revenues. In fact, we eliminated the small personal property and real  
121 estate taxes we used to collect. But things have changed.

122  
123 We have attempted to balance our budget not by reducing spending, but  
124 by asking for more revenue.

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126 1) Our utility tax rate was raised not once, but twice from 3% to 7%.  
127 Now at \$5.5 million **(\$3.4 million in new revenue)**

128 2) We asked to double our Park Improvement Sales Tax.

129 Now at \$3.5 million **(\$1.75 million new revenue)**

130 3) We asked voters to approve a sales tax for Streets. **\$1.5 million new**  
131 **revenue**

132 4) We asked voters to approve Prop A and R to increase fees. ??? new

133 5) And this year voters approved Prop P sales tax for Police and Public  
134 Safety. **\$2.6 million new revenue**

135

136 **OVER \$9.25 MILLION IN NEW REVENUE**

137

138 **HOW MUCH LONGER CAN WE TRY TO BALANCE OUR BUDGET**  
139 **WITHOUT REDUCING SPENDING?**

140

141 I believe that one of our most valuable assets in the City of Florissant are  
142 our dedicated employees. We pay 100% of the medical insurance cost which  
143 is \$8,683 a year per employee, and 25% of dependant coverage, which is  
144 \$2,153 a year. And we are told to expect a 5% increase in premiums next year.

145

146 Last year the Finance director told us that salaries and benefits exceed  
147 80% of the general fund. This year's proposed budget will raise that to over  
148 87%. And in his message he points out that this does not include the salaries  
149 and benefits paid from park improvement fund. If those were included, 93.5%  
150 of general fund would be for salaries and benefits. Under the leadership of  
151 Mayor Schneider, part time salaries were moved back to the general fund.  
152 But last year they returned to Park Improvement fund and remain in this years  
153 proposal.

154

155 **Here are some of my major concerns in the proposed budget.**

156

157 1) When the budget was presented 2 weeks ago, we were told that the funds  
158 raised from Prop P would be co-mingled into general fund, with no  
159 transparency or accountability for these funds "because it was not required".  
160 \*\* There is a bill on tonight's agenda that when passed, will require  
161 accountability for these funds

162 2) After the council raised objections about lack of accountability for Prop P  
163 funds, we did receive an amended budget. But after reviewing the  
164 breakdown on how Prop P funds are proposed to be spent, I have questions  
165 and concerns: It appears that the proposal is to take many items **that are**  
166 **already in the Police** general fund budget, and pay for them with Prop P  
167 funds. These include

168 \$550,000 for insurance, \$125,000 for legal expenses, \$75,000 for  
169 telephone service, \$33,587 for residency incentive, and others.

171 **I do not think this is what voters intended when they approved Prop P.**

172  
173 3) The proposed budget includes Large pay increases for a few select  
174 positions. One proposed position is increase by **\$19,167** a year!

175 4) The city charter establishes a Department of Health. The proposed  
176 budget looks like it eliminates the Department of Health, and moves the  
177 employees to the Police Department.

178 5) The City borrowed funds (bonds) to pay for the renovation of the new  
179 Justice Center. But we recently learned that there are unforeseen problems  
180 with the project, that will add hundreds of thousands to the current budget.  
181 This will surely require additional funding to complete the project.

182 6) We continue to use other special sales tax funds, to pay for things that  
183 may more appropriately be general fund expenses. For example, what do you  
184 consider as a **Capitol Improvement**? Is paying the bill for street lights, grass  
185 cutting, salt and chemicals for snow removal, or Furnishings for Public Works  
186 Office remodel considered Capitol Improvements?

187 7) And finally, I am concerned about the fact that the proposed budget does  
188 not reduce spending. In fact, it increases spending.

189 Thank you for allowing me to voice my opinions during this public  
190 hearing.

191  
192 The city charter states that the Mayor shall submit a budget, tonight is the  
193 public hearing on the proposed budget. Now the City Council has to go to  
194 work.

195 I challenge my fellow council members to take a hard look at the  
196 proposed budget, and hope that we can work together on this budget for the  
197 good of our city. Not just for the next year, but also for the future”  
198

199 John Engelmeyer stated that the budget public hearing is like putting the cart before the horse.  
200 He feels the budget is deceptive. He also stated that the Missouri Legislator and Public Relations  
201 Officer is unnecessary. He is disturbed by the use of professional services as a line item. He reviewed

202 several line items such as bank fees, golf course salaries, prosecuting attorney training, and the Health  
203 Department that he has concerns with in the budget.

204 Kevin O'Donnell is concerned about the format of the budget. He stated that it is difficult to  
205 read and follow. He compared the city budget with the budget from Chesterfield. He thanked  
206 Councilman Lee for his statement regarding the budget.

207 Being no more citizens who wished to speak, Councilman Lee moved to close P.H. #17-09-024,  
208 seconded by Jones. Motion carried.

209 The City Clerk reported that Public Hearing #17-09-025 to be held this night a request to  
210 authorize a Special Use Permit to Mullanphy Gardens Acquisitions, LLC d/b/a Spot House Restaurant  
211 & Bar to allow for the operation of a restaurant and bar for the property located at 2&3 Mullanphy  
212 Gardens Shopping center had been advertised in substantially the same form as appears in the foregoing  
213 publication and by posting the property. The Chair declared the Public Hearing to be open and invited  
214 those who wished to be heard to come forward.

215 Ron Hamm, 1590 Ashby Road, Construction Manager for the project was present to discuss the  
216 request. Mr. Hamm stated that they are looking to construct an approximately 400 square foot  
217 restaurant with a small bar attached to it. The owner is expanding into Florissant. It is mostly  
218 American food. Business hours are going to be 10:30 am to 11:00 pm for the restaurant. The bar side  
219 will be from 11:00 to 1:30 am.

220 Councilman Jones asked the applicant to place a trash can outside the door for customers to  
221 deposit trash as they leave the business.

222 Councilman Caputa asked about bands playing. Mr. Hamm answered that they are not set up  
223 for live music, it is primarily a restaurant.

224 Councilman Lee stated that this is in his ward and he has not heard anything from the petitioner.  
225 He asked if they plan to be open 7 days a week. The petitioner answered yes.

226 Councilman Parson asked about the other location in Illinois. He asked if this was a different  
227 restaurant or the same. The petitioner answered that it is the same type of food but the bar is more just  
228 support for the restaurant.

229 Councilman Eagan asked for clarification of the location in Mullanphy Plaza Shopping Center.

230 Councilman Jones asked about the name of the business in Illinois. The petitioner answered  
231 that the name of that restaurant is Cedar Hill.

232 Being no more citizens who wished to speak, Councilman Lee moved to close P.H. #17-09-025,  
233 seconded by Jones. Motion carried.

234 The next item on the agenda was Old Business. The First item under Old Business is Second  
235 Readings.

236 Councilman Eagan moved that Bill No. 9310 An ordinance to rezone for Darin Tucker the  
237 property located at 22 Floweridge Lane from R-4 Single Family Dwelling District, to R-6 Multiple  
238 Family Dwelling District to allow for construction of a duplex be read for a second time, seconded by  
239 Jones. Motion carried and Bill No. 9310 was read for a second time. Councilman Eagan moved that  
240 Bill No. 9310 be read for a third time, seconded by Lee. Motion carried and Bill No. 9310 was read for  
241 a third and final time and placed upon its passage.

242 Before the final vote all interested persons were given another opportunity to be heard. On roll  
243 call the Council voted: Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes,  
244 Parson yes, Siam yes and Lee yes. Whereupon the Chair declared Bill No. 9310 to have passed and  
245 said Bill became Ordinance No. 8351.

246 The next item on the agenda was Board Appointments

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248 Councilman Schildroth moved to approve the mayor's re-appointments of:  
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250 Ruth Azar, 155 St. Pierre, to the Senior Commission as a member from Ward 5 for a term  
251 expiring on 10/14/2020.

252 Florence Klingler, 190 S. St. Jacques, to the Senior Commission as a member from Ward 5 for a  
253 term expiring on 10/24/2020.

254 Corinne Deniszczuk, 2325 Rivoli Place, to the Senior Commission as a member from Ward 4  
255 for a term expiring on 10/28/2020.

256 Seconded by Caputa, upon a unanimous voice vote, the appointments were made.  
257

258 The next item on the agenda was Requests.

259 Councilman Henke moved to approve a request for a full package liquor license for Save A Lot  
260 located at 468 N. Lindbergh, seconded by Parson. On roll call the Council voted: Jones yes, Eagan  
261 yes, Caputa no, Schildroth yes, Henke yes, Pagano yes, Parson yes, Siam yes and Lee yes. The Chair  
262 declared that the liquor license request was approved.

263 Council President stated that the next item was a request for a Full Package Liquor license for  
264 A-1 Mart and Package Liquor located at 2875 Patterson Road to October 23, 2017. Councilman  
265 Caputa stated that he had received a phone call from the petitioner that afternoon. He asked the  
266 petitioner when they would begin working on the building. Councilman Caputa stated that he has

267 questions about other liquor locations that are in close proximity to this location. He stated that he  
268 plans to postpone this request until the next regular meeting. The petitioner stated that he spoke to the  
269 building department and they informed him that everything was ok for this business; he presented an  
270 email from the Building Commissioner.

271 Councilman Eagan moved to postpone the request for a Full Package Liquor license for A-1  
272 Mart and Package Liquor located at 2875 Patterson Road to October 23, 2017, seconded by Henke,  
273 motion carried unanimously.

274 The next item on the agenda was Resolutions

275 Councilman Schildroth introduced Resolution No. 999 A resolution urging the St. Louis  
276 County Council and St. Louis Board of Aldermen to oppose any and all legislation authorizing a  
277 statewide vote regarding or mandating a change in the government structure of St. Louis City and St.  
278 Louis County and the municipalities therein and said Resolution was read for the first time.

279 Councilmen Schildroth moved that Resolution No. 999 be read for a second time, seconded by Eagan.  
280 Motion carried and Resolution No. 999 was read for a second time. Councilman Schildroth moved  
281 that Resolution No. 999 be read for a third time, seconded by Pagano. On roll call the Council voted:  
282 Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Parson yes, Siam yes and  
283 Lee yes. Having received the unanimous vote of all members present Resolution No. 999 was read  
284 for a third and final time and placed upon its passage.

285 Before the final vote all interested persons were given an opportunity to be heard.

286 Councilman Caputa stated that this resolution is in response to what the Better Together  
287 organization wants to do with the city and county. He is not in favor of a merger between the city and  
288 county. He is in favor of this resolution.

289 John Engelmeyer thanked the city for passing this resolution and agrees with Mr. Caputa.

290 Councilman Lee stated that he is personally going to voice his opinion that the State of  
291 Missouri should not be allowed to vote on this issue.

292 Councilman Schildroth thanked the Council and the Mayor for their support on this issue.

293 Kevin O'Donnell thanked the Council for speaking out against this and agrees with their  
294 sentiment.

295 Mayor Schneider stated that this idea has gotten some traction in the senate. The Coalition of  
296 Mayors is a stronger group and this issue is being discussed on a regular basis. He stated that the  
297 Mayors are concerned about the state legislature taking away local control. This organization wants to



298 eliminate Florissant and other cities as cities and make them neighborhoods. He supports this  
299 resolution.

300 On roll call the Council voted: Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes,  
301 Pagano yes, Parson yes, Siam yes and Lee yes. Whereupon the Chair declared Resolution No. 999 to  
302 have passed.

303 The next item on the agenda was Bills for First Reading

304 Councilman Eagan introduced Bill No. 9313 An Ordinance to issue an amendment to B-5  
305 Ordinance no. 8105 to allow for a retail establishment (Dollar General) for the property located at  
306 15275 New Halls Ferry Road and said Bill was read for the first time by title only.

307 Councilman Schildroth moved to suspend the rules to speak with the petitioner, seconded by  
308 Pagano, motion carried.

309 Mr. Cissell presented updated elevations to the council and stated that the new design reduces  
310 the size of the building and fully adheres to the masonry ordinance requirements meaning they have  
311 gone to 100% brick.

312 Councilman Caputa introduced Bill No. 9314 An Ordinance to authorize a Special Use Permit  
313 to Mullanphy Gardens Acquisitions, LLC d/b/a Spot House Restaurant & Bar to allow for the  
314 operation of a restaurant and bar for the property located at 2&3 Mullanphy Gardens Shopping center  
315 was read for the first time by title only.

316 Councilman Lee introduced Bill No. 9315 Ordinance authorizing the re-painting of masonry  
317 for Kabul V Center Commercial Properties, LLC located at 428 Howdershell was read for the first  
318 time by title only.

319 Councilman Eagan introduced Bill No. 9316 Ordinance amending Chapter 340 “miscellaneous  
320 driving rules” by adding a new section 340.105 “golf cart regulations” was read for the first time by  
321 title only.

322 Councilman Eagan introduced Bill No. 9317 Ordinance establishing a separate fund to account  
323 for the revenue received from Propositions “S” and “P” and a separate fund to account for the revenue  
324 received from Propositions “A” and “R” combined was read for the first time by title only.

325 Councilman Jones moved that Bill No. 9317 be read for a second time, seconded by Caputa  
326 Motion carried and Bill No. 9317 was read for a second time. Councilwoman Pagano moved to  
327 amend the bill to add the effective date of December 1, 2017, seconded by Eagan, motion carried  
328 unanimously. Councilman Jones moved that Bill No. 9317 be read for a third time, seconded by Lee.

329 On roll call the Council voted: Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano  
330 yes, Parson yes, Siam yes and Lee yes. Having received the unanimous vote of all members present  
331 Bill No. 9317 was read for the third and final time and placed upon its passage.

332 Before the final vote all interested persons were given an opportunity to be heard. Being no  
333 persons who wished to be heard, on roll call the Council voted: Jones yes, Eagan yes, Caputa yes,  
334 Schildroth yes, Henke yes, Pagano yes, Parson yes, Siam yes and Lee yes. Whereupon the Chair  
335 declared Bill No. 9317 to have passed and said Bill became Ordinance No. 8352.

336 Councilwoman Pagano introduced Bill No. 9318 Ordinance Amending Article XVII  
337 “Residential Rental Real Estate” was read for the first time by title only.

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339 The next item on the Agenda was Council Announcements.

340 Councilman Lee discussed the Fall Festival. He feels this is the best one ever. He thanked  
341 Karen Goodwin and Diana Weidinger who have chaired the event for 10 years. He also thanked Lora  
342 Click who has sponsored the chili cook off for many years. The first place winner was Councilwoman  
343 Pagano and the runner up was the Mayor’s wife Rachel Schneider. All of the proceeds from the chili  
344 cook off will be donated to Old Town Partners.

345 Councilman Lee also announced that wards 1,3 & 4 would be having a ward meeting  
346 Wednesday, October 11 at the JFK Community Center.

347 Councilman Jones encouraged everyone to donate and volunteer for TEAM. He mentioned  
348 phone calls he has received from residents concerning MSD. He plans to meet with the Mayor and  
349 MSD this week to take care of these issues. He also mentioned that MSD and Missouri American  
350 Water are going to be in the neighborhoods. They should have badges. He also mentioned Soldiers  
351 Wish List and the drop off centers for collections.

352 Councilman Parson thanked Mr. Harvey Love for bringing his business education class from  
353 McCluer North. It is good to see young people involved and find out how city government works. He  
354 also mentioned the Florissant Five. Get to know your neighbors and you will keep your neighborhoods  
355 safe. He also mentioned that he had a great time at the Fall Festival.

356 Councilman Henke thanked the city employees and Old Town Partners for making the Fall  
357 Festival a wonderful event. He also mentioned Food Truck Night on October 13<sup>th</sup> at the Knights of  
358 Columbus.

359 Councilman Schildroth thanked the Fall Festival Committee for a terrific event. He  
360 congratulated Councilwoman Pagano for winning the Chili Cook off. He thanked the police and staff  
361 for the Police Welfare golf tournament. He again asked for patience on Graham Road and Washington  
362 for the construction projects.

363 Councilman Eagan stated that in late June 2017 a new community group was formed called  
364 “NOCO Rocks”. This group paints rocks and puts them in gardens for people to see and share and to  
365 promote North County. Noco rocks has a Facebook page for more information. He announced the  
366 Race to the Shrine on October 21<sup>st</sup>. Register at Racetotheshrine.org or .com. He also announced the  
367 Valley of Flowers benefit on Sunday October 15<sup>th</sup>.

368 Councilman Caputa reminded residents to keep their firearms secured. There have been car  
369 thefts but the keys were left in the ignition. Invited residents to the wards 1,3 & 4 meeting at JFK on  
370 Wednesday, October 11<sup>th</sup>. Happy Birthday to the Airforce and the Navy. He thanked Old Town  
371 Partners for the Fall Festival.

372 The next item on the Agenda was Mayor Announcements.

373 He stated that he has a check for \$132,000 to give to the finance director. He asked Mr. Hessel  
374 to explain what the check was for. Mr. Hessel stated that this is a result of an insurance claim that has  
375 been going on for several years.

376 The Mayor asked Mr. Jones to contact him regarding the MSD issue.

377 He apologized for not being available for the upcoming ward meeting. He has a meeting with  
378 the Transportation Tax Force.

379 Mayor Schneider thanked Karen Goodwin and Diana Weidinger for chairing the Fall Festival  
380 and everything they have done over the years.

381 He announced a new business Crazy Bowls and Wraps coming to Florissant.

382 The Mayor discussed a local resource which is North County Technical School.

383 The Mayor was able to meet Miss Missouri Princess at the Fall Festival.

384 He attended a panel discussion that was about literacy and peace.

385 The Mayor announced the DARE costume party on October 20<sup>th</sup>, Public Hearing on October  
386 23<sup>rd</sup>. Spooky snacks and crafts on October 26<sup>th</sup>. Soldiers wish list collections have started at city hall  
387 and other locations.

388           The Council President announced that the next regular City Council Meeting was scheduled for  
389 Monday, October 23, 2017 at 7:30 pm. There is also a Budget Work Session scheduled for Saturday,  
390 October 14<sup>th</sup>, 2017 at 9am.

391           Councilman Eagan moved to adjourn the meeting, seconded by Jones. Motion carried. The  
392 meeting was adjourned at 9:13 p.m.

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The following Bills were signed by the Mayor:

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Res. No. 999

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Bill No. 9310

Ord. 8351

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Bill No. 9317

Ord. 8352

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Karen Goodwin, City Clerk