

CITY OF FLORISSANT



COUNCIL MINUTES

January 8, 2018

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, January 8, 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: Caputa, Schildroth, Pagano, Parson, Siam, Lee, Jones and Eagan. Also present was City Attorney John Hessel and Acting City Clerk Anita Moore. The Chair announced that Mayor Schneider was unable to attend the meeting because he was ill with the flu. Councilman Henke was excused. 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 Executive and Meeting Minutes of December 11, 2017, seconded by Eagan. Motion carried.

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

John Engelmeyer, 1281 Graham Rd., stated that he would like to sit at the press table, which is closer to the podium, in order for him to speak on several topics.

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 #18-01-001 to be held this night on a Request for a Special Use Permit to allow for a cocktail lounge in an existing HB Historic Business District for the property located at 411 rue St. Francois 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.

Mr. Anthony Bowlsen, owner, presented his business plan for "Smoke & Sip," a cocktail lounge in Old Town Florissant. Cigars and cocktails will be available to create a relaxing environment for patrons. They also plan to support community events and fund raisers. He and his partner, Marvin Walden, have made a substantial investment in Florissant and upgrades to the property. They plan on

33 being open for business 7 days a week. In regards to their liquor license, they have obtained all the
34 required signatures from the individuals and businesses surrounding their property. They have also
35 secured the necessary cross-access agreements from neighboring property.

36 Dewayne Thompson, architect, displayed the plan updates for the interior of the building. The
37 walk-in cooler will be located on the lower level. They also have outdoor seating for 32 patrons which
38 was currently set up with a mini bar if they chose to use it.

39 In response to Councilman Eagan's question, Mr. Bowlsen responded that they would be
40 limiting the age of patrons to 21 years of age. There will be no food served. They plan on having live
41 music, usually jazz, inside the building, with no plans for outside music at the present time.
42 Councilman Eagan asked Mr. Bowlsen to keep the door shut when they have live music performing, to
43 respect the nearby neighbors to which he agreed.

44 In response to Councilman Parson, the petitioner stated that there would be no smoking inside
45 the building. Mr. Bowlsen had asked St. Louis County about smoking and St. Louis County responded
46 that it was up to the City of Florissant. Florissant has no code or ordinance regarding smoking and
47 referred him back to St. Louis County. Ultimately it is up to the city of Florissant to decide whether to
48 allow smoking or not. They hope to open in May, but they aren't sure.

49 Councilman Jones asked the petitioner to place a trash can at the exit/entrance of the building in
50 order to keep the property from getting littered.

51 Councilman Lee suggested the possibility that if Mr. Bowlsen asked for a rezoning at some time
52 in the future and it was approved, they might be allowed to smoke inside.

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

54 John Engelmeyer, 1281 Graham Rd., asked if the petitioner would have and vending machines
55 or pool tables in the lounge, to which the petitioner replied no.

56 Being no other citizens who wished to speak, Councilman Lee moved to close P.H. #18-01-001,
57 seconded by Caputa. Motion carried.

58 The City Clerk reported that Public Hearing #18-01-002 to be held this night on a Request to
59 authorize a Special Permit to Handyman Hardware, Inc. to allow for changes to a ground sign including
60 a digital sign in a B-3 Zoning District for the property located at 500 W. Washington had been
61 advertised in substantially the same form as appears in the foregoing publication and by posting the
62 property. The Chair declared the Public Hearing to be open and invited those who wished to be heard
63 to come forward.

64 Mr. Dave Otto and Mr. John Hellman, petitioners, stated that Handyman Hardware would like
65 to install a digital sign at the Washington store which would be similar to the sign at their store on N.
66 Hwy. 67. The proposed sign will actually be lower in height than the current sign. This sign will be
67 updated, streamlined and more modern.

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

69 Being no citizens who wished to speak, Councilman Eagan moved to close P.H. #18-01-002,
70 seconded by Parson. Motion carried.

71 The City Clerk reported that Public Hearing #18-01-003 to be held this night on a Request to
72 rezone for Dunkin Donuts the property located at 8115 N. Lindbergh from B-3 Extensive Business
73 District to B-5 Planned Commercial District to allow for the development of a sit-down, carry-out
74 restaurant with drive-up service had been advertised in substantially the same form as appears in the
75 foregoing publication and by posting the property. The Chair declared the Public Hearing to be open
76 and invited those who wished to be heard to come forward.

77 Mr. Tim Kaufmann, petitioner and owner, stated that he was proposing a free standing Dunkin
78 Donuts with a drive-thru. There are 15 parking spaces proposed and approximately 4 employees will
79 be hired. He added that this proposal was basically the same as the one that he had presented
80 approximately a year ago. Dunkin Donuts had tabled that request because of problems with the
81 franchisee. The lighting proposed is downward facing LED lighting, predominately located on the front
82 of the building and at the parking spaces on the right-hand side of the building. The lighting will be
83 diminished as one proceeds to the rear of the site so as not to affect the homeowners. They will repair
84 and replace the fencing and have increased the landscaping buffer on the west side of the property.

85 Dunkin Donuts will open at 5 a.m. and close at 10 pm; they will not be open 24 hours. They
86 will turn the outside speaker system away from the residences and move it more towards the tire store.
87 The speaker volume will be reduced at night. The building is constructed with full cement masonry
88 except for a small section over the drive through to reflect the Donkin Donuts coloring. Mr.
89 Kaufmann will check and report back to the Council on the longevity of the siding to be used.

90 The entire existing building will be torn down. In response to Councilman Jones, the petitioner
91 stated that he had contacted the abutting homeowners when he first put the proposal through, about a
92 year ago. He asked that Dunkin Donuts put a trash can at the entrance/exit of the restaurant. In regards
93 to site remediation, there is no contamination and the tanks have been removed. In the rear of the

94 building there is an oil tank that was used for oil changes which is still under ground. They will be
95 removing it and treating the soil around the tank.

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

97 Gene Reay, 855-51 Southwell, expressed his concerns regarding the change to Ord. 1625. He
98 was under the assumption that at least 1 acre of land was needed to change zoning of a property to a B-
99 5 and this site was far from an acre. He stated that the residents entered into a covenant when the
100 subdivision was built and Dunkin Donuts would violate that covenant. He also expressed concern
101 regarding water runoff, the close proximity of the drive-thru to the residences, trash dumpster, parking,
102 lighting and noise. He agreed that the existing building needed to come down, but he felt that it should
103 not be rezoned to allow for a Dunkin Donuts. He felt that the property was not big enough for the
104 proposal presented.

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

106 John Engelmeyer, 1281 Graham Rd, stated his concern regarding parking, traffic flow and the
107 need for additional handicapped parking spaces.

108 Mr. Kaufmann responded that his engineer had met with the Metropolitan Sewer District, MSD.
109 An installed inlet will bring the water run-off forward to the front of the site and off of the back
110 residential properties. MSD has indicated that this is what they would prefer. The trash enclosure
111 will match the vinyl fencing and will include solid, latched gate doors.

112 In regards to traffic off of Lindbergh, the petitioner stated that it will be a right-in, right –out
113 turn only. The median will be extended to prevent left hand turns. Bollards will also be installed to
114 prevent crashes into the fencing.

115 John Hessel, City Attorney, explained that restrictive covenants are almost always private
116 property agreements that occur in a subdivision where deed restrictions are placed upon the properties.
117 Cities do not enforce private property covenants and he is unaware of the City of Florissant having
118 placed any on private property. Mr. Hessel added that the B-5 Ordinance has never had any size
119 requirements or restrictions. He asked the petitioner to provide the City Clerk with a copy of the title
120 reports to which Mr. Kaufmann responded that he would.

121 Councilman Parson asked if Mr. Kaufmann was aware of any covenants on the property when
122 he purchased it. Mr. Kaufmann responded that he did a complete title search on the property and there
123 were no covenants or deed restrictions. Councilman Parson expressed concern about the noise from
124 trash truck affecting the residents. Mr. Kaufmann stated that he planned to restrict trash truck pick up

125 to daylight hours, between 7 – 7. Also, he will have his civil engineer calculate the distance from the
126 trash dumpster to Mr. Reay's property. He will then forward those calculations to the city clerk's office.
127 He will check with his engineer to determine if there could be another possible location for the
128 dumpster.

129 Mr. Lum, Building Commissioner, stated that in reviewing the B-5 Ordinance, he found nothing
130 indicating that acreage or square footage applied. He is unaware of any covenants.

131 Councilman Jones stated that he would not be supporting this bill because of the proximity of
132 the trash enclosure to the residential property.

133 Mr. Reay read sections of and presented a copy of the subdivision covenant to Mr. Hessel. Mr.
134 Hessel reiterated that this was a typical, private property subdivision covenant. It was not in any way
135 affiliated with the City.

136 The Chair asked if there were any citizens who would like to speak on said public hearing.
137 Being no one who wished to speak, Councilman Eagan moved to close P.H. #18-01-003, seconded by
138 Jones. Motion carried.

139 The City Clerk reported that Public Hearing #18-01-004 to be held this night on a Request to
140 approve a final subdivision plat for 15275 New Halls Ferry Rd. in an existing B-5 Planned Commercial
141 District had been advertised in substantially the same form as appears in the foregoing publication and
142 by posting the property. The Chair declared the Public Hearing to be open and invited those who
143 wished to be heard to come forward.

144 Ms. Lauren Doll, petitioner with Cochran Engineering, stated that they would like to subdivide
145 a five acre tract of land into three separate pieces of property. Lot 2 is proposed to be a Dollar
146 General, Lot 1 will be an Imo's Pizza and Lot 3 is to be determined.

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

148 Being no citizens who wished to speak, Councilman Caputa moved to close P.H. #18-01-004,
149 seconded by Siam. Motion carried.

150 At the request of the petitioner, Councilman Schildroth moved to postpone Bill No. 9339 An
151 Ordinance authorizing an amendment to B-5 Ord. No. 6836 to allow for an addition of the Siteman
152 Cancer Center and parking in an existing B-5 Zoning District located at 1225 Graham Rd. be postponed
153 to 2/12/2018, seconded by Parson. Motion carried.

154 The next item on the Agenda was Board Appointments of which there were none.

155 Councilman Lee moved to approve the request for a Full Liquor by the Drink license for Smoke
156 & Sip located at 411 rue St. Francois, seconded by Eagan. Motion carried. On roll call the Council
157 voted: Caputa yes, Schildroth yes, Henke absent, Pagano yes, Parson yes, Siam yes, Lee yes, Jones
158 yes and Eagan yes. The license was approved.

159 Councilman Siam moved to approve the request for a Beer & Wine by the Drink liquor license
160 for Galaxy Nail Bar located at 2092 N. Hwy. 67, seconded by Schildroth. Motion carried. On roll call
161 the Council voted: Caputa no, Schildroth yes, Henke absent, Pagano yes, Parson yes, Siam yes, Lee
162 yes, Jones no and Eagan yes. The license was approved.

163 Councilwoman Pagano introduced Bill No. 9342 An Ordinance authorizing a Special Use
164 Permit to allow for a cocktail lounge in an existing HB Historic Business District for the property
165 located at 411 rue St. Francois and said Bill was read for the first time. Councilman Lee moved that
166 Bill No. 9342 be read for a second time, seconded by Pagano. Motion carried and Bill No. 9342 was
167 read for a second time. Councilman Lee moved that Bill No. 9342 be read for a third time, seconded
168 by Pagano. On roll call the Council voted: Caputa yes, Schildroth yes, Henke absent, Pagano yes,
169 Parson yes, Siam yes, Lee yes, Jones yes and Eagan yes. Having received the unanimous vote of all
170 members present Bill No. 9342 was read for the third and final time and placed upon its passage.

171 Before the final vote all interested persons were given an opportunity to be heard. Kevin
172 O'Donnell, 512 Rancho Lane, stated that last year the Council had announced that they would rarely
173 support three readings of a bill in one night and then, only in extenuating circumstances.

174 Councilman Lee called for "Point of Order" and informed Mr. O'Donnell that three readings of
175 the bill had already occurred and the Council was ready to vote. He asked Mr. O'Donnell if he had
176 any specific comments regarding the plan put forth by the petitioner.

177 Being no other persons who wished to be heard, on roll call the Council voted: Caputa yes,
178 Schildroth yes, Henke absent, Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes and Eagan yes.
179 Whereupon the Chair declared Bill No. 9342 to have passed and said Bill became Ordinance No.
180 8379.

181 Councilwoman Pagano introduced Bill No. 9343 An Ordinance authorizing a Special Permit to
182 Handyman Hardware, Inc. to change the existing ground sign, including a digital sign, in a B-3 Zoning
183 District for the property located at 500 W Washington and said Bill was read for the first time by title
184 only.

185 Councilwoman Pagano introduced Bill No. 9344 An Ordinance rezoning for Dunkin Donuts
186 the property located at 8115 N Lindbergh from a B-3 Extensive Commercial District to B-5 Planned
187 Commercial District to allow for the development of a sit-down, carry-out restaurant with drive-up
188 service and said Bill was read for the first time by title only.

189 Councilwoman Pagano introduced Bill No. 9345 An Ordinance to approve a final subdivision
190 plat for 15275 New Halls Ferry Rd. in an existing B-5 Planned Commercial District and said Bill was
191 read for the first time by title only.

192 Councilwoman Pagano introduced Bill No. 9346 An Ordinance releasing and vacating a
193 portion of Washington Street and said Bill was read for the first time. Councilman Lee moved that
194 Bill No. 9346 be read for a second time, seconded by Jones. Motion carried and Bill No. 9346 was
195 read for a second time. Councilman Lee moved that Bill No. 9346 be read for a third time, seconded
196 by Caputa. On roll call the Council voted: Caputa yes, Schildroth yes, Henke absent, Pagano yes,
197 Parson yes, Siam yes, Lee yes, Jones yes and Eagan yes. Having received the unanimous vote of all
198 members present Bill No. 9346 was read for the third and final time and placed upon its passage.

199 Being no persons who wished to be heard, on roll call the Council voted: Caputa yes, Schildroth
200 yes, Henke absent, Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes and Eagan yes. Whereupon
201 the Chair declared Bill No. 9346 to have passed and said Bill became Ordinance No. 8380.

202 The next item on the Agenda was Council Announcements.

203 Councilman Lee announced that long time Florissant resident, Roseanne Beers, recently passed
204 away. Both Ms. Beers and her husband have been very active in the community.

205 Councilman Jones encouraged everyone to donate and volunteer for TEAM. He also stated that
206 the City is aware of the many water main breaks due to the weather and has contacted Missouri
207 American Water regarding the problems.

208 Councilman Parson continued to encourage residents to participate in "Florissant Five" by
209 making the effort to get to know at least 5 of their neighbors in an effort to reduce crime,

210 Councilman Caputa reminded residents to keep their firearms secured and not to leave them in
211 their vehicles. He also encouraged residents not to leave their cars running in order to reduce car theft.
212 He asked citizens to call the police/Councilperson if there is a water main break in their neighborhood.

213 Councilman Schildroth offered his condolences to the family of Kay Spring, long time
214 Florissant employee and historic activist for many years.

215 Councilwoman Pagano encouraged residents check on their neighbors and family during this flu
216 season. More flu cases are being experienced this year.

217 The Council President announced that the next regular City Council Meeting was scheduled for
218 Monday, January 22, 2018 at 7:30 pm.

219 Councilman Schildroth moved to adjourn the meeting, seconded by Siam. Motion carried.
220 The meeting was adjourned at 9:08 p.m.

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The following Bills were signed by the Mayor:

226

Bill No. 9342

Ord. 8379

227

Bill No. 9346

Ord. 8380

228

Anita Moore, Deputy City Clerk