

CITY OF FLORISSANT



COUNCIL MINUTES

November 11, 2013

The Florissant City Council met in regular session at Florissant City Hall at 955 rue St. Francois on Monday, November 11, 2013 at 7:00 p.m. with Council President Keith Schildroth presiding. The Chair asked everyone to stand and join Cub Scout Pack No. 882 in leading the Pledge of Allegiance.

On Roll Call the following were present: Grib, Eagan, Caputa, Schildroth, Stinnett, Pagano, Schmidt, Hernandez 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 was in session for the transaction of business.

Councilman Hernandez moved to approve the Meeting Minutes of 10/28/2013, seconded by Pagano. Motion carried. Councilman Caputa moved to approve Budget/Work Session Minutes of 10/26/2013 and 10/29/2013, seconded by Grib. Motion carried.

The next item on the Agenda was a *Proclamation* awarded to Dr. Rance Thomas, Founder and President for North County Churches United for Racial Harmony and Justice for his activism and volunteerism in the community. Mayor Schneider presented the Proclamation to Dr. Thomas and it was read in its entirety by the City Clerk.

The next item on the Agenda was a *Certificate of Appreciation* awarded to Amanda Fox, member of the Youth Advisory Commission, for her dedication and hard work while serving on the Commission and her efforts to prevent youth suicide.

The next item on the Agenda was Hearing from Citizens of which there were none.

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

32 Councilman Lee expressed his concern that after a vote at the last work session,
33 the Council had decided that the administration would move forward in obtaining bids
34 for the replacement of ball field lights at St. Ferdinand Park, Fields #5 and #6.
35 Accordingly, at the same work session, the Council voted to delay introducing the
36 appropriation bill for this project until the bids were in place. He was surprised that the
37 appropriation was on tonight's agenda.

38 In response, Mayor Schneider stated that the City's procedure for appropriations
39 and purchasing has been approved by the Finance Director, Public Works Director and
40 the City Attorney and what had been in place for many years. He encouraged the
41 Councilmembers to introduce the Bill this evening because there was some urgency in
42 installing the lights before next year's ball season.

43 Councilmen Stinnett agreed with Councilman Lee and on the motion to table Bill
44 No. 8965, seconded the motion.

45 Although Councilman Grib agreed with Councilman Lee, he added that after
46 researching the topic, he discovered that it was indeed common practice in construction
47 management to start the process with a "budget estimate" that was generated by a
48 qualified contractor, professional or engineer. Then the "budget estimate" would
49 proceed and, after the first reading, the administration would put out the RFPS and
50 receive closed bids. Once the bid has been chosen, all the new agreed upon
51 documentation can be amended to the Bill for the second and third readings.
52 Accordingly, the Council and administration would know exactly the scope of work and
53 how much they would be spending on the project.

54 Councilmen Eagan and Grib agreed with Councilman Grib's compromise.

55 Councilman Lee stated that a problem occurs when the bid comes in either much
56 higher or lower than was actually needed for the project and the City has already
57 appropriated funds. The Council is responsible for appropriations and had voted at the
58 work session to change the process even though it had been in place for 50 years. He
59 would be willing to discuss Councilmen Grib's suggestion at a later date.

60 Councilman Grib asked the Mayor, since there was a matter of urgency and
61 safety, if the administration had gone out for bid on the project? Mayor Schneider
62 responded that they had not.

63 Mr. Hessel stated that both the City Council and the Mayor were correct in this
64 situation. It was not so much a legal issue as it was how the administration and City
65 Council want to handle the process. He has seen cities do it both ways.

66 Councilman Stinnett stressed that the City Council was ultimately responsible for
67 the managing the City's funds.

68 Councilman Grib suggested that the administration obtain bids over the next two
69 weeks while they table the introduction to the bill.

70 As a result, Councilman Lee moved to amend the agenda to remove Bill No.
71 8965 from the agenda, seconded by Stinnett. On roll call the Council voted: Grib yes,
72 Eagan yes, Caputa yes, Schildroth yes, Stinnett yes, Pagano yes, Schmidt no, Hernandez
73 yes and Lee yes. Motion carried.

74 The next item on the Agenda was Public Hearings.

75 The City Clerk reported that Public Hearing #13-10-026 to be held this night on
76 a request to authorize an amendment to a pre-existing, B-5 Zoning District to allow for
77 the operation of a sit-down, carry-out restaurant for the property located at 12925 New
78 Halls Ferry Road had been advertised in substantially the same form as appears in the
79 foregoing publication and by posting the property. The Chair declared the Public
80 Hearing to be open and invited those who wished to be heard to come forward.

81 Mr. James Woodworth, architect and Gassan Afaneh, owner appeared before the
82 Council and explained that the building was formerly Long John Silver's Restaurant but
83 had been vacant for several years. The new Miami Grill would be a dine-in, carry-out
84 restaurant with no physical changes to the exterior of the building other than repainting
85 cleaning and maintenance. The new signs would be refurbished and be the same size
86 and at the same location as Long John Silver's signage. The parking area has been
87 completely resurfaced/ restriped and new trees and bushes have been planted. The
88 interior of the building will remain the same. The trim around the windows, the light
89 fixture and doors will be painted red.

90 In response to Councilman Eagan's question, Mr. Afaneh stated that the hours of
91 operation would be from 10 o midnight through the week and until 2 a.m. on the
92 weekends. No alcohol will be served. There will be a drive-thru window but no walk up
93 window.

94 Mr. Woodworth was under the impression that they had met all requirements that
95 had been specified according to the Public Works Department, including the
96 landscaping. When talking to the Building Commissioner, Mr. Lum had thanked them
97 for repairing the side access road which had been in deplorable condition. The petitioner
98 stated that the drive-thru had been discussed and approved by the Planning and Zoning
99 Commission.

100 In response to Councilman Lee's question, the petitioner stated that all the
101 landscaping plans had been approved but a dead bush needed to be removed. Mr. Lee
102 was under the assumption that the drive-thru was closed. Mr. Woodworth explained
103 that a decision had been made after the plans had been printed to have a drive-thru at
104 which patrons would o'pick-upo their food at the window. Managers will be hired to run
105 the restaurant.

106 Councilman Hernandez agreed that the side access road was in bad shape and
107 thanked the petitioner for making the repairs. He asked that the landlord made sure that
108 the street was maintained. In response to Councilman Caputa's question regarding the
109 sidewalk, Mr. Woodworth responded that he was unaware of any sidewalk that needed
110 repair but he would inspect the area in question. In response to Councilman Schmidt's
111 question, Mr. Afaneh stated that the grass growing up between the sidewalk cracks had
112 been cleaned out.

113 The Chair asked if there were any citizens who would like to speak on said
114 public hearing. Kevin O'Donnell, 512 Rancho Lane, stated that at the initial Planning
115 and Zoning Meeting, the drive-thru was to be closed. Mr. Afaneh explained that initially
116 there was a miscommunication between himself and Mr. Woodworth. Mr. Afaneh
117 clarified that orders will not be taken at the drive-thru. Instead, call-in orders *only* will
118 be picked up at the drive-thru. Councilman Schmidt stated that he will amend the Bill to
119 reflect this. Councilman Eagan reiterated that no customer would be allowed to walk-up
120 to the window, to which the owner stated yes.

121 Being no other persons who wished to speak, Councilman Schmidt moved to
122 close P.H. #13-10-026, seconded by Hernandez. Motion carried.

123 Councilman Schildroth moved that Bill No. 8943 An Ordinance to rezone for
124 CVS Pharmacy, LLC, the property located at 1550 and 1500 S. New Florissant Road
125 and 1191 Dunn Road from B-3 Extensive Commercial District to a B-5 Planned
126 Commercial District to allow for the location and operation of a drive through
127 pharmacy, retail sales, medical clinic and liquor sales be postponed to 11/25/2013,
128 seconded by Grib. Motion carried.

129 Councilwoman Pagano moved that Bill No. 8952 An Ordinance authorizing an
130 amendment to Special Use Permit No. 4892 to Dt. Paul Herrin to allow for the
131 replacement of a sign in a R-4 Zoning District for the property located at 395 Derhake
132 Rd. be read for a second time, seconded by Grib. Motion carried and Bill No. 8952 was
133 read for a second time. Councilman Hernandez moved that Bill No. 8952 be read for a
134 third time, seconded by Schmidt. Motion carried and Bill No. 8952 was read for a third
135 and final time and placed upon its passage. Before the final vote all interested persons
136 were given an opportunity to be heard. On roll call the Council voted: Grib yes, Eagan
137 yes, Caputa yes, Schildroth yes, Stinnett yes, Pagano yes, Schmidt yes, Hernandez yes
138 and Lee yes. Whereupon the Chair declared Bill No. 8952 to have passed and said Bill
139 became Ordinance No. 8004.

140 Councilman Grib moved that Bill No. 8953 An Ordinance amending Special Use
141 Permit No. 3086, as amended by Ord. Nos. 4640, 4875, 5210 and 6492 to Morello's
142 Convenient Food Mart, Inc. d/b/a M.C. Food Mart/BP to allow for a digital sign in a B-
143 3 Zoning District for the property located at 425 N. Hwy 67 be read for a second time,
144 seconded by Caputa. Motion carried and Bill No. 8953 was read for a second time.
145 Councilwoman Pagano moved that Bill No. 8953 be read for a third time, seconded by
146 Lee. Motion carried and Bill No. 8953 was read for a third and final time and placed
147 upon its passage. Before the final vote all interested persons were given an opportunity
148 to be heard. On roll call the Council voted: Grib yes, Eagan yes, Caputa yes, Schildroth
149 yes, Stinnett yes, Pagano yes, Schmidt yes, Hernandez yes and Lee yes. Whereupon the
150 Chair declared Bill No. 8953 to have passed and said Bill became Ordinance No. 8005.

151 Councilman Lee moved that Bill No. 8955 An Ordinance appropriating \$500,000
152 from the General Revenue Fund to establish a "Property Revitalization Fund" be read for a
153 second time, seconded by Schildroth. Motion carried and Bill No. 8955 was read for a
154 second time. Councilman Schmidt moved that Bill No. 8955 be read for a third time,
155 seconded by Lee. Motion carried and Bill No. 8955 was read for a third and final time
156 and placed upon its passage. Before the final vote all interested persons were given an
157 opportunity to be heard. On roll call the Council voted: Grib yes, Eagan yes, Caputa
158 yes, Schildroth yes, Stinnett yes, Pagano yes, Schmidt yes, Hernandez yes and Lee yes.
159 Whereupon the Chair declared Bill No. 8955 to have passed and said Bill became
160 Ordinance No. 8006.

161 Councilman Lee moved that Bill No. 8956 An Ordinance creating and
162 establishing a "Florissant Homeowners Assistance Program" be read for a second time,
163 seconded by Stinnett. Motion carried and Bill No. 8956 was read for a second time.
164 Councilman Hernandez moved that Bill No. 8956 be read for a third time, seconded by
165 Eagan. Motion carried and Bill No. 8956 was read for a third and final time and placed
166 upon its passage. Before the final vote all interested persons were given an opportunity
167 to be heard. On roll call the Council voted: Grib yes, Eagan yes, Caputa yes, Schildroth
168 yes, Stinnett yes, Pagano yes, Schmidt yes, Hernandez yes and Lee yes. Whereupon the
169 Chair declared Bill No. 8956 to have passed and said Bill became Ordinance No. 8007.

170 Councilman Lee moved that Bill No. 8957 An Ordinance creating and
171 establishing a "Florissant Property Acquisition Program" be read for a second time,
172 seconded by Hernandez. Motion carried and Bill No. 8957 was read for a second time.
173 Councilman Schildroth moved that Bill No. 8957 be read for a third time, seconded by
174 Pagano. Motion carried and Bill No. 8957 was read for a third and final time and placed
175 upon its passage. Before the final vote all interested persons were given an opportunity
176 to be heard. On roll call the Council voted: Grib yes, Eagan yes, Caputa yes, Schildroth
177 yes, Stinnett yes, Pagano yes, Schmidt yes, Hernandez yes and Lee yes. Whereupon
178 the Chair declared Bill No. 8957 to have passed and said Bill became Ordinance No.
179 8008.

180 Councilman Eagan moved that Bill No. 8958 An Ordinance approving re-
181 allocation of funds for the Community Development Block Grant (CDBG) Budget for

182 the 2012-2013 funding be read for a second time, seconded by Caputa. Motion carried
183 and Bill No. 8958 was read for a second time. Councilman Grib moved that Bill No.
184 8958 be read for a third time, seconded by Schmidt. Motion carried and Bill No. 8958
185 was read for a third and final time and placed upon its passage. Before the final vote all
186 interested persons were given an opportunity to be heard. On roll call the Council voted:
187 Grib yes, Eagan yes, Caputa yes, Schildroth yes, Stinnett yes, Pagano yes, Schmidt yes,
188 Hernandez yes and Lee yes. Whereupon the Chair declared Bill No. 8958 to have
189 passed and said Bill became Ordinance No. 8009.

190 Councilman Lee moved to reconsider Bill No. 8947 An Ordinance amending
191 Section 315.160 and adopting a new Section 315.110 of the Florissant Code of
192 Ordinances regarding traffic signals and public safety at intersections from the
193 10/28/2013 meeting, seconded by Schildroth. Motion carried. Council Lee moved to
194 postpone Bill No. 8947 to the 11/25/2013 meeting, seconded by Schildroth. Motion
195 carried.

196 Next item on the Agenda was Board Appointments

197 Councilwoman Pagano moved to appoint Allen Minks, 6 Freemont Ct. to the
198 Planning and Zoning Commission as a member from Ward 7 for a term expiring on
199 11/11/2017, seconded by Schildroth. Motion carried.

200 Councilwoman Pagano moved to approve the request for a permit to keep one
201 chicken for Willie and Mozetta Barnes located at 2255 La Grange, seconded by
202 Schildroth. Motion carried.

203 Councilman Grib moved to approve the request to Transfer Special Use Permit
204 No. 7760 from Candies Restaurant and Grill to Zema, LLC, d/b/a Dogs NøFryøs, for the
205 operation of a sit-down, carry-out and catering restaurant located at 503 Paul Ave. ,
206 seconded by Schildroth. Motion carried.

207 Councilman Schmidt introduced Bill No. 8959 An Ordinance authorizing an
208 amendment to an existing B-5 Ordinance to allow for the operation of a sit-down, carry-
209 out restaurant for the property located at 12925 New Halls Ferry Rd. and said Bill was
210 read for the first time by title only.

211 Councilman Grib introduced Bill No. 8960 An Ordinance transferring Special
212 Use Permit No. 7760 from Candies Restaurant and Grill to Zema, LLC d/b/a Dogs n

Fryø for the location and operation of a sit-down, carry-out and catering restaurant located at 503 Paul Ave. and said Bill was read for the first time by title only.

Council as a Whole introduced Bill No. 8961 An Ordinance adopting the budget for the City of Florissant for the fiscal year commencing on December 1, 2013 and ending on November 30, 2014 and providing for its effective date and said Bill was read for the first time by title only.

Council as a Whole introduced Bill No. 8962 An Ordinance amending Section 125.065A öJob Classification and Grade Levelö by amending the Grade Level for selected job classifications and by adding job classifications and said Bill was read for the first time by title only.

Council as a Whole introduced Bill No. 8963 An Ordinance amending Ord. No. 7928 establishing a new compensation plan for the seasonal employees of the City of Florissant and containing as effective date clause and said Bill was read for the first time by title only.

Council as a Whole introduced Bill No. 8964 An Ordinance amending Ord. #7753 which established pay grades for all full-time positions by incorporating additional provisions for classified employees and said Bill was read for the first time by title only.

The next item on the Agenda was Council Announcements.

Councilman Hernandez thanked all those who turned out for the Cityø Veterans Day Parade. He also thanked the administration and especially Todd Schmidt for all his hard work in making the event very special.

Councilman Lee thanked all the veterans for their service to our country and the City for celebrating the day with a wonderful parade. He also announced that he would be hosting a ward meeting on Wednesday, November 13 at the JFK Center both at 11 AM and 7 PM.

Councilman Caputa congratulated *all* branches of the military in honor of Veterans Days and thanked them for their service to our country.

Councilman Stinnett acknowledged the St. Louis County Veterans Coalition who was responsible for organizing the biggest and best Veterans Day Parade in the area.

He announced that he would be hosting a Ward 6 Meeting in Council Chambers on November 12 at 7 pm.

Councilman Eagan agreed that all veterans should be honored and thanked for their dedication and service to our country. Additionally, he has tickets for sale for the *Guns and Hoses* boxing event with proceeds going to Back Stoppers.

Councilman Schildroth thanked Ward 5 resident Kathy Frolick and her husband for the invitation to dinner at Deleo's Restaurant. He is attempting to encourage residents to patronize local businesses. Councilman Schildroth also thanked all those involved in the wonderful Veterans Day Parade.

The next item on the Agenda was Mayor Announcements.

Mayor Schneider gave his condolences to the James J. Eagan family on the loss of their grandson.

He stated that the City welcomed all people who would like to participate in the City's Veterans Day Parade and honor all those who serve. He thanked "The Bridge" senior living center for asking him to speak at the Veterans Day luncheon. He announced the opening of the first "Here Today" store in Florissant. He has been speaking at various schools on the assassination of John F. Kennedy which was 50 years ago. On November 22 at precisely noon he has asked all the Florissant Churches to toll their bells in honor of JFK. There is a contest between Ward 2 and Ward 4 to see who can have the most blue "totes" at the curb. The City will be discontinuing the recycle center at St. Ferdinand Park on January 6th because recycling is free curbside with trash service. He added that since the media gets confused about events that claim to have occurred in Florissant but which are actually outside the City limits, he will be sending maps to various media outlets to clarify the situation.

Councilman Schildroth announced that there would be an Executive and Work Session Meeting following tonight's meeting. He also stated that the next Council meeting would be on 11/25/2013.

Councilman Grib moved to adjourn the meeting, seconded by Caputa. Motion carried. The meeting was adjourned at 8:18 p.m.

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Karen Goodwin, City Clerk

The following Bills were signed by the Mayor:

8952	Ord. 8004
8953	Ord. 8005
8955	Ord. 8006
8956	Ord. 8007
8957	Ord. 8008
8958	Ord. 8009