

# CITY OF FLORISSANT



## COUNCIL MINUTES

July 8, 2013

The Florissant City Council met in regular session at the Florissant Government Center at 1055 rue St. Francois on Monday, July 8, 2013 at 7:30 p.m. with Council President Keith Schildroth presiding. The Chair asked everyone to stand and join in the Pledge of Allegiance.

On Roll Call the following were present: Stinnett, Pagano, Schmidt, Lee, Grib, Caputa and Schildroth. Councilmen Eagan and Hernandez were absent. Council President stated that Hernandez and Eagan were 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 was in session for the transaction of business.

Councilwoman Pagano moved to approve the Meeting and Executive Minutes of 6/24/2013, seconded by Schmidt. Motion carried. Councilman Stinnett moved to approve the Work Session Minutes of 6/17/2013, seconded by Schildroth. Motion carried.

The next item on the Agenda was Hearing from Citizens.

Renee Benjamin, 2866 Chapel View Dr. stated that she thought fireworks were illegal in Florissant but many were set off aside from the main display for several days.

Kevin O'Donnell, 512 Rancho Lane asked about the discussion in 2011 about rolling back the utility taxes.

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 #13-07-015 to be held this night on a request to authorize a Special Use Permit to EMB Tire and Auto Service, LLC, to allow for the location and operation of a tire and auto service business for the property located at 1940 N. Hwy. 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.

Eddie Buckley, petitioner, appeared before the Council and described his business. He described the information that he provided in folders to the City Council. He stated that EMB is a family owned establishment. Councilman Stinnett asked about hours of operation. He asked that they be conscious of the neighbors behind them and that loud music will be a disturbance. Councilman Caputa asked about tire storage. Mr. Buckley stated that they have a 2400 sq. foot basement for new tires and supplies. He stated that they would need to construct something for storage of used tires so that no water was allowed to sit in the tires. Councilwoman Pagano asked if they had lifts and if they had a plan for used oil. Mr. Buckley stated that they will be installing lifts and they have contracted with a company for removal of the used oil. Councilman Grib asked if this was a new venture to which Mr. Buckley answered yes. The Chair asked if there were any citizens who would like to speak on said public hearing. Being none, Councilman Stinnett moved to close P.H. #13-07-015, seconded by Schmidt. Motion carried.

The City Clerk reported that Public Hearing #13-07-016 to be held this night on a request to authorize a Special Use Permit to Laura Love d/b/a Pro-Tech Dent Company to allow for the operation of a automotive paintless dent repair business for the property located at 8465 #B N. Lindbergh 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. Laura Love, petitioner, appeared before the Council and described her business. She said their business has no waste. They are working with wholesalers right now. Councilman Stinnett asked if this was a new venture. Ms. Love stated that she has been doing this kind of work for 15 years but this would be her first permanent location. The Chair asked if there were any citizens who would like to speak on said public hearing. Being none, Councilman Schildroth moved to close P.H. #13-07-016, seconded by Caputa. Motion carried.

Councilman Schildroth moved to table Bill No. 8918 An Ordinance appropriating the sum of \$33,000 from the Park Improvement Fund Reserves of the City of Florissant to Budget Acct. No. 0961 "Capital Additions" for replacement of a light pole at St. Ferdinand Park, seconded by Grib. Motion carried.

Councilman Stinnett moved that Bill No. 8921 An Ordinance granting a Special Use Permit to Chimi's Fresh Mex, Inc. to allow for the location and operation of a sit-down, carry-out restaurant for the property located at 520 N. Hwy. 67 be read for a second time, seconded by Schildroth. Motion carried and Bill No. 8921 was read for a second time. Councilman Stinnett moved that Bill No. 8921 be read for a third time, seconded by Schmidt. Motion carried and Bill No. 8921 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: Stinnett yes, Pagano yes, Schmidt yes, Hernandez absent, Lee yes, Grib yes, Eagan absent, Caputa yes and Schildroth yes.

Whereupon the Chair declared Bill No. 8921 to have passed and said Bill became Ordinance No. 7975.

Councilman Schildroth moved that Bill No. 8922 An Ordinance granting a Special Use Permit to Platinum Motors to allow for the operation of a car sales and leasing establishment located at 605 Loyola Dr. be read for a second time, seconded by Pagano. Council President Schildroth moved to suspend the rules to speak with the petitioner, seconded by Grib, motion carried. Melanie McIlroy introduced herself as the realtor who was speaking on behalf of the buyers and sellers. She said they have been trying to sell this property for a number of years. The property was rezoned to B-3 recently. Ms. McIlroy explained the situation and the discussion that was had at the Planning and Zoning Commission regarding allowed parking for cars. She said that Mr. Lopane already has a location on Dunn and would like to have this location for a satellite location. She said that he runs a very clean and professional business. Councilman Lee asked Ms. McIlroy if she could give him compelling reason why they should postpone this issue until the next meeting as requested. Ms. McIlroy explained the situation and stated that the buyer would be more than willing to stay with the 5 cars allowed, which was his initial request at Planning and Zoning. Councilman Lee asked again if they were planning on coming back in two weeks with a completely different plan to present to the Council for this property. Ms. McIlroy stated that they were not. She asked what the Council would like to see in that location. Councilman Lee stated that in his opinion only, it would need to be a low impact business with not much traffic. Ms. McIlroy asked about the traffic produced by the cleaners. Councilman Lee stated that he would like to proceed then to the vote. With a Motion and a Second on the floor for a Second Reading on voice vote the motion carried and Bill No. 8922 was read for a second time. Councilman Lee moved that Bill No. 8922 be read for a third time, seconded by Stinnett. Motion Carried and Bill No. 8922 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. Mr. Matt Lopane, owner of Platinum Investors stated that he contacted all of the neighbors in the immediate area that might be impacted and only one of them had any issues with the business being there. He stated that they would be good neighbors. He compared this establishment to the Enterprise Leasing business on Lindbergh. Kevin O'Donnell, 512 Rancho Lane, stated that he feels this is not the best location for this type of business. Joseph McKenna, 810 Bellermine Lane, stated that there is no room there for additional cars. This property does not have access off of Lindbergh and feels it would be a safety issue. On roll call the Council voted: Stinnett no, Pagano no, Schmidt yes, Hernandez absent, Lee no, Grib no, Eagan absent, Caputa no and Schildroth no. Whereupon the Chair declared Bill No. 8922 to have failed.

Next item on the Agenda was Board Appointments of which there were none.

Councilman Stinnett moved to approve the request for Full Liquor by the Drink for Chimi's Fresh Mex, Inc. located at 520 N. Hwy 67, seconded by Schildroth. On roll call the Council voted: Stinnett yes, Pagano yes, Schmidt yes, Hernandez absent, Lee yes, Grib yes, Eagan absent, Caputa yes and Schildroth yes, whereupon the Chair declared the liquor license approved.

Councilman Grib moved to approve the request for a Beer and Wine by the Drink License for Mario's Pizza Café Corporation located at 472 Howdershell Road, seconded by Caputa. On roll call the Council voted: Stinnett yes, Pagano yes, Schmidt yes, Hernandez absent, Lee yes, Grib yes, Eagan absent, Caputa yes and Schildroth yes, Whereupon the Chair declared the liquor license approved.

Councilman Stinnett moved to approve the request for a Transfer of Special Use Permit No. 5291, as amended, from Elite Car Sales, Inc. to Hertz Car Sales, LLC, for the operation of a used car sales and car rental business for the property located at 1275 and 1285 N. Hwy. 67, seconded by Schmidt. Councilman Lee stated that he had asked about the two different addresses. Councilman Stinnett stated that he spoke with the petitioner and the main property that they will do business on is the 1285 N. Hwy 67. Councilman Lee stated that he is reluctant to approve a transfer of the 1555 # B property without more information. On voice vote motion carried.

Councilman Stinnett moved to postpone to July 22, 2013, the request for a Transfer of Special Use Permit No. 7117 from Elite Car Sales, Inc. to Hertz Car Sales, LLC, for the storage, display, and sales area for new and used vehicles located at 1555 #B N. Hwy 67, seconded by Lee. Motion carried.

Councilman Stinnett introduced Bill No. 8925 An Ordinance granting a Special Use Permit to EMB Tire & Auto Service, LLC, to allow for the operation of a tire and auto service business for the property located at 1940 N. Hwy 67 and said Bill was read for the first time by title only.

Councilman Stinnett introduced Bill No. 8926 An Ordinance granting a Special Use Permit to Laura Love d/b/a Pro-Tech Dent Company to allow for the operation of a automotive paintless dent repair business for the property located at 8465 #B N. Lindbergh said Bill was read for the first time by title only.

Councilman Schmidt introduced Bill No. 8927 An Ordinance transferring the Special Use Permit No. 5291 from Elite Car Sales, Inc. to Hertz Car Sales, LLC, for the location and operation of a used car sales and car rental business on the property known as 1275 and 1285 N. Hwy 67 and said Bill was read for the first time. Councilman Stinnett moved to read the bill for a second time, seconded by Grib. Motion carried and Bill No. 8927 was read for a second time. Councilman Stinnett moved to read the bill for a third time and place it upon its passage, seconded by Schmidt. Councilman Schmidt asked if this item should be passed before the Council gets more information on the other one. Councilman Schmidt moved to postpone Bill No. 8927 to July 22, 2013, seconded by Pagano. Motion carried.

Councilman Stinnett moved to postpone Bill No. 8928 An Ordinance transferring the Special Use Permit from Elite Car Sales Inc. to Hertz Car Sales LLC for storage display and sales area for new and used vehicles located at 1555 #B N. Hwy 67 to July 22, 2013, seconded by Schmidt. Motion carried.

The next item on the agenda was Council Announcements.

Councilman Lee complimented the City on the 4th of July festivities and the fireworks display.

Councilwoman Pagano thanked all of the residents from Wards 5,7,8 & 9 who came out for the first ever ward picnic. She looks forward to the next one.

Councilman Schildroth stated that there was a great turnout for the combined ward picnic. He thanked those who made the event a success.

The next item on the Agenda was Mayor Announcements.

Mayor Schneider congratulated Councilwoman Pagano for a great idea for the picnic.

He also thanked Councilmen Stinnett and Grib for working with the staff on evaluating the lighting in the ball fields.

The Mayor thanked the Gateway Fireworks Company and the Northwinds Band for making the 4th of July celebration a success.

He thanked Mr. Jearls for his recommendation for realigning the entrance drive to the Shrine.

Mayor Schneider announced the summer concerts and the Wednesday night out programs and encouraged everyone to attend.

Council President Schildroth announced that the next meeting will be on July 22, 2013.

Councilman Lee moved to adjourn the meeting, seconded by Pagano. Motion carried. The meeting was adjourned at 8:25 p.m.

Karen Goodwin, City Clerk

The following Bills were signed by the Mayor:

Bill No. 8921

Ord. No. 7975

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