



FLORISSANT CITY COUNCIL AGENDA
City Hall
955 rue St. Francois
Monday, September 13th, 2021
7:00 PM
Karen Goodwin, MMC/MRCC



I. PLEDGE OF ALLEGIANCE

II. ROLL CALL OF MEMBERS

III. APPROVAL OF MINUTES

- City Council Meeting minutes of August 23rd, 2021

IV. HEARING FROM CITIZENS

V. PROCLAMATIONS

- Childhood Cancer awareness month

VI. COMMUNICATIONS

VII. PUBLIC HEARINGS

| | | |
|---|---|----------------------|
| 21-09-024 (Ward 3) Application Staff Rept Plans | Request to rezone the property located at 600 Florland Drive from R-4 “Single Family Dwelling District” to B-3 “Extensive Business District” for the location of a child day care center. (Planning and Zoning Commission recommended approval on 8/16/2021) | Tanisha Patterson |
| 21-09-025 Staff Rept | Request to amend section 405.245, Subsection B “Screening and Berming” Paragraph 2 of the Florissant Zoning Code to require a personnel accessway through new outside trash container enclosures. (Planning and Zoning recommended denial on 8/16/2021) (Staff has requested postponement until October 11, 2021) | Staff |

A. BILLS FOR SECOND READING

| | | |
|------|---|------------------------------------|
| 9707 | Ordinance authorizing an amendment to Special Use Ordinance no. 8693 to allow for changes to the Development Plan in a B-3 “Extensive Business District” located at 1790 N. Hwy 67 and 1645 N. Florissant Rd. | 2 nd Reading Mulcahy |
|------|---|------------------------------------|

| | | |
|------|---|---------------------------------------|
| 9708 | Ordinance authorizing an amendment to B-5 Ordinance no. 5733 to allow for changes to the Development plan to allow for a customer pick-up area located at 2341 N. Highway 67. | 2 nd Reading Siam |
| 9709 | Ordinance authorizing an amendment to Section 405.125 “B-3 Extensive Business District” to remove “Assembly Halls not associated with a church or school” as a Special Use. | 2 nd Reading Schildroth |

VIII. NEW BUSINESS

A. BOARD APPOINTMENTS

B. BILLS FOR FIRST READING

| | | |
|---------------|---|------------|
| 9713 | Ordinance authorizing the rezoning of the property located at 600 Florland Drive from R-4 “Single Family Dwelling District” to B-3 “Extensive Business District” for the location of a child day care center. | Eagan |
| E9714 Memo | Ordinance amending Chapter 125 “Personnel”, Article V “Complaints and Grievances” by deleting it in its entirety and replacing it with a new section. | Schildroth |

IX. COUNCIL ANNOUNCEMENTS

X. MESSAGE FROM THE MAYOR

XI. ADJOURNMENT

THIS AGENDA WAS POSTED ON THE BULLETIN BOARD IN THE LOBBY AT CITY HALL AND ON THE CITY WEBSITE AT FLORISSANTMO.COM ON SEPTEMBER 10, 2021 BY 12:00 PM.

ANY ONE WISHING TO ATTEND THE COUNCIL MEETING WHO HAS SPECIAL NEEDS SHOULD CONTACT THE CITY CLERK BY NOON ON MONDAY, SEPTEMBER 13TH, 2021.

CITY OF FLORISSANT



COUNCIL MINUTES

August 23, 2021

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, August 23, 2021 at 7:00 p.m. with Council President Schildroth 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: Siam, Harris, Manganelli, Caputa, Schildroth, Mulcahy, Pagano, and Parson. Also present was Mayor Timothy Lowery, City Clerk Karen Goodwin, and City Attorney John Hessel. A quorum being present the Chair stated that the Council Meeting was in session for the transaction of business.

Councilman Manganelli moved to approve the City Council Minutes of August 9th, 2021, seconded by Mulcahy. Motion carried.

Councilman Manganelli moved to approve the City Council Work Session Minutes of August 4th, 2021, seconded by Mulcahy. Motion carried.

The next item on the Agenda was *Hearing from Citizens*.

Jason Talbot, 440 Limesdale Lane, reviewed the sewer lateral budget over the last 14 years and where the money was spent.

The next item on the Agenda was *Communications*.

The City Clerk noted a letter was received August 18th, 2021 from Marvin Tobias regarding the American Rescue Plan appropriations.

The next item on the Agenda was *Public Hearings*.

The City Clerk reported that Public Hearing 21-08-021 for the request to amend Special Use Ordinance no. 8693 to allow for changes to the Development Plan in a B-3 "Extensive Business District" located at 1790 N. Hwy 67 and 1645 N. Florissant Rd. The Chair declared the Public Hearing to be open.

Richard Hill, Premier Design Group, stated the business is amending the plan to allow for a continuous look overall in the landscaping to match the current landscaping and noting the slats in the fence to screen for the Police Department has been removed. Mr. Hill noted 2 or 3 curb cuts requested to be removed with one large entrance remaining in place.

31 Councilman Mulcahy confirmed the landscaping in the front will be the only change and a vinyl
32 fence would be installed.

33 Being no further comments, Councilman Mulcahy made a motion to close the Public Hearing,
34 seconded by Caputa. Motion carried.

35 The City Clerk reported that Public Hearing 21-08-022 for the request to amend Ordinance no.
36 5733 to allow for changes to the Development Plan to allow for a customer pick-up area in a B-5 “Planned
37 Commercial District: located at 2341 N. Highway 67. The Chair declared the Public Hearing to be open.

38 Natalie Moore, Target petitioner, Target wants increase stalls to 24 drive up instead of the current
39 8 stalls. Ms. Moore stated the construction would be start immediately after approval. Councilman Parson
40 confirmed none of the handicapped spaces were going to be removed.

41 Being no further comments, Councilman Siam made a motion to close the Public Hearing,
42 seconded by Parson. Motion carried.

43 The City Clerk reported the Public Hearing 21-08-023 for the request to amend Section 405.125
44 “B-3 Extensive Business District” to remove “Assembly halls not associated with a church or school” as
45 a Special Use. The Chair declared the Public Hearing to be open.

46 Phil Lum, Building Commissioner, stated the use of the term “assembly hall” is being used as a
47 special use without a specific definition and tends to lead to confusion with zoning and uses. Mr. Lum
48 stated the staff determined it would be best to remove the use from the zoning code. He noted the current
49 business would keep their special use as non-conforming use that would continue unless they are no
50 longer in operation. Mr. Hessel noted the assembly hall use businesses are not actually using the business
51 as an assembly hall however, the businesses would still be authorized to operate. Mr. Hessel stated this
52 definition for a banquet hall can be determined at a later time when another applicant comes forward with
53 a desire for the use and apply it to all applicants of similar uses later.

54 Marvin Tobias, 1826 Woodridge Ln, stated focusing on the term banquet hall is very limiting and
55 suggested using the term event center is more broad term.

56 Being no further comments, Councilman Schildroth made a motion to close the Public Hearing,
57 seconded by Eagan. Motion carried.

58 The Chair stated that the next item on the agenda was *Second Readings*.

59 Councilman Siam moved Bill No. 9701 an Ordinance authorizing an amendment to Special Use
60 Ordinance no. 7065 to allow for the expansion of an auto detailing and vehicle storage establishment
61 located at 2420 Rear N. Hwy 67 be read for a second time, seconded by Caputa.

62 Councilman Parson moved that Bill no. 9701 be read for a third time, seconded by Mulcahy.
63 Motion carried and Bill No. 9701 was read for a third time and placed upon its passage.

64 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
65 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

66 Whereupon the Chair declared Bill No. 9701 to have passed and become Ordinance No. 8711.

67 Councilman Schildroth moved Bill No. 9702 an Ordinance authorizing an amendment to Sections
68 405.115, Subsection B “Use Regulations”, 405.120, Subsection B “Use Regulations”, 405.125
69 Subsection B “Use Regulations”, and 405.110, Subsection A “Use Regulations” by adding Electric
70 Vehicle Charging Stations” as a permitted use be read for a second time, seconded by Caputa.

71 Councilman Eagan moved that Bill no. 9702 be read for a third time, seconded by Manganelli.
72 Motion carried and Bill No. 9702 was read for a third time and placed upon its passage.

73 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
74 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

75 Whereupon the Chair declared Bill No. 9702 to have passed and become Ordinance No. 8712.

76 Councilman Caputa moved Bill No. 9704 an Ordinance to authorizing an increase the annual
77 Sewer Lateral from \$28.00 to \$50.00 be read for a second time, seconded by Schildroth.

78 Councilman Pagano moved that Bill No. 9704 be read for a third time, seconded by Siam.
79 Motion carried and Bill No. 9704 was read for a third time and placed upon its passage.

80 Jason Talbot, 440 Limesdale Lane, questioned why the sewer lateral costs were reduced in 2012
81 and why it is now needing to be increased. Mr. Talbot asked if the fund was truly being used per the
82 State Statute and requested the fund be reviewed before being voted on.

83 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
84 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

85 Whereupon the Chair declared Bill No. 9704 to have passed and become Ordinance No. 8713.

86 Councilman Schildroth moved Bill No. 9705 an Ordinance authorizing various appropriations
87 from The American Recue Plan (ARP) Funds FY21 received be read for a second time, seconded by
88 Eagan.

89 Councilwoman Pagano noted her hesitancy on the bill and thanked staff and Mayor Lowery for
90 their work during the pandemic. Ms. Pagano stated she would like to take a more conservative approach
91 with the money and noted the city had until 2026 to spend the money and would like to look at the budget
92 during the meetings in the next few months.

93 Councilwoman Pagano made a motion to continue the bill until October 25, seconded by Parson.

94 Councilman Harris agreed with a more conservative approach on the use of the funds and some
95 items were already on the 2021 budget and a few items were added prior to the work session. Mr. Harris
96 stated he would like to postpone to a date certain and much spending is necessary but would like to
97 approve the expenses which were already important. Councilman Parson stated he would like a work
98 session to discuss and maybe vote in early October rather than late.

99 On roll call the Council voted: Siam no, Harris yes, Manganelli no, Eagan no, Caputa no,
100 Schildroth no, Mulcahy no, Pagano yes, and Parson yes. Motion failed.

101 Councilwoman Pagano made a motion to suspend the rules to allow the Assistant Finance
102 Director to answer questions, seconded by Caputa. Motion carried.

103 Ed Kuper, Assistant Finance Director, stated nothing from the 2021 budget that was removed was
104 included in the list for the appropriation. Mr. Kuper stated financing the fiber optics would save \$135,000
105 per year to Charter and the \$1.2 million would just be to install the cameras and the additional cost would
106 be to connect the LRPs to the system. Mr. Kuper noted the numbers the council received are estimates,
107 not exact and all would go out for bid due to the cost. He stated the money must be appropriated by 2023
108 and spent by 2026. He noted the information is staff recommendation with estimated numbers.

109 Chief Tim Fagan, Police Chief, stated the change was for the cameras to the police department
110 including fixed cameras and would reduce the amount of money for the fiber network. Chief Fagan stated
111 there is an increase in success using this technology to solve crimes when victims are not as cooperative
112 and the cameras are necessary from an investigative standpoint.

113 Cheryl Thompson, Director of Parks, stated a previous budget did have a playground budgeted
114 however, the budget for the playground was cut. Ms. Thompson stated the pickleball courts which were
115 in use before Covid have not been used since they were shut down for a period of time. She stated money
116 has been appropriated for an architect to determine how to update and utilize the Weise House.

117 Todd Hughes, Director of Public Works, stated the kiosk for public works would not cause a
118 removal of any employees. The kiosks would allow people to apply for permits, pay court fees, and
119 various other needs and would eventually launch a permitting process online. Mr. Hughes stated the fees
120 would be with hosting websites and cloud storage, but not with the kiosks themselves. He stated the
121 program Simple City is already used by the city and would be used for the permitting process.

122 Stephen Weiersmueller, IT Director, noted the replacement cost and maintenance for the fiber
123 infrastructure would be paid by the city and is expected to work for 25 to 30 years. Mr. Weiersmueller

124 stated the yearly costs cover damages which may occur when someone is digging in their yard. He stated
125 the total install will take about 60 to 90 days.

126 Mayor Lowery noted a lot of the budget items which are noted as being cut are removed from the
127 official budget but during the preliminary study of the budget due to the cost. He stated the architect for
128 the Weise House would cost around \$5,000 to \$7,000 to create a plan. Mayor Lowery noted \$40,000 was
129 appropriated for the roof, flooring in the basement, and a new sump pump at the Weise House.

130 Councilman Harris moved to continue the proposal to the September 13th meeting to allow for
131 time to review the changes suggested, seconded by Pagano.

132 On roll call the Council voted: Siam no, Harris yes, Manganelli no, Eagan no, Caputa no,
133 Schildroth no, Mulcahy no, Pagano yes, and Parson yes. Motion failed.

134 Councilman Schildroth moved to amend Bill No. 9705 to increase the amount for cameras for the
135 police department from \$200,000 to 325,000, seconded by Eagan. Motion carried.

136 Councilman Schildroth moved that Bill no. 9705 be read for a third time, seconded by
137 Manganelli. Motion carried and Bill No. 9705 was read for a third time and placed upon its passage.

138 Joyce Pugh-Walker, 3610 Bradstone, stated she writes the grants for Ferguson-Florissant School
139 District. Ms. Pugh-Walker stated the funds do not need to be used until 2026. She questioned how the
140 spending was determined and how input was received from the community. She stated the purpose is to
141 speed up the recovery of the economic and health affects because of the Covid-19 pandemic. Ms. Pugh-
142 Walker questioned if businesses and residents were asked on their input for the funds and how they
143 should be spent. She thanked the council members who questioned why the funds are being spent
144 immediately and the way it is proposed.

145 On roll call the Council voted: Siam yes, Harris no, Manganelli yes, Eagan yes, Caputa yes,
146 Schildroth yes, Mulcahy yes, Pagano no, and Parson no.

147 Whereupon the Chair declared Bill No. 9705 to have passed and become Ordinance No. 8714.

148 Councilman Schildroth moved Bill No. 9706 an Ordinance amending the Public Safety Fund
149 budget to remove allocations totaling \$80,500 and authorizing an appropriation of \$120,000 from the
150 public safety fund to account no. 17-5-17-61000 “capital additions” for the remodeling of the men and
151 women’s locker rooms at the police department be read for a second time, seconded by Eagan.

152 Councilman Siam moved that Bill no. 9706 be read for a third time, seconded by Parson.
153 Motion carried and Bill No. 9706 was read for a third time and placed upon its passage.

154

155 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
156 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

157 Whereupon the Chair declared Bill No. 9706 to have passed and become Ordinance No. 8715.

158 The Chair stated the next item on the agenda was *Board Appointments* of which there were none.

159 The Chair stated that the next item on the agenda was *Requests*.

160 Councilman Mulcahy moved to accept the application for a Request for a beer and wine Package
161 Liquor license with tasting permit for Dooley's Florist and Gifts located at 690 rue St. Francois seconded
162 by Eagan.

163 Councilman Schildroth moved to suspend the rules to allow for questions and discussion with the
164 applicant, seconded by Eagan. Motion carried.

165 Patricia Sosa, Dooley's Florist and Gifts, stated she applied for the liquor license in 2014 and it
166 was granted but was delayed in receiving her state liquor license and then the state liquor license was
167 renewed in 2020. Ms. Sosa noted she uses the liquor license to sell bottles of wine with her gift baskets
168 and does tasting with customers in her shop. Ms. Sosa scheduled a tasting on her patio for September
169 with live music from 11am to 5pm. She stated she would like people to open a bottle of wine and drink
170 on the patio while selling pre-packaged cheese and crackers. Ms. Sosa noted the tastings would not be
171 late at night and the live music would be one person playing a guitar which would not be loud or take
172 place late at night.

173 Mr. Hessel noted she is unable to allow people to purchase a bottle of wine and drink it on her
174 patio and the use of her business would need to change if that was the purpose of the liquor license. He
175 also noted she would not be able to sell any kind of food to customers.

176 On the motion on the floor to approve the liquor by the drink license, On roll call the Council
177 voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano
178 yes, and Parson yes and the motion carried.

179 The Chair stated that the next item on the agenda was *Resolutions*.

180 The Council as a whole introduced Resolution 1031 "A Resolution of the Florissant City
181 supporting a grant application for purchase of a new bus for senior services". Councilman Caputa made
182 a motion for a second reading, seconded by Siam. Motion carried, Resolution 1031 was read for a second
183 time. Councilman Caputa made a motion for a third reading, seconded by Parson.

184 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
185 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes. Motion carried, Resolution 1031 was read for
186 a third time. Before the final vote all interested persons were given an opportunity to be heard.

187 Being no persons who wished to speak, on roll call the Council voted: On roll call the Council
188 voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano
189 yes, and Parson yes. Motion carried, Resolution 1031 passes.

190 The Chair stated that the next item on the agenda was *Bills for First Reading*.

191 Councilman Caputa introduced Bill No. 9707 an Ordinance authorizing an amendment to Special
192 Use Ordinance no. 8693 to allow for changes to the Development Plan in a B-3 “Extensive Business
193 District” located at 1790 N. Hwy 67 and 1645 N. Florissant Rd was read for the first time.

194 Councilman Caputa introduced Bill No. 9708 an Ordinance authorizing an amendment to B-5
195 Ordinance no. 5733 to allow for changes to the Development plan to allow for a customer pick-up area
196 located at 2341 N. Highway 67 was read for the first time.

197 Councilman Caputa introduced Bill No. 9709 an Ordinance authorizing an amendment to Section
198 405.125 “B-3 Extensive Business District” to remove “Assembly Halls not associated with a church or
199 school” as a Special Use was read for the first time.

200 Councilman Siam introduced Bill No. 9710 an Ordinance authorizing appropriations from the
201 Park Improvement Fund to various accounts for park facilities, pool maintenance and tree removal was
202 read for the first time.

203 Councilman Schildroth moved that Bill No. 9710 be read for a second time, seconded by Eagan.
204 Motion carried and Bill No. 9710 was read for a second time. Councilman Schildroth moved that Bill
205 No. 9710 be read for a third time, seconded by Mulcahy. On roll call the Council voted: Siam yes, Harris
206 yes, Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.
207 Having received a unanimous vote of all members present Bill No. 9710 was read for a third and final
208 time and placed upon its passage. Before the final vote all interested persons were given an opportunity
209 to be heard.

210 Being no persons who wished to speak, on roll call the Council voted: Siam yes, Harris yes,
211 Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

212 Whereupon the Chair declared Bill No. 9710 was passed and became Ordinance No. 8716.

213 Councilman Siam introduced Bill No. 9711 an Ordinance authorizing the Mayor to enter into an
214 agreement to accept ownership on behalf of the City of Florissant of real estate property located at 900

215 rue St. Francois – Parcel 1 and 980 rue St. Francois – Parcel 2, as gifted to the city was read for the first
216 time.

217 Councilman Mulcahy moved that Bill No. 9711 be read for a second time, seconded by
218 Schildroth. Motion carried and Bill No. 9711 was read for a second time. Councilman Mulcahy moved
219 that Bill No. 9711 be read for a third time, seconded by Siam. On roll call the Council voted: Siam yes,
220 Harris yes, Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano yes, and Parson
221 yes. Having received a unanimous vote of all members present Bill No. 9711 was read for a third and
222 final time and placed upon its passage. Before the final vote all interested persons were given an
223 opportunity to be heard.

224 Mayor Lowery thanked Savoy Properties for the gift of the properties to the City of Florissant.

225 On roll call the Council voted: Siam yes, Harris yes, Manganelli yes, Eagan yes, Caputa yes,
226 Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

227 Whereupon the Chair declared Bill No. 9711 was passed and became Ordinance No. 8717.

228 Councilman Siam introduced Bill No. 9712 an Ordinance authorizing a transfer \$10,000 from
229 account no. 01-5-48-50010 “Professional Services-other” to account no. 01-5-48-27000 “Gasoline: for
230 additional gasoline expenses for the Public Works Department was read for the first time.

231 Councilman Schildroth moved that Bill No. 9712 be read for a second time, seconded by Caputa.
232 Motion carried and Bill No. 9712 was read for a second time. Councilman Schildroth moved that Bill
233 No. 9712 be read for a third time, seconded by Harris. On roll call the Council voted: Siam yes, Harris
234 yes, Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.
235 Having received a unanimous vote of all members present Bill No. 9712 was read for a third and final
236 time and placed upon its passage. Before the final vote all interested persons were given an opportunity
237 to be heard.

238 Being no persons who wished to speak, on roll call the Council voted: Siam yes, Harris yes,
239 Manganelli yes, Eagan yes, Caputa yes, Schildroth yes, Mulcahy yes, Pagano yes, and Parson yes.

240 Whereupon the Chair declared Bill No. 9712 was passed and became Ordinance No. 8718.

241 The next item on the Agenda was *Council Announcements*.

242 Councilwoman Pagano thanked The Pit Crew for the Golf Cart Races event and noted close to
243 \$15,000 was raised for the Weise House.

244 Councilman Schildroth thanked the volunteers for a great Golf Cart Race Event and is excited for
245 next year. Mr. Schildroth thanked the staff for getting the census numbers and noted excitement for
246 having over 50,000 residents.

247 The next item was *Mayor Announcements*.

248 Mayor Lowery noted excitement for having over 52,000 residents. He thanked staff, city council,
249 and numerous volunteers who worked to gather census numbers. Mayor Lowery noted August 25th is the
250 next Wednesday Night Out from 6pm to 9pm at the 200 to 300 block of St. Francois. He stated the 9/11
251 ceremony would take place at 7pm at the VFW Post. Mayor Lowery stated the Senior Town Hall Meeting
252 would be hosted on Thursday, September 16 at 9am.

253 The next item was *Cancel the September 26th City Council Meeting*.

254 Councilman Schildroth moved to cancel the September 26th City Council Meeting due to
255 scheduling conflicts, seconded by Eagan. Motion carried.

256 The Council President stated that the next regular City Council Meeting will be Monday,
257 September 13, 2021 at 7:00 pm.

258 Councilman Parson moved to adjourn the meeting, seconded by Siam. Motion carried. The
259 meeting was adjourned at 9:29 p.m.

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Karen Goodwin, MPPA/MMC/MRCC
City Clerk

The following Bills were signed by the Mayor:

- 265 Bill No. 9701 Ord. 8711
- 266 Bill No. 9702 Ord. 8712
- 267 Bill No. 9704 Ord. 8713
- 268 Bill No. 9705 Ord. 8714
- 269 Bill No. 9706 Ord. 8715
- 270 Bill No. 9710 Ord. 8716
- 271 Bill No. 9711 Ord. 8717
- 272 Bill No. 9712 Ord. 8718
- 273 Res. No. 1031



CITY OF FLORISSANT

WHEREAS: Childhood cancer is the leading cause of death by disease in children, and 1 in 285 children in the United States will be diagnosed by their 20th birthday, and;

WHEREAS: 46 children per day or 16,790 children per year are diagnosed with cancer in the U.S., and;

WHEREAS: There are approximately 40,000 children on active treatment at any given time, and;

WHEREAS: The average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis, and 80% of childhood cancer patients are diagnosed late and with metastatic disease, and;

WHEREAS: On average there's been a 0.6 percent increase in incidence per year since the mid 1970's resulting in an overall incidence increase of 24 percent over the last 40 years, and two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening, and;

WHEREAS: Approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe, and in the last 20 years only four new drugs have been approved by the FDA to specifically treat childhood cancer, and;

WHEREAS: The National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out, and;

WHEREAS: Whereas, hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support, and researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer, and too many children are affected by this deadly disease and more must be done to raise awareness and find a cure.

NOW, THEREFORE, I Timothy J. Lowery, Mayor of the City of Florissant, MO and do hereby proclaim September 2021 as Childhood Cancer Awareness Month. I encourage all Americans to observe Childhood Cancer Awareness Month and support this cause that so deeply impacts families in every community across our country.



In Witness Whereof I hereunto Set My Hand And Cause To Be Affixed The Seal Of The City Of Florissant, Missouri, this 13th Day of September 2021

Timothy J. Lowery

Timothy J. Lowery, Mayor



CITY OF FLORISSANT

Public Hearing



In accordance with 405.125 of the Florissant Zoning Code a Public Hearing will be held by the City Council of Florissant, MO. in the Council Chambers, 955 rue St. Francois, on Monday, September 13, 2021 at 7:00 p.m. on the following proposition:

To rezone the property located at 600 Florland Dr (formerly Snow White Daycare) from 'R-4' Single Family Dwelling District to a 'B-3' Extensive Business District for the location of a child day care center. Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or email kgoodwin@florissantmo.com.

CITY OF FLORISSANT, Karen Goodwin, MMC City Clerk

**RE-ZONING APPLICATION TO THE PLANNING AND ZONING
COMMISSION CITY OF FLORISSANT, MISSOURI**

SECRETARY



SIGN.

DATE:

J. Baranowski 8-16-2021

PLANNING & ZONING ACTION:

**RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN**

SIGN.

DATE:

[Signature] 8/16/21

PETITION FOR REZONING FROM A CURRENTLY ZONED

A B-3

ZONING DISTRICT IN COUNCIL WARD

Enter zoning classification request

Address of Property:

600 Florland Dr. 63031

Council Ward _____ Zoning _____

Initial Date Petitioner Filed _____
(Building Commissioner complete)

B-4

DISTRICT TO

Enter current zoning district

1) Comes Now

ISAMU JO KATSU, LLC

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property)

TANISHA PATTERSON

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to seek a special use.

If other than title, give date of contract _____ and expiration date of Contract _____

- A. The petitioner(s) hereby state that he (she) (they) is (are) hereby submitting a description of the entire parcel or tract of land owned by the holder of the fee simple title, giving bearing and distances.
- B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned, giving bearings & distances (metes and bounds). Not required if description is identical to "A".
- C. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property described in "A" above, drawn to scale of 100 feet or less to the inch, referenced to point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions (bearings and distances) of property, north point and scale. If property is being described in "A" above, designate said property and show dimensions of same.

D. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned _____

2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a H-4 District and is presently being used for Child Care Center (currently vacant)
Enter current zoning district
State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) that the following factors justify the rezoning of the property hereby described in this petition: (If more space is needed, separate sheets may be attached).

Residential Property located in commercial district.

List factor's to justify the re-zoning.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking

5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME Tanisha Patterson

PETITIONER(S) SIGNATURE (S) Tanisha Patterson
Print Name

FOR ISAMU JO KATSU, LLC
(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):

I (we) have a legal interest in the herein above described property.

I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE Tanisha Patterson

ADDRESS 600 Florland St. Louis MO 63031
STREET CITY STATE ZIP CODE

TELEPHONE NUMBER 314-749-4512
BUSINESS

I (we) the petitioner (s) do hereby appoint _____ as
Print name of agent.

my (our) duly authorized agent to represent me (us) in regard to this petition.

Tanisha Patterson
Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please check the box for the appropriate type of operation then fill in applicable section (a), (b) or (c). Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation: Individual: Partnership: Corporation:

(a) If an individual:

- (1) Name and Address TANISHA PATTERSON - ISAMU JO KATSU, LLC
(2) Telephone Number 314-749-4512
(3) Business Address 9648 Olive Blvd Ste 446 St. Louis, MO 63132
(4) Date started in business _____
(5) Name in which business is operated if different from (1) ISAMU JO KATSU LLC
(6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a partnership:

- (1) Names & addresses of all partners _____
(2) Telephone numbers _____
(3) Business address _____
(4) Name under which business is operated _____
(5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a corporation:

- (1) Names & addresses of all partners _____
(2) Telephone numbers _____
(3) Business address _____
(4) State of Incorporation & a photocopy of incorporation papers _____
(5) Date of Incorporation _____
(6) Missouri Corporate Number _____
(7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. _____
(8) Name in which business is operated _____

(9) Copy of latest Missouri Anti-Trust. (registration of corporate officers) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

STATE OF MISSOURI



Jason Kander
Secretary of State

CERTIFICATE OF ORGANIZATION

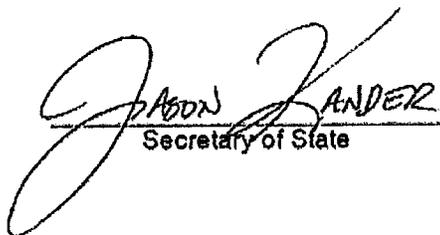
WHEREAS,

Isamu Jo Katsu, LLC
LC001470638

filed its Articles of Organization with this office on the 7th day of December, 2015, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, Jason Kander, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 7th day of December, 2015, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

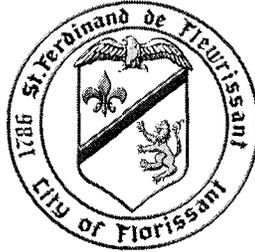
IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this 7th day of December, 2015.


Secretary of State



1

MEMORANDUM



CITY OF FLORISSANT

2

3

4

5

6

To: Planning and Zoning Commissioners Date: August 10, 2021

7

8

From: Philip E. Lum, AIA-Building Commissioner cc: Todd Hughes, PE
Director of Public Works
Applicant
Deputy City Clerk
File

9

10

11

12

13

14

Subject: **600 Florland Dr (Snow White Daycare)** Request Recommended approval of a Rezoning from an 'R-4' Single Family Dwelling District to a 'B-3' Zoning District.

15

16

17

18

STAFF REPORT
CASE NUMBER PZ-081621-1

19

20

21

I. PROJECT DESCRIPTION:

22

This is a request for Recommended approval of a Rezoning from an 'R-4' Single Family Dwelling District to a 'B-3' Zoning District.

23

24

25

II. EXISTING SITE CONDITIONS:

26

The existing property at 600 Florland has been vacant for several months following the closing of Snow White Day Care that existed as a legal non-conforming use in an 'R-4' Zoning District. The petitioner requested the re-zoning of the property to relieve the non-conforming status. In the meantime, it is currently a Use that is continuing under different ownership.

27

28

29

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31

32

The subject building on the property is approximately 1290 square feet. The building is one-story frame with some brick construction with double wide driveway off Florland and a paved shoulder used for drop-off.

33

34

35

36

The parking in front of the property leads to about 4 parking spaces in the front. The parking lot and building were constructed in 1960. Parking is existing and conforming to the minimum parking requirement for Child Care Centers of 2.66/1000 s.f. GFA = 3.

37

38

39

40 There is no trash receptacle over 95 gallons that would require a screen.

41

42 The existing landscape is to remain.

43

44 **III. SURROUNDING PROPERTIES:**

45 The properties to the West, 605, 615 and 625 Loyola are zoned 'R-4' Single Family
46 Dwelling District as is the property to the North, 610 Florland Dr. The property across
47 Florland Dr, 8333 N Lindbergh is a vacant auto parts building owned by Bestar LLC in a
48 'B-3' District.

49

50 **IV. STAFF ANALYSIS:**

51 Upon review, it would seem appropriate to re-zone the property to 'B-3' to match
52 properties along N Lindbergh, currently all zoned 'B-3' or 'B-5' with the only two
53 exceptions being 600 Florland and the property at 685 Loyola as the sole remaining
54 residentially zoned property on N Lindbergh. The petitioner wishes to continue to lease
55 this property to the operator of a Child Day Care Center.

56

57 Survey provided indicates the front corner of the structure is approximately 30.9 feet
58 from Florland and the existing carport is 38.4 feet from N. Lindbergh. Both of these
59 structures encroach on a front setback of 40 feet in a 'B-3' Extensive Business District
60 Zone, which would make the structures non-conforming. The petitioner could apply for a
61 Variance to come into compliance.

62

63 This site is a well known landmark for the small castle-like structure on the site. The
64 structure might be seen as a possible historic resource or local icon.

65

66 **V. STAFF RECOMENDATIONS:**

67 The Commission is to weigh their recommendation against the following issues:

68 A. Re-zoning, if established as 'B-3', would allow any of the permitted uses in a 'B'-
69 3' available for this site.

70 B. Front setback for this property will end up non-conforming if re-zoned, due to the
71 40 foot front yard setback along Florland and N. Lindbergh (frontages).

72 C. Side yard setback will end up non-conforming if re-zoned due to the 35 foot
73 requirement toward the property adjacent to the North and West.

74 D. Screening requirement would need to be met by existing privacy fences between
75 this property and adjacent properties.

76 E. Re-zoning would favorably affect the Child Daycare Center as a non-conforming
77 Use.

78 F.

79 Suggested Motion:

80 I move to recommend approval for the Re-zoning of **600 Florland from an 'R-4'**
81 **Single Family Dwelling District to a 'B-3' Extensive Business District**, subject
82 to the conditions set forth below with these conditions being part of the record.

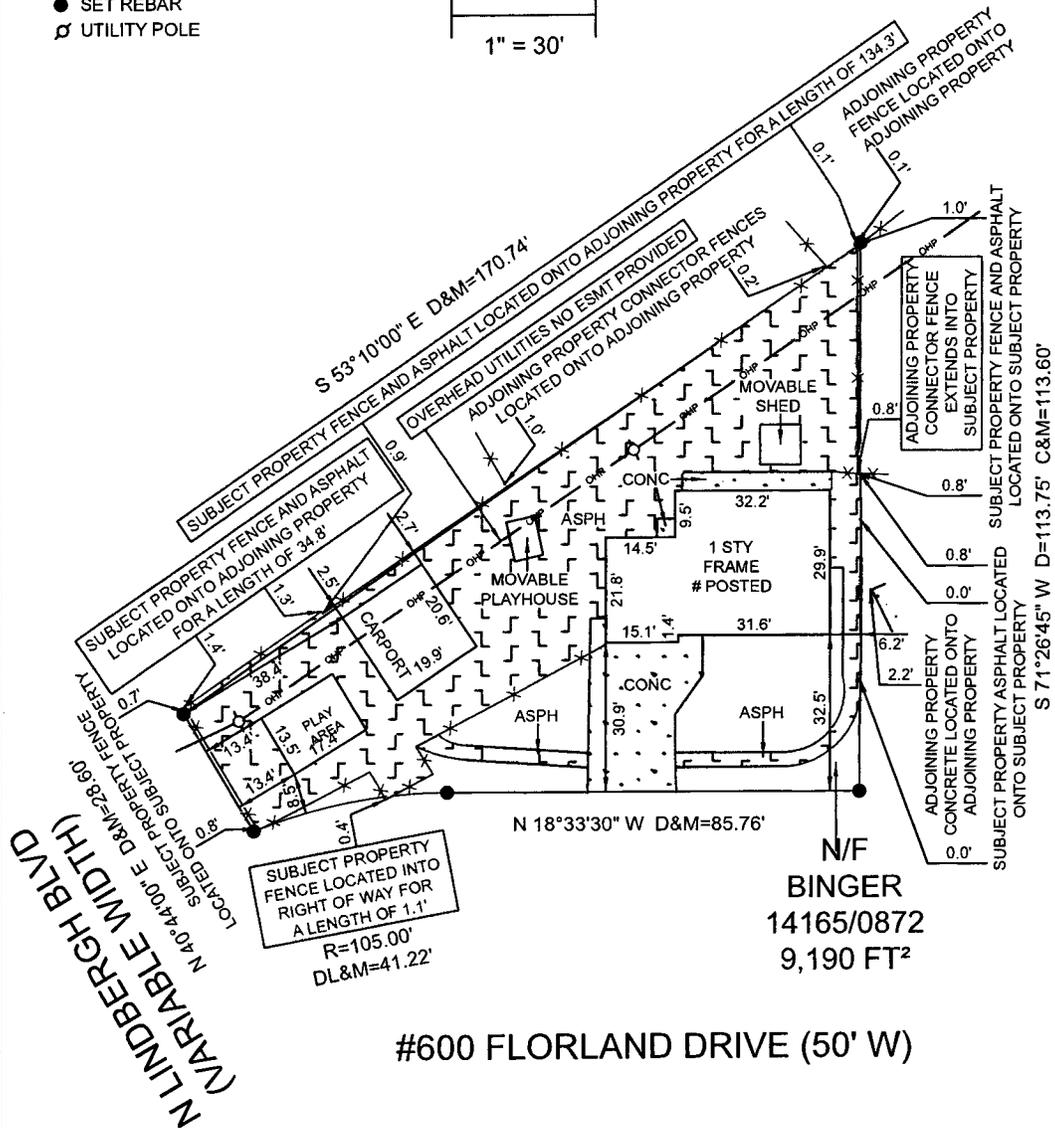
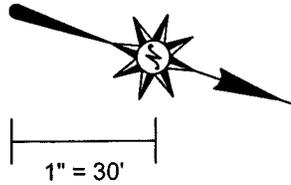
83

84

(End of report)

BOUNDARY SURVEY PART OF SURVEY 162 OF ST FERDINAND COMMON FIELDS ST LOUIS COUNTY, MO

- x— FENCE
- C CALCULATED DISTANCE
- D DEEDED DISTANCE
- L PLATTED LENGTH
- M MEASURED DISTANCE
- SET REBAR
- ⊕ UTILITY POLE



SHEET 1 OF 2

Cardinal
Surveying & Mapping

PO BOX 278
COTTLEVILLE, MO 63338
PHONE: 636.922.1001
Corp # 2005000229
www.CardinalSurveying.com
inbox@cardinalsurveying.com

JOB #2106154
FB 624:5

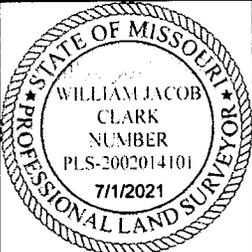
FIELD WORK BY: AAV/PRB

DRAWN BY: BSR/LNC

600 FLORLAND DR
FLORISSANT, MO, 63303

REVIEWED BY:
WILLIAM JACOB CLARK
LS# 2002014101

THIS IS TO CERTIFY THAT ON JUNE 14, 2021 A REQUEST BY TANISHA PATTERSON WAS MADE FOR A BOUNDARY SURVEY AND TO LOCATE THE IMPROVEMENTS ON THE ABOVE NAMED TRACT AND THAT THE RESULTS ARE, TO THE BEST OF MY KNOWLEDGE, CORRECTLY REPRESENTED HEREON.

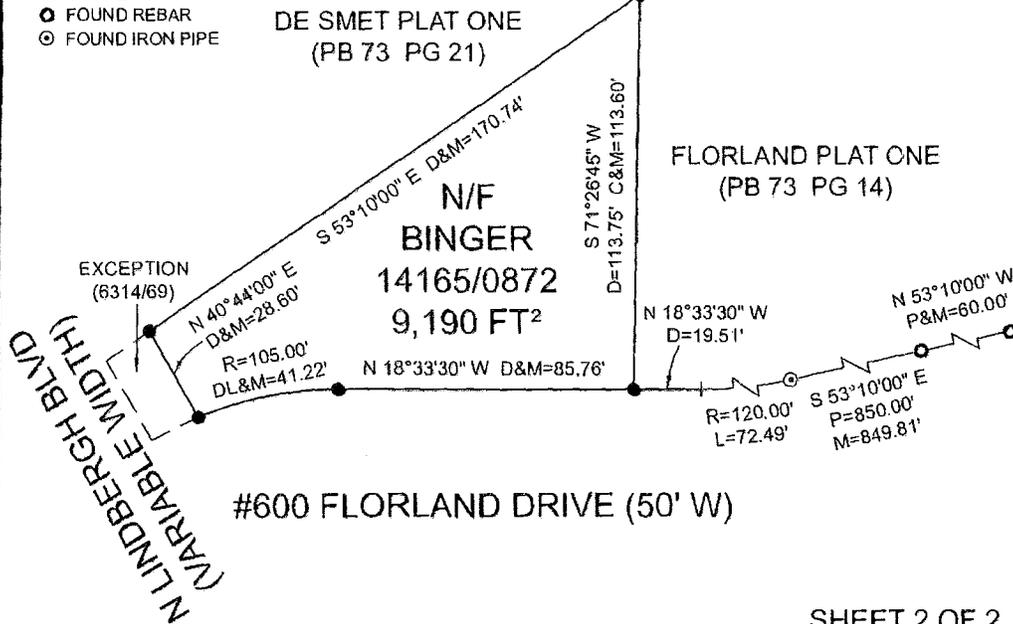
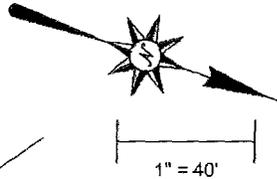


BOUNDARY SURVEY PART OF SURVEY 162 OF ST FERDINAND COMMON FIELDS ST LOUIS COUNTY, MO

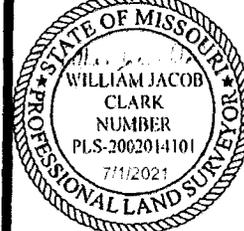
SURVEYORS NOTES:

1. BASIS OF BEARING PER RECORD PLAT OF FLORLAND PLAT ONE PER PLAT BOOK 73 PAGE 14 OF THE ST LOUIS COUNTY RECORDS.
2. BUILDING LINES SHOWN ON THIS DRAWING ARE THOSE THAT ARE SHOWN GRAPHICALLY ON THE RECORD PLAT. SETBACK AND SIDEYARD REQUIREMENTS MAY EXIST ACCORDING TO CURRENT ORDINANCE AND ZONING STANDARDS AND ARE NOT SHOWN ON THIS DRAWING.
3. NO RESEARCH PERTAINING TO EASEMENTS WAS COMPLETED BY CARDINAL SURVEYING & MAPPING AND THE PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS. ITEMS LOCATED INTO EASEMENT AREAS MAY OR MAY NOT BE AT RISK. SEEK LEGAL ADVICE IF YOU HAVE QUESTIONS. THE EASEMENTS SHOWN ON THIS DRAWING ARE THOSE THAT ARE SHOWN GRAPHICALLY ON THE RECORD PLAT. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. SURVEY COMPLETED TO URBAN PROPERTY BOUNDARY ACCURACY STANDARDS PER 20 CSR 2030-16.040 OF THE MISSOURI STATE STATUTES AND ACCURATELY REFLECTS ALL VISIBLE IMPROVEMENTS, INCLUDING FENCES, RECORDED EASEMENTS PER ABOVE REFERENCED TITLE COMMITMENT, AND EVIDENCE OF VISIBLE EASEMENTS LOCATED AT THE TIME OF SURVEY. AN ALTA WAS NOT PERFORMED AND UTILITY LOCATION HAS NOT BEEN DETERMINED.
5. OWNERSHIP OF THE IMPROVEMENTS AS SHOWN ON THIS DRAWING ARE THE OPINION OF THE SURVEYOR AT THE TIME THE SURVEY WAS EXECUTED AND HAS NOT BEEN VERIFIED TO ANY EXTENT, NOR IMPLIES ANY EXCLUSIVE OWNERSHIP.

- C CALCULATED DISTANCE
- D DEEDED DISTANCE
- L PLATTED LENGTH
- P PLATTED DISTANCE
- M MEASURED DISTANCE
- SET REBAR
- FOUND REBAR
- ⊙ FOUND IRON PIPE



SHEET 2 OF 2

| | | | |
|---|---|--|---|
|  <p>PO BOX 278 COTTLEVILLE, MO 63338 PHONE: 636.922.1001 Corp # 2005000229 www.CardinalSurveying.com inbox@cardinalsurveying.com</p> | <p>JOB #2108154 FB 624:5</p> <p>FIELD WORK BY: AAV/PRB</p> <p>DRAWN BY: BSR/LNC</p> <p>600 FLORLAND DR FLORISSANT, MO, 63303</p> <p>REVIEWED BY: WILLIAM JACOB CLARK LS# 2002014101</p> | <p>THIS IS TO CERTIFY THAT ON JUNE 14, 2021 A REQUEST BY TANISHA PATTERSON WAS MADE FOR A BOUNDARY SURVEY AND TO LOCATE THE IMPROVEMENTS ON THE ABOVE NAMED TRACT AND THAT THE RESULTS ARE, TO THE BEST OF MY KNOWLEDGE, CORRECTLY REPRESENTED HEREON.</p> |  |
|---|---|--|---|

2106154 PROPERTY DESCRIPTION

A TRACT OF LAND IN SURVEY NO. 162 OF ST. FERDINAND COMMON FIELDS, TOWNSHIP 47 NORTH, RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHWEST CORNER OF LOT 1 IN BLOCK 2 OF FLORLAND PLAT NO. 1, AS RECORDED IN PLAT BOOK 73 PAGE 14 OF THE ST LOUIS COUNTY RECORDER'S OFFICE. THENCE S 53°10'00" E A DISTANCE OF 39.70' TO THE TRUE POINT OF BEGINNING FOR THE TRACT OF LAND HEREIN DESCRIBED. THENCE N 71°26'45" E A DISTANCE OF 113.58' TO A POINT ON THE SOUTHWESTERN RIGHT OF WAY OF FLORLAND DRIVE (50' WIDE); THENCE ALONG SAID RIGHT OF WAY S 18°33'30" E A DISTANCE OF 85.76' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 41.22', WITH A RADIUS OF 105.00', WITH A CHORD BEARING OF S 29°48'15" E, WITH A CHORD LENGTH OF 40.95' TO A POINT ON THE NORTHWESTERN RIGHT OF WAY OF LINDBERGH BOULEVARD (VARIABLE WIDTH) CALCULATED FROM CAUSE #285655(PARCEL 140) AS RECORDED IN DEED BOOK 6314 PAGE 69 OF THE ST LOUIS COUNTY RECORDER'S OFFICE; THENCE ALONG SAID RIGHT OF WAY S 40°44'00" W A DISTANCE OF 28.60' TO A POINT; THENCE LEAVING SAID RIGHT OF WAY N 53°10'00" W A DISTANCE OF 170.76' TO THE POINT OF BEGINNING AND CONTAINING 9,190 SQUARE FEET

CITY OF FLORISSANT

Public Hearing



In accordance with Article 11, Section 11.3 of the Florissant Zoning Code a Public Hearing will be held by the City Council of Florissant, MO. in the Council Chambers, 955 rue St. Francois, on Monday, September 13, 2021 at 7:00 p.m. on the following proposition:

To amend Section 405.245, Subsection B “Screening and Berming”, paragraph 2 of the Florissant Zoning Code to require a personnel accessway through new outside trash container enclosures. Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or email kgoodwin@florissantmo.com.

CITY OF FLORISSANT, Karen Goodwin, MMC City Clerk

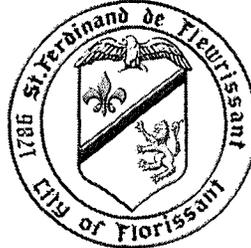
RECOMMEND DENIAL
PLANNING & ZONING
CHAIRMAN

SIGN.

DATE:

8-16-21

MEMORANDUM



CITY OF FLORISSANT- Building Division

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners

Date: August 11, 2021

From: Philip E. Lum, AIA-Building Commissioner c:

Todd Hughes, P.E.,
Director Public Works
Deputy City Clerk
Applicant
File

Subject: Request **Recommended Approval** to change the Zoning Code to amend Section 405.245, Subsection B "Screen and Berming", subparagraph 2, to require a personnel accessway through new outside trash container screens.

STAFF REPORT
CASE NUMBER PZ-081621-3

I. PROJECT DESCRIPTION:

This is a request for **recommended approval** to change the Zoning Code to amend Section 405.245, Subsection B "Screen and Berming", subparagraph 2, to require a personnel accessway through new outside trash container screens.

II. EXISTING SITE CONDITIONS:

All new.

III. SURROUNDING PROPERTIES:

n/a

IV. STAFF ANALYSIS:

The proposed addition to the screening code is suggested by staff. The current screening requirement in the Zoning Code is as follows:

"B. Screen And Berming.

- 40 1. In "B-1," "B-2," "B-3," "B-4," "B-5," "R-5," and "R-6" zoning districts, all outside trash and grease
 41 containers, HVAC units, electric equipment, telephone equipment, gas meters and rooftop mechanical
 42 apparatus shall be adequately screened with appropriate materials or landscaping to conceal the visibility
 43 of the object from the right-of-way and from neighboring residentially zoned property. The Planning and
 44 Zoning Commission may waive the screening requirements for electric equipment, telephone equipment
 45 and gas meters if such screening due to configuration and layout of the building would violate the utility
 46 clearance requirements for these items. For the purpose of this Section a "trash container" is any container
 47 that is over ninety-five (95) gallons in size and which is not used for public use. However, property that has
 48 existing grease containers or trash containers that are over ninety-five (95) gallons in size and is not used
 49 for public use on the exterior of the building shall meet the screening requirements set forth herein by
 50 September 1, 2009.
 51 Ord. No. 8323 § 2, 6-12-2017
- 52 2. Screening for outside trash containers shall be of a material that matches or is compatible with the
 53 building.
 54 3. Rooftop screening shall be made of a material and color that will blend with the building architecture."
 55

56 Staff struggles to enforce the closing of trash enclosure gates when installed and
 57 recommends that such gates in future are self-closing.

58
 59 The provision of a man-doors or accessways in addition to gates for the trash truck will
 60 help keep trash and containers out of sight.

61
 62 Staff supports the addition of the following changes:

63
 64 Screening for outside trash containers shall be of a material that matches or is compatible
 65 with the building:

- 66 • Screening components shall have an opacity of 90% minimum.
- 67 • Gates for trash screens shall be self closing and lockable.
- 68 • Provision of a personnel accessway in addition to vehicle gates that allows
 69 staff to enter a trash enclosure without operating vehicle gates for the
 70 purpose of using the dumpster. Man doors or gates shall be self closing.
 71 Locked trash enclosures inhibit unauthorized use of dumpsters.

72
 73 **VI. STAFF RECOMMENDATIONS:**

74 **Suggested Motion:**

75 I move to **Recommended Approval** to change the Zoning Code to amend Section
 76 405.245, Subsection B "Screen and Berming", subparagraph 2, to require a personnel
 77 accessway through new outside trash container screens, replacing subparagraph 2 with
 78 the following:

- 79
- 80 2. Screening for outside trash containers shall be of a material that matches or is
 81 compatible with the building. Screening components shall have an opacity of
 82 90% minimum. *and accessways*
- 83 a. *All* Gates for trash screens shall be self closing and lockable.
 - 84 b. For screened enclosures: Provide an accessway ~~in addition to vehicle~~
 85 ~~gates~~ that allows personnel to enter a trash enclosure without operating
 86 vehicle gates. ~~Man doors or gates shall be self closing.~~
Access way

87
 88 (End of report and suggested motion)

1 INTRODUCED BY COUNCILMAN MULCAHY
2 AUGUST 23, 2021

3
4 BILL NO. 9707 ORDINANCE NO.

5
6 **ORDINANCE AUTHORIZING AN AMENDMENT TO SPECIAL USE**
7 **ORDINANCE NO. 8693 TO ALLOW FOR CHANGES TO THE**
8 **DEVELOPMENT PLAN IN A B-3 “EXTENSIVE BUSINESS DISTRICT”**
9 **LOCATED AT 1790 N. HWY 67 AND 1645 N. FLORISSANT RD.**

10
11 WHEREAS, the Florissant Zoning Ordinance authorizes the City Council of the City of
12 Florissant, by Special Use Permit, after public hearing thereon, to permit the location of pre-
13 owned car dealership; and

14 WHEREAS, the Florissant City Council initially granted Special Use permit no. 7321 to
15 Ellis Denos D/b/a The Olympic, for the operation of a pre-owed car dealership located at 1760,
16 1780 & 1790 N. Hwy 67; and

17 WHERAS ordinance no. 8671 was passed and transferred Special Use No. 7321 to
18 Penuel Raj Clement d/b/a Clement Olympic Motors; and

19 WHEREAS ordinance no. 8693 was passed to amend Special Use no. 7321 to allow for
20 the expansion of Olympic Motors to include 1760, 1780, 1790 N. Hwy 67 and 1645 N. Florissant
21 Road; and

22 WHEREAS, an application has been filed by Panuel Raj Clement to amend ordinance
23 no.8693 that allowed for the expansion of the Special Use Permit to 1645 N. Florissant Road to
24 allow for changes in the development plan; and

25 WHEREAS, the Planning and Zoning Commission of the City of Florissant at their
26 meeting of August 2nd, 2021 has recommended that the Special Use Permit amendment be
27 approved for changes in the development plan; and

28 WHEREAS, due notice of public hearing no. 21-08-021 on said application to be held on
29 the 23rd of August, 2021 at 7:00 P.M. by the Council of the City of Florissant was duly
30 published, held and concluded; and

31 WHEREAS, the Council, following said public hearing, and after due and careful
32 consideration, has concluded that the granting of an amendment to the amended Special Use
33 Permit authorized by Ordinance No. 8693, as hereinafter provided, would be in the best interest
34 of the City of Florissant and will not adversely affect the health, safety, morals and general
35 welfare of the City.

1 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
2 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

3
4 Section 1: Special Use, Ord. No. 8693 is hereby amended as shown on attached Site Plan C-1 by
5 Premier Design Group, dated 7/13/21 with the following revisions as part of the record:
6 Site Development Plan shall indicate:

- 7
- 8 1. Any lighting on the site shall be shielded and/or directed down and within the property
- 9 lines so as to avoid causing glare.
- 10 2. Removal of all non-compliant signs prior to the Public Hearing
- 11

12 Section 2: When the named permittee discontinues the operation of said business, the
13 Special Use Permit herein granted shall no longer be in force and effect.

14 Section 3: This ordinance shall become in force and effect immediately upon its passage
15 and approval.

16 Adopted this ____ day of _____, 2021.

17
18
19 _____
20 Keith Schildroth
21 President of the Council
22 City of Florissant

23 Approved this ____ day of _____, 2021.

24
25
26 _____
27 Timothy J. Lowery
28 Mayor, City of Florissant

29 ATTEST:

30
31 _____
32 Karen Goodwin, MPPA/MMC/MRCC
33 City Clerk

CITY OF FLORISSANT

Public Hearing



In accordance with 405.125 of the Florissant Zoning Code a Public Hearing will be held by the City Council of Florissant, MO. in the Council Chambers, 955 rue St. Francois, on Monday, August 23, 2021 at 7:00 p.m. on the following proposition:

To amend Special Use Ordinance No. 8693 to allow for changes to the Development Plan in a “B-3 Extensive Business District” located at 1790 N. Highway 67/1645 N. Florissant Rd (Clement Olympic Motors). Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or email kgoodwin@florissantmo.com.

CITY OF FLORISSANT, Karen Goodwin, MMC City Clerk

**SPECIAL USE PERMIT APPLICATION
TO THE CITY OF FLORISSANT
PLANNING AND ZONING COMMISSION**



City Of Florissant – Public Works
314-839-7648

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

PLANNING & ZONING ACTION

Council Ward 6 Zoning B-3

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

Initial Date Petitioner Filed _____
**Building Commissioner to complete
ward, zone & date filed**

SIGN

DATE: 8-13-21

SPECIAL PERMIT FOR _____
for operation of a pre-owned dealership located at 1645 N. New Florissant Road, Florissant, MO

Statement of what permit is being sought. (i.e., special permit for operation of a restaurant).

AMEND SPECIAL PERMIT #- 7321 TO ALLOW FOR _____
ordinance # _____ the expansion of the dealership at 1760, 1780, and 1790 N. Hwy 67
Statement of what the amendment is for.

LOCATION 1645 N New Florissant Road, Florissant, MO 63033
Address of property.

1) Comes Now A.) 1790 N Hwy 67 Holdings, LLC and B.) Olympic Motor Company, LLC (Penuel Raj Clement)
Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As)

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, as described on page 3 of this petition.

Legal interest in the Property) A.) Fee Simple and B.) Operator
State legal interest in the property. (i.e., owner of property, lease).
Submit copy of deed or lease or letter of authorization from owner to seek a special use.

2) The petitioner(s) further state(s) that the property herein described is presently being used for vacant
and that the deed restrictions for the property do not prohibit the use which
would be authorized by said Permit.

3) The petitioner(s) further states (s) that they (he) (she) are submitting a detailed site plan of the proposed or existing development showing location and use of all structures, off-street parking, and all other information required by the Zoning Ordinance or determined necessary by the Building Commissioner.

REQUIRED INFORMATION

Please mark an "X" in the appropriate type of operation, then fill in applicable section (a), (b) or (c).
Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation:
Individual _____ Partnership _____ Corporation _____ Limited Liability Company _____

(a) If an individual:

- (1) Name and Address _____
- (2) Telephone Number _____
- (3) Business Address _____
- (4) Date started in business _____
- (5) Name in which business is operated if different from (1) _____
- (6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a partnership:

- (1) Names & addresses of all partners _____
- (2) Telephone numbers _____
- (3) Business address _____
- (4) Name under which business is operated _____
- (5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a corporation:

- (1) Names & addresses of all partners Penuel Raj Clement
- (2) Telephone numbers (314) 504-2181
- (3) Business address 1790 N. Hwy 67, Florissant, MO 63033
- (4) State of Incorporation & a photocopy of incorporation papers A.) MO B) MO
- (5) Date of Incorporation 07/27/2020
- (6) Missouri Corporate Number A.) LC 1719983 and B.) LC0754939
- (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. Olympic Motor Company
- (8) Name in which business is operated Olympic Motor Company
- (9) Copy of latest Missouri Anti-Trust. (annual registration of corporate officers) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping Information.

Please fill in applicable information requested. If the property is located in a shopping center, provide the dimensions of the tenant space under square footage and landscaping information may not be required.

Name _____

Address _____

Property Owner _____

Location of property _____

Dimensions of property _____

Property is presently zoned _____ Requests Rezoning To _____

Proposed Use of Property _____

Type of Sign _____ Height _____

Type of Construction _____ Number Of Stories _____

Square Footage of Building _____ Number of Curb Cuts _____

Number of Parking Spaces _____ Sidewalk Length _____

Landscaping: No. of Trees _____ Diameter _____

No. of Shrubs _____ Size _____

Fence: Type _____ Length _____ Height _____

PLEASE SUBMIT THE FOLLOWING INFORMATION ON PLANS OR DRAWINGS:

1. Zoning of adjoining properties.
2. Show location of property in relation to major streets and all adjoining properties.
3. Show measurement of tract and overall area of tract.
4. Proposed parking layout and count, parking lighting.
5. Landscaping and trash screening.
5. Location, sizes and elevations of signage.

**PROVIDE LEGAL DESCRIPTION OF PROPERTY PERTAINING TO THIS
PETITION**

(Close legal description with acreage to the nearest tenth of an acre).

Provide a legal description of the property. If part of a shopping center, list address and show part of what shopping center (i.e.: 351 N. Highway 67 part of Florissant Meadows Shopping Center). If property is a single lot, list full written legal description with metes and bounds bearings and dimensions.

PROVIDE LOCATION MAP SHOWING AREA INVOLVING THIS PETITION

Provide a drawing of a location map showing the nearest major intersection.

OFFICE USE ONLY

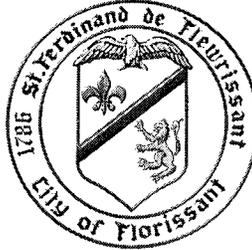
Date Application reviewed _____

STAFF REMARKS: _____

Building Commissioner or Staff Signature

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MEMORANDUM



CITY OF FLORISSANT- Building Division

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners Date: July 15, 2021 rev 7/28/21

From: Philip E. Lum, AIA-Building Commissioner c: Todd Hughes, P.E.,
Director Public Works
Deputy City Clerk
Applicant
File

Subject: **1790 N Highway 67/1645 N New Florissant Rd (Clement Olympic Motors) Request Recommended Approval** to amend a Special Use to allow for changes in the Development Plan in a 'B-3' Extensive Business District.

STAFF REPORT
CASE NUMBER PZ-071921-6

I. PROJECT DESCRIPTION:

This is a request to revise the development plan for a Special Use in a 'B-3' Extensive Business District.

II. EXISTING SITE CONDITIONS:

The existing property adjacent to **1645 N New Florissant Rd** recently was approved to operate under Ordinance No. 8693 for expanding Clement Olympic Motors, however the petitioner has some corrections to the development plan that are more consistent with existing conditions, prominently that the existing grades will not work on the previous Preliminary Plan with the location of internal drives and entrances. **Also vehicles will be misaligned if 10 feet from the property line since the existing Olympic Motors paving is 5 feet from the line.**

The subject property at 1645 N New Florissant Rd is approximately 0.53 acres built in 1952 per County record. Added to the existing car sales property of 1.45 acres, the entire site is about 2 acres.

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III. SURROUNDING PROPERTIES:

The properties to the North of 1645 N New Florissant, the car sales in includes 1675 N New Florissant, 1760, 1780 and 1790 N Highway 67, all within the 'B-3' Extensive Business District. The property to the South, 1615 N New Florissant Rd and the property to the West, the Police Station, are within the 'R-4' Single Family Dwelling Disrict.

IV. STAFF ANALYSIS:

Ordinance No. 8693 contains a Plan A-1 dated revised April 12, 2021 by Ballman Architects **which included** paving the lot with spaces for cars for sale . Compliant parking will be met on the property, the petitioner sent photos of the existing customer parking areas. 1790 N Highway 67 has a building of 2460 s.f. per County Records, therefore, parking for the establishment is 3/1000 s.f. of sales and showroom area, therefore, assuming that the sales offices are 2000 s.f. of the existing building, a total of 6 parking for customers must be located on the property, including one van accessible space. Multiple lots exist as they do elsewhere on commercial properties.

The plan proposed here includes working topography, and new parking lot lights.

Staff has removed the Alternate for pickets on the existing Police Station fence. The Police and Director have rejected the Alternate.

A screen will be required per the zoning code on the west and south property lines per City Code 405.245.

Landscape requirements for 450' of frontage along S New Florissant Road would be 9 trees. There are 9 conifers along the existing property that are inside the sidewalk but may be in the r.o.w. along with a continuous hedgerow.

VI. STAFF RECOMMENDATIONS:

Suggested Motion:

I move for **Recommended Approval** to amend a Special Use in a 'B-3' Extensive Business District as shown on attached Site Plan C-1 by Premier Design Group, dated 7/13/21 with the following revisions as part of the record:

Site Development Plan shall indicate:

1. **Any lighting on the site shall be shielded and/or directed down and within the property lines so as to avoid causing glare.**

(End of report and suggested motion)

1 INTRODUCED BY COUNCILMAN SIAM
2 AUGUST 23, 2021

3
4 BILL NO. 9708

ORDINANCE NO.

5
6 **ORDINANCE AUTHORIZING AN AMENDMENT TO B-5 ORDINANCE**
7 **NO. 5733 TO ALLOW FOR CHANGES TO THE DEVELOPMENT PLAN**
8 **TO ALLOW FOR A CUSTOMER PICK-UP AREA LOCATED AT 2341 N.**
9 **HIGHWAY 67.**

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11
12 WHEREAS, ordinance no. 5733 was passed in June of 1995 approving changes to the
13 Gramex Development plan to allow for a retail establishment with restrictions; and

14 WHEREAS, ordinance no. 5733 was amended by ordinance no. 8387 in February of
15 2018 to allow for remodeling of a retail establishment (Target); and

16 WHEREAS ordinance no. 5733 was further amended by ordinance no. 8685 in April of
17 2021 to allow for the removal of siding; and

18 WHEREAS Target Corporation has applied for an additional amendment to the
19 development plan authorized by ordinance 5733 to allow for the addition of a customer pick-up
20 area; and

21 WHEREAS, the Planning and Zoning Commission of the City of Florissant has
22 recommended to the City Council at their meeting of August 2nd, 2021 that an amendment to B-
23 5 ordinance no. 5733, as amended, to allow for the addition of a customer pick-up area located at
24 2341 N. Highway 67.

25 WHEREAS, due and lawful notice of a public hearing no. 21-08-22 on said proposed
26 change was duly published, held and concluded on 23rd of August, 2021 by the Council of the
27 City of Florissant; and

28 WHEREAS, the Council, following said public hearing, and after due and careful
29 deliberation, has concluded that that an amendment to B-5 ordinance no. 5733, as amended, to
30 allow for a customer pick-up area located at 2341 N. Highway 67 is in the best interest of the
31 public health, safety and welfare of the City of Florissant; and

32
33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
34 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
35

36 Section 1: Ord. No. 5733 as amended by ord. nos. 5896, 7401, 8387 and 8685, as
 37 presented and depicted by documents prepared by Kimley-Horn, shown on drawings C0.0, C0.1,
 38 C1.0, C2.0 and C2.1 dated 6/22/21 These alterations depict changes to the development plan.
 39 Approval is subject to the regulations of this ‘B-5’ Planned Commercial District, and the
 40 following additional requirements:

41

42 1.GENERAL DEVELOPMENT CONDITIONS.

43 Unless, and except to the extent, otherwise specifically provided in
 44 Ordinance no. 5733, as amended by ords. Nos. 5896, 7401, 8387 and 8685.
 45 Development shall be affected only in accordance with all ordinances of
 46 the City of Florissant.

47 2. Amend page 10 Miscellaneous development., paragraph i), (4) to add sub paragraph:

48 “11. A customer pick-up area as depicted by documents prepared by Kimley- Horn,
 49 shown on elevation drawings C0.0, C0.1, C1.0, C2.0 and C2.1 dated 6/22/21.”

50

51 Section 2: This ordinance shall become in full force and effect immediately upon its
 52 passage and approval.

53

54 Adopted this _____ day of _____, 2021.

55

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 Keith Schildroth
 President of the Council

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60 Approved this _____ day of _____, 2021.

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 Timothy J. Lowery
 Mayor, City of Florissant

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67 ATTEST:

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 Karen Goodwin, MPPA/MMC/MRCC
 City Clerk

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CITY OF FLORISSANT

Public Hearing



In accordance with 405.135 of the Florissant Zoning Code a Public Hearing will be held by the City Council of Florissant, MO. in the Council Chambers, 955 rue St. Francois, on Monday, August 23, 2021 at 7:00 p.m. on the following proposition:

To amend Ordinance No. 7401 to allow for changes to the Development Plan for a customer pick-up area in a 'B-5' Planned Commercial District located at 2341 N. Highway 67 (Target). Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or email kgoodwin@florissantmo.com.

CITY OF FLORISSANT, Karen Goodwin, MMC City Clerk

Application to the City of Florissant Planning & Zoning Commission (P&Z) to Establish a 'B-5' Planned Commercial District (Re-Zoning) or to Amend the Provisions of an Existing 'B-5' Ordinance



PLANNING & ZONING ACTION:

Address of Property:

2341 N Highway 67

**RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN**

Council Ward _____ Zoning B-5

SIGN. [Signature]

DATE: 8-2-21

Initial Date Petitioner Filed _____
(Staff to complete Ward, Zoning & Date filed)

PETITION TO REZONE OR AMEND CONDITIONS OF A 'B-5' PLANNED COMMERCIAL DISTRICT ORDINANCE # 5733, with amendment #8387

Enter ordinance number or number(s) if requesting to amend.

1) Comes Now Target Corporation

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described in this petition.

Legal interest in the Property Owner

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to sponsor such a bill.

A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned, by giving bearings & distances (metes and bounds). Not required if legal description is found identical on requirements of "B".

B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and distances of the property, north arrow and scale.

C. Acreage to nearest tenth of an acre of the property for which 'B-5' is proposed 10.3

2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a 'B-5' District and is presently being used as Department Store (Apparel, Household goods, Furniture)

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following reasons to justify this 'B-5' petition: to allow for drive-up stall modifications

List reason for this request, i.e. "to allow for..."

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.

5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S REPRESENTATIVE Matthew Flansburg matthew.flansburg@target.com
Print Name Email address

PETITIONER(S) SIGNATURE (S) 

FOR Target Corporation

(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
 I (we) have a legal interest in the herein above described property.
 I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present this petition to the Planning & Zoning Commission and Council. The agent must be approved by the owner to present the petition in this section, and provide address and telephone number

NAME Natalie Moore, Kimley-Horn Associates

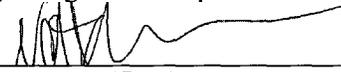
Name of Petitioner(s) Authorized Agent, Firm Name

ADDRESS 4201 Winfield Road, Suite 600 Warrenville, IL 60555
STREET CITY STATE ZIP CODE

PHONE (331) 310-0085

I (we) the petitioner (s) do hereby appoint Natalie Moore natalie.moore@kimley-horn.com as
BUSINESS Print name of agent. Email address

my (our) duly authorized agent to represent me (us) in regard to this petition.


Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please check the box for the appropriate type of operation then fill in appropriate section (a), (b) or (c). Corporations are to submit copy of Missouri corporation registration.

1) Type of Operation: Individual: Partnership: Corporation:

(a) If an individual:

- (1) Name and Address _____
- (2) Phone Number _____ Email _____
- (3) Business Address _____
- (4) Date started in business _____
- (5) Name in which business is operated if different from (1) _____
- (6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a partnership:

- (1) Names & addresses of all partners _____
- (2) Phone Number _____ Email _____
- (3) Business address _____
- (4) Name under which business is operated _____
- (5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a corporation:

- (1) Names & addresses of all partners Target Corporation, 50 South 10th St., Suite 400 Minneapolis, MN, 55403
- (2) Phone Number _____ Email matthew.flansburg@target.com
- (3) Business address 2341 N Highway 67 Florissant, MO 63033
- (4) State of Incorporation & a photocopy of incorporation papers Minnesota
- (5) Date of Incorporation _____
- (6) Missouri Corporate Number _____
- (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. _____
- (8) Name in which business is operated _____
- (9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

Please fill in applicable information requested.

Name Target
Address 2341 N Highway 67 Florissant, MO 63033
Property Owner Target Corporation
Location of property 2341 N Highway 67 Florissant, MO 63033
Dimensions of property 10.3 Acres
Property is presently zoned B-5 per ordinance # 5733, with amendment #8387
Current & Proposed Use of Property Retail
Type of Sign Wayfinding Height 12'-0"
Type of Construction Parking Striping Number Of Stories 1
Square Footage of Building 122,318 Number of Curb Cuts N/A
Number of Parking Spaces 710 Sidewalk Length N/A
Landscaping: No. of Trees N/A Diameter N/A
No. of Shrubs N/A Size N/A
Fence: Type N/A Length N/A Height N/A

PLEASE SUBMIT NINE (10) FOLDED COPIES OF THE FOLLOWING:

Please provide one letter sized copy of all documents submitted for the overhead projector, presentation boards discouraged.

1. Plan or drawing showing zoning of adjoining properties.
2. Plan or drawing showing location of property in relation to major streets and all adjoining properties.
3. Drawing showing measurement of tract and overall area of tract.
4. Plan or drawing, to scale, showing proposed parking layout, landscaping, parking lighting, signage and trash enclosure.

**PROVIDE LEGAL DESCRIPTION OF PROPERTY PERTAINING TO THIS
PETITION**

(Close legal description with acreage to the nearest tenth of an acre).

Provide a legal description of the property. If part of a shopping center list the address and state that it is part of the shopping center (i.e.: 351 N. Highway 67 part of Florissant Meadows Shopping Center). If property is a single lot, list full written legal description with bearings and distances.

Lot 1B of Pidgeon Park Plat 2, as per plat thereof recorded in Plat Book 344 page 347 of the St. Louis County Records.

PROVIDE LOCATION MAP SHOWING AREA INVOLVING THIS PETITION

Provide a drawing of a location map showing the nearest major intersection or include on plans.

STAFF CHECK LIST / REVIEW SHEET

ADDRESS OF PROPERTY 2341 N Highway 67 Florissant, MO 63033 CURRENT ZONING B-5

PROPERTY OWNER OF RECORD Target Corporation PHONE NO. _____

AUTHORIZED AGENT Kimley-Horn Associates PHONE NO. (331) 310-0085

PROPOSAL Drive-up Expansion

1) a. Uses - Are uses stipulated Yes / No

b. What current District would this proposal be a permitted use: _____

c. Proposed uses for out lots: _____

2) Performance Standards:

- a) Vibration: Are there any foreseen vibration problems at the property line? Yes / No
- b) Noises: Will the operation or proposed equipment exceed 70 decibels? Yes / No
- c) Odors: Is there any foreseen problem with odor? Yes / No
- d) Smoke: Will the operation emit any smoke which could exceed a density described as No. I on the Ringleman Chart? Yes / No
- e) Toxic gases: Is there any foreseen emission of toxic gases from the operation? Yes / No
- f) Is there foreseen emissions of dirt, dust, fly ash, and other forms of particle matter? Yes / No
- g) Is there any dangerous amount of radiation produced from the operation? Yes / No
- h) Is there any glare or heat which would be produced outside of an enclosure? Yes / No
- l) Is screening of trash dumpsters, mechanical equipment, incinerators, etc., shown? Yes / No
- j) Is building(s) screened from adjoining residential? Yes / No

3) Is the height of structures shown? Yes / No

4) Are all setbacks shown? Yes / No

5) Are building square footages shown? Yes / No

6) What are the exterior construction materials on the building(s)? _____

7) Is off street loading shown? Yes / No

8) Parking:

- a) Does parking shown meet the ordinance? Yes / No
- b) Is a variance required in accordance with the ordinance? Yes / No
- c) Ratio shown _____ to _____
- d) Total Number _____
- e) Will cross access and cross parking agreements be required? Yes / No
- f) Is the parking lot adequately landscaped? Yes / No

9) Are there any signs? Yes / No

Number of signs shown _____

Type of Signs _____

Are sizes, heights, details, and setbacks shown? Yes / No

10) Are existing and proposed contours shown at not more than five (5) feet intervals? Yes / No

11) Is the approximate location of all isolated trees having a trunk diameter of six inches or all tree masses and proposed landscaping shown? Yes / No

- 12) Are two section profiles through the site showing preliminary building form, existing natural grade and proposed final grade shown? Yes / No
- 13) Is proposed ingress/egress onto the site and internal traffic movements shown? Yes / No
- 14) Was a traffic study submitted? Yes / No
Does the City Staff recommend a traffic study? Yes / No
- 15) Are preliminary plans for sanitation and drainage (sanitary & storm water) facilities shown? Yes / No
- 16) Is a legal description of the property shown? Yes / No
Does legal description appear to be proper? Yes / No
- 17) Is an out-boundary plat of the property submitted? Yes / No
- 18) Suggested time limitations of construction: Start _____ Finish _____
- 19) Is parking lot lighting shown? Yes / No
- 20) Are new walkways required? Yes / No
- 21) Is there sufficient accessibility on the site plan shown? Yes / No
- 22) a) Are there proposed curb-cuts? Yes / No
b) Do the curb-cuts meet the City ordinances? Yes / No
- 23) Will this project require any street improvements? Yes / No
- 24) Staff recommendations for site development plans: _____

25) Staff Comments: _____

Date Application reviewed

Building Commissioner or Staff Signature



TARGET
CORPORATION

Kimley-Horn
& Associates, Inc.
1000 North 17th Street
Columbia, SC 29201
803.762.1234
www.kimley-horn.com



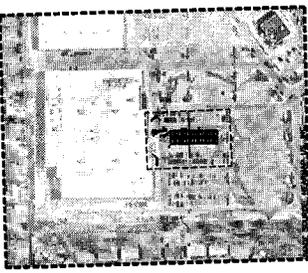
DATE: 6/22/2021

TARGET
T-1101 FLORISSANT
2341 N HIGHWAY 67
FLORISSANT, MO 63033

Project Number: T-1101
City: Florissant
County: St. Louis
Scale: 1"=10'

IMPROVEMENT
PLAN

C1.0

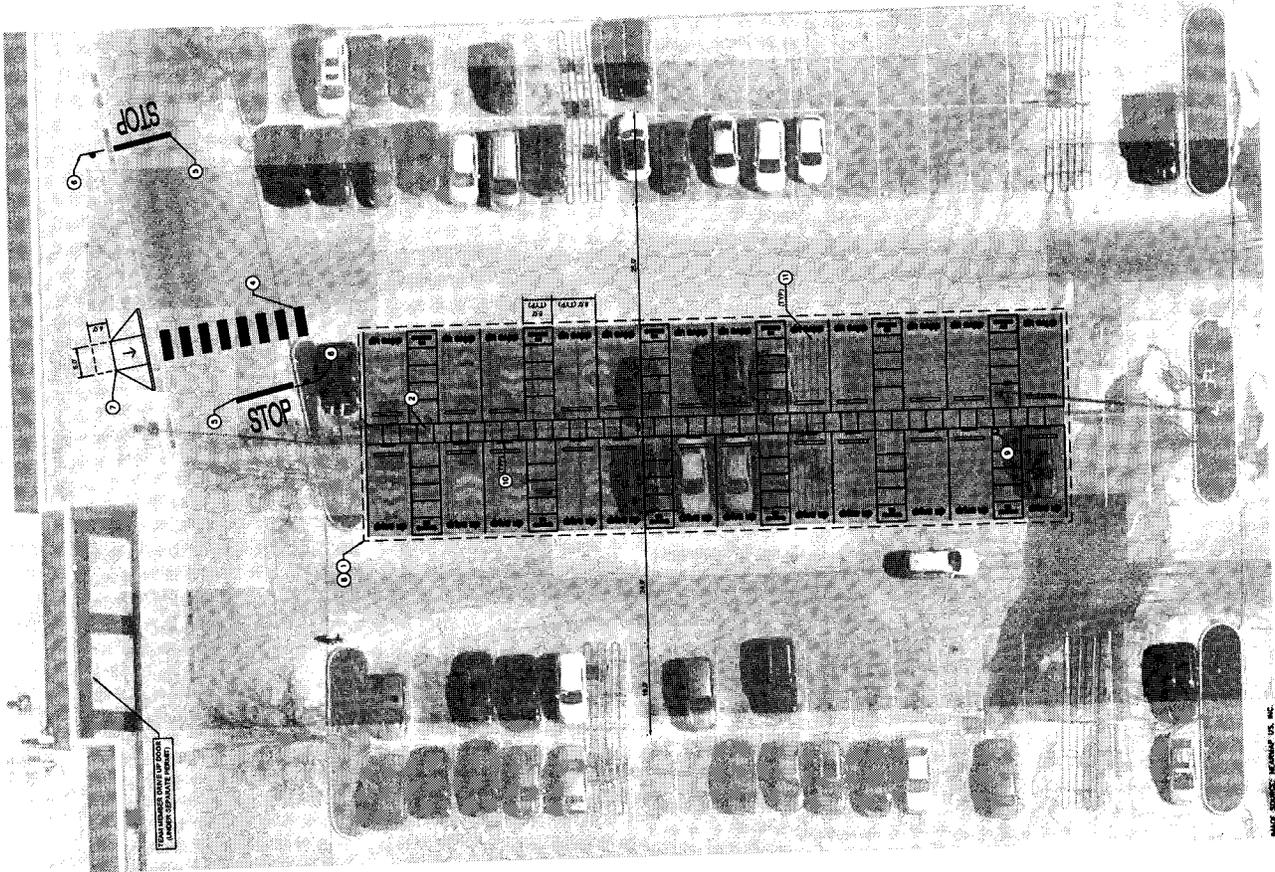


CONSTRUCTION NOTES

1. SANDBLAST AND REMOVE EXISTING STRIPING AND DRIVE UP BEACONS IN PLACE AND KEEP EXISTING DRIVE UP BEACONS.
2. INSTALL STOP SIGN PER DETAILS SHEET.
3. INSTALL STOP SIGN AND MARKING PER DETAILS SHEET.
4. INSTALL DRIVE UP STRIPING PER DETAILS SHEET.
5. INSTALL DRIVE UP STRIPING AND BEACONS PER DETAILS SHEET.
6. REMOVE AND SALVAGE EXISTING CHART CORNERS.
7. CONTRACTOR TO COORDINATE RELOCATION WITH TARGET.



GRAPHIC SCALE IN FEET
0 10 20 30



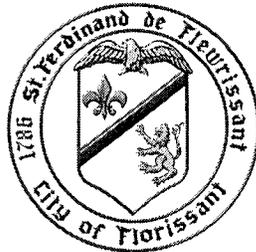
EXISTING AND PROPOSED
DRIVE UP STALLS
1"=10'

Know what's below.
Call before you dig.



This project was prepared by Kimley-Horn & Associates, Inc. for Target Corporation. The information contained herein is for informational purposes only and does not constitute a contract. The user of this information assumes all responsibility for its use. Kimley-Horn & Associates, Inc. is not responsible for any errors or omissions in this document. © 2021 Kimley-Horn & Associates, Inc.

MEMORANDUM



CITY OF FLORISSANT- Building Division

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners Date: July 27, 2021

From: Philip E. Lum, AIA-Building Commissioner c: Todd Hughes, P.E.,
Director Public Works
Deputy City Clerk
Applicant
File

25 Subject: **2341 N Highway 67 (Target) Request Recommended Approval** to amend a
26 'B-5', Ord. No. 5733 (as amended by ords. nos. 5896 and 7401) to change the development
plan to allow for a customer pickup area.

STAFF REPORT
CASE NUMBER PZ-080221-2

27 I. **PROJECT DESCRIPTION:**

28 This request for recommended approval to amend a 'B-5' Ord. No. 5733 (as amended by
29 ords. nos. 5896, 7401) to allow for a change the development plan to allow for a customer
pickup area in an existing 'B-5' Zoning District.

30 II. **EXISTING SITE CONDITIONS:**

31 The existing address at **2341 N. Highway 67 (Target)** has been occupied for many years.

32

36 The property per public record was built in 1997 and contains 121,945 s.f. and 575
37 parking spaces, 348 required.

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40 **III. SURROUNDING PROPERTIES:**

41 The property is bounded by residential properties in County to the North and
42 residentially zoned properties to the west, There are several properties in a 'B-5' District
43 adjacent to the site. The properties to the South are outlots such as Applebee's at 2309N
44 Highway 67 and 2317 N Highway 67 is Longhorn Steakhouse. The retail center to the
45 East is also in a 'B-5' District.

46
47 **IV. STAFF ANALYSIS:**

48 The application is accompanied by professionally prepared documents that include:
49 Plans C0.0, C0.1, C1.0, C2.0 and C2.1 dated 6/22/21 by Kimley Horn.

50
51 Staff comments:

52 Petitioner requests removal of 2 rows of as many as 16 spaces replaced by 2 rows of 12.
53 Graphics and crosswalk signage in Target 'red' as depicted on plans.

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66 See the following suggested motion:

67 **V. STAFF RECOMMENDATION AND SUGGESTED MOTION:**

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I move to recommend approval to amend Ord. No. 5733 as amended by ords. nos.
5896 and 7401, as presented and depicted by documents prepared by Kimley-
Horn, shown on drawings C0.0, C0.1, C1.0, C2.0 and C2.1 dated 6/22/21 These
alterations depict changes to the development plan. Approval is subject to the
regulations of this 'B-5' Planned Commercial District, and the following
additional requirements:

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1. GENERAL DEVELOPMENT CONDITIONS.

Unless, and except to the extent, otherwise specifically provided in
Ordinance no. 5733, as amended by ords. Nos. 5896 and 7401.
Development shall be effected only in accordance with all ordinances of
the City of Florissant.

85

86

2. Amend page 10 misc dev., paragraph i), (4) to add sub paragraph:

87

"11. A customer pickup area as depicted by documents prepared by Kimley-
Horn, shown on elevation drawings C0.0, C0.1, C1.0, C2.0 and C2.1 dated
6/22/21."

PROJECT COMPLETION.

Construction shall start within 120 days of the issuance of building permits, and the
development shall be completed in accordance of the final development plan within
180 days from start of construction.

(End of report and suggested motion)

1 INTRODUCED BY COUNCILMAN SCHILDROTH
2 AUGUST 23, 2021

3
4 BILL NO. 9709

ORDINANCE NO.

5
6 **ORDINANCE AUTHORIZING AN AMENDMENT TO SECTION**
7 **405.125 “B-3 EXTENSIVE BUSINESS DISTRICT” TO REMOVE**
8 **“ASSEMBLY HALLS NOT ASSOCIATED WITH A CHURCH OR**
9 **SCHOOL” AS A SPECIAL USE.**

10
11 WHEREAS The city has experienced difficulties with monitoring and regulating
12 activities within assembly halls; and

13
14 WHEREAS Staff recommended to the Planning and Zoning Commission that the city
15 consider removing assembly halls from the special use category; and

16
17 WHEREAS the Planning and Zoning Commission at their August 2nd, 2021 meeting
18 recommended removal of Assembly halls from the special use category in the B-3 Zoning
19 District; and

20
21 WHEREAS the City Council feels it is in the best interest of the City to remove
22 Assembly Halls as a special use in the B-3 zoning district.

23
24 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
25 **FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

26
27 Section 1: Section 405.125 “B-3 Extensive Business District” subsection K “Special
28 Use Permits” is hereby amended by removing number 7. “Assembly Halls not associated with a
29 Church or School”.

30
31 Section 2: This ordinance shall become in force and effect immediately upon its passage
32 and approval.

33
34 Adopted this ____ day of _____, 2021.

35
36
37 _____
38 Keith Schildroth, Council President

39 Approved this ____ day of _____, 2021.

40
41
42 _____
43 Timothy J. Lowery, Mayor

44 ATTEST:

45 _____
46 Karen Goodwin, MPPA/MMC/MRCC
City Clerk

CITY OF FLORISSANT

Public Hearing



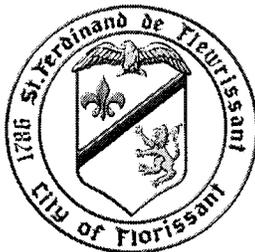
In accordance with Article 11, Section 11.3 of the Florissant Zoning Code a Public Hearing will be held by the City Council of Florissant, MO. in the Council Chambers, 955 rue St. Francois, on Monday, August 23, 2021 at 7:00 p.m. on the following proposition:

To amend Section 405.125 'B-3' Extensive Business District of the Florissant Zoning Code to remove "Assembly Halls not associated with a church or school" as a Special Use. Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or email kgoodwin@florissantmo.com.

CITY OF FLORISSANT, Karen Goodwin, MMC City Clerk

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MEMORANDUM



**RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN**

SIGN 

DATE: 8-2-21

CITY OF FLORISSANT- Building Division

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners Date: July 28, 2021

From: Philip E. Lum, AIA-Building Commissioner c: Todd Hughes, P.E.,
Director Public Works
Deputy City Clerk
Applicant
File

Subject: Request **Recommended Approval** to change the Zoning Code to remove
"Assembly Halls not associated with a Church or School" as a Special Use in the
'B-3' Extensive Business District.

STAFF REPORT
CASE NUMBER PZ-080221-3

I. PROJECT DESCRIPTION:

This is a request for **recommended approval** to change the Zoning Code to remove "Assembly Halls not associated with a Church or School" as a Special Use in the 'B-3' Extensive Business District.

II. EXISTING SITE CONDITIONS:

There are no existing site conditions associated with this request. The proposed Zoning Code change is requested by staff to remove this use from the existing 'B-3' Extensive Business District because of the City's experiences with existing assembly hall use and because of confusion about what activities are permitted within an assembly hall. This issue was particularly noticeable in a recent proposal submitted to the City Council to authorize a Special Use Permit for an Assembly Hall at 9 Paddock Hills Shopping Center.

III. SURROUNDING PROPERTIES: n/a

IV. STAFF ANALYSIS:

Assembly Hall is not defined in the Zoning Code, so the following common definition applies:
ASSEMBLY HALL means a building, or part of a building, in which facilities are provided for

40 *such purposes as meetings for civic, educational, political, religious or social purposes and may*
41 *include a banquet hall, private club or fraternal organization.*

42
43 Staff believes that an Assembly Hall use, as generally defined above, is not in the best interests
44 of the City, and, therefore, staff is recommending that such use be removed as a Special Use
45 category. Establishments that have been treated as a Special Use for an “Assembly Hall” have
46 included banquet halls, event centers, party venues and other multi-use assembly establishments.
47 This creates too wide a spectrum for the variety of uses that could be allowed under the
48 Assembly Hall use. It causes confusion for applicants and staff and it has led to problems with
49 assembly halls being used as a venue for performances by bands, loud music and other
50 gatherings attracting large crowds with many people consuming alcohol. The police department
51 has reported numerous incidents of criminal activity occurring at an Assembly Hall event.

52
53 Residents, Staff and Police have indicated that gatherings at multiple Assembly Hall locations
54 have had problems inside at the building being used as an assembly hall and around the
55 premises, including parking areas, where crowds gather resulting in the following problems:

- 56
57
- Overcrowding
 - Lack of proper facilities and services for the maximum crowd.
 - Violence.
 - Disturbances when alcoholic beverages are involved.
 - Security problems inside and outside.
 - Trash and litter
 - Illegal Behavior
 - Higher liability and/or insurance costs
 - Traffic and Parking control
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67 Such problems lead directly to repeated police visits, some of which are the result of conflicts
68 among the people attending the gathering and conflicts with people who gather outside of the
69 assembly hall.

70
71 It should be noted that there are other Special Use categories that will remain in the Zoning Code
72 to allow more specific activities rather than the broad reference to an Assembly Hall. Such uses
73 include: Amusement and Recreation facilities; Educational development centers; Private clubs
74 and lodges; Restaurants; Sports recreation centers; and Tavern, nightclub and cocktail lounge.
75 Further, if there is interest in creating a special use category for banquet facilities or facilities
76 specifically for meetings for civic, educational, political or social purposes, Staff suggests that
77 the Commission could direct Staff to study special use categories that are more clearly defined
78 and are a better fit for each particular type of activity.

79
80 **VI. STAFF RECOMMENDATIONS:**

81 **Suggested Motion:**

82 I move to Recommend Approval to change the Zoning Code to remove Special Use #7:
83 “Assembly Halls not associated with a Church or School” as a Special Use in the ‘B-3’
84 Extensive Business District, Sections 405.125.

85 (End of report and suggested motion)

1 INTRODUCED BY COUNCILMAN EAGAN
2 SEPTEMBER 13, 2021

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4

5 BILL NO. 9713

ORDINANCE NO.

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**AN ORDINANCE AUTHORIZING THE REZONING OF THE
PROPERTY LOCATED AT 600 FLORLAND DRIVE FROM R-4,
“SINGLE FAMILY DWELLING DISTRICT” TO B-3 “EXTENSIVE
BUSINESS DISTRICT” TO ALLOW FOR THE LOCATION OF A
CHILD DAY CARE CENTER.**

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WHEREAS, Ordinance No. 1625, as amended, establishes within the City of Florissant district classifications for the purpose of regulating their construction and use of land, buildings and property within the said various districts, and said Ordinance provides the nature, kind and character of buildings that may be erected in each of the said districts and the use to which the land and buildings may be put; and

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WHEREAS, the Planning and Zoning Commission of the City of Florissant at their August 16, 2021 meeting, has recommended to the City Council that Ordinance No. 1625 be amended to change the classification of certain property identified as 600 Florland Drive from R-4, Single Family Dwelling District to B-3 Extensive Commercial District; and

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24

WHEREAS, due and lawful notice of public hearing no. 21-09-027 on said proposed zoning change to be held on Monday, September 13, 2021, at 7:00 P.M. by the Council of the City of Florissant was duly published; and

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28

WHEREAS, said public hearing was duly and properly held by the Council of the City of Florissant at the time and place provided in said notice at which time said public hearing was concluded, and all comments, statements and suggestions made by those present and concerning the proposed change were heard and considered by the Council; and

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WHEREAS, the Council, following said public hearing, and after due and careful deliberation, has concluded that the amendment of Ordinance No. 1625, as amended, as hereinafter set forth, to be in the best interest of the public health, safety and welfare of the City of Florissant.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

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Section 1: Ordinance No. 1625, as amended, is hereby further amended by changing the classification of the following described property from R-4, Single Family Dwelling District to B-3 Extensive Commercial District.

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600 Florland Drive
Florissant, MO 63031

A TRACT OF LAND IN SURVEY NO. 162 OF ST. FERDINAND COMMON FIELDS, TOWNSHIP 47NORTH, RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHWEST CORNER OF LOT 11N BLOCK 2 OF FLORLAND PLAT NO. 1, AS RECORDED IN PLAT BOOK 73 PAGE 14 OF THE STLOUIS COUNTY RECORDER'S OFFICE. THENCE S 53°10'00" E A DISTANCE OF 39.70' TO THE TRUE POINT OF BEGINNING FOR THE TRACT OF LAND HEREIN DESCRIBED. THENCE N 71°26'45" E A DISTANCE OF 113.58' TO A POINT ON THE SOUTHWESTERN RIGHT OF WAY OF FLORLAND DRIVE (50' WIDE); THENCE ALONG SAID RIGHT OF WAYS 18°33'30" E A DISTANCE OF 85.76' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 41.22', WITH A RADIUS OF 105.00', WITH A CHORD BEARING OF S 29°48'15" E, WITH A CHORD LENGTH OF 40.95' TO A POINT ON THE NORTHWESTERN RIGHT OF WAY OF LINDBERGH BOULEVARD (VARIABLE WIDTH) CALCULATED FROM CAUSE #285655(PARCEL 140) AS RECORDED IN DEED BOOK 6314 PAGE 69 OF THE STLOUIS COUNTY RECORDER'S OFFICE; THENCE ALONG SAID RIGHT OF WAYS 40°44'00" W A DISTANCE OF 28.60' TO A POINT; THENCE LEAVING SAID RIGHT OF WAY N 53°10'00" W A DISTANCE OF 170.76' TO THE POINT OF BEGINNING AND CONTAINING 9,190 SQUARE FEET

Section 3: The Director of Public Works is hereby authorized and directed to change the City map in accordance with the attached site plan known as Exhibit "A".

Section 4: Except for the change of classification of the property hereinabove described, Ordinance No. 1625, as amended, shall remain in full force and effect and shall apply in all of its terms and provisions to the property herein described according to the new classification thereof.

Section 5: This ordinance shall become in force and effect upon its passage and approval as provided by law.

Adopted this _____ day of _____, 2021.

Keith Schildroth
President of the Council

Approved this _____ day of _____, 2021.

Timothy J. Lowery
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MPPA/MMC/MRCC
City Clerk

1 INTRODUCED BY COUNCILMAN SCHILDROTH
2 SEPTEMBER 13, 2021

3
4 BILL NO. 9714

ORDINANCE NO.

5
6 **ORDINANCE AMENDING CHAPTER 125 “PERSONNEL”, ARTICLE V**
7 **“COMPLAINTS AND GRIEVANCES” BY DELETING IT IN ITS ENTIRETY**
8 **AND REPLACING IT WITH A NEW SECTION.**
9

10
11 WHEREAS the Missouri State Legislature approved legislation designated as Section
12 590.502 R.S.Mo. and commonly referred to as the “Police Officers Bill of Rights Act”
13 establishing new procedures for the discipline of Police Officers; and
14

15 WHEREAS the City Council feels it is in the best interest of the City to amend the
16 Personnel code to reflect new provisions passed by the Missouri State Legislature.
17

18 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
19 **FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**
20

21 Section 1: Chapter 125 “Personnel”, Article V “Complaints and Grievances”, Sections
22 125.255 through 125.280 are hereby deleted and replaced with the following:
23

24 **Chapter 125. Personnel**

25 **ARTICLE V. Complaints and Grievances**

26 **Section 125.255. Manner of Hearing.**

27 All disciplinary action complaints and grievances of employees in the classified service of the
28 City shall be reviewed by the department head, Mayor or his/her designee and/or heard by the
29 Personnel Commission in the manner provided by this Article.

30 **Section 125.260. When To Be Filed.**

31 Complaints and grievances filed by law enforcement officers shall be considered in
32 accordance with Section 590.502 R.S.Mo., and complaints and grievances filed by all other
33 employees shall be filed within seven (7) calendar days of the employee's receipt of the
34 disciplinary action giving rise to the grievance, otherwise such alleged grievance shall be
35 considered not to exist.

36 **Section 125.265. Procedure For Submitting Grievance.**

37 A. Any grievance relating to a disciplinary action of a law enforcement officer shall be
38 handled in accordance with Section 590.502, R.S.Mo. Any grievance of any employee

39 other than a law enforcement officer relating to a disciplinary action by City management
 40 or supervision, other than a department head or the Mayor, shall be submitted in writing
 41 to the department head within seven (7) calendar days of the issuance of the discipline.
 42 The written submission to the department head must include specific circumstances and
 43 state the remedial action requested. Such an appeal must be signed personally by the
 44 employee, with the original appeal or grievance delivered to the department head. The
 45 department head or his/her designee shall investigate and render a decision within ten (10)
 46 working days of receipt of the appeal or grievance request.

47 B. Law enforcement officers who are suspended without pay, demoted, terminated,
 48 transferred, or placed on a status resulting in economic loss shall be entitled to a full due
 49 process hearing before the Mayor. In all other circumstances and for all other employees,
 50 in the event that Subsection (A) does not resolve the problem or the discipline was
 51 initially issued by the department head, the employee may forward all written
 52 documentation and appeal to the Mayor within seven (7) calendar days of receipt of the
 53 department head's decision. Such appeal must be signed personally by the employee, with
 54 the original delivered to the Mayor. The Mayor or his/her designee will provide a decision
 55 to the employee within ten (10) working days of receipt of the request.

56 C. In the event that Subsection (B) does not resolve the problem for any employee other than
 57 a law enforcement officer, and the grievance involves a suspension of more than five
 58 working days or shifts, employment dismissal or disciplinary demotion with reduced
 59 compensation rate, the employee may request an appeal hearing before the Personnel
 60 Commission unless an appeal to the Personnel Commission is expressly prohibited under
 61 the Personnel Code or City Charter. The written request for a hearing with the Personnel
 62 Commission shall be filed with the City's Personnel Officer within seven (7) calendar days
 63 from receipt of the decision of the Mayor or his/her designee.
 64

65 **Section 125.270. Citizens Police Review Board — Composition, Duties,**
 66 **And Procedures.**

67 A. Purpose. The purpose of this section is to provide an accessible, respectful, independent
 68 and effective forum for community participation in the resolution of complaints by an
 69 independent process for review of actual or perceived misconduct by Police Officers
 70 thereby increasing the Police Department's accountability to the community and
 71 community trust in the Police Department.

72 B. Definitions And Rules Of Construction. The following definitions and rules of construction
 73 apply to this Section:

74 **AGGRIEVED PERSON**

75 Anyone who allegedly has been mistreated by a Florissant Police Department officer
 76 or employee.

77

78 **BOARD**

79 When not otherwise specified, the Citizens Police Review Board.

80 **CITIZEN COMPLAINANT**

81 A person who is not a member of the Florissant Police Department and who files a
82 complaint with the Police Department or with the City Clerk or with the Board
83 against a Police Officer or an employee of the Police Department.

84 **EXTERNAL CITIZEN COMPLAINT**

85 A written statement by a person who is not a member of the Florissant Police
86 Department alleging misconduct of a Police Officer or employee of the Police
87 Department involving interaction with the public.

88 **MISCONDUCT**

89 Any improper behavior by a Florissant Police Officer or employee of the Florissant
90 Police Department, including any violation of Federal law, State law, City ordinance,
91 City regulation or Police Department policy, guideline, directive, rule, regulation or
92 order in effect at the time of the incident.

93 **NOTICE**

94 Shall be considered given when it is hand delivered or three (3) business days after it is
95 mailed.

96 **POLICE OFFICER**

97 A commissioned Law Enforcement Officer, other than the Chief of Police, who has
98 the power of arrest and who serves in the Florissant Police Department.

99 **C. Establishment; Membership; Qualifications; Terms; And Removal.**

- 100 1. The Citizens Police Review Board is hereby established.
- 101 2. The Board shall consist of seven (7) members appointed by the City Council upon
102 recommendation of the Mayor. Members shall serve without compensation.
- 103 3. The City shall actively notify citizens to apply for appointment to the Board, and City
104 Council members and citizens are encouraged to make recommendations to the
105 Mayor about persons who should be considered for appointment to the Board based
106 upon their independent, impartial, balanced views.
- 107 4. At least five (5) of the Board members must be registered voters and either a resident
108 of Florissant, or an owner of a business in Florissant, or a leader of a church or
109 religious congregation in Florissant. Board members may not be employed by the
110 City; have served in a law enforcement capacity in the past five (5) years; be a party

111 to any pending litigation against the City, excluding traffic offenses; be a current
 112 elected public office holder; or have served as an elected public office holder in the
 113 past five (5) years; or be a candidate for elected public office; and the spouses of the
 114 foregoing persons. Board members should reflect the cultural and racial diversity of
 115 Florissant and demonstrate knowledge of issues pertaining to civil rights and the
 116 criminal justice system and police practices. Board members cannot have a serious
 117 criminal record. The Police Chief shall obtain a criminal history of all applicants for
 118 membership on the Board and advise the City Council of any arrests and any
 119 convictions for violations of Federal, State or local law.

120 5. Three (3) of the members first appointed by the City Council shall serve terms of two
 121 (2) years, two (2) shall serve terms of three (3) years, and two (2) shall serve terms of
 122 four (4) years. Thereafter, members appointed by the City Council shall serve terms
 123 of three (3) years. Vacancies shall be filled for unexpired terms in the same manner as
 124 the original appointments.

125 6. The Board or the Mayor may recommend to the City Council that a Board member be
 126 removed from the Board if the member persistently fails to perform the duties of
 127 office or has engaged in conduct that is detrimental to the City or the Board.

128 7. No Board member may serve more than two (2) consecutive terms.
 129

130 **D. Officers; Meetings; Quorum; Rules.**

131 1. The Board shall elect a Chair and Vice Chair from among its members. The term of
 132 these officers shall be one (1) year. The Chair shall preside at meetings. The Vice
 133 Chair shall preside when the Chair is absent or otherwise unable to preside.

134 2. The Board should meet at least monthly, and should meet as frequently as possible to
 135 perform its duties. When requested by the Board, the Police Chief or the Chief's
 136 designee shall attend Board meetings to serve as an informational resource for the
 137 Board. The Board shall provide an opportunity for public comment at each monthly
 138 meeting. The Board shall meet semiannually with the Chief of Police to discuss
 139 issues of concern and to recommend ways that the police can improve their
 140 relationship with citizens. The Board may also make recommendations regarding
 141 policies, rules, hiring, training and the complaint process.

142 3. Four (4) members shall constitute a quorum for conducting business.

143 4. The Board may establish rules and procedures that do not conflict with this Code or
 144 the rules and regulations governing internal affairs investigations.

145 5. Board members shall follow the National Association for Civilian Oversight of Law
 146 Enforcement (NACOLE) Code of Ethics.

147 6. All closed records provided to the Board shall remain closed records and shall be
 148 returned to the City before adjourning any meeting.

- 149 **E. Administration And Training.**
- 150 1. The Chief of Police shall be the designated staff liaison for the Board, and a City staff
- 151 member shall be provided to the Board to perform administrative duties, including
- 152 providing information to the Board and keeping minutes of the meetings of the
- 153 Board.
- 154 2. An independent contractor that demonstrates knowledge of issues pertaining to civil
- 155 rights, the criminal justice system and the police practices may be employed part-time
- 156 to serve as a coordinator to assist the Board in the preparation of the required reports
- 157 and the preparation of recommendations to the Police Chief. The coordinator may
- 158 also assist in training of the Board members. The coordinator shall be hired by the
- 159 Mayor and shall not be a voting member of the Board.
- 160 3. New Board members shall participate in orientation and training that includes review
- 161 of the police professional standard unit's operating policies and procedures and a ride-
- 162 along with Police Officers. Training shall also include topics suggested by NACOLE
- 163 in its recommended orientation and training for Board members.
- 164 4. After an appointment to the Board but before serving on the Board, Board members
- 165 shall participate in a ride-along with Police Officers for at least twenty-four (24)
- 166 hours, with a least eight (8) hours ride-along occurring at night. Thereafter, Board
- 167 members shall participate in a ride-along with Police Officers for at least sixteen (16)
- 168 hours per year with at least four (4) hours ride-along occurring at night.
- 169 **F. Duties. The Citizens Police Review Board shall have the following duties:**
- 170 1. Review the Police Chief's decisions on alleged misconduct based upon an external
- 171 citizen complaint, as provided for in this section.
- 172 2. Conduct a jurisdictional review from the decision of the Police Chief that a
- 173 complainant's allegations do not fall within the requirements set forth in this section
- 174 related to complaints.
- 175 3. Make recommendations to the Police Chief to consider pursuing a criminal
- 176 investigation of a Police Officer or an employee of the Police Department.
- 177 4. Host public meetings and educational programs for Florissant residents and the general
- 178 public.
- 179 5. Review and make recommendations to the Police Chief on police policies, procedures
- 180 and training.
- 181 6. Conduct reviews of the open records of the Police Department relating to any
- 182 external citizen complaints for compliance with the requirements of this section.
- 183 7. Prepare and submit to the City Council annual reports that analyze citizen complaints,
- 184 including demographic data on complainants, complaint disposition and investigative
- 185 findings, but such reports shall not include records or information which are closed

186 under Chapter 610, RSMo. The reports should also describe the Board's community
 187 outreach and educational programs. The reports should also set forth any
 188 recommendations made on Police Department policies, procedures and training. The
 189 reports shall be submitted no later than March 1 for the previous calendar year.

190 **G. Internal Affairs Procedures; Police Officers And Employees Of The Police Department.**

191 1. The Police Chief shall cause Police Department rules and regulations to be
 192 established that provide for internal affairs investigations. These rules and regulations
 193 must be consistent with the provisions of this section, Chapter 125 of the Florissant
 194 Code, and Section 590.502, R.S.Mo.

195 2. Police department officers under investigation shall have all of the rights set forth in
 196 Section 590.502, R.S.Mo. All other employees of the Police Department under
 197 investigation shall have the following rights in connection with internal affairs
 198 investigations:

199 a. The employee of the Police Department may provide a written or oral statement
 200 to an investigator before investigative findings are made.

201 b. The employee of the Police Department may have an attorney or an authorized
 202 representative present during the interview to observe the interview, but such
 203 attorney or representative shall not be allowed to participate in the interview.

204 c. When practicable, the interview of the Police Officer or employee of the Police
 205 Department shall be conducted during the employee's normal working hours.

206 **H. Complaints; Police Chief Decision On Complaint; Appeals To Board.**

207 1. Any external citizen complaint made against a Police Officer or employee of the Police
 208 Department must be in writing and include a written statement outlining the complaint
 209 that includes the personal identifying information of the person filing the complaint.
 210 Any external citizen complaint may be filed with the Police Department, the Board or
 211 with the City Clerk only by the following:

212 a. Any person who is an alleged victim of misconduct by a Police Officer or
 213 employee of the Police Department; or

214 b. A family member on behalf of a minor child or an attorney of an alleged victim
 215 of misconduct by a Police Officer or employee of the Police Department; or

216 c. Any person who witnessed alleged misconduct by a Police Officer or employee
 217 of the Police Department.

218 2. The recipient of the written external citizen complaint shall promptly forward such
 219 complaint to the Police Chief, and the Police Chief shall notify the Board Chair of the
 220 nature of the complaint within forty-eight (48) hours of receipt of the complaint. In
 221 addition, the Police Officer who is subject to an investigation based upon an external
 222 citizen complaint shall be informed, in writing, of the existence and nature of such
 223 complaint, the individuals who will be conducting the investigation and the personal
 224 identifying information of the person filing the complaint. Notice shall be provided to

225 the Police Officer along with a copy of the complaint at least twenty-four hours prior
 226 to any interrogation or interview of the Police Officer

227 3. External citizen complaints must be filed within ninety (90) days from the date of the
 228 alleged misconduct, unless the complainant shows good cause for the delay in
 229 submitting the complaint, but in all circumstances, complaints must be filed within
 230 one (1) year of the alleged misconduct.

231 4. The Board shall take no action on a complaint until the Police Chief has made a
 232 decision on the complaint, and the Police Chief typically will take no action on a
 233 complaint alleging misconduct when the Police Department is treating it as a criminal
 234 matter unless and until the investigating department determines that the officer's or
 235 Police Department employee's alleged conduct was not criminal or a prosecutor has
 236 declined to prosecute the alleged offense or a prosecution of the alleged offense has
 237 concluded.

238 5. Decision By Police Chief.

239 a. Unless the external citizen complaint has been withdrawn, resolved through
 240 mediation or the Police Officer or employee of the Police Department is no
 241 longer employed by the City, the complaint investigation process shall be
 242 concluded and a decision rendered within ninety days from receipt of the external
 243 citizen complaint, unless an extension of time is granted in accordance with
 244 Section 509.502.2 (11), R.S.Mo. The Police Chief shall decide whether the
 245 complaint is:

- 246 (1) Unfounded (acts complained of did not occur or were misconstrued);
- 247 (2) Not sustained (insufficient facts established to either prove or disprove the
 248 acts complained of);
- 249 (3) Sustained (sufficient facts established to prove misconduct); or
- 250 (4) The officer or employee of the Police Department is exonerated (acts
 251 complained of occurred but were justified, lawful and proper).

252 b. If the complaint is sustained, the Police Chief shall take appropriate disciplinary
 253 action.
 254

255 6. Within five days of the conclusion of the administrative investigation, the Police
 256 Chief or the investigator shall give written notice of the investigative findings, the
 257 decision and disciplinary action, if any, to the Police Officer or employee of the
 258 Police Department. The Police Chief shall also promptly give written notice of the
 259 decision to the citizen complainant and whether disciplinary action was or was not
 260 taken. The notice shall also include information on the Police Officer's right to appeal
 261 and the manner of appealing the decision of the Police Chief to the Citizens Police
 262 Review Board and the notice shall include information on the Police Officer's

263 entitlement to a full due process hearing before the Mayor rather than an appeal to the
 264 Citizens Police Review Board. Notice to employees of the Police Department who are
 265 not Police Officers shall include the right of such an employee to appeal and the
 266 manner of appealing the decision of the Police Chief to the Citizens Police Review
 267 Board.

268 7. The complainant has the right to appeal the Police Chief's decision to the Citizens
 269 Police Review Board. However, an appeal by the complainant regarding the
 270 discipline, if any, of the Police Officer shall not affect the rights of the Police Officer
 271 as set forth in Section 590.502, R.S.Mo. An appeal to the Citizen Police Review
 272 Board must be made in writing and delivered to the City Clerk. The Clerk must
 273 receive the appeal within twenty-one (21) days after the receipt of the notice of the
 274 Police Chief's decision. The appeal must be either hand-delivered to the office of the
 275 City Clerk or sent to the City Clerk by United States Mail, facsimile machine or
 276 electronic mail.

277 8. When an appeal has been filed, the City Clerk shall promptly notify all Board
 278 members and the Police Chief. The Police Chief shall promptly forward to each
 279 Board member a copy of all Police Department records pertaining to the complaint
 280 and the investigation of the complaint.

281 9. The Board shall promptly meet to consider the appeal and shall act upon the appeal
 282 within ninety (90) days of its receipt of an appeal unless the period of time for review
 283 by the Board is contradictory to the provisions of Section 590.502, R.S.Mo., and in
 284 that event the Board shall act upon the appeal within the timeframe allowed under
 285 Section 590.502, R.S.Mo. If the Board does not act within ninety (90) days of the
 286 receipt of the appeal or within the timeframe allowed under Section 590.502,
 287 R.S.Mo., the decision of the Police Chief shall be deemed to be affirmed.

288 I. Request For Jurisdictional Review.

289 1. Upon a written request, the Board shall conduct a jurisdictional review from the
 290 decision by the Police Chief that a person's allegations do not fall within the
 291 requirements set forth in this section related to complaints, including but not limited
 292 to:

293 a. An appeal of a determination that the complaint or concern was untimely filed, as
 294 defined in Subsection **(H)(3)**.

295 b. An appeal of a determination that the person failed to allege misconduct, as
 296 defined in Subsection
 297 **(B)**.

298 c. An appeal of a determination that the person does not meet the requirements set
 299 forth in Subsection
 300 **(H)(1)**.

301 2. Requests for limited review pursuant to this section shall be filed with the City Clerk
 302 within twenty-one (21) days after the person is given notice of the determination by

- 303 the Police Chief.
- 304 3. When a request for jurisdictional review has been filed, the City Clerk shall promptly
 305 notify all Board members and the Police Chief. The Police Chief shall promptly
 306 forward to each Board member a copy of the person's allegations, any relevant police
 307 or City policies, records relating to any police investigation, and a copy of the Police
 308 Chief's written notice.
- 309 4. The Board shall review the records provided to determine if the person timely filed a
 310 complaint within the meaning of this section. The Board shall have the authority to
 311 request Police Department records pertaining to the complaint and the investigation
 312 of the complaint and the Police Chief shall respond to the Board's request for records
 313 within five (5) days by providing such documents or by providing a written
 314 explanation to the Board and the Mayor detailing the reasons why the documents will
 315 not be produced. In the event the Police Chief does not produce the records requested
 316 by the Board, the Board has the power and authority to seek the issuance of a
 317 subpoena from a Judge within the 21st Judicial Circuit.
- 318 5. The Board shall promptly meet to conduct its review and shall make a determination
 319 within ninety (90) days of its receipt of the written request. If the Board does not act
 320 within ninety (90) days of its receipt of the written request for jurisdictional review,
 321 the decision of the Police Chief shall be deemed to be affirmed.
- 322 6. If the Board agrees with the Police Chief's determination, the Board shall notify the
 323 Police Chief, the Police Officer or employee of the Police Department, and the
 324 complainant of its determination. If the Board disagrees with the Police Chief and
 325 finds that the complainant has timely filed a complaint alleging misconduct, the
 326 Board shall notify the Police Chief, the Police Officer or the employee of the Police
 327 Department and the complainant. The Police Chief shall proceed with an
 328 investigation of the complaint and the investigation of a Police Officer shall be
 329 conducted in accordance with Section 509.502, R.S.Mo.
- 330 **J. Board Review Of Police Chief's Decision On Complaints And Recommendation.**
- 331 1. The Board shall review all of the Police Chief's decisions on complaints when an
 332 appeal is filed in accordance with Subsection **(H)** of this section. In so doing, the
 333 Board shall review the record of the investigation, including but not limited to, any
 334 and all recorded, unedited interviews.
- 335 2. The Board, as part of its review, may hear comments from the complainant, witnesses
 336 to the incident and Police Officers if such persons request that the Board do so.
- 337 3. The Police Chief and all Police Officers shall cooperate with the Board in its review
 338 of the Police Chief's decision, but cooperation does not require a Police Officer or a
 339 witness to testify or make any statements to the Board.
- 340 4. As part of the Board's review, the Board shall have the authority to request Police
 341 Department records pertaining to the complaint and the investigation of the

- 342 complaint, and the Police Chief shall respond to the Board's request for records
 343 within five (5) days by providing such documents or by providing a written
 344 explanation to the Board and the Mayor detailing the reasons why the documents will
 345 not be produced. In the event the Police Chief does not produce the records requested
 346 by the Board, the Board has the power and authority to seek the issuance of a
 347 subpoena from a Judge within the 21st Judicial Circuit.
- 348 5. Any person who voluntarily appears before the Board shall be entitled to have an
 349 attorney or authorized representative present with them. The attorney or authorized
 350 representative shall be permitted to confer with the Police Officer but shall not
 351 unduly disrupt or interfere with the interview.

 - 352 6. The Board shall provide timely updates on the progress of the review to the
 353 complainant and the Police Officer or employee of the Police Department, unless the
 354 specific facts of the review would prohibit such updates or the documentation or
 355 information is a closed record under Chapter 610, RSMo.

 - 356 7. The Board may decline further action on its review of the decision of the Police Chief
 357 if it determines that the alleged acts of misconduct are false.

 - 358 8. The Board may request the Police Chief to order further investigation if the Police
 359 Chief is allowed to do so under Section 590.502, R.S.Mo.

 - 360 9. After completing its review, the Board shall report its findings and recommendations
 361 to the Mayor, the Police Chief, the Police Officer or the employee of the Police
 362 Department and the complainant to the extent that the information in its findings and
 363 recommendations are not closed records under Chapter 610, RSMo.

 - 364 10. If the Board agrees with the Police Chief's decision, it shall give notice to the Police
 365 Officer or the employee of the Police Department and the complainant that they have
 366 the right to appeal the Chief's decision as provided in Subsection (K).

 - 367 11. If the Board recommends a disposition of the complaint other than the decision made
 368 by the Police Chief, the Police Chief shall have ten (10) business days to reconsider
 369 the original decision and either reaffirm or modify it. The Police Chief shall give
 370 written notice of the decision to the Board, the Mayor, the Police Officer or the
 371 employee of the Police Department, and the complainant to the extent that the
 372 information in his decision are not closed records under Chapter 610, RSMo. The
 373 Police Chief shall also give notice to the Police Officer or the employee of the Police
 374 Department and the complainant that they have the right to appeal the Police Chief's
 375 decision as provided for in Subsection (K) or in Chapter 125, Article V, of the
 376 Florissant Code. If the Police Chief takes no action within ten (10) business days after
 377 the date of the Board's findings and recommendation, the original decision of the
 378 Police Chief is automatically reaffirmed, and the Board shall give notice to the Police
 379 Officer, the employee of the Police Department and the complainant that they have
 380 the right to appeal the Police Chief's decision as provided for in Subsection (K) or
 381 in Chapter 125, Article V, of the Florissant Code.

382

383 **K.** Appeals To The Mayor And Personnel Commission. After the Board's findings and
384 recommendation or, if applicable, the Police Chief's decision after reconsideration, the
385 Police Officer or the employee of the Police Department and the complainant shall have
386 the following rights:

387 1. A Police Officer who is suspended without pay, demoted, terminated, transferred, or
388 placed on a status resulting in economic loss shall be entitled to a full due process
389 hearing before the Mayor. An employee of the Police Department may appeal the
390 Police Chief's decision to the Personnel Commission in accordance with Chapter 125,
391 Article V of the Florissant Code if the employee of the Police Department was
392 suspended, demoted or discharged. The appeal shall be made by filing a written
393 request with the City Clerk for a hearing before the Personnel Commission. The
394 request shall set forth the employee's grievance and reasons for appeal. The request
395 must be filed within twenty- one (21) days after the employee of the Police
396 Department was given notice of the right to appeal. The hearing shall be held in
397 accordance with the provisions of Chapter 125, Article V, of the Florissant Code. At
398 the hearing, the complainant shall be allowed to testify to the facts of the incident and
399 shall be allowed to express an opinion on the appropriate Personnel Commission
400 action.

401 2. A Police Officer or employee of the Police Department may appeal the Police Chief's
402 decision to the Mayor for the Mayor's review if the discipline is other than
403 suspension without pay, demotion, discharge, transfer or placement on a status
404 resulting in economic loss. Such an appeal shall be made by filing a written statement
405 with the Mayor setting forth the employee's reasons for appeal. The request must be
406 filed within twenty-one (21) days after receiving the notice of the right to appeal. The
407 appeal shall be handled in accordance with the provisions of Chapter 125, Article V
408 of the Florissant Code. The Mayor shall give notice of the appeal to the complainant
409 and afford the complainant the opportunity to discuss the matter with the Mayor.

410 3. The complainant may not file an appeal of the Police Chief's decision concerning a
411 Police Officer but the complainant can appeal the Police Chief's decision concerning
412 an employee of the Police Department to the Mayor. The appeal shall be made by
413 filing a written statement with the Mayor explaining the reasons for the appeal. The
414 request must be filed within twenty-one (21) days after the complainant was given
415 notice of the right to appeal. The Mayor shall give notice of the appeal to the
416 employee of the Police Department. The employee of the Police Department shall
417 have fourteen (14) days after notice has been given to file a written response to the
418 complainant's appeal with the Mayor. The employee of the Police Department and the
419 complainant shall not otherwise communicate with the Mayor concerning the
420 complaint. If the employee has also appealed, the procedures of Subsection (K)(1) or
421 (2) shall be followed. If the employee has not appealed, and the Mayor determines
422 that the alleged facts merit more

423 severe discipline involving the suspension, demotion or discharge of an employee of
 424 the Police Department, the employee may appeal the Mayor's decision to the
 425 Personnel Commission for a hearing following the procedures set forth in Chapter
 426 125, Article V, of the Florissant Code. Otherwise, the Mayor may act on the appeal as
 427 the Mayor deems appropriate.

428 **L. Open Records And Meetings.**

429 1. Notwithstanding the provisions set forth herein, all records pertaining to complaints
 430 filed against Police Officers or employee of the Police Department alleging
 431 misconduct of the Police Officer or employee of the Police Department shall be
 432 closed records in accordance with Chapter 610, RSMo.

433 2. The Board shall meet in open session except as provided in Subsection **(L)(3)**.

434 3. The Board shall meet in closed session to hear statements, discuss and investigate
 435 matters:

436 a. That cannot be heard or discussed in an open meeting under State or Federal law;
 437 or

438 b. That involve the review of an appeal as provided for in Subsection **(J)**;

439 c. That would involve disclosure of the identity of an officer working undercover.
 440

441 **M. Obstructing Board Operations.** It shall be unlawful for any person, in any manner, to
 442 willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent another
 443 person from freely, fully and truthfully cooperating with the Board.

444 **N. Annual Evaluation By Council.** Each year, after reviewing the Board's annual report, the
 445 City Council shall review the effectiveness of the Board and shall determine whether this
 446 Section should be modified or repealed.

447 **O. Availability Of Police Policies.** In accordance with Chapter 610, RSMo. (commonly
 448 referred to as the "Sunshine Law"), the Police Chief shall make available to the City
 449 Council, employees and the general public, upon request, all Police Department policies,
 450 guidelines, directives, orders, rules and regulations except those that would reveal tactics
 451 that would endanger the life of any Police Officer or would otherwise be a closed record
 452 under Chapter 610, RSMo.

453 **Section 125.275. Hearing Before Personnel Commission — Decision of**
 454 **Commission Final.**

455 A. Any disciplinary action appealable to the Personnel Commission shall be heard by the
 456 Personnel Commission within thirty (30) calendar days of the receipt of such appeal from
 457 the Personnel Officer, if at all practicable. The Personnel Officer shall provide the

458 Personnel Commission members with a copy of the employee's appeal within five (5)
 459 business days of receiving the employee's appeal, along with copies of the written
 460 grievances/appeals and decisions submitted or issued under Subsections (A) and (B) of
 461 this Section, as applicable. No other documentation shall be submitted to the Personnel
 462 Commission, except as to scheduling and procedural matters.
 463 [Ord. No. 8661, 1-11-2021]

464 B. At the hearing of such appeals, technical rules of evidence shall not apply. The
 465 complainant may be represented by counsel. The Personnel Commission shall endeavor to
 466 render its decision affirming or reversing the decision of the department head within thirty
 467 (30) calendar days after the hearing, with the department head's decision being affirmed if
 468 the department head acted within his/her authority and there is competent evidence to
 469 support the decision of the department head, as may have been affirmed or modified by
 470 any review by the Mayor. The decision of the Personnel Commission shall be final.
 471

472 **Section 125.280. Grievance Procedure Under Title II of The Americans With**
 473 **Disabilities Act.**

474 A. This grievance procedure is established to meet the requirements of the Americans with
 475 Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a
 476 complaint alleging discrimination on the basis of disability in the provision of services,
 477 activities, programs, or benefits by the City of Florissant. Sections **125.600** and **125.650**
 478 of the City's Personnel Code govern employment-related complaints of disability
 479 discrimination.

480 B. The complaint should be in writing and contain information about the alleged
 481 discrimination such as name, address, phone number of complainant and location, date,
 482 and description of the problem. Alternative means of filing complaints, such as personal
 483 interviews or a tape recording of the complaint, will be made available for persons with
 484 disabilities upon request.

485 C. The complaint should be submitted by the grievant and/or his/her designee as soon as
 486 possible but no later than sixty (60) calendar days after the alleged violation to:

488 ADA Coordinator/Director of Human Resources City of Florissant

489 955 Rue St. Francois Florissant, MO 63031

490 D. Within fifteen (15) calendar days after receipt of the complaint, the Director of Human
 491 Resources will meet with the complainant to discuss the complaint and the possible
 492 resolutions. Within fifteen (15) calendar days of the meeting, the Director of Human
 493 Resources will respond in writing, and where appropriate, in a format accessible to the
 494 complainant, such as large print, Braille, or audio tape. The response will explain the
 495 position of the City of Florissant and offer appropriate options for substantive resolution

496 of the complaint.

497 E. If the response by the Director of Human Resources does not satisfactorily resolve the
498 issue, the complainant and/or his/her designee may appeal the decision within fifteen (15)
499 calendar days after receipt of the response to the Mayor.

500 F. Within fifteen (15) calendar days after receipt of the appeal, the Mayor will meet with the
501 complainant to discuss the complaint and possible resolutions. Within fifteen (15)
502 calendar days after the meeting, the Mayor will respond in writing, and, where
503 appropriate, in a format accessible to the complainant, with a final resolution of the
504 complaint.

505 G. All written complaints received by the ADA Coordinator/Director of Human Resources,
506 appeals to the Mayor, and responses from these two (2) offices will be retained by the City
507 of Florissant for at least three (3) years.

508
509 Section 2: This ordinance shall become in force and effect immediately upon its passage
510 and approval.

511
512 Adopted this ____ day of _____, 2021.

513
514
515 _____
516 Keith Schildroth, Council President

517 Approved this ____ day of _____, 2021.

518
519
520 _____
521 Timothy J. Lowery, Mayor

522 ATTEST:
523 _____
524 Karen Goodwin, MPPA/MMC/MRCC
City Clerk

Attorneys at Law
MEMORANDUM

PRIVILEGED AND CONFIDENTIAL

TO: Mayor and City Council

FROM: John M. Hessel
Sarah Mullen

CC: Chief Fagan; Karen Goodwin

DATE: September 8, 2021

RE: Police Officers Bill of Rights Act

The Missouri Legislature recently passed and approved legislation designated as Section 590.502, R.S.Mo., and commonly referred to as the “Police Officers Bill of Rights Act” (the “Act”). The Act provides additional safeguards for police officers concerning the investigation and disciplining of police officers and, in so doing, it places additional requirements on Police Departments when they engage in any administrative investigation or questioning of a police officer. Not surprisingly, the new law contains a lot of provisions that are vague but we have been working with Chief Fagan and his Command staff to try to address the myriad of circumstances that will arise during the questioning and investigation of a police officer. As can imagine, each circumstance will be different and each circumstance will have to be addressed under the Act.

We are working with the Chief and his Command Staff to modify some of the General Orders within the Department. Moreover, we had to make quite a few amendments to Chapter 125 “Personnel”, Article V, including amendments to the newly adopted “Citizens Police Review Board” provisions

I have attached a clean version and redlined version to the email showing all of the changes to Chapter 125, Article V. These changes are required by the Act. Many of the changes simply refer to Section 590.502, R.S.Mo., when conducting an investigation and questioning of police officers. The most significant change relates to a police officer’s entitlement to a “full due process hearing.” Currently, a police officer receives discipline from the Chief with a right of appeal to the Mayor. The police officer can then request a hearing before the Personnel Commission but the authority of the Personnel Commission is limited. In our opinion, it would be a mistake to expand the authority of the Personnel Commission to hold a full due process hearing to make final decisions on the disciplining of police officers (or any employee). Also, it is exceedingly cumbersome to get 9 citizens to attend hearings that can last for 10-20 hours. Accordingly, after several discussions

with the Mayor and Chief, the Personnel Rules are being amended to provide that the Mayor will conduct a “full due process hearing” for police officers “who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss”.

It should be noted that the Act also provides that any aggrieved police officer may seek judicial enforcement of the requirements of Section 590.502, R.S.Mo., and if it is found that the City or Police Department violated any provision of the Section, a court “shall void any action taken in violation of this section... and may award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys’ fees.” We interpret this provision to mean that IF it is determined that we violated any of the provisions of the Act, the police officer would be entitled to back pay for those circumstances in which the police officer suffered economic loss, in addition to payment of all attorneys’ fees and costs in bringing the litigation. Obviously, it is imperative that the City and Police Department conduct all questioning and investigations of police officers involving disciplinary measures in strict compliance with the vague provisions of Section 590.502, R.S.Mo.

The law went into effect on August 28 and a Bill amending Chapter 125 Article V is being placed on the September 13 Council agenda. As you know, we do not have a meeting on September 27. We spoke with the Mayor and Chief about the timing of the passage of the legislation needed to amend Chapter 125 to conform to the Act, and we are all concerned about the possibility of some kind of questioning or investigation being undertaken before the Council adopts the amendments. Accordingly, we are asking the City Council to consider passing the ordinance in 3 readings on September 13, even though we recognize that it may look like this is a lot to consider. Please understand that all of the amendments are mandated by the new Act so the Council has very little discretion, if any, in considering and adopting the proposed revisions.

As always, please do not hesitate to contact us if you have any questions about any of the amendments.