

**BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI**

**MINUTES OF PUBLIC HEARING-BC0201  
October 22, 2002**

**COMMISSION ATTENDANCE:**

<b>Commissioners</b>	<b>Present (P)/Absent (A)</b>
<b>MATT ARMSTRONG</b>	<b>P</b>
<b>TED ARMSTRONG</b>	<b>P</b>
<b>JANE ARNOLD</b>	<b>P</b>
<b>BOB FORD</b>	<b>P</b>
<b>AGNES GARINO</b>	<b>P</b>
<b>TOM HAYEK</b>	<b>A</b>
<b>GREG KLOEPEL</b>	<b>P</b>
<b>ILENE ORDOWER</b>	<b>P</b>
<b>MARY SCHUMAN</b>	<b>P</b>
<b>JOHNNIE SPEARS</b>	<b>P</b>
<b>DON WOJTKOWSKI</b>	<b>P</b>

**OTHERS PRESENT:**

Dan Krasnoff – Executive Director  
David Hamilton – Legal Council

**CALL TO ORDER**

Chairman Wojtkowski called to order the meeting of the Boundary Commission at 7:00 p.m. on October 22, 2002. The meeting took place at Commons Lane School, 2700 Derhake Road, St. Louis County, Missouri. The purpose of the meeting was to conduct a public hearing on the proposal submitted by the City of Florissant to annex Area 12 (BC0201).

**PUBLIC HEARING-BC0201-FLORISSANT AREA 12 ANNEXATION**

*A. Introductory remarks by Chairman*

Mr. Wojtkowski introduced the Boundary Commission members. He instructed members of the public who wished to address the Commission to fill out speaker cards. Persons representing an organization would be given five minutes to speak, individuals would be allowed three. Speaker cards would be accepted until the conclusion of St. Louis County's presentation.

Mr. Wojtkowski said the purpose of the Boundary Commission is to determine whether or not to allow an annexation proposal to be put to a vote in the next election.

Mr. Wojtkowski said an annexation proposal was submitted by the City of Florissant for the area known as Florissant Area 12. The exact area encompassed by Area 12 would be defined later in the public hearing. He said the proposal was submitted by petition which constitutes in excess of 75% of the registered voters in Area 12. This classifies the annexation proposal as a simplified boundary change. For a simplified boundary change, the Commission's role changes to either disapprove the proposal, approve the proposal with a vote, or to approve the proposal without requiring it to go on the ballot for a vote. The Commission will make its decision based on presentations made at the public hearing, and by review of the proposal.

*B. Presentation by Proposing Agent - City of Florissant*

Mayor Robert G. Lowery, Sr., of Florissant, stated that members of the City Council, department heads, and Mr. John Hessel, City Attorney for Florissant, were present.

Mr. Hessel said Area 12 residents expressed a desire to be annexed into the City of Florissant, and Florissant wants to make them a part of that community. He defined the general boundaries of Area 12 as Pohlman Rd., Derhake Rd., Parker Rd. & New Halls Ferry Rd., and referenced two maps, one with all the areas Florissant is interested in annexing, the other showing the specific Area 12 region. After Area 12 residents approached Florissant seeking annexation, they, Mayor Lowery, and members of the City staff proceeded with a petition drive and accomplished the difficult task of obtaining signatures of 76% of all resident voters wanting to be annexed into Florissant.

Mr. Hessel said Area 12 is immediately east & north of Florissant's boundaries, and is specifically to the immediate north of Dunegant Park. Area 12 shares a common boundary of Derhake to the City's east, and has common access off St. Catherine, which turns into Greengrass Drive, and from St. Anthony, which changes into Pohlman Road. Area 12 shares a border with St. Louis County that Florissant refers to as Area 10. Florissant plans to annex Area 10, which would then prevent a pocket from being created if Area 12 is annexed first. He said annexing Area 12 before Area 10 became a priority because Area 12 citizens approached the City first. Area 10 residents have also approached Florissant with an interest to be annexed and are working on a petition. Mr. Hessel said they have approximately 60% of voter signatures and he expects Florissant to present an annexation proposal for Area 10 within the next 60 days.

Mr. Hessel said annexation of Area 12 is a logical and appropriate extension of the City's existing boundaries. He said Area 12 is primarily residential and consists of the Paddock Meadows, Paddock Woods and Calavera subdivisions, which are accessible from Florissant, so services could easily be provided.

Mr. Hessel said there are commercial establishments along New Halls Ferry Road, at the corner of Parker Rd. The zoning within St. Louis County is primarily R4 with the zoning being a combination of C8, C3, and C2. He said these zoning districts assimilate easily into the City of Florissant, and the R4 zoning classifications of each are almost identical.

If annexation occurs, properties classified as R4 in the County would be rezoned to R4 in Florissant. Present C3 and C2 commercial establishments would be converted to a B3 zoning district, which is comparable. The County's C8 is almost identical to Florissant's B5. Mr. Hessel noted the map in the Plan of Intent failed to identify the B5. The C8 that would be converted to B5 is located at the corner of Parker Rd & New Halls Ferry.

Mr. Hessel said Florissant is interested in annexation because there is much commonality between Area 12 and Florissant, there are common borders, and there is a community of interest. Based on comments from Area 12 residents, he believes those citizens are interested in having access to Florissant services and amenities such as police protection, Dunegant Park, the James Egan Community Center and the City government, as well as for the overall quality of life and for increased property values.

Mr. Hessel said some commercial establishments along New Halls Ferry are eyesores. Florissant has an aggressive approach with respect to building code and zoning code enforcement, also, Mayor Lowery is successful in obtaining new commercial establishments; one example being the \$40 million dollar Cross Keys Shopping Center.

Mr. Hessel said Area 12 residents would receive street repairs and new street lighting if annexed. He said Florissant estimates approximately \$388,000 spending for street repairs, another \$32,000 for curb cuts and another \$77,000 towards new street lighting over the next two years.

Mr. Hessel said Florissant will provide the Home Equity Assurance Program for Area 12 residents if annexed. If a Florissant property owner is concerned with their property values, they can get an appraisal. The City will guarantee they will sell that property for an equal or greater amount to the appraisal, provided they have lived within the City limits for five years and have maintained the property.

Mr. Hessel said if annexed, Area 12 residents' tax rate would decrease by 2% because of the difference in the utility tax rate of 5% in the County to 3 % in the City. Florissant has a higher sales tax rate due to capital improvement and park improvement sales tax rates, but it is a ¾ of a cent difference and should have little or no impact upon residents. Mr. Hessel anticipated revenues received from this area to be \$664,850, which would offset the cost of providing the additional services.

Mr. Hessel said annexation of Area 12 is a logical and natural extension of borders with little or no negative impact on the County and is motivated by what everybody wants. 76% of Area 12 residents want prompt, efficient services, access to amenities, maintenance of property values, and access to local government. Mr. Hessel asked for the proposal to be approved without a vote to save both money and time.

#### *Questions from the Boundary Commission*

Mr. Kloeppe asked about an additional expenditure of \$71,900 and how it would be applied to police services and if it would impact the County officers now covering that

area. Mr. Hessel said the money is designed for another police officer and should not impact St. Louis County. Mayor Lowery added there would be no loss of jobs.

Mr. Ted Armstrong asked who determined that 75% of registered voters had indeed signed the petition. Mr. Hessel said the St. Louis County Board of Election Commissioners. Mr. T. Armstrong asked if there was any evidence of this. Mr. Krasnoff said a verification document is a part of the proposal.

Ms. Garino asked about Florissant's plan for street lighting. Mr. Lou Jearls said there is a plan to try to put a light at every intersection and at every 600 feet. Florissant will work with Ameren UE to do this, and will pay 100% of the cost. Ms. Garino asked if this process would begin within a fairly short time. Mr. Jearls said yes.

Ms. Garino asked about the C8 & C3 zoning. Mr. Hessel said he is not well versed with C8 and C3, but could speak with respect to B3 and B5 zoning, which he thinks are almost identical. B3 is the development of businesses and B5 is used for the redevelopment of businesses or the development of businesses on undeveloped lots. The City Council looks to C3 for general parameters before drafting the ordinance, but are not confined by C3 zoning ordinances. Ms. Garino asked if there would be stricter requirements with regard to landscaping, access and other aspects. Mr. Hessel said it depends whether or not it is a redevelopment. If it is not a redevelopment, the requirements could be different, but generally they would not be any stronger than St. Louis County's. If a redevelopment, B5 would be triggered and all aspects would be looked at.

Mr. Ford asked if the proposal would take in the entire street or go to the middle of the street. Mr. Hessel said it would take in the entire street. Mr. Ford asked if sidewalks would be put in where currently there are no sidewalks. Mr. Jearls said no.

Ms. Garino asked about the irregular line of the New Halls Ferry border. Mr. Jearls said the right of way width along New Halls Ferry varies, making the line look jagged.

Mr. Wojtkowski asked if during the petition process literature was provided to the public informing them of annexation issues, promises made, and benefits and features of living in Florissant. Mayor Lowery said there were town hall meetings and brochures were presented with information of this nature. Mr. Wojtkowski asked that the Boundary Commission be given a copy of the information distributed.

### *C. Comments from St. Louis County*

Mr. Len Groszek from the St. Louis County Planning Division spoke for Mr. Glenn Powers, who was unable to attend. Mr. Groszek read a prepared statement: St. Louis County Government stands willing and able to continue providing municipal type services to this and other unincorporated areas of St. Louis County if the citizens desire. However, we recognize in this case that since over 75% of the registered voters of the area have indicated their desire to be part of Florissant we do not oppose their petition

and will assist in facilitating this change of jurisdiction if it is approved by this Boundary Commission.

*Questions from the Boundary Commission*

Mr. Ford asked what tax revenue St. Louis County would lose if the proposal is approved. Mr. Groszek said an official analysis by the County had not been made, but the numbers provided in Florissant's plan of intent seem pretty close.

Ms. Garino saw some streets marked for repair in Area 12 and asked how long they had been marked, and when they were last repaired. Mr. Groszek said he did not know.

*D. Public Comment*

James Elliott, 2430 Birchview

Mr. Elliot favors annexation because of good personal experiences as a former Florissant resident. He would like to see street improvements and to access Florissant's amenities.

George Graham, 2400 Birchview Drive

Mr. Graham favors annexation. He believes Florissant will provide street improvements, better police patrol, and the cleaning up of unsavory businesses such as porn shops, loan shops, tattoo parlors, an excessive number of liquor stores, and vacant strip malls.

Mel Bryant, 620 Millstone Drive

Mr. Bryant wants the proposal disapproved or approved only with a vote. He said annexation would create a pocket and should not happen. He believes the 75% petition response is inaccurate because voting age children of homeowners signed and he feels their opinions are invalid.

Robert Egan, 2200 Wheatfield

Mr. Egan favors annexation and wants the Commission to listen to the will of the people. He has been both a Florissant resident and a non-resident, and preferred life as a resident.

Joseph Watkins, 4035 Greengrass Drive

Mr. Watkins favors annexation for improved property values, street improvements, and improved safety by cleaning up bad areas.

Jim Beachler, 2545 Greenberry Drive

Mr. Beachler favors annexation for prompter service in improving street conditions and for increased property values. He is impressed by the support of over 75% of residents.

Patrick Boyle, 3715 Greengrass Drive

Mr. Boyle favors annexation for improved services and government accessibility. He has had good personal experiences working in and owning a building in Florissant, and with City Government.

### *Questions from the Commission*

Mr. Wojtkowski asked what power and authority Florissant would have in effecting change with regard to some questionable businesses, other than requiring a total redevelopment of an area. Mayor Lowery said they would take it parcel by parcel and contact the business owners to work out a mutually beneficial redevelopment solution.

Mr. Wojtkowski asked if the City could deny a license to pay-day loan or tattoo parlor businesses. Mr. Hessel said Florissant does not allow those businesses in the City limits. They would become a “legal nonconforming use” and would be allowed to continue their use as long as they conformed to existing laws, and laws would be enforced. He said the City cannot throw someone out who is validly doing business. If they go out of business, they would not be allowed back in.

Mr. M. Armstrong asked what the City does to help small business owners bring their businesses up to code. Mayor Lowery said the majority of small businesses are able to bring their buildings up to code with their existing cash flow. Questionable businesses can be improved without forcing them out of business. For residential code violations, there is a volunteer program to help individuals in need repair their homes.

Ms. Garino asked what happens if a building does not meet code, the owner is cited, but does not make repairs. Mayor Lowery said they are taken to housing court and if found guilty, face stiff penalties. Ms. Garino asked who makes the citation for a commercial area. Mayor Lowery said it is a team consisting of a building inspector, police officer and health officer, who patrol on a daily basis.

Ms. Schuman asked for an overview of the home equity program. Mayor Lowery said a \$10 application is filled out and an appraiser is selected. The appraisal is paid for by the citizen and is kept on file. If, after living in the home for five years, it is sold for less than the appraised amount, Florissant will pay the homeowner the difference, provided the home was maintained in the appraised condition. Ms. Schuman asked if this was applicable to any Florissant neighborhood, or only specific ones. Mayor Lowery said it is for the entire City. Mr. Hessel said brochures describing this program, and the requested information on the features and benefits of Florissant, have been given to Mr. Krasnoff.

Mr. Wojtkowski asked for a show of hands to see how many people in the room were not in favor of annexation.

An unidentified speaker asked when a decision would be made. Mr. Krasnoff said the Commission must decide by December 21, 2002. It was asked how the decision process would work. Mr. Wojtkowski said the Commission meetings are publicly posted, and the annexation proposal would be discussed at each of the meetings until such time as the Commission feels it can take a vote. This must happen before the December date. The unidentified speaker asked how the public would find out the results. Mr. Wojtkowski said information would be posted on the Boundary Commission’s web site. The speaker

asked if a letter from the Boundary Commission would be mailed. Mr. Wojtkowski said no. Mayor Lowery said he would mail notification to each resident.

An unidentified speaker asked when changes would take effect if the proposal is approved. Mr. Hamilton said a transition committee would be appointed and an effective date would be set in conjunction with the City. Mr. Hessel said the effective date is set by the Boundary Commission, and for a simplified boundary change, a transition committee is not required. He said, as is stated within Florissant's Plan of Intent, they have asked that the date be set as early as possible and they would start providing services immediately. With regard to tax and 911 issues, there needs to be a transition period, which he thinks could be accomplished within 30 days, but again, the date is left to the discretion of the Boundary Commission.

An unidentified speaker asked what margin is needed for the vote to pass. Mr. Wojtkowski said a majority vote is needed.

*E. Adjournment*

At that point the meeting was adjourned.

Respectfully submitted  
Kim Miller  
Secretary

Approved: November 19, 2002