

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

November 19, 2002

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Jane Arnold, Bob Ford, Agnes Garino, Thomas Hayek, Ilene Ordower, Johnnie Spears, and Don Wojtkowski.  
Commissioners Absent: Greg Kloeppe, Mary Schuman.

COMMISSION STAFF PRESENT:

David Hamilton, Boundary Commission Legal Counsel

OTHERS PRESENT:

Lori Fiegel, St. Louis County Planning Department  
Lou Jearls, City of Florissant, Director of Public Works

CALL TO ORDER

Mr. Wojtkowski called the meeting to order at 6:30 p.m., November 19, 2002. The meeting was held at the offices of the Boundary Commission, 1516 S. Brentwood Boulevard, Brentwood, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Mr. Wojtkowski.

APPROVE AGENDA

Mr. Hayek made a motion to approve the agenda. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Ms. Ordower made a motion to approve the minutes of October 22, 2002. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. T. Armstrong motioned to approve the public hearing minutes of October 22, 2002. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, none. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Wojtkowski observed that the terms of Ms. Arnold and Ms. Garino would expire on December 31, 2002, so the process of reappointment or of identification of a new member must begin. In the past, the Executive Director sent a notice to the appointing authority for the member whose term is expiring. Mr. Wojtkowski said he would work

with Kim Miller to provide this notice. Lori Fiegel has been advised by the County to follow up on the reappointment.

#### STAFF REPORT

Mr. Wojtkowski directed the commission members to the office report submitted by Ms. Miller. The report was a log of inquiries received at the Boundary Commission office. The first was from Scott Harter. He is interested in incorporating an area he referred to as Castlewood. David Hamilton said he and Ms. Fiegel knew of no map plan on file for this area. Mr. Hamilton sent Mr. Harter a copy of the Rules and suggested he follow up with his attorney and look into their options under the Statute and the Rules.

Mr. Hamilton spoke to Mr. Bob Frank regarding a transfer of jurisdiction between Ellisville and Ballwin. He spoke briefly about what needed to be done to do a transfer. Mr. Frank was going to follow up with Ballwin to see if a transfer would be possible.

Mr. Hamilton received a call from Patrick Butler, who Ms. Miller said was the City Attorney for Clarkson Valley. Mr. Hamilton tried to return his call two times. Ms. Fiegel said she spoke to Mr. Butler about a boundary adjustment issue at an intersection.

Mr. Hamilton received a call from Paul Martin regarding Breckenridge Hills' desire to annex a small unincorporated area. Mr. Hamilton said there is no map plan on file, which is a jurisdictional condition precedent to being able to file for an annexation. Mr. Martin understood that, and Mr. Hamilton has not heard back from him.

Upon request, Ms. Miller sent Sandra Muller of Black Jack, a copy of the Rules.

Mr. Hamilton received a telephone call from a person who identified himself as Volunteer Fire Chief Theodis Brown from the Castle Point area in North St. Louis County. Mr. Brown said he had worked on a petition to incorporate the area and was interested in knowing when he could start that process again. Mr. Hamilton sent him a copy of the Rules and a letter confirming that the applicable statutes are Sections 72.400 to 72.423. Mr. Hamilton emphasized he was not expressing any position as to whether or not the incorporation is appropriate or whether or not it could be accomplished. Mr. Hamilton understood that no map plan had been filed.

Mr. Ford asked where Castlewood is. Mr. Hamilton said it is an unincorporated area in the Southern part of the County informally known as Castlewood. Ms. Garino said it was off Old Big Bend near Castlewood Park, and she thought it was included in a map plan filed by another jurisdiction. Mr. Hamilton said the individuals Mr. Harter is working with did not file a map plan as proponents of an entirely new proposed incorporation of that area, and he did not know if that area was included in map plans of other adjoining municipalities.

Ms. Garino said she thought Castle Point was an issue that had come up in the past. Mr. Hamilton said Mr. Brown indicated a petition had been in the process of being circulated when the previous Boundary Commission went out of existence.

Mr. Wojtkowski said he signed the invoice for the insurance, so it is in effect.

There followed a discussion of how to proceed to identify a new executive director. Mr. M. Armstrong summarized the actions taken to identify the previous director and suggested that the commission could either hire a company to assist in the job search or reconstitute the personnel committee to identify candidates. The Commission discussed whether the position should be full or part-time and whether the candidate should have a strong planning background. The consensus was that a planning background was not as important as general organizational ability and the ability to communicate with the press and public about Commission business and that at present the duties of the position could be fulfilled with a part-time employee. The members present decided to reconstitute the personnel committee. Mr. Ted Armstrong, Mr. Johnnie Spears, Mr. Matt Armstrong and Ms. Ilene Ordower volunteered to serve on the personnel committee. Mary Schuman was also named for the committee.

#### NEW BUSINESS

##### A. Nominations of Officers for the Year 2003

Mr. Wojtkowski opened the nominations for new Officers for 2003, to be voted on at the December meeting. The following nominations were made:

Chairperson: Ted Armstrong nominated Tom Hayek and Ilene Ordower also nominated Tom Hayek. Tom Hayek nominated Ted Armstrong, who withdrew his name from consideration. Don Wojtkowski nominated Johnnie Spears. There being no further nominations, the nominations were closed until the December meeting.

The Chairman then opened nominations for 1<sup>st</sup> Vice Chair. Matt Armstrong nominated Ted Armstrong, Ted Armstrong nominated Johnnie Spears and Don Wojtkowski nominated Bob Ford. There being no further nominations, the nominations were closed until the December meeting.

The Chairman then opened nominations for 2<sup>nd</sup> Vice Chair. Johnnie Spears nominated Jane Arnold and Bob Ford nominated Greg Kloeppe. There being no further nominations, the nominations were closed until the December meeting.

#### OLD BUSINESS

##### A. BC0201 Review of Florissant, Area 12 Proposal

Mr. Wojtkowski opened the floor for discussion of the merits or concerns relative to the proposal. He said the proposal needed to be voted on at this meeting or at the December meeting.

Mr. Ford asked about “grandfathering” with regard to the letter from the Vickers business concerning their liquor license. He asked if the license would be “grandfathered” if the business was sold or expanded. Mr. Hamilton said you typically would not be “grandfathered” if a business is sold. Mr. Ford asked what the Florissant City Ordinance

is regarding liquor sales. Mr. Jearls said he would have to look that up, but typically if somebody does more than a 25% improvement of their business, which in this case is a B5 development, that would require meeting all the new rules and regulations. The business owner can make some improvements, up to 25% of the total value of the property without the City having a problem. Later on if he did sell, he probably would not be “grandfathered.”

Mr. Wojtkowski said with respect to a simplified boundary change, his biggest concern is with the communication given to an individual at the time they are asked to sign a petition, and not knowing how such information as taxes and other issues, is handled by the sponsors of the petition. He said the Boundary Commission received a couple of letters from residents who were basically uncomfortable signing the petition but signed anyway to “get rid of” the sponsors. Another letter mentioned a citizen was perhaps misinformed with regard to the tax impact of annexation. Mr. Wojtkowski said this does not mean that he personally is not in favor of the annexation. He said when he goes through the best interest worksheet tests in his mind, the proposal passes the tests, but the question is, in order to give everyone a fair voice, should it go on the ballot for a vote or not. He said if a proposal passes on a vote, the Commission can know in good conscience they have administered it in the right way. Mr. T. Armstrong asked for a review of what the commission’s options are. Mr. Wojtkowski said for a simplified boundary change they must: disapprove, approve without a vote, or approve the proposal with a vote.

Mr. T. Armstrong asked under what circumstances a proposal would be approved without a vote. Ms. Arnold said because 76% of the people have said they want annexation on the petition, the Commission would not want to discount the voices that have already spoken via the petition. Ms. Garino said only a 51% majority would be needed if it went on a ballot, and a benefit of approving the proposal without a vote would be the savings to people in time and money. Other points made were that everybody had an opportunity to speak at the public hearing if they were not in favor of the proposal and very few, out of an impressive turnout, did. If people felt they were coerced to sign, they all had an opportunity to write to the Boundary Commission or to appear at the public hearing.

Mr. M. Armstrong said he was concerned for the business owners who have made an investment with their businesses and for the possible revenue losses they may experience if the proposal is approved, from, for example, the loss of a liquor license. He said he wanted to balance that with the similar investments made by home owners in their homes, and the gain in property values they would receive if annexed, based on property values increasing with better street improvements and the removal of questionable businesses. Mr. M. Armstrong said ultimately the gain in value for the homes probably outweigh the loss in value for the businesses.

Ms. Garino mentioned the strong positive attachments former residents have with Florissant as a factor, and the sincere concern for the area in which residents live and the reasons why they want to be annexed. She also said that every household was mailed a letter informing them of the proposed annexation, so the information was distributed and

people have had ample opportunity to address the Commission if they felt strongly that they were misled or coerced, and they have not done so.

Ms. Arnold made a motion to approve the BC0201 proposal without a vote. Mr. Hayek seconded the motion.

Mr. Hamilton said that if there was a vote, a transition committee would be needed but with no vote no transition committee would be necessary. There was discussion as to what the effective date should be. Ms. Arnold made a motion to amend the motion to approve to make the effective date January 1, 2003. Mr. Hayek seconded the motion.

Mr. Wojtkowski reiterated his comments about the petition process, and stated for the record that he believed there should be a standardized process for distributing information and gaining petition signatures. Mr. M. Armstrong said he thought if intimidation had been a strong factor in gaining petition signatures, there would have been a number of people complaining about it and from the 76% number of people who signed the petition in support of annexation, his gut feeling is that that sort of intimidation probably did not occur. There was a consensus that past experience shows when residents are strongly opposed to an annexation proposal, they have no problem standing up and speaking their opinions. Ms. Garino said if people are against it, they will show up.

Mr. T. Armstrong asked to call for the question.

Roll call vote, Ayes: Matt Armstrong, Ted Armstrong, Jane Arnold, Bob Ford, Agnes Garino, Tom Hayek, Ilene Ordower, Johnnie Spears, Don Wojtkowski. Nays: None.  
*The motion passed.*

#### ADJOURNMENT

Mr. T. Armstrong made motion to adjourn. Mr. M. Armstrong seconded the motion.  
Voice vote: Ayes, All. Nays, None. *The motion passed.*

The meeting was adjourned.

Respectfully submitted,  
Kim Miller  
Boundary Commission Secretary

Approved: December 17, 2002