

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

**MINUTES OF PUBLIC HEARING-BC0301
April 22, 2003**

COMMISSION ATTENDANCE:

Commissioners	Present (P)/Absent (A)
MATT ARMSTRONG	P
TED ARMSTRONG	P
JANE ARNOLD	A
BOB FORD	P
TOM HAYEK	P
GREG KLOEPEL	P
ILENE ORDOWER	P
MARY SCHUMAN	P
JOHNNIE SPEARS	P
CAROL STROKER	A
DON WOJTKOWSKI	P

OTHERS PRESENT:

David Hamilton – Legal Council

CALL TO ORDER

Chairman Hayek called to order the meeting of the Boundary Commission at 7:00 p.m. on April 22, 2003. The meeting took place at the James J. Eagan Center, #1 James J. Eagan Drive, Florissant, Missouri. The purpose of the meeting was to conduct a public hearing on the proposal submitted by the City of Florissant to annex Area 10 (BC0301).

PUBLIC HEARING-BC0301-FLORISSANT AREA 10 ANNEXATION

A. Introductory remarks by Chairman

Mr. Hayek said an annexation proposal was submitted by the City of Florissant for the area known as Florissant Area 10. He said Area 10 is generally bounded by Florissant and Parker Road to the north, New Halls Ferry and Derhake Road to the east, the City and St. Catherine Street to the south, the City park and various residences to the west.

Mr. Hayek introduced Boundary Commission members and explained their role and the review process. He instructed members of the public who wished to address the Commission to fill out speaker cards which would be accepted until the conclusion of St. Louis County's presentation. Individuals would be allowed three minutes to speak. Written comments would be accepted for a couple of weeks following the public hearing.

Mr. Hayek said the proposal was submitted by petition which constitutes in excess of 75% of the registered voters in Area 10. This classifies the proposal as a simplified boundary change, which means the Commission may disapprove the proposal, approve the proposal with a vote, or 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.

Mr. Hayek said Florissant and the County will each have 15 minutes to give their presentations. The Commission will have an opportunity to ask questions after each presentation. The public comment section will follow the conclusion of the questions for the County.

B. Presentation by Proposing Agent - City of Florissant

Mayor Robert G. Lowery, Sr., of Florissant, said Area 10 is bounded on three sides by Florissant making it natural for annexation. He is excited about this area and wants to redevelop the commercial portion on New Halls Ferry Road which is drastically needed for both Florissant and the County. He said they would meet all eleven points needed to approve the proposal and introduced Mr. John Hessel, City Attorney for Florissant.

Mr. Hessel said the Board of Elections certified that 77% of the registered voters residing within Area 10 signed petitions asking to be annexed into Florissant. He said Florissant would like them to join their community and thanked the people who gathered the signatures because of the excellent job they did with such a difficult task.

Mr. Hessel said the boundaries of Area 10 are Parker Road to the north, St. Catherine to the south, Derhake and New Halls Ferry on the east, with the area immediately to the east of Derhake being Area 12, which was annexed in January of 2003, and the Eagan Center immediately on the west. He said this is a natural, logical extension of the City, particularly in light of the annexation of Area 12, and he would characterize Area 10 as a “pocket” with common boundaries of Parker Road. Access to Area 10 is from Parker Road on the north, St. Catherine on the south, Derhake on the east, and also from Stonehaven, which extends between Area 12 and Area 10. Immediately north of the Eagan Center is a residential area with Stafford, which runs from that area into Area 10. Access points into Area 10 all come from the City with the exception of those areas bordering New Halls Ferry. He said the annexation of Area 10 is logical and appropriate.

Mr. Hessel said the zoning categories are primarily residential and are presently zoned in the County as R4. The commercial area to the northeast is currently zoned C8. He said these zoning districts assimilate easily with Florissant’s. The County’s R4 residential zoning is almost identical to Florissant’s R4 classification, and if annexation occurs, the present C8 would change to a B5 which is very similar. He said there is little or no differentiation between the zoning districts.

Mr. Hessel said during petitioning, citizens indicated reasons why they wanted to be annexed, including: the commonality and community interest shared, there is no logical reason to distinguish this area which is almost entirely surrounded by Florissant, increased police patrol and responsiveness, access to amenities, such as the Eagan Center, its pool, ice rink and theatre, Dunegant Park, and the Old Florissant Municipal Golf Course. He said residents mentioned snow removal and street maintenance as natural and logical for Florissant to take care of because of the common boundaries.

Mr. Hessel said within the last six months, the County has made certain repairs to the streets after the petitioning process began and at Mayor Lowery's request, and have continued a significant portion of the street improvements. He estimated the total cost of street repairs and improvements at approximately \$340,000 and estimates that the County would do about 50% of what Florissant would do. He thanked the County for their work and said Florissant is committed to making further street repairs.

Mr. Hessel said Area 10 residents are concerned with property values and the general quality of life. He said most residents have done an excellent job of maintaining their homes and Florissant is known for enforcing its zoning and building codes fairly and uniformly. He said Florissant will enforce codes in Area 10 residential, and more significantly, commercial establishments along New Halls Ferry which present some problems to residents. He said Florissant has taken affirmative action and has been aggressive concerning zoning and building code enforcement of Area 12 commercial properties. The police department and detectives met with owners of those businesses and explained what is and is not permitted. He said Florissant has sought proposals for redevelopment of that area and if this annexation is successful, it would be natural to include it for consideration of additional redevelopment with the area along New Halls Ferry. Mr. Hessel said commercial redevelopment is a priority and cited past success with the forty million dollar Cross Keys Shopping Center redevelopment as an example.

Mr. Hessel said the City will immediately address problems associated with street lighting, and said twenty-eight street lights have been ordered from Ameren UE for Area 12. If the Area 10 proposal is approved, they will order approximately forty-one street lights to combine with the installation of the Area 12 lights. If the Area 10 annexation does not occur, the installation of the Area 12 street lights will not be delayed. Mr. Hessel said over the next three years, Florissant plans to spend \$170,000 towards street improvements, \$20,800 for ADA curb cut improvements and \$90,200 for street lighting.

Mr. Hessel said Florissant has a Home Equity Assurance plan. If a property owner in Florissant (including Area 10 if annexed) obtains an appraisal of their property and submits it to the community development director and continues to live there for five years, the City guarantees that when they sell their home they will not sell it for less than the appraisal. If they cannot sell it for the appraisal price, Florissant will make up the difference or will buy the home at that appraisal price.

Mr. Hessel said based on the latest census data, 1,072 people would be annexed into Florissant. If annexed, their tax rate would decrease by 2% because of the difference in

the utility tax rates of Florissant and the County. He said Florissant has a higher sales tax rate due to capital improvement and park improvement rates, but it is a ¾ percent difference and should not affect residents because they already shop in Florissant. He said the only other tax increase would come from the purchase of a motor vehicle because that rate is based on residency; otherwise, there will be a decrease in standard, customary tax rates.

Mr. Hessel said anticipated revenues from Area 10 will be approximately \$264,000 with expenses roughly equal that amount, making it a breakeven point. He said the plan of intent shows the costs as slightly greater than the revenues, but they consider it to be a wash when it comes right down to it.

Mr. Hessel said the citizens have spoken with 77% of them asking to be annexed into Florissant. He said it is logical to annex Area 10 because of the commonality of interest, common borders, and etcetera. He asked the Commission to approve this as a simplified boundary change and asked that it be imposed without a vote and as soon as possible.

Questions from the Boundary Commission

Mr. M. Armstrong said he was amazed by the petition results and asked who participated in the petition drive. Mr. Hessel referred to a number of people in the audience who raised their hands and said there were also some City employees who participated.

Ms. Schuman asked if Florissant received any specific potential proposals for the area currently zoned C8. Mr. Hessel said the proposals they received are for Area 12, not Area 10. Mayor Lowery said he talked to redevelopers about Area 12 and one of their council people suggested they wait to see if they get this annexation so the entire area could be redeveloped, which seemed wise. He said he will definitely redevelop Area 12 and would like to add Area 10 if possible. He said the commercial area currently is probably one of the worst areas “business-wise” in the County, while the homes there are beautiful and he thinks residents are looking forward to a beautiful shopping area.

Mr. T. Armstrong asked if his understanding that City employees were used to gather petition signatures was correct. Mr. Hessel said there were certain City employees involved. Mr. T. Armstrong asked what types of City employees were used. Mayor Lowery said there were two officers assigned from his office in civilian clothes, who worked with citizens and maintained cooperation and coordination with them.

Mr. Hayek asked how Florissant arrived at the expenditures figure. Mr. Hessel said it is a per capita analysis. He said they took the budget of the City and divided it by the capita and then took that into 1,000. He said it is the process they have always used and it seems to make sense to them, however it is not meant to be exact. For example, looking at the administrative figure, there is no way they would spend \$38,000 strictly to administer this area. The numbers reflect what the cost would be on a per capita basis. Mr. Hayek asked if the per capita calculation is what the City is currently doing with its residents and its budget, and then just applying it to the new area. Mr. Hessel said yes,

with the exception where amounts they anticipate using for street improvements are specifically identified for streets, ADA curb cuts, and street lights. Those three things are mentioned because they are specific allocations for Area 10 as distinguished from the per capita costs, which do not necessarily reflect a dollar for dollar allocation to the area.

Mayor Lowery said it was rumored that the majority of petition signatures were obtained by City employees or police officers. He said that is absolutely not true and is attested to by the people present at tonight's meeting who gathered signatures. He said there were two police officers that helped in the area of coordination, and the rumors are false.

Mr. Ford asked if his understanding was correct that the petition drive for Area 10 started before the Area 12 petition drive. Mr. Hessel said he thought so, but when Area 12 became active, Area 10 was put aside for a while. Mr. Hessel was corrected by a resident in the audience and by Captain Foster, who were both more involved with the petitions, and said Area 12 actually started first. Mr. Ford asked for further clarification. Mr. Hessel said what he tried to present was that logically Florissant looked at annexing Area 10 before Area 12 but the petition process in Area 12 started before they got started on Area 10, so they moved forward with Area 12 before 10. He said the reason he mentioned it is because he was concerned when he made the presentation for Area 12 that Florissant was "jumping over" Area 10 and he did not want any misunderstandings as to whether or not they were trying to avoid Area 10 or anything of that nature. He was pointing out that Florissant was focused on Area 10, but Area 12 got their attention more directly because residents came to Florissant with petitions they had started and asked the City to go forth with that petitioning process. Mr. Ford asked how many people worked on the petition drive, going from door to door. Mr. Hessel said he did not know an exact number, but knew there were 63 or 69 petition pages, and was informed there were about 20-25 people involved in that process. Mr. Ford asked if one person was in charge of the drive and how the project was generated and carried out. Mr. Hessel thought there were some people who were dedicated to the process, and indicated Carol, a person in the audience, who he said was one of the coordinators. He said he thought the total was 30-35 people involved in the petition drive. Mr. Ford asked how the project was set up and if there was a single individual who acted as a primary coordinator, or if various people brought in the petitions. Mr. Hessel said various people brought in the petitions as they were obtained. He said they were given to them by members of the City staff. Mr. Ford asked if Carol reported to any particular person. Mr. Hessel said no, she coordinated with Captain Foster's office as well as with the two City police officers, and with the other people who gathered signatures. Mr. Ford asked if Florissant designated one particular person to head the petition operation. Mr. Hessel said no, the City thought they could better coordinate it because of legalities involved with making sure signatures obtained were from people on the voters registration roll and at the indicated addresses. Mr. Ford asked for more details of the petition drive and of how it began. Mr. Hessel said a meeting was held and the area was divided up by streets. People who lived on or near a particular street area took the petitions and walked the streets in that area. Mayor Lowery said people who were in favor of the annexation attended the meeting. Mr. Ford asked who approached Florissant. Mayor Lowery said it was a Florissant meeting for the annexation and there was a sign-up sheet at a table and people were asked where they

lived and if they wanted to go out and obtain signatures. People said yes and were given forms and area assignments. The forms were then returned to the clerk's office.

Mr. Ford asked if the City plans to add police officers or public maintenance employees to deal with the 2,500-2,600 additional Florissant residents since the annexations of Crest Aire and Area 12 and the potential annexation of Area 10. Mr. Hessel said they have plans to add a police officer. Mayor Lowery said he is conducting a study and knows he will need to increase their staff and there is no problem with doing that.

Mr. Hayek asked for a show of hands of volunteers who worked on the petition project.

Mr. Wojtkowski asked if Florissant anticipates a need for tax increment financing to execute the redevelopment of both Areas 10 and 12, and if so, what a realistic time frame is for executing a TIF district, doing the TIF and getting the redevelopment to happen. Mayor Lowery said he would like to move as quickly as possible. He said at this point, he has not discussed a TIF district with the council. He would like to send out around 30 requests for proposals from different developers with the hope of getting three or four back from developers who want to develop the area without a TIF. He said if a TIF is necessary, there is a commission in place and he would address that with the Council at that time. Mr. Wojtkowski asked what the difference in time would be with or without a TIF. Mr. Hessel said a TIF would take approximately a year to a year and a half and a 353 Redevelopment Corporation or other comparable method would take approximately nine months to a year. Mr. Wojtkowski asked if combining Areas 10 and 12 make it a more attractive redevelopment opportunity. Mr. Hessel said yes, it would open it up to bigger developers and make it much more attractive to them.

Mr. Kloepfel asked how businesses have responded to the enforcement of zoning ordinances. The Mayor said enforcement has been successful and areas have been cleaned up. He said detectives visited a "girly bar" on New Years Eve and informed them they were there. The girls stopped dancing at 11:30pm, before the January First effective date. There is compliance. Mr. Kloepfel asked if businesses have been receptive to the new rules and regulations. The Mayor said yes. Mr. Kloepfel asked if the same techniques will be used in Area 10. The Mayor said yes.

C. Comments from St. Louis County

Mr. Glen Powers, Director of Planning for St. Louis County, said the County's position in the past has been neutral. He said the 75% number of signatures obtained by petition is a large majority and suggests that if the issue went to a vote, it would pass. He said the County wants what the residents want whether that is to join Florissant or to remain in the County. If the majority wishes to remain in the County, the County is happy to continue servicing them. He said the County provides high quality services including a highly rated and frequently contracted police department. He said the petition suggests that residents want to be in Florissant, which makes sense given current boundaries and an effort to make boundaries regular.

Questions from the Boundary Commission

Mr. M. Armstrong asked how many officers currently patrol Area 10. Mr. Powers said he did not know a specific number. He said there is a north precinct with a certain number of officers, but he does not know how many are dedicated to this area or if it even works that way. Mr. M. Armstrong asked if there would be a reduction of forces due to an annexation. Mr. Powers said not at this time. He said he had limited conversations with the County Police and that issue did not come up. Mr. M. Armstrong asked what the position is of the County with respect to lost income from the annexation. Mr. Powers said there is always a certain amount of lost income but Florissant is a pool city so all sales tax money is received by a pool and redistributed to all the cities in the pool on a per capita basis, including unincorporated St. Louis County. He said this tends to minimize the loss. He said this is a small, relatively balanced area with respect to the percentages of commercial and residential land uses, and he does not see this as a commercial tax grab. Mr. M. Armstrong asked if the County received feedback from business or home owners expressing a desire to stay within the County or with respect to the petition process. Mr. Powers said he received some feedback, much of which was second hand, from even before the petition began. He said there are people who obviously favor being in Florissant, and there are others who don't. He said there were a number of calls to the police department about the petition process to the point where he believes some discussions took place between officials of the Florissant and the County police departments, which he assumes got straightened out, but overall, a 75% petition result is still a 75% petition result.

Ms. Ordower asked when and if the County will complete the street repairs they started. Mr. Powers said in general, street repairs are scheduled in the County on a strict priority basis. He said the fact that an annexation proposal is about to occur or that signatures are being petitioned does not have much impact on how the County prioritizes street improvements. Whatever is scheduled will happen, because all residents are St. Louis County residents and it does not matter if they happen to be in a municipality or not.

Mr. T. Armstrong asked if the County has any estimate of the financial loss from this area. Mr. Powers said they have not run the numbers in the kind of detail they would for a larger proposal or for one being proposed by some other process. He said the County's main consideration is to do what the residents want, which has been suggested by the number of names on the petition. He said he reviewed Florissant's plan of intent and the revenue projections therein, and has no reason to quarrel with any of the figures.

Mr. Hayek said there is a statement in Florissant's proposal saying the City plans to leave the maintenance of Parker Road and Parker Road Spur to the County. He asked how this is decided and if it is general practice for the County to maintain larger roads and the City to take care of smaller ones. Mr. Powers said yes. There is a county arterial road system that the County maintains irregardless of whether it is in a municipality or not. Major roadways serving as feeders to smaller residential areas are so classified and their status remains the same irregardless of whether they are taken into a municipality or not. There are exceptions occasionally. Mr. Hayek asked if the County has received any interest in

redeveloping this area. Mr. Powers said he knows of no interest to redevelop it. He said strictly from a market standpoint, any time you ask for proposals or RFPs, it invites TIF proposals. He said the County has been frustrated by this area and that a lot of the code violations aren't necessarily zoning violations so much as nuisance violations, such as refrigerators and garbage on lots. The County has made periodic sweeps and performed cleanups, but the nature of it is you have to stay on areas constantly or they return to their prior form. He thinks Florissant has done a good job maintaining other similar areas and wishes Florissant luck with a redevelopment. He said he thinks it will take some sort of a tax subsidy though, as there is quite a bit of present commercial land use.

Mr. Ford asked how the sales tax pool works. Mr. Powers said there are two types of cities, point of sale cities and pool cities. Point of sale cities keep all the sales tax generated within their borders. Individual pool cities take all the sales taxes collected within their borders and put them into a collective "pool." These revenues are then redistributed to all the pool cities on a per capita basis. He said typically cities with an abundance of commercial development, malls, etc., elect to go point of sale and keep all their sales tax revenue within their borders, as it is in their best interest to do so. For other cities who do not want intensive commercial development or who do not have great location or commercial areas, it is to their advantage to be pool cities. Mr. Ford asked if pool cities only share among themselves or if they share with the County. Mr. Powers said the County is considered a pool city and is in the pool with everyone else.

Mr. Wojtkowski said in the past, the County has issued a response to plans of intent that Boundary Commissioners could use to compare statistics and other data. He asked if Mr. Powers intended to provide such a response. Mr. Powers said it was not their intention to provide that for a petitioned annexation. He said the County is happy to provide any information the Commission would like to request. Mr. Wojtkowski said he wanted to go on record as saying the Commission finds that information to be of value and he hopes to see it in the future. Mr. Wojtkowski asked if there are any trust fund or traffic generation assessment areas involved there. Mr. Powers said yes, and that is one point in the plan of intent which he disagrees with the wording of. He said all of unincorporated St. Louis County is in a traffic generation assessment area. He said the County does not levy impact fees other than traffic impact fees. This is in an area where all new development or redevelopment that would generate more parking than the prior use would be subject to traffic impact fees.

D. Public Comment

Carol Adams, 3330 Steed Drive

Ms. Adams worked on the petition and favors annexation for all of the reasons mentioned earlier. She prefers to live in a smaller community with local government.

Virginia Dolphus, 3195 Harness

Ms. Dolphus is opposed to annexation. She has lived in Florissant and the County and is happier with County services, including street maintenance and repairs. She questions police service and police pay in Florissant and is confused by Florissant's policies.

Winifred Peeples, 3425 Amblerwood Drive

Ms. Peeples favors annexation. She worked on the petition drive and said police and others assisted because they were asked to and were necessary. She said many people approached her to sign the petition, and those who worked on it were honest, hard working and conscientious. She is very dissatisfied with the County's street repair work.

Paul Horn, 3650 Birchbark Drive

Mr. Horn favors annexation for improved property values and maintenance, tougher rules against loitering and littering, better crime enforcement and police patrol, and to clean up the New Halls Ferry shopping area.

Audrey Webb, 1055 Sulky Drive

Ms. Webb favors annexation to fix up the "eye sore" shopping center and because she is tired of confusion about whether she lives in Florissant or the County and the difficulty this has led to in receiving police assistance. She said she also worked on the petition.

Steve Gantner, 910 Saddle Drive

Mr. Gantner favors annexation for better access to amenities, better police patrol, improved street maintenance and repairs and for better property maintenance.

Harold Wall, 765 Meadowgrass Drive

Mr. Wall favors annexation and wishes it had happened years ago.

Richard Beckman, 3580 Birchbark Drive

Mr. Beckman favors annexation for access to amenities and because Mayor Lowery does a good job with redevelopment and beautification. He worked on the petition and said people are excited to join Florissant.

Sandra Vandergriffe (no address stated)

Ms. Vandergriffe favors annexation because she does not want to remain a "pocket" surrounded by Florissant.

Peter Stokan, 3555 Amblerwood Drive

Mr. Stokan favors annexation. He worked on the petition drive and would like to know how Florissant will do their redistricting and how they will set up their City Council.

E. Adjournment

At that point the meeting was adjourned.

Respectfully submitted,
Kim Miller
Executive Director

Approved: 5/27/03