

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

May 27, 2003

ROLL CALL

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

Commission Staff Present:

David Hamilton, Boundary Commission Legal Counsel

Others Present:

Lori Fiegel, St. Louis County Planning Department

CALL TO ORDER

Mr. Hayek called the meeting to order at 6:30 p.m., May 27, 2003. The meeting was held at the Boundary Commission office, 1516 S. Brentwood Blvd., Brentwood, Missouri.

ROLL IS CALLED – QUORUM DECLARED

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

APPROVE AGENDA

Mr. Hayek moved to add an Item C to the agenda under New Business regarding a State law granting the Missouri Eastern Correctional Center to the City of Pacific. Mr. M. Armstrong suggested the topic of the lease for discussion at the June meeting.

Ms. Schuman made a motion to amend the agenda, adding Item C. Mr. M. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

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

APPROVE MINUTES

Mr. Hamilton asked that the April 22, 2003 minutes be amended stating for the record the document he received from Eureka was for a Simplified Boundary Change Transfer of Jurisdiction between a Municipality and the County, which would require a public hearing. Mr. Ford made a motion to approve the minutes of April 22, 2003 as amended. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. T. Armstrong moved to approve the public hearing minutes of April 22, 2003. Mr. Ford seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

PUBLIC COMMENT

Michael Moeller, Mayor of the City of Maryland Heights, made a request to expedite review of their proposal so it could go on the November 2003 ballot, which, he said, St. Louis County supports. He said annexation would consolidate the City's border to the

South, basing it on a major highway, which would be a logical border. He said the Page Avenue extension should open spring 2004. By having the proposal on the ballot the City would be able to provide municipal services to the area by the opening date. He said the opening of the extension would act as a barrier between the annexation area and the rest of unincorporated County, isolating the area and making it difficult for the County to efficiently service. He said it would be easy for Maryland Heights to service because streets within the City access the area. He said the area has an established relationship with the City. Many residents currently utilize the City's businesses and social organizations. Annexation would formalize this relationship, and would consolidate the City's service area. Currently the City provides services to establishments in this area that are bisected by current City limits. One example is West Pointe apartments- half of the complex is in Maryland Heights, the other half is in the County. Annexation would allow the City to ensure that all developments would adhere to the City inspections, practices and programs, as well as receive public safety services and police patrol along the entirety of Page Avenue/Route 364/Highway D. He said annexation makes sense and he would like residents to have the opportunity to decide on this in November, before Page Avenue Extension opens. Getting the proposal on the November ballot will give residents an opportunity to benefit from more efficiently provided services before the extension opening and will prevent problems providing services to the area in the future.

Ms. Stroker asked if the annexation would incorporate all of the West Pointe apartments. Mr. Moeller said yes.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Hayek said Mr. Wojtkowski was reappointed to the Commission with a term through December 31, 2006, and referred Commissioners to various communications regarding the Area 10 and Area 12 proposals and to some recent media articles concerning the Maryland Heights and Eureka proposals contained in the meeting packet.

STAFF REPORT

Mr. Hayek said he would write a letter regarding the appointment of Ms. Arnold's seat on the Commission. The Boundary Commission has not received further written comment from residents regarding the Area 10 proposal, but another resident, Mary Lewis, called to say she opposes the annexation.

NEW BUSINESS

- A. Accept BC0302 Maryland Heights/Page Ave. Area annexation proposal as Complete. Confirm Public Hearing Date.

Mr. Hayek said the proposal is complete and appropriate for the Boundary Commission's consideration and for holding a public hearing. Mr. Moeller said the Board of Elections needs the information to get the annexation on the November ballot by August 26, 2003.

Mr. M. Armstrong made a motion to accept BC0302 as complete. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. M. Armstrong made a motion to hold the public hearing on June 24, 2003 at the Maryland Heights Community Center. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

B. Accept BC0303 Eureka SBC, Transfer of Jurisdiction between a municipality and the County Proposal as Complete. Confirm Public Hearing Date.

Mr. Ford made a motion to accept BC0303 as complete. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. T. Armstrong made a motion to hold the public hearing on July 22, 2003 at the City of Eureka Municipal Court Room. Ms. Arnold seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

M. T. Armstrong made a motion to hold a special meeting of the Boundary Commission on July 15, 2003 starting at 6:30 p.m. at the Boundary Commission office. Mr. Ford seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

C. State Law granting Missouri Eastern Correctional Center to the City of Pacific. The Commission discussed legislation recently passed by the Missouri Legislature. The legislation provides for annexation of the Missouri Department of Corrections facility near Pacific, Missouri by the City of Pacific. As passed, the bill would not permit or require review or approval of the annexation by the Boundary Commission. The bill has been sent to the Governor, but as of this date has not been signed.

Mr. Hamilton reported that in general the legislature is empowered to enact a specific statutory provision that modifies a previously enacted provision dealing with the same general subject. The later, more specific provision will control over the previous, general provision. Mr. T. Armstrong observed that the Commission is a creature of statute and exists subject to the enactments of the state legislature. The Commission was generally agreed that because the legislature had acted, the Commission did not have a vested interest in challenging the enactment.

OLD BUSINESS

A. Review of BC0301, Florissant Area 10 Proposal

The Commission next considered approval of the proposal for a simplified boundary change submitted by the City of Florissant for Area 10. Mr. M. Armstrong expressed his concern about the methodology employed by the City of Florissant to obtain signatures on the petitions for annexation. Mr. M. Armstrong emphasized that he wanted to assure his concern was reflected in the record. Commissioner Ford said he concurs with the concerns expressed by Commissioner M. Armstrong and he is concerned about allegations of strong arm tactics and pressure to sign the petition.

Commissioner T. Armstrong emphasized that although there were rumors, there was no substantiation of the rumors. Chairman Hayek said he agrees and emphasized that he solicited people who attended the public hearing who claimed they had been coerced to make a statement at the hearing and no one came forward. Commissioner Schuman agreed with the Chairman and pointed out that at the end of the hearing the Chairman again solicited comments from people who claimed inappropriate techniques had been used in obtaining signatures.

There being no further comments, the Chairman asked for a motion to close consideration of comments and discussion about the Area 10 proposal. Commissioner M. Armstrong moved that comments be closed and Commissioner Arnold seconded the motion. The motion carried by affirmative vote of a majority of the commissioners present.

The Chairman then indicated that the Chair would entertain a motion to approve the Florissant Area 10 proposal as submitted. Commissioner Arnold moved to approve the proposal as submitted without requiring submission of the proposal to the voters. Commissioner Stroker seconded the motion. A voice vote was held with the following results: Commissioner M. Armstrong, yea; Commissioner T. Armstrong, yea; Commissioner Arnold yea; Commissioner Ford, yea; Commissioner Hayek, yea; Commissioner Ordower, yea; Commissioner Schuman, yea; Commissioner Spears, yea; Commissioner Stroker, yea. Two members were absent and there were no nay votes. *The proposal carried by unanimous vote of the members present.*

ADJOURNMENTS

Mr. Ford made a motion to adjourn. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

The meeting was adjourned.

Respectfully submitted,
Kim Miller
Executive Director

Approved: 6/24/03