

**BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES  
February 16, 1999**

**ROLL CALL:**

COMMISSIONER	PRESENT (P)/ ABSENT (A)
JULIUS FRAGER	P
AGNES GARINO	P
DOUG GELDBACH	P
GWENDOLYN GERHARDT	P
DENISE HADDOCK	P
FRANK MCGUIRE	P
PAT MERRITT	P
SCOTT MIDDELKAMP	P
CHARLES SAULSBERRY	P
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	P

**OTHERS PRESENT:**

Carl Ramey - Executive Director  
Steve Martin - Legal Counsel

**CALL TO ORDER**

The meeting was called to order by Chairperson Middelkamp at 6:00 p.m. on February 16, 1999. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, Missouri

**ROLL IS CALLED - QUORUM DECLARED**

Steve Martin called the roll and a quorum was declared.

**APPROVAL OF AGENDA**

Mr. Youngblood made a motion to approve the agenda. The motion was seconded by Ms. Gerhardt. Voice Vote: Ayes: All Nays: None *The motion passed.*

## **APPROVAL OF MINUTES**

### **A. Approval of minutes February 2, 1999**

A motion was made by Ms. Garino to approve the minutes of the minutes of the Commission meeting held January 19, 1999. The motion was seconded by Ms. Gerhardt. Voice Vote: Ayes - All Nays - None *The motion passed.*

## **PUBLIC COMMENT**

Robert Graham. Mr Graham indicated he had been receiving services from St. Louis County for the past twenty years and has been satisfied. He questioned the ability of other municipalities to be able to serve the area any better. All he wanted was the right to vote on the petition to remain unincorporated and let the people in the area make the decision.

Jim Richardson, 12810 Invicta. Mr. Richardson stated he lived in the Sunland Hills Subdivision for the past fifteen years and has been receiving adequate service from the county for that period of time. He urged the Commission to allow the people of the area to decide the future and not some other governmental agency. He asked the Commission to place the proposal for the unincorporated zone on the ballot.

Jane Boyle, 3715 Greengrass Drive. She stated she lived in the southern most area of the proposed unincorporated zone. She questioned the overall size of the zone. Ms. Boyle expressed concern over the commercial development in the West Florissant/New Halls Ferry area. She stated the problem is that the zoning and businesses in the area are having a negative effect on their property values. She did not believe St. Louis County was concerned about those issues.

Ina Wagner, 12 Van Crest Lane. She stated that she has been a resident of unincorporated St. Louis County for the past forty years and has been satisfied with County services. She urged the Commission to allow the voters in the opportunity to vote on the unincorporated zone.

Oscie Wahltley, #3 Fairway. Mr. Whatley spoke in favor of the constitutional right to vote on the unincorporated zone proposal. He urged the Commission to place the matter on the ballot and allow the people the opportunity to decide.

William Stoudt, 3930 Marietta. Mr. Stoudt stated he was resident of the Marietta Subdivision for the past thirty-five years. He stated that over this length of time the services provided have been satisfactory. The problems have been minimal. He indicated during this time there had been three attempts to annex the area, all failing. If the area is to be annexed, there should be a plan. He encouraged the Commission to give them the opportunity to vote.

Paul Petrov, 4015 Parker Road. Mr. Petrov stated that the services provided by St. Louis County are fine. He was concerned about the increase in taxes that might come about because of annexation. Also, if annexed to the City of Florissant, he was concerned about the housing maintenance restrictions of the city. He did not want to be subjected to those restrictions.

Robert Roussin, 3709A Candlewyck Club Drive. Mr. Roussin indicated he was a resident of the Spring

Creek Condominiums, which were off of Lindbergh at the northern end of the area. He cited examples of the support of the County Police Department to his neighborhood.

Rick McMahon, 32 Renee Drive. Mr. McMahon stated he has been a resident in the area since 1956. He spoke in favor of the quality of service provided by St. Louis County. He stated the snow plowing is excellent in his area and the county also does the arterial streets in the City of Florissant. He expressed his desire to exercise his constitutional right to vote on the matter.

Marvin Meyer, 3910 Woodcrest Drive. Mr. Meyer provided the Commission with a copy of three articles: the first being an article on evaluating the quality of police services, the second evidence of the County Police Department receiving accreditation from the Commission on Accreditation of Law Enforcement Agencies, the third is an article on the County Police Chief, Ron Battelle.

Michael A. Inman, 3910 Nara Drive. Mr. Inman stated he was a resident of the Marietta Subdivision and had lived there since 1966. Mr. Inman stated he wanted the right to remain unincorporated and to have a right to vote to do so. The County services have not only met, but exceeded his expectations. Mr. Inman reviewed the situation regarding the California Erotic Novelty store, indicating the county was doing everything possible to close the store.

Donovan Dumas, 8 Renee Drive. Mr. Dumas indicated he was a resident of north county since 1972, all in unincorporated St. Louis County. During that time, Mr. Dumas stated he was subjected to repeated annexation attempts. He stated he likes the level of service and government provided by St. Louis County. He wants the right to vote on the matter.

Jeanne Hermsmeier, 4090 Meadowland. She stated she was resident of the Paddock Meadows Subdivision. She asked the Commission why they were considering this matter again since the thirty day time period had expired. Also she asked, if the Commission had a quorum for the first vote, why is the Commission attempting to vote again? She cited problems with businesses in the area, the lack of police patrolling and deteriorating streets. She stated opposition to the extremely large size of the area. Approving the petition would deny them the right to pursue petitioning for annexation to the City of Florissant.

David Otto, 15 Club Grounds North. Mr. Otto stated he was a resident of the Paddock Estates Subdivision for the past twenty years. He spoke in opposition to the proposed unincorporated zone. Mr. Otto stated that none of the areas can be annexed without a vote. If a municipality wanted to annex, it would require a vote. The people don't need the unincorporated zone to vote on whether or not to be annexed. He opposes the proposal because of its extreme size. The area is too diverse, with many different interests. He cited an example of a subdivision with over two hundred homes whose majority want to be annexed to a city.

Ms. Suzy Spann, 2330 Grassland. She spoke against the unincorporated zone, citing problems with police services and vacant homes in the area.

Mel Bryant, 620 Millstone. Mr. Bryant spoke in favor of the proposed unincorporated zone. He stated he is satisfied with the services of St. Louis County.

Oliver Joyce, #60 Club Grounds North. He stated he has lived in the Paddock Estates Subdivision since 1964 and has no problems with the County's services.

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Mr. Ramey stated with the matters before the Commission there was nothing pressing and to move forward with the agenda.

## **OLD BUSINESS**

### **A. *Discussion and Decision - BC9817 - Parker Road/Halls Ferry Unincorporated Zone***

A motion was made by Mr. Saulsberry to approve the proposal BC9817 - Parker Road/Halls Ferry Unincorporated Zone. The motion was seconded by Mr. Youngblood.

Ms. Gerhardt expressed her concern that the area is too large. A vote in favor of the zone would deprive others with different needs the right to vote on annexation for five years.

Mr. Youngblood stated that St. Louis County has made it clear they are able to reasonably serve the area for five years. The people should be allowed to vote on the matter.

Mr. McGuire briefly reviewed the history of the Boundary Commission. The people will have a right to vote on an annexation, but that they should have the right to chose and not be tied down for a five year period.

Ms. Garino commented that one of the speakers talked about the County providing road maintenance services on arterial roads in Florissant. She stated that is required of them as part of their countywide service to all residents. They do that in all municipalities. She stated that currently there are no proposals before the Commission to annex any of this territory. To approve this proposal will prevent anyone from seeking annexation for five years. The area is too large and diverse. Ms. Garino stated that she did not feel there was sufficient information to determine whether this area can be reasonably served.

Mr. Wojtkowski stated that the most common instance of the Commission taking the vote away from people was approval of simplified boundary changes. Currently, there is activity in the area trying to gather petitions for a simplified boundary change. He stated the Commission has a history of approving those changes without a vote. Mr. Wojtkowski stated that there was ample evidence that the area can continue to be reasonably served by St. Louis County. The decision the Commission makes is whether or not to place it on the ballot. The ultimate decision will be for the people to decide whether or not to approve it by casting their vote.

Mr. Middelkamp asked Mr. Martin to explain simplified boundary changes. Mr. Martin reviewed the simplified boundary change process for the Commission.

Mr. Saulsberry stated that while the area may be large, similar sized proposals have come from municipalities and have not been questioned. The Commission needs to look at the proposal before it and decide whether the area can be reasonably served by St. Louis County. It will be up to a vote of the people to decide whether or not to remain unincorporated. Based upon the hearing and comments, this is the type of proposal that should go to a vote.

Mr. Frager stated he did not believe it to be the job of the Commission to decide whether the County or some

other incorporated area would better serve the citizens of the unincorporated area. The issue before the Commission is whether the County can reasonably serve the people of the area for the next five years. The responsibility of the Commission is to follow what the law says and not a personal preference regarding the law.

Ms. Garino clarified her earlier comment regarding the information provided in the proposal by the County. She stated she did not feel they provided sufficient information regarding citizen communications.

Mr. Youngblood asked how many times have there been an annexation vote in the area. Mr. Middelkamp suggested the frequency to be only within the past five years. There was a varying response from the members of the audience indicating from twice to none.

Mr. Geldbach stated if the purpose of the unincorporated zone was to prevent continued efforts at annexation, then the response of two times maybe is not sufficient to warrant a zone. Also, if the only question for the Commission to answer is whether the county can serve the area, then it was his hope additional considerations could be provided in the future. He indicated he voted in favor of the unincorporated zone at the prior meeting, simply on the question of whether the County could provide service and he did not see his vote changing.

Ms. Gerhardt indicated that the decision to determine whether the County can reasonably serve the area does not take into consideration the taking away of the right to vote from those wanting to annex.

Mr. Saulsberry asked what the ballot language would say on this proposition. Ms. Gerhardt asked who prepares the ballot language. Mr. Ramey indicated it would be the Commission responsibility to determine the ballot language. The Board of Election Commissioners does not write the language. Ms. Gerhardt indicated her desire to have the ballot language reflect that the period would be for five years and there would be no vote on any other boundary changes in this area during this period. In the summary of decision the Commission calls for the matter to be placed on the ballot and includes ballot language. The draft language would be up to the Commission.

Mr. Saulsberry offered an amendment to his original motion to take into consideration Ms. Gerhardt's concern that the public be aware of what happens if this is approved. The ballot language should include, in addition to approval of the proposition, an indication that there will be a five year period of time this area will remain unincorporated. Mr. Youngblood indicated his concurrence to the amendment.

Roll Call Vote: Ayes: Frager, Geldbach, Haddock, Middelkamp, Saulsberry, Wojtkowski, Youngblood  
Nays: Garino, Gerhardt, McGuire, Merritt *The motion passed.*

**B. Discussion re: BC9816 - Warson Village Apartments Annexation - City of Creve Coeur**

Mr. Ramey briefly reviewed the public hearing, asking whether there was anything they needed before it was brought back for Commission discussion at the next meeting. Mr. Youngblood asked for an explanation of whether this was a petition by the owner of an apartment complex or were there multiple owners. Mr. Frager stated that at the public hearing it was stated there was one owner and the people who live in the

apartment complex wanted the annexation. Mr. Ramey indicated notices were sent to the registered voters, advising them of the public hearing. Ms. Garino indicated no one from the complex was present speaking for or against. Mr. Frager also indicated the City held meetings to discuss the annexation and there were no objections. The matter will be held over to the next meeting.

## **NEW BUSINESS**

### **A.     *Discussion re: Revision to By-laws***

Mr. Frager suggested the establishment of a committee to look simultaneously at both the rules and the by-laws. Ms. Garino asked whether the Commission has had sufficient information or experience regarding the rules and unincorporated zones. Mr. Frager stated his belief that there are issues which could be addressed at the present time. Middelkamp stated he will make appointments to a committee.

A motion was made by Mr. Saulsberry to direct the chairperson to create a committee to address the rules and by-laws of the Commission and make recommendations back to the full Commission. The motion was seconded by Mr. Frager. Voice Vote: Ayes: All   Nays: None. *The motion passed.*

### **B.     *Receive and file 1998 Boundary Commission Annual Report***

Mr. Frager pointed out that the copy of the annual report in his packet was missing a page. It appeared that all copies were missing that page. It was agreed that the agenda item would be held over to the Commission's next meeting.

Mr. Frager advised the Commission that Charles Saulsberry and he had a meeting with Buzz Westfall and Charlie Dooley regarding the Commission's budget. At this time they are anticipating a follow-up meeting. Mr. Saulsberry indicated his belief that it started a good dialogue.

Mr. Middelkamp presented to Agnes Garino an engraved gavel as a token of appreciation for her year's service as Chairperson of the Commission.

## **ADJOURNMENT**

Ms. Haddock made a motion to adjourn. Mr. Wojtkowski seconded the motion. Voice vote: Ayes - All  
Nays - None. *The motion passed.*

This being a memorandum of the activities at this meeting.

Respectfully submitted,  
Carl E. Ramey  
Executive Director  
Approved: March 2 , 1999