St. Charles County Council Journal
Regular Meeting – June 8, 2020

The St. Charles County Council met on Monday, June 8, 2020, at 7:01 p.m. at the St. Peters Justice Center, 1020 Grand Teton Drive, St. Peters, MO. Council Member Elam provided the invocation and Councilman Hammond led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

- Councilman Joe Cronin present
- Councilman Joe Brazil present
- Councilman Mike Elam present
- Councilman Dave Hammond present
- Councilman Terry Hollander present
- Councilwoman Nancy Schneider present
- Councilman John White present

County Executive Staff present:

- Joann Leykam, Director of Administration
- Jennifer George, Assistant Director of Administration
- John Greifzu, Assistant Director of Administration

County Counselor’s Office:

- John Watson, County Counselor

IN THE MATTER OF A PUBLIC HEARING – AMENDING THE COUNTY CONSOLIDATED PLAN AND ANNUAL ACTION PLAN

Council Chair Hollander opened the Public Hearing on Community Development’s amendment to the 2016-2020 Consolidated Plan and 2019 Action Plan in response to additional CDBG-CV funding.

Arnie Dienoff, St. Charles County resident, stated his concerns that the consolidated plan doesn’t include O’Fallon. Dienoff called for oversight to see that the funds go where they are most needed. Dienoff stated St. Charles County is a wealthy county that should not be looking for a hand-out and has concerns that COVID funds are being inappropriately allocated to the jail, health department and administration building.

IN THE MATTER OF

PUBLIC COMMENTS

Council Chair Hollander opened public comments. He requested comments be limited to three minutes per speaker with three alternating pro and con positions on a topic. He also requested that
anyone who addressed the Council fill out a speaker card for the record prior to the start of the meeting. Due to the interest in Bill No. 4852, Council Chair Hollander allowed for an additional 2 speakers against the bill. Hollander also noted that e-mailed comments received by the Council prior to 5:00 p.m. on 6-8-2020 would be included in the record.

Bill No. 4852

Maryann Boatright, O’Fallon City resident, shared her concerns that ShowMeVax shares too much personal health data at the expense of personal privacy and liberty. Boatright stated the small ratio of Missouri citizens helped by the free vaccines doesn’t necessitate sharing everyone’s health information on this platform. Boatright stated her concerns about possible abuse of this system, side effects of toxins in vaccines, and how this measure may lead to mandatory vaccinations. Boatright requested the Council vote against the bill and requested more debate.

Nancy Cope DeSain, O’Fallon City resident, stated she supports this bill, believes in vaccinations and was surprised by the opposition to free vaccines for vulnerable children. DeSain read a letter from Dr. Natasha Marrus M.D. and Ph.D., Washington University, that pointed out how vaccines constitute a remarkable advance in healthcare and that they require tracking for ease of administration. Dr. Marrus addressed autism concerns by stating an original study had been retracted and further studies have failed to prove any association between vaccines and autism. Dr. Marrus wrote that ShowMeVax would promote public health by protecting the community at large.

Brenda Webb, St. Charles County resident, called for transparency from the State on the safety of vaccines. Webb cited a lawsuit where DHSS was shown to have failed to submit vaccine safety reports to Congress. Webb stated she is not opposed to vaccines but is demanding the confirmed safety of their use and doesn’t feel her health is being protected without that guarantee.

Dan Manternach, St. Peters City resident, stated concerns about how shared health information will be used, stated he is opposed to mandatory reporting and worried that those who make a personal choice to not vaccinate will suffer consequences like forced quarantine. Manternach stated he is opposed until we know how the state can use this private information.

Diane Rohde, St. Charles County resident and retired nurse of 45 years, stated the outcry to this bill is evidence that not all citizens feel that sharing health records promote the public health. Rohde stated public health officials seem focused on records rather than promoting exercise and nutrition and cautioned “bureaucrats are not health care providers.” Rohde stated that if vulnerable citizens would be denied a vaccination if ShowMeVax was not used, then we should find another source to fund vaccines for the needy. Rohde requested Council vote “no” on the bill.

Jane Puszk, St. Charles City resident and retired nurse, stated she didn’t understand how this bill was legal as it violates and exploits HIPPA using gathered information against non-reporters. Puszk stated concerns that COVID is not a crisis and this platform doesn’t respect privacy because it will be used to track others.

There were 5 additional speaker cards and 23 e-mailed comments presented to the Council staff against Bill No. 4852.
Bill No. 4856

Rita Voorheis, St. Charles County resident, granted her time to Vickie Smith, St. Charles County resident, who voiced opposition to rezoning on Gutermuth Rd. Smith stated she and her neighbors are opposed to commercial zoning and disagree with the City of Cottleville’s 10-year plan. Smith stated over 100 of her neighbors submitted notarized signatures to the Registrar opposing this development. Smith stated this development will negatively impact parking and traffic, water runoff, deforestation, infrastructure and add to overcrowding in the Francis Howell School District.

Amber Smith, St. Charles County resident and neighbor to the development, agreed with the concerns stated above and noted that marketing to seniors that they could walk to Church is misleading and non-advisable. Smith stated the development is surrounded by single family homes, looks like spot rezoning and will not benefit the area. Smith called for enforcement of current zoning.

Heather Geringer, St. Charles County resident, stated the development was not a good fit for her neighborhood because it is surrounded by 1-acre lots. Geringer noted additional traffic from the development would worsen current traffic problems and tearing down trees would increase flooding. Geringer requested Council oppose the bill and respect the voiced opposition from neighbors.

Miscellaneous

Arnie Dienoff, St. Charles County resident, stated his opposition to wearing stickers that show you have passed a COVID health screening. Dienoff urged the Council to vote “no” on Bill No. 4852 and for Council to determine if recent spending in the Information Systems Department has equaled better results. Dienoff shared concerns that the change to Council Rule 18 is illegal, breaks the County Charter, the Constitution of U.S. and MO and limits public speech. Dienoff stated he will file suit.

IN THE MATTER OF

ORAL REPORT

FROM THE COUNTY EXECUTIVE

There was no report presented.

IN THE MATTER OF

CONSENT AGENDA

Council Chair Hollander asked if there were any items to be removed from the Consent Agenda. Seeing none, Councilman White made a motion to approve the Consent Agenda seconded by Councilman Cronin and unanimously approved. The items approved are as follows:

Approval of Journal of the previous meetings – 5-27-2020 meeting
Approval of Bids

Highway – Precast Concrete Box Culvert Installation/Kozeny-Wagner, Inc./$58,333

– Missouri Research Park Improvement Project/E. Meier Contracting, Inc./$546,002

Information Systems – Secure Wifi – Aruba Networks/SHJ/$157,150.52
IN THE MATTER OF

AN ORDINANCE GRANTING AN EASEMENT FOR AN ELECTRIC LINE TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI AT KLONDIKE PARK TO REPLACE AGING ELECTRIC SERVICE LINES

There being no discussion, Council Chair Hollander requested the following roll call vote:
Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 4851 was unanimously approved.

AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN ST. CHARLES COUNTY AND THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES (“MoDHSS”) FOR THE STATE’S IMMUNIZATION DATA REPOSITORY KNOWN AS SHOWMEVAX

Discussion was held with Councilman Brazil noting the lack of safety reports on vaccines, increased administration of more types of vaccines and his concerns that big pharma will drive mandatory vaccinations and reporting. Brazil stated the government is being used as a tool for reporting.

Councilman Cronin replied that he believes in vaccines and noted the state has had access to immunization records for over 50 years. Cronin urged that people not overthink this bill which is an upgrade to an existing transmittal system and he reminded individuals of the opt-out option.

Dr. Eric Nepute explained his opposition to this bill was a fight for medical freedom. Nepute believes bills like this will lead to mandatory reporting procedures which are increasingly voted upon along political party lines. Nepute spoke with the Bureau of Immunization and learned the funding of Medicare vaccinations was not related to ShowMeVax participation. Nepute urged tabling this bill for
further community discussion and noted hurdles to getting exemptions, hurdles to understanding the opt-out information and that the platform does not violate HIPAA.

Health Director, Demitrius Cianci-Chapman, explained that this bill provides a platform for a vaccination records repository. Only providers who participate in the program will be included. The State General Assembly in 1963 signed into law a provision to require vaccines and provide for exemptions. “Vaccines for Children” and the “317 Indigent Program” are dependent on this new platform, Medicare vaccines are not.

Councilman Elam explained that ShowMeVax has been in existence and is being rebuilt on a new platform. The platform was initiated at the state level and Elam suggested the opt-in measures be addressed at the state level. The platform is used to check vaccine status and query for possible outbreak areas. Council Chair Hollander clarified that pediatricians delivered this information in the past and that there is no mention of “COVID” or “mandatory” in this bill.

Councilman Brazil motioned to table this bill, with no second offered. Elam called for the question.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Councilman Cronin – yes, Council Member Brazil – no, Councilman Elam – yes, Councilman Hammond – no, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 4852 was approved 5-2

**Bill No. 4853** - Sponsored by: Terry Hollander - AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI SECRETARY OF STATE FOR THE 2020 HAVA/CARES ACT GRANT AWARDED TO THE ELECTION AUTHORITY AND AMENDING THE 2020 BUDGET ADOPTED AS ORDINANCE 19-108 BY MAKING SUPPLEMENTAL APPROPRIATIONS TO THE ELECTION AUTHORITY FUND IN THE AMOUNT OF $150,000 FOR THE 2020 HELP AMERICA VOTE ACT (“HAVA”) CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT TO ASSIST WITH FUNDING ELIGIBLE COSTS RELATED TO PREVENTING, PREPARING FOR AND RESPONDING TO CORONAVIRUS FOR THE 2020 FEDERAL ELECTIONS IN AUGUST AND NOVEMBER, 2020

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – no, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 4853 was approved 6-1.

**Bill No. 4854** – Sponsored by: Terry Hollander - AN ORDINANCE AUTHORIZING ST. CHARLES COUNTY, MISSOURI TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE INVESTMENT OF PUBLIC FUNDS THROUGH THE MISSOURI SECURITIES INVESTMENT PROGRAM (MOSIP)

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Cronin – yes, Council Member Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 4854 was approved 6-0.
IN THE MATTER OF

BILLS FOR INTRODUCTION


Bill No. 4856 - Sponsored by: Mike Elam - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1A/FF, SINGLE-FAMILY RESIDENTIAL DISTRICT, WITH FLOODWAY FRINGE Overlay DISTRICT, TO R2/FF, TWO-FAMILY RESIDENTIAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, PER APPLICATION RZ20-05

Discussion was held regarding this rezoning request. The Planning and Zoning department did not recommend approval to the Council due to the density of 18 homes on a 3.5-acre lot. Councilman Elam agreed with the Planning and Zoning Commission and recommended half acre lots as a better fit in the area.

Doug Tieman, engineer for Pickett Ray and Silver, on behalf of Variety Homes, explained their proposal has dropped from 18 homes to 16 homes, will provide for a fence and a traffic study, limits release water, will not include a wall, dedicates ROW for widening of Gutermuth Rd. and will be marketed to older adults. Tieman explained Variety Homes is not seeking commercial zoning which would allow for 36-40 units on the property.

This bill will be voted on at the June 29th meeting and will require 5 votes to pass if a remonstrance is validated.

Bill No. 4857 - Sponsored by: Joe Brazil - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ20-06

Bill No. 4858 - Sponsored by: Terry Hollander - AN ORDINANCE WAIVING LIQUOR LICENSE FEES FOR CERTAIN CONCESSIONS OPERATIONS OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF ST. CHARLES FOR THE PERIOD JULY 1, 2020, THROUGH JUNE 30, 2021

Bill No. 4859 - Sponsored by: Terry Hollander - AN ORDINANCE WAIVING LIQUOR LICENSE FEES FOR CERTAIN CONCESSIONS OPERATIONS OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF ST. CHARLES FOR THE PERIOD JULY 1, 2020, THROUGH JUNE 30, 2021
IN THE MATTER OF  ) 
ANNOUNCEMENTS AND  ) 
MISCELLANEOUS  )

Council Chair Hollander stated he received comments from constituents who were appreciative of the take-out liquor sales policy during COVID restrictions.

Councilman Cronin expressed his gratitude for County Police officers and their professionalism during the past months, echoed by Councilman Elam and Councilman Hammond.

Tony Lovasco, State Rep. Dist. 64, requested a motion to reconsider the consent agenda approval that changed Council Rule 18. Lovasco stated that although he agrees that disruptive personal attacks are not appropriate during public comment, the change sets a bad precedent. Lovasco stated that having to ask for the privilege to speak on non-agenda topics regulates public comment. County Counselor, John Watson, explained that the Council rules currently allow for non-agenda item comments. Watson commented that it is unusual for an individual to approach an entire legislative body with comments and this Council provides for that more than any of which he is aware. Councilman Brazil explained that he doesn't want the intent of this change to appear to stifle comment and there may be further amendments to the change. Councilman Hammond expressed his problem with people using public comment time to lie and launch personal attacks.

Councilman Brazil voiced his opposition to the practice of putting stickers on Council meeting attendees to show they have passed a COVID health screening and stated that wearing masks was optional, not mandatory at Council meetings.

Councilman Brazil, requested moving the Council meetings back to the regular St. Charles Historic Courthouse meeting site, agreed upon by Councilwoman Schneider who saw no harm in vacating the venue prior to the agreed upon date. Council Chair Hollander explained the Council had committed to St. Peters Justice Center until the end of June and would honor that agreement.

Councilman Elam motioned to adjourn, seconded by Councilman Cronin and unanimously approved.

The meeting adjourned at 8:51 p.m.

Examined and Approved

[Signature]

Terry Hollander, Council Chair
St. Charles County, Missouri