

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes  
October 23, 2007**



**WORK SESSION, 7:00 P.M.**

❖ **Tony Lamantia – Allied Waste**

**COUNCIL MEETING, 8:00 P.M.**

**CITY HALL**

**110 CHURCH STREET**

***WORK SESSION***

Mr. Tony Lamantia from Allied Waste gave Council and public an update on the recycling program, specifically the delivery of the recycle containers to residents.

***COUNCIL MEETING – OCTOBER 23, 2007***

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on October 23, 2007 by Mayor Brian P. Fletcher, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

Mayor Fletcher requested that everyone stand for a moment of silent prayer, after which the Pledge of Allegiance was recited. On roll call, the following Council Members were present:

Mayor Brian P. Fletcher  
Kynan S. Crecelius  
Michael Salant  
James W. Knowles III  
Dwayne James  
Peggy Faul  
Fran Grecco

Also present were City Manager John Shaw, City Attorney Stephanie Karr, and City Clerk Debbie Matthies. Mrs. Matthies declared a quorum was present.

Mayor Fletcher welcomed all present and explained the Council meeting would have a Public Hearing Portion at which time you are invited to speak on a specific request or proposal; the Public Portion at which time you are invited to speak on matters of general concern; and the Business portion in which you are welcome to listen but not participate.

### **PUBLIC HEARING**

Mayor opened the Public Hearing for the Chapter 49 Text Amendment at 8:05 p.m.

- ❖ Proposed Text Amendment to Chapter 49 Zoning Ordinance to regulate the placement and appearance of video service facilities or public utilities on private property in all zoning districts.

City Manager, John Shaw explained that the purpose of the Public Hearing is to discuss Senate Bill 284, passed during the last legislative session and effective on August 28, 2007, which creates one franchising authority for video service providers, including cable television operators. Under this new legislation, any provider can become franchised and able to provide video services in any city by applying only with the Missouri Public Service Commission (PSC). The law applies to all new providers, and existing providers can "opt in" to PSC authorization, in which case the existing local cable franchise and accompanying regulations, are void. A provider may honor an existing franchise until it expires, but upon expiration, the provider must obtain PSC authorization.

City Attorney, Stephanie Karr's law firm has been involved with a number of municipalities in the establishment of this Ordinance. Ms. Karr explained this is a response to Senate Bill (SB) 284, passed during the last legislative session.

Ms. Karr explained that this Ordinance incorporates and implements SB284's new, more restrictive standards for the provision of video programming. This streamlines the process by going to the public service commission instead of requiring the cable providers to go to each individual City and obtain a franchise agreement.

Ms. Karr went on to explain the Sections of the Ordinance and requirements.

Council discussed changes in programming.

Ms. Karr commented as of January 1, 2012 all mandates regarding public education and government access programs are going to cease to exist and financial support is also being phased out.

Council Member Knowles questioned that if there were not a certain amount of hours for new programming would they the right to take it away or have the right to take it away after 2012 period?

Ms. Karr will further research.

There being no public comments, Mayor Fletcher closed the Public Hearing at 8:10 p.m.

### **PUBLIC COMMENTS**

Lorene Samson – 5960 Scenic Acres – introduced herself and was present on behalf of Wal-Mart's new liquor license request and SAMS change in Managing Officer. Ms. Samson explained that currently all of the Wal-Mart Supercenters are licensed but none of the division 1 stores were ever licensed. Wal-Mart is now licensing all stores by phasing stores in state by state.

John Knowles – 716 N. Elizabeth – read a Proclamation for Iraq Veteran's that Mr. Knowles placed in the Ferguson Times and requested Council to consider the Proclamation at its next meeting.

There being no further public comments, Mayor Fletcher closed the Public Comments portion at 8:15 p.m.

### **BUSINESS PORTION** **MINUTES**

Council Meeting Minutes – September 25, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive as presented the Council Meeting Minutes of September 25, 2007 and file as appropriate.

Council Strategic Planning Work Session Minutes – September 26, 2007. A motion was made by Council Member Knowles, seconded by

Council Member Faul and carried to approve and receive as presented the Strategic Planning Work Session Minutes of September 26, 2007 and file as appropriate.

Council Special Meeting Minutes – October 3, 2007. A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve and receive as presented the Special Council Meeting Minutes of October 3, 2007 and file as appropriate.

**CONSENT AGENDA**

**Minutes**

Parks & Recreation Board Minutes – October 16, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Senior Citizens Commission Minutes – October 4, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Minutes – September 19, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Public Library Minutes – August 27, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Neighborhood Improvement Program Minutes (FNIP) – August 27, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – August 16, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

**PROCLAMATIONS**

Mayor Fletcher read the Proclamation for Robert William McGartland receiving his Eagle Scout Award.

Mayor Fletcher read the Proclamation for Red Ribbon Week - October 23-31, 2007.

**RESOLUTIONS**

A motion was made by Council Member Knowles, seconded by Council Member Grecco to read Resolution No. 2007-35.

2007-35 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND A LINE OF CREDIT AGREEMENT WITH GREATER GRACE CHURCH OF GOD, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Shaw explained that the City entered into an agreement with Greater Grace Church in reference to their facility under construction on Pershall Road to assure that landscaping and especially a landscape buffer would be properly installed at the site. The contractor had inadvertently removed the required buffer when clearing and grading the property. The letter of credit assured that if they did not install the landscaping as approved by the City, we would receive the funds to contract installation of the landscaping at the site.

Mr. Shaw further explained that Pastor Jones of Greater Grace Church has requested an extension to await the City's approval and make changes to the landscape design as necessary to meet the requirements set by the City. Also, they have not completed all of the grading required on the property and the landscaping can not be installed until all grading is completed.

City Staff recommends the extension to assure that the proper design is in place before the landscaping plan is approved and before any planting begins. The revised plan will be bid out this winter and a landscape contractor will be selected and install the landscaping April/May 2008. The agreement would extend the deadline to June 2008 with approval of the Council.

Mr. Shaw explained that because the forfeiture of any funds would only result in the City assuming responsibility for performing the necessary landscaping, it would be better to allow them to proceed as originally planned, as well as being held accountable for sufficient landscaping, per the City's stated requirements.

On roll call vote, the motion carried as follows:

AYES: 0 – Crecelius, Salant, Knowles, James, Fletcher, Faul, Grecco  
NOES: 7

Resolution passed.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to read Resolution No. 2007-36.

2007-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERGUSON APPROVING THE TERMS OF THE SETTLEMENT WITH VERIZON WIRELESS AND AUTHORIZING THE CITY MANAGER TO FILE THE APPROPRIATE CLAIM FORM AND EXECUTE NECESSARY DOCUMENTS RELATING TO SUCH SETTLEMENT, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Shaw explained that this Resolution accepts the settlement offered by Verizon to all of the municipalities and allocates 5% of that settlement to the St. Louis County Municipal League. Mr. Shaw reminded Council that the total settlement is in the amount of \$116,698.00, with the proposed 5% contribution amounting to \$5,835.00. Previously, this is something Mr. Shaw spoke to Council about, and is something that many municipalities are doing and feels this is something that is fair and in the City's best interest.

On roll call vote, the motion carried as follows:

AYES: 0 – Salant, Knowles, James, Fletcher, Faul, Grecco, Crecelius  
NOES: 7

Resolution passed.

A motion was made by Council Member Knowles, seconded by Council Member Faul to read Resolution No. 2007-37.

2007-37 - A RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY MANAGER AND THE CITY OF FERGUSON, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mayor Fletcher explained that this Resolution makes changes to the City Manager's contract. Each year Council reviews the City Manager's

contract and adjusts it accordingly to reflect the decisions made during the City Manager's Evaluation.

On roll call vote, the motion carried as follows:

AYES: 0 –Knowles,James,Fletcher,Faul,Grecco,Crecelius,Salant  
NOES: 7

Resolution passed.

### **REQUESTS**

*New Liquor License* – Wal-Mart Stores East I, L.P. D/B/A Wal-Mart #1265, located at 10741 West Florissant. Applicant/Managing Officer Lorene E. Samson. Ms. Samson was present to speak on behalf of the Wal-Mart Liquor License.

A motion was made by Council Member Knowles, seconded by Council Member Faul to approve the Wal-Mart Liquor License. Motion carried.

*New Managing Officer* - SAMS Club #8125, located at 10735 West Florissant, has appointed Lorene E. Samson as the new Managing Officer. Ms. Samson was present to speak on behalf of the Managing Officer change with SAMS Club.

A motion was made by Council Member Knowles, seconded by Council Member Faul to approve the Managing Officer amendment for SAMS Club appointing Lorene E. Samson as the new Managing Officer. Motion carried.

### **BILLS REQUIRING FIRST READING**

BILL NO. 6812 - AN ORDINANCE IMPLEMENTING THE 2007 VIDEO SERVICES PROVIDERS ACT AND THE 2001 PUBLIC RIGHTS OF WAY LAW BY ESTABLISHING REGULATIONS FOR THE PROVISION OF VIDEO SERVICES AND FOR THE PLACEMENT OF UTILITY AND SIMILAR FACILITIES IN THE PUBLIC RIGHTS OF WAY AND ON PRIVATE PROPERTY, was introduced by Council as a whole and read the first time.

### **BILLS REQUIRING SECOND READING**

BILL NO. 6811 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT

FOR TRAIL DEVELOPMENT, REAL PROPERTIES IDENTIFIED AS LOCATOR NUMBER(S) 12H230448 (700 BEARDSLEY), 12J310806 (835 WIEGEL), AND 12J310833 (811 WIEGEL), HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY, FOR A FEE OF \$27.00 (TWENTY-SEVEN DOLLARS) PER PROPERTY TO COVER THE RECORDING FEE, was introduced by Council as a whole and read the first time.

City Manager, John Shaw explained that the St. Louis County Department of Revenue maintains a list of properties known as Trustee Properties that have reverted to the County because of owner's failure to pay delinquent taxes. Municipalities may acquire title to these properties for only the cost of the recording fee.

Mr. Shaw further explained that the properties at 811 and 835 Wiegel Avenue are vacant and adjacent to Maline Creek and the abandoned railroad right of way currently owned by Ameren U.E. The City has been land banking such properties for future trail development.

The property at 700 Beardsley is not vacant land, however, the property is adjacent to the same Ameren U.E. right of way and the house is vacant and in poor condition. It is in an area that the City anticipates will be part of the Maline Creek Corridor Trail development in the future and should be land banked by the City.

Mr. Shaw explained that there is a house on the property but it is not in the current year's budget to tear down. The house is properly boarded up.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul.

On roll call vote the motion carried as follows:

AYES: 7—James, Fletcher, Faul, Grecco, Crecelius, Salant, Knowles  
NOES: 0

Bill No. 6811 was declared passed and sent to the Mayor for signature. Bill No. 6811 thus became Ordinance No. 2007-3330 and is permanently recorded in Book 29 on page 44.

**MISCELLANEOUS**

Ms. Grecco – encouraged everyone to attend the last seasonal day of the Farmers' Market - Saturday, October 26 it will be the conclusion of another great Market year. Encouraged everyone to attend the United Way 2<sup>nd</sup> Annual Chili Cook-off at the Savoy. Reminded everyone that St. Louis County is handling their fall hazardous material clean up Saturday October 27 at South County Center 8-3 p.m. and Saturday November 3, 8-3 p.m. at Westminster Christian Academy, addresses and directions are on the St. Louis County website.

Ms. Grecco congratulated Robert McGartland on his Eagle Scout Award and encouraged everyone to attend the Tree Dedication Saturday October 27 at 9:00 a.m. - January Wabash Memorial Park. Several Ferguson residents are having trees planted on their behalf and it is a wonderful activity.

Ms. Faul – Congratulated Stan and Margaret Caldwell on their tree dedication and Stan receives an extra tree for Park Board. Ms. Faul questioned if there is a listing of exterior codes included in the new resident occupancy packets? Ms. Faul encourages recycling.

Mr. James – Be safe on Halloween meet your neighbors and just have fun.

Mr. Knowles – Be safe on Halloween, have fun and it is a good opportunity to meet your neighbors. Requested Council to consider the Proclamation Mr. Knowles presented but present it for all Veterans. Mr. Knowles suggested looking into the City's public access and what options the City will have in the future.

Mr. Crecelius – Have a safe and happy Halloween and if you have kids go out with them to let them see what it was like when you were a kid. Please follow safety procedures to prevent accidents and be aware of the children and people in costume as they are walking on the roads. Mr. Crecelius agrees with preparing a Proclamation for all Veterans and congratulated Eagle Scout McGartland.

Mr. Salant – reminded and encouraged everyone to attend the United Way Chili Cook-off, there is a competition.

Mr. Shaw – St. Louis County Municipal League Breakfast Meeting for State Legislators at 9:00 a.m. on Saturday, November 3rd at the Sheraton Westport Tower. Please let Debbie know if you are

interested/able to attend. The St. Louis County Municipal League is also holding their monthly meeting in Ferguson Thursday.

Mr. Shaw requested a Work Session to discuss the submission for the 2009-2013 CIP Budget. Mr. Shaw suggested the date of Thursday, November 1st at 6:00 PM. Council consensus was November 1, 2007 at 6 p.m.

Mayor Fletcher – commented that the milling and paving work on Florissant has started, which takes a lot of time in constructing the curbs and all of the preparation work that takes place. Hopefully, within a few quick weeks it will be completed and will look beautiful for the Holidays. Mayor thanked Public Works Director Terry O'Neil, all of the Public Works staff and Krupp which has done a good job and works well with the City when issues arise.

Mayor personally invited *trick or treaters* to his house at 202 S. Elizabeth on Halloween evening. Be safe and have fun.

Mayor commented that he will be on vacation for the November 13 Council Meeting but Mayor Pro-Tem Peggy Faul will conduct the Council Meeting.

**ADJOURNMENT**

A motion was made by Council Member Faul, seconded by Council Member Knowles to adjourn the meeting at 8:45 p.m. Motion carried.

Deborah L. Matthies, City Clerk

***APPROVED 11/13/07***

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