

## FERGUSON CITY COUNCIL

### Council Meeting Minutes November 13, 2007

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

❖ SECTION 610.021(1)RSMO LITIGATION, LEGAL ACTIONS, AND/OR COMMUNICATIONS FROM THE CITY ATTORNEYS.



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

**CITY HALL**

**110 CHURCH STREET**

*On November 13, 2007 at 7:00 p.m. a motion was made by Council Member Grecco, seconded by Council Member Crecelius to enter into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to litigation and communications from the City Attorney as provided under Sections 610.021 (1) RSMo. On roll call vote, the motion carried.*

*At 7:40 p.m. a motion was made by Council Member Knowles, seconded by Council Member James to convene to open session. On roll call vote, the motion carried.*

### **COUNCIL MEETING – NOVEMBER 13, 2007**

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on November 13, 2007 by Mayor Pro-Tem Peggy Faul, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

Mayor Pro-Tem Faul requested that everyone stand for a moment of silent prayer, and to remember the Lipka family for the loss of their daughter Samantha Lipka, after which the Pledge of Allegiance was recited. On roll call, the following Council Members were present:

Mayor Brian P. Fletcher (ABSENT)  
Kynan S. Crecelius  
Michael Salant  
James W. Knowles III  
Dwayne James  
Peggy Faul (Mayor Pro-Tem)  
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 Pro-Tem Faul explained that Mayor Fletcher is out of town attending the National League of Cities (NLC) Conference and Council Member Faul will be acting as Mayor Pro-Tem.

Mayor Pro-Tem Faul welcomed all present and explained the Council meeting would have a 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 COMMENTS**

Kim Cooper - 330 Robert Ave. – commented she graduated from the Citizens Police Academy and encourages Ferguson residents to attend the next one in January. Ms. Cooper felt it was well worth it and thanked Captain Henke, Chief Moonier and complimented Officer Sean Gibbons for putting together an amazing program.

There being no further public comments, Mayor Pro-Tem Faul closed the Public Comments portion at 8:05 p.m.

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

Council Meeting Minutes – October 23, 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 October 23, 2007 and file as appropriate.

Council Strategic Planning Work Session Minutes – October 24, 2007. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive as presented the Strategic Planning Work Session Minutes of October 24, 2007 and file as appropriate.

Council Special Work Session Minutes (CIP) – November 1, 2007 A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive as presented the Council Special Work Session Minutes (CIP) – November 1, 2007 and file as appropriate.

Council Strategic Planning Work Session Minutes – November 6, 2007  
A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive as presented the Council Strategic Planning Work Session Minutes – November 6, 2007 and file as appropriate.

### **APPOINTMENTS**

Mayor Pro-Tem Faul announced Kevin Webb for the Board of Adjustment, Robert Sorenson for the Pension Board, Mary Robinson for the Housing Board of Appeals and Mike Straetz for the Landmarks Commission.

A motion was made by Council Member Grecco to approve the named individuals to the respected Boards & Commissions, seconded by Council Member James. Motion carried.

Mayor Pro-Tem Faul announced that there is a need for another appointment for the Board of Adjustment, the City has a Hearing on November 28, 2007 and asked that Council work diligently in finding a representative to appoint at the November 27 Council Meeting knowing they need to attend the Hearing. As always, if any citizen is interested in serving on any Board or Commission please contact your Council Member, Department Head or the City Clerk.

### **PROCLAMATIONS**

Mayor Pro-Tem Faul read and presented the following Proclamations:

Veterans of Wars Recognition

Ferguson Kiwanis 45 years of community service – Members Douglas Levine, Rose Bollinger, Art Tuthill, Miles Penny and Jean Montgomery accepted the Proclamation.

Block Kids Building Program Day – November 16, 2007 – Sharon Winterberg accepted the Proclamation.

Air Force Major Bradley C. Downs Recognition – Major Downs' parents and brother accepted the Proclamation on Major Downs behalf.

### **RESOLUTIONS**

A motion was made by Council Member Knowles, seconded by Council Member Grecco to read Resolution No. 2007-38.

2007-38 A RESOLUTION TO HOLD AN ELECTION ON TUESDAY, APRIL 8, 2008 IN THE CITY OF FERGUSON, MISSOURI, FOR ELECTING A MAYOR AND THREE COUNCIL MEMBERS, ONE FROM EACH WARD, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that this is an annual Resolution establishing the April election as the election held to decide upon the Mayor and City Council, as terms expire and/or seats become available.

On roll call vote, the motion carried as follows:

AYES: 6 – Crecelius, Salant, Knowles, James, Faul, Grecco  
NOES: 0  
ABSENT: 1 – Fletcher

Resolution passed.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to read Resolution No. 2007-39.

2007-39 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ROSENBAUER FIREFIGHTING TECHNOLOGY COMPANY FOR THE PURCHASE OF ONE GENERAL DIVISION CUSTOM PUMPER TRUCK AND ONE GENERAL DIVISION AERIAL LADDER TRUCK DEVICE, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that this Resolution allows the City to continue with the purchase of the two fire trucks, as previously discussed and agreed upon.

Assistant Fire Chief, Steve Rosenthal explained the Resolution and described the truck replacements which are to replace the two 1996 trucks.

Mayor Pro-Tem Faul thanked the Fire Department and Finance Department for explaining this during the Budget sessions.

On roll call vote, the motion carried as follows:

AYES: 6 – Salant, Knowles, James, Faul, Grecco, Crecelius  
NOES: 0  
ABSENT: 1 – Fletcher

Resolution passed.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius to read Resolution No. 2007-40.

2007-40 A RESOLUTION SELECTING A BIDDER FOR THE SUBURBAN AVENUE / BROTHERTON LANE PROJECT, AWARDING THE CONTRACT TO SAID BIDDER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that this Resolution allows the City Manager to enter into a contract for the construction of Suburban Avenue with the lowest responsive bidder, L. Krupp. It is also important to note for the benefit of the public that the City has added the construction of Brotherton Lane to the project for a combined total cost of \$1.8 million for both projects. Mr. Shaw commented that this is something that has already been discussed amongst the City Council.

On roll call vote, the motion carried as follows:

AYES: 6 – Knowles, James, Faul, Grecco, Crecelius, Salant  
NOES: 0  
ABSENT: 1 - Fletcher

Resolution passed.

## **REQUESTS**

*New Liquor License – Fielders Choice Sports Bar – 9290 W. Florissant.*

A motion was made by Council Member Knowles, seconded by Council Member Grecco to table the Liquor License Request for Fielders Choice Sports Bar, located at 9290 West Florissant. Motion carried.

**BILLS REQUIRING SECOND 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.

City Manager, John Shaw explained that the Plan Commission, at its September 19, 2007 meeting, recommended approval of the Chapter 49 amendment to the Definitions and Supplemental Regulations for the placement of video utility and similar facilities on private property.

City Attorney, Stephanie Karr explained that as mentioned at the last meeting, a new State Law was passed by the General Assembly has placed all franchising authority for cable providers in the Public Service Commission (PSC). AT&T is seeking to provide cable service for some areas of St. Louis County, including Ferguson, has already applied for that permit from the Public Service Commission and notices have been sent on behalf of the City to the PSC. This implements the State Law passed by the Missouri Legislature to the extent that the Missouri Legislature has allowed to regulate cable providers, the placement of their facilities in the right of way and on private property. It is being researched as to what is going to happen to public educational and governmental access beginning in 2012. There are a few years to make whatever changes or whatever steps are needed to take in order to insure that that continues.

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 Grecco.

On roll call vote the motion carried as follows:

AYES: 6 – James, Faul, Grecco, Crecelius, Salant, Knowles  
NOES: 0  
ABSENT: 1 - Fletcher

Bill No. 6812 was declared passed and sent to the Mayor Pro-Tem for signature. Bill No. 6812 thus became Ordinance No. 2007-3331 and is permanently recorded in Book 29 on page 45.

**MISCELLANEOUS**

Mr. James – is excited to see that Suburban Avenue is moving along. Heart and prayers go out to the family of Samantha Lipka. Everyone please be safe and drive carefully.

Mr. Knowles – sends condolences to the family of Samantha Lipka. Anyone interested in expressing their condolences or visiting the family – visitation is November 15 from 4-8 p.m. at White-Mullen Mortuary and service will be held at First Baptist Church of Ferguson November 16 at 10 a.m. Samantha was a very active member of the community as is her family. Samantha was an excellent example of a young citizen and she touched a lot of lives.

Ms. Grecco – deepest sympathy to the Lipka family. Remind everyone that Saturday Nov. 17 is *Scouting for Food* pick up day and encourages everyone to set out their packages of non-perishable food items. *Scouting for Food* originated in St. Louis which Ms. Grecco feels is a credit to the scouting program. Wishes everyone a Happy Thanksgiving.

Mr. Shaw – suggested that the Parks Prioritization Work Session be held on Tuesday December 4<sup>th</sup>, and then the City Clerk and Parks Action Plan Work Session held on Monday December 17<sup>th</sup>. Council agreed.

Mayor Pro-Tem Faul – wishes everyone a wonderful Thanksgiving time with their families, reminder Northern Lights Festival and parade on November 25. Ms. Faul feels the Florissant Road project is moving along very well, be patient with the overhead lighting. Remind everyone to try and attend the Neighborhood groups and meetings for a chance to meet your neighbors but also to discuss things you feel are important in your neighborhood. The Neighborhood Watch meets the second Wednesday of each month. Please watch for improvements in Forestwood Park. Congratulated the Kiwanis and the Downs family. Ms. Faul read today at Griffith School and wanted to announce to the City what a beautiful facility inside, it was a wonderful experience in the classroom, very organized and learning filled environment Ms. Faul felt that she was in.

**ADJOURNMENT**

A motion was made by Council Member Knowles, seconded by Council Member Grecco to adjourn the meeting at 8:30 p.m. Motion carried.

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Deborah L. Matthies, City Clerk

**APPROVED 11/27/07**

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