

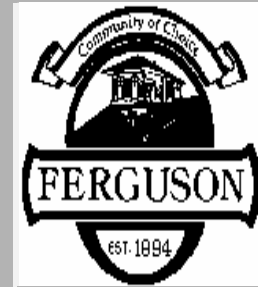
*Approved 1/23/07*

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes  
January 9 , 2007**

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

**CITY HALL  
110 Church Street**



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on January 9, 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  
John Corson  
Michael Salant  
James W. Knowles III  
James Hines  
Peggy Faul  
Tim Larson

Also present were Interim City Manager De'Carlton Seewood, 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 the Public Comment 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.

*Approved 1/23/07*

**SPECIAL PRESENTATIONS** - Home Decorating Contest Winners

Parks and Recreation Director, David Smith explained the Holiday Home Decorating Contest Program. Mr. Smith and Mayor Fletcher introduced the 2006 winners who were present and presented each with a plaque. Mayor and Council thanked all who participated in the program.

WARD 1	1 <sup>st</sup> Place	The Suhany Family	909 Dyerdown
	2 <sup>nd</sup> Place	The Wolz Family	216 Kirk Drive
WARD 2	1 <sup>st</sup> Place	The Reed Family	143 Adelle
	2 <sup>nd</sup> Place	The Bowman Family	600 January
WARD 3	1 <sup>st</sup> Place	The Brannin Family	1029 Clearfield
	2 <sup>nd</sup> Place	The Hicks Family	38 Patricia

**PUBLIC COMMENTS**

Ruth Brown – 425 Wesley – explained the Ferguson Landmarks Commission received the Certificate of Appropriateness application to demolish the January Wabash Building and voted to use the 60 days provided in the Ordinance to speak for preserving the building. Ms. Brown commented that as stated before demolition is irrevocable, irreversible and final. Ms. Brown commented the building needs a second and third look to see its potential as a valued part of the Park Plans. The Landmarks Commission asked the Council to confer with the Commission for the purpose of hearing suggestions and recommendations regarding the preservation of a Ferguson Landmark.

Michael Kelly – 416 N. Elizabeth – had comments on renovations of City landmarks and private historical properties. As a member of the Landmarks Commission and as a citizen Mr. Kelly asked the Council to reconsider the demolition of the January Wabash Building.

Mike McGrath – 1599 Knollstone – regarding the location of Food Pantry's in Ferguson and leftover food be distributed to these pantries.

The Public Comments portion closed at 8:20 p.m.

**SPECIAL PRESENTATION**

Comprehensive Annual Financial Report 2005-2006 Fiscal Year.

***Approved 1/23/07***

Interim City Manager, De'Carlton Seewood explained that every year the City conducts an audit and publishes a Comprehensive Annual Financial Report (CAFR) prepared by Finance Director, Joan Jadali with the advice and assistance of Auditors, Botz, Deal & Company. Mr. Allen Schulte, CPA Senior Accountant with Botz, Deal & Company presented and reviewed the CAFR and management letter and answered Council questions regarding the financial report.

## **BUSINESS PORTION**

### **MINUTES**

Council Meeting Minutes – December 12, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines and carried to approve and receive as presented the Council Meeting Minutes of December 12, 2006 and file as appropriate.

### **RESOLUTIONS**

2007-01 - A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT FOR ACTUARIAL SERVICES WITH EFI ACTUARIES was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained this Resolution authorizes the City to enter into a 3-year contract with EFI Actuaries to perform actuarial services for the City's Pension Fund. Staff believes, based on various criteria, EFI Actuaries best fits the needs of our organization.

On roll call vote, the motion carried as follows:

AYES: 7 – Corson, Salant, Knowles, Hines, Fletcher, Faul, Larson

NOES: 0

Resolution passes. 7-0

2007-02 A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A GROUND LEASE WITH U.S. CELLULAR was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained that on July 25, 2006 the Council approved a Special Use Permit for US Cellular to construct a communication tower at the Ferguson Municipal Garage. Staff has negotiated a lease agreement with US Cellular in which 1) the City agreed to a \$20,000 a year lease 2) US Cellular will landscape Ferguson Ave. and 3) the City will deduct the cost of the

***Approved 1/23/07***

landscaping from the first year's rent. The \$20,000 gained will be used to make general upkeep and maintenance improvements at the Municipal Garage facility.

On roll call vote, the motion carried as follows:

AYES: 7 – Salant, Knowles, Hines, Fletcher, Faul, Larson, Corson

NOES: 0

Resolution passes. 7-0

### **BILLS REQUIRING FIRST READING**

Council discussed the debate with Charter Communications and concerns with customer service.

City Attorney, Ms. Karr explained that by Charter one Council Member has to introduce a Bill. It does not mean that it is that Council Member's exclusive Bill and that member is promoting it.

Ms. Karr further explained that Council will have the opportunity to bring the concerns up with Charter when Charter representatives appear and address their concerns with Council. Also, Interim City Manager, De'Carlon Seewood, who is the Chairman of the NATA Board can inform them of Council's concerns.

BILL NO. 6775 AN ORDINANCE OF THE CITY OF FERGUSON AMENDING ITS ORDINANCE GRANTING A CABLE FRANCHISE TO CHARTER COMMUNICATIONS was introduced by Council Member Faul and read the first time.

Mr. Seewood explained Bill No. 6775 amends Ferguson's existing franchise agreement and allows Charter Communication to close the Ferguson Studio and assume three of the four public access channels.

BILL NO. 6776 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI APPROVING CERTAIN AMENDMENTS TO THE SITE PLAN FOR PROPERTY OWNED BY SAM'S REAL ESTATE BUSINESS TRUST (SAM'S CLUB) was introduced by Council Member Knowles and read the first time.

Mr. Seewood explained Bill No. 6776 amends the site plan for SAM'S Club located on West Florissant to allow the construction of a car wash.

*Approved 1/23/07*

**BILLS REQUIRING SECOND READING**

BILL NO. 6770 AN ORDINANCE AMENDING SUBSECTION 14.4.B OF SECTION 14 OF CHAPTER 49 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO DRIVE-THROUGH RESTAURANTS AS A SPECIAL USE IN THE C-2 PLANNED COMMERCIAL ZONING DISTRICT was introduced by Council as a whole and read the first time.

Mr. Seewood explained Bill No. 6770 will amend the text of Chapter 49 and allow drive in restaurants as a special use in the C2-Planned Commercial Zoning District.

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 Hines. On roll call vote, the motion carried as follows:

AYES: 7 – Knowles, Hines, Fletcher, Faul, Larson, Corson, Salant  
NOES: 0

Bill No. 6770 was declared passed and sent to the Mayor for signature. Bill No. 6770 thus became Ordinance No. 2007-3291 and is permanently recorded in Book 29 on page 5.

BILL NO. 6771 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12J621236, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY. A FEE OF \$27.00 (TWENTY SEVEN DOLLARS) TO COVER THE RECORDING OF THE DEED IS REQUIRED was introduced by Council as a whole and read the first time.

The property address is 216 Georgia Avenue.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Larson, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

AYES: 7 – Hines, Fletcher, Faul, Larson, Corson, Salant, Knowles  
NOES: 0

Bill No. 6771 was declared passed and sent to the Mayor for signature. Bill No. 6771 thus became Ordinance No. 2007-3292 and is permanently recorded in Book 29 on page 6.

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BILL NO. 6772 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12J240482, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY. A FEE OF \$27.00 (TWENTY SEVEN DOLLARS) TO COVER THE RECORDING OF THE DEED IS REQUIRED was introduced by Council as a whole and read the first time.

The property address is 429 Mueller Avenue.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Corson, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

AYES: 7 – Fletcher, Faul, Larson, Corson, Salant, Knowles, Hines  
NOES: 0

Bill No. 6772 was declared passed and sent to the Mayor for signature. Bill No. 6772 thus became Ordinance No. 2007-3293 and is permanently recorded in Book 29 on page 7.

BILL NO. 6773 (AMENDED) AN ORDINANCE AMENDING SECTIONS 29-82 AND 29-83 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO THE OFFENSE OF PEACE DISTURBANCE was introduced by Council as a whole and read the first time.

A motion was made by Council Member Knowles, seconded by Council Member Larson, to amend Bill No. 6773 as presented. Motion approved unanimously on voice vote.

A motion was made by Council Member Knowles, seconded by Council Member Larson to read the Bill, as amended, a second time and place it upon its passage. On roll call vote, the motion carried as follows:

AYES: 7 – Faul, Larson, Corson, Salant, Knowles, Hines, Fletcher  
NOES: 0

Bill No. 6773 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6773 (AMENDED) thus became Ordinance No. 2007-3294 and is permanently recorded in Book 29 on page 8.

## *Approved 1/23/07*

BILL NO. 6774 AN ORDINANCE AMENDING SUBPARAGRAPH (d) OF SECTION 28-6 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO SPECIAL TAX BILLS FOR NUISANCE ABATEMENT was introduced by Council as a whole and read the first time.

Mr. Seewood explained that the City charges fees associated with property nuisances, if these fees go unpaid these properties are assessed a special tax fee. Bill No. 6774 gives the City the ability to charge for collection service fees and any legal fees that may be incurred through the collection efforts.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Larson, seconded by Council Member Corson. On roll call vote, the motion carried as follows:

AYES: 7 – Larson, Corson, Salant, Knowles, Hines, Fletcher, Faul  
NOES: 0

Bill No. 6774 was declared passed and sent to the Mayor for signature. Bill No. 6774 thus became Ordinance No. 2007-3295 and is permanently recorded in Book 29 on page 9.

### **TABLED ITEMS:**

BILL NO. 6769 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JHB PROPERTIES, INC., FOR THE PURPOSE OF MAKING CERTAIN IMPROVEMENTS TO ALICIA ROAD was introduced by Council Member Salant and read the first time.

Mayor Fletcher moved to remove Bill No. 6769 from the table, seconded by Council Member Larson. Motion approved unanimously on voice vote. A motion to read the Bill a second time and place it upon its passage was made by Council Member Salant, seconded by Council Member Corson.

Council clarified the options were the Resolution that is mute and Bill No. 6769 is the agreement with the developer which is mute as well.

On roll call vote, the motion carried as follows:

AYES: 2 – Corson, Salant  
NOES: 5 - Knowles, Hines, Fletcher, Faul, Larson

Bill No. 6769 failed 5-2.

*Approved 1/23/07*

**MISCELLANEOUS**

Ms. Faul – Wished everyone a Happy New Year. Ms. Faul requested information from Ms. Karr regarding confidentiality of names and addresses in the public comment portion of the Council Meeting Minutes.

Ms. Karr issued an opinion and memorandum to De'Carlton and he will forward it to Council.

Ms. Faul commented that stores should have the list of the Food Pantry's as well as staff for citizens.

Ms. Faul commented on the public comments regarding the January Wabash Building and feels it is a wonderful landmark for the City of Ferguson and believes there is renovation that can occur and the building can be useful for a gathering place and a Senior Center.

Mr. Larson – reviewed the Florissant Road project timeline, with the pre-bid meeting on December 21 and the bid opening on January 11 and its status.

Mr. Seewood will update the review process an email to Council.

Mr. Hines – commented that regarding the JW Building the Council voted 5-2 to demolish the building.

Mr. Seewood commented that a Resolution to award a contract for demolition will be presented at the next Council meeting.

Mr. Knowles – wished everyone a Happy New Year and hoped everyone had a safe holiday season. Mr. Knowles addressed the SAM'S Club car wash and hopes it is renewed interest in the community and renewed commitment in the stores to commit to upgrading, updating and keeping the stores clean. The stores are a huge part of the City's sales tax revenue and the City would hate to see them leave. Mr. Knowles feels this renewed commitment by SAM'S and Wal-Mart will create a better product in the north end of town.

Mr. Corson – wished everyone a Happy New Year. Mr. Corson commented on the issue of introducing Bills as Council as a whole and believes a single Council Member support or initiate the Bill and have the Council introduce as a whole for the community development oriented. Mr. Corson feels it is just a matter of good policy and becomes a special opportunity for the Council.

Mayor Fletcher – questioned how it was done in the past.



## *Approved 1/23/07*

Mr. Corson – explained the former Mayor would discuss with Council Members who would introduce certain Bills prior to the writing of the Bills.

Mr. Larson - questioned if more than one member could introduce a Bill and commented it sort of a way to communicate at the first reading what sort of support the Bill has.

Council will review.

Mr. Corson feels that one of the key points with SAM'S Club and Wal-Mart that the City recognize is the value that this operation brings to the City and communication and additional support in terms of the City working together with the stores. Mr. Corson feels staff does a great job in working with them and echoes that the City should continue to work together to make positive changes.

Mr. Corson commented that not every structure is worthy of preservation and there may be some attachment to the building or location because of the tenure in the City. Although Mr. Corson can sympathize with the Landmark Commission the building he feels is just not architecturally significant. The original building was a metal shed and the building does not look like it was originally built by the Ferguson family. Mr. Corson feels that the JW building has run its time and the City needs to move on.

City Attorney, Stephanie Karr explained the new minimum wage law that went into effect January 1, 2007 and the adverse impact it may have on the City firefighters. Ms. Karr gave an overview and provisions of the new law.

Ms. Karr and Council discussed the legislation and its impact. Ms. Karr suggested contacting your legislators for support.

### **RFQ – Image Consultants Consideration**

Community Relations Coordinator, Nez Savala explained the purpose of the RFQ Image Consultants and gave an overview on the two agencies which responded to the RFQ, outlining their experience developing solid and successful image campaigns for municipalities. Ms. Savala requested Council's direction and consideration for Agency Presentations at a future Council work session as well as forming a committee. Council consensus was to go forward with the presentations and, if approved, Council will form a committee to assist in the creation of the campaign.

Mayor Fletcher – questioned the microphone situation and the status.

## *Approved 1/23/07*

Mr. Seewood explained the status and basic changes to the system and the possibility of having a test microphone for Council to try before purchasing. Mr. Seewood will try and have another presentation in February.

Mayor Fletcher commented on the feasibility of looking into a tree program similar to the sewer lateral program. Mayor Fletcher spoke with Senator Days who seemed interested in sponsoring legislation. Mayor questioned where staff was in the process of this program.

Mr. Seewood explained there is legal research that has to be done and staff is working on it.

Mayor and Council Member Larson attended the Ameren/PSC (Public Service Commission) Public Hearing. Mayor spoke to the Commissioner and testified from a municipal leader standpoint, that he is not in favor of the increase and shared additional concerns and ongoing problems with the Commissioner. Mayor felt it was well worth the time. Also, City residents spoke to Commissioners at the UMSL meeting from a resident standpoint. Mayor commented that it would be devastating to the community to lose sales tax from SAM'S and Wal-Mart and hopes that SAM'S wanting a car wash means that the stores want to stay in the community. Mayor has concerns if SAM'S would leave there would be a vacant gas station and car wash and requested staff to include some type of condition in

the agreement that the store would have to remove the gas station and car wash within a certain period of time and replace the parking lot and to make sure that SAM'S corporation is made aware of this condition.

Mayor would like to take that approach with other constructions in the City.

Ms. Karr responded that SAM'S is aware of the condition and staff will work on language that is satisfactory to the City and to SAM'S Club. Ms. Karr commented that staff has taken this approach with the US Cellular Lease in that if they no longer need the tower they have to remove it within 120 days.

Mr. Hines commented that the stores need to be kept clean, nice and neat which also satisfies and keep customers coming back to the stores.

### **ADJOURNMENT**

There being no further business to consider, Council Member Corson, moved to adjourn, seconded by Council Member Knowles. The meeting adjourned at 9:30 p.m.

***Approved 1/23/07***  
Deborah L. Matthies, City Clerk