

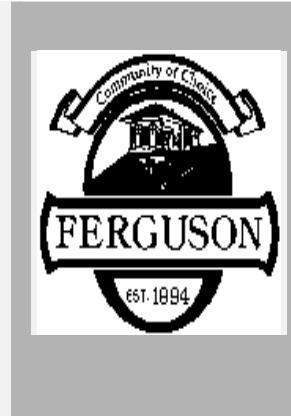
*Approved: 2/20/07*

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes**  
**January 23, 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 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  
John Corson  
Michael Salant  
James W. Knowles III  
James Hines  
Peggy Faul  
Tim Larson

Also present were Interim City Manager De'Carlon 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 Hearing Portion, 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.

**PUBLIC HEARING** Mayor opened the Public Hearing at 8:00 p.m.

*Rezoning and subdivision requests for 10768/10770 West Florissant and a Special Use Permit request for 10768 West Florissant for a Sonic Restaurant.*

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Interim City Manager, De'Carlon Seewood explained that the Public Hearing consisted of three parts: 1) the subdivision request for 10768 and 10770 West Florissant 2) the rezoning of 10768 and 10770 West Florissant from R-1A Single-Family Residential to C2 Planned Commercial and 3) a Special Use Permit for Sonic Restaurant at 10768 West Florissant.

Building Commissioner, Richard Faulkner presented staff's report and recommendations.

Larry Morton, Regional Construction Manager for Sonic, Mike Vasek, Director of Operation for Sonic and Chris Wilson and Patrick Bennett were all present. Patrick Bennett reviewed the site plan with Council and answered questions.

Council discussed landscaping issues, conditions of approval, separation of parcels, traffic and location and the type of standing wall and irrigation method.

Mayor opened discussion for public comments at 8:40 p.m.

Harry Neiner – 67 Harneywold Drive – comments and concerns with noise and lights and opposes the proposed Sonic Restaurant.

Kathy Shaffstall – 71 Harneywold Drive – comments and concerns with noise, traffic, buffers, current noise from the shopping areas when sweep cleaners clean the parking lots. Opposes the proposed Sonic Restaurant.

Bill Muenz – 69 Harneywold Drive – comments and concerns with noise, opposes the rezoning, traffic concerns, right turn lane only, and opposes the Sonic Restaurant.

Jim Schneider – 3 Harneywold Drive – presently lives behind the Krispy Kreme establishment who currently experiences loud noise, constant car and truck traffic noise driving through at all hours, loud car radios, odors and constant trash in his yard. Mr. Schneider feels his property value has gone down and feels the West Florissant area is saturated with enough drive-in restaurants who he feels are not good neighbors. Mr. Schneider opposes the Sonic Restaurant.

Thaddeus Gerdine – 65 Harneywold Drive – resides 100 feet from the proposed rezoning and has concerns with odors, noise and additional traffic. Mr. Gerdine opposes the Sonic Restaurant.

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Mayor closed the Public Hearing at 9:00 p.m.

**PUBLIC COMMENTS**

Kathy Shaffstall – 71 Harneywold Drive – had concerns and comments with Harneywold streets not repaired properly and when traffic hits the street holes her house shakes causing the plaster walls to crack.

The Public Comments portion closed at 9:05 p.m.

**BUSINESS PORTION**

**MINUTES**

Council Meeting Minutes – January 9, 2007. A motion was made by Council Member Larson, seconded by Council Member Hines and carried to approve and receive as presented the Council Meeting Minutes of January 9, 2007 and file as appropriate.

**CONSENT AGENDA**

Minutes

Landmarks Commission Meeting – October 18, 2006. A motion was made by Council Member Knowles, seconded by Council Member Larson, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Meeting Minutes – November 15, 2006. A motion was made by Council Member Knowles, seconded by Council Member Larson, and carried to receive the minutes as presented and file as appropriate.

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

**APPOINTMENTS**

Motion was mad by Council Member Peggy Faul, seconded to appoint Andy Van Bcelaere to the Landmarks Commission. Motion passed unanimously on voice vote.

Motion was made by Council Member Hines, seconded to appoint Dwayne James to the Plan Commission. Motion passed unanimously on voice vote.

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Motion was made by Mayor Fletcher, seconded to appoint Jacqueline Dehmer to the Personnel Board. Motion passed unanimously on voice vote.

## **RESOLUTIONS**

2007-03 - A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN AND EXECUTE A CONTRACT WITH AALCO WRECKING COMPANY FOR DEMOLITION SERVICES FOR THE JANUARY WABASH BUILDING, was introduced by Council Member Corson and read by City Attorney, Stephanie Karr.

Council Member Knowles feels that the demolition is premature and that not all options had been looked at for replacement of the January Wabash Building.

On roll call vote, the motion carried as follows:

AYES: 5 – Corson, Salant, Hines, Fletcher, Larson

NOES: 2 – Knowles, Faul

Resolution passes 5-2.

## **BILLS REQUIRING FIRST READING**

BILL NO. 6777 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI AMENDING THE ZONING ORDINANCE AND THE ZONING MAP TO REFLECT A CHANGE IN THE ZONING CLASSIFICATION FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 PLANNED COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 10768/10770 WEST FLORISSANT ROAD, was introduced by Council Member Corson and read the first time.

BILL NO. 6778 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 10768 WEST FLORISSANT SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Member Salant and read the first time.

BILL NO. 6779 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A WATER UTILITY EASEMENT ON CITY-OWNED PROPERTY NEAR THE NORTHPARK DEVELOPMENT TO MISSOURI AMERICAN WATER COMPANY FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A WATER MAIN, was introduced by Council Members Knowles and Larson and read the first time.

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Mr. Seewood explained that as the NorthPark Development proceeds there is a need to install utilities. Bill No. 6779 will give Missouri American Water Company an easement to install, operate and maintain a water main on property currently owned by the City of Ferguson.

**BILLS REQUIRING SECOND READING**

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 that Bill No. 6775 will amend Ferguson's existing franchise agreement and allow Charter Communication to close the Ferguson studio and assume three of the four public access channels.

Council discussed their concerns with sound equipment, customer service and access channels. Council consensus is to have additional time to review the existing problems and speak to a Charter Representative.

A motion to table Bill No. 6775 to allow Council more time to review the existing problems and have a Charter Representative present for questions, was made by Council Member Larson seconded by Council Member Knowles. On voice vote, the motion carried unanimously.

**BILL NO. 6775 – TABLED**

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 that Bill No. 6776 will amend the site plan for the SAM'S Club located on West Florissant to allow the construction of a carwash.

The City Council's comments from the January 9, 2007 City Council meeting has been added to the language in Exhibit 1 under conditions for approval.

Council discussed the parking lot concerns and reviewed Exhibit 1 and

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discussed the definition of timely manner in removing the carwash structure.

Ms. Karr explained timely manner would be less than a year.

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

AYES: 4 – Salant, Knowles, Fletcher, Faul  
NOES: 3 – Hines, Larson, Corson

Bill No. 6776 was declared passed and sent to the Mayor for signature. Bill No. 6776 thus became Ordinance No. 2007-3296 and is permanently recorded in Book 29 on page 10.

### **SPECIAL PRESENTATION** – Park Master Plan

BG Clark of PROS Consulting presented Council the Park Master Plan Summary Final Report (DRAFT). BG reported that throughout the process there have been citizen surveys, focus groups, town hall meetings and other activities to solicit citizen input. BG then updated Council on his findings and discussed the next steps in the process.

BG Clark suggested a Work Session with Council and the Park Board to further discuss the Park Master Plan and Council agreed. Staff will set up a future Work Session.

BG also suggested a trip to Indianapolis to tour their Parks for some ideas. Council agreed.

### **MISCELLANEOUS**

Ms. Faul – welcomed Cose Dolci to the neighborhood. Ms. Faul shared her concerns with the dumpster area behind the shops on the municipal parking lot 2 and requested Council to instruct staff to find other types of enclosures for the dumpster area within a reasonable timeframe.

Mr. Seewood – explained staff is currently looking at other ideas for the area.

Ms. Faul – shared her concerns with large dumpsters parked in residential driveways used for rehabbing homes and the timeframe.

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Council agreed to have Attorney Karr submit sample Ordinances referring to large dumpsters, fines, timeframe and provisions for allowing dumpsters in residential driveways.

Mr. Larson – confirmed the January 15 bid advertisement and the February 1 Pre-Bid meeting for the Florissant Road Project and if staff is on schedule. Requested an update on the new Minimum Wage Law.

Ms. Karr – commented legislation should take effect in August 2007.

Mr. Knowles - addressed the SAM'S Club carwash and hopes its renewed interest and commitment in the community indicates the stores are staying in Ferguson. Mr. Knowles is glad to see the additional provisions in the Agreement.

Mayor Fletcher requested staff look into a public drop off area for tree limbs with a beginning and ending date for citizens to drop off the tree limbs from the most recent winter storm.

Mayor Fletcher announced and welcomed everyone to attend the Meet the Mayor Forum to be held on Wednesday, January 31, 2007 at 7 p.m., in the Council Chamber of City Hall.

Mr. Seewood – introduced the new Community Development Coordinator, Natasha Ramey and gave a brief background on her experience and skills.

#### **ADJOURNMENT**

There being no further business to consider, Council Member Knowles, moved to adjourn, seconded by Council Member Hines. The meeting adjourned at 10:30 p.m.

Deborah L. Matthies, City Clerk