

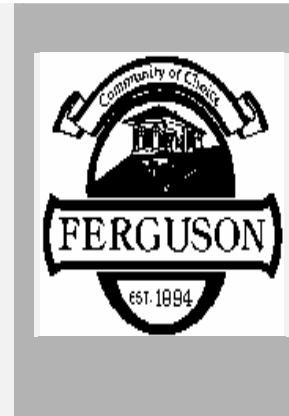
*Approved 3/13/07*

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes  
February 27, 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 February 27, 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 - ABSENT  
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 at which time you are invited to speak on a specific request or proposal, 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 3/13/07***

MAYOR OPENED THE PUBLIC HEARING AT 8:00 P.M.

**PUBLIC HEARING –**

Amending various provisions of Chapter 49 to further define and regulate adult business stores; amending the provisions of C-1, General Commercial District, C-2, Planned Commercial District, DB-2 Downtown Area Business District, and M-1 Industrial District in order to clarify where adult business stores are permitted; and amending Chapter 3, "Adult Entertainment Establishments" to include additional regulations on such establishments.

Mr. Seewood explained that periodically City Staff reviews City ordinances and recommends changes as needed. The Public Hearing relates to adult entertainment. The two proposed changes are 1) adding additional regulations as it pertains to adult related businesses and 2) clarifying zoning districts in which adult related business can locate.

Director of Planning, Rosalind Williams presented the City Staff's report and recommendations.

Council discussed the permitted use vs. special use.

City Attorney Stephanie Karr commented that any adult entertainment establishments with live entertainment would require a special use permit even in the M-1 District, however the adult retail which is buying is the permitted use within the M-1 District.

There being no comments, Mayor closed the Public Hearing portion at 8:05 p.m.

**PUBLIC COMMENTS**

The following residents were in attendance and requested Council to consider not blocking off the streets involved in the Suburban Road project - Linda McAllister – 339 Suburban; Dave Geiger – 347 Suburban; Al Gerlich – 333 Suburban; Joe Pendland - Suburban.

John Knowles – 716 N. Elizabeth - requested Council's consideration in issuing Proclamations to veteran's returning from Iraq.

## ***Approved 3/13/07***

Mayor Fletcher – commented that Council process is for Mr. Knowles to bring a Proclamation to Council for review.

Mayor Fletcher – announced that the new incoming City Manager, John Shaw will be starting with the City officially on March 12. Mayor and Council welcomed and congratulated Mr. Shaw. Mayor then introduced Mr. Shaw.

John Shaw – publicly thanked Council for extending him this opportunity. Mr. Shaw is very excited and is looking forward to working with Council and staff. Mr. Shaw is looking forward in continuing the City's economic development pursuits and working with staff to find efficient methods of providing the best services for the citizens of Ferguson.

Fran Grecco – 206 Moundale – requested Council, on behalf of the Ferguson residents, to once again besiege Ameren regarding their computer outage detection system and substation transmission system. Ms. Grecco commented that there was another power outage on Saturday affecting almost 4,000 Ferguson residents and their computer system did not recognize a single outage in the 63135 zip code area. Ms. Grecco further stated that the Ameren Supervisor identified it as the substation again at the Berkeley Ferguson line on Frost, one whole leg of it burnt up. Ms. Grecco asked Council to encourage Ameren to rebuild the entire substation because it is blowing and burning up one part at a time.

The Public Comments portion closed at 8:15 p.m.

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

Council Meeting Minutes – February 20, 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 February 20, 2007 and file as appropriate.

### **CONSENT AGENDA**

Minutes

Parks & Recreation Board Meeting Minutes – January 30, 2007. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

## ***Approved 3/13/07***

Parks & Recreation Board Meeting Minutes – February 20, 2007. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

Council Member Faul pointed out the Park Board recommendation to accept the staff's recommendation to continue basically the same Sports Complex program for 2007 including renewal of the ordinance to allow the continued sale of beer at the Complex concession stands. Council agreed.

Pension Board Meeting Minutes - October 23, 2006. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

Landmarks Commission Meeting Minutes – January 2, 2007. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Public Library Meeting Minutes – November 20, 2006. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

Ferguson Senior Citizens Commission Meeting Minutes – February 1, 2007. A motion was made by Council Member Corson, seconded by Council Member Faul, and carried to receive the minutes as presented and file as appropriate.

### **APPOINTMENTS**

No appointments were made at this time.

### **PROCLAMATIONS**

North County Chamber of Commerce Business Person of the Year – Mayor Fletcher announced that Robert McGartland was chosen North County Chamber of Commerce Business Person of the Year and read the Proclamation, Mr. McGartland will be presented with the Proclamation at a luncheon held in his honor.

### **RESOLUTIONS**

#2007-07 A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT FOR CONSULTING SERVICES WITH RONNA ALANIZ D/B/A MUNI FINANCIAL.

*Postponed to the March 13, 2007 Council Meeting.*

***Approved 3/13/07***

#2007-08 A RESOLUTION AUTHORIZING THE CITY MANAGER, IN CONJUNCTION WITH THE FIRE DEPARTMENT, TO OBTAIN QUOTES FOR TWO NEW FIRE TRUCKS AND AUTHORIZING A LEASE-PURCHASE AGREEMENT FOR THE LEASE-PURCHASE OF TWO NEW FIRE TRUCKS WITH A REPUTABLE COMPANY AND THE EXECUTION OF SAME BY THE CITY MANAGER was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained this Resolution will allow the City Manager and Fire Department to pursue a lease agreement to purchase two fire trucks.

Council discussed the lease agreement and alternative options.

A motion was made by Council Member Larson, seconded by Council Member Faul to amend Resolution No. 2007-08 by striking paragraph 2 and amending the Title accordingly. Motion carried.

On roll call vote, the motion carried as follows:

AYES: 6 – Corson, Salant, Hines, Fletcher, Faul, Larson  
NOES: 0  
ABSENT: 1 – Knowles

### **BILLS REQUIRING SECOND READING**

BILL NO. 6780 – AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, AMENDING CERTAIN PROVISIONS OF ARTICLE II OF TITLE 37 RELATING TO THE STORAGE OF SOLID WASTE was introduced by Council as a whole and read the first time.

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.

Council discussed the clarification and explanation of *Section 37-29. Residential Property – Dumpsters and Other Trash Storage Containers; Permit; Required When; Fee*

Ms. Karr explained the permit can be renewed three times within a one year period and the length of time the dumpster may sit in front of a residence is at the discretion of the Director of Public Works.

Ms. Karr further explained time extensions, permit violations, and policies.

***Approved 3/13/07***

Council discussed permit renewals, limitations and extensions.

On roll call vote, the motion carried as follows:

AYES: 6 – Salant, Hines, Fletcher, Faul, Larson, Corson  
NOES: 0  
ABSENT: 1- Knowles

Bill No. 6780 was declared passed and sent to the Mayor for signature. Bill No. 6780 thus became Ordinance No. 2007-3298 and is permanently recorded in Book 29 on page 12.

**BILL NO. 6781 – AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF CUTTING AND REMOVING WEEDS AS PROVIDED UNDER CHAPTER 46. VEGETATION, ARTICLE III. WEEDS AND VINES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI** was introduced by Council as a whole and read the first time.

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: 6 – Hines, Fletcher, Faul, Larson, Corson, Salant  
NOES: 0  
ABSENT: 1 – Knowles

Bill No. 6781 was declared passed and sent to the Mayor for signature. Bill No. 6781 thus became Ordinance No. 2007-3299 and is permanently recorded in Book 29 on page 13.

**BILL NO. 6782 - AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COST OF REMOVING TRASH AND DEBRIS AS PROVIDED UNDER CHAPTER 28. NUISANCES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI** was introduced by Council as a whole and read the first time.

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.

***Approved 3/13/07***

On roll call vote, the motion carried as follows:

AYES: 6 – Fletcher, Faul, Larson, Corson, Salant, Hines  
NOES: 0  
ABSENT: 1 – Knowles

Bill No. 6782 was declared passed and sent to the Mayor for signature. Bill No. 6782 thus became Ordinance No. 2007-3300 and is permanently recorded in Book 29 on page 14.

**BILL NO. 6783 – AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF BOARDING UP BUILDINGS AS PROVIDED UNDER CHAPTER 7. BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI** was introduced by Council as a whole and read the first time.

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: 6 – Faul, Larson, Corson, Salant, Hines, Fletcher  
NOES: 0  
ABSENT: 1 - Knowles

Bill No. 6783 was declared passed and sent to the Mayor for signature. Bill No. 6783 thus became Ordinance No. 2007-3301 and is permanently recorded in Book 29 on page 15.

**BILL NO. 6784- AN ORDINANCE AMENDING CHAPTERS 3 AND 49 OF THE MUNICIPAL CODE ESTABLISHING ADDITIONAL REGULATIONS FOR ADULT-RELATED BUSINESSES AND CLARIFYING THE DISTRICTS IN WHICH THESE BUSINESSES MAY BE LOCATED** was introduced by Council as a whole and read the first time.

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.

## ***Approved 3/13/07***

On roll call vote, the motion carried as follows:

AYES: 6 – Larson, Corson, Salant, Hines, Fletcher, Faul  
NOES: 0  
ABSENT: 1 - Knowles

Bill No. 6784 was declared passed and sent to the Mayor for signature. Bill No. 6784 thus became Ordinance No. 2007-3302 and is permanently recorded in Book 29 on page 16.

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.

A motion to remove Bill No. 6775 from the table was made by Council Member Larson, seconded.

Mr. Seewood gave an overview of Bill No. 6775 and explained that as part of the franchise agreement with the City of Ferguson, Charter Communications is required to maintain a public access studio and provide four public access channels.

Because of lack of adequate use; Charter has requested the ability to close the Ferguson studio and utilize three public access channels.

In consideration of the release of the access studio and the access channels, Charter is prepared to grant the following benefits and related assurances:

1) Charter shall maintain a public access studio in Florissant and a local business office in the NATA Community, currently there is an office in Dellwood; 2) Charter shall provide additional public access channels if demand requires it; 3) Charter shall provide "Cable in the Classroom" to McCluer South Berkeley High School; 4) Charter shall donate to McCluer South Berkeley High School the video equipment that was located in the Ferguson public access studio and 5) Charter will provide cash grants to the NATA community.

Neil Gilb, Government Relations Manager for Charter Communications was present for questions and explained the channel changes and new features.

Council questioned the overall sound and equipment problems in the Council Chamber and the moving of certain channels, removal of the Hallmark Channel from the extended basic, analogue vs. digital and overall poor customer service.

## ***Approved 3/13/07***

Mr. Gilb addressed some of the Council's concerns and will look into the other problems discussed. Mr. Gilb commented that Charter is diligently working towards better costumer service.

A motion to read Bill No. 6775 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: 6 – Corson, Salant, Hines, Fletcher, Faul, Larson  
NOES: 0  
ABSENT: 1 - Knowles

Bill No. 6775 was declared passed and sent to the Mayor for signature. Bill No. 6784 thus became Ordinance No. 2007-3303 and is permanently recorded in Book 29 on page 17.

### **SPECIAL PRESENTATION** – Suburban Road Project

Mr. Seewood explained that the Suburban Road Project design started in 2005 and throughout the process there have been numerous meetings to solicit citizen input.

Public Works Director, Terry O'Neil gave a brief overview of the process and answered questions with regard to the final draft of the project.

Ramin Ashrafzadeh, Engineer with Horner & Shifrin reviewed the Suburban Avenue general design concept, construction plans and background of the project with Council and discussed the blocking off of Shirley, Thomas and Hern Avenues.

Council discussed the general plans and street closures. Mayor proposed not to block off Shirley, Thomas and Hern Avenues at this time. Council consensus was to not block off the streets.

Rosalind Williams – presented, discussed and answered questions regarding the Suburban Avenue street lighting.

Council discussed materials to be used, labor, engineering fees and payment schedule.

Council consensus was to pursue this project as a lease purchase.

## ***Approved 3/13/07***

Based upon \$500,000 Principal amount and 4.5% interest for a 5 year term, the annual payment would be \$113,896 – interest paid \$69,479.

### **MISCELLANEOUS**

Mayor Fletcher – asked for Council consensus regarding a Work Session with the Park Board to discuss the Park Master Plan. Council agreed to April 21, and will confirm with Mayor, the backup date would be April 28.

Mayor attended and enjoyed the Home Improvement Fair on Saturday and spoke to a representative regarding rock and waterfall features. Mayor suggested some type of rock or waterfall feature or beautification project for the hillside behind the fountain.

Mr. Seewood commented that the hillside belongs to the railroad right of way and the fountain belongs to UMB Bank, but Mr. Seewood will contact the railroad and advise Council.

Ms. Faul – regarding Bill 6780 - Ms. Faul hopes that contractors and home improvers do not take it as Council is discouraging any type of remodeling. The Bill is basically for the overall look of the neighborhood by encouraging the work to get finished in a timely manner and by not having large dumpsters sitting around in neighborhoods.

Mr. Larson – questioned the Florissant Road bid process.

Mr. Seewood explained that it is being reviewed by the State, and then staff will meet with the successful bidder, work out a schedule, a timeline and then present a Resolution to Council for final approval in spring.

Mr. Seewood confirmed the abatement process began, the asbestos and lead removal is scheduled to begin this week, and then the demolition process will begin at the January Wabash building.

Mr. Larson requested City Staff to explain the new free City service – Ferguson e-loop.

Planning Coordinator, Drew Awsumb explained that the City launched a free City service – Ferguson e-loop E-mail News Service. The program provides valuable and timely information on issues impacting the downtown Citywalk commercial district, ensuring that downtown businesses stay informed of any local government, private development, community activities, or informational sessions that could affect their business and/or customers. It

***Approved 3/13/07***

is free of charge to anyone and their private contact information will not be sold to third-party marketers. Mr. Awsumb commented that anyone interested can join the e-mail service by going online to the City's municipal website at [www.fergusoncity.com](http://www.fergusoncity.com).

**ADJOURNMENT**

There being no further business to consider, at 9:30 p.m. a motion was made by Mayor Fletcher, seconded, to enter into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to communications with the City's Attorney, Employee and Personnel matters as provided under Sections 610.021 (1) (3) and (13)RSMo. On roll call vote the motion passed unanimously.

Under Sections 610.021(1) (3) and (13) RSMo. Communications with the City's Attorney, Employee and Personnel matters were discussed.

Having concluded the closed session, a motion was made by Council Member Larson, seconded by Council Member Corson, to reconvene to open session at 10:37 p.m. On roll call vote, the motion passed unanimously.

There being no further business to consider, Council Member Corson, moved to adjourn, seconded by Council Member Faul. The meeting adjourned at 10:37 p.m.

Deborah L. Matthies, City Clerk