

FERGUSON CITY COUNCIL

Regular Council Meeting, April 27, 2004
Work Session, 7:00 P.M.
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 April 27, 2004 by Mayor, Steven Wegert, in the Council Chambers of City Hall, 110 Church Street, Ferguson, Missouri. Mayor Wegert 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 Steven Wegert
John Corson
Keith Kallstrom
Mark Crinnion
James Hines
Peggy Faul
Bill Duncan

Also present were City Manager A.J. Krieger, City Attorney Richard Bresnahan and City Clerk, Debbie Matthies. Mrs. Matthies declared a quorum was present.

Mayor Wegert welcomed all present and explained the meeting would be the Public Portion and the Business Portion.

SPECIAL PRESENTATIONS

Introduction of New Employees

Police Chief Thomas Moonier introduced and gave a brief background on the City's two new Police Officers; Police Officer Michael Schumer and Police Officer Steve Schroeder. Council welcomed both Officers to the City.

Chief Moonier commented that the Police Department is now at 100% full strength.

Interim Director of Public Works, Terry O'Neil introduced and gave a brief background on the new Public Works Inspector, Darnell Singleton. Council welcomed Mr. Singleton to the City.

National Spa & Pool Institute Award

David Smith, Parks and Recreation Director announced that the Splash at Wabash received the Silver Splash Award from the Regional branch of the National Spa & Pool Institute. Mr. Smith introduced David White, Director of Business Development with Westport Pools who designed and built Splash. Mr. White commented that the Splash at Wabash is one of the top facilities in the St. Louis area and Westport had the honor to design the facility and nominate Splash at Wabash for the award. Mr. White, on behalf of Westport Pools presented the National Spa & Pool Institute 2004 Silver Splash Award to Mayor Wegert & the City Council. Mayor Wegert commented that the City is proud of Splash and the efforts of the Pool Task Force, staff and everyone involved in finishing the project on time and on budget, Mayor Wegert and the City Council appreciate the recognition and thanked Mr. White.

PUBLIC COMMENTS

Mike Gray, 406 Wesley Ave., commented that the community is launching a new neighborhood association called the Old Ferguson Neighborhood West Association and many residents in the area are present to share their concerns and comments with the City Council. Mr. Gray would like better communication with the City and Council regarding the Old Ferguson Neighborhood West community. The neighborhood is regularly meeting to discuss their concerns and how the neighborhood can move forward.

Mark Thomas Rogers, 312 Tiffin, on behalf of the Old Ferguson West Neighborhood Group had concerns and comments in bringing the communities together and taking the community to the next level; devise and implement a strategy in taking control of the community; lenient occupancy permits, and increase the penalties on absentee landlords for derelict houses.

Vickie Salsman, 217 Tiffin Ave., the neighborhood group is recommending that Council create an Ordinance that would hold parents financially responsible for juvenile crimes. Discussion regarding groups of approximately 13-15 juveniles yelling and intimidating residents by blocking intersections. When the police appear the groups disburse by running through driveways and running and hiding in yards. When the police leave they reorganize in the streets. The neighborhood group feels they should make the Council and people aware of the situation and feel immediate action should be taken.

Timothy Gropp, 428 Georgia Ave., thanked Council for listening to the neighborhood group. Mr. Gropp wanted Council and the City to be aware of what is going on in the neighborhood so Council can take action to make Ferguson an even better place to live. Mr. Gropp commented on the groups of juveniles approximately 15 to 20 blocking the streets and not disbursing for traffic.

Jennifer Stephens, 232 Wesley Ave., concerns and comments regarding the juvenile groups intimidating residents and disbursing when the Police are called. Juveniles are gathering in the school yard week days and weekends. Ms. Stephens requested Council address this problem.

Bud Seiter, 218 Tiffin Ave., apologized to Old Ferguson West for not attending their meetings because he has other commitments on their meeting night. Mr. Seiter has concerns and comments regarding the juvenile groups in the neighborhoods. He feels the problem is a home on Clark which is owned by an organization who is renting to people where most of the activity and congregating is happening. The groups disburse and disappear in yards when the Police arrive and return when the Police leave. Discussion ensued with regard to the address and owner of the house in question.

Shannon Howard, 408 Tiffin Ave., commented that the house in question is at 136 S. Clark and is owned by Beyond Housing and spoke to the Executive Director who was appalled at the situation and he sent a letter to the tenants telling them this is unacceptable behavior and has scheduled an in-house meeting on Thursday, April 29th. The organization has mentors who speak to tenants on becoming responsible neighbors and home owners. The Executive Director has committed to have in-house meetings with all of his properties in the area so this situation doesn't happen again. Ms. Shannon suggested some type of youth program to keep the children busy.

Susan Donnell, 610 Wesley Ave., with respect to the juvenile issue she feels the juveniles cannot be abandoned in the community and requested that the Council and City take into consideration ways to address and consider the needs of the children.

Nancy Jones, 318 Louisa Ave., had concerns and comments regarding the occupancy permit and feels Ferguson has not set the standards high enough. Ms. Jones had concerns with the group of juveniles who are intimidating the citizens and feels they give a negative feel to a nice community.

Mayor and Council thanked the Old Ferguson Neighborhood West residents for expressing their concerns.

There being no further public comments, Mayor declared the public portion closed at 8.45 p.m.

APPROVAL OF MINUTES

Minutes

Council Meeting – April 20, 2004 – A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Ferguson Municipal Library Meeting – March 15, 2004 - A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

APPOINTMENTS - No Boards and Commissions appointments at this time.

MANAGER'S REPORT

City Manager, A.J. Krieger explained the items on the Agenda.

RESOLUTIONS AND PROCLAMATIONS

Resolution No. 2004-09 – A Resolution transferring Community Development Block Grant (CDBG) Funds for the purpose of completing the municipal parking lot as part of the 252 S. Florissant Road Redevelopment Agreement was introduced by Council as a Whole and read by Attorney Bresnahan. On roll call, the motion carried as follows:

AYES: 7 – Corson, Kallstrom, Crinnion, Hines, Wegert, Faul, Duncan
NOES:0

Resolution passes.

Resolution No. 2004-10 – A Resolution commending Jeremy Corcoran, for his bravery and service to country in operation enduring freedom and Iraqi freedom was introduced by Council as a Whole and read by Attorney Bresnahan. On roll call, the motion carried as follows:

AYES: 7 – Kallstrom, Crinnion, Hines, Wegert, Faul, Duncan, Corson
NOES:0

Resolution passes.

Resolution No. 2004-11 – A Resolution commending Timothy D. Allen, for his bravery and service to country in operation enduring freedom and Iraqi freedom was introduced by Council as a Whole and read by Attorney Bresnahan. On roll call, the motion carried as follows:

AYES: 7 – Crinnion, Hines, Wegert, Faul, Duncan, Corson, Kallstrom
NOES:0

Resolution passes.

Officer Timothy Allen commented that Detective Harry Dilworth has been called up for active duty and continues to serve in a combat zone half way around the world. Officer Allen would like to thank the City Council, City Administration and co-workers for their support during their times of National Service and for their cards, letters and care packages which reminded them daily of their lives at home. Officer Allen hopes the City of Ferguson will always continue to support the members of the National Guard and Reserves. On behalf of Officer Allen's co-worker and friend Sgt. First Class Harry Dilworth United States Army Reserve and all of the other Reserves still serving their Country thank you for your support and thank you for this Resolution.

Resolution No. 2004-12 – A Resolution declaring certain real estate owned by the City of Ferguson known and numbered as 220 North Florissant Road to be surplus property and authorizing the City Manager to sell said property at its fair market value was introduced by Council as a Whole and read by Attorney Bresnahan. On roll call, the motion carried as follows:

AYES: 7 – Hines, Wegert, Faul, Duncan, Corson, Kallstrom, Crinnion
NOES:0

Resolution passes.

Proclamation – Peace Officers' Memorial Day – May 15, 2004, was introduced by Council as a Whole and read by Attorney Bresnahan.

Proclamation – World War II Veterans Recognition Day – May 29, 2004, was introduced by Council as a Whole and read by Attorney Bresnahan.

BILLS REQUIRING SECOND READING

BILL NO. 6685 AN ORDINANCE AMENDING CHAPTER 49 - ZONING, SECTION 16.0 DB-2 DOWNTOWN AREA BUSINESS DISTRICT, BY AMENDING SECTION 16.4 - SPECIAL USES, SUBSECTION B, DELETING (3) AND AMENDING (4) TO (3); EFFECTIVE WHEN, introduced by Council as a whole and read the first time.

A motion was made by Mr. Corson, seconded and carried to read the Bill a second time and place it upon its passage. Mr. Crinnion had concerns with the Downtown Revitalization's input as how downtown was to be developed and made a motion to postpone Bill No. 6685 until further discussion with the Downtown Revitalization Committee.

Discussion ensued.

City Manager, A.J. Krieger, explained the proposed text amendment in detail to Council. Mr. Krieger stated that the text amendment removes Section 3 from the Special Use Permit Section of the DB-2 Classification. It specifically removes the Florissant Road prohibition for automotive uses. It does not permit anything that is not permitted today. The intent for the amendment is to give the Plan Commission and the Council more discretion for reviewing a Special Use Permit than it has today. In the Staff's opinion the prohibition of the Florissant Road frontage is too limiting and too specific and he feels if removed it gives an opportunity to utilize and apply appropriate discretion to a proposed use. Council is aware staff has had discussion with the Downtown Revitalization Committee about moving toward a Special Use designation in a broader context within DB-1 and DB-2 and also a preliminary discussion about going to one central business district zoning classification, this amendment gives Council and the Plan Commission, which unanimously approved this amendment to Council, the ability to consider and in Council's best judgment to approve a use that cannot be approved today. Council has greater latitude after the passage of this amendment than Council does today. Florissant Road prohibition is redundant, if Council believes the Special Use Permit in a case by case basis is not appropriate for a particular location that may have frontage along Florissant Road, it is within Council's purview to deny that Special Use Permit. Currently the zoning ordinance sets out criteria for reviewing Special Use Permit Applications that is not being changed. This Bill simply removes the Florissant Road prohibition. After the amendment it gives Council greater flexibility and more opportunity for Council to apply its discretion than it does now and allows the City to be more development friendly about the re-use of existing vacant facilities along Florissant Road. A lengthy discussion ensued.

Mr. Corson feels this text amendment is appropriate and gives Council broader discretion and can utilize the elements of the review to look at developments that would ordinarily not be acceptable based on the Florissant Road frontage.

Mr. Krieger explained that staff will work with individual petitioners on a case by case, location by location, basis and move toward a specific set of requirements for every single Special Use Permit which is brought before Council. The

requirements will be part of the Special Use Permit. The Special Use Permit appropriately utilized and applied will give a broad discretion and the ability to examine petitions on a case by case, location by location, basis and will allow specific recommendations to Council where the Council will have the ability to exercise their discretion and judgment. The ordinance now sets out criteria for Council but is very broad and gives a broad range of discretion that is why staff is recommending this text amendment. With this amendment the criteria can be set and staff can better administer the Special Use process.

Attorney Bresnahan commented that as of today if a Special Use Permit is issued the permit is restricted to the person it is issued to and can only be transferred upon a vote of the City Council. Discussion ensued.

Mr. Crinnion withdrew his motion to postpone the second reading.

A motion was made by Mayor Wegert, seconded and carried to read the Bill a second time and place it upon its passage.

On roll call vote the motion carried as follows:

AYES: 3 – Duncan, Corson, Kallstrom

NOES:4 - Wegert, Faul, Crinnion, Hines

Bill No. 6685 failed.

MISCELLANEOUS

John Corson – sends condolences to the Richard Shearer family. Welcome the new employees and congratulate the employees who served so well overseas.

Keith Kallstrom – sends condolences to the Richard Shearer family. Welcome new employees and recognize our soldiers in both reserve and guard and active duty past and present. The American Legion is having a presentation at the War Memorial at January Wabash Memorial Park on May 29, 2004 at 11:00 a.m. and invites the public to attend.

Mark Crinnion – welcomed James Hines to the Council and welcomes the new employees to the City and thanked Tim and Jeremy for their service to their Country. Reminder that the Farmer's Market begins Saturday, May 1, 2004, 8:00 a.m. until noon. Thanked Old Ferguson West for attending the meeting and making Council aware of their concerns. Mr. Crinnion sends condolences to the Richard Shearer family.

James Hines – welcomed new employees to the City, congratulated the employees who served overseas and support the veteran's presentation at the War Memorial on May 29th

by displaying a Flag.

Peggy Faul – welcomed new employees and is good news that the Police Department is back to full capacity. There was a good turnout including a number of Ferguson residents attending the Public Hearing for the TIF Commission for the airport buyout on Monday, April 26th. The Ferguson residents spoke in favor of the TIF and what a great opportunity it is for all of North County. Congratulations to the Park Department for the Silver Splash Award. Ms. Faul sends condolences to the Richard Shearer family.

Bill Duncan – Thanked Old Ferguson West for attending the meeting and making Council aware of their concerns and likes to see residents and Council working together.

Mayor Wegert - Thanked Old Ferguson West and is pleased to see the number of people attending the meeting and making Council aware of their concerns. Council shares their concerns. Mayor suggested that the group assign responsibilities within the organization to meet one on one with the appropriate department personnel that can offer the immediate interpretation of the problem in a systematic way which will bring about results. Mayor Wegert explained over occupancy of structures in the City. The current Ordinance is written based on the square footage of the exterior of the home due to the voters overturning the Council decision several years ago that prohibited a City employee from entering the home. It is based upon the square footage of bedrooms and one has to have excess to the interior of the home, so there are reasons why there are restrictions. Discussion ensued.

Attorney Bresnahan explained there is a State Statute that limits what parents can be held for as a specific dollar amount, but there is only a certain limit what parents can do for children. There is a failure to supervise Ordinance that can be updated and another Ordinance that Mr. Bresnahan will present to Council.

Mayor Wegert encourages residents to talk to the City Manager or the appropriate Department Heads first and work through the process.

Mayor Wegert indicated that he miscalculated and was surprised that Bill No. 6685 failed. Mayor had concerns that there was a specific reason why the prohibition on Florissant Road frontage was put into place out of discussion by several parties including the Plan Commission. To undue the text amendment as quickly as it is proceeding might be uncomfortable. Mayor recognizes where staff is headed with changing the direction of some zoning and NAICS does tie the hands of staff and the City misses some opportunities. Mayor needs to be more comfortable in making sure the City is left in a situation where the Council can control the uses on Florissant Road as what he understands is what the community wants. While the Mayor understands the rationale for giving that responsibility to the Council it hasn't always worked well in the past and doubts that it will work well in the future. Mayor Wegert needs more discussion on the subject before he is comfortable.

Bill Duncan commented he felt that it is just avoiding the issue saying that Council does not want to make the decisions. Bill No. 6685 allows some flexibility.

The Mayor responded to Mr. Duncan's comments by saying that he understood however, he was concerned that the Council has not been very good at making those kinds of decisions in the past.

Discussion ensued regarding Bill No. 6685.

Attorney Bresnahan – extends his condolences to the Richard Shearer family, Richard was a fine man and will be missed. Welcomed the new employees and congratulated the returning servicemen.

James Hines – invited Old Ferguson West Neighborhood and hoped that some of their questions were answered and thanked the residents for attending.

There being no further business to consider, the meeting adjourned at 9:30 p.m.

Debbie Matthies, City Clerk