

**APPROVED: 6/9/09**

FERGUSON CITY COUNCIL MEETING MINUTES  
CITY HALL, 110 CHURCH STREET  
**May 26, 2009, 7:00 P.M.**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on May 26, 2009 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  
Kynan S. Crecelius (ABSENT)  
Michael Salant  
James W. Knowles, III  
Dwayne James  
Peggy Faul (ABSENT)  
Fran Grecco

Ms. Matthies declared a quorum was present. Council Members Crecelius and Faul were absent. Mayor commented that Ms. Faul is on vacation and is excused.

Also present were City Manager, John Shaw, City Attorney, Stephanie Karr and City Clerk, Deborah Matthies.

Mayor Fletcher mentioned the Actuary is delayed; therefore, a motion is needed to amend the Agenda to move the Special Presentation of the Actuary Report to the end of the Agenda and move the Proclamations portion to the beginning of the Agenda after Special Presentations. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to amend the Agenda as noted. Motion carried.

Mayor Fletcher welcomed all present and explained the Council meeting would have a Public Hearing Portion at which time you are invited to speak on the specific request or proposal; 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 HEARING** (The Public Hearing was continued to May 26, 2009.) Mayor opened the Public Hearing at 7:00 p.m.

*GOD'S CREATION DEVELOPMENT CENTER*, to operate God's Creation Development Center located at 497-501 Airport Road. The proposed site is zoned DB-2 Downtown Area Business District, and a child day care center is a Special Use.

City Manager, John Shaw explained that the applicant is seeking a special use permit and numerical limitation waiver for a daycare center in the DB-2 district and possibly a variance for the spatial requirement of 2,500 ft between child daycare centers. The Plan Commission recently recommended denial of this request.

There being no public comments, Mayor closed the Public Hearing at 7:05 p.m.

### **SPECIAL PRESENTATIONS**

#### *Pride of the City Winners – Month of June*

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the June Pride of the City winners. The winners are Ward 1, William & Ida Whitley, 1313 Lang Dr., Ward 2, Carol McKinney, 118 S. Clark Ave. and Ward 3, Joyce Burnett, 287 Meadowcrest Dr. Each of the winners will receive a Certificate and City Flag. Pride of the City signs will be placed in their yards. Council congratulated the winners.

### **PROCLAMATIONS**

Jennifer Stephens, Ferguson-Florissant 2009 Teacher of the Year was read by Mayor Fletcher and presented to Ms. Stephens. Council congratulated Ms. Stephens.

Karen van der Graaf, Vogt School Principal Retirement was read by Mayor Fletcher. Council congratulated Ms. van der Graaf.

Post-Dispatch was read by Mayor Fletcher.

### **PUBLIC COMMENTS**

Whitney Calliotte from NE Deanery Senior Ministry accompanied by Ms. Carolyn Lacey from Blessed Teresa of Calcutta. Ms. Calliotte explained that overall the Northeast Deanery Senior Ministry is a non-profit organization that seeks to enrich the lives of older adults through physical activity, spirituality, safety and social engagement.

It was identified that older adults are feeling less safe in their communities due to increases in perceived and actual crime and are expressing that they do not know their neighbors anymore. The topic was then researched, with the main finding being that there is a cycle of low-involvement and fear, being that when there is a higher perceived level of crime, then people are fearful and tend to stay inside, which means fewer people are outside, fewer people to deter actual crime. The ministry tries to find a way to break this cycle and to get neighbors out knowing each other and increasing the perceived and actual safety.

Ms. Calliotte briefly described the *Lights On* project which aims to build communities by focusing on safety and engagement throughout 15 municipalities in North County by providing motion sensor lighting for older adult's homes in exchange for their participation in a neighborhood engagement activity, thus helping to lower perceived and actual crime and cutting back on "neighborless neighborhoods".

Ms. Calliotte further explained issues identified by the project, the parishes involved, funding and sustainability. Further discussion regarding the Community Development Block Grant (CDBG) and the specifics of how to include the project in next year's grant.

Council discussed the possibility of looking at funds from the Ferguson Neighborhood Improvement Program (FNIP) as well as informing the Senior Citizens Commission of this project.

Council thanked Ms. Calliotte. Council will further discuss the project and have Staff get back to her.

Mayor closed the Public Comments portion at 7:25 p.m.

**BUSINESS PORTION**  
**MINUTES**

Council Meeting Minutes, May 12, 2009

Council Meeting Minutes, May 12, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Minutes of May 12, 2009 and file as appropriate. Motion carried.

**CONSENT AGENDA**  
**MINUTES**

Ferguson Neighborhood Improvement Program (FNIP) Minutes – April 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the FNIP Minutes as presented and file as appropriate. Motion carried.

Ferguson Municipal Library Minutes – April 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Ferguson Municipal Library Minutes as presented and file as appropriate. Motion carried.

Housing Board of Appeals Minutes – May 29, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Housing Board of Appeals Minutes as presented and file as appropriate. Motion carried.

Pension Board Special Meeting Minutes – February 11, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Pension Board Special Meeting Minutes as presented and file as appropriate. Motion carried.

Pension Board Special Meeting Minutes – November 10, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Pension Board Special Meeting Minutes as presented and file as appropriate. Motion carried.

Ferguson Special Business District (FSBD) Minutes – April 16, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Ferguson Special Business District (FSBD) Minutes as presented and file as appropriate. Motion carried.

**APPOINTMENTS**

FSBD made a recommendation to appoint Ray Hill of Ray Hill Brewery to replace Joe Lonero who will be stepping down. Council approved the appointment of Ray Hill to replace Joe Lonero on the FSBD Board.

## **REQUESTS**

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve the Temporary Liquor License for Blessed Teresa of Calcutta for activities to be held at the July 4, 2009 festivities at January Wabash Memorial Park. Applicant Jeffrey Gibbs has applied on behalf of Blessed Teresa Men's Club. Motion carried.

## **BILLS REQUIRING FIRST READINGS**

BILL NO. 6886 AN ORDINANCE AMENDING SECTIONS 7-41, 7-42, and 7-43 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AMENDMENTS THERETO, introduced by Council Members present and read the first time.

City Manager, John Shaw explained that the next two Ordinances bring City building and fire codes into greater compliance with the most recent updates to the International Code Council or ICC. The City is currently using BOCA 1996 (Building Officials and Code Administrators Building Code). There have been several changes since 1996 in building codes, and most contractors are already using these codes during project conception and design.

Mr. Shaw further explained that over the last year, Code Enforcement and Fire Department Staff have reviewed and recommended use of these codes. Council will remember that this was also an objective that was outlined during the City Council Strategic Planning Sessions. These Ordinances will officially adopt these codes as the building and fire codes for the City of Ferguson.

Staff has been directed to follow industry updates closely, and recommend changes more often from here on out so that Staff can keep pace better than in the past. Mr. Shaw commented Staff reviews the changes and will provide the changes to Council.

BILL NO. 6887 AN ORDINANCE AMENDING SECTIONS 17-56, 17-57, and 17-58 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AMENDMENTS THERETO, introduced by Council Members present and read the first time.

## **BILLS REQUIRING SECOND READINGS**

BILL NO. 6884 AN ORDINANCE AMENDING SECTION 13-70 OF THE MUNICIPAL CODE RELATING TO FEES FOR THE RECALL OF WARRANTS, introduced by Council as a whole and read the first time.

City Manager, John Shaw explained Bill No. 6884 establishes a fee of \$50.00 for the recall of warrants when requested by defendants in Ferguson Municipal Court. This fee allows the City to recover costs associated with the process undertaken by the Police Department and Municipal Court Staff.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read Bill No. 6884 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

AYES: 5 - Salant, Knowles, James, Mayor Fletcher, Grecco  
NOES: 0  
ABSENT: 2 - Crecelius, Faul

Bill No. 6884 was declared passed and sent to the Mayor for signature. Bill No. 6884 thus became Ordinance No. 2009-3397 and is permanently recorded in Book 31 page 11.

**BILL NO. 6885 AN ORDINANCE AMENDING SECTION 13-60 OF THE MUNICIPAL CODE RELATING TO FEES AND COURT COSTS UPON THE WITHDRAWAL OF A COMPLAINT OR CHARGE,** introduced by Council as a whole and read the first time.

City Manager, John Shaw explained Bill No. 6885 increases the fee for the withdrawal of a complaint or charge from \$26.50 to \$75.00. This amount reflects a more appropriate fee to account for the Staff time used in processing and then dismissing charges in such cases.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6885 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

AYES: 5 - Knowles, James, Mayor Fletcher, Grecco, Salant  
NOES: 0  
ABSENT: 2 - Crecelius, Faul

Bill No. 6885 was declared passed and sent to the Mayor for signature. Bill No. 6885 thus became Ordinance No. 2009-3398 and is permanently recorded in Book 31 page 12.

### **OLD BUSINESS**

Council Member James sent Council and Staff the final recommendation of the Dog Park Task Force. There being no comments, Council Member James authorized Staff to finish the process so the Dog Park can open on July 5, 2009. Council Member James congratulated the Task Force for doing a wonderful job. The official Dog Park naming will be on July 4, 2009 with the official opening on July 5, 2009.

### **MISCELLANEOUS**

Mr. Knowles hoped everyone had a safe memorial weekend.

Mr. James announced FSBD Concert, Friday at Victorian Plaza 6 p.m. food for sale will be provided by the Fourth of July Committee, music is *By Music*, a local artist. Old Ferguson West Community Garden is having a volunteer workday on Saturday, May 30 at 9:00 a.m. at the 45 Mueller Ave. garden. Type of work activities will be brush removal, installing brick edging, moving tree limbs and wood chips. Bring wheel barrel, shovels, gloves and enthusiasm.

Ms. Grecco congratulated the Pride of the City Winners, Ms. Jennifer Stephens and Ms. Karen van der Graaf as well as all Ferguson graduates from kindergarten through Masters Degree programs. Ms. Grecco informed deer were spotted at Elizabeth and Hudson, be careful when driving at dawn and dusk. Ms. Grecco questioned when the Suburban lights would be turned on.

Mr. Shaw responded weather permitting; the first part of June.

Ms. Grecco made a plea for public involvement regarding a construction dumpster which was defaced with graffiti during daylight hours. Ms. Grecco asked for public involvement in calling the Police Department with information. Defacing property is a violation of City Ordinance.

Mr. Shaw announced Senator Bond's office contacted Staff to move the Listening Post for residents from June 10<sup>th</sup> to June 3<sup>rd</sup>. It will take place in the Council Chamber from 9 to 10 a.m. The information will be reflected on the website and cable channel. The City had one of the best turnouts in the St. Louis area at the last Listening Post.

Council Member James requested the Neighborhood leagues and associations be informed and the use of the electric signs to inform people as well.

Mr. Shaw requested an additional budget work session on Monday June 8, 2009 at 6 p.m. Council agreed.

Council agreed to enter the City float in the 4<sup>th</sup> of July festivities.

Mayor questioned the power outage on Mueller; approximately 59 homes were without power. Mr. Shaw will follow up with Ameren UE to see if the City can be updated when outages occur.

Mayor commented the Farmers' Market is doing well and encourages attendance.

### **SPECIAL PRESENTATION - Actuarial Report**

Mr. Greg Stump of EFI discussed the Actuarial Report from last year on the Ferguson City Pension Plan and how it impacts the current budget process with respect to the annual contribution and actuarial cost method used. Mr. Stump handed out a diagram to give a better understanding of the funding of the plan.

Mr. Stump explained the percent of payroll contribution for the City going back to 1999 – 2009, with no contributions to the plan from 1999-2007, which is not normal for a Pension Plan. Benefits have been accruing since 1999 but no additional funds were going into the plan.

The present situation is that the required contributions to the plan are starting to approach the normal cost rate. In a normal plan, the cost rate would be paid year after year, nothing more, nothing less. However, with the City's zero contributions coming in for a long time it became an expectation that the plan was free, which it is not. Dating back to 1999, the normal cost was completely offset and now the benefit accruals are starting to catch up.

Possibilities for the funding policy would be the current amortization period is 10 years if the period is increased the contribution would go up because the City is presently over funded.

Council Member Grecco clarified when talking about the average annual cost of the plan, it was said it is anticipated that it would even be higher in the future.

Mr. Stump agreed that is where the City is going.

Ms. Grecco also clarified in looking at the benefit policy, as a potential recommendation, would part of it include lengthening the time for vesting, and potentially changing from a defined benefit plan altogether.

Mr. Stump agreed they would be part of the benefit policy, but is not saying the City should look at the benefit policy. Vesting was changed from ten years to eight years, which is not a big cost impact, and not substantial.

Ms. Grecco commented that any potential change in the vesting period back to ten would probably have a de minimis impact.

Mr. Stump agreed.

Mr. Stump feels it is important to periodically review the investment policy. If looking at increases in contributions, Mr. Stump does not feel it is necessarily tied to a necessity to change the investment policy.

Council thanked Mr. Stump for his presentation.

Mayor announced a closed session.

*At 8:00 p.m. a motion was made by Council Member Knowles, seconded by Council Member James and carried to enter into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to matters as provided under Section(s) 610.021 (1) and (2) RSMo. Motion carried.*

*Having concluded the closed session at 8:30 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to convene to open session. On roll call vote, the motion carried.*

*There being no further business to consider, Council Member Knowles, seconded by Council Member James, moved to adjourn the meeting. Motion carried. The meeting adjourned at 8:30 p.m.*

ATTEST:

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Brian P. Fletcher – Mayor  
City of Ferguson, Missouri

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Deborah Matthies – City Clerk  
City of Ferguson, Missouri

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