

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
NOVEMBER 17, 2009**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on November 17, 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
Michael Salant (ABSENT)
James W. Knowles, III
Dwayne T. James
Peggy Faul
Fran Grecco

Ms. Matthies declared a quorum was present. Council Member Salant was an excused absence.

Also present were City Manager, John Shaw, City Attorney, Kevin O'Keefe and City Clerk, Deborah Matthies.

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 HEARINGS

Mayor opened the Public Hearing at 7:00 p.m.

Chapter 49 Zoning Regulation Amendments

Amending Chapter 49 Zoning Regulations, Section 2.0, Definitions, and R-1A, R-1B, R-1C, R-1D, R-2, R-3, and R-4 Zoning Districts pertaining to Community Gardens and Urban Agriculture.

City Manager, John Shaw explained that Council adopted an Ordinance on October 13, 2009 establishing standards and guidelines for those operating a community garden on public or private property. However, the Zoning Ordinance also needed to be amended to allow the use in all residential zoning districts. The text amendment recommended by the Plan Commission will allow Community Gardens under one acre in size as a permitted use in all residential zoning districts. In addition, Plan Commission is adding urban agriculture as a new use in the residential zoning district (R-1D).

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

Mayor opened the Public Hearing at 7:05 p.m.

Amending Chapter 49 Zoning Regulations Section 24.0, Section 26.0, and the R-3, R-4, C-1, C-2, DB-1, and DB-2 Zoning Districts pertaining to landscaping.

City Manager, John Shaw explained that the City of Ferguson has been able to satisfy zoning ordinance requirements for adequate landscaping through the conditions of approval for Special Use Permits. During this time, staff has assisted applicants and property owners with preparing landscape plans without having formally adopted landscape standards. The proposed text amendments would formally define the City's expectations for adequate landscaping and require their use by applicants, as part of the Site Plan Review requirements. Once Council has approved the zoning amendments to Chapter 49 authorizing their use, Plan Commission will adopt the Landscaping Guidelines and oversee their application.

Stan Caldwell confirmed that the Chapter 49 amendments related only to commercial property landscaping.

Mr. Shaw responded this pertains to commercial property with respect to Special Use Permits. If a Special Use Permit is required you will be required to add landscaping to your business. This does not affect residents and their homes.

There being no further public comments, Mayor Fletcher closed the Public Hearing at 7:08 p.m.

SPECIAL PRESENTATIONS

Public Works Software – REJIS

City Manager, John Shaw commented that this Fiscal Year, money was budgeted specifically for software to replace the outdated, and unsupported Geoplan, which the City currently uses for Public Works and Permitting. After a year-plus process, Staff feels comfortable with recommending REJIS as the best option.

Public Works Director, Terry O'Neil discussed the selection process and introduced members from REJIS who presented and discussed their program.

Council thanked REJIS.

Ferguson Neighborhood Improvement Program (FNIP) Graduation Gift Winners

Community Development Coordinator, Natasha Ramey explained that the Ferguson Neighborhood Improvement Program (FNIP) is in its fifth year and its purpose is to attract college graduates to make their home in Ferguson. To qualify, the recipient must have graduated from a University within the previous two years of receiving the gift; must be actively searching for a Ferguson home; and stay in their home for a minimum of three years.

Two gifts are made available each year to recent graduates looking to purchase a home in Ferguson. The \$2,500 gift can be used toward the down payment on a home or home repairs on a newly purchased home.

This year the two recipients were Shiree Yeggins, a graduate of Maryville University with a Doctorate of Education who used her gift towards closing costs, and Michael Pierce, a graduate of American Military University with a Master of Arts and History who will use his gift for home repairs. Both winners are moving to Ferguson from the City of St. Louis.

First Quarter Financial Report

Finance Director, Jeffrey Blume presented the report on the City's first quarter revenue and expenditure results for the first quarter ending with September 30, 2009.

Mr. Blume feels that overall the City is in a very good position after the first quarter but will be in the same position for the next 12-24 months. The City is in a lot better shape than other Cities and has a very comfortable reserve set aside in substantially all funds. Barring any unforeseen circumstances; the City should weather this recession in good form.

PUBLIC COMMENTS

Shawn Smith, 1016 Robert Ave. asked Council to re-address City Ordinance Chapter 29 Article V, 29-93 presented by Council Member Knowles, April 2008. Mr. Smith requested to be granted a grandfather clause to allow him to move back into his house with his family, thereby not sustaining two houses. Mr. Smith left Ferguson with intent of coming back; he did research prior to the purchase of this home to insure that it fit within the guidelines of the state. To reverse the landlord license, he had to reoccupy his house, and found that his family of six sons and wife could return to the house but he could not return as a result of his stature.

Mr. Smith appealed to Council that since he formerly resided at this address, and continually owned the property, he feels he should be "grandfathered" and be allowed to again take up occupancy. He asked Council to review his situation, the facts, and data. As in his case, he owned the property prior to the Ordinance being passed and believes this is what qualifies him to be grandfathered. The reason he bought the house is that he knew he would be compliant and wants to remain compliant.

Council thanked Mr. Smith and will review the material distributed.

Tanya Smith, 1016 Robert Ave., Shawn's wife, asked Council to please consider Mr. Smith's request as they have six sons and it is very stressful to govern a household without her husband actively being there. Ms. Smith also stressed the importance of making a decision expeditiously in a timely manner, as it is very stressful on their family.

There being no further public comments, Mayor closed the Public Comments portion at 8:00 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes – October 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the Council Meeting Minutes of October 27, 2009 and file as appropriate. Motion carried unanimously.

Council Meeting Work Session Minutes – October 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the Council Meeting Work Session Minutes of October 27, 2009 and file as appropriate. Motion carried unanimously.

CONSENT AGENDA

Minutes

Pension Board Minutes – July 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the July 27,

2009 Pension Board Minutes as presented and file as appropriate. Motion carried unanimously.

APPOINTMENTS

No appointments at this time.

PROCLAMATIONS

Chief Thomas P. Moonier Retirement – was read by Mayor Fletcher and will be presented to Chief Moonier at his retirement reception.

Nicole Williams *2009 Apple for the Teacher Award* was read by Mayor Fletcher.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve Resolution No. 2009-20. Motion carried unanimously.

2009-20 A RESOLUTION TO HOLD AN ELECTION ON TUESDAY, APRIL 6, 2010 IN THE CITY OF FERGUSON, MISSOURI, FOR ELECTING THREE COUNCIL MEMBERS, ONE FROM EACH WARD, was introduced by Council Members present and read by City Attorney, Kevin O’Keefe.

On roll call vote, the motion carried as follows:

- AYES: 6 – Crecelius, Knowles, James, Mayor Fletcher, Faul, Grecco
- NOES: 0
- ABSENT: 1 - Salant

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6902 - AN ORDINANCE OF THE CITY OF FERGUSON DEFINING COMMUNITY GARDENS AND URBAN AGRICULTURE; AMENDING CHAPTER 49 PERTAINING TO THE RESIDENTIAL ZONING DISTRICTS SO AS TO PERMIT COMMUNITY GARDENS WITHIN SUCH DISTRICTS UPON ISSUANCE OF APPROPRIATE PERMIT; AND ALLOW URBAN AGRICULTURE AS A SPECIAL USE WITHIN A SELECT RESIDENTIAL ZONING DISTRICT, was introduced by Council Members present and read the first time.

BILL NO. 6903 - AN ORDINANCE OF THE CITY OF FERGUSON AMENDING CHAPTER 49 TO REFERENCE THE 2009 LANDSCAPING GUIDELINES IN SECTIONS 10.0, 11.0, 13.0, 14.0, 15.0, AND 16.0, AND ADD LANGUAGE ASSOCIATED WITH THE GUIDELINES TO SECTIONS 24.0 AND 26.0, was introduced by Council Members present and read the first time.

BILL NO. 6904 - AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO BUILDING REQUIREMENTS MADE NECESSARY BY THE ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND RELATING TO INSPECTIONS OF CERTAIN PROPERTIES UNDER THE CITY’S BUILDING REQUIREMENTS, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained that Bill No. 6904 is the updated Bill requested by the City Council to require interior inspections for all rental properties within the City of Ferguson upon the time of change of occupancy or owner.

BILLS REQUIRING SECOND READINGS

A motion was made by Council Member Knowles, seconded by Council Member Faul to amend Bill No. 6901 as presented. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read Bill No. 6901 (AMENDED) as amended a second time and place it upon its passage. Motion carried unanimously.

BILL NO. 6901 (AMENDED) AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE VI OF CHAPTER 2 OF THE MUNICIPAL CODE, CONSISTING OF FOUR SECTIONS, RELATING TO PERSONNEL ADMINISTRATION AND THE HUMAN RESOURCES DEPARTMENT, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained this establishes a separate Department to carry out human resources-related functions, pursuant to the goal set forth by the Charter Amendments of April 2008, by clearly outlining the duties of the department of human resources, and the responsibilities of the Personnel Board – as they relate to their role created by the City Charter.

On roll call vote, the motion carried as follows:

AYES: 6 – Knowles, James, Mayor Fletcher, Faul, Grecco, Crecelius
NOES: 0
ABSENT: 1 - Salant

BILL NO. 6901 (AMENDED) as amended was declared passed and sent to the Mayor for signature. Bill No. 6901 (AMENDED) thus became Ordinance No. 2009-3414 and is permanently recorded in Book 31 page 28.

OLD BUSINESS

Ms. Grecco questioned the process and cost of obtaining ASHI Certification for City inspectors.

Mr. Shaw responded that staff is still in the process of researching.

MISCELLANEOUS

Ms. Grecco commented that it is unfortunate that long time Ferguson resident, owner of Romine's restaurant and former Council Member, Ed Krueger passed away. It is with a sad heart she sends condolences to the Krueger family for their loss. Congratulations to Chief Moonier on his retirement. Northern Lights Festivities, November 29, 2009. Wished everyone a Happy Thanksgiving.

Ms. Faul wished everyone a Happy Thanksgiving. Congratulations to Chief Moonier. Congratulations to Ms. Williams on receiving the 2009 Apple for the Teacher award. St. Martin's is a wonderful facility for children. Glad to hear ExpressScripts is finally coming to North Park. The Plaza @ 501 is on schedule.

Mr. James sends condolences to the Krueger family for their loss. Congratulations to Chief Moonier. Thanked Council & Staff for the opportunity to attend the National League of Cities, Congress of Cities Conference in San Antonio, TX. This was Mr. James first NLC Conference and found it full of information and valuable contacts that helped Mr. James truly appreciate the value that we have in Ferguson; and getting a sense of what is possible. The conference was about sustainability and green, stressing Council to push them to try to go greener. Discussed some of the workshops attended and reaffirmed what the City is doing is great and to keep building upon that. Mr. James would also like the City to look into branding the downtown, sometimes it is called FSBD, Citywalk, and Downtown Ferguson. Mr. James feels downtown should be branded as Ferguson Citywalk or Citywalk, etc. so people come to the area instead of coming to an entity called FSBD and would like Council to move forward with branding the downtown area.

Mr. Knowles sends condolences to the Krueger family for their loss. As a former Council Member, Mr. Krueger served a lot of great years and was very helpful to the City. A great person as a Council Member and as a neighbor who was very active in the City. He will be missed. Congratulations to Chief Moonier on his service and retirement. Wished everyone a Happy Thanksgiving.

Mr. Crecelius sends condolences to the Krueger family for their loss. Congratulations to Chief Moonier. Wished everyone a happy and safe holiday.

Mr. Shaw informed Council that the City successfully acquired the property at 818 S. Florissant Rd. at a Tax Sale for \$1,000. Encouraged businesses and residents to take part in the Plaza @ 501 construction by purchasing a \$100.00 donor brick which will help meet the challenge issued by Emerson. Sends condolences to the Krueger family for their loss and a great loss to this community. Congratulations to Chief Moonier.

Mayor Fletcher sends condolences to the Krueger family for their loss. Mayor knew Mr. Krueger for twenty years, he truly loved Ferguson. Invited everyone to attend the Northern Lights Parade and Festival. Mayor also had the opportunity to attend the National League of Cities, Congress of Cities Conference. Mayor found this to be truly one of the most productive conferences he has attended. Due to the nature of the economic recession it was referred to several times as the great recession, but are recovering which usually takes between 18 and 24 months. Mayor discussed some other workshops he attended. There are people still in need, so please remember the food pantries. Mayor wished everyone a Happy Thanksgiving.

There being no further business to consider, Council Member Grecco, seconded by Council Member Crecelius, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:35 p.m.

ATTEST:

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 12/8/09

Brian P. Fletcher – Mayor
City of Ferguson, Missouri