

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
November 9, 2010**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on November 9, 2010 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 for the passing of Farzad Faramarzi. Farzad was a very dear friend to the City of Ferguson, an active business owner in the City of Ferguson for over 25 years, former neighbor and dear friend to many in the City and City Hall. Condolences and prayers go out to his family.

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 (ABSENT)
Dwayne T. James
Mark Byrne
Fran Grecco

Ms. Matthies declared a quorum was present. Council Members Crecelius and Knowles were excused.

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

Mayor Fletcher welcomed all present and explained the Council meeting would have a 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.

SPECIAL PRESENTATIONS

Police Department Commendations

Chief Thomas Jackson commented that every single day Police Officers perform heroic acts and great service to the City and this is an opportunity to recognize more notable acts and investigations conducted by the Police Department. Captain Rick Henke and Captain Dennis McBride read the recipients names and commendations.

Chief Jackson and Mayor Fletcher presented the commendations to the following honored Officers/Detectives: Officer Drew Baker; Officer William Ballard; Officer John Beaird, Officer Rob Brannan, Officer Chuck Creely; Officer Harry Dilworth; Officer Rick Fenn, Officer Kevin Hammond; Officer Matt Klenke; Officer Mark Leone; Officer Vince Mullen; Officer Erin O'Brien; Officer Danny Rivera; Officer Barb Spradling, Officer Steve Trikenskas; Officer Mike White; Officer Stephanie Wilson and Officer Mike Wood. Other officers on duty and those who were unable to attend will also receive their commendations.

Council congratulated the recipients.

Actuarial Report – EFI

Gregory M. Stump with EFI Actuaries presented the Actuarial Review and Analysis of the City Pension Plan as of July 1, 2010.

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, 2010.

PUBLIC COMMENTS

Gerry Noll, 1237 Deer Ridge, reported on the three Sunday Parkways events throughout the year and the Sunday night Twilight Ramble event. Mr. Noll thanked the entire City, Recreation Superintendent, Stan Kreidler, Public Works Director, Terry O'Neil, Public Works, Police and Fire Departments, Lt. Nabczyk, Community Development Coordinator, Natasha Ramey and everyone who participated and were involved in the events. Attendance total for the whole year was well over 1,000 attendees for the 3 different events, 228 helmets were distributed and 119 people did the loop. Mr. Noll commented that it has been a real pleasure being involved with these events and the City.

There being no further public comments, Mayor closed the Public Comments portion at 7:50 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes - October 26, 2010. A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to approve and file the Council Meeting Minutes of October 26, 2010. Motion carried unanimously.

Council Meeting Minutes – September 28, 2010. A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to approve and file the Council Meeting Minutes of September 28, 2010. Motion carried unanimously.

CONSENT AGENDA

MINUTES

Senior Citizens Commission Minutes – October 21, 2010. A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to receive and file the October 21, 2010 Senior Citizens Commission Minutes. Motion carried unanimously.

Ferguson Municipal Public Library Minutes – September 27, 2010. A motion was made By Council Member Grecco, seconded by Council Member Byrne and carried to receive and file the September 27, 2010 Ferguson Municipal Public Library Minutes. Motion carried unanimously.

Pension Board Minutes – July 26, 2010. A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to receive and file the July 26, 2010 Pension Board Minutes. Motion carried unanimously.

APPOINTMENTS

None

RESOLUTIONS

RESOLUTION 2010-19

2010-19 A RESOLUTION TO HOLD AN ELECTION ON TUESDAY, APRIL 5, 2011 IN THE CITY OF FERGUSON, MISSOURI, FOR ELECTING A MAYOR FOR THE CITY OF FERGUSON, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

- AYES: 5 – Salant, James, Mayor Fletcher, Byrne, Grecco
 - NOES: 0
 - ABSENT: 2 – Crecelius, Knowles
- Resolution passes.

RESOLUTION 2010-20

2010-20 A RESOLUTION TO TRANSFER SPECIAL USE PERMIT NUMBERED 96-147 TO MAD HOLDINGS LLC WITH NO CHANGES IN THE STIPULATIONS AND CONDITIONS OF OPERATION ON THE SITE, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained MAD Holdings, LLC is requesting a transfer of Special Use Permit No. 96-147 issued to Sweet Tradition, LLC to operate Krispy Kreme with a drive-thru window to MAD Holdings, LLC. The Krispy Kreme at 10880 West Florissant Avenue has recently changed owners without any changes to the site or operations of the business. Since the current owners are operating under the same stipulations of the original Special Use Permit and have not made any physical changes to the site or operation of the business, staff recommends that Council approve the transfer.

On roll call vote, the motion carried as follows:

- AYES: 5 – James, Mayor Fletcher, Byrne, Grecco, Salant
 - NOES: 0
 - ABSENT: 2 – Crecelius, Knowles
- Resolution passes.

BILLS REQUIRING SECOND READINGS

BILL NO 6939

AN ORDINANCE MAKING A DETERMINATION PURSUANT TO SECTION 393.275 R.S.MO. PERTAINING TO A ROLL BACK OF BUSINESS LICENSE TAXES ON UTILITIES AND AMENDING CHAPTER 42 OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION IN ORDER TO CODIFY SAME was introduced by Council Members present and read the first time.

City Manager, John Shaw explained this Ordinance removes a self-imposed limitation on tax collections for utilities that essentially reduces the percentage due to the City if a utility raises their rates. It will have little effect on residents, but is definitely important for the City.

A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to read BILL NO 6939 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

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

BILL NO 6939 was declared passed and sent to the Mayor for signature. BILL NO 6939 thus became Ordinance No. 2010-3449 and is permanently recorded in Book 31 page 64.

BILL NO 6940

AN ORDINANCE AMENDING SECTION 7-145.1(b) OF CHAPTER 7 OF THE MUNICIPAL CODE BY CHANGING THE NUMBER OF MONTHS WHICH CERTIFICATES OF INTERIOR COMPLIANCE REMAIN VALID was introduced by Council Members present and read the first time.

City Manager, John Shaw explained this Ordinance was a result of the September 21st Work Session. The primary change is that the interior inspections for rental properties will be good for one (1) year as opposed to six (6) months.

A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to read BILL NO 6940 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 5 – Byrne, Grecco, Salant, James, Mayor Fletcher
NOES: 0
ABSENT: 2 – Crecelius, Knowles

BILL NO 6940 was declared passed and sent to the Mayor for signature. BILL NO 6940 thus became Ordinance No. 2010-3450 and is permanently recorded in Book 31 page 65.

BILL NO 6941

AN ORDINANCE GRANTING A TEN FOOT WIDE EASEMENT TO UNION ELECTRIC COMPANY D/B/A AMERENUE FOR THE PURPOSE OF MAINTAINING ELECTRIC LINES AND RELATED FACILITIES was introduced by Council Members present and read the first time.

Mr. Shaw explained that Ameren UE requested a ten (10) foot easement at Delworth Court, also known as the Wayside Dog Park. The easement requested will not affect any portion of the dog park currently in use.

The work request from Ameren UE is for the replacement of sections of power lines and poles that are located at the rear of the dog park. These particular poles are being compromised by the creek, which is washing away around them. Ameren UE is requesting this easement in order to move these poles and lines to assure consistent service to the residents in the Bayview area.

Mayor Fletcher questioned if this land could be a problem, in the foreseeable future, with the grant and does the City have to grant this request.

City Attorney, Karr responded that the only limitation in the easement document itself is that the City cannot put permanent buildings there. The easement does allow the City to put driveways, parking lots, fences, landscaping and other park improvements within the easement.

Mr. Shaw explained that the easement is on the creek edge behind the fence of the dog park.

A motion was made by Council Member Grecco, seconded by Council Member Byrne and carried to read BILL NO 6941 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 5 – Grecco, Salant, James, Mayor Fletcher, Byrne
NOES: 0
ABSENT: 2 – Crecelius, Knowles

BILL NO 6941 was declared passed and sent to the Mayor for signature. BILL NO 6941 thus became Ordinance No. 2010-3451 and is permanently recorded in Book 31 page 66.

OLD BUSINESS

Mr. James – emailed Council the revisions of the Chicken Ordinance for review and comment before it gets placed on the Agenda. The City currently has a Livestock Ordinance and Mr. James is proposing the Ordinance be revised to limit the number of hens that are allowed, no person should have more than 4 hens on a 10,000 square foot lot or less, lots larger than that the ratio shall be 1 additional hen per 20,000 square feet and introducing language that no roosters are allowed. Currently there is no limit on the number of hens or if roosters are allowed or not.

Council discussed the requirements on someone already owning a rooster. Mr. Shaw commented that it is the decision of the Council.

Mr. James commented that the presentation basically asked Council to review the period of when the permits were issued. Mr. James kept it at one year and did not change the fee. Mr. James did change that the existing Ordinance for livestock basically required 30 feet from the property line and Mr. James changed it to be 30 feet from any building used or capable of being used for habitation. In reviewing some of the other Ordinances and also reviewing everything on the Open City Hall website Mr. James saw that making it from buildings is more common than making it from property lines. Some Ordinances were 50 to 100 feet from buildings, but Mr. James felt to keep it at the 30 feet because of the size limitations of some of the City lots, but feels it is up for discussion.

Mr. James also added language that talked about what is looked for when Council does the facility reviews making sure that the City is not creating or making it uncomfortable for the neighbors, making sure that there is no noise, odor or damage to existing properties, which were some of the comments made on the Open City Hall website.

Mr. James also added variance language as some comments made were variances should be allowed to come in front of the City Council to ask for a variance.

Please review and discuss, then it can be placed on an upcoming Agenda.

MISCELLANEOUS

Mr. James – gave an update on the Ferguson Youth Summit with over 60 youths and over 50 adults in attendance. Great information as a result of the summit. Parents and youths expressed their concerns and thoughts. Thanked City Hall officers, officials, representatives and Ferguson Florissant School District for attending and Ferguson Middle School for hosting the event. Sunday was the first Twilight Ramble triple header. Thanked the City, Ferguson Cycle Club, Trailblazer Bikes, North County Optimist, St. Louis County Health Department, Live Well Ferguson and everyone involved and who participated in the event. Condolences to the Faramarzi family.

Mr. Byrne – thanked Council Member James for a job well done in putting together the youth initiative in trying to get youth more involved. Thanked the City for the Halloween Party fundraiser for Cole Owens. It was a great turnout. The family was proud and thankful to the Police, Fire, Public Works Department and City Staff. It reflected well of Ferguson and what a great City it is with all of the residents.

Reminder - Forum Wednesday night regarding the state of public education at UMSL 7-8:30 p.m. (314) 725-7288. Mr. Byrne feels education is important to Ferguson as well as all cities and encourages everyone to attend.

Ms. Grecco – congratulations to all Police Officers and Detectives for all of their commendations and dedication and great work. Condolences to the Faramarzi family.

Mr. Shaw – Confirmed Tuesday, December 7 at 6:00 p.m. for a CIP Work Session. Sherrell Construction will begin working on several streets over the next couple of weeks weather permitting. Due to weather forecast it appears they will be able to complete a few streets before the winter sets in. The tentative Schedule is (Wednesday, 11-10-10) necessary curb and gutter work on Wesley between Clark and Georgia. The week of 11/15/10 (weather permitting) Asphalt paving Charlotte and Wesley (Clark to Georgia), most likely Tuesday or Wednesday since these are forecasted to be the best temperature days next week. Concrete work on Wesley (Florissant to Georgia) and Rowles (Henquin to Dade). The week of 11/22/10 (weather permitting) – There is an outside chance, but maybe possible if the weather stays warm enough to asphalt pave Wesley (Florissant Rd to Georgia) and Rowles (Henquin to Dade). After that they plan on doing concrete work during the winter when weather permits (35 degrees or above). Concrete can be installed at much lower temperatures than asphalt, so they will do as much concrete work as they can in the winter. The main concrete work will be on Woodstock and placing a new curb at Plaza at 501. They will also do as much concrete prep work as far as curbs and gutters on streets to be asphalt paved in the springtime.

The schedule will be placed on the City website.

A reminder that North County Inc.'s Open House is Wednesday night from 5-7 p.m. at their Village Square office in Hazelwood. This provides an excellent opportunity for anyone not familiar with the work of NCI to learn more about it and talk to others who are involved.

City Hall will be closed on Thursday November 11, 2010 for Veteran's Day.

Condolences to the Faramarzi family. Farzad was a really good man and will definitely be missed.

Mayor Fletcher – thanked Dwayne James for his leadership in taking on the youth initiative program. Mayor has attended most of the meetings and feels that Council Member James has done a tremendous job with this new program. Mayor was impressed with the attendance at the Ferguson Middle School.

Mayor extended his congratulations to the officers for their commendations; it is very impressive the number of officers that do an outstanding job each and every day in the City. It is important that the City recognize their efforts and that they understand that staff, the City, and the citizens appreciate what they do in taking their lives into their own hands and also extends it to the Fire Fighters as well, who many times have had life saving efforts required of them taking their own personal safety into factor.

Approved: 12/14/10

Mayor shared some thoughts regarding the passing of Farzad Faramarzi. Mayor has known Farzad as long as he has been in the City, 25 years and was a personal friend. This community has a lot of very active residents and Farzad was one of them as well as a business owner who chose to live here and have his business here. Farzad will be sorely missed and hopes the family continues to operate their restaurant in Ferguson. Condolences to the Faramarzi family.

ADJOURNMENT

There being no further business to consider, Council Member Grecco, seconded by Council Member Byrne, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:15 p.m.

ATTEST:

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 12/14/10

Brian P. Fletcher – Mayor
City of Ferguson, Missouri