

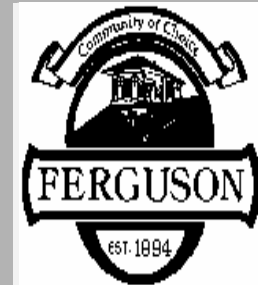
Approved 1/9/07

FERGUSON CITY COUNCIL

**Council Meeting Minutes
December 12, 2006**

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 December 12, 2006 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
James Hines
Peggy Faul
Tim Larson

Also present were Interim City Manager De'Carlton 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, 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. Mayor Fletcher moved Item 4D. Proclamation before the Public Hearing.

PROCLAMATION

Mayor Fletcher presented Steve Davis, Director of Media and Technology, First Baptist Church of Ferguson a Proclamation commending the Church for their invaluable assistance rendered during and immediately after the severe weather conditions of December 2006. Council thanked First Baptist Church.

PUBLIC HEARING – Chapter 49 Text Amendment to the C-2, Planned Commercial District - Mayor opened the Public Hearing at 8:05 p.m.

Interim City Manager, De'Carlton Seewood explained the purpose of the public hearing and discussed the text amendment to the zoning ordinance which would allow drive in restaurants as a special use under the C2 planned commercial zone. By approving this text amendment the City has not rezoned any property or permitted this use at any particular location.

Sonic Drive-in restaurant has applied to locate on West Florissant.

There being no comments, Mayor declared the Public Hearing closed at 8:10 p.m.

PUBLIC COMMENTS

Fran Grecco – 206 Moundale – thanked the Ameren line workers who worked hard in restoring power in the community. Encouraged the city and every individual who resides in Ferguson to contact the Public Service Commission and take the opportunity to testify at one of the four public service commission hearings scheduled in January concerning Ameren's request for a rate increase.

Ms. Grecco requested Council consider providing testimony to oppose the rate increase given the fact that Ameren has the obligation to provide consistent power and Ameren has not done so. Ms. Grecco further commented on certain power lines that were out of service because Ameren did not assign tree cutting crews until five days after the City power outage.

Ms. Grecco feels that Ameren is not paying attention to North County by getting the least service at the end of the service time.

Linda Fletcher – 202 S. Elizabeth – attended the National League of Cities and paid for her own way, registration and food. Ms. Fletcher shared her comments on several sessions she attended.

Anthony Dyson – 12 Lakeview Court – comments and concerns regarding his street is a private street and the City does not service it. Mayor Fletcher requested staff to look into the matter.

Bill Milton – 250 Elmdale – comments and concerns regarding the City helping to clean up trees and branches after the ice storm.

Mayor explained that the Public Works Department will clean right of ways. Private property residents need to cut and bundle tree limbs and take to the

curb and Allied Waste will pick them up with the yard waste. If there is an individual situation with senior citizens then they are to contact the Public Works Department. Mayor commented that there will not be a general pick up as in July.

Mr. Milton had comments and concerns regarding Darst Avenue and the planters/dividers that were installed and parking and requested Council eliminate the parking on the street. Mr. Milton also had concerns regarding the damaged streets of Highmont and Moundale and their repair.

Mr. Milton thanked the city crew, the Fire and Police Departments for their efforts and services during the recent ice storm.

Kim Cooper – 330 Robert Ave. – thanked the Church for their service during the ice storm. Ms. Cooper had concerns and comments regarding trash cans being left out and feels citizens are abusing the trash rules.

There being no further public comments, Mayor declared the Public Comment portion closed at 8:30 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes – November 14, 2006. 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 November 14, 2006 and file as appropriate.

Council *Special* Meeting Minutes – December 2, 2006. A motion was made by Council Member Larson, seconded by Council Member Faul and carried to approve and receive as presented the Council *Special* Meeting Minutes of December 2, 2006 and file as appropriate.

CONSENT AGENDA

Minutes

Ferguson Neighborhood Improvement Program (FNIP) Minutes–September 25, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Ferguson Neighborhood Improvement Program (FNIP) Minutes–October 23, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Meeting Minutes – October 18, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes – September 18, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes – October 16, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Senior Citizens Commission Minutes - November 2, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Ferguson Pension Board Minutes – July 24, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

Landmarks Commission Minutes – June 19, 2006. A motion was made by Council Member Knowles, seconded by Council Member Hines, and carried to receive the minutes as presented and file as appropriate.

APPOINTMENT

Council appointed Interim City Manager, De'Carlton Seewood to the Lambert Joint Redevelopment Commission.

RESOLUTIONS

2006-43 A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT BETWEEN THE CITY OF FERGUSON AND BLESSED TERESA OF CALCUTTA (BTC) FOR USE OF THEIR CENTER FOR THE PARKS AND RECREATION DEPARTMENT PROGRAMS was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained that the City and Blessed Teresa of Calcutta have agreed to the use of Blessed Teresa's Parish Center, in exchange for Parishioners receiving the same rates as Ferguson residents for recreational activities.

Council discussed sections of the agreement and confirmed it is temporary and for one year only. Council discussed the use of the Jolly Trolley and risks and how the City will distribute the information to the public by use of the City website, Cable TV, Ferguson

Times, Resident Flyers, and placing it in the Blessed Teresa of Calcutta Bulletins.

Motion was made by Council Member Larson, seconded by Council Member Knowles, to approve Resolution No. 2006-43. On roll call vote, the motion carried as follows:

AYES: 7 – Corson, Salant, Knowles, Hines, Fletcher, Faul, Larson

NOES: 0

Resolution passes. 7-0

2006-44 A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO PURCHASE REAL ESTATE NUMBERED AS 733 N. FLORISSANT IN AN AMOUNT NOT TO EXCEED \$75,000 was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained this property is adjacent to January Wabash Park at the corner of N. Florissant and Eddy and may provide for future expansion.

Motion was made by Council Member Knowles, seconded by Council Member Hines to approve Resolution No. 2006-44. On roll call vote, the motion carried as follows:

AYES: 7 – Salant, Knowles, Hines, Fletcher, Faul, Larson, Corson

NOES: 0

Resolution passes. 7-0

2006-45 A RESOLUTION TRANSFERRING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE PURPOSE OF COMPLETING CDBG ELIGIBLE STREET IMPROVEMENTS was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Mr. Seewood explained every year the City receives Community Development block Grant funding for eligible projects and the funds must be spent within a year or reprogrammed to another activity.

Motion was made by Council Member Knowles, seconded by Council Member Hines, to approve Resolution No. 2006-45. On roll call vote, the motion carried as follows:

AYES: 7 – Knowles, Hines, Fletcher, Faul, Larson, Corson, Salant

NOES: 0

Resolution passes. 7-0

BILLS REQUIRING FIRST READING

BILL NO. 6770 AN ORDINANCE AMENDING SUBSECTION 14.4.B OF SECTION 14 OF CHAPTER 49 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO DRIVE-THROUGH RESTAURANTS AS A SPECIAL USE IN THE C-2 PLANNED COMMERCIAL ZONING DISTRICT was introduced by Council as a whole and read the first time.

Mr. Seewood explained that Bill No. 6770 is a companion to the public hearing held to amend the text of Chapter 49 and allow drive in restaurants as a special use in the C2- planned commercial zoning district.

BILL NO. 6771 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12J621236, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY. A FEE OF \$27.00 (TWENTY SEVEN DOLLARS) TO COVER THE RECORDING OF THE DEED IS REQUIRED was introduced by Council as a whole and read the first time.

Mr. Seewood explained that Bill No. 6771 and 6772 will purchase Trustee properties that have reverted to the County because of the owner's failure to pay delinquent taxes.

BILL NO. 6772 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12J240482, HELD IN TRUST BY THE TRUSTEE OF ST. LOUIS COUNTY. A FEE OF \$27.00 (TWENTY SEVEN DOLLARS) TO COVER THE RECORDING OF THE DEED IS REQUIRED was introduced by Council as a whole and read the first time.

BILL NO. 6773 AN ORDINANCE AMENDING SECTIONS 29-82 AND 29-83 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO THE OFFENSE OF PEACE DISTURBANCE was introduced by Council as a whole and read the first time.

Mr. Seewood explained this change came from Prosecuting Attorney, Marty Barnholtz and the bill will align the City's ordinance to resemble State law.

Ms. Karr explained the changes and section subparagraph 3 that is not found in State law. State law covers more than the previous ordinance.

BILL NO. 6774 AN ORDINANCE AMENDING SUBPARAGRAPH (d) OF SECTION 28-6 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO SPECIAL TAX BILLS FOR NUISANCE ABATEMENT was introduced by Council as a whole and read the first time.

Mr. Seewood explained that Bill No. 6774 will give the City the ability to charge for collection service fees and any legal fees that may be incurred through City collection efforts.

BILLS REQUIRING SECOND READING

BILL NO. 6769 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JHB PROPERTIES, INC., FOR THE PURPOSE OF MAKING CERTAIN IMPROVEMENTS TO ALICIA ROAD was introduced by Council Member Salant and read the first time.

BILL NO. 6769 - A motion was made by Council Member Knowles, seconded by Council Member Larson to table Bill No. 6769. Motion passed unanimously on voice vote.

BILL NO. 6769 is tabled.

BILL NO. 6768 AN ORDINANCE AUTHORIZING THE EXECUTION OF A FAÇADE EASEMENT IMPROVEMENT AGREEMENT WITH HOME ANNEX IV, LLC REGARDING THE FAÇADE IMPROVEMENT AND RESTORATION OF 299 SOUTH FLORISSANT ROAD was introduced by Council as a whole and read the first time.

Mr. Seewood stated that this is the second façade easement improvement program the City has entered into with Home Annex, LLC. and explained the additional increase in the proposed initial estimates.

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 Hines. On roll call vote, the motion carried as follows:

AYES: 7 – Hines, Fletcher, Faul, Larson, Corson, Salant, Knowles
NOES: 0

Bill No. 6768 was declared passed and sent to the Mayor for signature. Bill No. 6768 thus became Ordinance No. 2006-3290 and is permanently recorded in Book 29 on page 4.

Council had concerns with purchasing the properties on Alicia and Elizabeth and the tabling of Bill No. 6769.

City Attorney, Stephanie Karr explained that Resolutions 2006-34 authorizing to purchase real estate numbered as 1250 N. Elizabeth and 2006-35 authorizing to purchase real estate numbered as 1308 Alicia would require a Resolution to be presented and exercised upon by Council in order to extend the option. It would need Council approval.

MISCELLANEOUS

Mr. Corson – thanked City Staff, Public Works, Fire and Police Departments and everyone involved for their great work during the recent ice storm. Mr. Corson has concerns regarding the City's Plan for funding necessary services required for citizens in the future and would like Council and staff to review the planning effort. Mr. Corson requested Council to concentrate on the West Florissant and New Halls Ferry corridors and make it a priority for 2007.

Mr. Salant – thanked the efforts of City Staff, CERT team, Police and Fire Departments, Ameren, First Baptist Church of Ferguson and everyone involved with the recent ice storm.

Mr. Knowles – would also like to concentrate on the West Florissant corridor and to coordinate with Dellwood and Jennings. Mr. Knowles commented on trash cans being left out. Mr. Knowles thanked everyone involved with the clean up efforts from the recent ice storm and how everyone came together as a community. Mr. Knowles also has concerns with the City's action plan and would like to review with Council and staff and have something in writing for the residents to get assistance.

Mr. Hines – commented that the Northern Lights festivities were well attended and orchestrated but had concerns regarding a plan for the children. Mr. Hines commented about the abuse of the trash cans being left out and commended the First Baptist Church for housing citizens during the recent ice storm. Mr. Hines also suggested a committee be formed to communicate better and faster to the citizens. Mr. Hines was disappointed with Ameren and their response to the ice storm.

Ms Faul – thanked the City, citizens and tax dollars for allowing her to attend the National League of Cities conference and felt it was a very informative conference. Ms. Faul shared her comments on several sessions she attended.

Ms. Faul commented that the Holiday Decorating Contest has been moved to December 19 and the winners will be acknowledged at the January 9, 2007 Council Meeting. Further commented that the City will be noticing residents regarding the tree limbs and pick up with Allied.

Ms. Faul commented on the first responders for seniors and disabled citizens and make sure information gets to the citizens.

Ms. Faul appreciates the information from Fran Grecco regarding Ameren and suggested a Resolution and Council attend the Ameren hearings and oppose the increase. Merry Christmas and Happy New Year!

Mr. Larson – thanked the citizens for their perseverance and patience through the power outage. Mr. Larson cannot say anything good about Ameren who sells one product and fails to deliver it and citizens have been out of power for weeks and feels this is just not acceptable. The linemen work very hard, Ameren works hard but not hard enough he feels that there needs to be more preparation ahead of time and more people and equipment and whatever is necessary in place when something like this happens in the future. Mr. Larson agrees with Ms. Faul regarding a Resolution. As one of the hardest hit cities in both power outages he feels Council should be present at the January hearings.

Mr. Larson requested status on the Landmarks Commission in reviewing the January Wabash project.

Mr. Seewood responded that the Commission has not been able to meet for lack of a quorum but the project is moving forward as scheduled. The January Wabash building demolition bid went out and a Resolution will be presented at the first meeting in January.

Mayor Fletcher – commented he is not in favor of any rate increase with Ameren until an approved plan is put in place on how Ameren can overcome obstacles as obsolete equipment, parts not being available, not enough telephone poles, shortage of transformers, etc. Mayor feels these can be corrected.

Fran Grecco updated Council of the public meeting schedule in January and Mayor requested the dates be placed on the City website and cable channel.

Mayor commented on some of the workshops and sessions he attended at the National League of Cities Conference and one topic was reverse 911 and would like staff to look into the cost and a presentation on the topic. Mayor had concerns and comments on secondary plans with Churches and additional

facilities for emergency preparedness. Mayor commented on Senior citizens not leaving their homes during the ice storm and the possibility of forming volunteer committees to check on seniors during emergencies.

Mayor also attended a session on Downtown Revitalization and reaffirmed that the City is doing things right and now needs to start applying the lessons learned to the West Florissant and New Halls Ferry corridors so they become just as attractive and meaningful and economic growth as the downtown area.

Mayor commented that the Northern Lights was an exciting wonderful event and thanked the Northern Lights Committee, volunteers, City staff, Public Works, Police and everyone involved with the festivity everyone did a tremendous job.

Mayor commented on the abuse of the trash ordinance and the possibility of placing warning stickers on the trash cans and at the point the resident becomes an offender, then the resident be cited for the violation.

Mayor commented on the City's limb pickup procedures and when the City does provide this service to please help the Public Works Department in placing the limbs properly for pick up. Mayor requested neighbors help neighbors and if there are exceptions please contact Public Works.

ADJOURNMENT

There being no further business to consider, Council Member Knowles, moved to adjourn, seconded by Council Member Larson. The meeting adjourned at 9:30 p.m.

Deborah L. Matthies, City Clerk