

## **FERGUSON CITY COUNCIL**

### **Council Meeting Minutes January 22, 2008**



**WORK SESSION, 7:00 P.M.**

**❖ AMEREN UE TREE TRIMMING  
PRESENTATION**

**COUNCIL MEETING, 8:00 P.M.**

**CITY HALL**

**110 CHURCH STREET**

#### **WORK SESSION – January 22, 2008**

**❖ AMEREN UE TREE TRIMMING PRESENTATION**

Ameren UE Representative Peggy Voelker, Vegetation Management Supervisor discussed the various tree trimming projects for the City of Ferguson, the techniques used in maintaining trees and power lines on properties and informational tips.

#### ***COUNCIL MEETING – January 22, 2008***

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on January 22, 2008 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 James  
Peggy Faul  
Fran Grecco

Mrs. Matthies declared a quorum was present.

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

### **PUBLIC COMMENTS**

Joe Lonero – 901 Hudson Road – comments regarding the 501 S. Florissant project and how FSBD is behind it 100% and further commented on the overall downtown picture and the importance of the 501 S. Florissant corner.

There being no further public comments, Mayor Fletcher closed the Public Comments at 8:05 p.m.

### **BUSINESS PORTION** **MINUTES**

Council Meeting Minutes – January 8, 2008. A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve and receive as presented the Council Meeting Minutes of January 8, 2008 and file as appropriate.

Council Special Meeting Minutes - January 15, 2008. A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve and receive as presented the Council Special Meeting Minutes – January 15, 2008, and file as appropriate.

### **CONSENT AGENDA** **MINUTES**

Ferguson Senior Citizens Commission Minutes – December 13, 2007 – A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Senior Citizens Commission Minutes – January 10, 2008 - A motion was made by Council Member Knowles, seconded by Council

Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – November 15, 2007 - A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – December 20, 2007 - A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – January 3, 2008 - A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

## **APPOINTMENTS**

Council appointed Aaron Burnett to the Landmarks Commission.

## **RESOLUTIONS**

A motion was made by Council Member Knowles, seconded by Council Member Crecelius to read Resolution No. 2008-04. Motion carried.

2008-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERGUSON APPROVING THE TERMS OF THE SETTLEMENT WITH AT&T MOBILITY DEFENDANTS AND AFFILIATES AND AUTHORIZING THE CITY MANAGER TO FILE THE APPROPRIATE CLAIM FORM AND EXECUTE NECESSARY DOCUMENTS RELATING TO SUCH SETTLEMENT was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 6–Crecelius, Knowles, James, Mayor Fletcher, Faul, Grecco  
NOES: 0  
ABSENT: 1 – Salant  
Resolution 2008-04 passed.

A motion was made by Council Member Knowles, seconded by Council Member Faul to read Resolution No. 2008-05. Motion carried.

City Manager, John Shaw explained that these were the two settlements that were offered by AT&T and Sprint to all of the municipalities that participated and allocates 5% of each settlement to the St. Louis County Municipal League for their work and their continued work to protect the city's interest. Mr. Shaw further noted that the total settlement for the AT&T suit was \$265,421.17 and the total settlement for Sprint was \$341,547.32.

2008-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERGUSON APPROVING THE TERMS OF THE SETTLEMENT WITH SPRINT DEFENDANTS AND AFFILIATES AND AUTHORIZING THE CITY MANAGER TO FILE THE APPROPRIATE CLAIM FORM AND EXECUTE NECESSARY DOCUMENTS RELATING TO SUCH SETTLEMENT was introduced by Council Members present and read by City Attorney, Stephanie Karr.

AYES: 6–Knowles, James, Mayor Fletcher, Faul, Grecco, Crecelius  
NOES: 0  
ABSENT: 1 – Salant  
Resolution 2008-05 passed.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius to read Resolution No. 2008-06. Motion carried.

2008-06 - A RESOLUTION TO TRANSFER OWNERSHIP OF SPECIAL USE PERMIT NO. 96-146 TO LIBERTY RESTAURANT GROUP, 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.

Mr. Shaw explained that Section 23.55 of the Zoning Ordinance provides that Special Use Permits can be transferred within corporate frameworks and partnerships. This case refers to Burger King and the Liberty Restaurant Group has requested a transfer of the SUP from the current managing entity, Reishus Management, Inc. The new owners have stated that they will make no changes to the site or operations and will follow the same stipulations of the original Special Use Permit. Staff has recommended approval of this procedural action as there will be no tangible impact to the community.

AYES: 6–James, Mayor Fletcher, Faul, Grecco, Crecelius, Knowles  
NOES: 0  
ABSENT: 1 – Salant  
Resolution 2008-06 passed.

## **BILLS REQUIRING SECOND READING**

Mayor Fletcher explained that by this Ordinance the Council is proposing to move the City Council Meetings to 7:00 p.m. instead of the 8:00 p.m. time and, if necessary, will incorporate work session items into the regular meeting Agenda.

**BILL NO. 6813 AN ORDINANCE AMENDING SECTION 2-26 OF ARTICLE II OF TITLE 2 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO MEETINGS OF THE COUNCIL** was introduced by Council Members Crecelius, Knowles, James, Mayor Fletcher, Faul, Grecco and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

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

Bill No. 6813 was declared passed and sent to the Mayor for signature. Bill No. 6813 thus became Ordinance No. 2008-3332 and is permanently recorded in Book 29 on page 46.

**BILL NO. 6814 AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF FERGUSON, MISSOURI, TO PROHIBIT THE OFFENSES OF STALKING, HARASSMENT AND CYBER-HARASSMENT AND ESTABLISH PUNISHMENT FOR VIOLATIONS THEREOF** was introduced by Council Member James W. Knowles, III and read the first time.

Council Member Knowles explained that this Ordinance brings the City Ordinances current with the forms of communication that are used today and hopefully will hold people accountable for their actions. Mr. Knowles further commented that he did not want the City to wait while the state is trying to get a state law passed.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

AYES: 6 - Faul, Grecco, Crecelius, Knowles, James, Mayor Fletcher

NOES: 0

ABSENT: 1 - Salant

Bill No. 6814 was declared passed and sent to the Mayor for signature. Bill No. 6814 thus became Ordinance No. 2008-3333 and is permanently recorded in Book 29 on page 47.

Mayor Fletcher explained that the next eight Bills are related to the recommended Charter changes that will appear on the April 8, 2008 ballot.

City Attorney gave a brief explanation of each Bill.

**BILL NO. 6815 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE III, SECTION 3.2.2 OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

AYES: 6 - Grecco, Crecelius, Knowles, James, Mayor Fletcher, Faul

NOES: 0

ABSENT: 1 - Salant

Bill No. 6815 was declared passed and sent to the Mayor for signature. Bill No. 6815 thus became Ordinance No. 2008-3334 and is permanently recorded in Book 29 on page 48.

**BILL NO. 6816 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE III, SECTION 3.2.3 AND ARTICLE VII, SECTION 7.1.1 OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

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

Bill No. 6816 was declared passed and sent to the Mayor for signature. Bill No. 6816 thus became Ordinance No. 2008-3335 and is permanently recorded in Book 29 on page 49.

**BILL NO. 6817 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE III, SECTION 3.3 OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Grecco. 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. 6817 was declared passed and sent to the Mayor for signature. Bill No. 6817 thus became Ordinance No. 2008-3336 and is permanently recorded in Book 29 on page 50.

**BILL NO. 6818 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE III, SECTION 3.4.3 OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Grecco. On roll call vote, the motion carried as follows:

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

Bill No. 6818 was declared passed and sent to the Mayor for signature. Bill No. 6818 thus became Ordinance No. 2008-3337 and is permanently recorded in Book 30 on page 1.

**BILL NO. 6820 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE IV,**

SECTION 4.5 OF THE CITY'S HOME RULE CHARTER was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Grecco. On roll call vote, the motion carried as follows:

AYES: 6 - Mayor Fletcher, Faul, Grecco, Crecelius, Knowles, James

NOES: 0

ABSENT: 1 - Salant

Bill No. 6820 was declared passed and sent to the Mayor for signature. Bill No. 6820 thus became Ordinance No. 2008-3338 and is permanently recorded in Book 30 on page 2.

**BILL NO. 6821 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE V, SECTION 5.2 OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

AYES: 6 - Faul, Grecco, Crecelius, Knowles, James, Mayor Fletcher

NOES: 0

ABSENT: 1 - Salant

Bill No. 6821 was declared passed and sent to the Mayor for signature. Bill No. 6821 thus became Ordinance No. 2008-3339 and is permanently recorded in Book 30 on page 3.

**BILL NO. 6822 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE VI, SECTION 6.3 (c) OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Grecco. On roll call vote, the motion carried as follows:

AYES: 6 - Grecco, Crecelius, Knowles, James, Mayor Fletcher, Faul

NOES: 0

ABSENT: 1 - Salant

Bill No. 6822 was declared passed and sent to the Mayor for signature. Bill No. 6822 thus became Ordinance No. 2008-3340 and is permanently recorded in Book 30 on page 4.

**BILL NO. 6826 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AMEND ARTICLE IV, SECTION 4.4 (a) OF THE CITY'S HOME RULE CHARTER** was introduced by Council as a whole and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member James. On roll call vote, the motion carried as follows:

AYES: 6 - Crecelius, Knowles, James, Mayor Fletcher, Faul, Grecco

NOES: 0

ABSENT: 1 - Salant

Bill No. 6826 was declared passed and sent to the Mayor for signature. Bill No. 6826 thus became Ordinance No. 2008-3341 and is permanently recorded in Book 30 on page 5.

Mayor Fletcher thanked the Charter Review Committee for their time and effort in reviewing the Charter in time for the April 8, 2008 ballot.

City Manager, City Attorney, Mayor and Council Member Grecco will gather material and discuss how to present and educate the public for the April 8, 2008 election.

### **MISCELLANEOUS**

Mr. Knowles – requested Council to consider an Ordinance for miniature horses in the City. Council consensus was to have the City Attorney draft an Ordinance for Council's review. Mr. Knowles also informed Council that he was asked by representatives from the state department to host members of the British Parliament and to talk about the Presidential partisan primary process. Mr. Knowles felt it was a great opportunity and will host and give a presentation on February 4, 2008 in the Council Chamber.

Ms. Faul – reminded board members of the boards and commissions annual dinner on January 31, 2008. Also reminded neighborhood groups to contact the Police Department or Public Works Department if they have problems or concerns within their neighborhoods.

Ms. Grecco – Thanked the Charter Review Committee for their time and efforts and thanked staff for resolving the street light issue on West Florissant Road.

Mr. Shaw – reminded Council that the first 2+2 cooperative program meeting with the Ferguson Florissant School District is scheduled for January 30, 2008 at 5 p.m. in the Council Conference room.

Mayor Fletcher - reminded board members of the boards and commissions annual dinner on January 31, 2008 and to RSVP to the City Clerk. Reminded everyone that the February 12 Council Meeting will meet at the new time of 7 p.m.

### **ADJOURNMENT**

*At 8:35 p.m. a motion was made by Council Member Knowles, seconded by Council Member Faul to enter into closed session in accordance with RSMo 610.021/610.022 Sections (1) and (2). Motion carried.*

*Having concluded the closed session at 10:00 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco to convene to open session. On roll call vote, the motion carried.*

A motion was made by Council Member Knowles, seconded by Council Member Grecco to adjourn the meeting at 10:00 p.m.

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Brian P. Fletcher - Mayor  
City of Ferguson, Missouri

ATTEST:

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Deborah L. Matthies - City Clerk  
City of Ferguson, Missouri

*Approved 2/12/08*

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