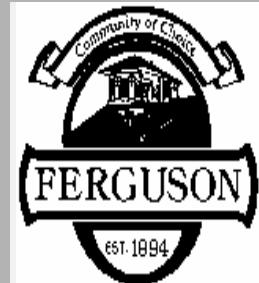


FERGUSON CITY COUNCIL

Council Meeting April 25, 2006

**WORK SESSION, 7:00 P.M.
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 April 25, 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 City Manager A.J. Krieger, City Attorney Stephanie Karr, and City Clerk Debbie Matthies. Mrs. Matthies declared a quorum was present.

Mayor Fletcher welcomed all present and explained the meeting would be in three portions – Public Hearing Portion, Public Portion and the Business Portion.

PUBLIC HEARING

- ❖ Future Geniuses Child Care (Special Use) – 3830 Pershall Road

City Manager, A.J. Krieger explained in accordance with the requirements of Chapter 49 the City is required to hold a Public Hearing for consideration of a Special Use Permit to operate a Child Day Care Center in a C-2 Planned Commercial District. The Petitioner is requesting a Special Use Permit.

Ron Behle – 3882 Pershall Rd. – owner of the building where the proposed Child Day Care Center will be located explained that the site has been a day care facility

for children for the last six years and the structure and playgrounds are already in place. The new operators of the day care have been in the day care business for the last nine years and this will be a second location for them. Mr. Behle further stated that the day care will hold approximately 130 children and will occupy the entire building upstairs and down. Mr. Behle further commented that day care must be State approved and all issues have been addressed.

The Suttons were present to discuss the hours of business, which will be 24-hours with a rotating shift based on the needs of the community; two fenced-in playgrounds in the rear of the building and on the side, and playground and parking lot lighting. Playground equipment will be added.

Mr. Behle explained that the rear playground, which is accessible to the lower area of the building, has a four foot chain-link fence and the upper level playground has a five foot chain-link fence.

Ms. Sutton explained that there are no children left outside without supervision and both playgrounds are enclosed with playground attendants. State requirements are met. The children are usually brought inside around 4:30-5:00 p.m. to get ready to go home.

Ms. Sutton explained that they will be licensed for infants 6 weeks up to children 12 years of age.

Council had concerns with the large parking lot area and safety, equipment being thrown over the fences, the height and style of the fences, playground area lighting, and overall safety and security.

Mr. Sutton explained that there will be a security system which monitors and videos the entire day care area and classrooms.

Council thanked the Suttons and Mr. Behle.

Mrs. Billie Jenkins – 1528 N. Elizabeth – Ms. Jenkins previously sent Council a letter and explained her opposition for the proposed Future Geniuses Day Care on 3830 Pershall Road and it being a 24 hour day care. Ms. Jenkins also had comments and concerns regarding trash being thrown in her yard from the adjacent businesses. Ms. Jenkins requested that if the Special Use Permit is granted that a taller fence be installed on the side of her property.

Council discussed the trash being thrown in her yard and the possibility of increasing the existing height of the fence to six feet.

There being no further public comments, Mayor declared the public hearing portion closed at 8:20 p.m.

PUBLIC COMMENTS

Martin Pion – 6 Manor Lane – gave a re-cap of the **Bicycle Transportation Program**. Mr. Pion explained the **B.I.K.E. - Bicycling Is Kind to the Environment** program which will install bike racks within the City, provide a bike loaner program which is for Ferguson residents only and a bike education program which is open to the public. Council thanked Mr. Pion for his presentation.

Jim Knowles – 1123 Renshaw – requested Council speak into their microphones so the audience and the viewers at home can hear them.

There being no further public comments, Mayor declared the public portion closed at 8:35 p.m.

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – April 18, 2006. A motion was made by Council Member Larson, seconded, and carried to approve the Council special meeting minutes of April 18, and file as appropriate.

CONSENT AGENDA

Minutes

Landmarks Commission Minutes – March 20, 2006. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Minutes – March 15, 2006. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes – March 20, 2006. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

Senior Citizens Commission Minutes – April 6, 2006. A motion was made by Council Member Corson, seconded, and carried to receive the minutes as presented and file as appropriate.

APPOINTMENTS

A motion was made by Mayor Fletcher to re-appoint Jerry Miller to the Plan Commission, seconded, motion approved unanimously.

A motion was made by Mayor Fletcher to re-appoint Atefa Young to the Park Board, seconded, motion approved unanimously.

As Council Representatives to Boards and Commissions, Mayor Fletcher appointed: Council Member Peggy Faul to the Park Board; Council Member Larson to the FNIP Board; Council Member James Hines to the Senior Citizen Commission; and Council Member Michael Salant to the Traffic Commission.

SPECIAL USE PERMIT

- ❖ Future Geniuses Child Care (Special Use) – 3830 Pershall Road

A motion was made by Council Member Larson, seconded, to approve the proposed Future Geniuses Child Care Special Use Permit at 3830 Pershall Road. Motion passed.

Council further discussed the type and height of the fence surrounding the rear playground area and to include a fence height requirement of six feet (6').

A motion was then made by Council Member Knowles, seconded, to amend the approval of the Special Use Permit to include a requirement of a six foot (6') fence to surround the south side of the rear playground area. On roll call vote, the motion carried as follows:

AYES – 6 – Corson, Salant, Knowles, Hines, Fletcher, Larson

NOES - 1 - Faul

BILLS REQUIRING FIRST READING

BILL NO. 6742 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, PROTECTING THE LOCAL REVENUE BASE NECESSARY TO PROVIDE ESSENTIAL MUNICIPAL SERVICES BY OPTING OUT OF THE STATE-IMPOSED SALES TAX HOLIDAY. Introduced by Council as a whole.

BILLS REQUIRING SECOND READING

BILL NO. 6740 AN ORDINANCE AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH THE MEYER COMPANY FOR THE PURPOSE OF CONSTRUCTION OF NEW SINGLE-FAMILY HOUSING IN THE SOUTHWEST FERGUSON NEIGHBORHOOD IN THE CITY OF FERGUSON. Introduced by Council Member Keith Kallstrom 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. On roll call vote, the motion carried as follows:

Council Member Knowles commented that the quality of the houses are very attractive. Council agreed.

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

Bill No. 6740 was declared passed and sent to the Mayor for signature. Bill No. 6740 thus became Ordinance No. 2006-3266 and is permanently recorded in Book 28 on page 11.

BILL NO. 6741 AN ORDINANCE SETTING A REVENUE-NEUTRAL TAX RATE FOR TELECOMMUNICATIONS SERVICES AND AMENDING SECTION 42-45 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON TO COMPLY WITH STATE LEGISLATION REGARDING SIMPLIFICATION OF MUNICIPAL TELECOMMUNICATIONS TAXES. 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.

City Attorney Stephanie Karr explained that Bill No. 6741 requires cities to "roll back" existing tax rates based on current legislation known as House Bill 209. Based on formulas established in this legislation, the City is required to adopt tax procedures and revise its license tax rate from its current rate of 6% to a revenue-neutral rate of 4.42%. (Previously the City was provided with a rate of 3% which was incorrectly calculated by the Department of Revenue as the recommended revenue-neutral tax rate for the City of Ferguson.) This information must be submitted to the Department of Revenue preferably by April 28th.

A motion was made by Council Member Larson, seconded to amend the rate set forth in Section 1 and in Section 2(B) of the ordinance from 3% to 4.42% rate. On roll call vote, the motion carried as follows:

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

Bill No. 6741(*AMENDED*) was declared passed and sent to the Mayor for signature. Bill No. 6741 thus became Ordinance No. 2006-3267 and is permanently recorded in Book 28 on page 12.

MISCELLANEOUS

Mr. Larson – reminded everyone to be at the Farmers' Market Saturday, April 29, 2006.

Ms. Faul – reminded everyone of the Jeske Park meeting on Wednesday, April 27 at the Corner Coffee House at 7:00 p.m. Thanked staff for including the Plan Commission Meeting Minutes that dealt with the Special Use Permit. Ms. Faul is excited about the continuation of the Farmers' Market and excited about the B.I.K.E. Program. Reminded everyone of the Robert-Superior Park Improvements Dedication Sunday, April 30 from 2-5 p.m. there will be planned activities for everyone. Ms. Faul requested an update from the City Manager on the NorthPark Commission meeting he attended.

Mr. Hines – On Saturday attended the Old Ferguson West gathering where a very nice youth program was introduced. Any youth interested may check with Shannon Howard. Mr. Hines is dedicating himself for the program.

Mr. Knowles – reminded everyone of the Jeske Park meeting and the Farmers' Market on Saturday and is very interested in seeing the new initiatives at the market. Mr. Knowles is interested in hearing about the Budget and commended the City Staff on a very difficult job and feels staff has done a great job in making the best of a tough situation.

Mr. Corson – explained that the City of Ferguson has again been the recipient of Tree City USA and Mayor asked Mr. Corson to attend the ceremony, along with the City Forester, Michelle Matkovich. The ceremony will be held at the Forest Park Jewel Box on Friday, April 28 at 9:30 a.m. Mr. Corson will accept the award on behalf of the City and present it to Council at the next meeting.

Mayor Fletcher – would like to start goal setting and see what Council would like achieved for the next year. Mayor would like more involvement with the West Florissant and New Halls Ferry Business Districts as well as extend on the programs started for the downtown district for beautification and business associations working together for the betterment of the City as a whole. Mayor re-emphasized the staff vacancy and replacement be handled in an expeditious manner because the City is in a great trend with the Neighborhood Groups. Mark Etling did a tremendous job and Mayor encouraged staff to seek a replacement in his capacity. The neighborhood groups feel that way as well and appreciate the liaison with the City.

Mayor Fletcher questioned the issuance of the liability insurance for the different groups that participate in the Fourth of July ceremonies. Council needs to work with staff to see what direction to go.

Mayor Fletcher would like to continue the partnership with the Ferguson-Florissant School District but also continue and seek further cooperation with the surrounding communities of Cool Valley, Calverton Park and Dellwood where the City could do things in joint ventures to assist and save financially whenever possible. Mayor commented the street list has been received as part of the accelerated street repairs. More streets want to be repaired and Public Works will work hard to properly patch and mill the streets that need work but not necessarily replacement.

Mayor Fletcher would like to seek dates for Council goal-setting sessions. Mayor further commented that the May 9, 2006 meeting is when Council will receive the final report from PROS regarding the park study and the JW Building. Mayor further commented it should be an interesting meeting and hopefully Council will be ready to move forward and make decisions.

Mr. Knowles – requested PROS information be given to Council for review prior to the May 9 meeting.

Mr. Hines – commented that Alan Mueller would be willing to draw plans for the old building and show Council where the weak structures are and maintain the building. Mr. Hines assured Mr. Mueller Council would be willing to listen before any decisions on May 9. Mr. Mueller would have the drawing.

Mayor Fletcher commented that there will be plenty of opportunity at the May 9 meeting for public comments.

ADJOURNMENT

There being no further business to consider, Council Member Salant moved to adjourn, seconded. The meeting adjourned at 9:05 p.m.

Deborah L. Matthies, City Clerk