

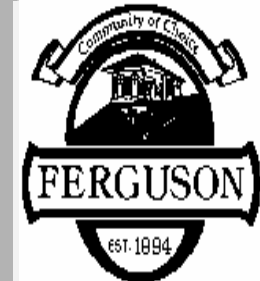
*Approved 6/13/06*

**FERGUSON CITY COUNCIL**

**Council Meeting  
May 23, 2006**

**CLOSED SESSION, 6:00 P.M.  
WORK SESSION, 7:00 P.M.  
COUNCIL MEETING, 8:00 P.M.**

**CITY HALL  
110 Church Street**



On May 23, 2006 at 6:15 p.m. a motion was made by Mayor Fletcher, seconded, to enter into closed session. On roll call vote Council entered into closed session in accordance with RSMo Section 610.021(1) to discuss legal matters and have confidential communication with the City's Attorney as provided under Section 610.021(1). RSMo.

There being no further business to discuss, a motion was made by Council Member Knowles, seconded, to convene to open work session at 7:00 p.m. The motion passed unanimously by roll call vote.

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on May 23, 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 have two Public Hearings, Public Portion and the Business Portion.

## **PUBLIC HEARINGS**

### **❖ Amendment Chapter 49 Zoning Section 23.7 – Communication Tower**

City Manager, A.J. Krieger explained the Public Hearing is a text amendment only regarding the requirement that communication towers be located on municipally owned property.

Mr. Jenkins Representative from U.S. Cellular spoke in favor of the amendment change.

James Knowles - Renshaw – had comments and concerns regarding multi-carriers and aesthetics of the communication towers.

There being no further public comments, Mayor declared the Amendment Chapter 49 Zoning Section 23.7 Public Hearing portion closed at 8:15 p.m.

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### **❖ 3690 Pershall Road – Rezoning Section R-1B – C2**

City Manager, A.J. Krieger explained that the staff is recommending the approval of two requests: 1) to subdivide the parcel at 3690 Pershall Road creating two lots 2.46 acres and 4.03 acres; and 2) rezone the 2.46 acres site from R-1B Residential to C-2 Planned Commercial, in order to construct and operate a hotel.

Petitioner, Doug Rupe of Value City, along with Gina Wolf Manager, Development Services and Justin Winters, Engineer were present for questions and comments. Mr. Rupe gave a background of the company. Developer Jack DeBoer created the extended-stay segment of the hotel industry and founded Residence Inn, Summerfield Suites and Candlewood Suites building over 275 extended-stay hotels throughout the United States.

Mr. Rupe gave an overview of the Value Place Hotel which will be four stories containing 121 rooms featuring a fully equipped kitchen with refrigerator, stovetop and microwave. The cost is \$179.00 a week with no limit on the length of stay. The hotel will have no proposed ancillary uses i.e. restaurant, retail, or meeting spaces for this location. It will be an extended stay hotel only.

Mr. Rupe summarized residency information, reasons for stay, and marketing drivers and commented that Value Place is dedicated in providing a clean, safe and comfortable environment, and each guest signs an Occupancy Agreement that clearly defines Value Place rules.

Council had concerns regarding security and Key card access, traffic monitoring, hours of operation, surveillance and fire system, types of people using the extended stay, site plan, water drainage issues, and additional traffic on Pershall.

The following residents were in attendance and are opposed to the proposed Value Place Hotel to be located at 3690 Pershall Road:

John Knowles – 716 Elizabeth; Ollie Boyd - 1500 Moonlight Drive; Tom Wheaton – 1515 Knollstone; Mike McGrath - 1599 Knollstone Drive; Roland Burke – Gannon Properties; Bill Witson – 3652 Knollstone; Wilbert Overall - 1567 Knollstone; Clyde Rogers – 93 Monceau; Marcia Witson – 3652 Knollstone; Claudia Kaufman - Moonlight Drive; John McDonald - 1308 Alicia; Darcey Walker – 590 Monceau Drive; Joe Lonero – 901 Hudson; Ed Dunham - 1551 Starlight Drive; James Knowles - Renshaw; Kathy McCullough – 1428 Alicia; Mark Gauvin – 1488 Starlight Drive; Paula Greene – 598 Monceau Drive; Mr. and Mrs. Kiechenmeister – 1415 Charlotte; Allan Picket – 594 Monceau; and Marcia Witson- 3652 Knollstone

The residents voiced their comments and concerns regarding water drainage issues, increased traffic, 24 hour security, wildlife habitat, noise, decrease in property value, and overall - Ferguson's image.

There being no further public comments, Mayor declared the 3690 Pershall Road – Rezoning Section R-1B – C2 Public Hearing portion closed at 8:50 p.m.

### **PUBLIC COMMENTS**

Martin Pion – 6 Manor Lane – had comments and concerns regarding the Florissant Road issues of the median landscaping and street parking and gave an update on the B.I.K.E. Project.

John Knowles – 716 N. Elizabeth – the Letter Carriers Food Drive generated 10% more than last year and thanked the citizens who participated. Mr. Knowles attended McCluer's High School Commencement Ceremonies in which 1/3 of the students received over 1.2 million dollars worth of scholarships.

Mike McGrath – 1599 Knollstone – has seen no change and questioned if the Knolls had fulfilled their violations. Mr. McGrath had comments and concerns regarding the Church construction on Pershall.

Bernice Deardeuff - 9761 Venice Drive – had concerns and comments with regard to the streetlights that are off on W. Florissant Ave. and when they will be repaired.

Mayor Fletcher – responded that the City has made progress and Council has authorized the necessary funds and are waiting on a specific date. Mayor will have Staff follow up.

Stan Caldwell – 900 Dyerdown – Ferguson Farmers' Market is very successful but the parking lot is in bad shape and would like to see it patched.

Gloria Henderson – had concerns and comments regarding trying to obtain a Peddler's License in Ferguson.

Mayor explained the process and Staff will follow up.

There being no further public comments, Mayor declared the Public Comment portion closed at 10:00 p.m.

## **BUSINESS PORTION**

### **MINUTES**

Council Meeting Minutes – May 9, 2006. A motion was made by Council Member Knowles, seconded by Council Member Larson, and carried to approve the Council Meeting Minutes of May 9, 2006 and file as appropriate.

Council Budget Meeting Minutes – May 6, 2006. A motion was made by Council Member Knowles, seconded by Council Member Larson, and carried to approve the Council Budget Meeting Minutes of May 6, 2006 and file as appropriate.

## **CONSENT AGENDA**

### **Minutes**

Housing Board of Appeals Meeting – December 6, 2004. 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.

Traffic Commission Meeting – November 11, 2005. 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.

Board of Adjustment Meeting – November 7, 2005. 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.

Pension Board Meeting – January 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.

Traffic Commission Meeting – January 3, 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 – March 27, 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 Meeting – March 20, 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 – April 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.

Landmarks Commission Meeting – April 17, 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 Meeting – May 4, 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.

Parks & Recreation Meeting – May 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.

**APPOINTMENTS** - No appointments made at this time.

## **RESOLUTION**

Resolution No. 2006 -11 – Contract for Auditing Services was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

A motion was made by Council Member Knowles to approve Resolution No. 2006-11, seconded by Council Member Hines. On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes. 7-0

## **REQUESTS**

Temporary Liquor License - Ferguson Station Business Association (FSBA) – Concert Series - January Wabash Memorial Park - June 10, 2006. William Scheffer is the applicant.

A motion was made by Council Member Knowles, seconded by Council Member Larson, to approve the temporary Liquor License for the June 10, 2006 Concert Series. Motion passed unanimously.

New Liquor License - DRP Petroleum, LLC d/b/a Phillips 66 located at 10620 New Halls Ferry Road (formerly Frontier Petroleum, Inc.). Prasad Patel is the new owner and applicant and gave a background on his businesses and explained the business will not change it is just an ownership change.

A motion was made by Council Member Knowles, seconded by Council Member Larson, to approve the Liquor License for Phillips 66 located at 10620 New Halls Ferry Road. Motion passed unanimously.

## **BILLS REQUIRING FIRST READING**

BILL NO. 6743 AN ORDINANCE AMENDING SUBSECTION 23.7 OF SECTION 23 OF CHAPTER 49 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO THE LOCATION OF COMMUNICATION TOWERS IN CERTAIN ZONING DISTRICTS. Introduced by Council Member Corson.

BILL NO. 6744 AN ORDINANCE APPROVING A RECORD PLAT FOR A SUBDIVISION OF LAND LOCATED AT 3690 PERSHALL ROAD IN THE CITY OF FERGUSON, MISSOURI. Introduced by Council Member Hines.

BILL NO. 6745 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI AMENDING THE ZONING ORDINANCE AND THE ZONING MAP TO REFLECT A CHANGE IN THE ZONING CLASSIFICATION FROM R-1B RESIDENTIAL TO C-2 PLANNED COMMERCIAL FOR A 2.46 ACRE PARCEL LOCATED AT 3690 PERSHALL ROAD. Introduced by Council Member Hines.

BILL NO. 6746 AN ORDINANCE AMENDING SUBSECTION "C" OF SECTION 25-20 OF ARTICLE II OF TITLE 25 OF THE MUNICIPAL CODE OF THE CITY

OF FERGUSON RELATING TO ISSUANCE OF A BUSINESS LICENSE TO  
RENT RESIDENTIAL REAL ESTATE. Introduced by Council as a whole.

**MISCELLANEOUS**

John Corson – announced (on a personal note) that his son is getting married at Guadalupe Church this weekend and appreciates the citizens input with the wedding. Mr. Corson feels that on the zoning issue Council has heard the public comments and he feels that is important that it is understood that regardless of the application, there is a process that needs to be followed and believes that the Council is correctly doing that. A petitioner, whether the project is favored or not, is entitled to their day. The process must adhere to everyone the same and public debate is essential. Mr. Corson is glad to see that the Plan Commission Meeting minutes are now included in the packet for review.

Peggy Faul – would like City “logo” promotional items included in the budget. In past Councils it was suggested that when issues impact residents that the City notice residents further than the 185 feet. Ms. Faul would like to have seen the Knolls subdivision included in this noticing. Ms. Faul further commented she is sad to see an important piece of history from the City, the January Wabash building, be taken down before plans are in place.

Tim Larson – is also glad to see that the Plan Commission Meeting minutes are now included in the packet for review. Mr. Larson is looking forward to the lights on W. Florissant being turned back on and further updates on the Florissant Road project.

A.J. Krieger – appreciates Council Member Corson’s comments regarding the process for land use and other kinds of development petitions. Of late, Mr. Krieger feels that a disturbing trend is developing, that can best be described as Plan Commission double jeopardy. Mr. Krieger further feels there seems to be a member of the Plan Commission that regularly speaks before Council Meetings ostensibly on behalf of the Plan Commission when in fact they are not. Mr. Krieger thinks these actions do everyone associated with the City a disservice. Mr. Krieger objected to the implication that the City tried to sneak the proposed hotel development through.

Mr. Krieger commented that it is fair to say that the Hotel petition was scheduled as a special meeting and City Staff did their best to accommodate the Petitioner’s schedule. However, the hearing was properly advertised and procedures were followed in accordance with City ordinances and the law. Mr. Krieger does not appreciate any attempt to insinuate otherwise. Mr. Krieger further commented that Draft Plan Commission minutes were included in Council packets. Mr. Krieger said that while he does not

begrudge any private citizen the right to speak at Council meetings, it is rather disconcerting to have one of our own, so to speak, speak out against the process and, as a matter of fact, to be totally incorrect.

Mayor Fletcher – expressed thanks to City Staff for a wonderful weekend. Mayor felt that Saturday was by far the most wonderful experience seen in Ferguson in years. There was a tremendous response to the garage sale causing some traffic jams and needing the Police to direct traffic. With the coordination of Safety Day with Fire and Police and the Farmers' Market who had record sales, the buzz in Ferguson and feedback from residents was tremendous. Mayor feels more events like these should be scheduled. It was a wonderful weekend and congratulates City Staff and residents involvement.

### **ADJOURNMENT**

There being no further business to consider, Council Member Knowles moved to adjourn, seconded by Council Member Hines. The meeting adjourned at 10:20 p.m.

Deborah L. Matthies, City Clerk