

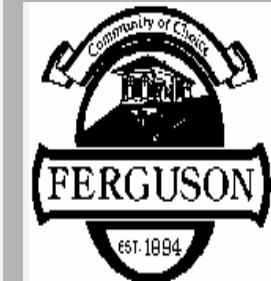
**APPROVED 6/27/06**

**FERGUSON CITY COUNCIL**

**Council Meeting  
June 13, 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 June 13, 2006 by Mayor Pro-Tem John Corson, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri. Mayor Pro-Tem Corson requested that everyone stand for a moment of silent prayer and to keep Mayor Fletcher and his family in their prayers for their loss. The Pledge of Allegiance was recited and on roll call, the following Council members were present:

Mayor Brian P. Fletcher - ABSENT  
John Corson – Mayor Pro-Tem  
Michael Salant  
James W. Knowles III - ABSENT  
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 Pro-Tem Corson welcomed all present and explained that due to a loss in Mayor Fletcher's family, the Mayor will be unavailable for this meeting. Mr. Corson will be acting as Mayor Pro-Tem. Mr. Corson further explained that the meeting would have a Public Hearing Portion, Pride of the City Winners Presentation, Public Comment Portion and Business Portion.

**PUBLIC HEARING**

- ❖ **Proposed Annual Operating Budget for Fiscal Year 2006-2007 and Capital Improvement Program**

City Manager, A.J. Krieger explained that City Code requires a public hearing be held prior to adopting a Resolution approving the 2006-2007 Fiscal Year Operating Budget and

Capital Improvement Program for 2007-2011 Fiscal Years. Notice was advertised and over a six week process the City reviewed line by line every fund in the budget including the General and Park Fund as well as every special revenue fund.

Finance Director, Joan Jadali briefly gave the fund highlights and a presentation of the proposed capital projects. Ms. Jadali stated there were no revisions to revenue only to expenditures, then presented each fund and its revisions. Total revenues \$20,475,639, and total expenditures \$19,985,974. Ms. Jadali further explained the Proposed FY 2006-07 Capital Projects and amounts.

There being no public comments the Mayor Pro-Tem declared the Public Hearing portion closed at 8:10 p.m.

#### **SPECIAL PRESENTATION** - Pride of the City Winners

Public Works Director, Terry O'Neil gave a background of the Pride of the City Program. Mr. O'Neil and Mayor Pro-Tem Corson introduced the June Pride of the City winners. The June winners are Ward 1- David Prater at 717 Darst, Ward 2 – Joe & Lori Howell at 302 Royal, and Ward 3 – Joseph & Aretha Haynes at 615 Brotherton. Each of the winners will receive a Certificate and City Flag. Pride of the City signs will be placed in their yards. Council congratulated the winners.

#### **PUBLIC COMMENTS**

Jean Waldvogel – 1232 N. Elizabeth – status of the sewer agreement and cost.

City Manager, A.J. Krieger – explained that the proposed agreements call for every property owner to connect to sanitary sewer. All improvements are made at the property owner's expense. The agreement specifies that the City's contribution to the project be all preliminary and final design work up through bid specs. The eight properties must be all in or there is no project.

Mr. Corson questioned if there were estimates provided.

Mr. Krieger – explained there are no figures because the project has not yet been bid. Ms. Waldvogel offered figures in the past of how much they thought it would cost so residents would have some idea. Staff, unless advised otherwise by Council, is not going through the bid process unless there is a project. Staff has not received any calls from the residents regarding the proposed agreement. Mr. Krieger further stated that the ordinance requires the properties to connect and the position the City adopted, at Council's direction, was to help prepare the properties to connect, which has been done.

Mr. Corson suggested the residents make an appointment to discuss the project with City Staff.

Ms. Waldvogel also had concerns about the vacancy of the Latter Day Saints Church building and its future.

Council Member Salant requested a sewer update from City Staff.

Ruth Brown – 425 Wesley Ave. – gave a historical standpoint and the importance Vogt School has to the City of Ferguson, designed by William B. Ittner and built in 1930. In 1985, Vogt School was designated as a Ferguson Landmark.

Ms. Brown explained the process of the Ferguson Landmarks Commission and the failure of this process by issuing a building permit for the current work at Vogt School without notifying the Landmarks Commission. Voids have been cut in the brick front façade and the east side to allow for new central air conditioning vents. Ms Brown stated that the Commission was left out of the permit process and did not have its precious sixty days to negotiate with the school district and with the City of Ferguson. Ms. Brown feels that the result is permanent and, quite probably, needless damage to an important and cherished building and further feels that Vogt School is defaced.

Ms. Brown further talked about the National and Local Ordinances which makes the process even more important and feels the Commission could have negotiated with Public Works who granted the permit, the School District Personnel, the School Board and, if necessary, appeal to the public at large. Ms. Brown further feels a case could have been made and that Vogt School deserves superior treatment. Ms. Brown feels the damage is done, and the building will never be the same; any opportunity to designate it to the national register is probably lost. Ms. Brown commented that the neighborhood will suffer and everyone will share the loss.

Ms. Brown feels the process should be corrected and further suggested some constructive actions. Ms. Brown intends to talk before the School Board and feels that Council's actions, with them, would also be persuasive and effective.

Sharon Harvey-Davis - 523 Chartier Drive – Parc Monceau Trustee – It is her understanding that the Pershall development is no longer being considered by the Council.

Council confirmed.

Mike Kelly – 416 N. Elizabeth – Secretary of Landmarks Commission – in regard to Vogt School had comments and concerns that the commission has been put in a position that

does not allow the commission to do what its primary focus is - to protect designated Ferguson historic landmark buildings as well as the City National Register Landmarks. Mr. Kelly was present to re-iterate the fact the process was not followed regarding when the Commission is to be involved with the permit process. Mr. Kelly feels that the ordinances are set up but are not being followed and is seeking support from Council for the Landmarks Commission in allowing the Commission to do their job.

Alan Mueller – 435 Darst – Mr. Mueller had comments and concerns regarding Vogt School and the improper use and violation of the City Ordinance which did not allow the Landmark Commission to do its obligations. Mr. Mueller gave a background on the School District presentation for the Vogt School air conditioning system and design, which did not include the historical or aesthetic structural concerns. Mr. Mueller further commented on the cost to remedy the problems and the City School Buildings Code review requirements. Mr. Mueller feels that the City permit process procedures must immediately be reviewed and corrected.

Shannon Howard – 408 Tiffin – announced on Channel 5, a Ferguson only episode of Show Me St. Louis on Monday June 19 at 3 p.m. For filming for the TV on Wednesday – 9:30 a.m. people are needed to ride the Trolley and Saturday morning people are needed at the Farmers' Market. Ms. Howard extended an invitation to everyone to the Concert Series Saturday June 17, 8-10 p.m. at the Whistle Stop. Ms. Howard encourages everyone to visit the fergusoncitywalk.com website.

James Knowles – 1123 Renshaw – had concerns and comments regarding the lack of respect for Boards & Commissions. Mr. Knowles feels that the Park Board and Landmarks Commission have been overlooked and have been criticized for their opinions.

Mike McGrath – 1599 Millstone – thanked Council for allowing the residents to speak on the 3690 Pershall development and thanked Council Members Faul and Larson. Mr. McGrath hopes the next development will benefit the property and the City of Ferguson.

There being no further public comments, Mayor Pro-Tem declared the Public Comment portion closed at 8:40 p.m.

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

Council Meeting Minutes – May 23, 2006. A motion was made by Council Member Larson, seconded by Council Member Faul, and carried to approve the Council Meeting Minutes of May 23, 2006 and file as appropriate.

## **RESOLUTIONS**

#2006 -12 A Resolution approving the proposed Budget for Fiscal Year 2006-2007 was introduced by Council as a whole and read by City Attorney, Stephanie Karr. A motion was made by Council Member Larson to approve Resolution No. 2006-12, seconded by Council Member Hines. On roll call vote, the motion carried as follows:

AYES: 5 – Salant, Hines, Faul, Larson, Corson  
NOES: 0  
ABSENT: 2 - Fletcher, Knowles  
Resolution passes. 5-0

#2006 -13 A Resolution approving the proposed Capital Improvement Program for Fiscal Years 2007-2011 was introduced by Council Member Larson and read by City Attorney, Stephanie Karr. A motion was made by Council Member Larson to approve Resolution No. 2006-13, seconded by Council Member Salant. On roll call vote, the motion carried as follows:

AYES: 4 – Hines, Larson, Corson, Salant  
NOES: 1 - Faul  
ABSENT: 2 - Fletcher, Knowles  
Resolution passes. 4-1

#2006 -14 A Resolution authorizing the City Manager to execute a contract with the Schaefer Meyer Seed Sod Company for the Ferguson Sports Complex Infield Preparation was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 5 – Faul, Larson, Corson, Salant, Hines  
NOES: 0  
ABSENT: 2 - Fletcher, Knowles  
Resolution passes. 5-0

#2006-15 A Resolution authorizing the City Manager to execute a contract with Ford Asphalt Co., Inc. for street Improvements was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 5 – Larson, Corson, Salant, Hines, Faul  
NOES: 0  
ABSENT: 2 - Fletcher, Knowles  
Resolution passes. 5-0

## **REQUESTS**

A motion was made by Council Member Faul, seconded by Council Member Larson, to approve the temporary Liquor License for Vincenzo's – event to be held on June 24, 2006 on the 242-252 S. Florissant Parking Lot, and to approve the following businesses that have applied for Liquor License Renewals for the 2006-2007 fiscal year and met the requirements. Motion passed unanimously by voice vote.

Malone's Grill & Pub, Paul's Market, Emerson Electric AA Bldg., Savoy Banquet Center, Golden Greek's, Ferguson Amoco – 1032 S. Florissant Rd., Convenient Food Mart #61-1108 S. Florissant, Zion Lutheran Church, Shop 'n Save – 10805 Old Halls Ferry Road, Shop 'n Save – 49 N. Florissant Road, QuickTrip Corporation – 9420 W. Florissant, Candlelight Banquet Center, Lamplighter Banquet Center, Merello Convenience, Inc. -10901 Old Halls Ferry Road, Sam's Club, Vincenzo's, Ferguson Amoco – 10633 N. Halls Ferry Road, Smoke Stop, K-Lo's Lounge, R&R Mini-Mart, Ferguson Supermarket & More, Inc., Kahle's Dog Pound, El Palenque, OT. Hodge Chile Parlor, Rinderer's Drug Store, Flower Depot Ltd.

## **NEW BUSINESS**

Pursuant to Sec. 2-26. of the Ferguson Code, during the months of July and August, regular Council Meetings shall be held only on the fourth Tuesday of each month, which will be July 25, 2006 and August 22, 2006. Council approved unanimously with the understanding that a special meeting may be called, if necessary.

## **BILLS REQUIRING FIRST READING**

**BILL NO. 6747 AN ORDINANCE REPEALING ORDINANCE NO. 2005-3238, AND ADOPTING AN ORDINANCE FIXING THE SALARIES AND OTHER COMPENSATION OF ALL OFFICERS AND EMPLOYEES OF THE CITY AS PROVIDED IN SECTION 2-47. COMPENSATION, OF CHAPTER 2. ADMINISTRATION, OF THE CODE OF THE CITY OF FERGUSON, FOR THE FISCAL YEAR 2006-2007.** Introduced by Council as a whole.

Mr. Krieger explained that every year the ordinances are adopted. Bill No. 6747 is for full-time employees and Bill No. 6748 is for part-time and seasonal employees. The affects of the ordinances are calculated into the budget for all departments.

**BILL NO. 6748 AN ORDINANCE REPEALING ORDINANCE NO. 2005-3239, AND ADOPTING AN ORDINANCE FIXING THE SALARIES OF PART-TIME EMPLOYEES OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF FERGUSON;**

FOR THE FISCAL YEAR 2006-07. Introduced by Council as a whole.

Ms. Karr explained that statute requires the City adopt this ordinance every two years.

**BILL NO. 6749 AN ORDINANCE ADOPTING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.** Introduced by Council as a whole.

**BILL NO. 6750 AN ORDINANCE AMENDING CERTAIN SECTIONS WITHIN DIVISION 3 OF ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON ALL RELATING TO THE CHANGE OF THE VESTING PERIOD FOR PENSION BENEFITS FROM TEN YEARS TO EIGHT YEARS.**  
Introduced by Council as a whole.

### **BILLS REQUIRING SECOND READINGS**

**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 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 Salant, seconded by Council Member Larson. On roll call vote, the motion carried as follows:

AYES: 5 – Corson, Salant, Hines, Faul, Larson  
NOES: 0  
ABSENT: 2 – Fletcher, Knowles

Bill No. 6743 was declared passed and sent to the Mayor for signature. Bill No. 6743 thus became Ordinance No. 2006-3269 and is permanently recorded in Book 28 on page 14.

**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 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 Salant, seconded by Council Member Hines. On roll call vote, the

motion carried as follows:

AYES: 5 – Salant, Hines, Faul, Larson, Corson  
NOES: 0  
ABSENT: 2 – Fletcher, Knowles

Bill No. 6746 was declared passed and sent to the Mayor for signature. Bill No. 6746 thus became Ordinance No. 2006-3270 and is permanently recorded in Book 28 on page 15.

### **MISCELLANEOUS**

**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.**

**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.**

Mayor Pro-Tem Corson explained that Bill No. 6744 and Bill No. 6745 were introduced at the May 23, 2006 Council Meeting relating to a subdivision plat and an application for rezoning. However, the applicant has formally withdrawn the request for plat approval and the application for rezoning of property. Therefore, both bills are now moot. The Council Journal and records shall reflect that the bills were introduced, but were not acted upon by the Council and shall include a copy of the applicant's statement formally withdrawing the request for plat approval and the request for rezoning.

A motion was made to remove the bill from Council consideration by Council Member Larson, seconded by Council Member Hines. Motion passed unanimously by voice vote.

Tim Larson – along with Council Member Faul would like to propose Robert Street in the area of Robert -Superior Park as a *safe street*.

Peggy Faul – requested and hopes that Council will agree to instruct staff to notify a larger group of people when surrounding subdivisions will be effected by any ordinance changes or any development that is going to come about and the letter sent to the citizens also be sent to the Council Members. Ms. Faul requested there be more time between the first reading and the total explanation so when an ordinance is given out an explanation of the

property be attached. Ms. Faul announced the PROUD dinner on June 24 and as an ad-hoc committee to the City Ms Faul would like to initiate once or twice a year an invitation for PROUD to speak at a Council Meeting to tell of their activities, fundraisers, etc.

Ms. Faul asked the City and the Council for an official apology to be given to the Landmarks Commission for the mishap that happened. Ms. Faul wants to call for reviewing the process of how ordinances come to the Landmarks Commission to make sure this never happens again. Ms. Faul wants to ask the School District in some form to be sure that those properties are looked at in a different way and would appreciate Staff looking into it and working with Landmarks.

Ms. Faul further commented that Ferguson is set apart from other communities because of its history and she chose to live here because it is an older community and of the history. Ms. Faul moved to various places but chose to stay in inner ring places where there is history. Ms. Faul appreciates it and wants her children to appreciate it and they cannot appreciate it if the City itself and the district that it surrounds does not take that into consideration. Ms. Faul feels that this has been a travesty and it should never have happened and hopefully will never happen again.

Ms. Faul also requested Staff keep Council informed on the upcoming sewer program.

James Hines commented on the Boards & Commissions vacancies. Mr. Hines commented that the Council is not ignoring what the Boards & Commissions are doing. The citizens need to get involved with their City by being on a Board or Commission.

Mr. Hines requested Council Members try and fill at least one vacancy by the next Council Meeting.

Michael Salant – deepest sympathy to the Fletcher family for their loss. Mr. Salant commented the Boards & Commission Members are appreciated and realize it is on their own time and the City can always use volunteers. Council will look into the mishap that happened.

A.J. Krieger – in addressing Vogt School, Mr. Krieger commented that the City will accept responsibility. City Staff made a mistake by not following the proper administrative procedure and did not follow the ordinance. Staff made a mistake. Mr. Krieger does not appreciate any suggestion that it was done intentionally or that anyone on City Staff intentionally worked to subvert the process. It was clearly an innocent mistake and Mr. Krieger will accept the responsibility for it and assure Council and the Landmark Commission Members that it will not happen again.

## **ADJOURNMENT**

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

Deborah L. Matthies, City Clerk