

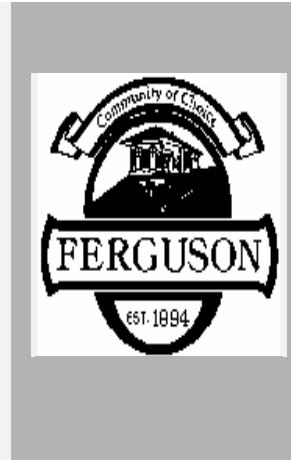
*Approved 9/26/06*

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes  
September 12, 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 September 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 (Absent)  
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 Council meeting would have a Public Hearing at which time you are invited to speak on a specific request or proposal; the 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. Mayor Fletcher moved the Proclamation Portion before the Public Hearing on the Agenda.

**PROCLAMATION**

Mayor Fletcher read and presented a Proclamation to Nathaniel Garrett Babcock for his dedication to excellence in leadership and service to the community and for his outstanding achievement of attaining Eagle Scout.

**8:00 PUBLIC HEARING** - Mayor opened the Public Hearing.

- ❖ *Airport District Rezoning Area (AD)  
Rezoning from R-1D and R-3 Single-Family Residential to  
AD Airport District*

City Manager, A.J. Krieger explained the public hearing per the requirements of Chapter 49. This hearing is for a petition to rezone property located both within the City of Ferguson and the NorthPark redevelopment project area: generally from R-1D and R-3 to AD-Airport District. The Petitioner is the Lambert St. Louis Airport Joint Development Commission.

The 55 acre site is subject to the Lambert Airport Eastern Perimeter TIF Redevelopment Plan and will be redeveloped into a first class business and industrial park. The Commission selected NorthPark Partners, LLC as sub-developer.

Caroline Saunders of Husch & Eppenberger, on behalf of the Commission explained Bill numbers 6760 and 6762 which are related to the development.

Larry Chapman, Director of Development for NorthPark Partners, LLC gave a background history on the project and a presentation. Mr. Chapman explained when the Ordinance becomes effective they will buy all of the airport land which represents 90 percent of the ground and will be making a contribution to the Suburban Road Plan as part of the agreement. The City will issue all permits on the development.

Atefa Young – 5344 Hern – had comments regarding the Project which will be viewed from Hern and concerns regarding warehousing and communication towers and questioned who is on the Intergovernmental Commission.

Mr. Krieger commented that he represents the City of Ferguson on the Commission and the Joint Commission sets forth a review process for every single project.

Mr. Chapman confirmed that Ramona Lake will remain a public park and the clearing will begin immediately after acquisition of the property. Mr. Chapman further explained the construction schedule and landscape buffer which will screen views of NorthPark from the residences on Hern.

Ms. Saunders commented that the Commission was formed through years of efforts as a joint effort between Kinloch, Berkeley, Ferguson, the State of Missouri and St. Louis County any plan proposed by NorthPark will

go before the commission for review, then to St. Louis County Planning, then back to Council for review.

There being no further public comments Mayor Fletcher declared the Airport District Rezoning Area (AD) Public Hearing portion closed at 8:20 p.m.

### **PUBLIC COMMENTS**

Mayor commented that the Bills on the Agenda are for first reading only no votes are taken at this meeting.

Tom Lauman – 707 Chateau Valley Court, Trustee of Chateau Woods, on behalf of 45 households and other concerned Ferguson residents in the matter of the proposed rezoning of the Alicia property, Bill No. 6761 presented Mayor Fletcher with a petition signed by 296 Ferguson residents opposing the rezoning and proposed development. The Petition includes signatures from residents from Chateau Woods, Knolls, Hudson Hills, Parc Chatelet, Birchgate, Hunter's Ridge, Lake Pembroke, the streets of Elizabeth and Hudson and other areas in Ferguson.

Mr. Lauman invited Council to the 12<sup>th</sup> annual Chateau Woods Block Party, Sunday, Sept. 17 at 1:30 p.m.

Mr. Lauman had comments and concerns regarding traffic studies, the residential zoned property for sale on Pershall, buffer lines, sewer lines, major drainage issues, and the impact of additional children on local school capacity.

He went on to discuss failed and successful developments in North County and commented that the common theme in the successful developments seems to be large homes on large lots which he feels can work in North County.

Mr. Lauman commented that residents have come out in large numbers, signed a petition and have had conversations with experts in law, real estate, and civil engineering because of the concern of their children's safety on the streets, increase in crime, increase in noise, the loss of trees, the congestion, the safety of nearby streets and for the value of their homes.

Mr. Lauman asked Council to look at other failed developments in other parts of the City and to look at the sizes of the houses and lots of the successful developments in North County. Mr. Lauman feels this development can also be very successful with larger homes on larger lots, one entrance and exit off of Pershall which will help to deter crime and street congestion and by

retaining all existing trees. Mr. Lauman asked Council to reject the rezoning request and proposed development.

Chris Skonicki – 609 Chartier Drive and Trustee of Parc Monceau presented Mayor Fletcher a petition taken from the homes of Parc Monceau and homes in the associated neighborhoods, total of 126 signatures.

Mr. Skonicki had concerns with the traffic issues and had comments on the traffic study numbers and the wear on the street surface and congestion.

Mr. Krieger will distribute the traffic study to the Council.

Mr. Skonicki has concerns with the target date being approximately 30 months to sell out and questioned what will happen if the date is not met.

Mr. Skonicki is also concerned that the development if done wrong, represents the value of the surrounding homes and, is a significant portion of the assets of people who have lived many years in this community and feels that the home is the largest financial investment one is likely to make in one's lifetime.

Linda Lipke – 818 Le Maisson Drive – presented and read a statement to Council regarding various issues including sections of the current zoning, lot sizes, decks, variances, right-of-ways and the proposed rezoning changes.

Ms. Lipke feels that smaller lots allow more quantity, but larger lots allow more value which translates to a higher price tag and better equity for the homeowner.

Ms. Lipke further commented on drainage, sewer lines, topography, trees, tree line parameters, access ways (possibly from Pershall Road) increase in traffic, soil testing and increase in school attendance.

In conclusion, Ms. Lipke feels that Ferguson is primed for growth and believes that this location is ideal for a planned subdivision but does not believe that this particular plan is designed with the benefit of Ferguson and its residents. Ms. Lipke asked Council to deny the zoning request at this time.

Dan Doherty – 640 Chartier – suggested some ideas of the possibility of an access way from Alicia.

Mayor Fletcher – commented that the possibility of access off of Alicia is being researched.

Bill Whitson – 3652 Knollstone – requested a larger tree buffer zone on the

North as well as the West side of the development.

Vivian Wallace – 616 Chartier – had concerns and comments regarding the conservation of owls and hawks living in the wooded area.

Dave Armbruster – 29 N. Maple – wanted to bring Council's attention to a home at 39 N. Maple which is under contract to a charity group who is going to purchase the home and rent it to a family with foster children.

Ed Sutton – 632 Chartier Drive – feels this development is a wonderful opportunity for the City of Ferguson and supports most comments, but is concerned with additional traffic. Mr. Sutton is not against the development but against the way the City is going about it.

Mike McGrath – 1599 Knollstone – feels the biggest objection from most of the people is the ingress and egress methods through the subdivision and discussed other alternative access including access from Pershall Road. Mr. McGrath commented he is on the Planning & Zoning Commission and voted against the proposal for the reason to change R-4 and all of the variances which he discussed.

Valerie Walker – 803 Chateau Crest Court – had comments regarding Global Warming.

Council thanked the residents for their comments.

There being no further public comments, Mayor declared the Public Comment portion closed at 9:00 p.m.

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

Council Meeting Minutes – August 22, 2006. 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 August 22, 2006 and file as appropriate.

## **RESOLUTIONS**

#2006-27 – A Resolution designating Brotherton Lane a “*Safe Street*” was introduced by Council Member Corson and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 – Corson, Knowles, Hines, Fletcher, Faul, Larson  
NOES: 0  
ABSENT: 1 - Salant  
Resolution passes 6-0

#2006-28 – A Resolution designating Wiegel Drive a “Safe Street” was introduced by Council Member Corson and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 – Knowles, Hines, Fletcher, Faul, Larson, Corson  
NOES: 0  
ABSENT: 1 - Salant  
Resolution passes 6-0

#2006-29 – A Resolution designating Ruggles Road a “Safe Street” was introduced by Council Member Corson and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 – Hines, Fletcher, Faul, Larson, Corson, Knowles  
NOES: 0  
ABSENT: 1 - Salant  
Resolution passes 6-0

#2006-30 - Certified Local Government (CLG) Application.

Director of Planning, Rosalind Williams summarized that the Certified Local Government (CLG) program, administered by the Missouri State Historic Preservation Office, provides financial and technical assistance to preserve historic properties. The Ferguson Landmarks Commission has requested the City Council to consider registering as a Certified Local Government (CLG) to benefit the City.

A Resolution authorizing the Mayor to sign a Local Government Certification Agreement between the City of Ferguson, Missouri and the Missouri State Historic Preservation Officer was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 – Fletcher, Faul, Larson, Corson, Knowles, Hines  
NOES: 0  
ABSENT: 1 - Salant  
Resolution passes 6-0

## #2006-31 - Final Application for Historic Preservation Funds

Rosalind Williams explained the application and procedures for the Historic Preservation Funds. The Grant is to prepare a multiple properties cover document for the nomination of historic properties to the National Register of Historic Places which, hopefully, will lead to recognition of Ferguson as one of the early railroad suburbs. Once the nomination is accepted, then historic districts and other individual property nominations will follow.

A Resolution authorizing the City Manager to submit the final application for FY 2007 historic preservation grant funds to the Missouri Department of natural resources was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 6 – Faul, Larson, Corson, Knowles, Hines, Fletcher

NOES: 0

ABSENT: 1 - Salant

Resolution passes 6-0

## **BILLS REQUIRING FIRST READING**

BILL NO. 6759 AN ORDINANCE ESTABLISHING THE NORTH ST. LOUIS COUNTY ENHANCED ENTERPRISE ZONE ABATEMENT POLICY WITH RESPECT TO AD VALOREM TAXES FOR CERTAIN QUALIFIED NEW IMPROVEMENTS WITHIN THE PORTIONS OF SUCH ZONE PURSUANT TO CHAPTER 135, R.S.MO. was introduced by Council as a whole and read the first time.

BILL NO. 6760 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NORTHPARK PARTNERS LLC FOR THE PURPOSE OF MAKING CERTAIN IMPROVEMENTS IN CONJUNCTION WITH SUBURBAN AVENUE AND THE NORTHPARK DEVELOPMENT was introduced by Council as a whole and read the first time.

BILL NO. 6761 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 R-4 PLANNED RESIDENCE DISTRICT FOR THE PROPERTY DESCRIBED HEREIN was introduced by Council Member Corson and read the first time.

Mr. Larson questioned McBride & Sons, for some of the physical qualities of the home, the customers targeted and, if approved, if the indentures will be part of the site plan.

Mr. Krieger explained that once the indenture is complete it can be referenced as part of the Ordinance. Mr. Krieger has requested a copy of the indentures from Ed Griesedieck, Attorney for Petitioner, JHB Properties, Inc. and will forward to Council.

Mr. Krieger explained that the Ordinance will refer to the indentures and the indentures will also be presented to the Council as a separate document for approval. It will be tied down with as much specificity as can be tied down to a custom built home. It will be referenced in the Ordinance, site plan and indentures to Council for approval as well.

Mr. Griesedieck also explained that the Petitioner retains an architectural review to make sure the same type of home does not get built next to each other with the same style and materials. It will be a custom home appeal.

Mr. Larson questioned if the indentures include minimum square footage and is part of the Ordinance then the builder could not build a house smaller than the minimum square footage?

Mr. Griesedieck confirmed.

Mr. Larson questioned what other developments compare to this development.

McBride Homes, Project Manager Rick Montefering, commented this development would be a cross between the Hermann's Orchard and Ashbury Crossing developments. Herman's Orchard offers a smaller product selected for this Community, which built 67 homes in 2 years. Ashbury Crossing is a specific type of product selected for this community, smaller in width.

Mayor questioned the average timeline of 30 months in selling the homes and questioned why build this development in Ferguson?

Mr. Montefering commented that the builder has been building strongly in the Florissant area but because of the positive growth in Ferguson they are excited in participating in the growth.

Mr. Montefering further commented that the average price would be \$300,000, some below, some above. Ashbury Crossings is averaging about \$320,000 located on Lindbergh and Old Hallsferry. The type of families seen in this type of development are second or third time home buyers, move-up buyers, and a combination of children and empty nesters. Qualified buyers

income levels range from \$50,000-\$70,000, monthly payments range from \$1,800.00-\$2,400.00. Decks will be able to be accommodated for every home.

Mr. Krieger responded that staff will provide detailed information regarding deck setbacks, how they will be applied and how the homes can accommodate the decks. Mr. Krieger will also provide Council with as much specific information as staff can regarding the drainage issue.

Mr. Larson questioned if the Ordinance is passed, but the development fails and the developer does not follow through, what happens and what choices does the Council have and what could be done on that property.

Mr. Krieger explained if Council approves an R-4 Plan that has an attached site plan, and requirements in the Ordinance that relate to structure size, building materials, etc. or approves an indenture, that Plan becomes the only Plan that can be built unless and until it is amended again by the Council.

It only permits what is shown on the attached site plan and Ordinance.

Mr. Krieger explained the drainage system and location. MSD will require specific documentation that shows the drainage calculation to include the quality of the soil, surface, etc. and how the storm water will be accommodated and released into the detention basin and keep it from releasing onto other properties. The storm water will have to be accommodated as to what MSD will allow and that is why it was said that it will likely be an improvement in drainage because of the construction of the storm water management system.

Mr. Griesedieck commented that the final sewer plans have to be submitted to the City for the final approval as well as MSD. The plans have been submitted to MSD and the development was given a conceptual approval of the plan.

Discussion regarding the landscaping plan and plot for the development and tree buffer.

Mr. Krieger explained that the property is currently zoned R-1B which means the developer is a buy right development which means any developer can come in and build single family homes on this ground but would have to adhere to the City subdivision Ordinance. Once the requirements are met the

City has zero discretion to require any kinds of changes or preservation of trees or aesthetic standards. Once someone meets the requirements of the City subdivision Ordinance the City has zero discretion of whether or not the City can approve it.

Mr. Knowles questioned if the homes on Alicia are sanitary sewer hookup or septic and feels that one would not build unless there is currently a sanitary sewer to the homes. Mr. Knowles feels it would be too costly to get utilities beyond what is already serviced by the current houses and feels the drainage issues would still have to be dealt with, with MSD signing off on them. If new houses were to be built, Mr. Knowles feels it would take a lot of grading and fill work to even make it a piece of land to build on.

Mayor questioned if Mr. Knowles feels if it were to be left R-1B no one would build on it.

Mr. Knowles commented he does not feel many people will build on it without an actual development.

Mayor wants to make sure the quality of the subdivision is protected.

Mr. Knowles feels if left R-1B, you are not going to see someone build the type of quality houses considering the kinds of capital investments the City is going to have to make to build a house there.

Mr. Krieger explained that you would see the sale price reflect the price of the ground and not the price of the home. You would see a reduction in the quality of the home, most notable in the interior. The builder is going to try and make a profit.

Mr. Krieger also explained that you can not subtract out common ground and public right of way when the number of lots are being determined.

Council discussed the variances, setbacks and trees under a R-4 planned district.

Ms. Faul feels there has been discussion regarding some change with the Pershall property and would like the developer or the City to further research it. Ms. Faul feels in order to bring people into the development it should be seen from Highway 270 and feels that is one of the problems with the Somerset development as well as lack of marketing by the developer.

Mayor commented that Chateau Woods is a quality development and sold

without being seen from 270. Mayor is taking density into consideration but wants to be sure it is a high quality development and included in the indentures.

Mr. Larson wants the indenture to keep the quality of the houses and make it not possible for the developer in a year or two to make something small and unpleasant. Mr. Larson feels the issue that keeps coming up is the entrances and exits and options are still on the table in considering other entrance choices.

Discussion regarding the Pershall property and other entrance options.

**BILL NO. 6762 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-1D AND R-3 RESIDENTIAL TO AD AIRPORT DISTRICT FOR THE PROPERTY DESCRIBED HEREIN** was introduced by Council as a whole and read the first time.

**BILL NO. 6763 AN ORDINANCE REPEALING ORDINANCES 75-1459 AND 77-1629 AND, IN LIEU THEREOF ENACTING THE PROVISIONS CONTAINED HEREIN PROVIDING FOR THE FORMATION OF A LANDMARKS COMMISSION AND MAKING CERTAIN PROVISIONS RELATED TO SAID COMMISSION** was introduced by Council as a whole and read the first time.

Ms. Williams addressed and explained the changes requested by the Landmarks Commission.

### **MISCELLANEOUS**

Mr. Corson – proud to see the safe streets designations in Ward 3 and invited City Manager, A.J. Krieger to attend the Southwest Neighborhood Meeting on September 27, 2006. Mr. Corson congratulated Eagle Scout Nathaniel Babcock on his accomplishment. Mr. Corson had concerns and comments in the way Council introduces Bills.

Mr. Knowles – commented that he is not going to introduce a Bill he does not support. Mr. Knowles announced that there are several block parties this weekend.

Mr. Knowles thanked the residents for all of their comments, emails, calls, and realizes the development is a passionate issue. He thanked the residents for all of their hard work above and beyond on the proposed subdivision issue. Mr. Knowles hopes that Council will come to an amenable decision.

Mr. Knowles feels the Council and citizens would like to see progress and even a development, maybe not this development, or maybe this development with some strict indentures or some sort of caveats that will alleviate some concerns. He feels something can be worked out and hopes that it is not rushed through without trying to address the issues first.

Mr. Hines – the majority of the Council voted to tear down the JW Building and questioned the status of the demolition.

Mr. Krieger responded that the staff is currently negotiating with Blessed Teresa of Calcutta (BTC) to use their space as a temporary location for the Park and Rec programs and anticipates the change will occur as of January 1 with staff presenting an agreement to the Council to approve. Staff has a demolition scope of work prepared and anticipates advertising for bid in November and Council awarding a contract for demolition in December and demolition to start immediately thereafter.

Ms. Faul – also commented that not every Bill should be introduced by Council as a whole if the Council Member is not in agreement.

Ms. Faul announced the Energy Conservation Workshop, designed to help cut your energy bills, will be held on Saturday, October 7, 2006 – 10:30 to 12:00 noon at the First Baptist Church, 3333 N. Florissant Rd. for more information or to sign up contact the City Hall at (314) 521-7721.

Ms. Faul also thanked the citizens for their hard work researching and talking to professionals regarding the development. Ms. Faul congratulated Eagle Scout Nathaniel Babcock on his dedication to the Scouts and commented that his project is a nice addition to the Challenger Center. Ms. Faul reminded everyone of several Neighborhood gatherings this weekend including Lake Pembroke, Moundale Drive, Argent/Day, Ferguson Hills and Chateau Woods.

Ms. Faul also thanked Planning Director, Rosalind Williams on behalf of the Landmarks Commission for her hard work, knowledge, and the time involved regarding the submittal of the Certified Local Government (CLG) and Historic Preservation funds applications. It has been a long time coming.

Ms. Faul questioned the Suburban Road maximum tonnage Ordinance and is excited about the recycle bins.

Mr. Larson – agreed with the recycling bins, commended the Farmers' Market and thanked Public Works Director, Terry O'Neil and the Public Works

Department for work completed at the Knolls Apartments.

Mr. Krieger – presented Council a traffic impact analysis from Tom Mannino, Director of Transportation Services with Kaskaskia Engineering Group, LLC. regarding Brookfield Manor. Mr. Krieger had requested from Mr. Mannino a traffic analysis and assessment of the existing network capacity in handling the additional traffic. The analysis found that the existing street network does have the capacity to accommodate the additional traffic.

Mayor Fletcher commended the Farmers' Market, the Saturday Concert Series at the Greeks, and the Hispanic Festival at January Wabash Memorial Park. Mayor commented that with all of the festivities happening around town it is great exposure for the City Ferguson. Mayor reminded everyone to attend the Farmers' Market through October 28 as well as Streetfest September 22-24. Mayor further commented that this weekend Council will be attending the Neighborhood Block Party Circuit.

There being no further business to consider, Council Member Knowles moved to adjourn, seconded by Council Member Larson. The meeting adjourned at 10:15 p.m.

Deborah L. Matthies, City Clerk