

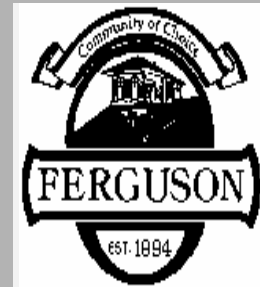
Approved 11/14/06

FERGUSON CITY COUNCIL

**Council Meeting Minutes
October 24, 2006**

**WORK SESSION, 6:30 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 October 24, 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 the Public Hearing Portion at which time you are invited to speak on a specific request or proposal; the Public Comment 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 removed item 3. *Special Presentations* from the Agenda.

PUBLIC HEARING - Mayor opened the Public Hearing at 8:00 P.M.

Rezoning from R-1B Single-family Residential to R-4 Planned Residential District (Brookfield Manor)

City Manager, A.J. Krieger explained as per the requirements of Chapter 49 the City is required to hold a public hearing to consider a proposed rezoning of the properties at 1428, 1440 and 1480 Alicia to rezone from R-1B single family residence district to R-4 planned residence district. The Petitioner, JHB Properties has submitted a site plan as well as a proposed subdivision.

Mr. Krieger explained that previously the City had also advertised 1250 N. Elizabeth and 1308 Alicia as being included in the proposal and has since withdrawn the two properties.

Ed Griesedieck, One City Center downtown St. Louis - Attorney representing the Petitioner JHB Properties, Inc. addressed the Council and gave a background and overview of the highlights of the revised plan. He feels it is a unique sight that has various challenges and feels the developer has met these challenges.

He explained that in listening to the residents there were two serious primary points of concern regarding the site - access and buffering. With regard to access there will be no access through Chateau Woods or Parc Monceau, instead the improved Alicia Drive would be the access point for the development, the developer feels it is a tremendous improvement for the residents surrounding the site.

With regard to buffering, the developer will continue to preserve all of the landscaping that can be preserved around the perimeter. The developer has provided for a 15' foot buffer around the site except where it is required by MSD for the installation of the storm sewers. It is in the best interest of the developer and the residents to try to keep as many trees as possible in place. To the extent the developer has to remove any trees the developer would re-landscape based upon City standards.

The developer feels that the two primary concerns were access and buffering and the developer has addressed both concerns.

Mr. Griesedieck explained that the developer is asking for two things, rezoning the site from R1-B to R-4, which is consistent with the City Master Plan, Vision 2015 and a planned development which ties this zoning to a particular use, which is the use they are presenting and that is the use that would be contained within the development agreement entered into with the City.

Mr. Griesedieck, summarized by saying the City as well as the residents have a decision to make. Some people will always oppose development. The developer has addressed the access, buffering and storm water issues and feels this would be a wonderful community for this area and neighborhood.

Council Member Knowles had comments regarding the Vision 2015 Plan being continually said that it is less dense than what the 2015 Plan says. Mr. Knowles said that is absolutely not true.

Mayor Fletcher read page 25 under Residential Development of the Vision 2015 Plan to the Council.

Mr. Knowles commented it also specifically says that it is supposed to match the current zoning and match the surrounding area which this would not. Not on any side of this development would the density be the same or match it.

There was a lengthy discussion between Mr. Griesedieck and Council regarding the Vision 2015, the site plan and access.

Mr. Knowles feels, in his estimation, there has been too much focus being put on the access streets. Mr. Knowles discussed other developments and doesn't feel people will move here because of what the developer is building, but because it is something different.

Discussion ensued regarding lot sizes, other developments, size, types and square footage of the housing and the re-zoning issue.

The following residents were in attendance and are opposed to the re-zoning from R-1B to R-4: Tom Lauman – 707 Chateau Valley Court, Trustee & President of Chateau Woods; Bill Whitson – 3652 Millstone; Jerry Kettenbach – 1123 Chatelet; Linda Lipka – 818 Le Maisson Ct.; Mike McGrath – 1599 Millstone – Member of Planning & Zoning Commission.

The residents in opposition of the re-zoning voiced their comments and concerns regarding lot sizes, density, water drainage, increased traffic, access concerns, green space and tree line buffer. Residents felt with the new proposed Alicia Drive changes it would be too expensive for the City and continued discussing the Pershall Road entrance access.

The following residents were in attendance and are in favor of the re-zoning from R-1B to R-4: Bill Duncan – 46 N. Elizabeth; Jeanne Garofalo – 451 Robert; Stan Caldwell – 900 Dyerdown – was a member of the 2015 Vision Plan; Mike Grady – 620 Darst Road; Darci Knowles – 716 N. Elizabeth; Chuck

James – 210 Hereford; Ed Meixner – property owner of 1440 Alicia; John Knowles – 716 N. Elizabeth; John McDonald – property owner of 1308 Alicia; Chuck Henson – 1110 Birchgate Trail.

The residents in favor of the re-zoning voiced their comments and concerns by saying they feel the subdivision is a great opportunity for the City, the developer listened to the people and made proposed changes and access changes regarding the Alicia entrance; this community is a diverse community with all types of housing; good housing attracts good people and new businesses to the community; overall project is good for the City and if the City does not go forward with this project it will be a great disservice to the City.

Mayor closed the rezoning from R-1B single-family Residential to R-4 Planned Residential District Public Hearing at 9:30 P.M.

PUBLIC COMMENTS

Betty Van Uum, Representative of University of Missouri-St. Louis, Office of Public Affairs - 43 Crestwood Drive– gave a presentation on the Great Rivers Greenway Trail to be built across the UMSL campus and the St. Louis application for a Grant-in-Aid from the Municipal Parks Grant Commission.

Ms. Van Uum further explained that they are approaching many of the Cities in the area seeking their support for a joint application to the Municipal Parks Grant Commission to construct a plaza and seating area at the junction of the two new trails. One of the requirements of the Municipal Parks Grant Commission is a Resolution from the governing body of each participating municipality. Ms. Van Uum further explained the scoring system and grant application process and requested Council's consideration for one of the two Resolutions presented.

Ms. Van Uum explained that one Resolution states Council's support for the submission and one Resolution is asking the City to be a joint applicant with the other municipalities.

City Manager, A.J. Krieger explained the difference and concerns regarding the two Resolutions. The City already has a separate grant application going to the Muny Parks Grant Commission.

Mr. Krieger explained that this project is not within the City of Ferguson. If the City is, in fact, awarded the City will be one of the recipients of grant funds and will then have to enter into a grant agreement that says the City is going to make sure it is going to do everything it says it is going to do in the

application. A risk exists that something could go wrong through no fault of the City and the City would be in an awkward position with the Muny Parks Grant Commission.

Mr. Krieger's concern is he felt it put the City in an awkward ill advised position, with respect to guaranteeing the final product and how grant funds would be spent that would not necessarily be entirely under the City's control.

City Council had a lengthy discussion regarding the City Manager's concerns regarding the grant.

Mayor would like to participate with the other cities in their support of the Resolution but also has concerns with risks and issues.

Ms. Karr explained that the contractual risk the City Manager is concerned with is that the City actually guarantees the Commission that the City is going to oversee the construction and is making certain promises by virtue of the written agreement. If the City wants to enter into an agreement with UMSL or if the City would like to oversee the project or to participate in the selection this would lessen the City's risk.

There was a lengthy discussion on applying for this particular grant and the current City grant, the risks involved and joining other cities in this project and the project cost and possible shortfall. Mr. Krieger suggested that the City Council could direct the City Manager to review the final scope of work.

Mr. Krieger commented that Council needs to offer an amendment to the Resolution which was distributed and to include an amendment to paragraph 3 authorizing the City Manager to execute the necessary documents.

Mike Grady – 620 Darst – presented in support of the Farmers' Market two tractor awards to Mayor Fletcher on behalf of the City and to Terry O'Neil on behalf of the Public Works Department.

Al Mahnken - 15 Godfrey Lane – spoke on behalf of the Ferguson Bicycle Loaner Program and hopes the City continues the program.

Charles Robinson – 36 Cardigan - spoke on behalf of the Ferguson Bicycle Loaner Program and the continuation of the program.

Shannon Howard – 408 Tiffin – on behalf of FSBD asked Council's consideration and support on the Colci Dolce Bakery Redevelopment agreement and the façade agreement for downtown.

Chuck James – 210 Hereford – on behalf of Beth Thompson owner of Colci Dolce Bakery/Restaurant, also present, for Council questions. The business will, hopefully, be opened by Christmas and Ms. Thompson thanked the City and Council for this opportunity and will do the very best in making it a business the community will be proud of. Council thanked Ms. Thompson.

Mr. James also commented that Spencer's Bakery will re-open on November 1, 2006 and hopes everyone will visit the bakery and welcome them back.

There being no further public comments, Mayor declared the Public Comment portion closed at 10:15 p.m.

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – October 10, 2006. A motion was made by Council Member Larson, seconded by Council Member Knowles and carried to approve and receive as presented the Council Meeting Minutes of October 10, 2006 and file as appropriate.

CONSENT AGENDA

Minutes

Ferguson Neighborhood Improvement Program (FNIP) Minutes–August 28, 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 Minutes – August 21, 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 Minutes – September 6, 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 Senior Citizens Commission Minutes – October 5, 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 Board Minutes – October 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.

RESOLUTIONS

2006-36 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT WITH CURTIS, HEINZ, GARRETT & O'KEEFE, P.C. FOR LEGAL SERVICES was introduced by Council as a whole and read by City Manager, A.J. Krieger. 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

2006-37 – A RESOLUTION APPROVING A SEPARATION AGREEMENT WITH A.J. KRIEGER RELATING TO HIS EMPLOYMENT AS CITY MANAGER, 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 – Knowles, Hines, Fletcher, Larson, Corson

NOES: 1 - Faul

ABSENT: 1 - Salant

Resolution passes. 5-1

2006-38 – A RESOLUTION APPROVING A TEMPORARY EMPLOYMENT AGREEMENT WITH DE'CARLON E. SEEWOOD RELATING TO ADDITIONAL DUTIES, RESPONSIBILITIES AND COMPENSATION AS INTERIM CITY MANAGER 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 – Hines, Fletcher, Faul, Larson, Corson, Knowles

NOES: 0

ABSENT: 1 - Salant

Resolution passes. 6-0

Resolution #2006-39 - Council consensus agreed to enter into the full grant agreement with UMSL.

A motion was made by Council Member Larson, seconded, to amend the entire body of the first Resolution to include the four paragraphs read by the City Attorney.

2006-39 - A RESOLUTION IN SUPPORT OF THE UNIVERSITY OF MISSOURI - ST. LOUIS APPLICATION FOR A GRANT-IN-AID FROM THE MUNICIPAL PARKS GRANT COMMISSION was introduced by Council as a whole and read in whole 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

APPOINTMENTS

A motion was made by Mayor Fletcher, seconded by Council Member Faul to appoint Nora Fitzgerald to the Library Board. Motion passed Unanimously by voice vote.

A motion was made by Council Member Larson, seconded by Council Member Faul to appoint Ada Parker to the Personnel Board. Motion passed Unanimously by voice vote.

A motion was made by Council Member Larson, seconded by Council Member Faul to appoint Darci Knowles to the Personnel Board. Motion passed by voice vote as follows:

AYES: 5 - Corson, Hines, Fletcher, Faul, Larson

RECUSE: 1 - Knowles – *Council Member Knowles recused himself of the appointment of Darci Knowles to the Personnel Board. Ms. Darci Knowles is a distant relative to Council Member James Knowles.*

ABSENT: 1- Salant

BILLS REQUIRING FIRST READING

BILL NO. 6767 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 as a whole and read the first time.

BILLS REQUIRING SECOND READING

BILL NO. 6764 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, TO RATIFY AND AFFIRM THE RATE AND COLLECTION OF MUNICIPAL TELECOMMUNICATIONS TAXES AND REPEAL CONFLICTING ORDINANCES 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 Corson, seconded by Council Member Hines. On roll call vote, the motion carried as follows:

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

Bill No. 6764 was declared passed and sent to the Mayor for signature. Bill No. 6764 thus became Ordinance No. 2006-3287 and is permanently recorded in Book 29 on page 1.

BILL NO. 6765 AN ORDINANCE AUTHORIZING THE EXECUTION OF A FINANCIAL ASSISTANCE AGREEMENT, PROMISSORY NOTE AND SECURITY AGREEMENT WITH BETH THOMPSON D/B/A COSE DOLCI BAKERY RESTAURANT REGARDING THE IMPROVEMENT AND OPERATION OF A NEW RESTAURANT/BAKERY WITHIN A REDEVELOPMENT AREA WITHIN THE CITY was introduced by Council Members Corson, Salant, Knowles, Hines, Faul and Larson and read the first time. Mayor Fletcher recused himself from Bill No. 6765.

Mayor announced that he will recuse himself on Bill No. 6765 because of a conflict of interest (Mayor is part owner in a limited partnership of the building) and will not be a part of introducing, discussion or voting on Bill No. 6765.

Mayor stepped down from the dais and Mayor Pro-Tem, John Corson conducted the reading of Bill No. 6765.

A motion was made by Council Member Larson, seconded by Council Member Faul to amend a name change on Bill No. 6765 to reflect that the agreement shall be between the City and Colci Dolci LLC a Limited Liability Company and therefore all references to Beth Thompson of Colci Dolci be replaced with references to Colci Dolci LLC. Motion passed unanimously.

A motion was made by Council Member Larson, seconded by Council Member Faul regarding the Financial Assistance Agreement, Promissory Note and Security Agreement attached as Exhibits to Bill No. 6765 be amended as shown in the amended Exhibits and made part of Bill No. 6765. Motion passed unanimously.

City Attorney, Stephanie Karr explained clarification regarding the agreements to reflect the responsible party as the Limited Liability Company instead of Beth Thompson, as an individual. The Limited Liability Company is on record with the Secretary of State and will be the responsible party as far as property improvements. At the request of Attorney Chuck James, City Attorney Stephanie Karr clarified changes in the termination clause.

A motion to read Bill No. 6765 (as Amended) a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Larson. On roll call vote, the motion carried as follows:

AYES: 5 – Larson, Corson, Knowles, Hines, Faul
NOES: 0
RECUSE: 1 – Mayor Fletcher
ABSENT: 1 – Salant

Bill No. 6765 (as Amended) was declared passed and sent to Mayor Pro Tem, John Corson for signature. Bill No. 6765 thus became Ordinance No. 2006-3288 and is permanently recorded in Book 29 on page 2.

BILL NO. 6766 AN ORDINANCE AUTHORIZING THE EXECUTION OF A FAÇADE EASEMENT IMPROVEMENT AGREEMENT WITH HOME ANNEX III, LLC REGARDING THE FAÇADE IMPROVEMENT AND RESTORATION OF 305 SOUTH FLORISSANT ROAD was introduced by Council as a whole and read the first time.

Petitioner Neil Gellman, with Home Annex III, LLC was present for Council questions. Mr. Gellman gave background information and explained the proposed improvements to the building, appreciates the opportunity and is very excited to be a part of Ferguson. Council welcomed Mr. Gellman.

Mr. Krieger commented that it has been a pleasure working with a quality group like the Gellmans. Mr. Krieger also recognized the effort on the part of Planning Coordinator, Drew Awsumb regarding the façade agreement as well as the Colci Dolci Agreement.

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

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

NOES: 0

ABSENT: 1 – Salant

Bill No. 6766 was declared passed and sent to the Mayor for signature.

Bill No. 6766 thus became Ordinance No. 2006-3289 and is permanently recorded in Book 29 on page 3.

MISCELLANEOUS

James Knowles – addressed some citizen comments regarding Brookfield Manor. In Mr. Knowles estimation he agrees with progress but feels that construction or development is not necessarily always progress. Mr. Knowles feels the decision the Council will make will affect the City for a long time and once something is developed it is very difficult to go back and redevelop it. Redevelopment is something the City has been lacking until recent history and redeveloping of housing stock is something he feels is long overdue and will hopefully be in the future.

Mr. Knowles personally does not feel that this project, as it is proposed, is progress for the community. Mr. Knowles feels some steps have been taken on the developer's side but feels it was a half-hearted attempt to silence the complaints of some but not to address the overall problems.

Mr. Knowles feels people come to cities for all different reasons not just the housing size or style. What is loved about Ferguson is the atmosphere as a community, and feels people are leaving this community for other reasons other than not enough big houses on small lots.

Mr. Knowles feels it is ludicrous to think that is why the City is losing people and why the City can not gain people.

Mr. Knowles read a section from the 2015 Vision Plan and feels that it does not mean taking a piece of land in which you can build 15,000 sq. ft. lots and shrinking it to 7,500 sq. ft. lots and tell him that it is the same density. Mr. Knowles feels that is absolutely untrue.

Mr. Knowles, like most people, wants to see progress, a development, and high dollar homes to bring in higher income for City businesses. Mr. Knowles commented on the property development by Builder's Square and the Church and how Council had site plan control, but the development did not

end up the way Council expected.

Mr. Knowles feels the City should not settle for anything but the best and that is why he loves this community and feels that is why they need to stay the course.

John Corson – disagrees on this particular issue and feels it is unfortunate there is not a lot of common ground. Whether or not the developer has taken large or small steps they have at least taken steps.

Mr. Corson feels change has been talked about a lot and although can be difficult sometimes is necessary to accommodate the growing and varying needs of people and families in creating a diverse environment.

Mr. Corson, on past developments, commented that in looking back there were probably words spoken about whether the Chateau Woods development would happen. The Somerset project is where the previous Council forced the product and did not let the market dictate what it was.

Mr. Corson feels that this is a diverse community and the idea of presenting a product that can work for different families within a zone is exactly what the 2015 Plan talked about when Mr. Corson was chairman of the commission. He does not want someone who can afford a \$300,000 home to search elsewhere because of not wanting a larger lot. The City has to provide the product and Mr. Corson feels the R1-B district and the R-4 are compatible and can provide some amount of control. Mr. Corson further feels that it is old thinking to keep the zoning R1-B and feels it is important to provide a diverse climate to allow growth. If the City chooses to accept this development, Mr. Corson would love to have the developer look at the south end of town, where redevelopment is needed. Mr. Corson feels this project will affect the entire community in which Council serves.

Tim Larson – appreciates the difficult debate on this issue but like others Mr. Larson believes this is the kind of City where people will move and buy a \$300,000 high end home, it is also the kind of place where someone can buy a slightly older home on a big lot, or a Victorian on a four acre lot or a small brick bungalow on a small lot. Mr. Larson feels the City's location supports this project on the intersection of three highways and budding businesses of Emerson, Express Scripts and NorthPark.

Mr. Larson feels Ferguson is the place where people will buy these types of homes and this zoning and this development gives the City the ability to work with the developer to work on issues ranging from buried utilities to

tree boundaries to the biggest issue of not going through existing

subdivisions, it allows drainage, street sizes and to work with the developer in finding a way to build a new entrance. Mr. Larson hopes Ferguson can move forward.

Peggy Faul – commented on her support of the Bike Program and understands all of the concerns with the program and understands all of the difficulties and confusion with the grant but would like Council's support in finishing the classes and invoicing the City with the grant to close it out in December. Ms. Faul totally supports it and would like Council to consider it and let administration know. Remind everyone that this is the last Saturday to enjoy the Farmers' Market.

James Hines – commented that at the time of the article he had not made a decision on the Brookfield project. When Mr. Hines came on the Council he agreed to do a good job for the people of Ferguson. Mr. Hines felt the developer was willing to make the changes the people requested and that is why he changed his mind. Mr. Hines feels the City will not get a better developer. Mr. Hines viewed the area and looked at what had to be done and what was done and felt there was a tremendous difference. Mr. Hines feels there needs to be change and did what he felt he owed Ferguson the loyalty to help develop this land and hopes it will be successful. Mr. Hines sympathized with the people at first, but now feels a lot of the problems have been straightened out. Since he is on the Council, Mr. Hines agreed to go with what he thought was best for the City and feels he is doing the best thing for the City and someday they may thank him.

Mr. Hines had heard complaints regarding certain businesses in Ferguson needing to clean up their facilities so he visited the businesses as requested by the citizens and advised Council of his findings.

City Manager, A.J. Krieger – recognized Finance Director, Joan Jadali for the City of Ferguson being awarded its first Distinguished Budget Award from the Government Finance Officer's Association. This award was earned due to the collaborative efforts of City staff from various levels of the organization.

Mr. Krieger is proud of the City's financial record and transparency of the financial documents. This award has been earned by only a handful of municipalities in the St. Louis area for meeting the highest principles of governmental budgeting. Additionally, only 50% of first time submissions generally earn the award.

Finance Director, Joan Jadali, will be presented with a Certificate of Recognition for Budget Preparation for being primarily responsible for earning the award on the City's behalf.

Mr. Hines commented that Cohen's Upholstery business was damaged by fire and requested Council and Staff to assist them with some of their needs. Council agreed.

Mayor Fletcher announced the wonderful Ferguson Kiwanis will hold their annual pancake breakfast on Sunday, October 29 - Savoy Banquet Center – 7 a.m. – Adults \$6.00/Children \$3.00. Mayor also announced that Our Lady of Guadalupe, will hold a pig roast Saturday, October 28 – 6-10 p.m. \$20.00, and there will also be a Ham and Bean dinner at St. Stevens – Friday, October 27 – 4 – 7:30 p.m. \$6.00.

There being no further business to consider, Council Member Larson, moved to adjourn, seconded by Council Member Knowles. The meeting adjourned at 11:00 p.m.

Deborah L. Matthies, City Clerk