

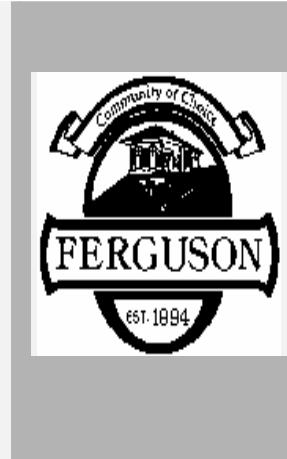
*Approved 12/12/06*

**FERGUSON CITY COUNCIL**

**Council Meeting Minutes  
November 14, 2006**

**WORK SESSION, 7:30 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 November 14, 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 Council meeting would have 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.

**INTRODUCTION OF NEW EMPLOYEES**

Mr. Krieger welcomed and introduced the new Building Commissioner/Zoning Administrator, Richard Faulkner.

Chief Rosenthal and Chief Moonier welcomed and introduced the new Firefighters; Henry Ballard, Mike Preston and Brian Baumgarner. Council welcomed City staff.

## **PUBLIC COMMENTS**

Keith Kallstrom – 7455 Castro – reminded everyone of “Scouting for Food” and, wished City Manager, A.J. Krieger well in his new position. Mr. Kallstrom supports the new proposal, which he feels would improve the housing stock in Ferguson.

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; Robert Haddenhorst - 641 Chartier Drive; Scott Garrett - 824 Le Maisson Dr.; Linda Lipka – 818 Le Maisson Dr.; Bob Richardson - 1210 Deer Ridge Dr.; Bill Whitson – 3652 Millstone; Jim Smith – 1131 Chatelet; Marcia Whitson – 3652 Millstone; Mary Cobb – 739 Hudson Road.

The residents in opposition of the re-zoning voiced their comments and concerns regarding lot sizes, density, increased traffic, buffer and access concerns. Residents felt that a more compatible development is needed, but not this particular proposal.

Stan Caldwell – 900 Dyerdown – was a member of the 2015 Vision Plan and is in favor of the re-zoning.

Chuck Henson – 1110 Birchgate Trail congratulated A.J. and appreciated everything he has done for the City of Ferguson. Mr. Henson had comments and questions regarding the re-zoning but is in favor and supports it.

The residents in favor of the re-zoning voiced their comments and concerns regarding the subdivision by saying they feel it is a great opportunity for the City. The developer made the proposed changes and access changes regarding the Alicia entrance; this is a diverse community with all types of housing; good housing attracts good people and new businesses to the community; the 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.

Chuck James, Shannon Howard and Joe Lonero on behalf of the Ferguson Station Business District (FSBD) Board presented City Manager, A.J. Krieger a

Proclamation and gift and wished him well in his new position.

Shannon Howard invited and reminded everyone of the Northern Lights parade and explained the festivities, volunteers are needed.

Mr. Patterson – Royal - commented on his travels and neighborhoods.

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

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

Council Meeting Minutes – October 24, 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 24, 2006 and file as appropriate.

Council *Special* Meeting Minutes – November 7, 2006. A motion was made by Council Member Knowles, seconded by Council Member Corson and carried to approve and receive as presented the Council *Special* Meeting Minutes of November 7, 2006 and file as appropriate.

### **RESOLUTIONS**

A motion was made by Mayor Fletcher to move off the table Resolution 2006-34, seconded by Council Member Corson.

2006-34 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE REAL ESTATE NUMBERED AS 1308 ALICIA AVENUE IN AN AMOUNT NOT TO EXCEED \$250,000, was introduced and read by City Attorney, Stephanie Karr.

Discussion regarding Resolutions 2006-34 and 2006-35 in authorizing the purchase of the properties. Mr. Krieger commented that if the project is not approved then Council would instruct the City Manager not to purchase the property or approve any agreements regarding the property.

On roll call vote, the motion carried as follows:

AYES: 4 – Corson, Salant, Fletcher, Larson

NOES: 3 – Knowles, Hines, Faul

Resolution passes. 4-3

A motion was made by Mayor Fletcher to move off the table Resolution 2006-35 seconded by Council Member Corson.

2006-35 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE REAL ESTATE NUMBERED AS 1250 N. ELIZABETH AVENUE IN AN AMOUNT NOT TO EXCEED \$150,000, was introduced and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

AYES: 4 – Salant, Fletcher, Larson, Corson

NOES: 3 – Knowles, Hines, Faul

Resolution passes. 4-3

2006-40 - A RESOLUTION TO HOLD AN ELECTION ON TUESDAY, APRIL 3, 2007 IN THE CITY OF FERGUSON, MISSOURI, FOR ELECTING THREE COUNCIL MEMBERS, ONE FROM EACH WARD, was introduced by Council as a whole and read by City Attorney, Stephanie Karr. On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes. 7-0

2006-41 - A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO ASSIGN CERTAIN DUTIES, RESPONSIBILITIES, AND CONSIDERATION UNDER AN AGREEMENT WITH ST. LOUIS-JEFFERSON SOLID WASTE MANAGEMENT DISTRICT TO ALLIED WASTE was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

Assistant City Manager, De'Carlon Seewood explained the program and funding for the recycling grant proceeds with Allied Waste.

On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes. 7-0

## **REQUESTS**

A motion was made by Council Member Corson, seconded by Council Member Salant, to cancel the November 28, 2006 Council Meeting due to the Thanksgiving Holiday. On

voice vote motion carried unanimously 7-0.

A motion was made by Council Member Corson, seconded by Council Member Salant, to cancel the December 26, 2006 Council Meeting due to the Christmas Holiday. On voice vote motion carried unanimously 7-0.

### **BILLS REQUIRING FIRST READING**

BILL NO. 6768 AN ORDINANCE AUTHORIZING THE EXECUTION OF A FAÇADE EASEMENT IMPROVEMENT AGREEMENT WITH HOME ANNEX IV, LLC REGARDING THE FAÇADE IMPROVEMENT AND RESTORATION OF 299 SOUTH FLORISSANT ROAD, was introduced by Council as a whole and read the first time.

BILL NO. 6769 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JHB PROPERTIES, INC., FOR THE PURPOSE OF MAKING CERTAIN IMPROVEMENTS TO ALICIA ROAD, was introduced by Council Member Salant and read the first time.

City Manager, A.J. Krieger reviewed the section changes in the agreement and its relationship to the proposed Brookfield Manor Subdivision. The changes were made following through with Council's direction to pursue the instruction of the realignment and improvement of Alicia Ave. as the primary access to the proposed Brookfield Manor subdivision.

Mr. Hines questioned the size of the streets and suggested a 32 ft. street instead of the proposed 26 feet. A lengthy discussion ensued regarding the width of the street.

Mr. Krieger explained that the City will have the opportunity to review the proposed drawings and plans prior to construction.

City Manager, A.J. Krieger informed Council that City Staff has, in fact, researched the Pershall Property option. Mr. Krieger spoke to the listing agent on numerous occasions, Council is aware that staff has researched the Pershall Property option and based upon the best estimate the minimum cost of constructing a road would be approximately \$1.8 million dollars. Mr. Krieger commented that it cannot be accurately said that staff has not researched the Pershall option or it would be anywhere near a more economical option, it just simply is not true.

Ann Stephens, Attorney representing JHB Properties discussed their issues with the option to purchase the remaining property, right of first refusal, and the additional cost of a proposed left turn lane on Elizabeth Ave.; a St. Louis County roadway.

Council had a lengthy discussion regarding the option to purchase the remaining property, property price, the proposed left turn lane on Elizabeth Ave. and the same developer developing the property.

Mr. Mike Faulkner, Vice President of J.H. Berra Properties, Inc. expressed McBride's interest in the lots and that he met with St. Louis County to discuss their requirements regarding Elizabeth Ave.

Mr. Krieger commented that not only will the model and specifications be attached to the Ordinance, it can only be deviated from with the approval of Council. The developer will also enter into a separate agreement with the City.

Council decided to further research the options prior to the second reading of Bill No. 6769.

### **BILLS REQUIRING SECOND 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.

A motion to read the Bill a second time and place it upon its passage was made by Mayor Fletcher, seconded by Council Member Salant.

Mr. Knowles appreciates the people who have expressed their opinions regarding this issue. Mr. Knowles feels it is the wrong project. He is now concerned with just learning about the turn lane on Elizabeth Ave. which is already a heavily traffic road and the construction through Chateau Woods. Mr. Knowles is in opposition of Bill No. 6767.

Mr. Larson commented this was a difficult issue and appreciates the people who have expressed their opinions. Mr. Larson is in favor of Bill No. 6767 which he feels gives the City an opportunity to work with the developer. Mr.

Larson also feels it will bring a new class of homes that the City currently does not offer. Mr. Larson feels it has been a difficult issue but feels it has come along way from the original proposal. The proposal now calls for a minimum square footage, putting Chateau Woods back the way it was found, no access through Parc Monceau, taking care of the people on a new improved Alicia, and specifically lays out the types of homes that will be offered. Mr. Larson believes this is a way to offer a greater diversity of homes to the citizens.

Mr. Knowles commented that in the original proposal, he was happy to see that the Chateau Woods and Parc Monceau subdivisions would not be subjected to construction traffic. But under this proposal, Chateau Woods will be the sole entrance for construction traffic until Alicia is constructed.

On roll call vote, the motion carried as follows:

AYES: 4 – Fletcher, Larson, Corson, Salant  
NOES: 3 – Faul, Knowles, Hines

Bill No. 6767 failed. 4-3.

Mayor declared Bill No. 6767 defeated because a super majority of the Council was required.

### **MISCELLANEOUS**

Mr. Larson – appreciates the spirited debate as well as all of the input from the citizens. Thanked A.J. for his service, his 50-60 hour weeks and all he has helped Council work through. Mr. Larson wished him well in Colorado. Congratulations to the new firefighters and reminded everyone of the Northern Lights festivities.

Ms. Faul – requested staff for an update regarding the Landlord Initiative. Questioned the dumpster behind Aldi's and if Staff could look into its repair.

Mayor Fletcher – asked staff to try to resolve the dumpster issue behind Aldi's.

Mr. Krieger – responded that staff has tried to keep it functional and will look into it again.

Ms. Faul - Thanked Allied Waste for the grant recycling. Thanked the residents for their hard work with the re-zoning issue but to be aware of

other City issues as well. Reminded everyone Old Newsboys Day is November 16 and the Northern Lights festivities.

Mr. Hines – felt he made a decision which he feels would affect the entire City. He is convinced too much money is being spent to make it happen. There are other developers out there.

Mr. Knowles – congratulated the Firefighters and Chief Moonier on the Citizen Police Academy Program. Mr. Knowles thanked the people who have expressed their opinions on both sides of the issue and it is good to see such interest in the community. Everyone has different values and opinions and feels that the best choice was made for current and future residents. Mr. Knowles applauds the efforts and hopes Ferguson can move forward with something that is best for this community.

Mr. Salant – congratulated City Manager, A.J. Krieger on his new position and he will be missed.

Mr. Corson – commented that City Manager A.J. Krieger has provided strengths and leadership that have not always been evident because it is done at a level that really works both for Mr. Krieger professionally and as a City. The leadership Mr. Krieger has provided is a testimony to Mr. Krieger about how the City has come along during the past several years which should be very gratifying for Mr. Krieger and will be missed by the City. Mr. Corson commented it is not about the man but what is best for the City and that should be applauded and recognized. Mr. Corson wished Mr. Krieger the best of luck.

Mr. Corson welcomed the new City employees. Mr. Corson does not feel the right decision was made regarding the proposed project. Council votes in what they believe is the best interest of the City. Council has to look at what is or is not being created. Mr. Corson commented creating a diverse community which allows people who want different things to co-mingle with different areas, this type of development and this theory of residential development works well in many areas of the country, and feels you have to be willing to change and signals change is going to occur whether it is liked or not, you can control the type and amount of change but change will come. Change is good and you have to be able to take it and manage it. The City may end up with a different development or no development. If you were to look back thirty years ago at the developments of Parc Monceau and Chateau Woods it was probably said they were doing something different then. Mr. Corson hopes the City can adapt because he feels it is

important for the good and health of the City.

Mr. Krieger – Thanked Council and was a pleasure working with the Council. Thanked FSBD. Mr. Krieger recognized the Department Directors and City staff for the incredible work that they do for the City and it has been Mr. Krieger's sincere pleasure to work with them. Mr. Krieger feels very good about this community, feels its future is bright and hopes the City is in a better place today.

Ms. Faul – wished Mr. Krieger and his family well.

Mayor Fletcher – emphasized that Northern Lights is a wonderful festival and parade and hopes everyone attends. Congratulated new City staff as well as recognized all City employees for their hard work. Congratulated and wished Mr. Krieger the best and it was a pleasure knowing him and working with him.

#### **ADJOURNMENT**

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

Deborah L. Matthies, City Clerk