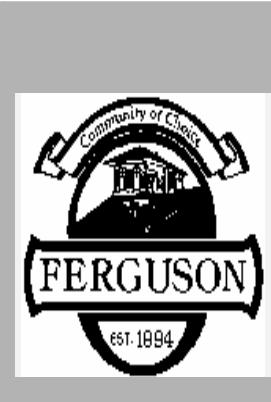


FERGUSON CITY COUNCIL

**Council Meeting
July 26, 2005**

**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 July 26, 2005 by Mayor Brian P. Fletcher, in the Council Chambers 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
Keith Kallstrom
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 Public Portion and the Business Portion.

SPECIAL PRESENTATION

Public Works Director, Terry O'Neil explained the Pride of the City Program and introduced the August Pride of the City winners. Mayor Fletcher presented each of the winners present with a certificate and City Flag. The August winners are Ward 1- Lee Hankins, 1155 Chatelet Drive, Ward 2 – Mr. & Mrs. Stephen Taylor, 60 W. Cardigan Drive, and Ward 3 – Mr. & Mrs. Dale Poinsett, 517 Brotherton Lane. Pride of the City signs will be placed in their yards. Council congratulated the winners.

New Employees

City Manager, A.J. Krieger recognized the efforts of Chief Moonier and commented it is very important to have a City staff and public safety services that are reflective of the community.

Chief Tom Moonier commented he is extremely proud to be the Public Safety Director and feels staff owes the City the best possible employees. Chief Moonier introduced and gave a brief background on each new and promoted employee: Mary Ann Davis Simmons, promoted to Secretary to the Director of Public Safety; Mary Peterson, promoted to full time Records Clerk; Mike Clayborne, promoted to Police Officer; Jacob Capstick, promoted to full time Corrections Officer; Jaime Hall, new Police Officer; James Conners, new full time Corrections Officer; and Dominica Parker, who is currently attending the Police Academy to become a Police Officer.

Chief Moonier commented that the Department of Public Safety has outstanding Firemen and Police Officers and looks forward to continually attracting these types of individuals to the organization.

Chief Moonier explained that with the Police Department's reorganization plan it created a new position of Captain of Police. After extensive competitive examinations and interviews, the three candidates for the Captain position were Lt. Nabzdyk, Lt. DeCarli, and Lt. McBride. Lt. McBride performed first in the written examination and first in the outside oral board examination and was selected as the new Captain.

Mr. Krieger gave a special presentation to Captain Dennis McBride who was present with his wife, Patty.

PUBLIC COMMENTS

Mayor commented that the Darst/Millman issue would be heard at the end of the Public Comments portion.

Alvin Zamudio – Owner of Soma's Coffee House, 23 S. Florissant Road – reviewed the information provided by the City Manager's office regarding the specific requirements and model ordinance for outside seating. Mr. Zamudio informed Council he has met all of the requirements necessary and his business is covered for liability insurance. Numerous measurements have been made of the sidewalk, to provide space for the tables. Mr. Zamudio questioned if Soma's meets the requirements, what is the next step.

Mr. Krieger explained the way the City Ordinance is written it does not permit outdoor seating. If Council wishes to permit this use then Council needs to instruct staff to prepare

an Ordinance amendment and to prepare a process.

Mr. Knowles suggested using the model Ordinance sent to Council and proposed to move forward and because of the time constraint, place it on the next agenda for first and second readings.

Council discussed taking time to review a model Ordinance that staff will prepare and the City Attorney would review.

Mr. Krieger explained that the documents sent to Council to review were examples of other Ordinances and criteria that other cities use. Mr. Krieger further stated that simply having liability would not necessarily cover the City; the City has to be named as an additional insured to protect the City.

Mr. Hines commented that he would be satisfied with using smaller tables and feels Council should move ahead.

Council consensus is to have the City Manager formulate an Ordinance for Council review.

Mr. Krieger explained to Council that the Ordinance would require some type of barrier between the space being used and the public space for passage, which will have to conform to the Americans with Disabilities Act (ADA) requirements, which will be difficult but not impossible to do. Staff will prepare and present an Ordinance for first reading at the August 23rd Council meeting.

Council also agreed to discuss this issue during the August 23rd work session.

Susan Donald – 610 Wesley – had comments and concerns with the three classifications of Landlords. Ms. Donald thanked Council and Staff for being so responsive to citizen concerns.

Patricia Barnett – 321 S. Clark Ave. – had comments regarding landlords and having been a landlord appreciates the efforts of the City in maintaining property values and dealing with nuisance situations and feels it is important to the quality of the City.

Donald Chisholm – 312 Royal Ave. – comments and concerns regarding signs that offer to *buy homes for cash* on billboards, store windows and numerous places in the City. Mr. Chisholm finds this very disturbing and requested Council look into the situation.

Attorney Chuck James – 210 Hereford and client Carol Knox regarding the proposal for the property located at 500 Airport Road were present for any Council questions before the first reading.

Cathy Dahmer – 401 Ruggles – comments and concerns regarding Occupancy Permits. Suggested that Landlords attest to who is living in the properties and if there is a change of tenants it should be noted who is living at the residence.

Tom Patterson – Royal Ave. – had comments and concerns regarding the Responsible Landlord Presentation.

Michael Lonero – Vincenzo's – informed Council of his temporary Liquor License request for an event "Loft Party" on August 20, 2005 on Vincenzo's parking lot and they would like to make this a monthly event.

Mayor gave a background on the Darst/Millman traffic issue. The City and several City Council Members received a letter dated from residents from the Darst Road/Millman Drive area asking for assistance with an issue that they consider being a traffic and safety concern. In their letter, the residents requested several items that might resolve their issues such as stop signs, no through traffic, one-way, and a variety of methods. Several Council Members requested the citizens request be addressed in an expeditious manner and due to the traffic issue and the request for stop signs, based upon the policy of the City and the Department of Public Works the issue was directed to the Traffic Commission who discussed it on June 21, 2005.

Mayor then opened the microphone for public comment. Mayor commented that there will be a Traffic Commission meeting on August 16, 2005 to further discuss this issue.

Rob Chabot – 263 S. Hartnett, thanked Council for giving the citizens an opportunity to speak at the August meeting. Further requested the City have adequate information to make a comparison study. Mr. Chabot offered Council his assistance in preparing for the August traffic meeting.

Tom Hanley – 625 Darst Road – concerns and comments regarding Chambers being a thoroughfare and the increase of traffic on Darst.

Carla Bergeron – 1029 Edgehill Drive – concerns and comments regarding the use of Darst as a main thoroughfare and asked Council not to direct traffic to other streets, which is not fixing the problem but making a problem for somebody else.

Dave Schroeder – 33 N. Hartnett Ave. – concerns and comments regarding the problem of turning left onto Chambers.

Adrian Shropshire – 709 Forest Ave. – concerns regarding speed, sidewalks and the use

of the road as a shortcut. He feels additional law enforcement would help to monitor the area.

John Kuhlman – 22 N. Barat – commented that the Traffic Commission decided to place, as a temporary solution, vehicle barricades for 60-90 days and is asking the citizens to try it.

Sandy Hunter – 611 Darst – Ms. Hunter feels rather than trying to exclude people from the neighborhood there needs to be a permanent solution to the problem to keep the citizens safe.

Bill Duncan – 46 N. Elizabeth – commented that he sees young people spinning their wheels at the top of the hill trying to get their speed up to go down the hill. It is constant and enough people are doing it that it is becoming a danger to the people at the bottom of the hill who have children. Mr. Duncan feels something has to be done about it.

Walter Coleman – 525 Darst – asked Council not to substitute safety for convenience and to support the temporary barriers, hopefully permanent barriers, because safety should be first for the residents.

James Knowles – 1123 Renshaw – feels it is a safety issue if you close off Darst. He uses Darst often, feels there is a great deal of traffic during high traffic hours, people do speed on Darst and as an alternative, and he suggested speed bumps, stop signs or police protection. He feels barriers will divide the community.

Dan Brashers – 604 Forest – commented that there have been past studies done and he feels what is needed is additional law enforcement instead of temporary barriers.

Susan Ankenbrand – 711 Darst – suggested not to divide neighborhoods by barriers but continue to look for suggestions and ideas that will alleviate the problem on Darst and other streets and benefit the citizens. Find a solution that will benefit all of the neighborhoods.

Vernon Williams – Centre Ave. – he lives by the roundabout and commented on the speeding being hazardous around the circle.

John Malaway – 530 Darst Road – commented better ideas are needed for safe neighborhoods and asked that everyone pull together, this affects everyone in the area, it may be an inconvenience but it may make the neighborhood quieter and safer for the children.

Dale Zepp – 606 Darst – commented that he lives at the bottom of the hill and feels

speeding is the problem. He feels the solution is a stop sign or additional law enforcement to slow down traffic.

Mayor again commented that there will be a Traffic Commission meeting on August 16, 2005 so the citizens may discuss this issue. It will be posted on the Cable Channel and the City website. Mayor thanked everyone for their concerns and comments and assured everyone that the Mayor and Council want to make the right decision for the residents and hopefully work through this together.

There being no further public comments, Mayor declared the public portion closed at 9:15 p.m.

BUSINESS PORTION **APPROVAL OF MINUTES**

Council Meeting Minutes - June 28, 2005. A motion was made by Council Member Corson, seconded, and carried to approve the Council minutes of June 28, 2005, and file as appropriate.

CONSENT AGENDA **Minutes**

Traffic Commission Minutes – June 21, 2005 w/recommendations. A motion was made by Council Member Corson, seconded, and carried to accept the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes – May 16, 2005. A motion was made by Council Member Corson, seconded, and carried to accept the minutes as presented and file as appropriate.

Board of Adjustment Minutes – February 28, 2005. A motion was made by Council Member Corson, seconded, and carried to accept the minutes as presented and file as appropriate.

APPOINTMENTS

A motion was made by Council Member Kallstrom to appoint Michael Crawford to the Park Board, seconded, motion approved unanimously.

PROCLAMATIONS

A Proclamation recognizing “National Night Out” August 2, 2005 was read by Mayor Fletcher.

RESOLUTIONS

City Manager, A.J. Krieger explained the Resolution authorizes the City Manager to execute a hedge agreement with Bank of America. When the Council approved the Line of Credit Agreement, Section 914 of the Ordinance contemplated that the City would execute a hedge agreement. The Resolution authorizes the City Manager to execute that agreement. Council needs to discuss which option to choose. Mr. Krieger sent Council a memo explaining the options and emailed the term sheet. Mr. Andy Corder from Bank of America and Bank counsel Mr. Mark Boatman from Armstrong Teasdale were present for questions.

Mr. Krieger explained the three options for the hedge agreement. Council's approval is needed to execute the hedge agreement along with their option choice. Discussion ensued regarding the different options and the risks involved.

Council consensus chose Option A, which utilizes the lowest fixed interest rate at 4.13% for a 15-year term.

2005-17 A RESOLUTION AUTHORIZING THE ENTERING INTO OF A HEDGE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE CITY OF VARIABLE RATE CAPITAL IMPROVEMENT BONDS, SERIES 2005, AND VARIABLE RATE CAPITAL IMPROVEMENT BONDS, SERIES 2006; AND AUTHORIZING CERTAIN OTHER AGREEMENTS, DOCUMENTS, AND ACTIONS IN CONNECTION THEREWITH was read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 6 – Corson, Kallstrom, Knowles, Hines, Fletcher, Larson
NOES: 1 - Faul

Resolution passes.

REQUEST

A request for a Liquor License for Classics II, Inc. d/b/a Kahle's Dog Pound, located at 1212 Chambers (formerly Kelli's Pub). New owner and applicant Larry R. Kahle has met the requirements and was present for Council questions. Mr. Corson questioned the name of Kahle's Dog Pound and Mr. Kahle explained his nickname is dog. Mr. Kahle informed Council he signed a 5-year lease and will be open on Sundays.

Temporary Liquor License for Vincenzo's – event to be held on August 20, 2005 on the 242-252 S. Florissant Parking Lot. Applicant Michael Lonero has met the requirements.

Temporary Liquor License for the Ferguson Station Business Association for the Ferguson Streetfest to be held September 23, 24 and 25th. Applicant William Scheffer has met the requirements.

A motion was made by Mayor Fletcher to approve the Liquor Licenses for Kahle's Dog Pound, Vincenzo's and the Ferguson Streetfest. Motion passed unanimously.

BILLS REQUIRING FIRST READING

Mr. Krieger explained Bill No. 6715 is a redevelopment plan for the building at 500 E. Airport Road. The building is in the TIF District and is offering a rebate of incremental revenue exactly to the structure of the Lonero Agreement. Mr. Krieger further explained the agreement provisions.

BILL NO. 6715 AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN, REDEVELOPMENT AREA, REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND LOUISE CAROL, INC., AT 500 AIRPORT ROAD; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE REDEVELOPMENT AREA; AND CONTAINING A SEVERABILITY CLAUSE.

Introduced by Council as a Whole and read the first time.

City Manager, A.J. Krieger explained Bill No. 6716 is establishing the City property tax levy and is determined by following a formula that includes final evaluation results, which the City does not yet have from the County. Based upon early information this is what the City expects the rate to be and is subject to some change. A Public Hearing will be held before the next Council Meeting and know what the actual rate will be and then set the rate.

BILL NO. 6716 AN ORDINANCE FIXING THE RATE OF AD VALOREM TAXATION FOR THE YEAR 2005 BY LEVYING A TAX FOR GENERAL AND OTHER PURPOSES ON ALL PROPERTY MADE TAXABLE BY LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF FERGUSON, MISSOURI; AND LEVYING A TAX FOR FREE PUBLIC PARKS IN THE CITY OF FERGUSON, MISSOURI.

Introduced by Council as a Whole and read the first time.

BILLS REQUIRING SECOND READING

BILL NO. 6714 AN ORDINANCE AMENDING ORDINANCE 2004-3211; A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND JOE LONERO

Mr. Krieger explained that Bill No. 6714 was pulled from the Agenda at the request of the developer. The City will not be amending the agreement. Mr. Krieger indicated that

based upon feedback the developer received he decided not to move forward with the agreement.

UNFINISHED BUSINESS

Florissant Road -

Mr. Krieger informed Council that Tom Weis of P.H. Weis & Associates is present for Council questions. Staff needs final direction on whether or not to proceed with a design to include the medians. Staff recommends to include the medians. Discussion ensued regarding the design, the medians, widening the sidewalks in front of the downtown businesses, and possible shifting of the road. Mr. Krieger explained to Mr. Weis that the Council has potentially some interest in shifting the West side of Florissant Road to expand or enlarge the sidewalk and as previously discussed, that creates an offset problem. Mr. Weis addressed the possible shifting of the road, alignment issues and several other Council questions. Discussion ensued.

Council consensus concurred with the Traffic Commission recommendations to include, as an alternative, medians on Florissant Road at Carson and at Brotherton in the Improvement Project.

January Wabash Building update – discussion ensued with regard to the repairing or demolition of the J.W. Building. Council consensus is to have staff present Council with plans for the demolition of the building and to find accommodations for future functions.

Darst Road/Millman Drive – discussed under Public Comments. Traffic Commission recommendation to temporarily close Darst at Millman will be discussed at the next Traffic Commission meeting on August 16, 2005.

MISCELLANEOUS

Peggy Faul – welcomed the new City employees, Thanked Mr. Krieger and City staff for the work and presentation of the Responsible Landlord Presentation. Ms. Faul requested a work session on the outdoor dining, the sewer lateral program, and sidewalk replacement program. Ms. Faul is still concerned with the City taking on debt and the hedge agreement.

James Hines – on behalf of himself and his wife Mr. Hines thanked and commended the Police and Fire Department for their response time in taking him to the hospital.

James Knowles – agreed with Ms. Faul in discussing the sewer lateral program and sidewalk replacement program in a work session. Mr. Knowles urged Council to look into

the downtown area as far as future restaurants, sidewalk dining, and medians. Mr. Knowles attended the Pension Board meeting and requested staff to move forward and bring their recommendations to the City Council.

Keith Kallstrom – welcomed the new City employees and congratulated Captain Dennis McBride. Mr. Kallstrom sent condolences to the family of Arlene Stranquist. Reminded everyone to support National Night Out on Tuesday August 2, 2005. Mr. Kallstrom commented on the City computer replacement program and reminded everyone of the August Sales Tax Holiday.

John Corson – welcomed the new City employees and congratulated Captain Dennis McBride and the Pride of the City recipients who take pride in their property. Mr. Corson thanked staff for their Responsible Landlord Presentation.

Mayor Fletcher – thanked the residents for their comments and concerns regarding the Darst Road and Millman Avenue discussion. Mayor also updated the revenues of Prop 1 & 2 by stating the City is ahead of the estimated \$1.8 million and is on track to receive \$2 million.

Mayor commented that the Drivers License Bureau will still be in Ferguson it is just relocating to the former Bunny Bread Store located at 728 South Florissant Road, during the month of August.

There being no further business to consider, the meeting recessed at 10:30 p.m.

Council at 10:30 p.m. entered into closed session in accordance with RSMo 610.021 to discuss matters relating to litigation, legal actions, and/or communication from the City Attorneys as provided under Section 610.021(1) RSMo, and/or personnel matters under Section 610.021(13) RSMo, and/or employee matters under Section 610.021(3) RSMo, and/or real estate matters under Section 610.021(2) RSMo.

A motion was made by Council Member Kallstrom, seconded to enter into closed session under Sections 610.021 (3) and (13) RSMo. The motion passed unanimously by roll call vote.

Also in attendance were City Manager, A.J. Krieger, City Attorney, Stephanie Karr and City Clerk, Debbie Matthies.

Personnel matters were discussed.

There being no further business to discuss, a motion was made by Council Member Kallstrom, seconded, to return to open session at 12:27 a.m. The motion passed unanimously by roll call vote.

ADJOURNMENT

There being no further business to consider, Council Member Knowles moved to

adjourn, seconded and the motion passed unanimously by roll call vote. The meeting adjourned at 12:27 a.m.

Debbie Matthies, City Clerk