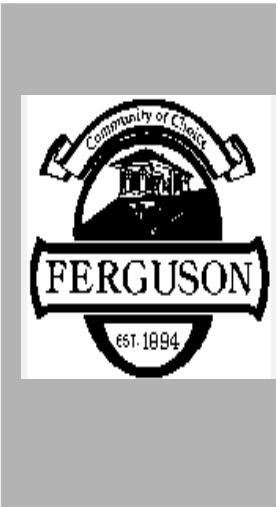


FERGUSON CITY COUNCIL

**Council Meeting
September 13, 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 September 13, 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 - ABSENT

Also present were City Manager A.J. Krieger, City Attorney Stephanie Karr, and Deputy City Clerk Sonya Brooks. Ms. Brooks declared a quorum was present.

Mayor Fletcher welcomed all present and explained the Public Hearing Portion, Public Portion and the Business Portion.

PUBLIC HEARING –

Ferguson Style Shop & Spa

Mayor Fletcher gave an opportunity for citizens to express their comments, suggestions, or questions with regard to the Ferguson Style Shoppe & Spa special use. City Manager, A.J. Krieger summarized the petitioner's request for a Special Use Permit, pursuant to Section 16.4 (G)(2)(5)(9)(12), to operate a beauty salon on the first floor of the existing building. The salon will provide hair, manicure, and tanning services as well

as other ancillary uses customarily associated with a beauty salon. The salon will have four (4) beauty stations and two (2) nail stations. The proposed hours of operation are 9:00a.m. to 9:00p.m. Monday through Friday.

Attorney Chuck James, 210 Hereford, introduced owner Sherry Sowders who shared the history of the style shop and the available services. Ms. Sowders expressed the need for expansion and to improve a wider range of the services, create a sense of pride and import new dollars into the community.

Councilman Knowles commented on the nice article featured in the North Post recently. Councilwoman Faul verified that the shop will have Saturday hours. Councilman Corson questioned the height of the fencing along the south side that separates the style shop and the car wash and wished Ms. Sowders success.

Mr. Robert McGartland, (owner Robinwood Automotive) 43 W. Cardigan – wanted to share his support for the business and to speak on Ms. Sowders behalf.

There being no further discussion. Mayor Fletcher declared the Public Hearing on the Ferguson Style Shoppe & Spa closed at 8:20p.m.

Greater Grace Church

Mayor Fletcher gave an opportunity for citizens to express their comments, suggestions, or questions with regard to Greater Grace Church special use.

City Manager, A.J. Krieger summarized the petitioner's request for a Special Use Permit to operate a 60,060 square foot church with ancillary uses including a daycare, teen center, bookstore, and café/food court. The proposed hours of operation are daily from 8a.m. - 5p.m. and extended hours on Wednesday from 6p.m. – 9p.m.

Pastor Larry Jones, 3650 Pershall Road, gave a brief history of their special use permit request and asked the Council for approval. Pastor Jones stated the church is looking to begin construction shortly and drawings are being sent to the building committee and financing is being done through Bank of America.

Councilman Corson inquired about the light standards and suggested that the church create a 4' berm to shield headlights and deflect noise on the southern edge of the property. Pastor Jones requested the City Manager or Staff consult with him and the engineers to make sure all requirements are met and any possible options.

Joe Lonero, 901 Hudson, wanted to know what's going on with the property. Would like to see safeguards put in place to make sure it's getting done. Concerned that the project will get started and not finished. Discussion ensued. Pastor Jones assured Mr.

Lonero that once the church starts building they will finish.

Jim Knowles, 1123 Renshaw, spoke of his concern regarding buffering and the storm water issue for the neighboring properties. Mr. Krieger pointed out the details of the buffering requirements in the special use permit and that they will be met. Discussion ensued.

There being no further discussion. Mayor Fletcher declared the Public Hearing on Greater Grace Church closed at 8:47p.m.

SPECIAL PRESENTATION

Promotions – Battalion Chief and Captain

Presentation postponed to a later date.

PUBLIC COMMENTS

Fred Portis, 58 Harneywold – voiced concerns over a recent change in construction companies (from Kemp Homes) and a recent plan amendment and how it would effect an agreement to landscape and create natural barriers between Black Oaks and the new housing project. Mr. Krieger stated that the plan amendment did not alleviate any landscaping requirements. Mr. Portis also inquired about an agreement by Kemp Homes not to build two-story villas right behind residents who back up to the property. Staff will verify.

Jean Waldvogel, 1232 N. Elizabeth - wanted to follow-up on a letter sent to the Mayor and Council regarding getting help for sewers, and in order to go through the Neighborhood Improvement District residents will need City Council help. Discussion ensued. Staff will contact Ms. Waldvogel and determine the best method.

Pearce Neikirk, 1114 Hudson (Co-Chair, Wabash Now & Forever Committee), shared concerns regarding the demolition of the Wabash building and what appears to be a lack of a plan to replace it. Stated Wabash Now & Forever has made significant progress and gained supporters to support the objective for the immediate replacement of the building. Emphasized that there was no need for another study and it is now time for public input and a plan.

Jim Knowles, 1123 Renshaw, stated he has always supported a community center but wanted to make sure it was the right thing. Suggested we get a plan and do the whole thing.

Tom James, 801 Moundale, discussed Wabash Now & Forever Committee and their

request for Council to make immediate plans to replace the Wabash building. Shared input from its supporters. Emphasized making it an immediate replacement.

Attorney Chuck James, 210 Hereford – came forward to address any questions regarding Bill No. 6725 (Style Shoppe). None were asked. Also, voiced his support of having a Wabash building replaced, however, felt it should be built in a different place (i.e. to accommodate parking, accessibility).

Jane Neikirk, 1114 Hudson – suggested that the Wabash building be torn down, however, not until a study is completed.

Councilman Hines – asked what is Wabash Now & Forever Committee's timeframe (define immediate). Mr. Tom James stated the timeframe would be based on a consensus from the Council and sitting down with Staff regarding ideas, financing, and the scope of the project.

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

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – August 23, 2005. A motion was made by Council Member Knowles, seconded, and carried to approve the Council minutes of August 23, 2005, and file as appropriate.

CONSENT AGENDA

REQUESTS

Request for new liquor license – Blessed Teresa of Calcutta Catholic Church f/k/a Good Shepherd Catholic Church has met the requirements. A motion was made by Mr. Knowles to approve the liquor license for Blessed Teresa, seconded. Motion passed unanimously on voice vote.

RESOLUTIONS

2005-23 - A RESOLUTION REPEALING A PREVIOUSLY-APPROVED SCHEDULE OF FINANCIAL DEALERS AND INSTITUTIONS AND ADOPTING AN UPDATED SCHEDULE OF AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS 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 - Kallstrom, Knowles, Hines, Fletcher, Faul, Corson
NOES: 0
ABSENT: Larson

Resolution passes.

SPECIAL USE PERMITS APPROVAL

Ferguson Style Shoppe & Spa

Approval of a Special Use Permit for the Ferguson Style Shoppe & Spa to operate a beauty salon on the first floor of the existing building.

A motion to approve the Special Use Permit was made by Mr. Kallstrom, seconded. On roll call vote, the motion carried as follows:

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

Greater Grace Church

Approval of a Special Use Permit for Greater Grace Church to operate a 60,060 square foot church with ancillary uses including a daycare, teen center, bookstore, and café/food court.

A motion to approve the Special Use Permit was made by Mr. Knowles, seconded. A motion was made to amend the special use permit to instruct city staff to work with Greater Grace Church to include a minimum 4' earthen berm or other suitable screen along the northern most line of the forty-foot landscaped buffered area along the south property line. On roll call vote, the amended motion carried as follows:

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

BILLS REQUIRING FIRST READING

BILL NO. 6723 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS LLC FOR THE PURPOSE OF INSTALLATION AND OPERATION OF A TELECOMMUNICATIONS FACILITY ON CITY PROPERTY. Introduced by Council as a whole and read the first time.

BILL NO. 6724 - AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF FERGUSON, MISSOURI, TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FERGUSON AND LOCAL 2665 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS. Introduced by Council as a whole and read the first time.

BILL NO. 6725 - AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN, REDEVELOPMENT AREA, REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHERRY SOWDERS., AT 809 S. FLORISSANT 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.

BILLS REQUIRING SECOND READING

BILL NO. 6717 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF CUTTING AND REMOVING WEEDS AS PROVIDED UNDER CHAPTER 46. VEGETATION, ARTICLE III. WEEDS AND VINES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI. Introduced by Council as a whole and read the first time.

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

AYES: 6 – Fletcher, Faul, Corson, Kallstrom, Knowles, Hines
NOES: 0

ABSENT: Larson

Bill No. 6717 was declared passed and sent to the Mayor for signature. Bill No. 6717 thus became Ordinance No. 2005- 3243 and is permanently recorded in Book 27 on page 211.

BILL NO. 6718 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF BOARDING UP BUILDINGS AS PROVIDED UNDER CHAPTER 7. BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI. Introduced by Council as a whole and read the first time.

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

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

NOES: 0

ABSENT: Larson

Bill No. 6718 was declared passed and sent to the Mayor for signature. Bill No. 6718 thus became Ordinance No. 2005- 3244 and is permanently recorded in Book 27 on page 222.

BILL NO. 6719 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COST OF REMOVING TRASH AND DEBRIS AS PROVIDED UNDER CHAPTER 28. NUISANCES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI. Introduced by Council as a whole and read the first time.

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

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

NOES: 0

ABSENT: Larson

Bill No. 6719 was declared passed and sent to the Mayor for signature. Bill No. 6719 thus became Ordinance No. 2005- 3245 and is permanently recorded in Book 27 on page 226.

BILL NO. 6720 AN ORDINANCE AMENDING TWO PROVISIONS OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON RELATING TO THE DESIGNATION OF "SAFE STREETS" AND ENACTING SPECIAL REGULATIONS THEREFORE.
Introduced by Council as a whole and read the first time.

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

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

Bill No. 6720 was declared passed and sent to the Mayor for signature. Bill No. 6720 thus became Ordinance No. 2005-3246 and is permanently recorded in Book 27 on page 231.

BILL NO. 6721 AN ORDINANCE AMENDING SECTIONS 29-234, 29-235 AND 29-237 OF ARTICLE VIII OF TITLE 29 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON BY DEEMING THE POSSESSION OF METHAMPHETAMINE PRECURSOR DRUGS AND CHEMICALS USED IN THE MANUFACTURE OF METHAMPHETAMINE FOR THE PURPOSE OF MANUFACTURING METHAMPHETAMINE OR RELATED DRUGS TO BE A PUBLIC NUISANCE AND PRESCRIBING NOTICE AND HEARING REQUIREMENTS FOR SUCH NUISANCE.
Introduced by Council as a whole and read the first time.

This amendment would deem methamphetamine labs (possession of methamphetamine precursor drugs and chemicals used in the manufacture of methamphetamine) a public nuisance and would allow the City to move forward with a closure hearing after just one instance.

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

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

Bill No. 6721 was declared passed and sent to the Mayor for signature. Bill No. 6721 thus became Ordinance No. 2005-3247 and is permanently recorded in Book 27 on page 234.

BILL NO. 6722 AN ORDINANCE AMENDING ARTICLE III OF TITLE 40 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON BY ADDING A NEW SECTION RELATING TO ENCROACHMENT PERMITS AND RESTRICTIONS AND REGULATIONS FOR SIDEWALK ENCROACHMENT. Introduced by Council as a whole and read the first time.

A motion was made by Council Member Corson, seconded, and carried to read the Bill a second time and place it upon its passage. Councilman Knowles made a motion to table this to the next meeting, to obtain feedback from the business district. The motion was seconded, and passed on unanimous voice vote.

MISCELLANEOUS

Peggy Faul – thanked the City for the opportunity to attend the Missouri Municipal League Conference. Ms. Faul shared her comments on the January Wabash building and stated her support of the idea of not taking down the building until there is a plan in place.

John Corson – wanted to remind everyone to keep the Gulf Coast people in our mind, hearts, and prayers. Councilman Corson expressed his view on the January Wabash building. Questioned if we valued the building so much why do we not have it on our flags and why did we let it deteriorate. Councilman Corson does not want us to put ourselves in a financial hold. Stated none of us will agree on the functional need for the building. Suggested developing a framework for what we want to do. Need to say we're going to commit to doing this thing. And it needs to be funded through the Park Fund. Be responsible to the City's needs.

Keith Kallstrom – commented on the need for us to use the tools we already have in terms of making a decision for the January Wabash building (i.e. Park Plan). Thanked Nez Savala and De'Carlon Seewood for their efforts (and the Mayor) in communicating for the Katrina relief effort and the concert on Friday.

Kallstrom – further commented that with the addition of our new Community Relations Coordinator, Ms. Savala we need to look into improving our ability to communicate to our citizens. He suggested possible communication through electronic mail or through a phone tree system.

Kallstrom – shared with the Council a request that was brought to the Traffic Commission for a 4-way stop sign at Rockingham Dr. and Falmouth Dr. Mr. Kallstrom invited everyone to the North County Bikeway dedication this Thursday, September 15th. He also thanked the Mayor for letting him introduce the Pledge of Allegiance tonight and shared a little information he learned about the Pledge.

James Knowles – informed everyone that the Jeske Park Neighborhood Association will be having a Neighborhood Picnic on Sunday, October 2nd. Thanked the City for allowing him to attend the Missouri Municipal League conference. Received a lot of good and worthwhile information. Also thanked all of the Staff who volunteered their time for the event on Friday to benefit the Katrina victims.

Mr. Knowles – further requested that the Council resurrect discussion on a Pension Board recommendation regarding change in benefits for the next work session.

James Hines – stated he would like to see someone appoint a committee who is dedicated to the building in January Wabash Park. Poll community on how soon and what we will have in the building. Further commended everyone for the Concert in the Park to benefit the Katrina victims. And suggested that there be more concerts in the Park.

A.J. Krieger – thanked Ms. Savala, Mr. Seewood, Mr. Terry O’Neil, Mr. Stan Kreitler, and the many others who worked on the Concert on Friday night in support of relief efforts for Katrina. Requested that Council review the scope of work in the bid request for the Council Chamber improvements. Further asked Council if they wish to have the Resolution handed out by Mayor Fletcher during the work session added to the next Council Meeting agenda.

Mayor Brian Fletcher – would like to encourage the public to continue to take part in the Public Comment portion of the meetings. Shared good news from North County Inc. that Express Scripts will be moving to North County and it should mean more business for Ferguson. Mr. Fletcher stated he loved the discussion on the park building and advises that we take the appropriate procedures and steps. Seek the proper financial mechanisms (i.e. grants) and engage community and civic organizations.

ADJOURNMENT

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

Sonya Brooks, Deputy City Clerk