

FERGUSON CITY COUNCIL

Regular Council Meeting, February 10, 2004

**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 February 10, 2004 by Mayor, Steven Wegert, in the Council Chambers of City Hall, 110 Church Street, Ferguson, Missouri. Mayor Wegert 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 Steven Wegert
John Corson
Keith Kallstrom
Mark Crinnion
Tom Wolf
Peggy Faul
Bill Duncan

Also present were City Manager A.J. Krieger, City Attorney Richard Bresnahan and City Clerk Debbie Matthies. Mrs. Matthies declared a quorum was present.

Mayor Wegert welcomed all present and explained the meeting would be the Public Hearing, the Public Portion and the Business Portion.

8:00 PUBLIC HEARING – 1470 Alicia Special Use Permit

City Manager, A.J. Krieger explained that per Chapter 49. Zoning the City is required to hold a Public Hearing for Special Use Permits. The Sisters of St. Joseph of Carondelet have applied for a Special Use Permit to operate the property located at 1470 Alicia in Ferguson as Group Quarters.

City staff will have comments and recommendations after the public has had a chance to speak.

Al Henneboehle – 2000 Equitable Bldg. 10 S. Broadway, Attorney for the applicants, the

Sisters of St. Joseph of Carondelet, St. Louis – yield the opening to the representative for the Stallones, the current property owners to review the history of the use of the property.

Dave Olsen – (on behalf of the Stallones, 1470 & 1480 Alicia) – explained the background history of the Alicia property and that it is now a residential zoning classification permitting multi-family subdivisions (approx. 20 residential lots). At the Planning & Zoning hearing there was discussion of the increase in traffic. Mr. Olsen feels that the Sisters' traffic would not compare to a 20 residential lot subdivision.

Al Henneboehle – explained that the Sisters of St. Joseph have a contract to purchase the Alicia property contingent on the use of living quarters for the members of the congregation. There will initially be two or three Sisters living at the property which is permissible under the current zoning code without a Special Use Permit and permits up to three people unrelated by blood to live in the same house. Because the property will be occupied by four or five people the applicant needs to obtain a Special Use Permit.

Mr. Henneboehle explained that the Special Use Permit being applied for is for group quarters to permit up to five people to reside at the property. Normal occupancy code requirements allow more than five blood related people to reside at this property. The applicants are severely restricting the use of the property by agreeing to the conditions of the Special Use Permit.

Sister Sandra – representing the Sisters of St. Joseph of Carondelet – gave a background on how the Sisters came upon the Alicia property. Sister Sandra explained that the property will be cared for by using an organic method of gardening, and will be used for education and a center for spirituality. It is not intended to be a Church or a School. It is intended to be a quiet place where Sisters live together in harmony, use organic gardening methods, include small animals on the property and offer the caring of the earth to the communities. The Sisters are educators and would occasionally have a class of ten to fifteen children to visit and observe organic gardening, as well as other Sisters would visit the property.

Ed Meixner, 1440/1444 Alicia – had concerns and comments regarding the use of the property at Alicia. Mr. Meixner addresses the issue as to what is written in the Special Use Permit rather than what is spoken as it establishes the limits as to what can be done. Mr. Meixner presented the Council with a Petition from 52 residents opposing the Special Use Permit for the property located at 1470 Alicia Avenue that will be under review by the Ferguson City Council on February 10, 2004 and requested the Petition be entered into the Council meeting minutes (Exhibit A) attached hereto. Mr. Meixner explained the property location of the residents who signed the Petition. Discussion ensued with regard to the proper noticing and publishing of the Public Hearing and amending the group quarters zoning ordinance.

John McDonald – 1308 Alicia – comments and concerns regarding the street and the traffic generated on Alicia upon approval of the Special Use Permit. Mr. McDonald

presented three photographs of Alicia and how narrow and dangerous the street is to unfamiliar traffic. The issue of the septic tank was discussed. Discussion ensued regarding street improvements, privacy on the street and generating real estate tax. Mr. McDonald read a list of concerns and requested the list be entered into the minutes (Exhibit B) attached hereto.

Sanford Hamilton – (Trustee) 1 Briarwood Lane (Subdivision immediately east of Alicia) – comments and concerns regarding the usage of the land. The Special Use Permit Application and the Amended Special Use Permit Application submitted by the applicant was discussed regarding the proposed uses and activities. Mr. Hamilton had concerns regarding the dates of the applications, small animals (such as guineas and chickens), signage, parking and septic tank usage. He feels the use of the land will be used for more commercial purposes than natural and feels unless something changes in how the Sisters want to use the land that is complimentary to the neighbors living in and around the area, they are against it.

Rodney Zanders – 593 Monceau – (Trustee) Parc Monceau Subdivision – comments and concerns regarding the property usage. Mr. Zanders explained the installation of the water line on the easement which was allowed for the Stallones water line and had concerns of how a large plot of land would be used for future use. Mr. Zanders had concerns that through some other form of development traffic would enter through Parc Monceau. Parc Monceau would like further clarification of the development because they are concerned with the direct impact it would have on the subdivision and requested the Board to look at other developments. Additional concerns with regard to the raising of small animals.

Eddie Sutten – 632 Chartier Dr. (Parc Monceau Subdivision) – Mr. Sutten agrees with the Petition and has concerns with the use of the property and additional traffic.

Steven Hendricks – 1509 Moonlight Drive – (back corner of Alicia) – concerns and comments regarding additional traffic on Alicia, which he feels is basically an alley. Concerns of the negative and/or positive effect the Sisters moving in would have on the property value and revenue to the City.

Jim Greene – 522 Chartier Dr. – concerns and comments regarding additional traffic on Alicia and the safety of the children walking to school. The asphalt is crumbling on the street now and needs improvements.

Deanna Moenster – 704 Chateau Valley Court (Chateau Woods Subdivision) – concerns and comments with the dangerous sharp turns on the street and additional traffic.

Tina Schulte (Stallone) – commented that residents should not be penalized for attempting to sell their property because the City is not maintaining a road that needs repair. Ms. Schulte has resided on Alicia before some of the subdivisions were built and people opposed the subdivisions then, but they were built and brought money into the

City. Ms. Schulte feels that this is a common reaction to any kind of change in the community. She feels that the Sisters would be an asset to the community and doesn't understand why anyone would be against their request.

John Boyce – Attorney representing the Stallones. The central objection seems to be the condition of Alicia. Is the use that is being proposed by the Sisters of St. Joseph going to substantially change the present use as occupied by the Stallones. The Stallones have five residents living in the house; five is the maximum being proposed by the Special Use Permit change. Stallones and their family have seventeen members in their immediate extended family. The statistics of the usage is about what is being proposed by visitation to the Sisters. The Sisters would bring to the community the impact of teaching young children the importance of organic gardening and the appreciation of the earth. Mr. Boyce has concerns with the Petition presented and what the objection basis is. Is it the condition of Alicia or the manner in which the notices were distributed to the surrounding neighbors? Would the use that is being proposed by the Sisters of St. Joseph appreciably change its present use and would that use impact the streets any more than the family usage presently.

Dan Doherty – 640 Chartier – comments and concerns regarding additional traffic and safety for children.

John McDonald – feels that bringing subdivisions in the City generated revenue but bringing in a non profit organization would take away tax revenue. The Sisters expect to sell produce from their garden off-site and not on the property and is concerned if the City will get sales tax money from the goods and products sold. Comments and concerns regarding small animals and signage should be considered.

Janis McHugh – 660 Chartier – bought her home for the privacy and location. Comments and concerns with the noticing of the hearing, the 10 acre lot in the future, the additional traffic and future property development, if these changes occur Mrs. McHugh will move from the area.

Candace Stallone – resides at the property at 1470 Alicia – explained that when the decision was made to sell their home they wanted to make certain they had a wonderful buyer and wanted someone who would be a good neighbor and preserve the property. Developers spoke to the Stallones, but they did not want development for the property and felt that the surrounding areas would agree. The Sisters are going to preserve the property and the subdivisions will still be able to enjoy the beautiful woods. The Stallones cannot guarantee what will happen to the property if someone else buys it. Mrs. Stallone agrees that Alicia needs repair but it is not their fault and does not feel that they should be penalized for the street. Mrs. Stallone feels that the Sisters traffic will not compare to the traffic the Stallone family of five now generates on Alicia. Mrs. Stallone stated that the septic tank has been inspected and passed by the State of Missouri and has been maintained regularly. The Sisters are involved in gardening, cooking and volunteer work and feels that the Sisters would make a wonderful contribution to Ferguson.

Al Henneboehle – commented that the Sisters have volunteered to limit their visitors to 2-3 times a week, traffic will be less than it is now, no plans of making any changes or any new developments to the property, no signage permitted based on the Special Use Permit. After hearing public comments the Sisters may re-consider living in Ferguson.

Ed Meixner – commented he feels the City should better communicate with the citizens regarding Public Hearings, etc.

Mayor explained that since some of the comments were in opposition to the request of the Special Use Permit no action will be taken at this meeting.

There being no further public comments, Mayor declared the public hearing portion closed at 9:10 p.m. and called for a short recess. After a short recess the meeting continued at 9:30 p.m.

PUBLIC COMMENTS

Pastor Larry Jones, on behalf of the Greater Grace Church thanked Council on behalf of the Church for allowing the project to move forward. Pastor also updated Council on the water pipe installation that should be completed by next week.

There being no further public comments, Mayor declared the public portion closed at 9:35 p.m.

APPROVAL OF MINUTES

Minutes

Special Council Meeting – February 3, 2004. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Regular Council Meeting – January 27, 2004 - A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Closed Pension Board Meeting – January 22, 2004. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Board of Adjustment Meeting – January 21 2004. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Library Board Meeting – December 15, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Pension Board Meeting – October 27, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

MANAGER'S REPORT

City Manager, A.J. Krieger explained the items on the Agenda.

BILLS REQUIRING FIRST READING

BILL NO. 6676 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, EFFECTIVE WHEN; introduced by Council as a whole and read the first time.

BILL NO. 6677 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; EFFECTIVE WHEN; introduced by Council as a whole and read the first time.

BILL NO. 6678 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; EFFECTIVE WHEN; introduced by Council as a whole and read the first time.

BILL NO. 6679 AN ORDINANCE PURSUANT TO SECTIONS 70.210-70.325 OF THE REVISED STATUTES OF MISSOURI (2000); AUTHORIZING AND DIRECTING THE CITY MANAGER ON BEHALF OF THE CITY OF FERGUSON (THE "CITY") TO EXECUTE AND DELIVER AN INTERGOVERNMENTAL COOPERATION AGREEMENT (THE "COOPERATION AGREEMENT") AND AN ACCESS AND PARKING AGREEMENT (THE "ACCESS AND PARKING AGREEMENT") BY AND BETWEEN THE PERSHALL ROAD TRANSPORTATION DEVELOPMENT DISTRICT AND THE CITY, CONCERNING THE DEVELOPMENT OF A TRANSPORTATION PROJECT BY THE PERSHALL ROAD TRANSPORTATION DEVELOPMENT DISTRICT AND PRESCRIBING AND APPROVING THE FORM AND DETAILS OF SAID COOPERATION AGREEMENT AND ACCESS AND PARKING AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; DETERMINING AND DECLARING THE OFFICIAL INTENT OF THE CITY WITH RESPECT THERETO; AND ACTIONS RELATED THERETO; EFFECTIVE WHEN; introduced by Council as a whole and read the first time.

BILL NO. 6680 AN ORDINANCE OF THE CITY OF FERGUSON AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE COUNTY OF ST. LOUIS FOR THE HOUSING OF MUNICIPAL INMATES IN THE ST. LOUIS

COUNTY JUSTICE CENTER, EFFECTIVE WHEN; introduced by Council as a whole and read the first time.

MISCELLANEOUS

Bill Duncan – Representative Matt Muckler wanted seniors to be informed of the Senior RX Plan and to sign up by the end of the month or call Bill Duncan for more information.

John Corson – requested update from staff on Big L.

Mark Crinnion – thanked everyone present for their comments and concerns regarding the public hearing and requested a joint meeting with the Plan Commission.

Tom Wolf – Requested joint meeting with the Plan Commission. Mr. Wolf encourages owners/sellers to inform neighbors of their intentions when selling or buying property.

Mayor Wegert – shares same concerns as Mr. Wolf. Mayor Wegert inquired if staff will be in attendance at the 2004 Developers Reception.

Mayor Wegert announced there will be a closed session following the Council meeting.

There being no further business to consider, the meeting recessed at 9:40 p.m.

Debbie Matthies, City Clerk

Council at 9:45 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 Mayor Wegert and seconded to enter into closed session under Section 610.021 (13) RSMo. The motion passed unanimously by roll call vote.

Also in attendance were City Manager, A.J. Krieger and City Attorney, Richard Bresnahan.

Personnel matters were discussed.

There being no further business to discuss, a motion was made by Mayor Wegert, seconded, to return to open session. The motion passed unanimously by roll call vote.

There being no further business to consider the meeting adjourned at 10:15 p.m.