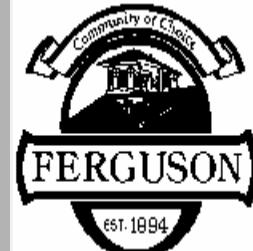


FERGUSON CITY COUNCIL

**Regular Council Meeting, May 11, 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 May 11, 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
James Hines
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 Portion and the Business Portion.

SPECIAL PRESENTATION

❖ UMSL GRADUATION GIFT WINNERS

Housing Development Coordinator, Mark Etling explained that six graduates from the Class of 2004 at the University of Missouri – St. Louis were awarded graduation gifts of \$2,500 each toward the purchase of a new home in Ferguson.

On April 21, 2004, Dr. Thomas George, UMSL Chancellor, chose six names during the university's annual "Mirthday" celebration. The "Graduation Gift" program is a cooperative effort between the Ferguson Neighborhood Improvement Program (FNIP) and UMSL. The program was headed up by Orinthia Montague, Director of the Office

of Student Life at UMSL. The winners will be able to apply their gift toward the purchase of a home anywhere in Ferguson. They will be able to utilize the services of the Ferguson Residential Resource to assist them in their home search. There were alternate names drawn in case any of the winners were unable to use the gift. FNIP hopes to repeat the program every spring, in order to encourage more UMSL graduates to locate in Ferguson.

Mr. Etling announced that four of the six winners in attendance to accept a Certificate from the Mayor were:

FSBD/FSBA winner was Renee C. Hawthorne of St. Louis
FNIP winner was Shirnett Tucker of Normandy
UMB Bank winner was Beverly Diane Green of Normandy
Otis & Clark winner was Kimberly Christine Cooper of Ferguson

The two winners not in attendance were:

Negwer Materials winner was Barbara Jean Lay of Arnold (arrived after meeting adjourned)
Kemp Homes winner was Andrew P. Cunningham of Ferguson

PUBLIC COMMENTS

Mr. Thoroughman – 652 Hunters Ridge Drive, had several issues he would like the City to address. The City removed a diseased tree in front of his house and wanted to know when the City is planning to remove the hazardous stump. Mr. Thoroughman had concerns of an occupancy permit recently granted to a home in which there was a rotten railroad tie wall; the Nazarene Church property relocating to Dunn Road and the trailers currently located at the Elizabeth property and their removal; a house known as the Green house and its appearance; and is concerned with an out building on Alicia and the variances in that area and the area looking more commercial than residential.

City Manager, A.J. Krieger commented that the trailers on the school will be removed at the end of May and staff will update Mr. Thoroughman's other issues.

There being no further public comments, Mayor declared the public portion closed at 8:15 p.m.

APPROVAL OF MINUTES

Minutes

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

APPOINTMENTS - No Boards and Commissions appointments at this time.

MANAGER'S REPORT

City Manager, A.J. Krieger explained the item of business is the reconsideration of Bill No. 6685. Councilman Hines submitted a Memo to place the Bill on the Agenda for reconsideration.

SPECIAL BUSINESS -

Councilman Hines explained that he previously was not familiar with the circumstances and background regarding Bill No. 6685 and after investigation; he decided to vote in favor of the Bill.

A motion to reconsider Bill No. 6685 was made by Councilman James Hines, a member on the prevailing side at the April 27, 2004, Council Meeting. Motion was seconded.

Councilman Crinnion discussed the changing of the policy throughout all of DB-2 and the type of recourse the property owner has. Attorney Bresnahan explained it would be a use variance and the owner would have to show an extreme hardship and that the property is worthless without the variance.

Mayor Wegert explained there is the situation of a long time business owner, the Wurms, who have property for sale but have had some difficulties selling it. Another long-term business owner has come to terms with the Wurms to move into the building. Mayor feels that Council does not want to stand in the way of that proceeding and feels it is a good solution to both problems. The matter before Council is amending the Zoning Ordinance, which was recently amended within approximately the last year to specifically tighten up uses in the Downtown Business District one particular area of concern was automotive uses. Over the past years, there has been a lot of effort put forth by the Business District, Community and Council in bringing back the Downtown Business District. If moving forward and amending this ordinance, which would solve the present situation, Council needs to recognize that it will undue a lot of discussion, work and effort. The City Manager correctly pointed out that turning this into a Special Use implication there is still opportunity

for review and discussion by the Council. Mayor's concern as he expressed at the last meeting, is Council does not always do a good job in looking at the broad picture. In many cases, Council responds to the immediate need in attempting to solve a specific problem by changing a bigger issue. Mayor likes the direction that Council wants to head in reviewing the zoning for downtown and is in agreement with the City Manager that zoning by SIC (Standard Industrial Classification Manual) does limit the Council. Mayor does not know if the Council is ready, at this point, absent of sufficient administrative support on City staff, to undue what has gone before the Council. That is why the Mayor voted how he voted last time. Mayor asked Attorney Bresnahan if there was another way available to Council to address the specific problem that the Wurm's and Meineke will have if Council cannot resolve the zoning issue.

Attorney Bresnahan responded in saying it would be very difficult because it is already a Special Use with certain criteria set forth in the Special Use Permit and cannot change that it fronts on Florissant Road, which is a very limiting factor for that particular building. Mr. Bresnahan does not feel a variance would be appropriate and explained that the City is controlled by the State Statute that controls and grants variances by the Board of Adjustment and feels that it would not cover this situation.

Mayor Wegert commented that there was discussion regarding a pre-existing non-conforming use and asked if this has been researched and dismissed. Attorney Bresnahan reviewed it, discussed it with the Mayor briefly, and feels the building has been vacant a long time and the equipment has been removed and feels it would be a poor precedent to allow it to occur as being a non-conforming use. Councilman Duncan feels that the Bill, as it is, takes away the power of the Council to make the decisions that Council needs to make for the downtown area and feels it should be amended and that the Council is the group that should be able to make the decisions for the Special Use Permits.

Councilman Kallstrom feels that with this Bill the Council has the advantage of the Planning & Zoning Commission to work with Council on the Special Use Permits to give the Council guidance on each individual permit as it is presented. It takes a super majority of the Council to override a Planning & Zoning negative recommendation, which will give Council help plus the fact that Special Use Permits are now specific to the owner and not the use.

Attorney Bresnahan explained that when the Planning & Zoning Commission makes a negative recommendation there has to be a super majority of the Council to override the recommendation. Mayor asked if the recommendation for approval of the Special Use Permit is a super majority item. Discussion ensued.

Councilwoman Faul expressed hesitation as she did before and is concerned that in the past Council has not received enough information to make some wise choices on some downtown businesses. In discussions and researching this issue, Ms. Faul feels that the new department will help with these issues and will give more information to the Council.

Councilman Corson feels that Council should be coached on proper "etiquette" on reviewing the permits. The Plan Commission takes a positive step in reviewing the issues. Mr. Corson feels voting in favor on this issue is right, as it was two weeks ago. The Council needs to be comfortable in making these types of decisions and let the opportunities come and this is where City staff will review and bring to Council an appropriate level of information for Council to make their decision.

Attorney Bresnahan explained that if there is a change of zoning and an adverse recommendation from the Plan Commission it requires a super majority. A Special Use would not qualify.

Mr. Krieger appreciates the Council members who have asked him to explain further the staff's position. The new Planning Development Department will do exactly what Council is discussing. Council has to, at some point, be able to rely on a professional Planning & Development Department to make land use/zoning petition recommendations to Council that are rooted in sound land use and planning principles. Mr. Krieger feels, and states this is not a condemnation of previous Public Works Directors, City staff or City Managers, the City can significantly improve the land use and planning capabilities and the Council and the community can be better served by a professional department. Mr. Krieger feels that one of the reasons the Zoning Ordinances have become the restrictive document that it is, is because previous Councils and this Council have not had the resource at the staff level to rely on and to say to Council this is the recommendation and why. The Council will come to rely on the expertise and the quality recommendations formulated by a professional land use and planning staff. Staff will do a good job in communicating to the petitioner what staff understands the Council's position to be. Mr. Krieger feels that Council and the community will see the benefit.

Mr. Krieger commented that the Zoning Ordinance as it is now is not a planning document but a use restriction document. Mr. Krieger believes what staff is asking of Council is to amend the ordinance so that a professional staff can apply sound planning principles to prospective petitions, make recommendations to the Plan Commission and the Council, based upon sound planning and land use principles, and place the Council in the best position to exercise the criteria as spelled out in the Zoning Ordinance by conducting the Special Use Permit application review and making a decision. This amendment gives the Council more latitude and to count on staff to give sound recommendations to Council. Over time, the Council will trust in the accuracy and the thorough nature of the staff's review and trust the staff's recommendations of sound planning and land use principles.

This is what Council should expect from a professional staff, that is what the community should expect from this organization, and that is the direction staff is heading.

Mayor Wegert stated there is a motion and a second to reconsider Bill No. 6685. Motion carried as follows:

AYES: 5 – Corson, Kallstrom, Hines, Faul, Duncan
NOES: 2 – Crinnion, Wegert

BILL NO. 6685 AN ORDINANCE AMENDING CHAPTER 49 - ZONING, SECTION 16.0 DB-2 DOWNTOWN AREA BUSINESS DISTRICT, BY AMENDING SECTION 16.4 - SPECIAL USES, SUBSECTION B, DELETING (3) AND AMENDING (4) TO (3); EFFECTIVE WHEN, introduced by Council as a whole and read the first time.

A motion was made by Mr. Corson, seconded and carried to read Bill No. 6685 a second time and place it upon its passage. On roll call vote, the motion carried as follows:

AYES: 5 - Kallstrom, Hines, Faul, Duncan, Corson
NOES: 2 - Crinnion, Wegert

Bill No. 6685 was declared passed and sent to the Mayor for signature. Bill No. 6685 thus became Ordinance No. 2004-3212 and is permanently recorded in Book 26 on page _____.

MISCELLANEOUS

John Corson – Congratulated and welcomed the UMSL Graduation Gift winners and hopes they find a great home in our City. In terms of economic development Mr. Corson feels this new position is a positive step as the City moves forward in finding a person for this position.

Keith Kallstrom – Appreciates what a professional planning staff would bring to our organization and use professional people to give Council advice. Congratulated and welcomed the UMSL Graduation Gift winners. Anyone interested in serving on a Board or Commission, should contact the City Clerk.

Mark Crinnion - Congratulated and welcomed the UMSL Graduation Gift winners. Commented on the various neighborhood association meetings and found that a repeated topic is the problem with absentee landlords and owners not in connection with Ferguson. Mr. Crinnion would like Council to require landlords to have an agent, preferably within

the City or St. Louis County, who can be contacted with a property problem. Mr. Crinnion asked Attorney Bresnahan to prepare an Ordinance for Council discussion.

James Hines – echoes the previous Councilman's sentiments.

Peggy Faul – voted for the Ordinance change, which was a hard vote and is relying heavily on staff to inform Council with good information so that the downtown can recruit businesses that the Council and City would like to see in the area. Ms. Faul thanked the Good Shepherd Parish and Community Action Group for clean up Saturday and the City and everyone involved. Invited everyone for the Landmarks Sunday on May 23, 2004 at 1:00 p.m. beginning at City Hall, which will be recognizing Ferguson Mail Order homes. Ms. Faul thanked the Ferguson Florissant School Board for voting to continue their early education program as well as continue the three and four-year-old programs with a minimal charge to the families and commenting early education is very important.

Mayor Wegert – is pleased that the obstacle is out of the way of the Wurm/Meineke situation and felt no one wanted to impede the progress. It will be a good solution for the dilemmas for both parties and is looking forward to the move. Mayor would like to remind everyone to attend the Wednesday and Saturday Farmers' Market events.

A.J. Krieger – Imagine Art Here Workshop will be held at City Hall, Saturday May 15th, from 8:00 a.m. until noon.

There being no further business to consider, the meeting adjourned at 8:45 p.m.

Debbie Matthies, City Clerk