

FERGUSON CITY COUNCIL

Regular Council Meeting, December 14, 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 December 14, 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 Stephanie Karr 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, Public Portion and the Business Portion.

PUBLIC HEARING – Revocation of Special Use Permit #2001-164 **Greater Grace Church, 3690 Pershall Road**

City Manager, A.J. Krieger explained the City is required to hold a Public Hearing pursuant to Chapter 49. Zoning - Section 22.5 Revocation of Special Use Permits, (A) the City Council, after a Public Hearing, may revoke a Special Use Permit for any of the following reasons; 22.51. If the Special Use Permit is not put into effect and use by the applicant within six (6) months of the date of its approval.

Director of Planning and Development, Jennifer Denton, presented Council with background on Special Use Permit #2001-164 which was approved by the City Council on January 23, 2001 with conditions. In November 2004, a Site Plan was submitted to the Department of Planning and Development. Mrs. Denton explained that Greater Grace Church submitted a new Site Plan with substantive changes to the size and location of the building, location of detention/retention facilities, and access and circulation which was not reflected on the original submitted Plan. The Plan submitted was not the Site Plan reviewed by the Plan Commission and ultimately approved by the City Council. The Site Plan does not meet the stipulations required in the Ordinance approving Special Use Permit #2001-164. Staff recommends the revocation of Special Use Permit #2001-164 and recommends consideration of a new Special Use Permit application by the Plan Commission.

City Manager, A.J. Krieger, commented that Staff is not recommending revoking the Special Use to delay construction or that the City does not want the Church built. Staff is recommending revocation because of the material changes to the Site Plan as discussed and of the six-month lapse. Staff needs to be certain what is constructed correspond to the Special Use Permit on file.

A motion was made, seconded and carried to receive into City records, the City of Ferguson Zoning Ordinance, Master Plan, Greater Grace Church Site Plan and Special Use Permit #2001-164.

City Manager, A.J. Krieger explained the Applicant, who is the Petitioner, would apply for a Special Use Permit, the City would review, comment and then offer a recommendation.

Attorney for the applicant, Tim Trynake presented Council with background on the Special Use Permit; the Applicant agrees the Site Plan be amended. The Applicant requested that Council consider an amendment to the Special Use Permit, and explained the predicament a revocation would create for the applicant. If the permit is revoked and for some reason never re-issued the Applicant would have thirty (30) days to appeal. A revocation of the Permit could lead to a default on the loan. Applicant understands that the reason for the revocation is not the passage of time but a means to reconsider the Site Plan.

Applicant, Pastor Jones presented the history of the process over the past years and informed Council he was not aware of any time restrictions.

Joe Lonero – 901 Hudson – had comments and concerns regarding the Special Use Permit and the timeframe involved.

There being no further public comments, Mayor declared the Public Hearing portion closed at 8:25 p.m.

SPECIAL PRESENTATIONS –

Police Chief, Tom Moonier introduced three new Ferguson Police Officers - William Wittkoetter, Barbara Spradling and William Ballard. Chief Moonier reported that the Police Department is 100% staffed.

Parks and Recreation Director, David Smith explained the Holiday Home Decorating Contest Program. Mr. Smith and Mayor Wegert introduced the 2004 winners and presented each with a plaque. In Ward 1, the winners were 1st Place – 1011 Geringer Court, the Boyd Family and 2nd Place – 606 Chambers, the Pappert Family. Ward 2 winners were 1st Place – 4 Eastleigh, the Bagby Family and 2nd Place - 263 S. Hartnett, the Chabot Family. Ward 3 winners were 1st Place – 115 Ruggles, the Murphy Family and 2nd Place - 5132 Wallingford, the Person Family.

Mayor Wegert announced all of the Boards & Commission Members who have completed a full term and presented the Members who were present with a City Pin.

Mayor thanked all Board members and commented that the Council and City appreciate the help and advice of the people who serve on City Boards and Commissions.

MINUTES

Ferguson Neighborhood Improvement Program (FNIP) Minutes - November 22, 2004 w/recommendation.

- ❖ Recommended the City to write a letter of support for the renovation of the Park Ridge Development by Gannon Development Company through the MHDC tax credit program.

After a lengthy, discussion Council agreed not to approve the recommendation as the Developer failed to identify architectural barriers dealing with ADA requirements and because of the 15-year restriction on low-income tenants. The MHDC tax credit program can move forward without the support letter from the City. Council agreed not to write a letter of support from the City.

A motion was made by Mayor Wegert, seconded and carried to accept the November 22, 2004 FNIP minutes without the recommendation.

PUBLIC COMMENTS

William Small – Lake Pembroke Drive – had concerns and comments regarding the limitations on the yard waste collection. City Manager, A.J. Krieger, stated there would be no limitations on yard waste.

Tom Wolf – 139 Thoroughman – thanked Council for his plaque for 8 years of service on the City Council. Mr. Wolf cautioned the Council on Bond refunding, commented on City achievements, neighborhood improvements, economic development and progress in the community.

Joe Lonero – 901 Hudson - had comments and concerns regarding the automated refuse and yard waste collection and feels the City is cutting services.

Cardelia Williams – Blanding Drive – had comments and concerns regarding the walking on private streets where no sidewalks are available.

Blue Tapp Scheffer – 705 N. Florissant Road – had concerns and comments with regard to the Greater Grace Church Special Use Permit and for Council to consider the amendment of the Permit. In the future, the City needs to make sure that recipients understand all conditions and requirements of Special Use Permits.

Pastor Jones, Greater Grace Church – commented that there was no knowledge of an extension of time with regard to the Special Use Permit.

Mayor Wegert requested Staff look into what was issued and when.

Brian Fletcher – 202 S. Elizabeth – thanked Council for not recommending the letter of support for the renovation of the Park Ridge Apartments and for Council to consider, in some cases, opposing letters for future City projects. Mr. Fletcher had concerns and comments regarding the automated refuse and yard waste collection and the possibility of a once a month pick up for odd items too large for the 90 gallon container.

Mike Kelley – 416 N. Elizabeth – had comments and concerns regarding the public safety of the automated refuse collection with the 90 gallon containers adjacent to sidewalks close to the street.

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

APPROVAL OF MINUTES

Council Meeting Minutes – November 16, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

Landmarks Commission Minutes – October 18, 2004. A motion was made by Mr.

Crinnion seconded, and carried to accept the minutes as presented.

Landmarks Commission Minutes – November 15, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

FNIP – Ferguson Neighborhood Improvement Program Minutes – October 25, 2004. A motion was made by Mr. Crinnion seconded, and carried to accept the minutes as presented.

Park Board Minutes – November 30, 2004 **w/recommendations** -

- ❖ The Board recommended to Council to adopt all of the staff recommendations for the 2005 splash at Wabash season as detailed in the annual report
- ❖ Recommended to Council to increase the Bandshell permit user fee from \$25 to \$50 to include electrical access and keep the permit user fee for the other pavilions at \$25.

A motion was made by Mr. Crinnion seconded, and carried to accept the minutes with recommendations as presented.

APPOINTMENTS - Boards and Commissions Appointments for 2004-2005.

A motion was made by Mark Crinnion, seconded, to re-appoint Jeff Gibbs to the Landmarks Commission. Motion approved unanimously 7-0.

A motion was made by Mark Crinnion to re-appoint Dorothy Seiter to the Park Board. Motion approved unanimously 7-0.

A motion was made by Peggy Faul to appoint Paul Morris to the Landmarks Commission. Motion approved unanimously 7-0.

MANAGER'S REPORT - City Manager, A.J. Krieger explained the items on the agenda.

RESOLUTIONS

Resolution No. 2004-35 – Setting of the April 5, 2005 election was introduced by Council as a Whole and read by Attorney Karr. On roll call vote, the motion carried as follows:

AYES: 7 – Corson, Kallstrom, Crinnion, Hines, Wegert, Faul, Duncan

NOES: 0

Resolution passes

Resolution No. 2004-36 – Horner & Shifrin Contract was introduced by Council as a Whole and read by Attorney Karr. On roll call vote, the motion carried as follows:

AYES: 7 – Kallstrom, Crinnion, Hines, Wegert, Faul, Duncan, Corson

NOES: 0
Resolution passes

Resolution No. 2004-37 – Midwest Waste Contract extension was introduced by Council as a Whole and read by Attorney Karr. On roll call vote, the motion carried as follows:

AYES: 7 – Crinnion, Hines, Wegert, Faul, Duncan, Corson, Kallstrom

NOES: 0
Resolution passes

Resolution No. 2004-38 – Revocation of Special Use Permit #2001-164 Greater Grace Church, 3690 Pershall Road. A motion to postpone to the next Council meeting was made by Councilman Kallstrom, seconded, on roll call vote the motion to postpone failed, 3-4. The Resolution was introduced by Mayor Wegert, seconded and read by Attorney Karr. On roll call vote, the motion carried as follows:

AYES: 5 – Wegert, Faul, Duncan, Corson, Crinnion

NOES: 2 – Hines, Kallstrom
Resolution passes

MISCELLANEOUS

Peggy Faul – felt the Northern Lights Festivities were a huge success, was nice to see Ferguson citizens out and about the City. Thanked all of the Boards & Commission members for all of their hard work and dedication to the City. Ms. Faul would like to see the City maintain a balanced budget, hire an Economic Developer next year and would like to see more publicity regarding Housing Resource. Welcomed the new Police Officers and would like to see more involvement with the West Florissant businesses in the coming year. *Merry Christmas!*

Bill Duncan – *Happy Holidays!*

John Corson – echoed Mrs. Faul comments - more involvement with the West Florissant businesses, congratulated and welcomed the new Police Officers, congratulated the Holiday Contest winners and enjoyed the Northern Lights Festivities. *Happy Holidays!*

Keith Kallstrom – *Happy Holidays!*

Mark Crinnion – Thanked City employees for a great year, thanked all of the Boards and

Commission members for their hard work and dedication to the City, welcomed the new Police Officers. Requested Staff give a status of the 4th of July Committee fireworks requests. City Manager, A.J. Krieger is preparing a report to present to Council. *Merry Christmas!*

James Hines – thanked the Boards & Commission members for their hard work and dedication to the City. *Happy Holidays!*

City Manager, A.J. Krieger – *Merry Christmas and Happy New Year!*

There being no further business to consider, the meeting adjourned at 9:25 p.m.

++++++ BOARDS AND COMMISSIONS RECEPTION +++++++

Following the Council Meeting a reception was held recognizing Board and Commission Members for the completion of a full term.

Debbie Matthies, City Clerk