

FERGUSON CITY COUNCIL

Regular Meeting, March 11, 2003



At 7:00 p.m. a motion was made by Mayor Wegert and seconded to enter into closed session under Section 610.021(2) RSMo. On roll call vote, the motion carried as follows: AYES: 7 – NOES: 0

At 7:35 p.m. a motion was made by Mayor Wegert and seconded to return to open session. On roll call vote, the motion carried as follows: AYES: 7 – NOES: 0

The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on March 11, 2003 by the 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
Michael Tierney
Peggy Faul
Mark Crinnion
Thomas Wolf
Keith Kallstrom
John Corson

Mayor Wegert welcomed all present and explained that the meeting would be in three portions – the Special Presentation portion, the Public Portion and the Business Portion.

SPECIAL PRESENTATIONS

Chief Moonier introduced the new City Clerk, Debbie Matthies and new Police Officer, Landra Wiggins and Police Officer, Timothy Zoll who was promoted.

Rick Murray, Director of Public Works introduced the two newest members of the Public Works department. Sean Lashmet the new Code Enforcement Officer, and Alvin Price.

Mayor Wegert and Council welcomed the new employees and Mayor Wegert stated that the City encourages employees to reside within the City limits with a \$100 a month incentive program.

PUBLIC COMMENTS

Mr. Richard Dorsey, 16 Harneywold Drive, publicly thanked the Mayor and members of the Council on behalf of Black Oaks subdivision for being notified when the Kemp Homes project rezoning came up for hearing. He stated that it gave Black Oaks the opportunity to be heard at the planning and zoning meeting, which they felt they were not allowed to do the first time the proposal came through the City even though the City was complying with all of its ordinance requirements. Mr. Dorsey wanted to acknowledge publicly that the City was very helpful this time. Mayor Wegert stated that he was glad it worked out for them.

Mr. Dorsey also stated that he was here because he was confused by the City Ordinances. Planning and zoning voted 4 – 2 against the age restriction being changed and was not sure if it would come back before the Council since there was a negative vote or not? He asked Council as to whether or not the age restriction proposal will come back before the Council or whether it is dead at planning and zoning since they voted no.

Attorney Bresnahan stated based upon the recommendations of the Planning and Zoning Commission it does come back to Council but since it is a negative recommendation from the Planning and Zoning Commission it takes 5 votes of Council to overturn the recommendation and approve it. He stated that Kemp would have to make an affirmative request at this time and if Kemp did it would take a majority vote.

Mr. Dorsey, requested on behalf of Black Oaks, that if Kemp would again take affirmative action that the City make Black Oaks aware of any future meetings.

Sandra Dorton, 815 Carson Road, stated that she was at the last meeting to speak about the New Jerusalem Missionary Baptist Church and their request to build 10 feet from her property. Her only objection is that her house sits approximately 5 feet from the property line. She also stated that she had concerns about an article in the Post and takes issue with this article because it stated that Ms. Dorton said the development would increase the chance of a burglary at her home, she stated that she did not say that, she does not think that and she does not feel that. She has no objections to the Church being built or beautifying the neighborhood. She has objections to the building being built 10 feet from her property. There was a lengthy discussion on her objections and concerns regarding the Church and she wanted to clear up the issue that was in the Post. She also had concerns about an agenda that she was told was mailed to the homes saying this was going to come up before the Board and stated that she and other neighbors did not receive a copy.

Ms. Dorton continued stating her concerns and objections regarding an appeal. She presented a drawing to the Council to explain her concerns about the 10 feet between her home and the Church, which she feels is going to be a dark corridor with a 6-foot privacy fence being built between the properties. She also had a concern about a door that cannot be seen and could easily be broken into on the Church.

Mayor Wegert stated that after Ms. Dorton's last visit expressing her concerns of not being notified by mail he wanted to make sure that the City followed up and asked Chief Moonier to share his findings.

Chief Moonier stated that Public Works has a list of the people that were mailed the notices and he believed that this was the notice Ms. Dorton was speaking about. It was a notice of the Board of Adjustment meeting for November 13, 2003. According to Public Works there is one page of addresses as well as a copy of the notice that Public Works did mail out to the residents. Chief Moonier does not know why Ms. Dorton and the three people she spoke to did not, in fact, receive the notices. Mayor Wegert asked if there is a public posting on the property and is there a reason this has not been done. Chief Moonier stated he thought this was a very good idea but in the past it had been attempted and people stole the signs and took down the notices. He also stated that the City has an Ordinance for fines for taking down signs. He stated that he thought it was an excellent suggestion and would look into it.

Mr. Wegert asked if there was an appeal to a decision to the Board of Adjustment.

Attorney Bresnahan stated not within the City, there is an appeal to the Circuit Court of St. Louis County. The Board of Adjustment operates independently. He wanted to point out that the City goes above and beyond the requirements in the City Ordinance and the notice requirement is that they publish in a newspaper of general circulation, which we did and notify the parties of interest. Parties of interest do not include the neighbors, what the City does is include the neighbors as they do in a zoning amendment. The City voluntarily sends notices out to people within 185 feet, which is over and above the requirements of the Ordinance.

Pastor Alonzo Adams – Pastor of the New Jerusalem Missionary Baptist Church made statements in regard to some of the statements that have been made to clarify that the building that will be built will be very secure and to let everyone know they have a burglar alarm and have had no break ins in 8 years. He went on to state that the building will have two poles on the back of the building with 400 watt lights extended approximately 20 feet in the air that would light up the entire place. The door that is in question is a storeroom door that leads to the basement. Pastor Adams continued stating his concerns and the concerns regarding this project going forward.

Bill Muenz, 69 Harneywold Drive, has an interest in the intersection of Pershall and West Florissant Avenue. He wanted to know why there are cameras up on the new posts and if they were going to put the cameras at Harneywold too?

Chief Moonier stated that there is possibly a camera on 270. He stated he would check into it but they are MODOT cameras not the City's.

Mr. Bob Gibbons, 545 Monceau in Parc Monceau, Mr. Gibbons brought in a 48" x 68" coverlet with 12 Ferguson pictures on it, which sells for \$55.00 and would be delivered in 5 weeks. Sign up sheets are located in City Hall, Ferguson Library, UMB Bank and several of the Ferguson Churches. It is a fund raiser for the Kiwanis Club to handle their youth programs such as the Key Club at the High School, Terrific Kids at the Grade School, and Builders Club at the Middle School. It is commissioned by the City Council and is being sponsored by the Kiwanis of Ferguson.

Sandra Dorton, 815 Carson Road, stated concerns about her property and the New Jerusalem Missionary Baptist Church. She again discussed the issues about the 10 foot dark corridor. She was pleased to hear the Church would have lights that would make her feel safer. She questioned the definition of "parties of interest". Attorney Bresnahan stated that the "parties of interest" under the City Ordinance are the parties who made application for the variance. That is the definition of the "parties of interest", the City considers the neighboring property owners as "parties of interest" because the City does notify them even though it is not required strictly under the State Statute or the City Ordinance. The City does consider the interest of the neighbors in that the City does go above and beyond what is required. The newspaper publication is all that is required.

Ms. Dorton continued stating her concerns in regard to the Church.

There being no further comments, the public portion concluded.

Approval of Minutes

Regular Council Meeting, February 25, 2003

Architectural Review Board, February 26, 2003

Board of Adjustment, March 4, 2003

Plan Commission Meeting, March 5, 2003

Ferguson Senior Citizens Commission, March 6, 2003

A motion was made by Mayor Wegert, seconded and carried to accept the minutes as presented.

Manager's Report

Chief Moonier explained the items on the agenda.

A Capital Improvement Budget meeting will be held on Tuesday, March 18, 2003 at 7:00 p.m.

Appointments

Council requested an updated list of Boards and Commissions.

Special Use Permit

A motion was made by Mayor Wegert, seconded, to approve the Special Use Permit for New Jerusalem Missionary Baptist Church. Discussion: Mayor Wegert and Council discussed some issues and concerns about the project. Of note were, the remote lot across from the Church, additional landscaping, improving the entrance and sidewalk on both sides of the building, lighting on and around the building, fencing between the properties and the new parking lot. Council also had concern about the completion of the project and asked there be a completion timeline on the project of one year along with a performance bond or letter of credit for \$100,000 to protect the City. Pastor Adams informed the Council the estimated cost of the project is \$375,000, and the Church has \$430,000 on hand. Council discussed the lighting on the building and a dusk to dawn light on the parking lot which would stay on all night along with surface mounted lights to cast light on the walkways. Council discussed the shielding and direction of the lighting with regard to the residential properties next to the Church. The new structure will be approximately 6,900 square feet. Pastor Adams stated that the timeline should not take over a year and he hopes completion would be 7-1/2 to 8 months. Pastor Adams suggested the fence be some type of chain link fence with metal shielding on it so you can see through the fence. Mayor Wegert stated that a chain link fence is not acceptable.

Some type of wooden privacy fence or semi-private fence with some visibility would be acceptable. Pastor Adams said that would not be a problem.

At 9:30 p.m. Mayor Wegert stated that there would be a brief recess to give Attorney Bresnahan an opportunity to draft the appropriate language for the additions to the Special Use Permit.

Mayor resumed the meeting and asked if there were any other additional conditions Council would like to have placed in the Special Use Permit. Mayor moved to amend the Special Use Permit with the following additional stipulations as read by Attorney Bresnahan, seconded.

Attorney Bresnahan stated the Special Use Permit would read as follows:

PROTECTIVE RESTRICTIONS

NEW JERUSALEM MISSIONARY BAPTIST CHURCH

This Special Use Permit is subject to the following Protective Restrictions pursuant to Chapter 49, Section 22 of the Ferguson Municipal Code.

1. That demolition of the existing structures, parking areas and other improvements and construction of the proposed structures, parking areas and improvements will be completed within one (1) year of the date that the project is started. Determination of the start date and completion of the project will be in the sole discretion of the City Council.

2. That the new Jerusalem Missionary Baptist Church, prior to the start of any demolition or construction, shall post sufficient surety in a form acceptable to the City Council in the form of a performance bond, letter of credit or other sufficient manner in the amount of One Hundred Thousand Dollars (\$100,000.00), which shall provide that the conditions set forth herein in paragraph 1 shall be completed in one (1) year. The letter of credit, performance bond or other surety shall provide that if completion is not made in one (1) year then the funds represented by said surety shall be available to the City on demand, to complete the demolition or construction proposed, in the sole discretion of the City Council.

3. That sufficient dusk to dawn lighting be added to the church property to result in safe conditions to the church property and neighboring properties in the sole discretion of the Director of Public Works, including but not limited to providing lighting on the north and west sides of the church building.

4. Such other protective restrictions on the parking areas, fencing, landscaping and buildings as contained in the Council meeting minutes of March 11, 2003, as directed and approved by the City Council and as noted and described on the site plan attached hereto and incorporated herein by reference.

5. All fencing or screening is to be in accordance with City Ordinances. There shall be no parking on the dumpster access lane. The interior parking space in the north parking lot will be eliminated to widen the turn radius in the parking area. Parking on the access entrance to the north parking lot and in front of the existing structure on Dade Avenue will be eliminated. The access to the remote parking lot on the east side of Dade must be changed to restrict cars leaving the individual parking spaces over the sidewalk and the right-of-way area which will include, but not be limited to installing wheel chucks. The Metropolitan Sewer District must prepare and complete a water plan for the site, a six-inch curb must be installed on the south edge for the entire length of the north parking lot.

6. New Jerusalem Missionary Baptist Church agrees that the above-referenced Protective Restrictions are required for the health, safety and welfare of the City's residents, in that failure to timely start and complete the demolition and construction, and the failure to properly complete the other restrictions contained herein, will result in a dangerous condition in that an overly long uncompleted construction project, or one that does not provide sufficient safety features for users of the church and neighboring property, are blighting factors and present dangerous situations for residents that are similar to those contained in abandoned buildings.

Mayor Wegert made a motion and seconded to amend the original motion by adding these stipulations. The motion passed by acclamation 7-0. Mayor Wegert moved that the Special Use Permit as amended be issued for the construction of the New Jerusalem Missionary Baptist Church. The motion was seconded and passed 7-0 by acclamation.

Bills Requiring First Reading

Bill No. 6643 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. 6644 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. 6645 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.

4F. BILLS REQUIRING SECOND READING

Bill No. 6636 AN ORDINANCE AMENDING CHAPTER 7 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII – EXISTING RESIDENTIAL BUILDINGS, DIVISION 2 – MINIMUM SPACE REQUIREMENTS, BY ENACTING A NEW SECTION 7.145.2.1 – CONDITIONAL OCCUPANCY PERMITS;

EFFECTIVE WHEN;

upon second reading and affirmative action by the City Council.

The bill was introduced by Mr. Crinnion and seconded, discussion ensued.

Mr. Kallstrom made a motion to amend by allowing conditional permits for rental/leased units, due to weather related issues, with a six month rent escrow. The amendment was seconded and failed 4 – 3 on a voice vote.

Ayes: Tierney, Kallstrom, Wolf

Noes: Faul, Crinnion, Corson, Wegert

Mr. Wolf motioned to hold the bill over for further discussion and comment by realtors and other parties. The motion was seconded and passed 5-2 on a voice vote.

Bill No. 6641 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, ESTABLISHING A REGISTRATION REQUIREMENT AND PROCESS FOR REGISTRATION OF VACANT RESIDENTIAL STRUCTURES AND PROVIDING FOR A REGISTRATION FEE; EFFECTIVE WHEN;

introduced by Council as a Whole, the bill was read the first time. A motion was made by Mr. Crinnion, seconded and carried to read the bill a second time and place it upon its passage. On roll call, the motion carried as follows:

Ayes: Wolf, Wegert, Kallstrom, Corson, Tierney, Faul, Crinnion

Noes: 0

Bill No. 6642 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO AUTHORIZE THE CITY TO IMPOSE A SEMI-ANNUAL REGISTRATION FEE OF \$200.00 WHICH SHALL BE CHARGED TO THE OWNER OF PROPERTY IMPROVED BY A RESIDENTIAL STRUCTURE (INCLUDING A STRUCTURE CONTAINING MULTIPLE DWELLING UNITS) THAT HAS BEEN VACANT FOR SIX MONTHS OR MORE AND WHICH IS CHARACTERIZED BY VIOLATIONS OF APPLICABLE HOUSING CODES; EFFECTIVE WHEN;

introduced by Council as a Whole, the bill was read the first time. A motion was made by Mr. Crinnion, seconded and carried to read the bill a second time and place it upon its passage. On roll call, the motion carried as follows:

Ayes: Kallstrom, Corson, Tierney, Faul, Crinnion, Wolf, Wegert

Noes: 0

MISCELLANEOUS

Mr. Tierney - Welcomed Debbie and other new employees.

Mrs. Faul – Welcomed Debbie and other new employees. With spring coming she was concerned with the handling of the West Nile Mosquito. She said Public Works would carry on as they did last year. She also read in the paper where the County spoke to Hazelwood City Council explaining changes from the way they are going to be spraying this year from last year and changes with regard to standing water issues. Mayor Wegert stated that if there are changes he would like more information on it. Mayor Wegert also reminded Attorney Bresnahan about the standing water Ordinance.

Mr. Crinnion – Welcomed Debbie and other new employees. Mr. Crinnion would like to see a work session on the Pension Board recommendations.

Mr. Wolf – Welcomed Debbie and other new employees.

Mr. Kallstrom – Welcomed Debbie and other new employees. Mr. Kallstrom reported that on Friday, March 14th, 2003 at 2:00 at the Chesterfield Doubletree Hotel, there will be a Trauma Care Services Forum regarding the current state of trauma care services in the St. Louis region. Saturday, March 15th, 2003 9:00 a.m. -10:30 a.m. at City Hall pool and safety issues will be addressed by the Public Works Department. Also on Saturday at 6:00 p.m. at City Hall PROUD will have a diversity program. Mr. Kallstrom thanked Mrs. Faul for facilitating the meeting at Good Shepherd Church regarding the housing issue enforcements.

Mr. Corson - Welcomed Debbie and other new employees. Peggy I would love to see if our Public Works people could work with the railroad regarding West Nile and Ferguson

Avenue, that is an issue several residents have mentioned. Karen had an excel spreadsheet with Council requests and questions that he would like to see because there are still some issues that need to be resolved. Mayor Wegert stated now that Debbie is with us she will be able to find the spreadsheet and forward it to us.

Mr. Corson had an opportunity to talk to some of the employees regarding direct deposit for paychecks. Ms. Bordeleau stated that it is already in effect.

Chief Moonier - Welcomed Debbie and other new employees.

Mayor Wegert - Welcomed Debbie and other new employees. The Mayor announced that Ferguson-Florissant School District has invited Council on Friday, March 14th, 2003 at 4:00 p.m. to join them in a walk thru of the McCluer South-Berkeley High School facility. Everyone is to meet on the faculty parking lot located behind the current Childcare Center; it should be an interesting tour. Century Sunday will be held on the 18th of May the tour will take between 1 – 2 hours and finish at the Whistle Stop. Mayor also wanted to further comment on to Mr. Kallstrom's report regarding the Trauma Care Services Forum, he feels that there is not enough being done to raise the level of urgency and would encourage everyone to attend and get the word out to the community.

In regards to the Intergovernmental Relationship Contracts and the TIF commission no additional names were forthcoming so the Mayor appointed Jim Weiskopf of Hunters Ridge to be the City's representative. Mayor stated that he feels Jim will be a good representative for the City and the City has met the obligations of the Committee.

Attorney Bresnahan - Welcomed the new employees and looks forward to working with Debbie.

Chief Moonier – stated that with the help of Theresa Carper, the Neighborhood Watch will hold a special presentation by the American Red Cross on Wednesday, March 12th, 2003 at 7:30 in the Council Chambers. The presentation is continuing the Homeland Preparedness series. Chief Moonier stated that this is an excellent program and invites everyone to join the Neighborhood Watch in attending.

Mayor Wegert – asked if the new coordinator would be assuming duties for the Neighborhood Watch. Chief Moonier stated that the new coordinator for the Neighborhood Watch is Police Officer, Timothy Harris and will be introduced tomorrow evening.

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

Debbie Matthies,
City Clerk