

## FERGUSON CITY COUNCIL

**Regular Meeting, April 29, 2003**



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on April 29, 2003 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

Mayor Wegert welcomed all present and explained that the meeting would be in two portions – the Public Portion and the Business Portion.

### **PUBLIC COMMENTS**

Mike Lonero – 719 Forest, just received his liquor license renewal and wanted Council to explain the need for the \$10,000 Surety Bond the City is asking for within the renewal application. Attorney Bresnahan explained to Mr. Lonero the Surety Bond is posted in case there is any problems with the licensee, which could include the licensee not paying fines that are assessed by the Court, and not paying taxes when they become due, it also includes the cost of investigation of any problems at the license premises that the City may have to incur. Mr. Lonero felt that by requesting this Bond it singles out the businesses who provide liquor from the other businesses who do not have to provide a Surety Bond and feels this is unfair. Mr. Lonero said Ferguson is the only City in North County that requires the Bond and wanted to know how the Council generated this Bond.

Attorney Bresnahan explained the Ferguson Ordinance has been in effect since 1973 and he does not know the exact history behind the Bond. The Bond provides the City with some guaranty that the person who applies for the liquor license is the type of person that should be able to sell liquor. It is a very regulated business and not everybody can sell liquor.

Mr. Lonero said the Bond cost \$50.00 but \$10,000.00 could be taken from you. Mayor Wegert commented that 3 licenses have been revoked during his term of Mayor. The Bond paid for investigation expenses in connection with the revocation hearings and appeals, as well as attorneys' fees. When these steps are taken, the City spends thousands of dollars defending their position.

Mr. Lonero also had concerns with the \$750.00 fees for the license and felt they were too high and might keep future businesses from coming to Ferguson. In checking with Florissant, Hazelwood and the surrounding communities as well as State and County he found their fees to be lower than Ferguson. He wanted to know how Council determined the fees and if he could get something in writing. Mr. Lonero asked that Council review the fees again.

Attorney Bresnahan explained that the last time the fee section was amended was June 13, 1995, but could not tell what the amendment was, the original Ordinance was in 1973 and there have been several amendments to the Ordinance.

Mayor Wegert explained that the City does a comprehensive comparison to other communities' county wide and does not know if that is what happened with this situation.

Mayor Wegert informed Mr. Lonero that the attitude of the Council towards the sale of liquor has always been "it is not a right but it is a privilege".

Mr. Wolf suggested Chief Moonier do a survey of the surrounding communities regarding the Surety Bond and license fees.

Mr. Lonero thanked Council for looking into the situation.

Stan Caldwell – 900 Dyerdown, has concerns regarding the Tree Ordinance and was glad Council postponed it to discuss it further.

Brian Fletcher – 202 S. Elizabeth Ave., had comments on the Tree Ordinance and was glad Council postponed it. Discussion ensued with regards to Mr. Fletcher's concerns with the Ordinance.

Mayor Wegert thanked Mr. Fletcher and said Council received a very nice letter from Superintendent, Dr. James Travis regarding Mr. Fletcher resolving a literature distribution issue with the district in allowing information to be distributed on the new City pool.

Terri House – 11 Lakeview Court – FSBA requested a Liquor License for the June 13, 2003 concert series. The entertainment for the concert will be the Smash Band. The admission is free and beer and bar-b-que will be served. Ms. House also announced that the last concert series will be on May 10, at the Savoy featuring the Ultra Violets dance band. Safety Days will be held on June 7, 2003 at the old Builder's Square parking lot on West Florissant. The event is sponsored by the March of Dimes Bikers for Babies and will be held from 10-4 p.m.

Ms. House asked permission to address and hand out a letter to Council on behalf of FSBA. She read the letter which dealt with the hiring of an Economic Developer and the suggested job description for the position. Ms. House asked Council to consider the content of the letter while reviewing FSBA and FSBD proposals.

Joe Lonero – 901 Hudson Road, welcomed the new and re-elected Council Members. He had concerns and comments with regard to the Tree Ordinance, liquor license fees and the importance of hiring a Downtown Developer. Mr. Lonero stated that the Downtown Vision was agreed upon by the entire town. One of the goals was for the City to hire a qualified full-time downtown manager. He feels that the committee met their goals and requested this year's Budget include the Downtown Developer which would help the committee continue with their goals.

There being no further comments, the public portion concluded.

### **APPROVAL OF MINUTES**

Out-Going/In-Coming Council Meeting Minutes, April 22, 2003. A motion was made by Mr. Corson, seconded and carried to accept the minutes as presented.

Closed Council Meeting Minutes, April 22, 2003. A motion was made by Mr. Corson, seconded and carried to accept the minutes as presented.

Ferguson Library Meeting Minutes, April 21, 2003. A motion was made by Mr. Corson, seconded and carried to accept the minutes as presented.

Ferguson Neighborhood Improvement Minutes, April 28, 2003. A motion was made by Mr. Corson, seconded and carried to accept the minutes as presented.

### **MANAGER'S REPORT**

Chief Moonier explained the items on the Agenda.

## **REQUESTS**

A motion was made by Mr. Crinnion to approve the request for Temporary Liquor Licenses for the following businesses that have applied and met all of the criteria for a Temporary Liquor License:

The Ferguson Station Business Association for the June 13, 2003 Concert Series; and The Ferguson Lion's Club for the 4<sup>th</sup> of July Festival. Motion was seconded and approved unanimously.

### **3E. Bills Requiring First Reading**

**BILL No. 6650** AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, REPEALING ORDINANCE 99.3028, AND AMENDING CHAPTER 46 - VEGETATION, ARTICLE II - TREES, BY ENACTING A NEW SECTION 46.17 - TREE PROTECTION AND CONSERVATION PROVIDING A COMPREHENSIVE SET OF REGULATIONS DEALING WITH TREE PROTECTION AND CONSERVATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; EFFECTIVE WHEN,

A motion was made by Mr. Crinnion to postpone first reading of Bill No. 6650 until such time Council has had an opportunity to review and have a work session. The motion to postpone was seconded, and passed 7-0 on a voice vote.

### **3F. BILLS REQUIRING SECOND READING**

Mayor Wegert requested Council to reverse the order on Bills requiring Second Reading.

**Bill No. 6649** AN ORDINANCE AMENDING ORDINANCE #2002-3159 BY ADDING ADDITIONAL SECTIONS AND AMENDING SECTIONS CONCERNING MINIMUM PROGRAM REQUIREMENTS AND RESTRICTIONS, LOAN/GRANT APPLICATION PROCESS, AND FORFEITURE OF BENEFITS; EFFECTIVE WHEN, introduced by Council as a Whole, and 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: 7 -Kallstrom, Crinnion, Faul, Duncan, Wolf, Wegert, Corson  
NOES: 0

Bill No. 6649 was declared passed and sent to Mayor for signature. Bill No. 6649 thus became Ordinance No. 2003-3177 and is permanently recorded in Book 25 on page 148.

**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, introduced by Council as a Whole, and read the first time.**

The Bill was introduced by Mr. Crinnion and seconded. After a lengthy discussion, a vote to approve the original Bill was taken and failed. On roll call, the motion failed as follows:

AYES: 3 - Faul, Crinnion, Wegert

NOES: 4 - Duncan, Wolf, Kallstrom, Corson

Failed: 4-3

Mayor Wegert reminded Council the impact on the vote for no Conditional Occupancy Permits to be issued City wide and wanted to make sure that was everyone's intention in their vote.

**MISCELLANEOUS**

Mr. Corson – belated welcome to Mr. Duncan and Mr. Corson is sorry Council could not come to an agreement regarding the Conditional Occupancy. Mr. Corson commented on the Tree Ordinance and the drafting of it, and discussed his concern about conservation responsibility and looks forward to discussing it further with Council.

Mr. Kallstrom – would still like to see Conditional Occupancy capability and discussed his concerns. Mr. Kallstrom presented Council with a brochure from Webster Groves Home Occupations. He requested a copy be made for Council Members so Ferguson could compare their Ordinances to possibly create some type of a similar brochure regarding Home Occupations.

Mr. Crinnion – reminded everyone about Pride of the City applications. Mr. Crinnion had concerns and comments regarding the Tree Ordinance and looks forward to further discussion at the work session.

Mr. Wolf – had concerns with the comments from the downtown business district regarding the Economic Developer, and commented that as far as he knew Council did not have authority to appoint an Economic Developer. Council only has authority to

appoint the City Manager and the City Clerk. Mr. Wolf commented that if Chief Moonier has a qualified candidate for the position he would certainly encourage Chief Moonier to select that candidate. Mr. Wolf commented he looks forward to further discussion on the Tree Ordinance.

Mrs. Faul – wanted to remind everyone about the community clean up day this Saturday, May 3, 2003 at 8:30 a.m. at Good Shepherd Church, sponsored by CUCA. Mrs. Faul is sorry that the Conditional Occupancy did not pass.

Mr. Duncan – had concerns and comments on the Tree Ordinance. He hoped that Council can bring the Conditional Occupancy back and take another look at it and perhaps come to some agreement on it. Mr. Duncan would like to discuss at the next work session the possibility of formatting one of the pages of the *Ferguson Times* to provide a means for a Council Member to communicate with their constituents. He feels that it is important to keep the communication open.

Mayor Wegert – was disappointed the Conditional Occupancy Ordinance did not pass and discussed his concerns and hoped it could be addressed again soon. Mayor reminded Council on procedures regarding research and projects with regard to the City Attorney and his services. Mayor suggested proceeding first with the City Manager and the City Manager will direct you to the appropriate person.

Chief Moonier – commented on the Swimming Pool being on budget and being on time for the opening in May. The Mule is the police vehicle that the officers travel in and Chief wanted to thank the owners of Midwest Kawasaki for working with the officers. The Splash Mobile was purchased through drug asset funds through a federal program the Police Department participates in. The Splash Mobile will be able to provide services at January Wabash Memorial Park. On May 14, 2003 the Neighborhood Watch will have their annual bar-b-que at January Wabash Memorial Park.

Mr. Fletcher inquired last week about the Paul Avenue Bridge. Chief Moonier reported that the Paul Avenue Bridge is opened and the Mayor will be cutting the ceremonial ribbon this Friday, May 2, at 8:00 a.m. and everyone is invited. Chief will contact the business community too.

Mayor Wegert commented on the Splash Mugs and that you will receive a mug and a Splash mesh bag when you buy your pass. Dave Smith is the contact person at the Parks and Recreation office for the purchase of the pool pass. The City is very pleased with pool pass sales. Mayor reminded Council of the closed session.

There being no further business to consider, the meeting recessed at 9:35 p.m.

Council took a short recess, then, at 9:40 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 return to open session. On roll call vote, the motion carried as follows:

AYES: 7 – Kallstrom, Wegert, Wolf, Crinnion, Faul, Duncan, Corson  
NOES: 0

There being no further business to consider, the meeting adjourned at 10:20 p.m.

Debbie Matthies,  
City Clerk