

FERGUSON CITY COUNCIL

Regular Meeting, June 24, 2003

**Work Session, 7:00 P.M.
Council Meeting, 8:00 P.M.**



The regular meeting of the Ferguson City Council was called to order at 8:00 p.m. on June 24, 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

Also present were Acting Interim City Manager Jo Ann Bordeleau, City Attorney Rick Bresnahan and City Clerk Debbie Matthies. Ms. Matthies declared a quorum was present.

Mayor Wegert welcomed all present and explained the meeting tonight would be the Public Hearing Portion, the Public Portion and the Business Portion. There were two Public Hearings scheduled:

- 1) the Proposed Budget for the 2003-2004 Fiscal Year and the Capital Improvement Program.
- 2) Rezoning of property behind Builder's Square.

PUBLIC HEARING - Proposed Budget for the 2003-2004 Fiscal Year and the Capital Improvement Program.

Jo Ann Bordeleau, Finance Director, presented and gave an overview of the Proposed Budget for the 2003-2004 Fiscal Year and the Capital Improvement Program. Ms. Bordeleau explained similar to problems that all governmental agencies are facing, Revenues were down. The City has reserves accumulated over past years which will allow the City to continue operations without drastic cuts. The following operating

budget was proposed:

<u>Category</u>	<u>All Budgetary Funds</u>
Public Safety	6,172,930
Capital & Debt	2,260,603
Parks & Recreation	1,496,506
Streets & Highways	1,069,790
General Government	1,702,633
Community Development	<u>491,714</u>
Total	13,194,176

The General Fund \$9,383,666 – includes Police, Fire, Streets, Community Development and General Government. The budget is made up of 61% personnel costs. The budget also includes funds for 3% average merit increases for all full-time and permanent part-time personnel. Ms. Bordeleau explained the major personnel changes would include the elimination of the Project Manager and reclassification of one Public Works Supervisor position to a Public Works Superintendent to manage the Public Works Maintenance Division. This is the elimination of a position which is now vacant. The City will be combining two part-time Community Development positions into one full-time position, one position is now vacant, which will lead to more efficiency and cost savings.

The City is making an addition to personnel in adding a Receptionist, telephone operator and will be eliminating a vacant part-time clerk position.

The Park Fund totals \$900,436 which includes added personnel and supplies for the operation of the new Splash at Wabash.

The Special Business District Fund total budget is \$38,200, which includes a new Downtown Development Coordinator which is funded 50% by the business district and 50% by General Funds.

Capital Improvement Sales Tax Fund is \$1,325,000 which includes funds for the design of the Florissant Road Streetscape and Maline Creek Greenway. January Wabash Memorial Park improvements include the Lake Aerator and Trail Lighting, as well as the continued asphaltic overlay program, vehicle amortization and debt service on the Splash at Wabash and various other smaller projects and equipment items.

The Municipal Garage Fund provides maintenance and replacement of the vehicle fleet and the purchase a new Jolly Trolley which is funded mostly by a Federal Grant and 20% by the City. The City will also purchase five new police cars.

Ms. Bordeleau informed everyone that Proposed Budget and Capital Improvement Program copies were available and an opportunity was given for citizens to express

their comments, suggestions or questions with regard to the Proposed Budget and Capital Improvement Program.

There being no further comments, Mayor declared the Proposed Budget for the 2003-2004 Fiscal Year and the Capital Improvement Program public hearing portion closed at 8:05 p.m.

PUBLIC HEARING - Rezoning of property behind Builder's Square.

Mark Teitelbaum, Vice President of The Kemp Companies, made a presentation of the Rezoning of property behind Builder's Square. Jason Morgan of Cornerstone Realty was also present for questions.

Mr. Teitelbaum explained the changes in the proposed project behind Builder's Square. Kemp homes had requested a re-zoning from R-4 Planned District to an R-4 Planned District to remove the age restriction to provide for sale of attached single family units. The site is located on the east side of West Florissant Road south of the Black Oaks Subdivision. Builder's Square is in the front of the project on West Florissant Road.

The site plan topography is basically rolling, with a high in the center of the site and rolling to the southeast and southwest this is where Kemp proposes storm water detention ponds. In the southwest area there will be a proposed wet retention pond where water will be held. The southeast area there will be a detention pond which will hold back water in a storm situation and will eventually release the water, by MSD standards, to an existing storm water system.

Mayor requested Mr. Teitelbaum locate Black Oaks subdivision and Builder's Square on the drawing.

Mr. Teitelbaum explained there was an existing private street and in the future would prefer it be public so the residents can have the opportunity of public streets like other areas in the City. They proposed an internal street system with cul-de-sacs in the southeast and south central and northeast corners of the project.

The proposal calls for three different housing products that are all attached. Two ranch style units approximately 1250 to 1275 square feet and a two-story version with approximately 2100 square feet. They have attached one or two car garage versions.

The Homeowners Association will be responsible for the periodic maintenance and painting of the outside of the units as well as the yards even though they will be own fee simple by each individual property owner. The Homeowners Association will be

responsible for cutting, watering and fertilizing the yards and responsible for the exterior maintenance and protection. An Architectural Review Board will be within the Homeowners Association to control the units and to make sure the colors selected are continuous and maintained by the homeowners, there will be a monthly fee for this.

The landscaping proposed along the northern border with the Black Oaks subdivision will have significant buffering. Kemp also had discussions with Black Oaks regarding fencing. Kemp is agreeable to work with Black Oaks in putting a fence as well as additional landscaping along the border. Kemp will also have significant buffering along the rear of the existing vacant Builder's Square building as well as along the border on Dellwood properties.

Kemp met with the City of Dellwood, the Mayor and the City Administrator they seemed please with the proposed project. Kemp met with the Black Oaks residents and believe there are no objections.

An opportunity was given for citizens to express their comments, suggestions or questions with regard to the proposed rezoning of property behind Builder's Square.

Ms. Faul had questions about the width of the streets in the project and additional parking areas. Mr. Teitelbaum stated there was discussion with the Fire Marshall regarding the 30' width and Kemp proposed a 26' wide pavement which is standard in most cities. There was concern about parking along the streets and Kemp proposes separate parking areas for the overflow.

Mayor opened the Public Hearing portion to members of the audience for questions and comments.

Ron Newton – 1553 Keelen Drive (representing 6 neighbors) – concerned with wildlife and concerned with crime since there is only one entrance/exit into the development. He is also concerned with his property line and the water drainage on his property.

Charles Funck – 60 Harneywold Drive – had questions on the type of architectural styles of the units and if they will be compatible with the area. Mr. Funck also had concerns on crime, green space and the water drainage.

Marilyn Chadic – 56 Harneywold Drive – had concerns with the School District and the rezoning changing it. Mayor stated it is Hazelwood and will not be changed.

There being no further comments from the audience, Mayor requested Mr. Teitelbaum to address the issues and concerns raised by the audience.

Mr. Teitelbaum explained that the development will improve the stormwater situation by having curb inlets on the street and several pipes underground.

Crime – Mr. Teitelbaum's opinion when people are living in an area it decreases crime

rather than having an open area of land. The Police will be able to patrol the streets in the project. The minimum fence line distance would vary because of the roads. In some instances the distance would be approximately 30' other instances 50' to 55' depending on the variation from the fence line. Discussion ensued with regard to the storm water drainage along #60 Harneywold, landscaping and the current fencing along Black Oaks and the proposed property.

Mayor questioned if Kemp would be taking the appropriate surveys etc., Mr. Teitelbaum replied yes and stated that Kemp would also be working with the residents.

Mr. Teitelbaum explained the architectural style will be traditional and drawings are available for viewing.

Mr. Newton – 1553 Keelen – had concerns with the project to his property line. Discussion ensued with the fence line variances.

Mr. Funck – 60 Harneywold – had concerns with the landscaping. Discussion ensued with the type of landscaping and fencing that would be used.

There being no further comments, Mayor declared the Rezoning of property behind Builder's Square public hearing portion closed at 8:30 p.m.

PUBLIC COMMENTS

Alex Moore – Clayton Engineering - representing the Greater Grace Church to request a 6 month extension on the construction of the water main from Elizabeth to Millstone.

Mr. Bresnahan informed Council that he contacted the attorneys of Greater Grace Church and explained the concerns Council had in addressing the exact location of the re-route of the water main and whether the water company was addressed, the estimated cost and timeframe of the project. Mr. Bresnahan informed Council he received information today from Clayton Engineering indicating the answers to most of the questions. They do have a route and a letter from the water company indicating that the corridor will be allowed. The contractor will have to acquire permits from MODOT. This is a work in progress and Mr. Bresnahan was told they expect to have it finished by December, if all goes well. The Surety needs to be confirmed and Mr. Bresnahan will work with their attorney. Mr. Bresnahan did want to update the Council on what was provided to the City so far in compliance with the requests of the Council.

Jean Dean – 1257 N. Elizabeth – announced that she is on the 4th of July Committee and explained some of the events and wanted to invite everyone to the 4th of July festivities.

Darrell Graham, Attorney for Carnell Harris who is applying for a liquor license, did not

know when to address the Council. Mayor explained Requests will be addressed later in the meeting.

Mayor declared the public portion closed.

APPROVAL OF MINUTES

Minutes

Regular Council Meeting, June 10, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Closed Council Meetings, June 10, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Special/Closed Meeting, June 19, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Ferguson Senior Citizens Commission Meeting, June 5, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Park Board Meeting, June 17, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Ferguson Municipal Public Library Minutes, May 19, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Ferguson Neighborhood Improvement Program, May 19, 2003.

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

MANAGER'S REPORT

Acting Interim City Manager Jo Ann Bordeleau explained the items on the Agenda.

REQUESTS – Liquor License

The following businesses have applied for Liquor License Renewals and have met the requirements and are recommended for Liquor License Renewals for the 2003-2004 fiscal year. A motion to approve the list submitted by the City Manager was made by Mayor

Wegert, seconded and passed unanimously for:

Sam's Club, Sts. John & James Church, Malone's Grill & Pub, Paul's Market, Emerson Electric Building T & Rec, Emerson Electric Building AA, Good Shepherd Church, Savoy Banquet Center, St. John Liquor, Ferguson Amoco, Butler's, Convenient Food Mart, Zion Lutheran Church, Shop 'N' Save – 10805 Old Halls Ferry Road, Shop 'N' Save – 49 No. Florissant Road, Quicktrip Store #616, Huck's Food Store #274, Lamplighter Banquet Center, Candlelight Banquet Center, Flower Depot, Ltd., Vincenzo's, Rinderer's Drug Store, Central City S&R II, Mimi's Subway Bar & Grill, Golden Greeks Tavern & Café, Smoke World, Jason's Restaurant, J's Joop Joint.

A motion was made by Mayor Wegert to approve the request for a new Liquor License for *Chief's Sports Bar & Grill* at 1120 N. Florissant, the business has applied and met all of the criteria for a new Liquor License. Attorney Darrell Graham and Mr. Carnell Harris were present at the meeting for questions and comments and thanked Council.

Discussion ensued regarding the request for a new license and requested support from the City Police force. Mr. Harris informed the Council that he proposes a possible name change from Chief's. Other changes would be to change the age of the crowd to thirty and over. Mr. Harris explained the types of food to be served, types of entertainment, dress code and proposed hours of operation - 11:00 a.m. until close. The Motion to approve the request for a new Liquor License for *Chief's Sports Bar & Grill* was seconded and approved unanimously.

RESOLUTIONS

- ❖ Resolution No. 2003-04 approving the proposed budget for fiscal year 2003-2004 was introduced by Council as a Whole and read by the City Attorney. On roll call, the motion carried as follows:

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

- ❖ Resolution No.2003-05 approving the proposed Capital Improvement Program for fiscal year 2004-2008 was introduced by Council as a Whole and ready by the City Attorney. On roll call, the motion carried as follows:

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

- ❖ Resolution No. 2003-06 approving the transfer of funds was read by the City Attorney. On roll call, the motion carried as follows:

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

BILLS REQUIRING FIRST READING

A Motion was made by Mr. Corson, seconded to introduce Bill No. 6653 as drafted.

Bill No. 6653 – AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 3.2 DISTRICT MAP, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, BY CHANGING THE ZONING OF A CERTAIN DESCRIBED TRACT OF LAND BEING PART OF SECTION 31, TOWNSHIP 47 NORTH, RANGE 7 EAST, CITY OF FERGUSON, FROM R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION TO R-4 PLANNED RESIDENCE DISTRICT; EFFECTIVE WHEN, introduced by Council as a Whole.

Mayor Wegert made a motion to amend Bill No. 6653 as suggested in the potential amendment, seconded and passed unanimously.

On voice vote the motion carried as follows:

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

The Amendment is as follows:

Bill No. 6653 - AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 3.2 DISTRICT MAP, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, BY CHANGING THE ZONING OF A CERTAIN DESCRIBED TRACT OF LAND BEING PART OF SECTION 31, TOWNSHIP 47 NORTH, RANGE 7 EAST, CITY OF FERGUSON, FROM R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION TO R-4 PLANNED RESIDENCE DISTRICT WITH AN AGE RESTRICTION EXCEPT AS TO OWNER-OCCUPIED SINGLE-FAMILY DWELLINGS; EFFECTIVE WHEN, introduced by Council as a Whole.

BILLS REQUIRING SECOND READING

Bill No. 6651 - AN ORDINANCE REPEALING ORDINANCE NO. 2002-3147, AND ADOPTING AN ORDINANCE FIXING THE SALARIES AND OTHER COMPENSATION OF ALL OFFICERS AND EMPLOYEES OF THE CITY AS PROVIDED IN SECTION 2-47. COMPENSATION, OF CHAPTER 2. ADMINISTRATION, OF THE CODE OF THE CITY OF FERGUSON, FOR THE FISCAL YEAR 2003-2004; 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 vote, the motion carried as follows:

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

Bill No. 6651 was declared passed and sent to the Mayor for signature. Bill No. 6651 thus became Ordinance No. 2003-3179 and is permanently recorded in Book 25, on page 172.

Bill No. 6652 - AN ORDINANCE REPEALING ORDINANCE NO. 2002-3148 APPROVED JUNE 25, 2002, AND ENACTING A NEW ORDINANCE FIXING THE SALARIES OF PART-TIME EMPLOYEES OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF FERGUSON; 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 vote, the motion carried as follows:

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

Bill No. 6652 was declared passed and sent to the Mayor for signature. Bill No. 6652 thus became Ordinance No. 2003-3180 and is permanently recorded in Book 25, on page 179.

Ms. Bordeleau explained at this time that pursuant to Sec. 2-26. of the Ferguson Code, during the months of July and August, regular Council Meetings will be held on the fourth Tuesday of each month. The July Council Meeting will be held on July 22, 2003 and the August Council Meeting will be held on August 26, 2003. Mayor Wegert made a motion to approve the summer schedule as recommended by Staff, seconded and passed unanimously.

Mayor Wegert made a motion to request Attorney Rick Bresnahan to prepare an amendment to the DB1 Zoning, Chapter 49, Section 15.3J to reflect Council's intention to restrict businesses with the same NCIC code from operating within close proximity of each other. This request was seconded and by voice vote passed unanimously. Mr. Bresnahan will draft the appropriate amendment and it will be placed on a future Agenda.

MISCELLANEOUS

Mayor Wegert announced there would be a closed session after the meeting.

Keith Kallstrom – Would like to wish everyone a safe and *Happy Fourth of July*.

Mark Crinnion – Wished everyone a safe and *Happy Fourth of July*.

Mr. Crinnion requested Pension Board updates and discussions on proposals. Mayor and Council confirmed a July Work Session to discuss Pension Board proposals.

Tom Wolf – Glad to see the City is hiring a Receptionist, which will help field calls to City Hall. Mr. Wolf was also glad to see everyone in agreement for the funding and hiring of a Downtown Developer.

Peggy Faul – Wished everyone a safe and *Happy Fourth of July*. Ms. Faul also mentioned that with Summer here and everyone being outside that neighbors try to be pleasant to each other.

Bill Duncan – Wished everyone a safe and *Happy Fourth of July* and looks forward to seeing everyone at January Wabash Memorial Park for the festivities.

There being no further business to consider, the meeting recessed at 9:00 p.m.

Council at 9:00 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(2) RSMo. On roll call vote, the motion carried as follows:

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

Real Estate matters were discussed.

A motion was made by Mayor Wegert and seconded to reconvene to open session. On roll call vote the motion carried as follows:

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

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

Debbie Matthies, City Clerk