

FERGUSON CITY COUNCIL

Regular Council Meeting, November 25, 2003

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 November 25, 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 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 Hearing Portion, the Public Portion and the Business Portion. There were two Public Hearings scheduled:

- 1) Chapter 49 Zoning Public Hearing
- 2) Enterprise Zone Public Hearing

SPECIAL PRESENTATIONS

Assistant Fire Chief, Steve Rosenthal announced that the City Council already recognized the awards the Firefighters received but commented that on October 19, 2003, the Greater St. Louis Area Fire Chief's Association held its 2003 awards luncheon to recognize fire personnel for acts of courage between July 31, 2002 through July 1, 2003. Firefighter John Hampton was awarded the Medal of Bravery. Firefighter Hampton, Battalion Chief Michael Petroff and Firefighter Douglas Patrick were awarded a unit citation. Assistant Chief Steven Rosenthal, Captain Trudy Giancola along with

Firefighters Lloyd Thompson, James Ethier, John Hampton, John Schnarr and Steven Lagermann were awarded a unit citation. Assistant Chief Rosenthal commented that the City of Ferguson was represented by nine Firefighters which is an outstanding accomplishment in the St. Louis area. Mayor Wegert thanked the Firefighters and Fire Department and commented he felt the City has one of the finest Fire Departments in the area.

INTRODUCTION OF NEW EMPLOYEES

New employees were introduced to the Council, Sonya Brooks, Human Resources; Michelle Matkovich, City Forester; Tom White, Code Enforcement Officer; and Laura Khodai, Receptionist.

PUBLIC HEARING - Chapter 49 Zoning Public Hearing

City Manager, A.J. Krieger explained the Chapter 49 Zoning Public Hearing is conducted as part of the process to amend the City's Zoning Ordinance. Council's approval of a zoning ordinance amendment does not necessarily permit any use and/or change the current classification in any area. In this case it is simply recognizing Group Quarters as a permitted use in the R1-B District through the Special Use Permit process.

Council will be asked to have a first reading of Bills 6672 and 6673 which will amend the Chapter 49 Zoning Ordinance to recognize Group Quarters.

Al Henneboehle – 2000 Equitable Bldg. 10 S. Broadway, St. Louis, MO 63102 –
Mr. Henneboehle is the Attorney for the Sisters of St. Joseph of Carondelet who are behind the efforts to amend the zoning code and to amend the definition of Group Quarters which came about when the Sisters signed a contract to purchase approximately 7 acres of property at 1470 Alicia Avenue which is currently zoned R1-B. The intended use for the property is to have between 3 to 5 Sisters reside there to engage in farming, gardening and provide educational group seminars i.e. gardening, spiritual discussions and teachings. This type of use is not permitted under the current zoning classification for the property. Group Homes are currently permitted in the zoning classification but Group Quarters are not. Discussion ensued regarding intended uses.

Attorney Bresnahan explained the definition of Group Quarters versus Group Homes. A Group Home is mandated by State Statutes that no City can restrict Group Homes from any zoning district. Group Homes are homes that are designed for eight or fewer unrelated mentally or physically handicapped persons, which is mandated by the State. The City does have the authority to regulate Group Quarters within different zoning classifications through the Special Use Permit process.

Attorney Bresnahan explained that the educational portion, if it falls within a religious

mission, would probably be permitted, if it is a commercial venture, it would probably not be permitted. The raising or selling of vegetables does not fall within the Home Occupation definition because it would be outside of the dwelling unit and would not be permitted. If it is merely religious instruction the City could limit the number of persons attending seminars due to the size of the parking facilities adjacent to the premises, and would probably be permissible if it was part of the religious mission of the Sisters. Discussion ensued regarding the definition uses, zoning and Special Use Permit process.

John McDonald, 1308 Alicia – had concerns and comments regarding the Special Use Permit, traffic, street improvements, parking facilities and zoning changes.

A.J. Krieger, City Manager, explained that at this time all that is being discussed is amending the text of the zoning ordinance to recognize it as a permitted use through the Special Use Permit process within the R1-B classification. Council is not considering a petition at this time, but merely considering a text amendment to the zoning ordinance. Discussion ensued.

David Olsen – (on behalf of the Stallones) - Mr. Olsen explained that the Stallones have entered into a real estate contract to sell 7 acres of property, including the residential home, which is reason to make the ordinance change. The Stallones are asking Council to consider the ordinance change in order to follow through with the real estate contract.

Ed Meixner – 1444 Alicia – had concerns and comments on changing the zoning as stated in the letter received from the City. Mr. Meixner was informed that the residents that would be affected by the change had not been notified. Mr. Meixner had concerns regarding street traffic, notification and Group Quarters relating to disabled persons.

A.J. Krieger stated it is Group Homes that relates to unrelated disabled persons. Attorney Bresnahan explained Group Homes are already a permitted use in all of the residential districts. Mr. Krieger explained that any notification that was sent by City staff was sent in error. The City does not have a specific notification requirement for an amendment to the zoning ordinance; it was just publicized to give notice that the City was conducting a Public Hearing.

A.J. explained that Council is only being asked to consider a text amendment to the zoning ordinance document, which would permit by the Special Use Permit process Group Quarters within the R1-B classification. Discussion ensued regarding notification.

Tina Stallone Schulte – 1480 Alicia – had comments regarding this amendment putting this part of the City in line with the remainder of the City. Mr. Krieger explained that R1-B is the only residential classification that does not include Group Quarters as a permitted use. Discussion ensued. Mr. Krieger confirmed that this amendment makes R1-B consistent with the other residential classifications. R1-B is a single family designation.

Ed Meixner – 1444 - Alicia had comments regarding the letter stating rezoning and

notification. Mr. Krieger again stated the notice was in error and the Public Hearing is being held to discuss the text amendment to the zoning ordinance.

John McDonald – 1308 Alicia – had comments regarding this amendment change because of property being sold to a religious group. Discussion ensued. Mayor Wegert explained that the City Manager stated that the intended purpose of the change was to bring all of the residential classifications into consistent compliance.

Mayor Wegert asked for additional public comments and/or questions. There being no further comments, the Chapter 49 Zoning Public Hearing concluded at 8:35 p.m.

PUBLIC HEARING - Enterprise Zone Public Hearing

City Manager, A.J. Krieger explained that in October City Staff recommended the City participate in the North St. Louis County Enterprise Zone and that a default abatement policy be established. As required by Statute, a Public Hearing must be conducted. Ford Hazelwood Task Force Project Director, Patrick McKeehan was present to explain the Resolution and to answer questions or comments regarding the Resolution. Discussion ensued. Council thanked Mr. McKeehan.

Mayor Wegert asked for additional public comments and/or questions. There being no further comments, the Enterprise Zone Public Hearing concluded at 8:45 p.m.

PUBLIC COMMENTS

Joe Lonero – 901 Hudson Road – Thanked Council for their support with the new Christmas lights and wished everyone a good Thanksgiving.

Mayor declared the public comment portion closed at 8:50 p.m.

APPROVAL OF MINUTES

Regular Council Meeting – November 18, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Plan Commission Meeting – October 15, 2003 - **with recommendations.** A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Library Board Meeting – October 20, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

FNIP Meeting – October 27, 2003. A motion was made by Mr. Crinnion, seconded and carried to accept the minutes as presented.

Park Board Meeting – November 18, 2003 – **with recommendations.** A motion

was made by Mayor Wegert to holdover the acceptance of the November 18, 2003 Park Board Minutes as the attached recommendations in the Splash at Wabash Annual Report was missing, seconded and carried to holdover the Minutes until the December 9, 2003 Council Meeting to give Council time to review the Splash at Wabash Annual Report.

MANAGER'S REPORT

City Manager, A.J. Krieger explained the items on the Agenda.

APPOINTMENTS - Continue Board and Commission Appointments.

Mrs. Faul (Ward 1) – made a motion to re-appoint Dwayne Ingram to the Park Board; re-appoint Tim Larson to the Traffic Commission; appoint Donald McDonald to the Traffic Commission and Peter Norberg to the Landmarks Commission, motion seconded, approved unanimously 7-0.

RESOLUTION

Resolution No. 2003-16 - A Resolution granting a tax abatement with respect to Ad Valorem Taxes for certain eligible qualified businesses within the designated Enterprise Zone within the City of Ferguson was introduced by Council as a Whole and read by Attorney Bresnahan. On roll call, the motion carried as follows:

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

NOES: 0

REQUEST

A request for a new Liquor License at 603 Airport Road, R&R Mini-Mart. New owners Shahid Mahmood, Masood Kureshi and Attorney Corinne Darvish were present for questions and comments. Ms. Darvish explained the hours of operation Monday – Saturday 10:00 a.m. until midnight and Sunday 10:00 a.m. until 11:00 p.m. Mayor Wegert made a motion to approve the new Liquor License at 603 Airport Road, seconded, approved unanimously 7-0.

Council welcomed the new owners and wished them “good luck”.

BILLS REQUIRING FIRST READING

Bill No. 6669 – 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.

Bill No. 6670 – 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. 6671- 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. 6672 – AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 2.0 DEFINITIONS BY REPEALING THE DEFINITION OF GROUP QUARTERS AND ENACTING A NEW DEFINITION OF GROUP QUARTERS, EFFECTIVE WHEN, introduced by Council as a Whole and read the first time.

Bill No. 6673 - AN ORDINANCE AMENDING CHAPTER 49, ZONING, SECTION 6.0 R-1B SINGLE FAMILY RESIDENCE DISTRICT, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, BY AMENDING SECTION 6.3 SPECIAL USES TO ADD GROUP QUARTERS AS A SPECIAL USE SUBJECT TO CERTAIN CRITERIA; EFFECTIVE WHEN, introduced by Council as a Whole and read the first time.

MISCELLANEOUS

Bill Duncan – Commented on the “Imagine Art Here” Public Art Workshop and thought it would be good for the City.

John Corson – Wished everyone a Great Thanksgiving; welcomed the new employees and recognized and commended the members of the Fire Department for their citations. Mr. Corson requested Council discussion regarding Liquor License classifications, fee structures and limiting the number of licenses. Discussion ensued and Council agreed to discuss the issue at a later date.

Keith Kallstrom – Wished everyone and their families a Happy Thanksgiving and encouraged everyone to attend the Northern Lights activities on Sunday, November 30th. Mr. Kallstrom welcomed the new City employees and congratulated the

Firefighters and Fire Department and wished Officer Mike Doedli well.

Mark Crinnion – Congratulated the Fire Department and welcomed the new City employees. Mr. Crinnion thought the “Imagine Art Here” Public Art Workshop would be good for the City of Ferguson. Mr. Crinnion wished everyone a happy and safe Thanksgiving.

Tom Wolf – recognized and commended the Fire Department and the Firefighters for their citations; reminded everyone of the Northern Lights event; and welcomed the new City employees. Mr. Wolf commented on the Group Quarters Zoning.

Peggy Faul – Congratulated the Firefighters; welcomed the new City employees and wished everyone a Happy Thanksgiving.

Attorney Bresnahan – Congratulated the Firefighters; welcomed the new City employees and wished everyone a Happy Thanksgiving.

A.J. Krieger – Asked Council if the contents of his Memo regarding City Council Agenda Items met their approval and for Council to respond to the CDBG e-mail.

There being no further business to consider, the meeting adjourned at 9:10 p.m.

Debbie Matthies, City Clerk