

FERGUSON CITY COUNCIL

Council Meeting Minutes May 13, 2008



COUNCIL MEETING, 7:00 P.M.

CITY HALL

110 CHURCH STREET

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on May 13, 2008 by Mayor Brian P. Fletcher, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

Mayor Fletcher 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 Brian P. Fletcher
Kynan S. Crecelius
Michael Salant
Dwayne James
Fran Grecco

Mrs. Matthies declared a quorum was present.

*Peggy Faul (EXCUSED ABSENCE)
*James W. Knowles III (ARRIVED 7:30 P.M.)

Also present were City Manager John Shaw, City Attorney Stephanie Karr and City Clerk Deborah Matthies.

Mayor Fletcher welcomed all present and explained the Council meeting would have a Public Hearing Portion at which time you are invited to speak on the specific request or proposal; a Public Portion at which you are invited to speak on matters of general concern; and the Business portion in which you are welcome to listen but not participate.

PUBLIC HEARING

Chapter 49 Zoning - for the purpose of considering a Special Use Permit to operate a Beauty Salon, at 10 Adams Street. The proposed site is zoned DB-2, and a beauty salon is a Special Use.

City Manager, John Shaw explained that the petitioner is requesting a Special Use Permit to establish a beauty salon at 10 Adams St., Suite 102.

The property is located on the corner of Adams St. and S. Florissant Road. It is currently zoned DB-2, Downtown Area Business District. The proposed beauty salon will occupy approximately 500 sq. ft. The entire building is 23,050 sq. ft., and was built in 1966.

At their April 16, 2008 meeting, the Plan Commission accepted the staff report recommending approval of a Special Use Permit with certain conditions. The applicant will occupy a currently vacant suite on the lower floor of the building. As one of the conditions of approval, the owner of the property has agreed to work with the Planning and Development Director on a detailed landscaping plan for the site and submit it for approval before the occupancy permit is issued.

There being no public comments, Mayor Fletcher closed the Public Hearing Comments portion at 7:05 p.m.

SPECIAL PRESENTATIONS

❖ *Pride of the City Winners – Month of May*

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the May Pride of the City winners. The May winners are Ward 1 - Mike & Kimberly Jackson, 142 Forestwood Dr., Ward 2 – Ms. Lavada Haynes, 826 Uplynn Dr. and Ward 3 – Mr. & Mrs. Ralph Bullock, 416 Brotherton Lane. Each of the winners will receive a Certificate and City Flag. Pride of the City signs will be placed in their yards. Council congratulated the winners.

❖ *Police Department Commendations*

Chief Thomas Moonier explained this is the opportunity to recognize by commendations Officers of the Ferguson Police Department and a Dellwood Police Officer. Those present will receive their commendations and the other officers on duty or who are unable to attend this evening will also receive their commendations. Captain Rick Henke and Captain Dennis McBride read the recipients names and commendations.

Chief Moonier and Mayor Fletcher presented the commendations to the Police Officers present. The following honored Officers and Detectives were awarded Commendations: Officer William Ballard, Officer Robert Brannan, Detective Harry Dilworth, Officer Richard Fenn, Officer Dominica Fuller, Officer Sean Gibbons, Detective Matthew Klenke, Detective Mark Leone, Officer Sean Mayor – Dellwood Police Department, Officer Kim Tihen, Officer Steve Trikenskas, Sgt. Craig Rettke, Detective Kevin Hammond, Officer Milton Doedli, Officer Michael White, Detective Stephanie Bonney, Officer Greg Casem and Officer Vincent Mullen.

Council congratulated the recipients.

PUBLIC COMMENTS

John Knowles – 716 N. Elizabeth – thanked everyone who participated in the letter carriers Food Drive on May 10, 2008 for their generosity they collected 3,700 pounds of food.

Paul Morris – 510 Larkin – on behalf of the Landmarks Commission invited everyone to attend Century Sunday May 18, 2008 at 1:00 p.m. There are three houses receiving plaques: 423 Church Street, 229 Tiffin Avenue, and 434 Wesley Avenue.

Carole Bullock – 308 Tiffin – concerns and comments regarding the City's Animal Control Ordinance Section 6-11 (b)(4) causing a disturbance, etc. and explained a situation in her neighborhood of complaints regarding barking dogs. Requested Council to please review and possibly revise the Ordinance regarding frequent, continuous or excessive barking by putting a time limit because it currently is open to interpretation.

Gary Noll – 1237 Deer Ridge – informed everyone that it is National Bike Month and residents are promoting it within the City of Ferguson. Mr. Noll's writes the Ferguson Cyclist column in the Ferguson Times

telling of his experiences while riding his bike in Ferguson. Mr. Noll encourages people to ride their bike as a healthy life style, a way of getting good fitness and it is good for the environment. As part of the Ferguson Farmers' Market Mr. Noll and Mr. Pion are leading a trail ride the second and fourth Saturdays of every month at 10:00 a.m. Mr. Noll further commented that this Friday, May 23, 2008 is national bike to work day.

There being no further public comments, Mayor Fletcher closed the Public Comments portion at 7:25 p.m.

BUSINESS PORTION
MINUTES

Council Meeting Minutes – April 22, 2008. A motion was made by Council Member Grecco, seconded by Council Member James, and carried to approve and receive as presented the Council Meeting Minutes of April 22, 2008 and file as appropriate.

Budget Work Session Minutes – May 6, 2008 – A motion was made by Council Member Grecco, seconded by Council Member James, and carried to approve and receive as presented the Budget Work Session Minutes of May 6, 2008 and file as appropriate.

APPOINTMENTS

No appointments.

PROCLAMATIONS

Peace Officers' Memorial Day and Police Week, was read by Mayor Fletcher.

May 2008 to be Older Americans Month, was read by Mayor Fletcher and presented to Mr. Bill Duncan.

National Public Works Week, was read by Mayor Fletcher.

RESOLUTION

A motion was made by Council Member Knowles, seconded by Council Member James to read Resolution 2008-09. Motion carried.

2008-09 - A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE INSTRUMENTS RELATING TO CITY FUNDS HELD AT UMB BANK, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

City Manager John Shaw explained that on a regular basis, the City Council authorizes certain Staff members, specifically the City Manager, Assistant to the City Manager, Director of Finance, and City Clerk to access the City's banking accounts. These accounts are used for the day-to-day financial management of the City, typically processing payments and transfers, previously approved by the Council during a Council meeting. The hiring of the new Assistant to the City Manager Sam Anselm and Finance Director Jeffrey Blume has caused the need to update these accounts through Council approval.

On roll call vote, the motion carried as follows:

AYES: 6—Crecelius, Salant, Knowles, James, Mayor Fletcher, Grecco
NOES: 0
ABSENT: 1 – Faul

Resolution passes.

COUNCIL ACTION

Reprogramming of CDBG Funds, Years 2007 and 2008.

City Manager, John Shaw explained that this action would allow the City to immediately request funds from prior years that were designated for projects that were not completed up to this time. Generally, when CDBG funds are programmed for projects, they are completed during that fiscal year and in the cases of these two incidents, there were some projects delayed and were continued into future years. Reprogramming these funds would be appropriate at this time to ensure that the City does not lose those funds.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to authorize the City Manager to reprogram the CDBG Funds for the years 2007 and 2008. On roll call vote, the motion carried as follows:

AYES: 6— Salant, Knowles, James, Mayor Fletcher, Grecco, Crecelius
NOES: 0
ABSENT: 1 – Faul

BILLS REQUIRING FIRST READINGS

BILL NO. 6843 - AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 10 ADAMS STREET SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members present and read the first time.

BILLS REQUIRING SECOND READINGS

BILL NO. 6841 - AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, DEFINING SHORT TERM LOAN ESTABLISHMENTS, PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR SUCH USES AND ENACTING REGULATIONS FOR SUCH USES, was introduced by Council Members present and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Crecelius. On roll call vote, the motion carried as follows:

AYES: 6 –Knowles, James, Mayor Fletcher, Grecco, Crecelius, Salant
NOES: 0
ABSENT: 1 - Faul

Bill No. 6841 was declared passed and sent to the Mayor for signature. Bill No. 6841 thus became Ordinance No. 2008-3354 and is permanently recorded in Book 30 on page 18.

City Manager John Shaw explained that the proposed amendment to Chapter 49 was requested by the City Council, originally drafted by Council Member Crecelius, to define and regulate the location of "Short-term Loan Establishments" that includes payday and title loan operations in the City of Ferguson. The proposed ordinance prepared by the City Attorney would restrict the location of these types of uses to the M-1 Industrial District as a special use.

Council Member Crecelius reiterated that he feels this is a good first step given the limitations at the state level but feels the City still needs to push forward and try to get neighboring cities as well as cities around the state in general to address this as a cohesive unit at the State level asking them to amend state laws so that the City can address this issue on the local level more effectively. Mr. Crecelius also reiterated that the City needs to review the current zoning, possibly redesigning zoning, so

this can be distributed, instead of having M-1 bear the burden of this one issue.

BILL NO. 6842 - AN ORDINANCE PROVIDING FOR THE ACCEPTANCE BY THE CITY OF FERGUSON OF THE CONVEYANCE BY THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION OF THE FEE INTEREST OF CERTAIN PROPERTY CONSISTING OF PORTIONS OF FLORISSANT ROAD, was introduced by Council Members present and read the first time.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Crecelius. On roll call vote, the motion carried as follows:

AYES: 5 – James, Grecco, Crecelius, Salant, Knowles

NOES: 1 – Mayor Fletcher

ABSENT: 1 - Faul

Bill No. 6842 was declared passed and sent to the Mayor for signature. Bill No. 6842 thus became Ordinance No. 2008-3355 and is permanently recorded in Book 30 on page 19.

City Manager John Shaw explained the City of Ferguson took ownership of S. Florissant Road in the area bound by Suburban Avenue on the South and Darst on the North, from the State of Missouri several years ago in order to make improvements to the downtown business district that are not generally allowed under MoDOT ownership/maintenance. The latest improvements to S. Florissant Rd. included sections at each end of the project outside the limits of City ownership. Specifically, Suburban Ave. to Brotherton Ln. /Woodstock Rd. on the south end of the project and Darst Rd. to Thoroughman Ave. on the north end of the project.

MoDOT has requested in the past that the City take control of this remaining right of way before the project and has asked again that the City consider this proposal.

Staff believes that with the improvements nearly completed, this would be the time to accept these sections of Florissant Rd. MoDOT at this time has full jurisdiction of these sections and can require that certain items be within their requirements including street lighting, speed limits, traffic signal issues, signage, etc.

MISCELLANEOUS

Mr. Crecelius – congratulated all of the Officers and Detectives who received commendations and thanked them for their diligent duty and for everything that they do for us. Congratulated the Pride of the City winners. Requested a follow up from Staff regarding the Sex Offender Ordinance and what it would take to do a comparison between the City Occupancy Permits vs. the State and Federal Sex Offender lists, so the City could be more proactive.

Mr. Shaw responded that Staff has talked with the Police Department and the Public Works Department who would be instrumental in working with the Parks Department. Staff will update Council.

Mr. Knowles – congratulated the Pride of the City winners and the Police Officers and Detectives who were commended. Reminded everyone of the Biggest Yard Sale in History – Saturday May 17, 2008.

Mr. James – congratulated the Pride of the City winners and also the Police Officers and Detectives who received commendations. He is glad to see the traffic lights working on Florissant Road. Please be safe on Saturday, with the Biggest Yard Sale in History, there will be many people walking around Ferguson and if you are driving, to please be cautious. Reminded everyone of Bicycle Month and recommends people to ride their bike and walk as much as possible. Mr. James understands that Ferguson has some loaner bikes and urges the City to use those bikes and maybe work with the Parks Department in actually loaning out the bikes to use the trail.

Mr. James would like to see the City come up with some type of safety plan for City Hall and Council Chamber.

Mr. James requested on future agendas an old business portion be added before miscellaneous to discuss updates.

Ms. Grecco – congratulated all Police Officers, and all Public Safety Workers and thanked them for their ongoing efforts to make the City the safest most comfortable City in all of Missouri to live in. Congratulated all of the Pride of the City winners and everyone can take a lesson from them on how we can work on our own individual properties.

Ms. Grecco - reminded everyone that Saturday, May 17, 2008 at 8:00 a.m. at Florissant Valley Community College is the last of the Spring

throw your toxic chemicals away – compliments of the Missouri Department of Natural Resources and the St. Louis County Department of Health. Also, encourages everyone to visit the Farmers' Market and participate in the Biggest Yard Sale in History, maps will be available Saturday morning on-line starting at 7:00 a.m. and in print form at Paul's Market, First Baptist Church, the parking lot of the Dollar Store, at 7:30 a.m. Ms. Grecco congratulated the Century Home owners and encourages everyone to participate in the Century Home Tour.

Mr. Shaw – Florissant traffic signals are up and running and are nearing the end of the project. There are still a few items remaining and Mr. Shaw is working with the Public Works Department on the punch list of items that Krupp needs to address before the final walk through and approval.

Mr. Shaw – handed out North County Incorporated nomination forms for the *30 Leaders in their 30's* and would appreciate it if Council would consider placing some Ferguson residents on the list.

Mr. Shaw – reminded Council of the NorthPark Partners Coffee Hour on May 22, 2008 – 9:00-11:00 a.m. This event will act as the official "release" of the three newest NorthPark projects, which are the Business Center One, The Hilton Garden Inn and the NorthPark High Performance Office Design building). If interested in attending let us know, shuttles will be provided from the North Hanley MetroLink Station parking lot to the HPOD site.

Mayor Fletcher – reminded Council of a closed session.

Mayor Fletcher read a letter the City received from the Black Jack Fire District complimenting and commending the entire crew of Engine #3020 on a rescue and the Ferguson Fire Department for their actions, rapid response and willingness to do "what ever it takes" to get the job done.

Mayor Fletcher commended the men and women of the City's Fire and Police Departments as always being there when needed.

Mayor announced several Boy Scouts were in the audience and assumes a merit badge is involved. Mayor offered the troop to come to the podium. Mr. Ben Fuhrman from Troop #711 commented that the Scouts are working on their citizenship in the community merit badge and communications merit badge, both requiring that the Scouts attend a City Council meeting. The Scouts present introduced

themselves and thanked Council. Council thanked the Scouts for attending.

Mayor thanked everyone for attending the Council Meeting and reminded everyone of the Biggest Yard Sale in History, Saturday May 17, 2008. Mayor is participating and enjoys meeting all of the people coming to Ferguson for the event.

ADJOURNMENT

At 7:55 p.m. a motion was made by Council Member Knowles, seconded by Council Member Grecco, to enter into closed session in accordance with RSMo 610.021/610.022 Section(s) (1) (2) (3) and (13). Motion carried.

Having concluded the closed session at 9:45 p.m., a motion was made by Council Member Salant, seconded by Council Member Grecco to convene to open session. On roll call vote, the motion carried.

There being no further business to consider, Council Member Knowles, seconded by Council Member Grecco moved to adjourn the meeting. The meeting adjourned at 9:45 p.m.

Brian P. Fletcher - Mayor
City of Ferguson, Missouri

ATTEST:

Deborah L. Matthies - City Clerk
City of Ferguson, Missouri

Approved: 5/27/08
