

**FERGUSON CITY COUNCIL
Council Meeting Minutes
December 9, 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 December 9, 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
James W. Knowles, III
Dwayne James
Peggy Faul
Fran Grecco

Mrs. Matthies declared a quorum was present.

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 a specific request or proposal; the 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 HEARINGS

Mayor opened the Public Hearing at 7:05 p.m.

Chapter 49 Zoning - 402 S. Florissant Road

To consider a rezoning request for the rear 50 feet of the property located at 402 S. Florissant Rd. The entire site at 402 S. Florissant Rd. is currently zoned DB-2 and the request is to rezone the rear 50 feet (running parallel to Florissant Road) to R-2, Two-Family Residence District.

City Manager, John Shaw explained that on October 1, 2008 the City entered into a contract to purchase two properties with the expectation that they would be used for public parking for the Downtown Business District.

The first property being purchased is located at 15 Paul Avenue and is zoned R-1D. However, the second property will be the rear portion of 402 S. Florissant Road, which is zoned DB-2. In order to meet the minimal lot size requirements, the rear portion of 402 S. Florissant Road needs to be rezoned from DB-2 to R-2 and subdivided to create a lot that can be purchased by the City for a parking lot.

Public Hearing Comments:

Steve Kates – owns Ferguson Graphics at 414 S. Florissant Road – had concerns regarding the lots adjoining his parking lot and through traffic with wear and tear on his parking lot, and the sewer and water run off on the proposed site.

City Manager, John Shaw commented that staff has yet to develop the plans for the lot, but that it was going to be a separate parking lot with a buffer between the homes and businesses. The drawings have not yet been finalized, and the actual parking lot has not been budgeted in the current fiscal year, just the acquisition of the property has taken place so far.

The City engineer will address all of the issues once the phase has begun. Now it is just the rezoning to enable the City to purchase the property. Once the City starts to finalize the concept, everyone in the immediate area will be notified. There is currently no timeframe.

Dian Garner - #27 Oliver Ave. – only residence behind the property to be rezoned and had concerns with a new parking lot creating more flooding issues on the proposed site.

Mr. Shaw commented that the acquisition would begin immediately after the rezoning occurs but the actual plan has not been drafted. The City will make sure that this does not negatively impact any of the residences and businesses surrounding the area. The buffering will help reduce lights, noise, etc. from the parking lot.

There being no further public comments, Mayor closed the Public Hearing at 7:10 p.m.

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Chapter 49 Zoning - 831 Cernicek

To consider a rezoning request for 831 Cernicek, which will be consolidated with 800 Chambers Rd. and 10 N. Hartnett. The proposed site is currently zoned R-1C, Single Family Residence District. The request is to rezone this site to R-3, Multi-Family Residence District.

City Manager, John Shaw explained that in March 2008, Christian Care Center was granted a Special Use Permit for the purpose of constructing and operating a new nursing home. In order to continue with the development, the applicant decided to consolidate 800 Chambers Road, 10 N. Hartnett Avenue, and 831 Cernicek Lane into one parcel. Because a lot cannot exist within two zoning districts, there is a need to rezone 831 Cernicek to R-3.

There being no public comments, Mayor closed the Public Hearing at 7:15 p.m.

PUBLIC COMMENTS

Chris Jaurigui – 131 S. Hartnett – introduced himself as running for Ward 2 Council Member in the upcoming April 7, 2009 Election.

Dian Garner - #27 Oliver Ave. – comments and concerns with the flood issues and problems contacting FEMA.

Mayor Fletcher closed the Public Comments portion at 7:20 p.m.

BUSINESS PORTION
MINUTES

Council Meeting Minutes – November 18, 2008.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the Council Meeting Minutes of November 18, 2008 and file as appropriate.

Council Work Session Minutes – December 2, 2008.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the Council Work Session Minutes of December 2, 2008 and file as appropriate.

CONSENT AGENDA

Minutes

Ferguson Senior Citizens Commission Minutes – November 13, 2008. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to receive the minutes as presented and file as appropriate.

Park Board Minutes – November 18, 2008 w/recommendations. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to receive the minutes with recommendations as presented and file as appropriate.

Ferguson Municipal Public Library Minutes – October 27, 2008. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Minutes – October 8, 2008. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – October 16, 2008. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to receive the minutes as presented and file as appropriate.

Board of Adjustment Minutes – April 24, 2008. A motion was made by Council Member Knowles, seconded by Council Member James,

and carried to receive the minutes as presented and file as appropriate.

APPOINTMENTS

Council unanimously appointed the following:

Mary Gonzales - Ward 3 - FNIP Board
Rick Allen - Ward 1 - Traffic Commission
Jessica Hensiek - Ad Hoc Dog Park Task Force

REQUESTS

Temporary Liquor License for Sodexo Management, Inc. d/b/a Emerson Electric at 8100 W. Florissant for corporate Holiday events on December 17 and 19, 2008.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve the temporary Liquor License for Sodexo Management, Inc. d/b/a Emerson Electric at 8100 W. Florissant for corporate Holiday events on December 17 and 19, 2008. On voice vote, motion carried.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve Resolution No. 2008-35. Motion carried.

2008-35 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT BETWEEN THE CITY OF FERGUSON AND BLESSED TERESA OF CALCUTTA (BTC) FOR USE OF THEIR CENTER FOR THE PARKS AND RECREATION DEPARTMENT PROGRAMS, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 7 – Crecelius, Salant, Knowles, James, Mayor Fletcher, Faul, Grecco

NOES: 0

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6865 AN ORDINANCE AMENDING THE DEFINITION OF "SIGN FRONTAGE" IN SECTION 36-2 OF THE MUNICIPAL CODE IN ORDER TO MAKE SUCH DEFINITION CONSISTENT WITH OTHER PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO SIGN FRONTAGE, was introduced by Council as a whole and read the first time.

City Manager, John Shaw explained that Staff recently found inconsistencies in the definition of sign frontage and section 36-7 with respect to permanent, freestanding signs. This amendment makes it clear that the frontage of a sign is the face of the sign that runs along the right-of-way, in the front of the property.

BILL NO. 6866 AN ORDINANCE APPROVING SUBMISSION OF AN APPLICATION FOR THE "SAFE ROUTES TO SCHOOL" GRANT AND A GRANT AGREEMENT WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT AND ANY OTHER NECESSARY DOCUMENTATION RELATED TO SUCH GRANT, was introduced by Council as a whole and read the first time.

Mr. Shaw explained that Safe Routes to School promotes children walking, biking or wheeling to school in a safe manner. Because Griffith Elementary is centrally located within the City limits and has a reasonably large amount of children (125) that cross Chambers Road, a busy four-lane roadway, Staff thought this would be an ideal place to implement this program.

Chief Moonier gave a brief background of the situation at Griffith School and explained the program.

BILL NO. 6867 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, CALLING FOR AN ELECTION TO INCREASE THE CURRENT BUSINESS LICENSE FEE ON OWNERS OF RENTAL PROPERTY TO \$50.00 PER DWELLING UNIT, was introduced by Council as a whole and read the first time.

City Manager, John Shaw explained that Bill No. 6867 was discussed and proposed by the City Council at the December 2, 2008 Work Session. This Bill will place a ballot issue on the April 7, 2009 election to raise the business license fee for owners of rental property from \$20

to \$50. This new amount is clearly more appropriate given the amount of Staff time devoted to the licensing of these units.

BILLS REQUIRING SECOND READINGS

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6863 a second time and place it upon its passage.

BILL NO. 6863 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI AMENDING THE ZONING MAP TO REFLECT A CHANGE IN THE ZONING CLASSIFICATION FROM, DB-2, DOWNTOWN AREA BUSINESS DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT, FOR LOT #2, THE NEWLY CREATED PARCEL PRODUCED FROM THE SUBDIVISION AT 402 S. FLORISSANT ROAD, was introduced by Council as a whole and read the first time.

On roll call vote, the motion carried as follows:

AYES: 7- Salant, Knowles, James, Mayor Fletcher, Faul, Grecco, Crecelius
NOES: 0

Bill No. 6863 was declared passed and sent to the Mayor for signature. Bill No. 6863 thus became Ordinance No. 2008-3376 and is permanently recorded in Book 30 on page 40.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to read Bill No. 6864 a second time and place it upon its passage.

BILL NO. 6864 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI AMENDING THE ZONING MAP TO REFLECT A CHANGE IN THE ZONING CLASSIFICATION FROM R-1C, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3, MULTI-FAMILY RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 831 CERNICEK LANE, was introduced by Council as a whole and read the first time.

On roll call vote, the motion carried as follows:

AYES: 7- Knowles, James, Mayor Fletcher, Faul, Grecco, Crecelius, Salant
NOES: 0

Bill No. 6864 was declared passed and sent to the Mayor for signature. Bill No. 6864 thus became Ordinance No. 2008-3377 and is permanently recorded in Book 30 on page 41.

OLD BUSINESS

Council Member James mentioned that the Ad Hoc Dog Park Task Force has had several meetings and they plan a presentation in January.

MISCELLANEOUS

Ms. Grecco – commented that the Public Library has 21st Century books on tape in MP3 and IPOD format so you can listen to books on tape. Merry Christmas and Happy Holidays to everyone, please be safe when traveling. Northern Lights went well and thanked everyone who participated in the event. Kudos to the Public Works staff in building the award-winning float.

Ms. Grecco explained what to do if you experience a water line break.

Ms. Faul – wished everyone Happy Holidays. Friday, December 12, 2008 there will be free carriage rides in the Downtown Ferguson Business District and please shop Ferguson. Look for the Live Well Ferguson article starting in the January edition of the Times. The next Live Well Ferguson task meeting is in January 2009.

Mr. James – commented that Live Well Ferguson talks about healthy eating and being active. Mr. James suggested not waiting until January 1 to start the active living and eating healthy. Thanked all volunteers, businesses, and City Staff who participated with the Northern Lights festivities. It was cold but was happy to see a lot of residents and people from neighboring communities attending the parade. With bad weather approaching please be safe, think about your neighbors, and volunteer to help. Wished everyone Happy Holidays, it is a time to enjoy and spend time with family and friends. Be thankful.

Mr. Knowles – Thanked everyone who participated with the Northern Lights. Check out the Library website, which has many resources. Wished everyone Happy Holidays.

Mr. Salant – Merry Christmas and Happy Holidays, be safe.

Mr. Crecelius - Merry Christmas and Happy Holidays. Reminded everyone of the local April election and to get involved if you would like to provide community service.

Mr. Shaw – update on budgeting for the demolition of three dangerous structures in town. Monday, weather permitting, the demolitions will begin. Council is invited to be present. Mr. Shaw will propose CIP Work Session dates and will forward to Council.

Mayor Fletcher – Thanked Public Works for the tremendous job on the City float and especially acknowledged Mark Hartmann who did a lot of the decision making and building of the float. Mark, who is very talented, also worked on the Council Chamber. Mayor thanked Beth von Behren who will be leaving the City to go to Kirkwood. Beth has done a tremendous job of improving Public Relations and a positive image of the City of Ferguson. Council thanked and wished Beth the very best.

Mayor Fletcher wished everyone Happy Holidays, be safe and please do not forget about the poor and elderly, please check on your neighbors.

Mayor announced a closed session.

ADJOURNMENT

At 7:45 p.m. a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to enter into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to matters as provided under Section(s) 610.021 (3) and (13) RSMo. Motion carried.

Having concluded the closed session at 8:20 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried 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 Crecelius moved to adjourn the meeting. Motion carried. The meeting adjourned at 8:20 p.m.

ATTEST:

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

Brian P. Fletcher – Mayor
City of Ferguson, Missouri