

**FERGUSON CITY COUNCIL
Council Meeting Minutes
February 10, 2009**

**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 February 10, 2009 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 (ABSENT)
Michael Salant (ABSENT)
James W. Knowles, III
Dwayne James
Peggy Faul
Fran Grecco

Mrs. Matthies declared a quorum was present.

Council Members Kynan Crecelius and Michael Salant were excused absences.

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 time 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

Mayor opened the Public Hearing at 7:00 p.m.

Special Use Permit to operate the Junkyard Bar & Grill located at 1120 N. Florissant Rd. The proposed site is zoned C-1, General Commercial District, and a bar & grill is a Special Use.

City Manager, John Shaw explained that in order to clarify, update, and eliminate duplications in the liquor licensing process, a Bill was approved by City Council on October 14, 2008 to amend several provisions to the current liquor code. The Bill eliminated the requirement for a petition signed by a percentage of neighboring property owners. Since the City was not hearing from neighboring property owners by way of a petition, the C-1 Zoning District regulations were amended to require a Special Use Permit for certain uses seeking a liquor license. The text amendment makes new restaurants and bars requiring a liquor license, obtain a Special Use Permit.

On January 2, 2009, the first applicant under this new Ordinance submitted a Special Use Permit application to operate a bar & grill at 1120 N. Florissant Road. As conditions of the Special Use Permit, the applicant has agreed to abide by the noise Ordinance to avoid seepage into the adjacent residential neighborhood to the north, and the property owner will provide a detailed landscape plan to be approved by the Director of Planning and Development, before the commercial occupancy permit is issued.

Applicant, Mr. Nolan Ferguson and Ms. Josette Houston were present and explained they were interested in opening a bar to serve food and alcohol and felt 1120 N. Florissant would be the ideal place for a bar and explained how they chose the name of the new business.

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

SPECIAL PRESENTATIONS

Financial Audit Report - Mr. Allen Schulte, of Botz, Deal & Company, formally gave an overview and presented the final audit to the City Council. In conclusion, Mr. Schulte remarked the City received an unqualified opinion of its financial statements from Botz, Deal.

Dog Park Task Force – Council Member Dwayne James and Co-Chair Sherri Chisholm of the Dog Park Task Force provided a presentation and update on the status of the Dog Park project planned for Wayside Park.

The Task Force consisted of the following various Ferguson residents and Staff members: Kim Cooper and Sherri Chisholm (co-chairs), Tara Brown, Don Chisholm, Jessica Hensiek, Paula Margelwski, Debbie Palgulta, Ward 2 Council Member, Dwayne James, Parks and Recreation Representative, Stan Kreitler and Public Works Representative, Terry O'Neil.

2009 Downtown Vision - the Downtown Strategic Development Plan Steering Committee presented their final draft for adoption by the City Council. Committee Members Gene Stephens, Aaron Burnett, Sue Odell and John Corson presented the major parts of the Plan.

The 2009 Downtown Strategic Development Plan Steering Committee consisted of the following members: Beth Thompson, Scott Negwer, Sue O'dell, Farzad Faramarzi, Aaron Burnett, Joe Lonero, Gene Stephens, John Corson, Michelle Wright and Dr. John Hylton, Dean-Fine Arts & Communication of the University of Missouri-St. Louis.

PUBLIC COMMENTS

Rosalind Harris – 61 Wayside – had comments and concerns regarding the proposed dog park site at Wayside Park.

Glen Bramlet – 137 Wiegel Ave. – Concerns and comments receiving trash service notices.

Aaron Burnett – 425 S. Florissant – feels that the Ray Hill Brewery is a fantastic fit with the downtown Ferguson plan.

Mayor Fletcher closed the Public Comments portion at 8:20 p.m.

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – January 13, 2009.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the

Council Meeting Minutes of January 13, 2009 and file as appropriate. Motion carried.

CONSENT AGENDA

Minutes

Park Board Minutes – January 20, 2009 w/recommendations.

Council Member Faul noted that the Park Board recommended changes for the 2009 season as detailed in the Splash at Wabash Annual Report be accepted.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive, the Park Board Minutes with recommendations and file as appropriate. Motion carried.

Plan Commission Minutes – January 7, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Plan Commission Minutes as presented and file as appropriate. Motion carried.

Plan Commission Minutes – November 19, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Plan Commission Minutes as presented and file as appropriate. Motion carried.

Ferguson Special Business District (FSBD) Minutes – November 20, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the FSBD Minutes as presented and file as appropriate. Motion carried.

Ferguson Municipal Public Library Minutes – November 24, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Municipal Public Library Minutes as presented and file as appropriate. Motion carried.

APPOINTMENTS

Council unanimously made the following appointments to the Boards and Commissions:

Mayor appointed Tim Larson to the Pension Board.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to appoint Mark Thomas Rogers to the Landmarks Commission. Motion carried.

On behalf of the Ward 3 Council Members, a motion was made by Council Member Grecco, seconded by Council Member Knowles and carried to appoint Roger Herin to the Plan Commission pursuant to Ordinance No. 2007-3324. Motion carried.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve Resolution No. 2009-02. Motion carried.

2009-02 A RESOLUTION TO ADOPT THE DOWNTOWN STRATEGIC DEVELOPMENT PLAN AS A GUIDE TO THE DEVELOPMENT OF THE FERGUSON DOWNTOWN BUSINESS DISTRICT, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 5 – Knowles, James, Mayor Fletcher, Faul, Grecco
NOES: 0
ABSENT: 2 - Crecelius, Salant
Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve Resolution No. 2009-03. Motion carried.

2009-03 A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE INSTRUMENTS RELATING TO CITY FUNDS HELD AT COMMERCE BANK, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 5 – James, Mayor Fletcher, Faul, Grecco, Knowles
NOES: 0
ABSENT: 2 – Crecelius, Salant
Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6868 AN ORDINANCE IMPOSING A FEE OF \$25.00 TO COVER THE CITY'S ADMINISTRATIVE COSTS RELATING TO THE TOWING OF VEHICLES AND PROCESSING THE RELEASE OF TOWED VEHICLES, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained the Ferguson Police Department directs the towing of approximately 300 vehicles every year, either as the result of an accident, derelict vehicle, arrest, or abandonment. Each tow requires the preparation of a report, two entries in the computer system, and a record clerk involved in the actual release of the vehicle to its owner. In addition to the document processing, it requires approximately one hour of a police officer's duty time to accomplish the actual tow and document the incident. This Ordinance would impose a \$25 fee in order to recover some of the cost involved in the towing of vehicles.

Chief Moonier explained the process and feels that \$25.00 is a fair fee.

Council Member Knowles had comments and raised questions regarding some of the language in Bill No. 6868. Mr. Knowles feels that the \$25 fee shall be waived for those vehicle owners, whose vehicle was towed by the Ferguson Police Department, subsequent to being recovered from a theft. Council Member Knowles would like Council to consider waiving the fee for residents/victims of auto theft.

Council discussed and agreed to have the City Attorney draft an amended Bill No. 6868 to reflect the change prior to the February 24, 2009 Council meeting.

BILL NO. 6869 AN ORDINANCE OF THE CITY OF FERGUSON IMPOSING NEW ENERGY-CONSERVATION REQUIREMENTS ON CITY OPERATIONS; AMENDING CHAPTER 37 ("SOLID WASTE") OF THE MUNICIPAL CODE RELATING TO RECYCLING; AND AMENDING CHAPTER 7 ("BUILDING AND BUILDING REGULATIONS") RELATING TO DESIGN AND CONSTRUCTION OF NEW AND REMODELED HOMES AND BUILDINGS, was introduced by Council Member Dwayne T. James and read the first time.

Council Member Dwayne James explained this Ordinance talks about coming up with a plan of how much energy and how much waste the City is using today and then trying to reduce it over the next few years. The Ordinance imposes some requirements for the City and encourages the recommendations for businesses and commercial facilities in Ferguson.

Council Member Knowles raised questions with the language in Chapter 37, Article I, Section 37-5, page 4 regarding part B. *Service Requirements*. Regarding commercial facilities within the City to utilize recycling collection services. Questioned if the Ordinance had any penalty provisions.

Council Member Knowles also had concerns regarding small businesses, how the businesses will be held accountable, discussed businesses utilizing recycling collection services and if all businesses will have to pay for a large recycling dumpster.

Council Member Knowles feels this is something the City should work towards and help facilitate in order to make the service more readily available. Mr. Knowles is concerned that businesses may not be able to abide by this law and it could be a serious financial burden on some smaller businesses.

Council Member James explained that the hope is that all businesses will look to see exactly what they consume and to move forward to consume less with each year.

Council Member Grecco recognizes the concern and impact on small businesses, but the Ordinance is focused on the owners responsibility to provide, in addition to trash service, recycle service. The focus is on the owner of the building, taking away some burden from the small businesses.

Mayor is concerned about a time phase adhering to the new Ordinance. Mayor feels, after hearing the discussion, the Ordinance may need to be revisited.

Council agreed to provide feedback to Staff, Staff will research and the City Attorney will draft an amended Bill No. 6869 to reflect the changes prior to the February 24, 2009 Council meeting.

BILL NO. 6870 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, was introduced by Council Members present and read the first time.

BILL NO. 6871 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, was introduced by Council Members present and read the first time.

BILL NO. 6872 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, was introduced by Council Members present and read the first time.

BILL NO. 6873 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 1120 N. FLORISSANT ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members present and read the first time.

BILL NO. 6874 AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN, REDEVELOPMENT AREA, REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND RAY HILL DEVELOPMENT LLC, AT 418 S. FLORISSANT ROAD; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE REDEVELOPMENT AREA; AND CONTAINING A SEVERABILITY CLAUSE, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained that this Ordinance creates a redevelopment agreement between the City of Ferguson and Ray Hill Development, LLC for the establishment of a Micro Brewery and Brew Pub at 418 S. Florissant Road (a/k/a St. John Liquor Building). The agreement outlines specific terms, requirements and restrictions to the developer in return for financial assistance from the City's Downtown

TIF Fund, created to aid in economic development for the City's Downtown Business District. The total amount of funding from the Downtown TIF is \$250,000.

OLD BUSINESS

Mr. James announced the Neighborhood Garden Task Force will meet on Tuesday February 17, 2009 at 5:30 p.m. in the Council Chamber Conference room.

MISCELLANEOUS

Ms. Grecco announced Senator Bond's Listening Post forum scheduled for the City of Ferguson, Wednesday February 11, 2009 from 2:30 – 3:30 p.m. in the Council Chamber. Everyone is invited to attend.

The Fourth of July Committee is hosting a Bar-B-Que Fundraiser on February 28, 2009 at St. Stephens Church 11:00 a.m. – 7 p.m. Everyone is invited.

Ms. Faul personally thanked the Dog Park Task Force and the 2009 Downtown Vision committees for their professionalism and hard work.

Mr. James – concurs with Ms. Faul in thanking the committees for their hard work. Would like to see the Energy Bill move forward. The Neighborhood Garden Task Force will meet on Tuesday February 17, 2009 at 5:30 p.m. in the Council Chamber Conference room. Farmers' Market starts up in May. April 18, 2009 run/walk for Live Well Ferguson.

Ms. Faul – Live Well Ferguson meets Thursday evenings at 7 p.m. in the BTC Cafeteria.

Mr. Knowles – congratulated and appreciates the efforts of the Dog Park Task Force and 2009 Downtown Vision committees. Thanked Mr. James in his effort in introducing the Energy Bill. Mr. Knowles would like Council to address Mr. Bramlet's problem and have Staff look into extenuating circumstances regarding trash bills. Savoy will hold a Scholarship fundraiser for Samantha Lipka on March 7th, 2009 at 7:00 p.m. \$20 person, tables of 8 available.

City Manager, John Shaw - noted the loss of Parks and Recreation Director Dave Smith to cancer two weeks ago, as this is the first meeting since his passing. Dave was a good man who had been with the City for a very long time and will be missed.

Mayor Fletcher – informed everyone that he and his wife are taking the Tunica, Mississippi trip that the Parks & Recreation Department is offering March 3-5.

Council acknowledged and welcomed Mr. Ray Hill and his fiancé who were present at the meeting along with the new owners of the *The Junkyard Bar and Grill*.

Mayor announced a closed session.

ADJOURNMENT

At 9:10 p.m. a motion was made by Council Member Knowles, seconded by Council Member James 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 (1) RSMo. Motion carried.

Having concluded the closed session at 10:00 p.m., a motion was made by Council Member Knowles, seconded by Council Member James 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 Grecco, moved to adjourn the meeting. Motion carried. The meeting adjourned at 10:00 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

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