

**FERGUSON CITY COUNCIL
Council Meeting Minutes
February 24, 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 24, 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
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 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 COMMENTS

No public comments.

SPECIAL PRESENTATIONS

Quarterly Financial Report

Finance Director, Jeffrey Blume presented the City's Financial Report for the Six Months Ended December 31, 2008, introduced calendarization and briefly summarized the General Fund and the Parks Fund operations.

General Fund - The revenues for the half year were \$5,252,000 budgeted and actual receipts were \$4,987,000, a difference of \$265,000. Expenditures for the same period were \$5,973,000 budgeted and actual \$5,801,000. A difference of \$172,000. A deficit of \$721,000 was budgeted for this period and is actually at \$814,000, a \$93,000 difference for the year.

While revenues were down by \$265,000 a good portion was made up by keeping expenditures down. Revenues were down 2% at the end of the first quarter and 5% at the end of the half year. The rate of revenue erosion is accelerating not decelerating.

Council discussed license fees, other income and discretionary spending.

Parks Fund – Revenues were \$1.036 million budgeted and actual receipts were \$996,000 for a difference of \$40,000. Expenditures were on target budget to actual \$426,000 vs. \$421,000.

Council discussed sales taxes receipts varying two months behind. Mr. Blume explained that the sales taxes collected in December (Holiday season) are actually not remitted to the State until late January and not remitted from the State to the City until February.

In conclusion, Mr. Blume explained that the City began the fiscal year with a little less than \$8 million in cash reserves in the General and Parks Funds and budgeted an operating deficit in the Parks and General Funds of about \$1.2 million this year with the intention of maintaining services. The City's actual operating deficit in these two funds will probably be a little higher this year.

BUSINESS PORTION

CONSENT AGENDA

Minutes

Ferguson Senior Citizens Commission Minutes – February 12, 2009. A motion was made by Council Member Grecco, seconded by Council Member James and carried to receive the Ferguson Senior Citizens Commission Minutes as presented and file as appropriate.

Plan Commission Minutes – January 21, 2009. A motion was made by Council Member Grecco, seconded by Council Member James and carried to receive the Plan Commission Minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – January 15, 2009. A motion was made by Council Member Grecco, seconded by Council Member James and carried to receive the FSBD Minutes as presented and file as appropriate.

APPOINTMENTS

A motion was made by Council Member James, seconded by Council Member Grecco and carried to appoint Dian Garner to the Ferguson Neighborhood Improvement Program Board. Motion carried.

REQUESTS

TRANSFER - Liquor License transfer of ownership of Ferguson Supermarket & More, Inc. from current owner Bassam Hamed to new owner Mahesh S. Patel and new managing officer Manisha N. Patel.

TRANSFER - Liquor License transfer of ownership of Sam's Meat Market & More, Inc. from current owner Ayoub Hamed to new owner Nimesh Patel and new managing officer Manisha N. Patel.

Mayor Fletcher pointed out that there are certain requirements for a transfer of a liquor license set forth in the City Code. Sec. 4-34, specifically provides that the Council may entertain an application for a transfer of liquor license only if the selling licensee has operated an orderly place of business and has satisfied other requirements.

City Manager, John Shaw explained that staff has prepared a report of code compliance issues during the timeframe prior to both of the liquor license applications for the transfers. Mr. Shaw is concerned that both properties have repeat code violations with one or two unresolved.

Public Works Director, Terry O'Neil prepared and explained a report regarding both businesses. *Ferguson Supermarket & More, Inc. - 9101 W. Florissant Ave.* from the period of 2002 to the present has had 18 code enforcement cases, with 58 separate code violations, 4 warning notices issued and 2 summonses. In the past year, there have been 5 code enforcement cases, 27 separate violations, 1 summons and 1 warning notice. There has been 14 repeat violations for signage, which was the major issue and 11 related to painting, cleaning and repairing. There were 10 violations in the category of trash debris, open storage and weeds. There were 10 violations related to parking on the parking lot. There were others but the above were repeated violations.

Mayor questioned the parking lot violation. Mr. O'Neil commented the parking lot violations were potholes, striping gone, the lot needed to be sealed and proper signage for handicap parking, etc.

Sam's Meat Market & More, Inc. – 9241 West Florissant- a newer business, starting in May 2008 has had 3 code enforcement cases, with 35 separate violations, of those 16 violations were related to painting, cleaning or repairing the property. There were 8 violations related to trash, debris, open storage and weeds. There were 7 for signage and 2 related to parking. There is an open case with three violations still pending.

Mr. O'Neil further commented that all issues with Ferguson Supermarket & More, Inc. have been addressed. There are no open violations at this time.

Council Member Grecco is very concerned that in the timeframes given, the two establishments collectively and individually seem to have repeated violation after violation with debris, trash and signage. Ms. Grecco is concerned about a business that has repetitive issues.

Council Member Knowles agrees and commented this is an area the City is hoping to clean up and would like to see future responsible businesses come into the area.

Council Member Faul, in keeping in mind with orderly fashion, feels that trash and not keeping up with the signage Ordinance can lead to a space that is uninviting. Ms. Faul feels Ferguson is working very hard to have businesses that look inviting.

A motion was made by Council Member Knowles, seconded by Council Member Salant and carried to deny the request of the transfer of the liquor licenses of both Ferguson Supermarket & More, Inc. and Sam's Meat Market & More, Inc. based upon the fact that both establishments have not been operating as orderly places of business during the time period prior to the filing of both applications as per stated in City Ordinance.

On roll call vote, the motion carried as follows:

AYES: 6 - Salant, Knowles, James, Mayor Fletcher, Faul, Grecco

NOES: 1 – Crecelius

Both Liquor License transfer requests denied.

BILLS REQUIRING SECOND READINGS

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to adopt the amendments to Bill No. 6868. Motion carried.

BILL NO. 6868 (AMENDED) 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.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6868 as (AMENDED), a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6868 (Amended) was declared passed and sent to the Mayor for signature. Bill No. 6868 (AMENDED) thus became Ordinance No. 2009-3381 and is permanently recorded in Book 30 page 45.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to adopt the amendments to Bill No. 6869. Motion carried.

BILL NO. 6869 (AMENDED) 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 James felt good discussions were had regarding the types of requirements on businesses and by encouraging businesses instead of requiring businesses to use recycling collection services. The City will continue to encourage and talk with trash collectors on their availability, there are a number of collectors in the area willing to do the recycling program. As of now, it is not a need from Ferguson businesses. Mr. James feels that with the passage of this Bill and with the change and outlook that Ferguson and the businesses have there will be a need for the waste recyclers in Ferguson to recycle and to move forward.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6869 as (AMENDED), a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6869 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6868 (Amended) thus became Ordinance No. 2009-3382 and is permanently recorded in Book 30 page 46.

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.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6870 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6870 was declared passed and sent to the Mayor for signature. Bill No. 6870 thus became Ordinance No. 2009-3383 and is permanently recorded in Book 30 page 47.

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.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6871 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6871 was declared passed and sent to the Mayor for signature. Bill No. 6871 thus became Ordinance No. 2009-3384 and is permanently recorded in Book 30 page 48.

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.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to read Bill No. 6872 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6872 was declared passed and sent to the Mayor for signature. Bill No. 6872 thus became Ordinance No. 2009-3385 and is permanently recorded in Book 30 page 49.

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.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6873 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6873 was declared passed and sent to the Mayor for signature. Bill No. 6873 thus became Ordinance No. 2009-3386 and is permanently recorded in Book 30 page 50.

City Manager, John Shaw explained that Bill No. 6874 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, which was created to aid in economic development for the City's Downtown Business District. The total amount of funding from the Downtown TIF for this agreement is \$250,000.

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.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to read Bill No. 6874 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6874 was declared passed and sent to the Mayor for signature. Bill No. 6874 thus became Ordinance No. 2009-3387 and is permanently recorded in Book 31 page 1.

OLD BUSINESS

Council Member James explained that after several discussions the Dog Park Task Force decided to change the dog park hours to 7 a.m. to 9 p.m. Council Member Faul commented that the Park Board had concerns that 7 a.m. was a little late to use the park before going to work. Mr. James said if there is a problem, the hours could be changed.

Council Member James informed everyone a meeting was held regarding the Neighborhood Gardens. Two properties are being looked at as well as discussions with local organizations regarding types of funding.

MISCELLANEOUS

Ms. Grecco – welcomed the two new businesses to Ferguson. With Lent season, there are several fish fry's to attend around Ferguson. The Fourth of July Committee's Fundraiser, is the mid-winter Bar-B-Que, February 28, 2009 at St. Stephens Church. Also, there will be a Memorial Service sometime the first week in April for longtime Ferguson community activist and resident Walter Dean.

Ms. Grecco - received several complaints that residents are not following the Ordinance regarding the placing and returning trash receptacles on their residence and in the streets.

Ms. Faul – is pleased with the passage of the two Ordinances dealing with imposing a fee relating to towing vehicles and Energy-Conservation and appreciates Council Member James hard work regarding the Energy Ordinance. Ms. Faul announced the next Live

Well Meeting is March 11 and invited everyone to meet with the group on Thursday evenings at BTC, Chambers and Elizabeth site. Invited everyone to participate in the Live Well 5K on April 18. Informed Council that the Park Board has requested a Memorial for Recreation Director, David Smith to be placed in January Wabash Memorial Park.

Mr. James – congratulated the two new businesses to Ferguson and reminded everyone to shop Ferguson first. Thanked the Council and City Attorney Karr for help with the Energy Conservation Ordinance. Mr. James feels it is a good step in the right direction.

Mr. Knowles – credited Council Member James for his hard work regarding the Energy Conservation Ordinance and is glad Council had good discussions in making the Ordinance more able to meet the businesses needs. Mr. Knowles feels the City wants to create incentives for businesses not to create undue burdens on businesses.

Mr. Knowles thanked Council for working with him regarding the towing fee and exempting people who were victims of auto theft and moving forward with the amended Bill.

Mr. Knowles reminded everyone Old Ferguson West and Jeske Park will be hosting a Candidates Forum Thursday February 26, 2009 at 7 p.m. at the Corner Coffee House. All candidates running for office in Ward 1 and Ward 2 will be present, Ward 3 is unopposed.

Mr. Knowles also announced a Scholarship Trivia Night for Samantha Lipka on March 7, 2009 at the Savoy – doors open at 6 p.m. and it is for an excellent cause.

Mr. Crecelius – Welcomed the new businesses. Reminded everyone that the date was pushed back for the analog to digital conversion for televisions. There is a finite amount of money to go to assistance for purchasing the digital conversion boxes. Coupons are being released in the amount of \$40.00 to help in the purchase. If you are not going to use the coupon they are transferable, so please find someone in need of a coupon. The coupons are good for three months; please do not wait until they expire to transfer.

Mr. Shaw – reminded Council that the grand opening for the Hilton Garden Inn at NorthPark will be held this Thursday, February 26, from 4:00 to 8:00 p.m.

Mayor Fletcher - Attended the Municipal League Legislation Conference which was a wonderful opportunity. Mayor personally met the new North County legislators and was invited by Senator Green to sit in the Senate gallery and discussed issues effecting Ferguson and North County. Senator Joan Bray from the Overland area suggested streamline sales taxes for remote taxes and Council may want to take action in supporting that concept. Other issues discussed were the Smoking Ban issue and legislation eliminating or modifying red light cameras. Mayor encouraged Council to attend future Legislative conferences.

In December Mayor received a letter from five other Mayors from Olivette, University City, Creve Coeur, Clayton and Overland regarding the smoking ban issue. The Mayors have sent a letter to the County Council asking for a ban of smoking in public places; Mayor Fletcher read the letter. Mayor personally feels a need and feels that Council has probably delayed the issue too long in the State of Missouri and St. Louis County.

However, Mayor does not want to make this an issue in the City of Ferguson so that other things do not get accomplished. This issue is very emotional and is a personal belief on how you feel. Mayor spoke with the entire Council one on one and Mayor would like to confirm that the Council have the City Manager form a Resolution that Council could act on.

Council discussed exempt locations, hours of operation and age restrictions. Mayor would like a consensus of the Council to support this Resolution.

Council Member Crecelius would be for the smoking ban with certain restrictions.

Council Member Salant is against it and feels it is a fundamental right if you choose to smoke or not smoke. Mr. Salant feels it is a step in the wrong direction.

Mr. Knowles needs certain exemptions and feels it is a personal decision.

Mr. James – yes
Mayor Fletcher – yes
Ms. Faul – yes
Ms. Grecco – yes

Mayor stated that a majority of the Council is asking for a Resolution to be drafted and Council will email the City Manager with their thoughts.

Mayor announced a closed session.

ADJOURNMENT

At 8:10 p.m. a motion was made by Council Member Knowles, seconded by Council Member Crecelius 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 9:10 p.m., a motion was made by Council Member Faul, 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 James, seconded by Council Member Grecco, moved to adjourn the meeting. Motion carried. The meeting adjourned at 9:10 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

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