

APPROVED: 6/23/09

**FERGUSON CITY COUNCIL MEETING MINUTES
CITY HALL, 110 CHURCH STREET
June 9, 2009, 7:00 P.M.**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on June 9, 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

Ms. Matthies declared a quorum was present.

*Council Member Salant was an excused absence. Council Member Faul arrived at 7:08 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; 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 HEARINGS Mayor opened the Public Hearing at 7:00 p.m.

NORM'S AUTOMOTIVE, to operate an automotive repair shop, at 1116 N. Florissant Rd. The proposed site is zoned C-1, General Commercial District, and an automotive repair shop is a Special Use.

City Manager, John Shaw explained that on May 6, 2009 Mr. Norman Smith submitted a Special Use Permit Application to operate an automotive repair shop at 1116 N. Florissant Road. At their May 20, 2009 meeting, Plan Commission approved the Staff report recommending a Special Use Permit with conditions. Staff recommended that the property owner provide a detailed landscape plan to be approved by the Director of Planning and Development, before a Commercial Occupancy Permit may be issued. To ensure that exterior lighting will not bleed into adjacent residential properties, Plan Commission added an exterior lighting restriction to the Conditions of Approval.

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

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

PROPOSED ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2009-2010 AND CAPITAL IMPROVEMENT PROGRAM

Mr. Shaw explained that this Public Hearing is the required first step in the Budget approval process. The Council has been presented with the Proposed Budget for FY 2009-2010. Changes have been made per the decisions made during the five Budget Work Sessions, and will reflect any changes that were made during this process. This Public Hearing simply allows for the public to voice any recommendations and/or concerns they have concerning the Proposed Budget.

Finance Director, Jeff Blume presented the Budget for the Fiscal Year 2009-2010 and Capital Improvements Program. Mr. Blume discussed the balances of the various funds, the budget process, revenues, expenditures and fund operations.

In conclusion, City Wide, the City is anticipating a deficiency of revenues under expenditures of about \$200,000, which is a substantial improvement over last year's budgeted deficiency of about \$2.6 million and actual deficiency of about \$2.2 million. Mr. Blume feels that the City is operating in a very prudent manner and, with continued good stewardship, the City should have sufficient reserves to weather the current economic conditions.

Council thanked Staff for their hard work on the Budget.

There being no public comments, Mayor closed the Public Hearing at 7:20 p.m.

PUBLIC COMMENTS

Sue Odell, 514 Carson had concerns with trash and debris surrounding the R&R Mini Mart property located at 603 Airport Road.

Staff will address and monitor the issues with R&R Mini Mart.

Council discussed and agreed to have Staff research both business licenses and liquor licenses requirements regarding code violations and police calls.

City Manager commented as part of the liquor license renewal process, police calls are reviewed for calls to service, Staff can make it available for Council.

Darlene Mathis, from the Nesbit-Newton neighborhood association thanked Council Members Faul and Grecco for attending their meeting and thanked the Police Department for patrolling the area more frequently especially because of the park.

Randy Duff, 1500 Fir Drive had concerns and comments regarding their neighborhood and park being unsafe for residents and would like to see more Police patrolling the area.

City Manager spoke to Mr. Duff and Staff will meet with Mr. Duff to discuss his concerns further.

Mayor closed the Public Comments portion at 7:40 p.m.

BUSINESS PORTION
MINUTES

Council Meeting Minutes, May 26, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Minutes of May 26, 2009 and file as appropriate. Motion carried.

Council Meeting Budget Work Session Minutes – May 5, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Budget Work Session Minutes of May 5, 2009 and file as appropriate. Motion carried

Council Meeting Budget Work Session Minutes – May 14, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Budget Work Session Minutes of May 14, 2009 and file as appropriate. Motion carried

Council Meeting Budget Work Session Minutes – May 21, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Budget Work Session Minutes of May 21, 2009 and file as appropriate. Motion carried

Council Meeting Budget Work Session Minutes – May 27, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Budget Work Session Minutes of May 27, 2009 and file as appropriate. Motion carried

APPOINTMENTS No appointments at this time.

REQUESTS

Pursuant to *Sec. 2-26. of the Ferguson Code*, during the months of July and August, regular Council Meetings shall be held only on the fourth Tuesday of each month, which will be July 28, 2009 and August 25, 2009.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried that the City Council only meet on the fourth Tuesday of the months of July and August, 2009. Motion carried.

LIQUOR LICENSES/RENEWALS:

The following businesses have applied for Liquor License Renewals for the 2009-2010 Fiscal Year:

Malone's Grill & Pub, Paul's Market, Emerson Electric Campus, Savoy Banquet Center, Rinderer's Drug Store, Ferguson BP Amoco, Zion Lutheran Church of Ferguson, Shop 'n Save at 49 N. Florissant, Shop 'n Save at 10805 Old Halls Ferry Road, Quicktrip #616, Candlelight Banquet Center, Lamplighter Banquet Center, SAMS Club#8125, Vincenzo's, R&R Mini Mart, Ferguson Supermarket & More, Wingstop, A&D Mini-Mart, Blessed Teresa of Calcutta, El Palenque, Phillips 66, Wal-Mart#1265, Marley's Bar & Grill, Circle K #1628, Sam's Meat Market & More, The Junkyard Bar & Grill.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius and carried to approve the liquor license renewals as presented. Motion carried.

Council discussed and requested Staff provide a report to update Council on any violations, disturbances or police calls to the businesses for liquor license renewals. In the future, Staff will provide a report of the processes for both business and liquor licenses.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve Resolution No. 2009-06. Motion carried.

2009-06 A RESOLUTION APPROVING AN AGREEMENT WITH J&M DISPLAYS, INC. FOR THE PURPOSE OF CONDUCTING THE FIREWORKS DISPLAY AT THE CITY'S FOURTH OF JULY CELEBRATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT, introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 - Salant

Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve Resolution No. 2009-07. Motion carried.

2009-07 A RESOLUTION FINDING THAT A PROPOSED SPECIAL USE PERMIT FOR A CHILD DAY CARE CENTER AT 497 & 501 AIRPORT ROAD FAILS TO COMPLY WITH THE CITY'S ZONING CODE AND, FURTHER, DENYING SUCH APPLICATION FOR THE REASON THAT THE PROPOSED USE IS NOT APPROPRIATE UNDER THE STANDARDS SET FORTH IN THE ZONING CODE, introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 - Salant

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6888 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 1116 N. FLORISSANT ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, introduced by Council Members present and read the first time.

BILLS REQUIRING SECOND READINGS

BILL NO. 6886 AN ORDINANCE AMENDING SECTIONS 7-41, 7-42, and 7-43 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AMENDMENTS THERETO, introduced by Council Members present and read the first time.

City Manager, John Shaw explained that the City is currently using BOCA 1996 (Building Officials and Code Administrators Building Code) this will get the City up to

date in both areas.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6886 a second time and place it upon its passage. Motion carried.

On roll call vote, the motion carried as follows:

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

Bill No. 6886 was declared passed and sent to the Mayor for signature. Bill No. 6886 thus became Ordinance No. 2009-3399 and is permanently recorded in Book 31 page 13.

BILL NO. 6887 AN ORDINANCE AMENDING SECTIONS 17-56, 17-57, and 17-58 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AMENDMENTS THERETO, 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. 6887 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6887 was declared passed and sent to the Mayor for signature. Bill No. 6887 thus became Ordinance No. 2009-3400 and is permanently recorded in Book 31 page 14.

OLD BUSINESS

Council Member Grecco requested Staff place movie nights on the City Calendar website and to be more attentive on placing dates on the Calendar portion.

Council Member James thanked Staff for the safety and evacuation plans for City Hall that will soon be posted.

MISCELLANEOUS

Mr. James commented that the train bridge looks good, visit the Farmers' Market, thanked Staff and volunteers with their help with the Mueller, Suburban and Robert Superior Gardens and the Dog Park will be opening July 5, 2009.

Ms. Faul said there has been good attendance at the Live Well meetings, brochures will be mailed on Sunday Parkways for August, September and October. Thanked Staff for all of their hard work with the City Budget. Visit Farmer's Market, Movie nights will start and thanked the Nesbit-Newton Neighbors and citizens that called Council on Saturday and the City will take back the park.

Ms. Grecco thanked Nesbit-Newton neighborhood for inviting Council and voicing their concerns and Council is working on an action plan to address them. Announced

movie night dates and times.

City Manager, John Shaw announced that Council Member Knowles is receiving the North County Inc.'s 30 Leaders in their thirties award.

Council Member Faul commented that there was an article on Ray Hill in the Post-Dispatch, commented that TIF money is being used with his business.

Mayor Fletcher thanked Staff and Public Works for keeping up with the grass cutting around the City. Mentioned other Mayors read the article about Ray Hill and were amazed to see the energy in Ferguson and the North County area. The City competed with several other cities interested in acquiring Ray Hill and Mayor Fletcher is delighted he chose Ferguson for his microbrewery and restaurant and hopes to enjoy his products by the end of the year. The City also has a new wine bar coming, the project at 501 S. Florissant and Farmers' Market is doing well. The City has a lot to be thankful for.

Mayor announced a closed session.

At 8:00 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(1)(2) and (3) RSMo. Motion carried.

Having concluded the closed session at 9:20 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 James, moved to adjourn the meeting. Motion carried. The meeting adjourned at 9:20 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri

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