

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
SEPTEMBER 8, 2009**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on September 8, 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.

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

A motion was made by Council Member Grecco, seconded by Council Member Knowles and carried to amend the Agenda to include 4C. Requests – new Liquor License – 9181 W. Florissant. Motion carried unanimously.

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

*Chapter 49 Zoning Amendment DB-1 and DB-2 -
Amending Chapter 49 Zoning regulations pertaining to
DB-1 and DB-2 Zoning Districts.*

City Manager, John Shaw explained at the August 19, 2009 meeting the Plan Commission reviewed and recommended approval of the proposed staff amendments to DB-1 and DB-2. The changes moved certain uses from Special Uses to Permitted Uses. In addition, the Plan Commission recommended moving Wine Establishments and Microbreweries from Special Uses to Permitted Uses and changing the term from Microbreweries to Brewpubs. These changes were discussed by the City Council during the last Council Work Session.

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

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*Special Use Permit – 902 Airport Road –
To operate Triple Flag Tire Shop, at 902 Airport Rd. The proposed site is
zoned C-1, General Commercial District, and a tire shop is a Special Use.*

City Manager, John Shaw explained that on July 15, 2009 Mr. Phillips submitted a completed Special Use Permit application to open a tire shop at 902 Airport Road. It was reviewed at the Plan Commission meeting of August 19, 2009. The proposed use will be located in a vacant service garage at 902 Airport Road. The entire building is approximately 1,316 sq. ft. and was built in 1937. The building is surrounded by an asphalt parking lot with approximately 6 parking spaces to the west of the building. The site has access from Airport Road and Henquin Drive.

The proposed site complies with all of the zoning standards except for the adequacy of the landscaping. Currently the site has two landscape areas however, not adequately landscaped to protect the surrounding uses and enhance the site. The enhancement of these landscaped areas will provide visual relief and screening to the site, and help with storm water run-off. As a condition of this Special Use Permit, staff recommends that the owner be required to provide a detailed landscape plan to the City.

Janet DeBoe commented that she is working with Mr. Phillips to meet the proper landscaping requirements for 902 Airport Road.

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

PUBLIC COMMENTS

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

BUSINESS PORTION

MINUTES

Council Meeting Minutes – August 25, 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 August 25, 2009 and file as appropriate. Motion carried unanimously.

APPOINTMENTS

Council re-appointed Paula Margelewski (Ward 3) to the Traffic Commission.

REQUESTS

New Liquor License – Say When Lounge 2 located at 9181 W. Florissant.
Applicant/Owner James Robinson.

Please note that a public hearing was held on whether a bar is appropriate for this location on April 28, 2009, and a Special Use Permit for the bar and grill was granted by the Council on May 12, 2009.

A motion was made by Council Member Knowles, seconded by Council Member Salant and carried to approve a new Liquor License for Say When Lounge 2 at 9181 W. Florissant. Applicant: James Robinson. Motion carried unanimously.

RESOLUTIONS

2009-15 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE FINAL APPLICATION FOR 2010 HISTORIC PRESERVATION GRANT FUNDS TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that as in previous years the Landmarks Commission would like to apply for the Historic Preservation Grant Funds from Certified Local Governments (CLG) and in this case would like to request that the City Council to proceed with the final application to have the Old Ferguson West historic district nominated to the National Register of Historic Places. This will provide local and national recognition of the area as a valued historic resource, and encourage increased investment in the neighborhood with state and possibly federal tax credits.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve Resolution No. 2009-15. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – Crecelius, Salant, Knowles, James, Mayor Fletcher, Faul, Grecco
NOES: 0
Resolution passes.

2009-16 A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ARCHITECTURAL SERVICES WITH ARCTURIS, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that during the last City Council Meeting, Arcturis gave a presentation to the City Council on their process for conducting the Fire House #1 Study, which was budgeted for FY 2009-2010. There being no other questions or concerns, this Resolution will allow Staff to begin working with Arcturis to complete this study.

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve Resolution No. 2009-16. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – Salant, Knowles, James, Mayor Fletcher, Faul, Grecco, Crecelius
NOES: 0
Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6895 AN ORDINANCE AMENDING THE ZONING REGULATIONS PERTAINING TO THE DB-1 AND DB-2 ZONING DISTRICTS, was introduced by Council Members present and read the first time.

BILL NO. 6896 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 902 AIRPORT ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members present and read the first time.

BILL NO. 6897 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. 6898 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. 6899 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.

BILLS REQUIRING SECOND READINGS

BILL NO. 6893 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, ENACTING A NEW SECTION 44-97 OF THE MUNICIPAL CODE PERTAINING TO IGNITION INTERLOCK DEVICES, was introduced by Council Members present and read the first time.

Mr. Shaw explained Bill No. 6893 allows Police Officers to enforce the State Law which requires anyone that has been convicted twice of driving while intoxicated to file proof with the Department of Revenue that they have had a breath operated ignition interlock installed in their vehicle.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6893 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. 6893 was declared passed and sent to the Mayor for signature. Bill No. 6893 thus became Ordinance No. 2009-3406 and is permanently recorded in Book 31 page 20.

BILL NO. 6894 AN ORDINANCE AMENDING CHAPTER 44. TRAFFIC AND MOTOR VEHICLES, ARTICLE V. STOPPING, STANDING AND PARKING, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, BY ADDING TEN STREETS TO SEC. 44-280. PROHIBITED PARKING ON CERTAIN STREETS AFTER ACCUMULATION OF SNOW OR ICE, was introduced by Council Members present and read the first time.

Mr. Shaw read the following additional streets:

Willmann Ct. from 1050 to Woodstock on the East Side
Wyllin Ct. from 1032 to Woodstock on the East Side
Halpin from Dupree to Blanton on the North Side
Castro from 7475 to 7495 on the North Side

Briarwood at Dead End around circle
Millman from Robert to Royal on the West Side
Ballman from Robert to Royal on the West Side
Forest from Millman to Hartnett on the North Side
Superior from Robert to High on the West Side
Estelle from S. Harvey to Georgia on the South Side

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to read Bill No. 6894 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. 6894 was declared passed and sent to the Mayor for signature. Bill No. 6894 thus became Ordinance No. 2009-3407 and is permanently recorded in Book 31 page 21.

OLD BUSINESS

City Attorney, Stephanie Karr commented that there was previous discussion concerning interior inspections for rental property. Ms. Karr researched previous actions that have been taken by the City to see if there was anything that would impact the City's action now. Ms. Karr has completed the research and is ready to move forward and would like to know if Council wants to provide more guidance as far as the details in the Ordinance, or whether have Ms. Karr draft the Ordinance.

Council agreed to have Ms. Karr draft an Ordinance with polling what Florissant had for a number of years and adapting it to rental properties at this time. Council agreed that this is a high priority to move forward on this.

Mayor commented with many of the foreclosures turning into rental properties Council needs to act as quickly as possible. Mayor questioned when Council would get a first draft of the Ordinance.

Ms. Karr responded with the follow up changes and with the City's passing of the new ICC Building Code, there will be additional changes necessary to Chapter 7 where this would be included. Ms. Karr could include those changes with the other changes to Chapter 7 and circulate it to Council in the next couple of weeks.

Council Member Faul questioned if other Cities and around the State using interior inspections just for rental properties.

Ms. Karr responded the vast majority use it for both owner-occupied and rental. The Courts have recognized there is a distinction.

MISCELLANEOUS

Mr. Crecelius reminded everyone of the Farmers' Market on Saturday and challenged the community or any organization to start a pumpkin carving contest.

Mr. James congratulated City Manager, John Shaw and his lovely bride on their marriage.

Ms. Faul need to cheer on Council Member James on his race on Sunday. With the passing of the Historic Preservation Grant Funds Resolution, Ms. Faul feels it is

important that the Landmarks history continue, setting the City apart from other cities.

Ms. Grecco questioned with the noticeable rain on Sunday the under paths at Ferguson and Elizabeth were under water and the water did not go anywhere which would seem that the storm sewers are blocked which is an MSD issue.

Mr. Shaw commented staff has continual dialogue with MSD because that is a problem area.

Mr. Shaw commented that the Forestwood Sports Complex Tennis Courts are completed and redone with the aid of the Municipal Park Grant from St. Louis County Municipal League. The City has taken advantage of this Grant for a number of years and has been able to help the City complete a lot of projects. *Kudos* to Strassner Tennis Courts Builders, the Parks and Recreation Department and the Public Works Department who helped oversee this fantastic project.

In order to coordinate with Public Safety Director Tom Moonier, Mr. Shaw asked Council to please let him know on a time to tour the Emergency Operation Center for St. Louis County.

Mr. Shaw reminded Council of the City of Ferguson employee picnic Friday, September 11, 2009 at 5:00 p.m. at Emerson.

Mayor Fletcher announced that the City received an Honorable Mention for the Responsible Landlord Initiative by the Missouri Municipal League. The award will be presented at the Missouri Municipal League Conference early October. Mayor would like the City Manager to attend the presentation since he and his staff submitted and worked on receiving this recognition. Council agreed, if it fits into Mr. Shaw's schedule, to leave it to his discretion to attend the presentation.

Mayor announced the City has been invited to participate in the Veteran's Day Parade on Sunday, November 8, 2009 at 1 p.m. Several Council Members agreed to commit to participate.

Mayor reminded Council of the several vacancies on Boards & Commissions and to continue to work on filling the vacancies.

Council Member Faul announced the City of Ferguson was awarded one of three municipalities to receive a Trailnet Award and will be receiving the award on September 17, 2009. The award is for the work with Live Well Ferguson, the City's Resolution and Environmental Ordinance and Sunday Parkways. The City and Council thanked Trailnet.

Mayor Fletcher announced a closed session.

Approved: 9/22/09

At 7:30 p.m. a motion was made by Council Member Knowles, seconded by Council Member James to enter into closed session pursuant to RSMo 610.021/610.022 to discuss matters relating to RSMo 610.021 Section(s) (1) litigation, legal actions, and communication from City Attorney and (13) personnel. Motion carried unanimously.

Having concluded the closed session at 8:00 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 unanimously.

There being no further business to consider, Council Member Knowles, seconded by Council Member Grecco, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:00 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri

Approved: 9/22/09