

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
SEPTEMBER 22, 2009**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on September 22, 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 Crecelius absent. Council Member Knowles excused absence.

Also present were Assistant to the City Manager, Sam Anselm, 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

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

**BUSINESS PORTION
MINUTES**

Council Meeting Minutes – September 8, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to approve and receive, the Council Meeting Minutes of September 8, 2009 and file as appropriate. Motion carried.

**CONSENT AGENDA
MINUTES**

Ferguson Neighborhood Improvement Program (FNIP) Minutes – June 22, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Ferguson Neighborhood Improvement Program (FNIP) Minutes of June 22, 2009 and file as appropriate. Motion carried.

Board of Adjustment Meeting – July 6, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Board of Adjustment Minutes of July 6, 2009 and file as appropriate. Motion carried.

Parks & Recreation Board Minutes – August 18, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Parks & Recreation Minutes of August 18, 2009 and file as appropriate. Motion carried.

Ferguson Special Business District (FSBD) Minutes – August 20, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Ferguson Special Business District (FSBD) Minutes of August 20, 2009 and file as appropriate. Motion carried.

Council Member Faul noted the recommendation of the Park Board is in agreement with the City Council passing Resolution 2009-17 for the grant under the municipal parks grant.

Parks & Recreation Board Minutes – September 15, 2009 w/recommendations. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Parks & Recreation Board Minutes of September 15, 2009 w/recommendations and file as appropriate. Motion carried.

Senior Citizen Commission Minutes – September 17, 2009. A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to receive and file, the Senior Citizen Commission Minutes of September 17, 2009 and file as appropriate. Motion carried.

APPOINTMENTS

A motion was made by Council Member Grecco, seconded by Council Member Faul to re-appoint Mr. Richard Linck (Ward 2) to the Architectural Review Board. Motion carried.

PROCLAMATIONS

National Night Out – October 6, 2009. Mayor read the Proclamation and explained the event date was changed from August to October 6. Several Council Members will be attending the Missouri Municipal League Annual Conference and apologize for not participating in this year's National Night Out.

MML Executive Director, Gary Markenson Retirement. Mayor read the Proclamation which will be presented to Mr. Markenson at the Missouri Municipal League Annual Conference.

RESOLUTIONS

2009-17 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO SUBMIT A PROJECT PROPOSAL AND EXECUTE AN AGREEMENT FOR A GRANT-IN-AID UNDER THE MUNICIPAL PARKS GRANT COMMISSION FOR IMPROVEMENTS TO THE SPLASH AT WABASH WATERWORKS PLAY UNIT, AND ADDITIONAL SHADE FEATURES TO THE CANNONBALL CAFÉ, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

Assistant to the City Manager, Sam Anselm explained that in order to receive this grant to partially fund the project, the Council is required to pass a resolution stating that the City supports this project. As stated, If awarded, this grant will be used to add additional levels to the existing water play area and additional shade structures to the Café. The Park Board recommended this use of grant funds for this purpose at their September 15th meeting.

A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to approve Resolution No. 2009-17. Motion carried.

On roll call vote, the motion carried as follows:

AYES: 5 – Salant, James, Mayor Fletcher, Faul, Grecco

NOES: 0

ABSENT: 2 – Crecelius, Knowles

Resolution passes.

2009-18 A RESOLUTION DECLARING CERTAIN SEIZED, UNCLAIMED AND MISCELLANEOUS PROPERTY OWNED BY THE CITY OF FERGUSON TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO SELL SAID PROPERTY AT ITS FAIR MARKET VALUE AT A PUBLIC AUCTION, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

Assistant to the City Manager, Sam Anselm explained that as established in our Code, Council approval is required before the City can "sell surplus, obsolete, or unused supplies, materials or equipment" any materials seized by the Police Department or any unclaimed items that may have been stolen and recovered by the Police Department, if no one claims the items they then become City property. Ordinance requires Council approval to sell the items at a public auction to be held on October 10th at Johnson-Wabash Elementary School, starting at noon.

A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to approve Resolution No. 2009-18. Motion carried.

On roll call vote, the motion carried as follows:

AYES: 5 – James, Mayor Fletcher, Faul, Grecco, Salant

NOES: 0

ABSENT: 2 – Crecelius, Knowles

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6900 AN ORDINANCE OF THE CITY OF FERGUSON DEFINING AND ESTABLISHING PERMIT REQUIREMENTS AND STANDARDS FOR COMMUNITY GARDENS; AMENDING THE REGULATIONS PERTAINING TO THE RESIDENTIAL ZONING DISTRICTS SO AS TO PERMIT COMMUNITY GARDENS WITHIN SUCH DISTRICTS UPON ISSUANCE OF APPROPRIATE PERMIT; AND ENACTING PROVISIONS PERTAINING TO COMPOSTING, was introduced by Council Member Dwayne T. James and read the first time.

Council Member James explained that when the Community Gardens were being developed, currently two Robert Superior and Old Ferguson West, a grey area was found between what is allowed and what is not allowed for community gardens. It was felt that an Ordinance defining community gardens was needed to talk about community gardens, and describe composting and compost piles.

Council discussed lab posting, providing soil samples and the distinction and restrictions between community gardens on public or private properties

BILLS REQUIRING SECOND 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.

Mr. Anselm 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 that would move certain uses from special uses to permitted uses in order to attract additional retail opportunities to downtown. These changes were discussed by the City Council during the last Council Work Session.

A motion was made by Council Member Grecco, seconded by Council Member James and carried to read Bill No. 6895 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6895 was declared passed and sent to the Mayor for signature. Bill No. 6895 thus became Ordinance No. 2009-3408 and is permanently recorded in Book 31 page 22.

**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.

Mr. Anselm explained that this Ordinance would approve a Special Use Permit for the owner to open and operate a tire shop, which is listed as a special use under the current zoning regulations for this area. At their August 19th meeting, the Plan Commission approved staff's recommendation to issue a Special Use Permit on the condition that the owner provide a detailed landscaping plan that will protect surrounding uses and enhance the visual appeal of the site. After this Ordinance is approved, the owner will provide Planning and Development Director Rosalind Williams with their landscape plan for her approval.

A motion was made by Council Member Grecco, seconded by Council Member James and carried to read Bill No. 6896 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6896 was declared passed and sent to the Mayor for signature. Bill No. 6896 thus became Ordinance No. 2009-3409 and is permanently recorded in Book 31 page 23.

**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.

A motion was made by Council Member Grecco, seconded by Council Member James and carried to read Bill No. 6897 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6897 was declared passed and sent to the Mayor for signature. Bill No. 6897 thus became Ordinance No. 2009-3410 and is permanently recorded in Book 31 page 24.

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.

A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to read Bill No. 6898 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6898 was declared passed and sent to the Mayor for signature. Bill No. 6898 thus became Ordinance No. 2009-3411 and is permanently recorded in Book 31 page 25.

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.

A motion was made by Council Member Grecco, seconded by Council Member Faul and carried to read Bill No. 6899 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

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

Bill No. 6899 was declared passed and sent to the Mayor for signature. Bill No. 6899 thus became Ordinance No. 2009-3412 and is permanently recorded in Book 31 page 26.

OLD BUSINESS

None at this time.

MISCELLANEOUS

Ms. Grecco – Live Well Ferguson is sponsoring the activities in the Lang-Royce Forestwood area Sunday, September 27, 2009. The first event was a great turn out, great fun and encourages everyone to participate.

Ms. Faul – Live Well Ferguson Sunday 1-4 p.m., Streetfest Friday September 25 and Saturday September 26, because of Streetfest there will be no Farmers' Market. Ms. Faul thanked the City, Police, Fire and all of the volunteers that have worked for Live Well Ferguson, Streetfest and other City activities. Vacancies on the Boards and Commissions.

Mr. James – Thanked everyone, City, Staff, Council, and Community Gardeners for help with the Gardens Ordinance. Work day Saturday, September 26 at Old Ferguson West Community Garden at 9:00 a.m. Sunday, September 27 Sunday Parkways and the Community Gardens fundraiser Monday, September 28 at the new Cork Wine Bar. Thanks to Mike Lonero. The past Farmers' Market was a Live Well initiative, great attendance, great representation and thank you to everyone involved. Great crowd and music at the past Concert series. Congratulations to the City of Ferguson and Live Well and thanks to Park Superintendent, Stan Kreitler for a great job in accepting the Trailnet award. This is great publicity for the City. Congratulations to the grand opening of Raindrop Flowers.

Mr. Anselm – announced that due to the Guadalupe Festival rain out on Sunday, September 20, 2009 it is rescheduled to be held on Our Lady of Guadalupe parking lot Sunday, September 27, 2009. The schedule of events is the same. Streetfest is September 25 and 26 and the events are listed on the website at www.fergusonstreetfest.com.

Mayor Fletcher – thanked Public Works for re-glazing the brick pavers at Victorian Plaza it looks nice for Streetfest and Northern Lights. Kemper Fountain is being removed and a beautiful waterfall is taking its place on the hillside. Hopefully the waterfall and 501 will be finished by the Northern Lights Parade.

Mr. James – thanked Public Works, residents, neighbors, Ms. Sue O'Dell and everyone who has helped in keeping the Suburban Ave. islands looking beautiful.

There being no further business to consider, Council Member Grecco, seconded by Council Member James, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 7:33 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 10/13/09