

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

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on December 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 (Absent)
Michael Salant
James W. Knowles, III
Dwayne T. James
Peggy Faul
Fran Grecco

Ms. Matthies declared a quorum was present. Council Member Crecelius was an excused absence.

Also present were City Manager, John Shaw, City Attorney, Kevin O'Keefe 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.

A motion was made by Council Member Grecco, seconded by Council Member Faul to amend the Agenda to table *Bill No. 6906*. On voice vote, motion carried as follows: 5- Yes, 1-No (James), 1-Absent (Crecelius).

PUBLIC HEARINGS

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

Chapter 49 Zoning Regulation Amendments

Amending Chapter 49 Zoning Regulations, Section 20.0, Supplemental Height, Area, Parking, and Fence Regulations, pertaining to accessory antennas and satellite dish antennas.

City Manager, John Shaw explained that with the use of more satellite dishes, issues have surfaced recently with respect to their placement in front yards. This amendment would create language to address these issues. Its goal is to ensure that placement and installation of dishes are done properly and in such a way that they are aesthetically conscious.

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

SPECIAL PRESENTATIONS

2009 Employee Survey Follow-Up

Human Resources Specialist, Sonya Brooks presented a follow-up report on initiatives and actions taken by the City Manager's Office in response to the 2007 Employee Survey.

PUBLIC COMMENTS

The following residents were in attendance and voiced their comments and concerns in opposition to the CVS Pharmacy proposed redevelopment plan for the corner of Hereford and Florissant Road.

Ann Chisholm – 312 Royal Ave., Susan Ankenbrand – 711 Darst, Joan Knape – 801 Gerald, Mary Amrein – 308 Royal, Michael Kelly – 416 N. Elizabeth, Don Chisholm – 312 Royal Ave., Gerry Noll – 1237 Deeridge, Carole Martinez – 17 Royal Ave., Joseph Welch – 3 Thoroughman Ave., Blue Tapp Scheffer – 705 N. Florissant, Tom Patterson - 202 Royal, Jeff Ahrens – 723 Chanslor Ave.

There being no further public comments, Mayor closed the Public Comments portion at 8:20 p.m.

Council took a brief recess from 8:20 - 8:30 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes – November 17, 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 November 17, 2009 and file as appropriate. Motion carried unanimously.

Council Meeting Work Session Minutes – November 19, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Work Session Minutes of November 19, 2009 and file as appropriate. Motion carried unanimously.

CONSENT AGENDA

Minutes

Park Board Minutes/w recommendations – December 1, 2009. Council Member Faul noted the recommendations of the Park Board which were to open enrollment for the Wayside Park Unleashed Dog Park for non residents in 2010, fees set for \$30 for Ferguson residents and \$60 for non Ferguson residents, with a \$5 cost per additional dog for up to 3 dogs per household. This fee is comparable, or a little less, regarding other cities non resident fees. The other recommendation is to execute the facility use agreement between the City of Ferguson and Blessed Teresa of Calcutta for use of their center for the Parks and Recreation Department Programs for 2010. Both motions carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Park Board Minutes/w recommendations as presented and file as appropriate. Motion carried unanimously.

Ferguson Senior Commission Minutes – November 19, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Ferguson Senior Commission Minutes as presented and file as appropriate. Motion carried unanimously.

Approved: 1/12/10

Ferguson Special Business District (FSBD) Minutes – November 19, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Ferguson Special Business District (FSBD) Minutes as presented and file as appropriate. Motion carried unanimously.

Dog Park Task Force Minutes/w recommendations - October 15, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Dog Park Task Force Minutes/w recommendations as presented and file as appropriate. Motion carried unanimously.

Park Board Minutes/w recommendations – September 15, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Park Board Minutes/w recommendations as presented and file as appropriate. Motion carried unanimously.

Ferguson Neighborhood Improvement Program (FNIP) Minutes – September 28, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Ferguson Neighborhood Improvement Program (FNIP) Minutes as presented and file as appropriate. Motion carried unanimously.

Plan Commission Minutes – August 19, 2009. A motion was made by Council Member Knowles, seconded by Council Member James and carried to receive the Plan Commission Minutes as presented and file as appropriate. Motion carried unanimously.

APPOINTMENTS

Council appointed:

Linda Busakino (Ward 1) to the Park Board recommended by Council Member Faul.
Mike Doedli (Ward 1) to the Traffic Commission recommended by Council Member Grecco.

REQUESTS

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve the addition of a wine tasting liquor license at Sam's Club 10735 W. Florissant Ave. Motion carried unanimously.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to read and approve Resolution No. 2009-21. Motion carried unanimously.

2009-21 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT BETWEEN THE CITY OF FERGUSON AND BLESSED TERESA OF CALCUTTA (BTC) FOR USE OF THEIR CENTER FOR THE PARKS AND RECREATION DEPARTMENT PROGRAMS, was introduced by Council Members present and read by City Attorney, Kevin O'Keefe.

Mr. Shaw explained this Resolution is required annually in accordance with the City's arrangement to use facilities at the Blessed Teresa of Calcutta Parish for our Parks and Recreations programming. This Resolution is usually adopted in December and renewed annually at the same time each year. At the request of BTC, this agreement will be in place until July 1, 2010, so as to bring it current with the City's Fiscal Year.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 – Crecelius

Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read and approve Resolution No. 2009-22. Motion carried unanimously.

2009-22 - A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PUBLIC WORKS SOFTWARE AND SUPPORT WITH REJIS, was introduced by Council Members present and read by City Attorney, Kevin O'Keefe.

City Manager, John Shaw explained that Resolution 2009-22 directs the City Manager to enter into a contract with REJIS to replace the existing software and support for the Public Works Department for permitting, licensing and inspections. REJIS made their presentation in November and certain requests have been addressed.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 - Crecelius

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6905 - AN ORDINANCE OF THE CITY OF FERGUSON AMENDING SECTION 20.3 OF CHAPTER 49 RELATING TO REGULATIONS ON ACCESSORY AND SATELLITE DISH ANTENNAS, was introduced by Council Members present and read the first time.

The background for Bill No. 6905 was provided under the Public Hearings portion.

BILL NO. 6907 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SALE CONTRACT, DEED AND OTHER NECESSARY DOCUMENTS TO CONVEY CERTAIN PROPERTY TO OTIS & CLARK PROPERTIES LTD., A MISSOURI CORPORATION, IN EXCHANGE FOR THE CONSIDERATION DESCRIBED HEREIN, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained that Bill No. 6907 approves the transfer of a piece of property at 10498 West Florissant (North County Square) to Otis and Clark, to locate a T-Mobile Store. In exchange, they agreed to erect an electronic message board to replace the existing board at Firehouse #2. This allows the City to enter into that exchange provided all of the items the City is looking for fall into place and gives the City the discretion to approve the transfer of property once the City is satisfied with the proposed signage.

BILLS REQUIRING SECOND READINGS

BILL NO. 6902 - AN ORDINANCE OF THE CITY OF FERGUSON DEFINING COMMUNITY GARDENS AND URBAN AGRICULTURE; AMENDING CHAPTER 49 PERTAINING TO THE RESIDENTIAL ZONING DISTRICTS SO AS TO PERMIT COMMUNITY GARDENS WITHIN SUCH DISTRICTS UPON ISSUANCE OF APPROPRIATE PERMIT; AND ALLOW URBAN AGRICULTURE AS A SPECIAL USE WITHIN A SELECT RESIDENTIAL ZONING DISTRICT, was introduced by Council Members present and read the first time.

Approved: 1/12/10

City Manager, John Shaw explained Bill No. 6902 the text amendment recommended by the Plan Commission will allow Community Gardens under one acre in size as a permitted use in all residential zoning districts. In addition, Plan Commission is adding urban agriculture as a new use in the residential zoning district (R-1D).

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6902 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

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

BILL NO. 6902 was declared passed and sent to the Mayor for signature. Bill No. 6902 thus became Ordinance No. 2009-3415 and is permanently recorded in Book 31 page 29.

BILL NO. 6903 - AN ORDINANCE OF THE CITY OF FERGUSON AMENDING CHAPTER 49 TO REFERENCE THE 2009 LANDSCAPING GUIDELINES IN SECTIONS 10.0, 11.0, 13.0, 14.0, 15.0, AND 16.0, AND ADD LANGUAGE ASSOCIATED WITH THE GUIDELINES TO SECTIONS 24.0 AND 26.0, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained Bill No. 6903 proposed text amendments would formally define the City's expectations for adequate landscaping and require their use by applicants, as part of the Site Plan Review requirements and then utilizing the Plan Commission to oversee their application.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6903 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

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

BILL NO. 6903 was declared passed and sent to the Mayor for signature. Bill No. 6903 thus became Ordinance No. 2009-3416 and is permanently recorded in Book 31 page 30.

BILL NO. 6904 - AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, RELATING TO BUILDING REQUIREMENTS MADE NECESSARY BY THE ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND RELATING TO INSPECTIONS OF CERTAIN PROPERTIES UNDER THE CITY'S BUILDING REQUIREMENTS, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained Bill No. 6904 will require interior inspections for all rental properties within the City of Ferguson.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6904 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 - Crecelius

BILL NO. 6904 was declared passed and sent to the Mayor for signature. Bill No. 6904 thus became Ordinance No. 2009-3417 and is permanently recorded in Book 31 page 31.

OLD BUSINESS

Council Member James requested that a portion of the 501 Plaza \$22,000 be allocated to signage at the site.

MISCELLANEOUS

Ms. Grecco wished everyone a Merry Christmas, Happy New Year, Happy Holidays. Best Wishes for a safe Holiday for everyone in town or traveling. Beware of fire hazards. Received complaints regarding pan handlers in the Jeske Park area, call the Police Department, do not distribute money.

Ms. Faul wished everyone Happy Holidays, Merry Christmas, Happy New Year.

Mr. James reminded everyone of the Christmas Glow event, the House Tour, and concert at the Savoy. Live Well Meeting Wednesday, December 9, 7 p.m. Parks Conference Room, need more volunteers to attend. Thanked the residents for voicing their concerns and comments regarding the rezoning, thanked Human Resource Specialist, Ms. Brooks for the Employee Survey update. Reminder that solicitors are not allowed and to call and inform the Police Department. Happy Holidays, Merry Christmas, be safe, merry and enjoy the Holidays with family and neighbors.

Mr. Knowles wished everyone a Merry Christmas and Happy New Year. Appreciates the residents voicing their concerns and comments regarding sensitive issues with their neighborhoods. McCluer South Berkeley wrestling team is holding another adult New Year's Eve Fundraiser Party at 7 p.m. at the Savoy to raise money for the team, and invited everyone to attend the event.

Mr. Salant wished everyone a Merry Christmas and Happy Holidays. Reminded everyone of the Neighborhood Watch Meeting on December 9.

City Manager, John Shaw reminded everyone of the Employee Holiday Luncheon Wednesday December 16, 2009, 11:30 a.m. - 2:00 p.m. in the Council Chamber.

Mayor Fletcher wished everyone a safe, Merry and Happy Holiday season. Thanked the Public Works Department in advance for snow removal and reminded everyone to keep cars off of the street for snow plowing. The House Tour proceeds go to The Ferguson Caring League; tickets are \$14.00 and may be purchased at the Corner Coffee House and the First Presbyterian Church.

Mayor announced a closed session.

ADJOURNMENT

At 9:00 p.m. a motion was made by Council Member Knowles, seconded by Council Member Faul and carried to enter into closed session pursuant to RSMo 610.021 Section(s) (1) legal actions, causes of action or litigation and confidential or privileged communications between the Council and its attorneys. On roll call vote, the motion carried unanimously.

Having concluded the closed session at 9:20 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to convene to open session. On roll call vote, the motion carried unanimously.

Approved: 1/12/10

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 9:20 p.m.

ATTEST:

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 1/12/10

Brian P. Fletcher – Mayor
City of Ferguson, Missouri