

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
JANUARY 26, 2010**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on January 26, 2010 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 T. 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.

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.

Mayor announced that Channel 10 has now been moved to Channel 993.

SPECIAL PRESENTATIONS

Director of Planning, Rosalind Williams explained that Rick Hunter and other people in the St. Louis area have been working on new legislation to allow cities to provide financing through a district to provide retrofits for residential and commercial buildings.

PACE Legislation – Managing Principal, Rick Hunter with Microgrid Energy gave a presentation on PACE Legislation. Mr. Hunter explained that the Federal Government is behind financing for retrofits. The concept provides a mechanism for municipalities to offer financing to commercial, industrial and residential property owners to implement energy efficiency and renewable energy improvements.

He then presented information on the PACE (Property Assessed Clean Energy) program, advantages to property owners and municipalities, the process, resources and funding.

Council Member Knowles discussed getting approval contingent on having equity in your home and concerns with lenders. Mr. Knowles feels this is a great program but to be aware of the lenders and interest groups who will be fighting it.

METRO Transit – Director of Communications, Dianne H. Williams gave an update on METRO's long-range public transit plan - *Moving Transit Forward* which outlines a draft of short-, mid- and long-range transit goals and how it will affect North St. Louis County as a whole.

SPLASH Report - Recreation Superintendent, Stan Kreitler presented the "Splash at Wabash Annual Report" for the 2009 pool season. Mr. Kreitler gave a brief review of the report. He stated the main factors to the decline in attendance and admissions for the majority of the swim season were due to the cool and rainy weather along with the state of the economy. Mr. Kreitler commented the operation as a whole is solid and that no change was recommended due to the fact that the recommendations made last year did not have a chance to produce results. When looking at the numbers and talking to other municipal pools, in evaluating the season, the 14 days of sun from June 17 to June 30, could be seen as an accurate account given that nearly 50% of the summer admission income came within that timeframe.

Mr. Kreitler commented that The Virginia Graeme Baker Act bid has been awarded and will be completed by Memorial Day. The WaterColors Splash Play Unit grant was received and bids will be opened on Friday and hopefully be finished by Memorial Day Weekend.

Council Member Faul discussed the possibility of promoting lunch time to City businesses, Express Scripts and Emerson Electric.

City Telephone System - Assistant to the City Manager Sam Anselm provided background information on the City phone system and bid process which consisted of two parts, a telephone system and monthly telephone service.

Low bidder was Communications Technologies, Inc. (CTI), located in Chesterfield, who submitted a bid for a hybrid system a voice over IP network with digital handsets, the system is manufactured by Toshiba. CTI bid this system as a cost savings to the City, \$61,544.38 for all five municipal buildings.

Kevin Venegoni and Leo Rosen were present from CTI and handed out literature for Council review.

Mr. Anselm briefly explained the new system equipment feature carries a seven year manufacturer's warranty provided by Toshiba which is a much lower total cost of ownership to the City for the life of the entire system.

Under the telephone service portion Nuvox Communications provided pricing for monthly phone service for \$3,055. Currently, the City is paying approximately \$8,000 per month for phone service. The new system, at a savings of about \$5,000 per month, with the savings on the telephone bill will pay for itself in about a year.

Mr. Anselm further explained the IT network connection between sites, separate DSL service at each building, sharing space on DSL lines as other AT&T customers and the service that will be provided by Nuvox.

In closing, CTI's bid will provide a reliable telephone system for the next 7-10 years, to help bridge the gap between the system currently in place; staff may consider a full VoIP solution in the future.

Council Member Crecelius had comments concerning the phone system regarding storage space, voicemail current usage and new system capacity and data connections.

Council thanked all of the presenters.

PUBLIC COMMENTS

Susan Schillage – on behalf of her mother Elizabeth Timmerman, owner of #12 Royal Ave. for 44 years read the following portions of a letter addressed to the Mayor and Council commenting on some of the positive aspects for Ferguson and the surrounding community that would come with this development.

The house at #12 Royal Ave. is part of the proposed commercial development for the corner of Florissant Rd. and Hereford and understands there is some opposition and concern to the development, but feels it is important for Council and citizens to hear the views of an owner of one of the houses being considered in the proposal.

Ms. Schillage gave a brief background regarding #12 Royal and has seen many developments some good and some not so good take place around the area. Years ago Southwestern Bell bought and tore down houses on Royal and Thoroughman to expand the telephone company building and parking lot. While many people were not happy with the prospect of the rezoning of these properties from residential to commercial, and the ensuing development of the property, it did not have a significant negative impact on the surrounding property values.

Ms. Schillage further commented that these kinds of changes have occurred numerous times in Ferguson over the years that they have lived there. The current Walgreen's location at Florissant Road and Hereford was residential when the Timmerman family moved to Royal, as well as other properties around the intersection. As times change and traffic thoroughfares are improved, many former residential properties near those traffic arteries become less attractive as residential and would better serve the community if they were developed into commercial properties.

The development of the Sinclair Station and the small strip mall with Little Caesars which are adjacent to #12 Royal were made at a point in time when developers did not consider as many factors in their plans. These two developments did not provide a nice or modern buffer between these properties and #12 Royal. The Sinclair Station has been vacant for over two years, in part probably due to the fact that the aged property is very unattractive as a commercial site by today's standards and needs.

The issue of the house at #12 Royal being a Century Home has been raised, and have been told by the developer, Cedarwood is willing to rework the plan to leave the three houses on Royal standing, and they will donate them to the City of Ferguson. They also said they can leave just the Century Home standing, and work around it, if that is more suitable to the overall area.

Ms. Schillage believes the current plans can create a more significant buffer between the new development and the remaining homes and remedy the current lack of proper buffer space seen at #12 Royal and the other homes adjacent to the proposed development.

Some view the construction of a CVS Pharmacy at that location as bad planning because of the Walgreen's being close. There was a new article on KMOV channel 4 that addressed this very issue of CVS and Walgreen's and the logical explanation for the reasoning behind this practice.

Ms. Schillage further commented on the grading and runoff problems cited by could be resolved by careful planning and implementation by the engineering firm designing the development. A service station at Dunn and Florissant Road that has a very large retaining wall behind it that was put in place to expand the station while preserving the historic Gittemeier House. They have never heard of any runoff or drainage problems experienced by any of the homes in that area.

Discussed a similar situation that took place in Florissant when residents opposed the rezoning and development on Graham Road. The residential property had set vacant for many years because improvements to Graham Road made the property a poor location for residential. The final development was very successful and enhanced a very old historic home adjacent to the development by cleaning up the lot and improving the view.

In conclusion, years of living at #12 Royal, they see numerous positive aspects for Ferguson and the surrounding community that could come with this development. It is a way to correct weak planning from past projects that did not have the benefit of many more decades of experience in community growth and development. Ferguson needs this kind of positive development to keep the City moving forward and hopes that the Council will take the broad view in doing what is best for the entire community.

Council did receive the letter and thanked Ms. Schillage.

John Knowles – 716 N. Elizabeth Ave. – concerns and comments regarding the proposed development. Mr. Knowles commented he would like to give CVS a chance to show their plan and would like more information on the development. Mr. Knowles feels the area has changed and it should be considered for commercial redevelopment. He understands there will be about 70 jobs created through the reconstruction of the corner and will be another convenience store that will service another section of town.

Mr. Knowles heard CVS was going to have a presentation at the Baptist Church but heard it got shut down by somebody and was very upset that somebody can shut down someone's ability to make a presentation. Let the community see what is going on. Mr. Knowles feels he is getting a lot of misinformation.

Mr. Knowles talked about tax benefits to the property. He feels sections of town change. Hereford at one time was the northernmost residential street in the community. The Chambers, Hereford, Airport thoroughfare nothing is working except for a little piece of Hereford in town, from Elizabeth down to Nancy, and feels that no one is putting any money into the houses.

Council thanked Mr. Knowles.

Jim Wood – represents Cedarwood and CVS Pharmacy – as a matter of information CVS is planning on February 4, 2010 to have an informational meeting inviting the entire community. It would be from 6 p.m. to 8 p.m. it will be an informal open house situation. They will have all of the plans for the proposed development, pictures, renderings of what is going to happen and have people that know everything about it from the drainage issue to traffic and everything else that anybody wants to know about, there will be people to answer your questions. Mr. Wood will personally be in attendance to also answer any questions that the community may have. Everyone is invited - for it, against it, middle, and undecided. They just want everybody to know what they are doing so that they can feel good about coming to you to say they want to be a part of this community.

Mr. Wood commented that CVS stores that have opened, the reception has been incredible, the way the people have received them, they want to be a part of the Ferguson community, they have done all of their demographics and research and have decided this is the best commercial place to serve the customer base for Ferguson.

CVS is not just another retailer; they would like to be a part of the community and wants all of their employees to be deeply involved in the community they are working in, which sets them apart from a lot of retailers.

CVS will be announcing in the next days where it will be and will try to get it out to all of the members of the community every way they can and asked for assistance in helping so that everybody who wants to be informed can come in walk around and talk to the different people and ask any questions.

Council thanked Mr. Wood.

Ann Chisholm – addressed some of the questions and information mentioned and appreciates the view points. As the chair of the group called Preserve Our Ferguson Neighborhoods they have been informed about a lot of things, but do not know everything about this. The reason they opposed it from the very beginning was because they value those homes in the neighborhood and community. Many people have been opposed to this because they see it as a destruction of part of the neighborhood and not just the Jeske Park people, signatures provided came from all over the community. Since the article in the paper, Ms. Chisholm had people calling her asking how can they help. It is not something that they love doing, they wish it would have gone away a long time ago, it is a hard thing to do, and do not want any divisiveness between them.

Ms. Chisholm sincerely has been concerned all along, does not like this and loves the community to the core. With regard to the information given, not wanting this to be as negative as it may seem, understand that those folks do value their property and they do want to sell their homes. Ms. Chisholm has seen online where it says CVS has bought these houses and they are their houses and they can do with them what they want, so can the people who sold their houses. The houses have not been sold and are only under a contract an intent to sell, part of that contract is that these people will advocate for this project and is not saying anything negative about it but people need to know that.

Ms. Chisholm feels that as far as CVS coming to town they have expressed their pleasure in CVS looking at the community and would welcome them and have offered their representative to work with them to find a more suitable location that did not have to be rezoned from residential to commercial. That is their big concern. CVS has agreed that they would look at doing some additional things like possibly leaving the century old home and then turning it into a green space. You are welcome to go to that meeting wherever it is going to be held, but will tell you that what is not represented is a lot of that property will be cut off because additional depth of space is needed between the Hereford location. Ms. Chisholm commented you can say all you want about being progressive but having four pharmacies within a block and half does not make a lot of sense to a lot of people. Their main concern is the destruction of those homes; they understand the value of being able to get above market price for the home, with the current economy they would never get that on the market now.

Ms. Chisholm commented as far as the shutting down of the meeting, what happened or transpired you probably need to talk to the First Baptist Church. All she knows is that they felt that it was misrepresented, nobody from the other point of view was going to be involved nor will they be involved in this meeting. She was told that meeting was going to be run just as Mr. Wood said. There would be stations and representatives to answer questions and look at the plans, etc. There will not be any room for anyone to voice their point of view and say this is what they are concerned about.

In conclusion, Ms. Chisholm invited everyone to go to their website which is no2rezoning.com. She will post some of the answers of questions raised and feels it is a good idea to look further into it. Ms. Chisholm asked to consider the flip side of it.

Council thanked Ms. Chisholm.

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

BUSINESS PORTION
MINUTES

Council Meeting Minutes – January 12, 2010. A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, the Council Meeting Minutes of January 12, 2010 and file as appropriate. Motion carried unanimously.

CONSENT AGENDA

Minutes

Ferguson Senior Citizens Commission Minutes – December 17, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Ferguson Senior Citizens Commission Minutes as presented and file as appropriate. Motion carried unanimously.

Dog Park Task Force Minutes – November 12, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Dog Park Task Force Minutes as presented and file as appropriate. Motion carried unanimously.

Ferguson Municipal Public Library Minutes – November 23, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Ferguson Municipal Public Library Minutes as presented and file as appropriate. Motion carried unanimously.

Ferguson Senior Citizens Commission Minutes – January 21, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Ferguson Senior Commission Minutes as presented and file as appropriate. Motion carried unanimously.

Park Board Minutes/*w recommendations* – January 19, 2010.

Council Member Faul noted the recommendations of the Park Board were to recommend changes for the 2010 season as detailed in the Splash at Wabash Annual Report.

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

APPOINTMENTS

Mayor noted that there are still several openings, 2 openings for Ward 3 on the Housing Board of Appeals, opening on the FSBD to replace Jessica Hensiek. There will be an opening for Ward 2 on the Park Board and still in need for an architect.

RESOLUTIONS

2010-01 A RESOLUTION OF THE CITY OF FERGUSON, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH ALLIED WASTE FOR SOLID WASTE COLLECTION FOR AN ADDITIONAL 2 YEARS.

City Manager, John Shaw explained that the Allied Waste Representative is still discussing options with corporate so staff does not have a proposal yet.

Mayor voiced, if possible, he would like to see more than two years. Because there is an automatic two year extension, Council agreed to table the Resolution.

Council received more feedback on this issue than on any other issue in years. Mayor thanked the public, the senders, and responders, Sue, Ann, Jeske Park and Old Ferguson West for also sending out an email. Council received between 30-40 responses between the two different groups. The majority leaned towards 50% for the seniors to remain. To receive the senior discount seniors 65 years old need to present proof of age to the Public Works Department.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to table Resolution 2010-01. Motion carried unanimously.

OLD BUSINESS

Regarding Special Presentation of the CUCA program the majority of the Council feels the money should be left in the CDBG funds for home demolition and not to reprogram the money.

Mr. Shaw checked with St. Louis County to see how reprogramming funds work for the 2010 CDBG year and explained that generally when you reprogram something and try to reprogram it back for another use you are limited in what you can set it aside for, sometimes it is only for individual grants allowed by those funds.

St. Louis County would allow the City to reprogram the funds back but would need to make sure enough time is given. In this case, if money is reprogrammed from home demolition funding into this fund, a time needs to be established internally. If no one expressed interest in the program those remaining funds could then be put back into the demolition fund and then the demolition could occur within that year.

Council Member Knowles commented that it was talked about the difficulty of reprogramming money for one thing and then back. An extension was also talked about to allow as long as a time as possible to participate in this CUCA program but not interested in doing that.

Mr. Shaw commented that in St. Louis County's defense they are not able to grant this extension because it is Federal Government.

Mr. Knowles has been a huge advocate as long as there has been money available to demo around this community. There are plenty of homes that have been let go and the City is trying to demo and clean up as much as possible.

Mr. Knowles feels the CUCA program has not taken off but the few times the program has been used it works and has been successful by not throwing good money after bad.

Council felt that not enough time had gone by to know the success rate of the program.

Mr. Knowles feels you do not know at anytime when you can get foreclosed but would like to see the City try it because he is concerned that even with all that is seen with the housing market, there is still a huge number of people refinancing that may lose their homes which will end up as homes owned by the Bank, fall into disrepair which the Bank will not fix up and then throw liens on the property until the homes finally have to be torn down years from now.

Mr. Knowles opinion would be to try to help stabilize neighborhoods as much as possible and does not see this being a risk unless the Council and staff miss the deadline.

Mr. James understands the reprogramming and the risks associated with it but thinks that one home that is not demolished is very detrimental to the entire neighborhood. Mr. James has also heard that people that might not be able to pay their mortgage are also not fixing up their homes. Any vacant home is bad.

Mayor believes they are both good programs, if there was additional money, he would agree with Mr. Knowles but feels more people are served by one house being torn down. It is more visible that something is being accomplished and feels it is money better spent in tearing a house down.

Ms. Faul has concerns with the program and possibly missing the deadline, therefore has to not go with the program. If there had been more people already using the program she probably would advocate it.

The majority of the Council decided not to reprogram the CDBG money. Mr. Shaw will advise Ms. Barnett that it is a great program and of Council's decision but it could be readdressed in the future.

Mr. Shaw updated Council on the following projects:

ENVIRONMENTAL FEATURES AT PLAZA @ 501

- Low use of treated water (auto shut off sinks, auto flush toilets, low flow)
- rain barrels for collecting water and then used for watering plants
- Native Planting interspersed for low maintenance/less watering
- Bio-retention Cell/ Rain Garden
- Pre-treatment Cell (filters debris and water out of water runoff)
- Minimal and energy efficient lighting
- Motion detectors and dusk to dawn system
- No heating or cooling equipment
- Landscaping design to assist with cooling
- Building colors and roofing selected to assist with cooling

STATUS REPORT ON DADE PARK PROJECT

Currently waiting for the asphalt plants to re-open. The wet weather kept this project from moving forward for the asphalt work. Plan to begin the asphalt work early spring and install the park furniture, signage. Waldbart will install the landscaping at the new entrances.

STATUS REPORT ON PAUL AVENUE

With respect to the Great Rivers Greenway (GRG) Agreement, GRG donated \$200,000 for the 501 project. One of the conditions was to connect down Paul Ave. to the Ted Jones Trail so it could act as a true trailhead. The City Manager, Assistant to the City Manager and Public Works Director met with GRG and Trailnet, and they are going to get designs and stencils for marking the pavement similar to those used for Bike St. Louis/Share the Road Program. Once received staff will prepare to paint the street when dry and warm (spring).

Mr. Shaw explained once the City takes possession of the 501 parking lot it may be used; however there are a number of items that still need to be completed by the contractor before this happens.

MISCELLANEOUS

Ms. Faul a great way to get City information is to attend your neighborhood meetings. Ms. Faul really appreciates hearing from citizens. Live Well is continuing. Please come to one of the meetings Live Well, Sunday Parkways, and 5K Race.

Mr. James thanked everyone for the comments regarding Allied Waste which basically helped him to make up his mind. Saturday at the Savoy at 4 p.m. NOCO for Haiti, entry fee is donation and money raised is going towards Haiti.

Mr. Knowles reminded everyone of the Trivia Night February 6 at BTC to help raise money for the school and February 20, 11-7 p.m. 4th of July BBQ fundraiser at St. Stephens.

Mr. Crecelius reminded everyone regarding CVS to remember no one is against Ferguson everybody believes they have what is at best for the community at heart. Mr. Crecelius requested that everyone be informed about CVS and come up with questions. Encourages everyone to attend the meeting whether for it or against it etc. and find out what you need to know to make as an informed a decision as possible about whether or not you believe this is best for the community as a whole. Listen to all sides and then get as much information as you can to make as an informed opinion as you can.

Mr. Shaw reminded Council of the Boards and Commission dinner. Council needs to set a date for the next Work Session.

Mayor discussed the lack of communications between the City and its residents after losing the Post Dispatch, North County Journal, Public Relations Director and now Cable 10 changing to 993 and a lot of residents not having Charter Cable to view meetings. Mayor feels the City is getting less communication to the residents and feels it is unacceptable. There is still the Ferguson Times, but more information needs to be included of what is happening in meetings and City issues.

Council discussed asking neighborhood groups to be a vehicle for community updates, by possibly placing email addresses of neighborhood groups in the Ferguson Times. Discussed periodic straw polls on issues for public opinion and possibility of looking into newsletter services and online streaming of Council Meetings.

Mayor would like staff to resolve some of the issues of getting faster and more timely communication to residents.

ADJOURNMENT

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 8:55 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 2/9/10