

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
MARCH 9, 2010**

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

Council Member Grecco was an excused absence. 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 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 HEARING - Mayor opened the Public Hearing at 7:05 p.m.

Chapter 49 Zoning

Waiver of numerical limitations to operate a salon and wellness center at 18 Church Street.

City Manager, John Shaw explained that Applicant, Ms. Suzanna Pratt is requesting a waiver of numerical limitations, to operate a salon and wellness center at 18 Church Street, in the DB-1 Zoning District. At the February 17, 2010 meeting, the Plan Commission reviewed and recommended approval of the applicant's request for a waiver of numerical limitations based upon substantial evidence that the business was unique and would enhance the goals of the district.

Ms. Pratt gave a brief background on her business from written comments she had prepared by stating and emphasizing key points.

Ms. Pratt explained that the word Emporium by definition symbolizes a place where you would find a plethora of interesting goods for sale and unique services rendered. The motto "spoil yourself" was founded on exceptional customer service, artistic vision, and niche techniques that Ms. Pratt feels sets her apart from the rest. She has a long line of credentials, awards and honors, her reputation for being the best draws people from all over St. Louis and Illinois and she wants to bring those people here to experience Ferguson.

Ms. Pratt further explained that entrepreneurs and licensed professionals from all walks of life are expanding the missions of their existing businesses into renaissance centers that focus on helping people live healthier, happier and fuller lives, which ensures successful, thriving business in these difficult economical times. This is the direction her business and reputation has evolved into over the past 7 years, no longer known as a hairdresser or a hair shop people now refer to Ms. Pratt as their holistic consultant of sorts, inner beauty, outer beauty, mind, body, and spirit Ms. Pratt does it all.

The wellness center at the Emporium focuses on stress reduction, blood type philosophy, the 2 out of 10 poison rule and beauty from within. She uses and believes in the therapies offered which are safe, inexpensive; old school home cures that people knew about 100 years ago and through history were proven very effective. She provides free literature and a media center so the community can make informed, educated decisions to their own self care. Products for sale will positively enhance the community's well being and support the Live Well Ferguson initiative and are currently not available through any other outlets in the historic business district.

Ms. Pratt then explained her team, services, business strategy, spa setting and her exclusive wellness products. She feels they are a valuable asset who has proven their case.

Council Member Knowles questioned what percentage of the business comes from wellness therapies via retail or application of the remedies.

Ms. Pratt responded the green movement has increased 75% over the last 10 years. The services have been very steady as far as the growth factor. At the current time 4 out of every 10 of her clients are utilizing the wellness services and would expect it to at least double when moving into Ferguson.

Mr. Knowles commented that she is looking for an exemption to a standing rule in the business district and he is trying to delineate her from the average salon to justify to other businesses.

Ms. Pratt commented that as far as her professional credentials she was the first hair colorist in the State of Missouri to board certify and that is why people come to her from all over St. Louis, because she is board certified hair colorist. She is the only person using an organic hair color system in St. Louis, which makes her unique.

Mr. Knowles commented that she is trying to set herself apart as a destination where people want to come from areas outside the region.

Ms. Pratt has people coming to her shop up to 50 miles.

Council thanked Ms. Pratt.

Sherry Loesh – owner of Ferguson Style & Spa on S. Florissant Rd. has serious concerns for the City and found that the general consensus of salon owners is that everybody is struggling to keep their businesses going.

Ms. Loesh's concern is the largest percentage of what Ms. Pratt is doing is going to fall under the hair salon category and would ask for some type of proof from former business sales, etc. Ms. Loesh commented that she has a huge investment in this town in a commercial building and the City has an investment in her and is concerned about her future, the last year has been extremely difficult and she is struggling to make any remodeling or improvements to the building.

Ms. Loesh is also board certified with 3 different color companies, they use green products, but they do not offer the holistic benefits Ms. Pratt is offering. Ms. Loesh questioned what percentage of holistic benefits is going to be what she is doing. Companies are very competitive about being green and that is the way the industry is going in general.

Ms. Loesh asked Council to consider the rest of the businesses that are already existing and the numeric limitations rule, and does not know why the City is moving away from that when it is so important to this town and to the businesses that are already here striving and trying to survive this economy.

Dave Pope, 18 Church Street is the potential landlord, and has drawn up a lease and made arrangements to start the business subject to Council approval. Mr. Pope feels the Emporium is different and Ms. Pratt has a plan, idea, and business that will fit into, enhance and benefit the community. Mr. Pope feels she is genuine in her efforts to move more into the wellness program and less into hair cutting and would appreciate Council's consideration.

Arthur Repp a Black Jack resident and character witness that Ms. Pratt is a person who is a strong worker and will be a very strong asset and definite plus for the City of Ferguson attracting and bringing a strong clientele with her. Mr. Repp urges Council on the basis of the character characteristics to grant this waiver on the number of hair emporia.

Jonathon Krone a Eureka resident, formally Ferguson resident, on behalf of Ms. Pratt travels a great distance for health, wellness and hair services at Ms. Pratt's shop in Florissant. Feels she is very enthusiastic and thinking ahead of how to bring her image to Ferguson with vintage type signage and window type graphics Mr. Krone has designed for the shop.

Irene Brown owns Rene Batini salon in Ferguson since 1995. When she came to Ferguson with a salon there were 5 but within a year there were 13 salons on the street. In her building alone there are 3 salons and within a block there are 6 beauty salons. Ms. Brown has tried to set herself apart as basically an African American salon with organics, massage therapist, herbalist, and meditation. Her concern is that this will take away business from other salons in the area.

Mr. Knowles questioned staff of 11 salons in this area and their licenses.

Mr. Shaw commented staff's numbers are based upon business licenses that are registered through the Department of Finance. However, staff will investigate her claims.

Mr. Crecelius would also like to know the saturation levels per the different areas of zoning, DB-1, DB-2, C-1, C-2, the W. Florissant corridor vs. downtown and while sis looking into license vs. unlicensed, would like to add the saturation levels broken down into the different zones.

Mr. Shaw responded that the saturation level only concerns DB-1 because that is where the limitations exist. Staff will differentiate which ones are in the zoning area by doing an inventory.

Mayor Fletcher explained that each individual waiver request is based on its own merit.

Chelsea Pratt – daughter of Ms. Pratt read a quote on how Ms. Pratt approaches life and relationships and is now incorporating it into business aspects concerning mind,

body, spirit and wellness. Clientele is steady and strong and wants to relocate into a centered, down to earth community and concentrate on her firmly established and loyal clientele.

Planning Director, Rosalind Williams clarified that the number of beauty salons and barber shops are 11. The numerical limitation was set last year purposely under the number existing with the assumption that over time things would diminish in numbers.

Mayor commented that there is this number now but the set standard was set at 5. Even as individual salons leave that does not create an opening.

Ms. Brown commented that everyone is going green and are trying to educate customers as well on eating and living healthy and a good spiritual holistic life. Feels this business will take away a lot of business from other people. Questioned that there are more than 11 salons.

Lauren Pratt, daughter of Ms. Pratt supports her mother's business.

Mayor closed the Public Hearing at 7:50 p.m.

PUBLIC COMMENTS

Martin Pion had comments on improvements in and around the City and appreciates Council and staff for doing a great job. Does have concerns crossing Florissant/Hereford Roads and feels it is a hazard to pedestrians and bicyclists.

Bill Corrigan introduced and announced that he is running to serve as the County Executive for all of the people of St. Louis County as a Republican against Charlie Dooley. Mr. Corrigan grew up in North County and cares about issues the City faces and looks forward in working with Council.

Marianne Ramsey grew up in Ferguson and tries to use Ferguson businesses. Her family had a major tragedy and used one of the City's businesses only to get hurt more. Had comments and concerns regarding a Council Member and feels Council has not helped her and does not see where Council is concerned about the businesses in Ferguson. Ms. Ramsey also feels that Ms. Pratt will bring a lot to Ferguson and Council should take a look at current businesses to see what is going on with them.

Beverly Jones had comments and concerns regarding the Ferguson Woods Neighborhood by Family Dollar and Cool Fashions which has nice single family homes. Ms. Jones feels no one is doing anything in the neighborhood, i.e. policing, cutting grass and picking up trash in the common ground and nothing is being done in the entry way. The residents are keeping up their properties but also need the City's help.

Ms. Faul commented that the common ground is not the City's. The entry way and behind the store is the subdivision's responsibility. The City is trying to work with some of the Trustees.

Mayor suggested a meeting with staff and trustees and Council also suggested forming a new neighborhood group in that area.

Ann Chisholm 312 Royal Ave. invited and informed everyone that the neighborhood league along with the City is putting on a Ferguson Home Improvement Fair, March 20, 2010 at 9-2 p.m. at the First Baptist Church, 333 N. Florissant Road in the Fellowship Hall with 30 vendors including old electronics recycling. Ms. Chisholm also commented that City Council does a great job and thanked the City for the beautiful

Neighborhood identifiers.

There being no further public comments, Mayor closed the Public Comments portion at 8:00 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes – February 23, 2010. A motion was made by Council Member Knowles, seconded by Council Member Faul and carried to approve and receive, the Council Meeting Minutes of February 23, 2010 and file as appropriate. Motion carried unanimously.

Council Work Session Minutes – February 20, 2010. A motion was made by Council member Knowles, seconded by Council Member Faul and carried to approve and receive, the Council Work Session Minutes of February 20, 2010 and file as appropriate. Motion carried unanimously.

APPOINTMENTS

Council re-appointed Paul Morris to the Landmarks Commission.

REQUESTS

Ferguson Charter – *Section 3.11.1 Meetings*

April Council Meetings will be held April 20 and April 27, 2010

A motion was made by Council Member Knowles, seconded by Council member Faul and carried to move the April 13, 2010 Council meeting to April 20, 2010. Motion carried unanimously.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read and approve Resolution No. 2010-02. Motion carried unanimously.

2010-02 – A RESOLUTION APPEALING TO STATE REPRESENTATIVES AND SENATORS TO PASS LEGISLATION THAT WOULD FACILITATE PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING TO AFFORD HOMEOWNERS AND SMALL BUSINESS OWNERS THE ABILITY TO IMPLEMENT ENERGY EFFICIENCY AND/OR CLEAN ENERGY UPGRADES, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSENT: 1 – Grecco

Resolution passes.

Council Member Knowles and Salant will not introduce Resolution 2010-03.

Mr. Shaw explained that this Resolution expresses Council support for the ½ cent sales tax for Metro services in St. Louis County. This initiative will be placed on the April 2010 ballot as Proposition A.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read and approve Resolution No. 2010-03. Motion carried unanimously.

2010-03 – A RESOLUTION ON ST. LOUIS COUNTY PROPOSITION A TRANSIT SALES TAX, was introduced by Council Members Crecelius, James, Mayor Fletcher, Faul and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 4 – James, Mayor Fletcher, Faul, Crecelius

NOES: 2 – Salant, Knowles

ABSENT: 1 – Grecco

Resolution passes.

BILLS REQUIRING FIRST READINGS

Bill No. 6911 is the accompanying Bill for the Public Hearing.

BILL NO. 6911 - AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A WAIVER FROM NUMERICAL LIMITATIONS WITHIN THE DOWNTOWN BUSINESS DISTRICTS FOR A SALON AND WELLNESS CENTER LOCATED AT 18 CHURCH STREET, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained that Bill No. 6912 and 6913 abides by State Statute both Ordinances allow the City to bring them before the Ferguson Municipal Court. They are laws that are already in force but handled out of St. Louis County, this brings it more local.

BILL NO. 6912 - AN ORDINANCE AMENDING SECTION 44-402 AND ADDING A NEW SECTION BOTH RELATING TO THE USE OF SEAT BELTS AND CHILD RESTRAINTS IN MOTOR VEHICLES, was introduced by Council Members present and read the first time.

BILL NO. 6913 - AN ORDINANCE ENACTING A NEW SECTION 44-404 RELATING TO VISION-REDUCING MATERIAL APPLIED TO VEHICLE WINDSHIELDS AND WINDOWS, was introduced by Council Members present and read the first time.

OLD BUSINESS

Mayor Fletcher commented that a letter received from Cedarwood on behalf of CVS Pharmacy was sent to the City Manager and each Council Member. Mayor read a portion of the letter as follows:

"I am writing this letter to, very regretfully, inform you that CVS has now determined to no longer pursue the above referenced corner of the City of Ferguson at N. Florissant and Hereford. In meeting this week with our client, we discussed many aspects of the deal and, specifically, the considerable organized opposition to our project. This level of opposition obviously has CVS very concerned – since the company never wants to be perceived as a company that tries to force its will on the customers it hopes to serve. CVS always desires to be welcomed by the community and would hope to be a long-time, contributing corporate citizen in whatever site it chooses in Ferguson. However, with the organized resistance to their store and the level of political controversy in the neighborhood and throughout Ferguson, the company simply felt that the store would be starting off with a bad taste and bad relations from a large group of community citizens that would affect the overall performance of their store in Ferguson. With all these concerns and considerations, they have made the decision to walk away. As you are aware, by now, we sincerely felt this was the best site to operate a successful CVS store and serve the people of Ferguson. However, we must be sensitive to the people who will be our CVS customers."

Mayor commented that CVS has walked away from the development, but feels the City does need development in the City of Ferguson

City Manager Shaw contacted their representative to see if there could be other interest in another location within Ferguson, but CVS has no interest to pursue anything at this time in the City of Ferguson.

MISCELLANEOUS

Mr. Crecelius explained that GOOGLE is starting a pilot program to introduce low cost fiber optic communications to the masses at their cost; they will build the infrastructure to run fiber optic cable to individual residential households for communications. It is beyond broadband speed that is currently offered in the market today. It is being done in one or more municipalities and will serve between 50 and 500,000 residences. They are looking for people and communities who are interested in being part of the test pilot program. Mr. Crecelius asked Council if there was any interest in directing staff, provided it does not take up a lot of time, to go through the process of filling out the online form and expressing interest to bring it in. There will be no cost to the City but will provide low cost broadband service, increasing competition with DSL and Charter Communications.

Mr. Crecelius feels that this would be a great opportunity for the City, it would increase infrastructure for the future at no cost to the City and feels like it is a one in a million shot that the City would be selected as part of this test pilot program but does not see any down sides. Mr. Crecelius feels that the City could potentially be a strong case for this because there is a strong federal and state level mandate to try and bring broadband to the masses, but they are focusing on mostly rural areas where there is not infrastructure in place in this urbanized area North County specifically is under utilized and under served as far as broadband. There has been broadband and cable throughout but is largely in South county and West County, North County has been overlooked and it is not likely that it will be spreading here soon. Because of these reasons he feels that the City would be a good test market, there is no planned infrastructure that they would be competing with. They would actually be putting it into a place where they would not be competing with already existing projects. Mr. Crecelius requested that the Council consider taking it to North County, Inc. to see if we can get as a broader community all of North County to try and bring it to the area.

Mayor is concerned with the application process and time commitment for staff.

Mr. Shaw responded that staff did preliminary research and has asked that the St. Louis County Municipal League also weigh in. Mr. Shaw feels that by getting additional municipalities behind you, you would have a better chance. Mr. Shaw can not imagine the application process being that involved. Council consensus was to move forward and inform Council if it is taking up too much staff time.

Mr. Knowles reminded everyone Saturday is the First Presbyterian Church Spaghetti Supper, which is a great event that helps support the Deacons.

Ms. Faul wished everyone a Happy St. Patrick's Day, visit Fish Fries around town, Sunday Parkways coming back to Ferguson April 25 in Jeske Park and will be in 3 different locations this year. Live Well Ferguson 5K is May 15; Home Improvement Fair has great information and commends the City, staff, neighborhood organizations and all involved for their support for these events.

Mr. Shaw announced that May 15 is the Grand Opening for Plaza @ 501 with a lot of events going on that day it should be an exciting day in Ferguson.

Just a reminder nominations for the Annual NCI Awards Breakfast for the categories of Business Development, Community Development, Public Service, and the Elmer Belsha Leadership Award. Visit the NCI website to learn more about each of these categories. If you have a Ferguson resident or business owner in mind for one of these awards please inform Mr. Shaw.

Mr. Shaw recognized the new Police Chief Tom Jackson, who is attending his first Council Meeting as Police Chief. Council is to inform Mr. Shaw a time for a breakfast or lunch meeting.

In January Council agreed to pursue an Energy, Efficiency and Conservation Block Grant along with 14 other municipalities in St. Louis County for energy retrofits. The joint application has been approved by DNR and staff should have more information next week. Special kudos to Assistant to the City Manager, Sam Anselm and Public Works Director, Terry O'Neil who helped out on the application.

Mayor questioned when Plaza @ 501 will be completed. Mr. Shaw responded there are a few more things that had to wait because the ground was frozen, some water needs to recede, and the only elements are the retention basin, the natural plantings for the rain gardens and some concrete work and hope to wrap up in advance of the first summer concert of April 9.

Mayor questioned the Trolley Grant. Mr. Shaw responded there are a lot of approvals nationwide on different grants from the State and Federal level just waiting to release the funds.

Mayor questioned the brick deadline. Mr. Shaw responded staff has placed the first order and the bricks will be installed before the grand opening, staff has allowed for the purchase of additional bricks but a deadline needs to be established. Along with the goal and additional donations the City is closer to the \$18,000 mark out of the \$22,000, but still has a way to go and would like to continue the brick purchases until the first event or the grand opening.

Council Member James suggested continuing the purchases a few weeks after the grand opening because after people see the bricks they may want to purchase one. Staff will have brick applications available at the events.

ADJOURNMENT

At 8:20 p.m. a motion was made by Council Member Salant, seconded by Council Member James 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; and (2) lease, purchase or sale of real estate. On roll call vote, the motion carried unanimously.

Having concluded the closed session at 9:00 p.m., a motion was made by Council Member Salant, 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 Crecelius, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:00 p.m.

ATTEST:

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 3/23/10

Brian P. Fletcher – Mayor
City of Ferguson, Missouri