

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
MAY 11, 2010**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on May 11, 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 (Absent)
James W. Knowles, III
Dwayne T. James
Mark Byrne
Fran Grecco

Ms. Matthies declared a quorum was present. Council Member Salant was absent.

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.

Mayor Fletcher moved the Father John Hopping Proclamation and the Special Presentations to the front of the Agenda.

PROCLAMATIONS

Mayor Fletcher read and presented the Proclamation to Father John Paul Hopping. Father Hopping thanked the Council.

SPECIAL PRESENTATIONS

Pride of the City Winners – Month of May

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the May Pride of the City winners. The winners are Ward 1, Earl & Ida Alexander, 310 Royce, Ward 2, Paul & Judy Newsham, 610 Derinda and Ward 3, Kelly Thompson, 305 Ruggles. Each of the winners will receive a Certificate and City Flag. Pride of the City signs will be placed in their yards. Council congratulated the winners.

PUBLIC HEARINGS Mayor opened the Public Hearing at 7:10 p.m.

AMENDING CHAPTER 49 ZONING REGULATIONS

Numerical Limitations in DB-1 and DB-2 Zoning Districts.

City Manager, John Shaw explained that Ferguson approved numerical limitations on certain uses within the DB-1 and DB-2 Zoning Districts in order to protect from oversaturation and help ensure a good balance of goods and services. During recent

conversations of the Plan Commission, they devised some proposed amendments to both Zoning Districts. The recommendations will locate restricted permitted uses subject to numerical limitations in the Special Use category, thus making the uses adhere to the Special Use Permit process. In addition, Plan Commission has recommended changes to the current language and added specific criteria to the numerical limitations provision. These criteria will help clarify the type of information that is required by the applicant to assist the Plan Commission and City Council in evaluating the waiver of numerical limitations.

Director of Planning & Zoning, Rosalind Williams explained that one of the criteria is that it has to be recognized as unique. The provision was added to have recognition by the Special Business District and its rationale for allowing the waiver and allows comments before coming to Council.

Council Member Knowles questioned how they can be held accountable.

Ms. Karr explained that if it is a conditional use under the new Ordinance some of the conditions could be added. One of the factors in granting the conditional use is the waiver of the numerical limitation and if the standard is no longer met then staff can take a look at the conditional use permit. In addition an expiration date could be added to the conditional use permit, so that if they did not live up to what they said they were going to do, it would not be renewed after a certain period of time whatever Council felt appropriate. Ms. Karr commented these types of conditions could be placed in the new Ordinance.

With there being no public comments, Mayor closed the Public Hearing at 7:15 p.m.

MERCEDES RESTAURANT AND LOUNGE – 3156 Pershall Road

Mayor opened the Public Hearing at 7:15 .m.

Special Use Permit to operate a restaurant and lounge at 3156 Pershall Rd. The proposed site is zoned C-2, Planned Commercial District, and a restaurant and lounge is a Special Use.

Mr. Shaw explained Mr. Charles Hamilton is requesting a Special Use Permit to operate a restaurant and lounge at 3156 Pershall Road. At their April 21, 2010 meeting, Plan Commission recommended approval of the revised Staff Report and site plan, for the Special Use Permit at 3156 Pershall Road. The revised Staff Report reflects a change to the conditions of approval, which ensure that the site complies with ADA parking requirements and ADA accessibility to the upper and lower levels of the proposed site. In addition, Plan Commission recommended the applicant show service and delivery access to the proposed use, and the materials used in construction of the new trash enclosure, be added to the conditions of approval.

Mr. Ted Thomas, architect with Design Works represents Mercedes Restaurant & Lounge and explained that all conditions and stipulations have been met and the revised plan has been turned in. Hours of operation are 6 days a week, 3 meals a day, plus late dinner service in the late evening.

Council Member Knowles questioned if it was going to be a restaurant and lounge and not a bar and grill and what kind of cuisine.

Petitioner, Charles Hamilton explained it was going to be American food and they would open at lunch, dinner and late dinner.

With there being no further public comments, Mayor closed the Public Hearing at 7:20 p.m.

ROYALTY IN FULL BLOOM ADULT DAY CARE – 415 S. Florissant Road

Mayor opened the Public Hearing at 7:20 p.m.

Special Use Permit to operate an Adult Day Care Center at 415 S. Florissant Rd. The proposed site is zoned DB-2. Downtown Area Business District and an Adult Day Care Center is a Special Use.

Mr. Shaw explained that Ms. Loretta Collins is requesting a Special Use Permit to operate an adult daycare at 415 S. Florissant Road. At their May 5, 2010 meeting, Plan Commission discussed and recommended approval of the revised Staff Report and Special Use Permit for 415 S. Florissant Road. Under the conditions of approval, the Plan Commission added an exterior lighting provision and accepted a proposed landscaping design.

Petitioner, Loretta Collins added she took 5 days getting to know the community and neighbors and was pleasingly surprised at the number of people wanting an adult day care in the City of Ferguson because at the present time there is no day care. People were looking for relief and some place safe to be able to take their loved ones and their elders.

Debra Shurn will be handling the marketing and feels it is a great opportunity for the City with not having an adult day care of this nature. Theirs is a totally different theme and concept and a new level of service, they will be doing a lot of activities and the City will be in the spotlight. Ms. Shurn feels it is a positive thing and well overdue, there are only about 4,000 adult day cares throughout the country and they are coming up throughout this area. Mr. Shurn feels theirs is a totally different concept and will be to Ferguson's benefit and looks forward to partnering with the City of Ferguson.

Resident, Ms. Thacker feels the City really needs some place to take her mom who has Alzheimer's where they can get rest and some place someone could watch her so they can get a rest. She feels there are not a lot of places, especially in her own area, where they can turn to.

Mr. James questioned "new concept."

Ms. Collins explained that they are going to take the extra time to find out what their clients career was, and try to focus on what their interests are. Their vision is having Royalty In Full Bloom and they will actually receive that type of treatment. It is their goal to have limousine service and roll out the red carpet that is the theme and also the décor will be of things used in their times for conversation pieces which will help them to recall.

Mr. James questioned if other locations were looked at in Ferguson other than right on Florissant Road, maybe in neighborhoods and family situations, community based. So when they are looking out the windows they see family connection other than seeing a busy road or businesses.

Ms. Collins responded that they looked around but they have an opportunity for the building located at 415 S. Florissant Road and it seemed to really meet their specs as well as being a gift. They feel blessed. They did not want to put their people in the back. Their goal is to keep clients active. Ms. Collins feels at their homes where they reside they see that day to day but being in the mainstream of things she feels will keep them alert. They will be utilizing a lot of the businesses in the area, having outings and lunches, days at the Spa, and will be using some of the hair salons, etc. They did look around but feel blessed with the situation at 415 and that is their ultimate goal to get there if they could.

Mr. Crecelius questioned if they have an initial client load maximum expected during the phase of the project, whether it is 50 clients at a given time or 100 or what it would be and what the staffing ratio to clientele will be.

Ms. Shurn responded that the number is 60 and will be 1 to every 8 by State requirements.

Mr. Knowles, regarding outings and being active in the community, questioned what physical and mental capacity is most of your clientele going to have. Is it people who are mostly active but cannot be alone for whatever reason at home or a danger to themselves?

Ms. Collins updated that throughout the country there are three types of adult day cares, and their area falls under social services, there is Alzheimer's and then medical. Alzheimer's has different cases. Theirs is focused under a model of social services, people who still have life, they get out but just need to do something other than sit and watch TV, it does not mean they are a risk in their own home except that their love ones have to work. The focus will be that these are people who still have life and can still enjoy life.

Mr. Knowles commented that these are people who may be living at home who cannot be placed in a retirement facility for financial reasons, they are not at a nursing home level and may be physically fine but not able to afford to live on their own. Because of the climate of the economy and the housing situation there is talk of going back to more multigenerational houses. This may be a kind of come and go facility.

Ms. Shurn and Collins responded it will be highly supervised. There will be security monitors and if the person wants to leave the facility their party will be contacted. They are not allowed to just come and go and that is why the facility needs to know as much as they can about your loved one.

Ms. Grecco questioned the types of recreational activities provided to the clientele, on-sight, and off-sight?

Ms. Collins responded on sight there will be crafts, piano, pet therapy, singing, makeovers.

Ms. Grecco questioned the outdoor activities planned? Transporting clientele to off-sight location?

They responded their facility will not be set up to where they will be going outside onsite. Depending if they are able to walk they might take them to the Library, antique stores, or maybe the Spa, it would just depend.

Ms. Grecco questioned if a traffic study and egress/ingress study has been done in terms of the layout of the parking lot, the ability to move clientele safely and comfortably without going into the street and if they are comfortable with the recommendation for traffic load?

Ms. Collins responded that their architect covered all of that and should be in the site plan presented, which was one of the requirements they had to meet and 90% is transportation provided by the facility.

The following residents opposed the proposed Day Care at the location of 415 S. Florissant Road and gave their concerns and comments.

Aaron Burnett, 425 S. Florissant, understands that there is a really large need for adult day care services which is being proposed, however as a resident he wishes to state to the Council that he does not believe it is the best location for that kind of activity. Mr. Burnett feels that it is a redevelopment impairment for the community, and that corner has become a very vibrant location, and would ask the Council to consider not allowing the adult daycare to happen at that location in hopes for something that would contribute more to the redevelopment and to work with the applicant to find a better location in our community because it is a big need.

Mike Lonero, 423 S. Florissant, CORK Wine bar, is concerned about the maintenance and upkeep of the building, the owners do not take care of the building as it is now. Mr. Lonero has cut the grass several times and feels it is the eyesore of the downtown district. It will be a lot more than adding bushes and trees, the building itself needs a lot of upkeep; a lot of money needs to go into it and has been run down for many years. Mr. Lonero is also concerned about the parking with employees, clientele, and buses. Also people picking up their adults in the morning and afternoon during CORK happy hour and parking in his parking lot while transferring people across to the facility. Mr. Lonero also spent time in putting together the vision for the downtown district and any kind of daycare was not included. The district is looking to generate more tax money, more TIF and feels this will not generate any kind of tax money for the downtown district or for the City and will not attract the people for that corner and feels that the building next door will be the next prime redevelopment area along with the four developments on that corner. In conclusion Mr. Lonero also commented that staff, Rosalind and Ken did a great job laying out the bushes and trees, etc. with the facility.

Joe Lonero, 901 Hudson, resident and business owner has a lot of experience on the corner in the downtown area. The proposed place used to be a child daycare with lots of problems, especially with maintenance issues and who is responsible for the building. The particular area and block includes Plaza @ 501, the wine bar, the brewery, and feels the daycare just doesn't fit in the area. Mr. Lonero understands that this is a Special Use Permit with conditions but can be turned down because it just does not fit, it is an allowable use within the district but he believes there is a place for that allowable use, perhaps the vacant ground behind the license office or farther back off of the road. Mr. Lonero commented this proposed space is located right on Florissant Road, which is a hopping corner, and is also concerned with the safety issue and people wondering out. He feels that there are not enough parking spaces at the location between employees and dropping off and picking up and feels it is not a good fit for the area and asked that Council turn it down. There are proper fits within the district and he feels this is a use that Ferguson could use in a rear usage off the street type situation.

Ms. Thacker feels the facility will have a lot of security, cameras, fences, etc. she feels people are more worried about whether it can be turned in to another wine bar which is great for the community to make more money but feels it is not very good for the elderly and feels there needs to be someplace to take older people and concerned about what they think, care about or about being taken care of, they want somewhere to go because they are bored at home and are not allowed to drive anymore and feels being around people their own age will help them.

Mr. Joe Lonero commented it is nothing against the people or what they want to do and feels it is a good cause, he is concerned that the location does not fit or work. He believes that just because the cause is good does not mean that this fit is good.

Ms. Collins made one correction with regard to the comment that the City would not receive any taxes from their business. Most of the clients that will be on Medicaid, a lot of insurances, Medicare, and different types of insurance that would be paying

and private pay will also be accepted, the majority will be paid through the State and is estimated that once the maximum requirement is reached they would be making a little over \$1 million plus dollars a year. She wanted to correct the comment that the business will not bring any revenue to the City of Ferguson, because it definitely will.

There being no further public comments, Mayor closed the Public Hearing portion at 7:40 p.m.

PUBLIC COMMENTS

Don Granberry, 23 Forestwood had concerns and comments regarding tall grass.

John Knowles, 716 N. Elizabeth thanked the citizens for food donations for the letter carrier food drive which saved several food banks in the area.

Don Chisholm, Royal Ave. had comments regarding reporting tall grass to the City.

There being no further public comments, Mayor closed the Public Comments portion at 7:50 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes, April 20, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and file the Council Meeting Minutes of April 20, 2010. Motion carried unanimously.

Council Meeting Work Session Minutes, April 19, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and file the Council Meeting Work Session Minutes of April 19, 2010. Motion carried unanimously.

Council Meeting Minutes, April 27, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and file the Council Meeting Minutes of April 27, 2010. Motion carried unanimously.

CONSENT AGENDA

Minutes

Ferguson Senior Citizens Commission Minutes – April 15, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Senior Citizens Commission Minutes of April 15, 2010. Motion carried unanimously.

Ferguson Municipal Public Library Minutes – March 22, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Municipal Public Library Minutes of March 22, 2010. Motion carried unanimously.

Pension Board Minutes – February 24, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Pension Board Minutes of February 24, 2010. Motion carried unanimously.

APPOINTMENTS

None at this time.

PROCLAMATIONS

ADA 20th Anniversary Proclamation was read by Mayor Fletcher.

BILLS REQUIRING FIRST READINGS

BILL NO. 6915 AN ORDINANCE AMENDING THE ZONING REGULATIONS PERTAINING TO NUMERICAL LIMITATIONS IN THE DB-1 AND DB-2 ZONING DISTRICTS was introduced by Council Members present and read the first time.

BILL NO. 6916 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT TO CHARLES E. HAMILTON FOR THE PURPOSE OF OPERATING A RESTAURANT AND LOUNGE AT 3156 PERSHALL ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS, AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members present and read the first time.

BILL NO. 6917 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT TO MINDS @ WORK LLC FOR THE PURPOSE OF OPERATING AN ADULT DAY CARE CENTER AT 415 S. FLORISSANT ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS, AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members Crecelius, Knowles, James, Byrne, Grecco and read the first time.

BILL NO. 6918 AN ORDINANCE AUTHORIZING THE CITY MANGER TO EXECUTE ON BEHALF OF THE CITY OF FERGUSON, MISSOURI AN STP AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PERTAINING TO THE FORESTWOOD AVENUE RECONSTRUCTION PROJECT, PROJECT NUMBER STP-5518(604) AND ESTABLISHED THE EFFECTIVE DATE THEREOF, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained that Bill No. 6918 is directly related to the grant the City received for the reconstruction of Forestwood Avenue. This is a grant that has already been approved by Council and awarded by the State of Missouri. The Ordinance allows the City Manager to enter into an agreement with MoDOT to receive the funds when they become available.

Mr. James questioned that the City is instituting the Complete Streets Ordinance where the Ordinance is reviewed while the City is going through the reconstruction.

Mr. Shaw responded it is tied to it and will be a major part of this project.

OLD BUSINESS

Mr. Knowles would still like to move forward with ARCTURIS or another organization to help engage the City, Police Department and Staff in moving forward with a needs assessment and a proposal from the Police Department that would move forward with Capital improvements either for the CIP or for something included in the bond issue with the Fire House.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to remove from the table the motion to authorize the City Manager to engage ARCTURIS in an amount not to exceed \$15,000.00 to do a needs assessment for the Police Department. Motion carried unanimously.

Mayor confirmed that the Council is approving a needs assessment only, not agreeing to the intent there would be a bond issue connected to it, but simply a needs assessment. Council agreed.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to authorize the City Manager to engage ARCTURIS in an amount not to exceed \$15,000.00 to perform a needs assessment for the Police Department. Motion carried unanimously.

Mr. James commented that the Community Gardens are both full and looking nice. Thanked all dog owners who visit the park and Public Works and Parks on doing a great job of keeping the park clean.

MISCELLANEOUS

Mr. James announced on Saturday, May 15 will be the Garage Sale, Farmers' Market is doing a wellness day in combination with the packet pick up for the Live Well 5K, Market is doing well, great job to the Farmers' Market committee, festivities for the grand opening of the Plaza @501, bricks may be bought at that time and the Live Well 5K run with 588 runners and 102 walkers registered. Mr. James thanked everyone involved in the run with a special thanks to City Manager, John Shaw, Police Department, Public Works, Parks, Administration and Planning and basically the entire City. Please come out Saturday for a day in Ferguson.

The City is up for the All American City Award and are currently going through the planning stages with meetings on Mondays at 7 p.m. in City Hall and are looking for sponsors and fundraisers. Kickball starting on Friday evenings at Forestwood Park.

Mr. Byrne announced the Blessed Teresa of Calcutta garage sale Friday 7:30 a.m. – 8:30 p.m. The BTC children will be having Kool Aid stands on Saturday around town with all of the proceeds and funds raised going to the 4th of July Committee. Since the Trivia Night was cancelled this is their way of helping out. Thanked the children for helping as well as Ann Chisholm for putting it together.

Ms. Grecco congratulated the Pride of the City winners and Father John Paul Hopping for his 25 years of committed service to the community and parish and invited everyone to the activities on Saturday, May 15, 2010.

Mr. Shaw announced the nuisance home at 361 Plaza has been demolished, which is funded through the Neighborhood Stabilization Program administered through St. Louis County. There are more demolitions scheduled with respect to NSP funds and staff is also working on some have some working on receiving approval from St. Louis County Health Department. Mr. Shaw commented that this is great that the City is able to remove some of these homes that have been problem houses and dangerous structures.

Mayor Fletcher commented that it is an honor to be nominated and win the Pride of the City Award and congratulated the Pride of the City winners. With all of the events scheduled on Saturday and a lot of guests visiting the City Mayor asked that everyone please make an effort to mow their lawns and clean up their yards and neighborhoods to make a good impression on the visitors.

Mayor announced a closed session.

ADJOURNMENT

At 8:10 p.m. a motion was made by Council Member Knowles, seconded by Council Member James and carried to enter into closed session pursuant to RSMo 610.021/610.022 to discuss matters relating 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 (13) personnel matters where individually identifiable personnel information or records may be disclosed. On roll call vote, the motion carried unanimously.

Approved: 6/8/10

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.

There being no further business to consider, Council Member Grecco, seconded by Council Member Crecelius, 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: 6/8/10

Brian P. Fletcher – Mayor
City of Ferguson, Missouri