

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
July 27, 2010**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on July 27, 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
Mark Byrne
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.

Agenda Amended -

A motion was made by Council Member Knowles, seconded by Council Member Salant to amend the Agenda to move number 4D. Proclamations after number 2. Special Presentations. Motion carried unanimously.

SPECIAL PRESENTATIONS

Pride of the City Winners – Month of August

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the July Pride of the City winners. The winners are Ward 1, Gary Smith, 802 Chateau Crest Ct. Ward 2, Robert & Margie Hoffman, 274 S. Barat Ave. and Ward 3, Helen Seper, 8470 Falmouth Drive. 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.

PROCLAMATIONS

Mayor read and presented the Proclamations to the Eagle Scouts in attendance.

Eagle Scout – Kevin Michael Cortivo
Eagle Scout – Daniel Huber
Eagle Scout – Alexander M. Lowery
National Night Out – August 3, 2010

PUBLIC COMMENTS

Nick Kasoff – had concerns and comments regarding commercial properties in the City and the exterior appearance standards and feels that getting them enforced on a consistent and ongoing basis seems to be an issue. Mr. Kasoff presented Council with a photo album of examples of some commercial properties needing exterior

inspections for Council review and to take action on these businesses, possibly making it part of the business license renewal process.

Loretta Collins – #9 Bonair Drive, Olivette, MO. Minds @ Work d/b/a Royalty In Full Bloom - submitted their application to acquire a Special Use Permit to operate an adult day care at 415 S. Florissant. After a lot of hard work and costly expenses incurred despite their request being approved by the Planning & Zoning Committee they were met with opposition by the City Council. Ms. Collins admits the Council's decision was totally unsuspected, partially with no documented reasoning for such a landslide vote. From learning from the rejections and after numerous phone calls following after the votes from the Planning Committee to them, left them quite confused.

Ms. Collins commented that in writing as well as being documented in the minutes they are requesting from the Planning & Zoning committee as well as the City Council, minutes from any and all of the meetings where votes were finalized, any and all telephone, written, verbal, in person decisions pertaining to this matter from any and all parties involved.

Ms. Collins has a sincere love for property management and was looking forward to setting that example at 415 S. Florissant. She has learned that land should not go wasted. Coming to this community and seeing so many vacancies and then to have an opportunity to submit to the Planning Committee something that she feels actually fits and works even with old construction. They chose the City of Ferguson because it had that old township look, but also understands new construction and are now looking at building one there. They have to find something that will work and Council will accept. Questioned how are they to pay the taxes if they cannot use the property for anything.

According to what Ms. Collins understood from the Planning Committee their plan did work and it did fit. She understands that it may not be the most appealing, and feels Council needs to be careful how it is looked at. Ms. Collins is very disappointed and is really urging this Council to come back with something they can use here. She has had professional people look at it the parking restrictions and what can actually fit there, and feels that is why the adult day care was so ideal and would work because their clients would be transported in.

Ms. Collins commented about the cars not being appealing when there are several used car lots in the vicinity and is now learning that they are not very welcome either. She feels these businesses have helped to build Ferguson and have given tax dollars for years to help this community be able to sustain and feels now they are being pushed out because they are not fashionable.

She understands that this community has hopes of being another Delmar Loop, but feels it does not have to be a Delmar Loop to be successful or considered to be a great community. They are having a lot of problems and they have just passed a new Ordinance because they were being flooded with young teenagers hanging out and loud music and wrote to them as well. Ms. Collins feels other things work than just the Delmar Loop and feels the type of people in the community should be considered. She also feels that the City of Ferguson does not have the Clayton, Ladue type people.

Sam Chimento, Cornerstone Properties recently bought an Apartment Complex in Ferguson and discovered that the Public Works Department is enforcing a new Ordinance of exterior and interior inspections. He discussed his concerns and comments regarding the inspections, the costs of inspections, the required interior inspection prior to new occupancy and the costs paid to a third party inspector. Mr.

Chimento feels that the costs are extremely excessive and would like to work with the Public Works Department or the Council to find a way to bring inspection fees down substantially. He feels that the dual process of the City doing exterior inspections every 6 months for every building, an interior inspection by somebody else and having to coordinate and finalize both inspections prior to moving people in begins to become an almost unmanageable situation as well as the dollar expense involved.

Mayor Fletcher commented that Mr. Chimento's email stated that he is making up for 5 to 6 years of deferred maintenance and that is the reason the City implemented this because property owners were not doing the work as Mr. Chimento just confirmed. The City is having difficulty with keeping up with the workload as it is, so to implement an internal inspection by City staff the City does not have the resources. When the City did the negotiations and tried to find the appropriate inspectors this is what they said they would charge. Mayor cannot see charging less and then having the taxpayer/resident subsidize a for-profit business. There is a balance of trying to get it as reasonable as possible, if the City is able to renegotiate or find somebody that is appropriate to do the inspections for less amount, Mayor does not have a problem with that. Mayor wants the inspections done and does not want years of inappropriate maintenance on properties which affects the property values of all residence and commercial business owners.

Mayor commented that he does not want residents to subsidize the bill and is for the City finding a less expensive and effective way of maintaining properties and is willing to adjust, he does not want to penalize the landlord. He just wants to make sure that the properties are kept up better than they have been over previous years. Council and staff have worked a long time on this.

After a lengthy discussion Mayor commented this was never meant to punish landlords it was meant to maintain the housing stock and was citizen driven by the neighborhood groups who have asked for this for years. Mayor is more than willing to listen if a more reasonable and efficient way can be found.

Molly Rockamann, a Ferguson resident and Director of Earth Dance a non-profit organization based in Ferguson asked the Council's support of urban agriculture. The next step in supporting the local food movement is to encourage people to grow and raise their own food. For this reason, Ms. Rockamann is asking the Council to consider changing the Livestock Ordinance to make it easier to raise backyard chickens in Ferguson for healthy, fresh eggs and is asking the Council to allow a brief presentation at the next City Council meeting on August 10, simply about raising chickens in Cities and how to do it a healthy, responsible way. Council agreed.

Kris Klenke, Earth Dance apprentice had comments in favor of and supports becoming more self sufficient and would like to responsibly raise chickens for fresh eggs and fertilizer.

Stan Caldwell, 900 Dyerdown publicly thanked the Larson's for holding the Annual PROUD Dinner at their beautiful home, but was concerned the dinner had a low attendance this year, hopefully will be better attended next year.

Council Member James thanked everyone involved and who attended the Sunday Parkways event. It was a great time. It was estimated that 400-500 people attended the event at the Forestwood Neighborhood. The Association did a great job as well. The next Sunday Parkways is October 3, 2010 from Dade Park to Plaza @ 501, from 12-4 p.m. please attend.

Tom Patterson had comments and concerns on various issues.

Danny Coleman had questions regarding opening a food pantry in Ferguson.

Mr. Shaw advised Mr. Coleman to speak to the Planning Department where any business or organization should check first to find out appropriate locations.

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

BUSINESS PORTION

MINUTES

Council Meeting Minutes, June 22, 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 June 22, 2010. Motion carried unanimously.

Council Meeting Work Session Minutes, June 30, 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 June 30, 2010. Motion carried unanimously.

CONSENT AGENDA

MINUTES

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Municipal Library Minutes of May 24, 2010. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Special Business District (FSBD) Minutes of June 17, 2010. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Park Board Minutes of June 15, 2010. Motion carried unanimously.

APPOINTMENTS

Council appointed Irene Brown, UMB Bank to the FSBD Board.

RESOLUTIONS

City Manager, John Shaw explained that City Council has already endorsed PACE legislation that was recently signed by Governor Nixon, with St. Louis County agreeing to create a local program. However, there has been some opposition by Fannie Mae that has shut down existing PACE programs in other parts of the country.

Recently, a national coalition of cities, states and interested groups have put together a campaign to ask Congress to take action and allow PACE to begin. This coalition is asking that member municipalities pass this Resolution in support.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read and approve Resolution No. 2010-13. Motion carried unanimously.

2010-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERGUSON IN SUPPORT OF IMMEDIATE CONGRESSIONAL ACTION TO AUTHORIZE LEGISLATION ALLOWING PROPERTY ASSESSED CLEAN ENERGY PROGRAMS, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 7 – Crecelius, Salant, Knowles, James, Mayor Fletcher, Byrne, Grecco
NOES: 0
Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read and approve Resolution No. 2010-14. Motion carried unanimously.

2010-14 A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND THE CITY MANAGER, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 7 – Salant, Knowles, James, Mayor Fletcher, Byrne, Grecco, Crecelius
NOES: 0
Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read and approve Resolution No. 2010-15. Motion carried unanimously.

2010-15 A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE INSTRUMENTS RELATING TO CITY FUNDS HELD WITH MULTI BANK SECURITIES, INC. AND PERSHING, LLC, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained Multi Bank Securities, Inc. (MBS) is one of three firms the City holds investments with and MBS engages a third party to provide "back office" services which include physically holding all negotiable instruments brokered by it and to provide other customer services like statement creation and mailing.

Recently, in an effort to provide a higher level of service, MBS chose not to switch to Pershing, LLC as its "back office" provider. In order to complete this transition, Council must pass the attached Resolution required by MBS and Pershing.

On roll call vote, the motion carried as follows:

AYES: 7 – Knowles, James, Mayor Fletcher, Byrne, Grecco, Crecelius, Salant
NOES: 0
Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6925 AN ORDINANCE CALLING A BOND ELECTION RELATING TO PUBLIC SAFETY IMPROVEMENTS IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained this is the first reading of the Ordinance required for the Public Safety bond issue to appear on the November 2010 election. This bond is designed to facilitate the construction of a new fire house along with upgrades to the existing police department and renovation of the existing firehouse.

Council Member Knowles questioned the amendment to this Ordinance.

City Attorney, Karr commented that the amendment would be whether it would be submitted in one Proposition or two Propositions and to change the amount. Since this is the first reading, Ms. Karr conferred with Bond Counsel that it would be made through a motion to amend.

BILL NO. 6926 AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-

MOBILE AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE, was introduced by Council Members present and read the first time.

Mr. Shaw explained that this Ordinance accepts the settlement offered by T-Mobile to all of the municipalities and allocates 5% of that settlement to the St. Louis County Municipal League. The City's total settlement is in the amount of \$83,964.33, with the proposed 5% contribution amounting to \$4,198.21. The 5% contribution is made with the purpose of establishing a fund for the "prevention of negative legislation that could de-stabilize municipal services/local control/budgets."

BILL NO. 6927 AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CRICKET, was introduced by Council Members present and read the first time.

Ms. Shaw explained that this accepts the settlement offered by Cricket to all of the municipalities and the City's total settlement is in the amount of \$8.59. The St. Louis County Municipal League has agreed to forego the 5%.

BILL NO. 6928 AN ORDINANCE AMENDING CHAPTER 34 OF THE MUNICIPAL CODE RELATING TO REDEVELOPMENT PROCEDURES IN CONNECTION WITH THE URBAN REDEVELOPMENT CORPORATIONS LAW AS SAME IS SET FORTH IN THE REVISED STATUTES OF MISSOURI, was introduced by Council Members present and read the first time.

Mr. Shaw explained this Ordinance reflects a revision to the existing 353 Ordinance to reflect current state law and common practice. The proposed Public Hearing Notice timeframe has been reduced from 30 to 15 days and there will only be one Public Hearing, which will be held in front of the City Council. The Plan Commission will continue to evaluate proposed development plans and make comments and recommendations related to all land use and zoning laws, as well as conformance with the City's master plan and comprehensive plan.

BILLS REQUIRING SECOND READINGS

BILL NO. 6923 AN ORDINANCE AMENDING CHAPTER 49 ZONING REGULATIONS PERTAINING TO ALLOWABLE USES IN C-2 ZONING DISTRICT, was introduced by Council Members present and read the first time.

City Manager explained on June 16, 2010, the Plan Commission recommended approval of the Staff Report and proposed amendments to the C-2 District, which will place used-vehicle dealers and their accessory uses in the Special Use category. This Special Use will be restricted to only those properties fronting on Pershall Road, with a minimum lot size of two (2) acres.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6923 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – James, Mayor Fletcher, Byrne, Grecco, Crecelius, Salant, Knowles

NOES: 0

BILL NO. 6923 was declared passed and sent to the Mayor for signature. Bill No. 6923 thus became Ordinance No. 2010-3433 and is permanently recorded in Book 31 page 48.

BILL NO. 6924 AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF FERGUSON, MISSOURI, ON BEHALF OF THE CITY TO ACCEPT FOR CITY DEVELOPMENT AND BEAUTIFICATION, REAL PROPERTY IDENTIFIED AS LOCATOR NUMBER 12H110630 (230 RUGGLES AVENUE), was introduced by Council Members present and read the first time.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read Bill No. 6924 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – Mayor Fletcher, Byrne, Grecco, Crecelius, Salant, Knowles, James

NOES: 0

BILL NO. 6924 was declared passed and sent to the Mayor for signature. Bill No. 6924 thus became Ordinance No. 2010-3434 and is permanently recorded in Book 31 page 49.

OLD BUSINESS

PLAZA @ 501 SIGNAGE

Council discussed the types of signage at Plaza @ 501, electronic message board vs. manual message board, costs of message boards, double or single sided message boards and the placement of the board. Mr. Shaw will bring recommendations to Council.

HEREFORD MEDIAN

Council discussed and consensus was to take over ownership of the Hereford Median.

FERGUSON RADIO COMMERCIALS

Mr. Shaw explained that Mr. Joe Lonero has different radio commercials on 550 AM and approached the City on expanding the commercials to KSHE 94.7 and retaining a large portion of the commercials promoting Ferguson in general and making sure a large number of businesses are incorporated. Mr. Lonero's ideas are contingent upon City support. Based upon current finances, Mr. Shaw would recommend \$2,000.00. Mayor recommended maybe \$5,000.00 from the TIF Fund Mr. Shaw will discuss with Mr. Lonero and advertisers to see how much advertising it will get. Mr. Shaw would like direction from Council.

Mayor commented that regardless of the amount the Council approves, he would also challenge the business community to match the amount.

Mr. James would like to promote more than just downtown. If the City is putting in money to make sure that the City is not just promoting one sector of downtown.

Mr. Shaw commented by doing that it would shift money from the Downtown TIF to another source. There is money budgeted in Public Relations and Professional Services but with the current financial situation Mr. Shaw would caution going into that money.

Mr. Shaw commented that the whole purpose of the City's major portion of this commercial is not for the individual businesses it is for the front section that talks about Ferguson in general.

Mr. Knowles agrees with Mr. James but would like to see a real marketing initiative.

Mr. Crecelius would like the commercial to focus on parts of Ferguson, i.e. Northern Lights Festival, events that are draw points to the City.

Mr. Shaw commented that there is going to be two different campaigns. There will be a separate one in coordination with the business district and their funding that will focus on events. This is more about Ferguson and their thriving businesses or homes, things of a more general nature. There is another campaign being worked on by the marketing committee through FSBD to promote all the different events.

Council discussed and the consensus amount was \$2,000.00. Mr. Shaw will discuss it with Mr. Lonero to see how far the money will go and communicate back to Council before executing.

DOWNTOWN PLAZA USAGE

During the last Work Session Council consensus was to allow for weddings as the only private event other than that it would need to be a public event somehow connected with the City of Ferguson. Mr. Shaw wants to confirm these are the types of usage Council agreed to. Mr. Shaw mentioned Mayor did not want to allow rice to be thrown at weddings.

Mayor wanted to make sure there is a fee charge for weddings but not a fee charged for FSBD events.

Mr. Knowles questioned the FSBD portion and would like to see FSBD coordinating events with the City.

Mr. Shaw will structure an Ordinance.

VENDOR ORDINANCE

Mr. Shaw provided Council an overview of what different municipalities are doing and options to start narrowing the Vendor Ordinance down of what Council envisions, i.e. Vendors on the sidewalks or in the streets, Vendors connected to businesses, Vendors at certain times of the year, etc.

Council discussed scheduling future work sessions on Interior Inspections, Vendor Ordinance and, after the first of the year, discussion on the annexation map.

MISCELLANEOUS

Mr. Crecelius reminded everyone to be mindful of the climate and weather changes, watch out for yourself and neighbors and to just be careful.

Mr. Knowles congratulated the Eagle Scouts.

Ms. Grecco - Kudos to Sunday Parkways participants, community, and staff, it was an incredible event, congratulated the Pride of the City winners, and Eagle Scouts as well as their parents and families, reminder that National Night Out is Tuesday, August 3, 2010.

Mr. Shaw – reminded everyone that there will be a Council Meeting on August 10, 2010 which typically would have been foregone during the summer session but the meeting is needed to meet the requirements of the bond issue.

Mayor Fletcher commented that during Public Comment portions of the meeting it is difficult for Council not to respond but knows if Council does respond it will just get into a debate and dialogue that can go on forever. Mayor commented that if anyone wants to own rental property, no one forces them to and if there are headaches involved with it then they should have understood those headaches before they became a landlord. The main objective on the Council is to make the property secure, and the appearance attractive enough that it does not depress the value of other properties in the City. The reason Council does not respond is because it will

get into a big debate. Council is always available to be called.

Mayor announced a closed session.

ADJOURNMENT

At 8:50 p.m. a motion was made by Council Member Knowles, seconded by Council Member Crecelius 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; (2) lease, purchase or sale of real estate and (19) existing or proposed security systems and structural plans of real property owned or leased by a public governmental body. On roll call vote, the motion carried unanimously.

Having concluded the closed session at 9:35 p.m., a motion was made by Council Member Grecco, seconded by Council Member Salant 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 Grecco, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:35 p.m.

ATTEST:

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 8/24/10

Brian P. Fletcher – Mayor
City of Ferguson, Missouri