

**FERGUSON CITY COUNCIL**  
**Council Meeting Minutes**  
**OUT-GOING/IN-COMING COUNCIL**  
**April 22, 2008**



**COUNCIL MEETING, 7:00 P.M.**  
**CITY HALL**  
**110 CHURCH STREET**

**OUT-GOING COUNCIL MEETING**

The out-going Council meeting of the Ferguson City Council was called to order at 7:00 p.m. on April 22, 2008 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 (EXCUSED ABSENCE)

Mrs. 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 there will be two portions of the meeting. The first Council meeting would be for the Out-Going Council, Public Hearing Portion at which time you are invited to speak on the specific request or proposal; a Public Portion at which you are invited to speak on matters of general concern; and the Business portion in which you are welcome to listen but not participate. The second portion of the Council meeting would be for the In-Coming Council, Public Portion and Business Portion.

## **PUBLIC HEARING**

### *Chapter 49 Zoning*

#### *❖ Define and regulate Short Term Loan Establishments*

City Manager John Shaw explained that the proposed amendment to Chapter 49 was requested by the City Council to define and regulate the location of "Short-term Loan Establishments" that includes payday and title loan operations in the City of Ferguson. The proposed ordinance prepared by the City Attorney would restrict the location of these types of uses to the M-1 Industrial District as a special use. At the April 16, 2008 Plan Commission meeting, staff recommended that additional amendments be included to clarify that "Short-Term Loan Establishments" are excluded from Non-Depository Credit Institution uses in the DB-2 Downtown Area Business District and Personal Credit Institutions uses in the C-I General Commercial District.

Council Member Crecelius commented that he feels this is a great first step, but feels staff needs to move further in evaluating how the City effectively regulates the businesses, especially given the limitations placed at the State level. Mr. Crecelius would like Council to consider and look into whether or not the City needs to reclassify with another zoning that is more spread out and more controlled rather than just using the existing M-1 industrial.

Council Member Knowles thanked Council Member Crecelius for bringing this matter to the Council's attention and for all of his effort and time put into this Ordinance.

Mayor Fletcher commented this is what Council wishes to do with planned zoning and having the proper vision for the City, not only for the downtown area but also, in trying to place businesses appropriately.

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

**PUBLIC COMMENTS**

John Knowles - 716 N. Elizabeth - announced the National Association of Letter Carriers Food Drive for the City of Ferguson will be held on Saturday, May 10, 2008. Please place food in the parkway in front of your house and the letter carrier will pick it up.

Kathy Noelker – 423 Church Street – introduced herself as the New Market Manager; gave an update of upcoming events; and thanked Public Relations Coordinator Beth von Behren for all of her help.

There being no further public comments, Mayor Fletcher closed the Public Comments portion at 7:10 p.m.

**BUSINESS PORTION**  
**MINUTES**

Council Meeting Minutes – April 15, 2008. A motion was made by Council Member Knowles, seconded by Council Member Crecelius, and carried to approve and receive as presented the Council Meeting Minutes of April 15, 2008 and file as appropriate.

**CONSENT AGENDA**

Minutes

Plan Commission Minutes – April 2, 2008. A motion was made by Council Member Knowles, seconded by Council Member Crecelius, and carried to receive the minutes as presented and file as appropriate.

Ferguson Neighborhood Improvement Program (FNIP) Minutes – February 25, 2008. A motion was made by Council Member Knowles, seconded by Council Member Crecelius, and carried to receive the minutes as presented and file as appropriate.

Housing Board of Appeals Minutes – July 16, 2007. A motion was made by Council Member Knowles, seconded by Council Member Crecelius, and carried to receive the minutes as presented and file as appropriate.

**BILLS REQUIRING SECOND READINGS**

BILL NO. 6839 - AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 149 SOUTH FLORISSANT ROAD SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council as a whole and read the first time.

City Manager John Shaw explained that the petitioner is requesting a Special Use Permit to maintain a beauty salon in the same location at 149 S. Florissant Road. The petitioners are purchasing the business from the current owner.

At their April 2, 2008 meeting, the Plan Commission accepted the revised staff report recommending approval of a Special Use Permit with conditions at 149 S. Florissant Road. The petitioners are purchasing the beauty salon business from the current owner, one of four tenants in the building. As one of the conditions of approval, the owner of the property agreed to work with the Planning and Development Department on the location and type of landscaping for the site and submit a plan for approval before the occupancy permit is issued. The Plan Commission eliminated from the original staff report the need for any joint parking agreement since the current parking arrangement has been adequate.

Council discussed the transfers of Special Use Permits and changes to the permits.

City Attorney commented that there are provisions that if they come to the Council there is a provision for transfer and assignment of a Special Use Permit.

Mr. Shaw stated that staff asked the Plan Commission to look at the procedures for issuing Special Use Permits.

Mayor Fletcher commented that Council is voting on the Ordinance contingent upon an acceptable landscaping plan submitted to the City.

Petitioner Cornelia Stephens introduced herself to the Council and explained her and her husband are the new owners for Salon Ambiance and are continuing with the same name and plan to upgrade and make it a better business than it already is.

Council welcomed and thanked Mrs. Stephens.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul. On roll call vote, the motion carried as follows:

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

Bill No. 6839 was declared passed and sent to the Mayor for signature. Bill No. 6839 thus became Ordinance No. 2008-3352 and is permanently recorded in Book 30 on page 16.

BILL NO. 6840 - AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF FERGUSON, MISSOURI, TO ADD SECTION 29-93 TO PROHIBIT RESIDENCY OF SEX OFFENDERS IN PROXIMITY TO CERTAIN FACILITIES; TO PROHIBIT LOITERING AND PRESENCE IN CERTAIN AREAS BY SEX OFFENDERS, AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF AND ALSO TO ADD SECTION 30-8 TO RESTRICT THE USE OF CITY PARKS AND THE CITY POOL AND RESTRICT THE PARTICIPATION IN CITY-SPONSORED RECREATIONAL EVENTS BY SEX OFFENDERS, was introduced by Council Member James W. Knowles, III and read the first time.

City Manager John Shaw explained that this is the Bill that was proposed by Council Member Knowles and drafted by the City Attorney to attempt to help prevent sex offenders from entering public facilities, especially those that may be frequented by children.

Council Member Knowles explained that the State establishes certain parameters in which sex offenders can live within a proximity to a school or other certain locations, the City Ordinances often mimic the State's law regarding that issue. This Ordinance expands the boundaries from 1,000 to 2,000 feet from a school and also has further prohibitions from allowing sex offenders to participate in recreational activities and bars them from entrance to the City's recreational facilities such as parks, etc. Mr. Knowles commented that other cities have undertaken this and feels that it is a good step for the City in protecting Ferguson's younger citizens and citizens as a whole.

A motion to read the Bill a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member James. On roll call vote, the motion carried as follows:

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

Bill No. 6840 was declared passed and sent to the Mayor for signature. Bill No. 6840 thus became Ordinance No. 2008-3353 and is permanently recorded in Book 30 on page 17.

**CERTIFICATION OF APRIL 8, 2008 ELECTION RESULTS**

The results of the April 8, 2008 election were presented and Council Members present certified the Election results. Mayor announced the re-elected incumbent Council – Mayor – Brian P. Fletcher, Council Members Peggy Faul – Ward 1, Dwayne T. James – Ward 2 and Michael J. Salant – Ward 3. Mayor congratulated and welcomed the newly elected incumbent Council Members.

Mayor briefly reviewed the eight Charter Amendments commenting that they all won. Mayor also noted that the overall Citywide voter turnout percent was very low at 5.69 and the overall voter turnout throughout all St. Louis County was also low.

**MISCELLANEOUS**

Mr. James – updated weekend events, Farmers’ Market on Saturday and the Home Improvement Fair and hopes everyone will attend.

Ms. Faul – with the weather changing more people and children are out and to be more cautious and drive slow.

Mr. Knowles – reminder of Maline Creek Cleanup and participants are to wear proper attire. Congratulations to the new Council Members.

Mr. Crecelius – Happy Earth Day! Remind everyone of the letter carriers food drive on May 10, 2008. The food that is collected will go to a Ferguson Food Pantry, which, is distributed, back into our own community. Remind everyone of the Farmers’ Market and setup starts at 7:00 a.m. and volunteers are always welcomed.

City Manager John Shaw introduced the new Assistant to the City Manager, Sam Anselm. Staff is extremely happy to have him on board. Welcome to Sam.

Mr. Shaw requested Council to pick dates for two Budget Work Sessions in May recommending the first and third Tuesdays or May 6<sup>th</sup> and May 20<sup>th</sup> at 5:30 p.m. If that is acceptable, Mr. Shaw will forward the dates onto Council Member Grecco to ensure that she is available on those nights.

Mr. Shaw further commented that Staff has prepared a couple of alternatives to address the Visual needs of the Council Chamber and will be sending out that information in the next couple of days and would just like to ask Council to respond back at their earliest convenience so Staff can proceed with the necessary work orders.

Mr. Shaw reminded those that had signed up for the Police Prayer Breakfast at the Renaissance Hotel on Friday May 25, 2008 at 8:00 a.m., to meet at 7:15 a.m. at City Hall if they need a ride.

### **ADJOURNMENT-SINE DIE**

A motion was made by Council Member Knowles, seconded by Council Member Faul to adjourn sine die at 7:30 p.m. Motion carried.

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### **IN-COMING COUNCIL MEETING**

The in-coming Council meeting of the Ferguson City Council was called to order at 7:30 p.m. on April 22, 2008 by Mayor, Brian P. Fletcher, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

### **OATH OF OFFICE**

City Clerk, Deborah Matthies administered the Oath of Office to the re-elected incumbent Council Members.

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 (EXCUSED ABSENCE)

Mrs. Matthies declared a quorum was present.

Also present were City Manager John Shaw, City Attorney Stephanie Karr and City Clerk, Deborah Matthies. Mrs. Matthies declared a quorum was present.

**PUBLIC COMMENTS**

There being no public comments, the Mayor closed the Public Comment portion at 7:35 p.m.

**ELECTION OF MAYOR PRO-TEM**

A motion was made by Council Member Faul, seconded by Council Member Salant to appoint Council Member James W. Knowles, as Mayor Pro-Tem. On roll call, vote motion carried:

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

Council congratulated Mr. Knowles.

**APPOINTMENTS**

Council decided to keep the same Council Representatives for the Boards and Commissions. Mayor commented he appreciates the Council's willingness to serve on the Boards and Commissions as Council Representatives.

**BILLS REQUIRING FIRST READINGS**

BILL NO. 6841- AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI, DEFINING SHORT TERM LOAN ESTABLISHMENTS, PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR SUCH USES AND ENACTING REGULATIONS FOR SUCH USES, was introduced by Council Members present and read the first time.

BILL NO. 6842 - AN ORDINANCE PROVIDING FOR THE ACCEPTANCE BY THE CITY OF FERGUSON OF THE CONVEYANCE BY THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION OF THE FEE INTEREST OF CERTAIN PROPERTY CONSISTING OF PORTIONS OF FLOISSANT ROAD, was introduced by Council Members present and read the first time.



City Manager John Shaw explained that the City of Ferguson took ownership of S. Florissant Road in the area bound by Suburban Avenue on the South and Darst on the North, from the State of Missouri several years ago in order to make improvements to the downtown business district that are not generally allowed under MoDOT ownership/maintenance. The latest improvements to S. Florissant Rd. (partially financed by the Federal STP grant) included sections at each end of the project outside the limits of City ownership. Specifically, Suburban Ave. to Brotherton Lane/Woodstock Rd. on the south end of the project and Darst Rd. to Thoroughman Ave. on the north end of the project.

MoDOT has requested in the past that the City take control of this remaining right of way before the project and has asked again that the City consider this proposal.

Staff believes that with the improvements nearly completed, this would be the time to accept these sections of Florissant Rd. MoDOT at this time has full jurisdiction of these sections and can require that certain items be within their requirements including street lighting, speed limits, traffic signal issues, signage, speed limits, etc.

If the City would take ownership of these two areas, it would give control over all items within these areas to the City of Ferguson.

Mr. Shaw further commented that although there is cost to taking on the maintenance of these sections, it would benefit the City in the long run to have control of these Right of Ways for future projects and upgrades. The City currently maintains these areas in emergency situations such as snow removal, street sweeping, pot holes, etc. and currently does not wait for MoDOT to respond to these issues. In many ways, the City will be doing the same types of maintenance performed now except it will give the City control for projects and upgrades.

Mr. Shaw feels that with the street being completely updated and improved, Staff sees this as the most appropriate time to accept ownership of these two sections.

## **MISCELLANEOUS**

Mr. Faul commented that this is her last term on the City Council. The earning experience has been very exciting and the number of people she has met, worked with and associated with over the six years

has been very enriching. Ms. Faul feels Ferguson is, as she found out when she first moved here, a wonderful town that continues to grow. Ms. Faul thanked the City and hopes to see everyone at the Farmers' Market.

Mr. Crecelius offered best wishes for Council Member Grecco and her family during this time in her absence.

Mayor Fletcher – Congratulated the newly re-elected Council and commented that there is a lot of work ahead. Mayor feels that this gives Council some continuity and stability to accomplish a lot in the next year. Mayor also reminded everyone of the City's upcoming events - the Home Improvement Fair, Farmers' Market, Maline Creek Cleanup and St. Stephens Barbecue and rummage sale.

After the meeting, Mayor welcomed everyone to join and visit with the City Council at the in-coming Council Reception.

**ADJOURNMENT**

A motion was made by Council Member Knowles, seconded by Council Member Faul to adjourn the meeting at 7:45 p.m. Motion carried.

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Brian P. Fletcher - Mayor  
City of Ferguson, Missouri

ATTEST:

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Deborah L. Matthies - City Clerk  
City of Ferguson, Missouri