

**FERGUSON CITY COUNCIL
Council Meeting Minutes
August 26, 2008**



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

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on August 26, 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 James
Peggy Faul
Fran Grecco

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 the Council meeting would have a 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.

Mayor requested the Agenda be amended to place item No. 5E. Proclamations before item No. 2 Public Hearings Portion.

A motion was made by Council Member Knowles, seconded by Council Member James to amend the Agenda by moving item No. 5E. Proclamations before item No. 2 Public Hearings Portion. Motion carried.

PROCLAMATIONS

Mayor read and presented the *Miss Missouri American Coed Pageant Title* Proclamation to Ms. Sarah Corson.

PUBLIC HEARINGS

❖ *PROPERTY TAX RATE PUBLIC HEARING*

Mayor opened the Public Hearing – 7:05 p.m.

Director of Finance, Jeffrey Blume summarized the General and Parks and Recreation tax assessment rates for 2008.

Mr. Blume reviewed the data presented in the Public Hearing Notice prepared for and distributed for this hearing. He indicated that the property values included in the notice were received from the St. Louis County Collector of Revenue earlier in the month. Those figures were after Board of Equalization and therefore included all appeal adjustments. Mr. Blume further indicated that these property values remain subject to change by the State of Missouri Tax Commission and or the State Auditor.

In conclusion, the overall property values changed very little and that fact was consistent with previous discussions. As with the preliminary rate computation, the assessment rates presented were computed using the State Auditor's calculator model. Like that as the property values did not increase significantly, only a few of the property rates changed and the majority remained the same as the prior year. This would result in billed property taxes to residents and commercial property holders being about the same as the prior year.

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

Chapter 49 Zoning

- ❖ ***A Special Use Permit to operate a Family Day Care at 809 Deandell Ct. The proposed site is zoned R-1D, Single Family Residence, and a Family Day Care Home requires a Special Use Permit.***

Mayor opened the Public Hearing – 7:10 p.m.

City Manager, John Shaw explained that when a number of unknown daycares were found to be residing in Ferguson, it was concluded that although they had a State of Missouri license, none of them had ever notified the City of Ferguson, or obtained the necessary permits or licenses to operate. All daycares that are located in residential areas, require a Special Use Permit, Commercial Occupancy Permit, and Business License to operate family daycares in the City of Ferguson. On May 29, 2008, staff sent out letters notifying the daycares that they were in violation of the City of Ferguson Zoning Ordinance.

Mrs. Owens, of 809 Deandell Ct., contacted staff regarding the letter and asked what she needed to do in order to continue her daycare. Staff advised Mrs. Owens to pick up a Special Use Permit application to start the process, and notified her of the situation on Deandell Ct. Not only did this daycare operation not comply with the Zoning Ordinance, but the adjacent property to the east and the property across the street to the north, were also non-complying daycares. The petitioner of 801 Deandell Ct., which is immediately adjacent to 809 Deandell, submitted the Special Use Permit application on June 6, 2008. Mrs. Owens submitted the Special Use Permit application for 809 Deandell on July 1, 2008.

There being no public comments, Mayor Fletcher closed the Public Hearing Comments portion at 7:15 p.m.

Chapter 49 Zoning

- ❖ ***Amending Chapter 49 Zoning regulations pertaining to DB-1 and DB-2 Zoning Districts and amending Section 23.4 of the Zoning Code relating to the criteria for reviewing applications for Special Use Permits.***

Mayor opened the Public Hearing – 7:15 p.m.

City Manager, John Shaw explained that the City of Ferguson is establishing regulations pertaining to commercial properties and zoning districts, which encompasses the City's downtown core. The DB-1 and DB-2 zoning districts contain much of the retail and personal service space vital to the residents of the City of Ferguson. In order to act in the best interest of the residents and visitors of Ferguson, the City desires to enact regulations pursuant to its zoning authority and power to ensure that an adequate balance of goods and services are available, in addition to preventing the over saturation of certain businesses.

Mr. Shaw further explained that with the proposed changes many of the permitted uses in DB-1 and DB-2 zoning districts would now require Special Use Permits. The amendment will help provide an adequate balance of goods and services in downtown, by setting specific criteria for the uses. Restricted Permitted Uses shall be treated similarly to permitted uses and may be allowed, provided that they are not located in the front 50% of ground floor of any building with frontage on Florissant Road.

In addition, the proposed text amendment would also allow for both wine establishments and microbreweries to operate in the DB-1 and DB-2 districts, with the proper licenses and acquisition of a Special Use Permit to encourage a mix of commercial, cultural, and recreational uses that support the downtown economic development goals of the City. At the same time, Packaged Liquor Sales have been completely removed from both districts.

There being no public comments, Mayor Fletcher closed the Public Hearing Comments portion at 7:20 p.m.

Chapter 49 Zoning

❖ Amending Chapter 49 Zoning regulations pertaining to requirements for home day cares in the R-1A, R-1B, R-1C, R-1D, R-2, and R-3, Residential Districts.

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

City Manager, John Shaw explained that this Public Hearing pertains to the creation of an Ordinance that addresses the health and zoning regulations pertaining to home day cares. Following recent discussions by Council Members and the Plan Commission, this Ordinance is in the process of being redrafted. Staff is currently soliciting comments from the Plan Commission, and City Council. Staff requests that this Public Hearing be kept open in order to further refine the Ordinance and then be presented at the next Council meeting.

Mr. Christopher Pittman – 717 Wesley Ave. – longtime Ferguson resident had concerns and comments on closing the day care at 809 Deandell Ct. His children have been going to Mrs. Owens day care and is concerned and confused why there is 1,000-foot regulation or requirement for the day care. Mrs. Owens was not aware of this. Mr. Pittman does not want his children to go to another day care. Questioned does he as a parent as well as a resident have a say in this day care requirement or what changes can be addressed.

Mayor Fletcher commented that the Ordinance was already in place as far as the 1,000 ft. requirement, which was to prevent saturation or too much congestion of home day cares for the sake of the other surrounding residents. Council is looking at whether an amnesty would be granted in this particular situation because of the circumstances. The Council has the ability to use their judgment to grant special requests and because a request is being made Council held this Public Hearing to see if there were concerns with neighbors or people in the adjoining areas and then Council will make a decision.

The reason for the 1,000 ft. requirement was to give enough space between the day cares so there would not be a consolidation or saturation, whether it be a day care or any other business.

Mayor further commented that Council is also discussing the saturation in the downtown business district as well for the same type of reasons.

Mr. Pittman, as a concerned resident and a parent whose children attend Ms. Owens day care center, would like to be made aware, as soon as possible, if any decisions are made. Mr. Pittman does not want his children attending another day care and he would like to recommend her day care and other day cares in the area because this is a good area to raise your children.

Council Member Faul commented that the Ordinance with the 1,000 ft. has been in place about ten years.

Mr. Pittman was not aware of the Ordinance or requirement and feels Mrs. Owens was not made aware when she became a resident as well. Mr. Pittman is not aware of how people are made aware of these requirements.

Council responded that a resident would not normally know this, but as a businessperson would be informed when applying for a business license.

Council Member Faul commended both day cares for being State licensed and is sorry the State does not inform people to get a business license.

Mayor Fletcher kept the Public Hearing open until the September 16, 2008 Council Meeting.

SPECIAL PRESENTATIONS

❖ Pride of the City Winners – Month of September

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the September Pride of the City winners. The winners are Ward 1 – Janet Faupel, 214 Averill Ave., Ward 2 – Bryan & Heidi Jamrosz, 305 Tiffin Ave., and Ward 3 – Darlene Logan, 705 Reasor Place. 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.

❖ *Red Light Camera Presentation*

Chief Moonier introduced Colonel Ron Batelle, retired Chief of the County Police Department who is also Director of the Backstoppers and an executive of American Traffic Solutions and Dan Reed, Senior Business Development Manager with American Traffic Solutions (ATS).

Mr. Reed gave a background on ATS and explained the company is now operating in 25 Cities in the State of Missouri and well over 120 Cities around the country and world. ATS started in Arnold, Missouri in 2005 and Florissant went on-line in 2006. ATS now has 25 Cities under contract.

Mr. Reed gave a brief presentation on how a red-light camera system operates and the ongoing studies and showed several types of images that the camera system captured.

The Missouri Insurance coalition sponsored a poll and found that 81% of Missourians favor the use of the technology. One of the biggest complaints in the Police Department is traffic control. This technology leverages itself in using it 24 hours 7 days a week for traffic enforcement.

Mr. Reed further explained several reasons why the system gets strong support for the use of the red light cameras around the country in the reduction of violations, collisions and fatalities at intersections monitored by red light cameras and feels the cameras do what they are supposed to do to increase public safety.

Mr. Reed explained the type and size of equipment used for the system in taking photographs. Photographs are only taken of the vehicles that have violated the red light. Sensors detect how fast the vehicles are going, but the red light has to be red before the vehicle enters the intersection. The system will take two photographs. The A shot will take a photograph with the vehicle wheels behind the stop bar and the B shot shows the vehicle going through the intersection. ATS is also able to zoom in on the license plate number.

ATS offers a video camera that runs 24 hours 7 days a week for the primary purpose of capturing the 12-second clip of the red light violation. Video clips can be pulled for an accident or other event at that intersection that law enforcement could view in helping with accident reconstruction and crime investigations. The video is

maintained for approximately 30 days on sight and is live feed access from the ATS system by internet connection and password and authorization.

Mr. Reed further commented that ATS can do most everything for the City but they are not law enforcement and do not decide whether it is a violation, they are not a Court and do not adjudicate. ATS can manage a lot of the process by cropping the images to get the DMV information, view the pictures and video and then send it off to the Police for their review. When an Officer logs onto the ATS system they may look at all of the evidence at the touch of a fingertip, which consists of the A and B shot, registered owner information and license plate then view the video and accept it or reject it as a violation. The law enforcement is the one deciding whether or not a ticket should be issued. A notice of violation will be printed and mailed to the alleged violator with photos and court information.

Council questioned if ATS has any plans now or in the future to do the C shot where it photographs the driver. Mr. Reed responded yes but it requires an extra camera and is a little more expensive. The initial notice will always go to the registered owner of the vehicle.

Council discussed the cost of the system and what intersections will be studied in the City. Mr. Reed responded there are several different pricing options. ATS is doing some initial testing in Ferguson, which started on Friday. There is some preliminary data and ATS will inform Staff. The intersections currently being studied are W. Florissant/Pershall, and N. Florissant and Airport/Hereford. The studies will run from a 12-hour study – video analysis which is a Violation Incident Monitoring System (VIMS) to see what the red light running problems are at the dangerous intersections.

Council discussed the percentage of tickets written in the programs in place in North County that are right turn on red as opposed to the t-bone event. Mr. Reed responded that each City is different in how they enforce them, some are right turn yields so there would be no right turn violations but he does not know the exact breakdown.

Problems with increases in rear and auto accidents were discussed. Mr. Reed explained that different studies have been done that show some cases it has increased but he does not know of any rear end collisions caused by a red light camera.

Council discussed funeral possessions going through a red light and how the camera knows the difference. Mr. Reed responded this would be caught by the reviewer or the Police Department and would be thrown out. If a person would get a ticket, they would just plead to the Court.

Council discussed with more cities coming on board have the citations decreased because people are becoming more educated and aware on watching for the signs. Mr. Reed commented that is accurate, it is changing the behavior of the drivers to stop more often. People are being educated on paying more attention to the dangerous intersections and violations have dropped across the board.

Mr. Reed mentioned that the uses of the videos are helping in solving other crimes as well. Most cities will refer the Attorney to ATS, there is a \$250 fee to retrieve the video. This is the City's data, not ATS unless they have City approval. If the data is a red light violation that has gone through the process it is kept forever, a non red light violation is kept 30 days.

Council discussed if the information is City data does the City have an obligation to keep or store the data via the Sunshine law.

Council discussed a difference in violation frequency depending on the type of the sign used and if signage is required. Mr. Reed explained that MoDOT is visible and they have their own requirements as well as St. Louis County, but a City could choose the signage.

Mr. Reed commented that because violations decrease income diminishes over time. If a ticket cost \$100 how much does ATS receive. Mr. Reed commented it depends on the pricing model. ATS runs the system and does all of the capital outlay, there is no initial cost to the City, ATS does the installation and work with MoDOT and St. Louis County in the permitting process, lays wires, put up equipment, and back office work. ATS receives a flat fee per month of \$4,750 per camera per month is needed to make a profit and cover costs. Mr. Reed confirmed that all of the costs regarding the infrastructure are absorbed over time in the \$4,750.

Mr. Reed further commented that the length of an ATS contract runs from 3-5 years, with most cities going with a 5-year contract to eliminate cost increases. Council questioned if the flat rate fee and violations do not pay for itself does the City have to pay out of pocket to have the base cost covered. Mr. Reed responded the goal has been

and the way the process has worked it would be a violator type funded program not a tax payer funded program to work it out where the City will not have to budget.

Council is concerned because the main reason to have this system is to reduce traffic accidents, fatalities and to get people to follow what they already should be doing. Council does not want to pay for the luxury of doing that if it is not necessary. People are starting to stop which reduces the amount of violations.

Ms. Beverly Walker – 506 Wesley Ave. - questioned how many lawsuits are in current municipalities that are using ATS products and/or ATS currently facing and defending.

Mr. Reed responded that there is a lawsuit in the City of Arnold. There have been lawsuits around the country testing this new technology in the Courts.

Mr. Reed updated Council on legislation. Mr. Reed is aware that Arizona is going to enforce a speed program to enforce speeding with this type of technology and make it a non-points violation but finds most states when drafting legislation make it a non-points violation.

❖ *Live Well Ferguson*

Phil Valko, Active Living Program Manager with TrailNet gave a slide presentation and handouts and updated Council on the Live Well Ferguson initiative.

Mr. Valko explained that TrailNet has been partnered with Ferguson for the past 8 months working the Live Well Ferguson initiative.

The two main goals are to increase physical activity through active living and to improve dietary habits. The initiative is funded by the Missouri Foundation for Health and is targeted at looking at health within the community specifically from obesity funding. The initiative is trying to improve the choices that people have within the community.

Mr. Valko defined active living as a way of life that integrates physical activity into daily routines. Healthy eating by increasing access to and consumption of fresh foods.

Secondary goals create a sense of vibrancy within the community, strengthen the sense of community, prove safety and boast the local economy.

Mr. Valko gave a brief background regarding the obesity problem in America. The five interventions that have been found to show effective results are 1) community wide campaigns 2) social support interventions 3) creation of or has access to places for physical activity 4) street scale urban design and land use policies and practices and 5) community scale. These results have been proven for the success of improving the health of a community.

Mr. Valko concluded in reviewing the Community Readiness Assessment Results Poll and the community survey handouts.

❖ *Ferguson Neighborhood Improvement Program - Graduation Gift Winner*

Community Development Coordinator, Natasha Ramey explained that the gift granting process has changed from last year where it was a random drawing where two names of recent graduates were drawn. This year it is changed to where the City is granting the gift on a first-come first-serve basis to recent graduates who are working with a realtor and have a home in sight in Ferguson. The first gift given this year was to Eric Russell a 2006 graduate of Fontbonne University who purchased a home with local realtor Pearce Neikerk at 15 Birkin.

Ms. Ramey explained here is one gift available for \$2,500.00 for a recent graduate for a down payment, repairs or the purchase of a new home in Ferguson. Please contact Ms. Ramey at City Hall if you know of a person that might benefit from this gift.

PUBLIC COMMENTS

Beverly Walker - 506 Wesley Ave. – present in her official capacity as President of the Ferguson Neighborhood Improvement Program (FNIP) is representing the Board of Directors of FNIP. Ms. Walker commented that in 2004 the Board of Directors of FNIP adopted a new and broader Mission Statement, which Ms. Walker read.

Ms. Walker further commented that FNIP is requesting Council to consider a joint work session for the purpose of a collaborative effort of City Council, City Manager, Development Department, and the Public Works Department to explore opportunities with FNIP and help FNIP

determine how it can be most efficient and effective in the commitment of its assets in this endeavor within the comprehensive and integrated partnership.

The Board of FNIP asked Council to consider their request with all reasonable speed in an effort to have a maximum positive impact on Ferguson's neighborhoods.

Council thanked Ms. Walker, accepted the offer of a joint work session and discussed meeting with FNIP on their next scheduled meeting date on the fourth Monday in September. Staff will confirm the date with Council and FNIP.

There being no further public comments, Mayor Fletcher closed the Public Comments portion at 8:35 p.m.

BUSINESS PORTION **MINUTES**

Council Meeting Minutes – July 22, 2008. A motion was made by Council Member Knowles, seconded by Council Member James, and carried to correct the July 22, 2008 minutes (page 10) to reflect that Bill No. 6849 did not pass because the affirmative vote was not a majority of the entire Council.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve and receive, as amended, the Council Meeting Minutes of July 22, 2008 and file as appropriate.

CONSENT AGENDA **Minutes**

Park Board Minutes - August 19, 2008

- ❖ *Recommendation that the Robert-Superior infield be leveled and then grass planted this fall to permanently be converted to a grass infield.*

Park Board Chairman, Michael Crawford explained that the Park Board recommendation came up in a discussion with an active program where 1862 rules baseball is played at the field and there has been difficulty with the field and sand holding water. It is felt that converting the field to grass would be easier to maintain and for year round activities such as sledding, etc. In addition, the field is not normally used for regular baseball, because left field is too short.

Mayor asked the cost of the grass infield. Staff will research and report to Council on the cost of the project before Council makes a decision.

Council Member Faul commended Mr. Crawford for starting this public play, which is appropriate for 52 year olds and up and feels it is a great way for citizens to start using the park in a variety of ways.

A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

- ❖ *Staff will research and report to Council on the cost of the project before Council makes a decision on the Park Board recommendation.*

Ferguson Special Business District (FSBD) Minutes - July 17, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Plan Commission Minutes - July 16, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Special Business District (FSBD) Minutes – June 19, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Ferguson Municipal Library Minutes - June 16, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

Pension Board Minutes – April 28, 2008. A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to receive the minutes as presented and file as appropriate.

APPOINTMENTS

A motion was made by Council Member Knowles, seconded by Council Member Salant, and carried to approve the FSBD nominations and appoint Chuck James – Whistle Stop and Kelly Braun – Marley's Bar & Grill to the FSBD Board.

A motion was made by Mayor Fletcher, seconded by Council Member Knowles, and carried to appoint Attorney Dennis Callahan to the Library Board.

A motion was made by Council Member Knowles, seconded by Council Member Grecco, and carried to approve the *ad hoc* Dog Park Task Force appointments as read.

Council agreed to appoint the following to the *ad hoc* Dog Park Task Force:

Kim Cooper
Rebecca Jones
Shannon Howard
Debbie Palguta
Sherry Chisholm
Paula Margelewski

REQUESTS

Temporary Liquor License - Ferguson Station Business District (FSBD) - Streetfest September 26 & 27, 2008. Applicant: Michael Lonerio – FSBD.

Council Member Knowles questioned who will be applying for the license and wanted to make sure that the City is not adding liability even if it is being purchased in name of the City.

Mr. Shaw commented that this request would be conditional until the City receives the insurance documents. FSBD will purchase the insurance certificate in the name of the City of Ferguson.

City Attorney, Stephanie Karr explained that the responsible person for the Liquor License is an individual – Michael Lonerio. The Liquor License is not in the City's name. FSBD is not an entity. Ms. Karr further explained the liability.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius, and carried to approve conditionally a Temporary Liquor License for Ferguson Station Business District (FSBD) upon receipt of proper insurance for Streetfest September 26 and 27, 2008. Applicant: Michael Lonerio (FSBD).

Temporary Liquor License – Our Lady of Guadalupe Festival September 14, 2008. Applicant name change to Rev. James J. Foster.

A motion was made by Council Member Knowles, seconded by Council Member James, and carried to approve the applicant name change to Rev. James J. Foster for the Temporary Liquor License – Our Lady of Guadalupe Festival September 14, 2008.

September 9, 2008 Council Meeting rescheduled or cancelled.

A motion was made by Council Member Grecco, seconded by Council Member James, and carried to cancel the September 9, 2008 Council Meeting and reschedule the meeting to September 16, 2008.

September 23, 2008 Council Meeting rescheduled or cancelled.

A motion was made by Council Member Faul, seconded by Council Member James, and carried to cancel the September 23, 2008 Council Meeting and reschedule the meeting to September 30, 2008.

Council confirmed the September Council Meetings would be September 16, 2008 and September 30, 2008.

RESOLUTIONS

2008-20 - A RESOLUTION AUTHORIZING THE ISSUANCE OF CERTAIN SPECIAL USE PERMITS AS DESCRIBED HEREIN, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

City Manager, John Shaw explained that the proposed Resolution was prepared by the City Attorney at the request of the City Council and sent to the Plan Commission for their review and recommendation after the City discovered that a number of day care homes were operating illegally. Two of the day care homes were located next door to each other and in order to proceed, the City was confronted with the question of which would be allowed to proceed first with the special use permit process, since the Ordinance did not allow family day care operations to be located within 1,000 feet of another. The Council proposed an amnesty and requested that the City Attorney draft a resolution that would resolve this issue only for the existing licenses day cares that had not applied for a special use permit.

Mr. Shaw pointed out at the August 20, 2008 meeting of the Plan Commission the Plan Commission voted to not recommend this Resolution's passage. The majority of the Commission felt that it was their job to uphold the provisions of the Ordinance, although they felt it was Council's prerogative to make exceptions where Council thought it was appropriate.

Mayor explained that the Council has the ability to make judgments and changes as they deem appropriate and that the Plan Commission was doing exactly what the Ordinance spelled out.

City Attorney, Stephanie Karr explained that the super majority requirement does not apply to this type issue, only in rezoning.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius to approve Resolution 2008-20. Motion carried.

On roll call vote, the motion carried as follows:

AYES: 5 – Crecelius, Knowles, James, Mayor Fletcher, Grecco

NOES: 1 - Salant

ABSTAIN: 1 – Faul

Resolution passes.

City Attorney, Stephanie Karr explained that there would be one more Ordinance which is the actual Special Use Permit which pertains to the actual day care center specifically. The Ordinance that will actually grant the 809 Deandell Special Use Permit will be read for the first time this evening and the Council will vote on it at the next meeting on September 16, 2008.

Mayor explained that Resolution 2008-21 allows the City to correct the wall erosion at January Wabash Park, and gives the City Manager the authority to execute a contract.

2008-21 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY WITH IDEAL LANDSCAPE GROUP FOR THE JANUARY WABASH LAKE WALL REPAIR PROJECT, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

A motion was made by Council Member Knowles, seconded by Council Member Faul to approve Resolution 2008-21. Motion carried.

On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes.

City Manager, John Shaw explained that Resolution 2008-22 allows the City Manager to enter into an agreement for the lease-purchase of

streetlights to complete the Suburban Avenue and Brotherton Lane Street Projects. After some discussion as to alternatives, Council consensus was to move forward with the lease-purchase as the most financially responsible approach. Out of three companies approached, Staff recommends that City use Stifel Nicholas as the most inexpensive and best alternative.

A motion was made by Council Member Knowles, seconded by Council Member Faul to approve Resolution 2008-22. Motion carried.

2008-22 - A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

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

NOES: 0

Resolution passes.

City Manager, John Shaw explained Resolution No. 2008-23 - that each year the State Historic Office accepts applications for Historic Preservation Grant Funds from Certified Local Governments (CLG) to help pay for planning, surveys, nominations to the National Register and other activities that support local historic preservation efforts. A year ago the City was awarded a grant to help update the survey of the oldest parts of Ferguson and to prepare a multi-properties document for the City that would provide the context for future nominations to the National Register. That work is being completed and the State Historic Preservation Advisory Commission has already approved the multi-properties cover document.

Landmarks Commission would like to follow up this work with designations of historic districts. The proposed project for this grant application round focuses on one of the oldest areas of the City, the Old Ferguson West neighborhood and hopes to produce a complete survey of this area in anticipation of identifying a cohesive historic district that can be nominated later to the National Register of Historic Places.

Mr. Shaw further commented that accompanying the application for funding from the State should be a Resolution from the City Council approving the submittal. A pre-application for funding was required to be submitted for review and comments before a final application is submitted. Suggestions for changes to the application have been incorporated in this final application. The total cost of the project is \$24,167 and the local match is 40%, of which \$9,000 is in cash. If approved, the project will probably begin in spring 2009; however, payments to the contractor will be budgeted in the 2010 fiscal year.

Planning and Development Director, Rosalind Williams explained the benefits of a historic district and the process. A survey is done to have a base of inventory of projects. Once you have a multiple properties document, certain areas are nominated for historic districts and gets on the national register, which is an honorary designation but carries with it the eligibility to apply for State tax credits to repair homes. Staff feels this is a good approach to rehabilitate homes in the old historic area and to revitalize neighborhoods. These funds can be used with other State funds; this is a strategic move as well as celebrating the City's history and promoting the City.

Council Member James abstained from voting since he lives on one of the streets.

A motion was made by Council Member Knowles, seconded by Council Member Faul to approve Resolution 2008-23. Motion carried.

2008-23 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE FINAL APPLICATION FOR 2009 HISTORIC PRESERVATION GRANT FUNDS TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, was introduced by Council as a whole and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

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

NOES: 0

ABSTAIN: 1 - James

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6854 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF BOARDING UP BUILDINGS AS PROVIDED UNDER CHAPTER 7. BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, was introduced by Council as a whole and read the first time.

BILL NO. 6855 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COST OF REMOVING TRASH AND DEBRIS AS PROVIDED UNDER CHAPTER 28. NUISANCES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, was introduced by Council as a whole and read the first time.

BILL NO. 6856 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF CUTTING AND REMOVING WEEDS AS PROVIDED UNDER CHAPTER 46. VEGETATION, ARTICLE III. WEEDS AND VINES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, was introduced by Council as a whole and read the first time.

BILL NO. 6857 AN ORDINANCE FOR THE REPLACEMENT OF A (12) INCH WATER MAIN ON THE WEST SIDE OF THE STREET IN THE 9200 BLOCK OF W. FLORISSANT AVE. WITH A TWENTY (20) INCH WATER MAIN ON THE EAST SIDE OF THE STREET AND THE REMOVAL OF ONE (1) FIRE HYDRANT AT 9291 W. FLORISSANT AVE. IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council as a whole and read the first time.

BILL NO. 6858 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 809 DEANDELL CT. SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council as a whole and read the first time.

BILLS REQUIRING SECOND READINGS

BILL NO. 6851 AN ORDINANCE OF THE CITY OF FERGUSON, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 801 DEANDELL CT. SUBJECT TO THE CONDITIONS, RESTRICTIONS AND REQUIREMENTS SET FORTH HEREIN, was introduced by Council Members present and read the first time.

A motion to read Bill No. 6851 a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member James and carried.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6851 was declared passed and sent to the Mayor for signature. Bill No. 6851 thus became Ordinance No. 2008-3364 and is permanently recorded in Book 30, page 28.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to amend Bill No. 6852 to reflect the changes. Motion carried.

A motion to read Bill No. 6852 (AMENDED) a second time and place it upon its passage, as amended, was made by Council Member Knowles, seconded by Council Member Faul and carried.

BILL NO. 6852 (AMENDED) AN ORDINANCE FIXING THE RATE OF AD VALOREM TAXATION FOR THE YEAR 2008 BY LEVYING A TAX FOR GENERAL AND OTHER PURPOSES ON ALL PROPERTY MADE TAXABLE BY LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF FERGUSON, MISSOURI; AND LEVYING A TAX FOR FREE PUBLIC PARKS IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6852 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6852 (AMENDED) thus became Ordinance No. 2008-3365 and is permanently recorded in Book 30, page 29.

A motion to read Bill No. 6853 a second time and place it upon its passage was made by Council Member Knowles, seconded by Council Member Faul and carried.

BILL NO. 6853 AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 29 OF THE MUNICIPAL CODE FOR THE PURPOSE OF ENACTING A NEW SECTION PROHIBITING THE TAMPERING WITH PROPERTY AND THE

THEFT OF COPPER AND OTHER METAL MATERIALS AND AMENDING CHAPTER 25 OF THE MUNICIPAL CODE FOR THE PURPOSE OF ENACTING A NEW ARTICLE AND NEW SECTIONS REGULATING TRANSACTIONS INVOLVING SECONDHAND OR USED COPPER OR METAL MATERIALS, was introduced by Council Members present and read the first time.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6853 was declared passed and sent to the Mayor for signature.

Bill No. 6853 thus became Ordinance No. 2008-3366 and is permanently recorded in Book 30, page 30.

OLD BUSINESS

A motion was made by Council Member Faul, seconded by Council Member Grecco, to reconsider Bill No. 6849 (Burger King) Special Use Permit. On voice vote, motion carried.

AYES: 6

NOES: 1 - Knowles

Council Member Knowles had concerns that this business has been operating illegally and because it is being corrected now does not feel this makes it right. By changing the times now he feels it is unfair to the neighbors in Black Oaks and surrounding areas.

Council Member Grecco interjected by saying that there has been a change of management and feels that Mr. Knowles comments would have been properly directed to the prior management. The new management came to the City to see what needed to be done. Ms. Grecco feels they were upfront and she did not want to penalize the new owners for being honest.

Mr. Knowles feels that this is not a punishment of the new management but feels this operation was constructed under certain beliefs that it would operate at certain times and now the times are being changed. Mr. Knowles feels it is unfair to change it now and it should have been operating by the original guidelines and feels it is not fair to the residents.

Mayor commented Council is allowed to make judgment calls and feels that business needs are changing and if the City is going to be a community that is asking for redevelopment and economic progress feels you need to be a little understanding of the way business trends change. Mayor also commented he has not heard of any complaints or problems with the business even though they were operating without legal permission. The City needs to be business friendly when the City can be. Mayor feels that the business sets off the highway and with people traveling 24 hours a day may stop and see something else in Ferguson they may not have seen otherwise.

Council Member Knowles suggested that future operating hours of a business be reviewed by staff and made suggestions such as sound barriers, buffers, vegetation etc. be used to insure that noise and/or lights do not bleed into surrounding neighborhoods after hours.

Council Member Crecelius commented that Krispy Kreme, which is next door to the Burger King, is operating 24 hours and is operating properly. Krispy Kreme sets between the Burger King and the neighborhood. He also feels that in this specific instance this does not apply considering there is another business closer to those residents that is operating legally.

A motion was made by Council Member Salant, seconded by Council Member Grecco and carried to approve the Burger King special use permit.

On roll call vote, the motion carried as follows:

AYES: 5 – Crecelius, Salant, James, Mayor Fletcher, Grecco

NOES: 2 - Knowles, Faul

Bill No. 6849 (Burger King) was declared passed and sent to the Mayor for signature. Bill No. 6849 thus became Ordinance No. 2008-3362 and is permanently recorded in Book 30, page 26.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to take from the table Bill No. 6850 (AMENDED) for consideration. Motion carried.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to amend Bill No. 6850 to reflect the changes. Motion carried.

A motion was made to read Bill No. 6850, as amended, a second time and place it upon its passage by Council Member Knowles, seconded by Council Member Grecco and carried.

BILL NO. 6850 (AMENDED) AN ORDINANCE AMENDING THE ZONING REGULATIONS PERTAINING TO THE DB-1 AND DB-2 ZONING DISTRICTS AND AMENDING SECTION 23.4 OF THE ZONING CODE RELATING TO THE CRITERIA FOR REVIEWING APPLICATIONS FOR SPECIAL USE PERMITS, was introduced by Council as a whole and read the first time.

On roll call vote, the motion carried as follows:

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

NOES: 0

Bill No. 6850 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6850 (AMENDED) thus became Ordinance No. 2008-3363 and is permanently recorded in Book 30, page 27.

Public Works Director, Terry O'Neil updated Council and explained the directional changes around the City Hall area. South Maple, Lewis and Birlin located North of the City Hall will be made a one-way street designation. South Maple will be one-way as an entry from Church Street (eastbound) Birlin will be Northbound and the exit from City Hall. You will now enter from Church Street at the main entrance and exit at Birlin. These changes were for safety issues and recommended by the Traffic Commission. Signage will be posted around the area and all neighbors have been notified by a letter. The change will become effective September 2, 2008.

MISCELLANEOUS

Mr. Crecelius – commented that a concerned bicyclist who was trying to use the Forestwood Park path mentioned that he has had several near misses, because there is a lack of adherence to the designated lanes for bicyclists and pedestrians. Mr. Crecelius requested staff to review the signage and see if there is a need to update or improve the signage.

Mr. James – thanked all City summer employees and summer interns and felt they all did a great job. Wishes all students best for the school year and everyone be safe in driving with school starting.

Ms. Faul – thanked Phil Valko for his update on Live Well Ferguson. Feels many people are interested in the viability of the City and how the City looks when more people are out walking, biking, and picking up trash, etc. Ms. Faul mentioned the Landmarks meeting discussion was very interesting regarding the different types of housing in the City. Ms. Faul feels that the City has progressed and mentioned how the transportation has changed the housing in the City.

Ms. Faul commented that Recreation Director, Dave Smith has been employed with the City for 30 years and thanked him.

Ms. Grecco – Congratulations to Ms. Sarah Corson, the Pride of the City winners, and personally thanked FNIP for their ongoing commitment, interests, and willingness to the City by helping everyone think out of the box to make the City a better place to live. Wished everyone a safe and wonderful Labor Day Holiday.

Ms. Grecco further commented that pet owners rescue group for Greyhounds in Kansas City is in desperate need of adoptive homes for rescued greyhounds, if interested please contact Ms. Grecco.

Ms. Grecco made aware of a safety front regarding fires whose origin is related to a connection of copper and aluminum and to be aware of UL Certifications, which combine copper and aluminum wiring where special equipment is required.

Mr. Shaw – Recognized and congratulated 4 residents who will be receiving the 30's in their 30's award by North County, Inc. – Council Member Dwayne James, Dr. Jody Squires, Mr. Aaron Burnett and resident and Berkeley City Manager, De'Carlton Seewood.

Mr. Shaw also congratulated Recreation Director, Dave Smith for celebrating 30 years with the City and also congratulated Assistant Fire Chief, Steve Rosenthal for celebrating 33 years with the City.

Mr. Shaw feels it is fantastic that the City has a number of employees who have been employed with the City for a number of years and have demonstrated their loyalty to the City.

Mayor Fletcher – still amazes to see more and more people attending the Farmers' Market from the surrounding areas.

ADJOURNMENT

There being no further business to consider, Council Member Knowles, seconded by Council Member Grecco moved to adjourn the meeting. The meeting adjourned at 9:30 p.m.

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

ATTEST:

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