



MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**August 14, 2017**  
**6:30 p.m.**

**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. PROCLAMATIONS**

1. Proclamation in recognition and appreciation to Melcine Henderson for her longtime commitment to the community and the Starlight Concerts

**E. APPROVAL OF MINUTES**

1. June 19, 2017 Study session minutes
2. July 10, 2017 Regular session minutes
3. July 31, 2017 Special session minutes

**F. APPOINTMENTS to BOARDS & COMMISSIONS**

1. LaTrice Johnson is reappointed to the Library Board by Mayor Welsch
2. Rosalind Williams and Garry Aronberg are nominated to the Storm Water Task Force by Councilmember Carr
3. Barbara Brain and Adam Staudt are nominated to Green Practices by Councilmember Jennings

**G. SWEARING IN to BOARDS & COMMISSIONS**

1. Aleta Porter Klein was sworn in to the Library Board on July 19, in the Clerk's office

**H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)**

**I. PUBLIC HEARINGS**

1. Liquor License for the Mad Crab Restaurant
2. Zoning Map Amendment to rezone the property at 1351 N. Hanley Road (former Nathaniel Hawthorne School) from PA-Public Activity District to HR-High Density Residential District. Case # PC 17-06
3. Amendment of the Final Development Plan for an existing "PD-M" Planned Development – Mixed-Use District for a proposed redevelopment of the existing multi-family senior housing development on the property located at 8350 Delcrest Drive (Crown Center for Senior Living). Case # PC 17-07
4. Liquor License for the Gatesworth

**J. CONSENT AGENDA**

## K. CITY MANAGER'S REPORT

1. Approve Liquor License the Mad Crab Restaurant  
VOTE REQUIRED
2. Fire Department Utility Truck Replacement  
VOTE REQUIRED
3. Site Plan for 7860-7864 Olive Blvd. (All Nations Church)  
VOTE REQUIRED
4. Site Plan for 829 N Hanley (The Journey Church)  
VOTE REQUIRED
5. FY16 Flood Mitigation Assistance grant – Hafner Ct. Apartments  
VOTE REQUIRED
6. Preliminary Funding Agreement with U City L.L.C.  
VOTE REQUIRED
7. Approve Liquor License - Gateworth  
VOTE REQUIRED

## L. UNFINISHED BUSINESS

### BILLS

1. **Bill 9320** – AN ORDINANCE AMENDING CHAPTER 110 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ADMINISTRATION, BY REPEALING SECTION 110.040 THEREOF, RELATING TO **DISCLOSURE OF CONFLICTS OF INTEREST**, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS “SECTION 110.040 DISCLOSURE OF CONFLICTS OF INTEREST

## M. NEW BUSINESS

### RESOLUTIONS

1. **Resolution 2017- 13** MSD's Sewage Tank Project  
*Requested by Councilmember Smotherson and seconded by Councilmember Carr*
2. **Resolution 2017- 14** Resolution for Fiscal Year 2016-2017- Budget Amendment # 7
3. **Resolution 2017- 15** City Council's censure of Councilmember Michael Glickert  
*Requested by Councilmember Smotherson and seconded by Councilmember Carr*

### BILLS

4. **Bill 9321** – AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 400.070 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTIES LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY AT **1351 NORTH HANLEY ROAD** FROM “PA” – PUBLIC ACTIVITY DISTRICT TO “HR” HIGH DENSITY RESIDENTIAL DISTRICT; AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY

5. **Bill 9322** – AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT PLAN FOR PROPOSED REDEVELOPMENT TO CROWN CENTER FOR SENIOR LIVING LOCATED AT **8348-8350 DELCREST** DRIVE IN THE “PD-M” PLANNED DEVELOPMENT MIXED-USE ZONING DISTRICT.
6. **Bill 9323** - AN ORDINANCE AMENDING SCHEDULE III OF THE SECTION 355.100 OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.
7. **Bill 9324** - AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.
8. **Bill 9325** - AN ORDINANCE AMENDING SCHEDULE VII, TABLE VII-A – STOP INTERSECTIONS, CHAPTER 300 TRAFFIC CODE, OF THE UNIVERSITY CITY MUNICIPAL CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.

**N. COUNCIL REPORTS/BUSINESS**

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business
  - a) **MSD Negotiations**  
*Requested by Councilmembers Carr and McMahon*  
**Discussion and Vote**
  - b) **Bicycles in the Loop**  
*Requested by Councilmembers Carr and McMahon*  
**Discussion and Vote**

**O. CITIZEN PARTICIPATION (continued if needed)**

**P. COUNCIL COMMENTS**

- Q. Roll-Call vote to go into a Closed Council Session according to RSMo 610.021 (1)Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.**

*Requested by Councilmember Carr and seconded by Councilmember Crow*

**R. ADJOURNMENT**





# PROCLAMATION OF THE CITY OF UNIVERSITY CITY

WHEREAS, Oprah Winfrey once said “I’ve come to believe that each of us has a personal calling that’s as unique as a fingerprint, and that the best way to succeed is to discover what you love and then find a way to offer it to others in the form of service, working hard, and also allowing the energy of the universe to lead you.”; and

WHEREAS, Melcine Henderson is a long time resident of University City and has faithfully and conscientiously served the community for many years; and

WHEREAS, Melcine Henderson has volunteered throughout University City; including but not limited to: the Police Focus Group, the University City Township Democratic Club, the Partridge Heights Neighborhood Association and the Traffic Commission; and

WHEREAS, Melcine Henderson has served on the Arts and Letters Commission since 2010, and under her leadership has successfully organized and is most proud of her work with the well-known Starlight Concert series; putting together over 60 performances since 2010; and

WHEREAS, even though Melcine Henderson’s outstanding civic activities take up an enormous amount of her time and demonstrates how to be actively involved in your community, she remains devoted to her family; and

WHEREAS, the governing body, by this recognition, wishes to express its great appreciation to Melcine Henderson for meritorious service, loyalty, and dedication to the City of University City.

NOW, THEREFORE, the City Council of University City, on behalf of the people in University City, acknowledges Melcine Henderson with the deepest gratitude for her countless contributions and exemplary service to our community.

IN WITNESS WHEREOF, the University City Council have hereunto set their hand and caused the Seal of the City of University to be affixed this 7<sup>th</sup> day of August, in the year of Two Thousand and Seventeen.

\_\_\_\_\_  
Shelley Welsch

SEAL:

\_\_\_\_\_  
Bwayne Smotherson

\_\_\_\_\_  
Paulette Carr

\_\_\_\_\_  
Steve McMahon

\_\_\_\_\_  
Terry Crow

\_\_\_\_\_  
Michael Glickert

\_\_\_\_\_  
Rod Jennings

ATTEST: \_\_\_\_\_  
LaRette Reese, Interim City Clerk



**UNIVERSITY CITY COUNCIL  
STUDY SESSION**

5th Floor of City Hall  
6801 Delmar  
June 19, 2017  
4:00 p.m.

**MEETING CALLED TO ORDER**

The City Council Study Session was held in Council Chambers on the fifth floor of City Hall, on Monday, June 26, 2017. Mayor Welsch called the Study Session to order at 4:04 p.m. In addition, the following members of Council were present:

Councilmember Rod Jennings  
Councilmember Paulette Carr  
Councilmember Steven McMahon  
Councilmember Terry Crow  
Councilmember Michael Glickert  
Councilmember Bwayne Smotherson

Also in attendance were Interim City Manager Charles Adams, City Attorney John F. Mulligan, Finance Director Tina Charumilind, Director of Community Development Andrea Riganti, Director of Public Works and Parks Sinan Alpaslan, and Fire Chief Adam Long.

Hearing no requests to amend the Agenda, Mayor Welsch proceeded as follows:

**AGENDA**

*(Requested by Interim City Manager, Charles Adams)*

**Discussion of University City's Draft FY18 budget**

Mr. Adams distributed handouts to Council and asked Ms. Riganti if she would provide an explanation of the contents contained therein.

Andrea Riganti, Director of Community Development, stated at the last meeting Councilmember Crow requested that The Chamber of Commerce; herein referred to as "*The Chamber*," along with any other entity previously in receipt of EDRST funds, and seeking funding for FY18, submit a Profit and Loss Statement for Council's review. She stated that the goal was to have each organization submit this information by Friday of last week, to provide her with an opportunity to create a summary of all the information prior to the June 26th meeting. However, since this Study Session was added preemptively, Council has received a handout containing all of the individual statements as submitted to staff, rather than one condensed document. So if any clarifications are needed, Council can let Mr. Adams know and she will contact the individual agency for more details.

Mr. Adams stated that a breakdown of the expenditures and adjustments on the handout would be explained by Ms. Charumilind.

Tina Charumilind, Director of Finance, stated the expenditures and adjustments found in this handout represent changes made at the June 12th Study Session which reduced the deficit to \$425,000 and requests made prior to tonight's session, which increases the deficit to \$489,500. The handout also includes the financial information requested from various organizations who receive support from the City. Once Council makes a final determination the budget will be adjusted accordingly and presented at the June 26th Regular Session.

Councilmember Glickert asked Ms. Charumilind if there was a deadline for when Council should submit their final determination? Ms. Charumilind stated Council has from now until June the 25th.

Councilmember Carr asked Ms. Charumilind if she could provide her with additional information on the item listed as "*Implementation of Board Management Service*," found under the General Fund? Ms. Charumilind stated while she has not had an opportunity to talk to the company, the service they provide is called Board Docs, which is one of the recommendations made by a member of Council. The implementation of this software application will help Council with the management of documents through the creation of a paperless system that allows for instant access. Councilmember Carr stated a lesson she has learned and relearned is not to vote on anything that she has not been provided sufficient details about.

Councilmember Carr asked where the adjustment for City-Wide Marketing had originated from? Mr. Adams stated several of these adjustments represent suggestions made by members of Council. So his preference would be for the respective member to explain what they are and why they were being suggested.

Councilmember Jennings stated he had suggested the use of Board Management Service based on his experience as a member of the School Board. Therefore, he thought it might be beneficial for Council to explore Board Docs, which can be used to conduct live public meetings, reduce the amount of paperwork, increase efficiency with the management of documents, and also includes a stopwatch that can be used during citizen's comments. Councilmember Jennings stated that Board Docs has an excellent team of sales representatives who can provide staff and members of Council with a tutorial CD and a full package of information.

Councilmember Carr restated her position with respect to no documentation; no decision; no vote.

Mayor Welsch stated Ms. Diekemper informed her that the Senior Board had voted unanimously to request \$7,500 in funding to provide ITN scholarships for senior residents based on their income. She noted that Council had also received a letter from Ms. Mary Hart today in reference to this request. ITN is a national non-profit that has been active in St. Charles for a number of years and is anxious to initiate a pilot in St. Louis County. They offer a 24/7 service for seniors with door-to-door escorts, and although there is a fee, it is cheaper than a taxi or Uber. Mayor Welsch stated seniors represent more than 30% of the City's population and transportation consistently comes up as the greatest need among seniors in U City and St. Louis County. Therefore, she strongly believes this is something worth investing in to see how it would work for this City's senior population.



ITN has also been conducting their own fund-raising activities, which could mean that U City might be eligible for free scholarships in the future.

Mayor Welsch stated everyone is already fully aware of her thoughts on why she believes the City should continue to support Fair U City.

Over the years, the City has provided funds to The Loop Special Business District; (LSBD), to assist them with marketing expenses associated with the Convention and Visitor's Bureau who distributes ads and brochures to numerous hotels throughout the region. So this year what she has suggested is that the LSBD and The Chamber collaborate to develop a marketing plan that enhances these previous efforts and ensures that all 800 of the City's businesses receive the same level of exposure. Mayor Welsch stated in spite of her belief that Ms. Mermelstein's salary is insufficient; she has been doing an excellent job as the Senior Services Coordinator. So in her opinion, it would be shortsighted to eliminate this position prior to discussing it with Ms. Riganti, and gaining a full understanding of what programs are in the pipeline and the impact this decision could have on the services currently being provided.

Mayor Welsch stated although she had questioned how much the City was paying U City in Bloom for their services, she had not requested the \$8,000 adjustment listed in the handout.

Councilmember Carr stated she would like to know what project was being eliminated by the \$8,000 adjustment.

With respect to marketing, Councilmember Carr stated unlike The Chamber; which is a not-for-profit, the LSBD is an independent subdivision that elected to raise their own taxes in order to conduct marketing activities. So the brochure referenced by Mayor Welsch comes out of their budget, and not the City's.

Mayor Welsch stated her belief is that the City has been paying for the production of 12,000 brochures since 2007.

Councilmember Carr stated while the Mayor's comment is fundamentally correct since taxes generated by the LSBD are paid directly to the City, technically it is their money being disbursed back to them to produce those brochures. Mayor Welsch informed Councilmember Carr that the LSBD also receives EDRST funds for marketing. Councilmember Carr noted that marketing funds for the LSBD had not been listed under EDRST funding.

Mayor Welsch asked staff whether EDRST funds were used to pay for any portion of the ads placed with the Convention and Visitor's Bureau? Ms. Riganti stated based on her understanding the marketing funds being referenced are connected to the \$50,000 recommendation made by the EDRST for The Chamber to provide City-Wide Marketing.

Councilmember Carr stated she has been talking about U City's ESM marketing budget of \$25,000.

Mayor Welsch asked Ms. Riganti if she could refresh her memory as to what, if any, EDRST funds the City pays to the LSBD for marketing? Ms. Riganti stated previous requests made by the LSBD and grant amounts have been the same; \$14,000 for brochures and \$12,500 for the CVB Guide.

Councilmember Carr stated the point she was making is that LSBDB brings in revenue to the City through the generation of sales taxes, and The Chamber does not. Ms. Riganti stated although that is correct, several years ago the EDRST Board made a decision to include non-income generating entities such as U City in Bloom, The Chamber, and the Midwest Farmers Market Association, in their funding process. Councilmember Carr stated while she understands that that may be the Board's policy, what she is saying, is that the LSBDB and the Chamber are as different as night and day. So lumping them together simply because they both represent retail businesses is in her opinion, fallacious.

Councilmember Carr stated that the funds provided to U City in Bloom are used to produce a product that everyone can see. The volunteers who plant and nurture these gardens are neighbors. And if their funding is reduced the City would either have to hire additional staff or settle for some pretty unsightly areas throughout the community. So this adjustment is simple; you either like their results and want to them continued, or you don't.

Mayor Welsch stated her suggestion to combine the efforts of the LSBDB and The Chamber was based on what she believes is a need to provide marketing for the entire City, and not simply because they both represent businesses. She stated that she loves the products produced by U City in Bloom. And while she is not suggesting that their \$140,000 budget be reduced, she also believes it is important for the City to promote the numerous businesses throughout the community that are generating tax revenue.

Councilmember Crow thanked Mr. Adams for scheduling this meeting and for providing plenty of opportunities for Council, as well as citizens, to have robust discussions about the budget. He informed Tina that even though there may be more changes between now and next Monday, the information provided has definitely assisted Council with getting and staying on the right track. Councilmember Crow stated the centerpiece for his recommendations have been based on the core functions and municipal responsibilities of the City; public safety, roads and street improvements. So anytime money has been added for a new project, funds have been reduced or eliminated in other areas to offset the cost of that project. Therefore, he would encourage his colleagues to not only give considerable thought to the prioritizing the items listed on page 1 of the handout but that they also exhibit the same fiscal responsibility with respect to how they intend to offset the budget.

Councilmember Crow stated while he applauds any efforts that support this City's senior population, he would like to point out that for the first time since he's been a member of Council, \$104,000 in Block Grants was allocated to address senior housing needs.

Councilmember Crow questioned whether the recommendation to reduce the budget for U City in Bloom had been made by a member of Council? Ms. Charumilind stated that while reviewing the Profit and Loss Statement provided by U City in Bloom, staff noticed an \$8,000 item for conferences and in an attempt to reduce the deficit made the decision to present this recommendation for Council's consideration. Councilmember Crow asked whether any member of staff had talked to the members of U City in Bloom about the impact this recommendation might have on their ability to provide services? Ms. Charumilind stated that they had not.

Councilmember Crow stated he has always been amenable to providing seed money for Fair U City and the Chamber but believes it is time for both organizations to stand on their own. So he would applaud their efforts and unless they can somehow be viewed as a priority, he does not see a need for the City to continue funding them.

Councilmember McMahon thanked staff for all of their hard work and stated that if money wasn't an issue all of these decisions would be easy to make. But unfortunately, that is not the case and Council is forced to make some difficult decisions.

Councilmember McMahon stated to avoid the same scenario that appears to have been created with Fair U City and The Chamber he wants to make sure that he knows exactly what Council is being asked to do with respect to the ITN Gateway scholarships. This request has been described as start-up money, but is it a one-time request for start-up funds or will it be a yearly request?

Councilmember McMahon questioned whether the City actually contracts with The Chamber and the LSB, or if EDRST funds are simply distributed to assist these entities with accomplishing a plan they've come up with? Because he would like to see a description of their deliverables, their success and exactly what is being funded. To date, he has not been able to find a \$50,000 City-Wide Marketing Plan, and that concerns him. Especially since it has now been suggested that the two entities work together when neither one of them have put together a plan for Council to examine and vote on. So, if he could get some input on what this process is, it would help him gain a better understanding of what he is being asked to vote on.

Mayor Welsch stated her understanding is that both organizations are talking about producing a specific product, rather than a plan.

With respect to ITN, Mayor Welsch stated that Ms. Diekemper had informed her that the \$7,500 would be used for scholarships and a designated dollar amount assessed to all of the cities involved in this venture to assist ITN with establishing an office in St. Louis County. So although her understanding is that this is a one-time request, she cannot say for certain that the Senior Commission will not come back sometime in the future and ask for more.

Ms. Riganti stated in terms of the process, once staff receives applications from the various stakeholders for the use of EDRST funds they are reviewed to determine whether they meet the criteria established for the use of these funds, which is premised on the State Statute and City Ordinances. All relevant applications are then submitted to the EDRST Board, who meets with the applicants and apprises staff of their recommendations. Staff reviews these recommendations based on the best possible neutral criteria, such as conformance with the Comprehensive Plan; the agency's ability to match the funding request, and the proposal's tangible/intangible economic development benefits to the City. Qualifying applications are ranked in their order of priority and resubmitted to the EDRST Board for consideration and development of a draft budget, which is then presented to Council for consideration. Ms. Riganti stated that all of these details are available online under the EDRST Board and Commission link.

Ms. Riganti stated although the City does not contract with an individual entity, the designated activity they wish to perform must be consistent with the criteria for issuing EDRST funds. She stated that The Chamber's original request was for \$69,000. However, staff's recommendation to the EDRST Board was that several programs either be combined or eliminated and that the amount of funding be decreased to \$50,000. So there is no physical document from The Chamber requesting \$50,000. The tangible product would be an ad and marketing campaign outlining the deliverables mentioned by Councilmember McMahon, and the plan is to develop a quarterly brochure to be distributed within (X), (Y), and (Z) markets.

Councilmember McMahon stated he had looked at the study materials and all he could discern was that The Chamber submitted to separate plans; one for marketing and the other for regional tourism, totaling approximately \$72,000; that the Board took a vote on some of the applications during their March 16th and 23rd meetings, but no mention was ever made about the two previously submitted plans or the \$50,000 Marketing Plan.

Ms. Riganti informed Councilmember McMahon that staff made the recommendation to combine the two plans into one funding pot and asked The Chamber to develop a plan based on that recommendation. So there is no physical application for the \$50,000 Marketing Plan since that amount was derived from discussions related to the budget.

Councilmember McMahon stated if this information is contained within the study materials, he had been unable to find it. Ms. Riganti stated that she would provide Council with a written explanation of the events and attach the pertinent documents.

Mayor Welsch asked Ms. Riganti if the written explanation could also include specific instructions related to where to find this information on the City's website? Ms. Riganti agreed to do so.

Councilmember Glickert requested that Ms. Riganti also provide Council with information related to The Chamber's funding request and tangible/intangible deliverables for FY17? Ms. Riganti agreed to do so.

Councilmember Jennings stated since it appears as though any additions to the budget should be accompanied by a proposed reduction, it is important to point out that these reductions not give the appearance of being punitive in nature, and that there should be room for negotiations. He stated that going forward it might be prudent to start informing those entities the City has supported in the past of Council's stance with respect to sustained funding.

Councilmember Jennings stated although it is correct that FY18 Block Grant funds were provided for seniors, many of them already own homes. But he does think the City should continue to fund the Senior Services Coordinator because he has witnessed her provide invaluable resources to seniors who have found themselves in life-altering situations. As far as ITN goes, his understanding is that this is a one-time request that will be used for scholarships and U City's contribution to the start-up fee. And what he likes about ITN is that it is a door-to-door service which could benefit many seniors who are either homebound or afraid to venture out on their own. Councilmember Jennings stated these seniors have paid their dues to U City and believes that whatever support the City can provide sends a positive message for the loyalty they've shown over the years.

Councilmember Jennings stated although he understands Council's philosophy with respect to seed money, he thinks The Chamber needs more time before they are financially stable enough to go from crawling to walking on their own. He thinks they have done a good job bringing in new businesses, and as the City delves deeper into its redevelopment plans, the marketing and support they provide to new businesses will play a vital role in the success of these ventures. Councilmember Jennings stated his belief is that if Council continues to fund this organization for a little bit longer, they will be able to realize a return on their investment.

Mayor Welsch stated she wanted to clarify that the money being requested by The Chamber is for specific marketing projects to promote and support the City's business community; not for operating expenses. She stated that The Chamber has been able to establish other sources of revenue to pay for salaries and their day-to-day obligations.

Councilmember Smotherson questioned whether the City was partnering with the County through their Block Grant Program, and if so, how much was actually being contributed? Ms. Riganti stated that to date, there has only been a public hearing to discuss the application of the Community Development Block Grant Funds, so no set amount of funding has been approved at this time. She stated that the County is a pass-through agency with respect to the Home Improvement Program. And as with any Block Grant funds, there are certain HUD policies and procedures that the County has already adopted. So in order to establish a partnership, U City provides additional funds to the program, which are then used to administer Home Improvement loans to its residents. The proposed allocation for FY18 is \$80,000, and currently, there are 70 people on the waiting list. Ms. Riganti stated that U City is proposing to develop its own emergency program by setting aside \$20,300 that can be used for emergency home repairs. But here again, it will require the City to establish a procurement process that meets HUD's guidelines for the distribution of Community Development Block Grant Funds.

Ms. Riganti stated that since the position of Senior Services Coordinator was established her Department has been able to effectively augment their coordination of services for seniors; for example, working with property maintenance staff to identify senior housing needs; share resources, and then working with these residents to help them address those needs. The necessity for this type of assistance has been fully documented in the Comprehensive Plan and other resources, but unfortunately, until the creation of the Senior Services Coordinator, her Department has been unable to fill this void. Ms. Riganti stated the City has eleven Boards and Commissions and if this position is eliminated she simply will not have the manpower to staff the Senior Service Commission.

In terms of the role and relationship between these Boards and Commissions, staff should be viewed much like a planner who is there to provide technical support and assistance with upcoming activities. Specifically, with respect to the Senior Service Commission, Ms. Mermelstein updates and maintains a resource booklet; has expanded the Home Improvement Program, which is run by volunteers, from yearly to quarterly; provided countless resources, support and assistance, and once the CDBG funds are approved, she will play a vital role in the administration of this program; a burden that will shift to either herself or Tina, if this position is eliminated. Ms. Riganti stated she believes the Senior Service Commission plays an important part in helping staff understand and stay abreast of the needs and gaps in services for its aging population, and in the future, hopes to utilize their expertise to assist in the expansion of new senior citizen communities.

Councilmember Carr stated although she might be wrong, her recollection is that these CDBG funds were recommended under the City Manager's Report, and approved by Council. Ms. Charumilind stated that a public hearing had been held to determine how the funds should be applied. Once that it decided an application for the funds is submitted to St. Louis County for review and approval. She stated that all approved funding is paid directly to the contractor by St. Louis County.

Councilmember Carr stated her review of U City in Bloom's Profit and Loss Statement revealed \$5,000 in conference-related expenses.

In her opinion, these statements merely establish how an organization spends the funds they receive from the City. And although it does not paint a clear picture of whether or not U City in Bloom is fiscally sound, it does indicate that a substantial amount of their revenue is derived from donations. So she thinks the question that needs to be asked, is what gardens will not be cared for or what services will be lost by this proposed reduction in funding? Ms. Charumilind stated she had reviewed the organization's February statement and made this recommendation in an attempt to reduce the budget deficit.

Councilmember Carr stated while she certainly understands the intent, she thinks Council must look at the services it is going to receive as a result of these allocations of funds? In the case of U City in Bloom, what gardens will or will not be cared for? And in the case of The Chamber, what degree of marketing expertise are they able to provide? She then asked Ms. Riganti whether The Chamber would have to contract with a marketing firm to develop the brochures? Ms. Riganti stated one aspect of The Chamber's mission is to promote and market U City as a great place to do business. And while the current Executive Director has extensive experience in marketing, she does not have graphic or printing capabilities. So those elements of the brochure's design will have to be contracted out. The Chamber has also established relationships with other partners that the Director works with on a regular basis in developing the overall City Marketing Plan. Councilmember Carr expressed her desire to have The Chamber develop a marketing plan exclusively for businesses, and not the City. Ms. Riganti apologized for the confusion and explained that the Marketing Plan she was referring to was for the City's businesses, which is done in collaboration with the LSB's administrator.

Councilmember Carr asked if the City was paying roughly \$100,000 to ESM for marketing? Ms. Charumilind stated \$100,000 is the actual amount being paid.

Mayor Welsch questioned whether the \$100,000 included printing and mailing? Mr. Adams stated it included the printing and mailing of ROARS.

Councilmember Crow stated his hope is that none of the changes made to line items will be viewed as punitive, but rather, as a means of prioritizing the budget to meet the goals of the City. He stated he clearly believes that any member of Council that wants to add money back into a deficit budget has an obligation to find where that money is going to come from; especially when that request represents an ancillary versus a core function of the City's municipal responsibilities. So prior to next Monday's meeting, he would ask his colleagues to sit down with the City Manager in an attempt to prioritize their requests so that with some minor adjustments, Council can move forward with conversations that parallel the line items contained on page 2 of tonight's handout.

Mayor Welsch informed Councilmember Crow that she would send Council a copy of any adjustments she makes prior to Monday's meeting.

Councilmember Crow stated that with respect to the Chamber, all he had agreed to do was to help get them started. So he is not looking for a return on the City's investment, he simply believes it is time for them to move forward on their own. And if there is a contract between the City and The Chamber, he would love to see it.

Councilmember Crow stated one of the dominant factors impacting the budget is the amount of money that has been set aside for legal fees, which he believes is a prudent measure for the City to take.

He stated he is in full agreement with Ms. Riganti's assessment of her staff's liaison responsibilities associated with the existing Boards and Commissions. And at some point, Council may need to take a look at these entities and determine whether their charge is still necessary for a City of this size; especially when Council is being faced with the difficult task of trying to maintain a balanced budget.

Councilmember Jennings stated the elimination of Boards and Commissions is a change in government he would not be willing to support because he believes they are essential to the City's ability to garner valuable citizen input essential to its successful operation.

He stated although he obviously understands the concept of not robbing Peter to pay Paul, he does believe that in the case of the Senior Services Coordinator's position Council needs to bite the bullet and continue to fund this employee who plays a major role in the City's ability to address the urgent needs of its seniors.

Councilmember Crow stated the only point he is trying to make is that simply adding money to an already deficit budget makes no sense.

Mayor Welsch stated she was not aware that the Senior Commission's recommendation for \$7,500 had not made it to Mr. Adams in time to be included in the budget. So her assumption was that she was asking for funds that had already been allocated. She stated that she also wanted to stress the point that the funds requested by The Chamber were not for operating expenses. And her hope is that Council will fund this project and assist the Board with carrying-out their objective to initiate a process that organizes and supports other commercial corridors within the City.

### **ADJOURNMENT**

Hearing no additional questions or comments, Mayor Welsch adjourned the Study Session at 5:04 p.m.

Larette Reese  
Interim City Clerk

DRAFT



MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**July 10, 2017**  
**6:30 p.m.**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, July 10, 2017, Mayor Shelley Welsch, called the meeting to order at 6:30 p.m.

**B. ROLL CALL**

In addition to the Mayor, the following members of Council were present:

Councilmember Rod Jennings  
Councilmember Paulette Carr  
Councilmember Steven McMahon; (*Excused*)  
Councilmember Terry Crow  
Councilmember Michael Glickert  
Councilmember Bwayne Smotherson

Also in attendance were Interim City Manager, Charles Adams, and City Attorney, John Mulligan.

**C. APPROVAL OF AGENDA**

Mr. Adams recommended that ESM Marketing and ESM Publishing Services be removed from the agenda to give staff time to conduct a supplemental review.

Councilmember Jennings moved to approve the agenda as amended, seconded by Councilmember Carr and the motion carried unanimously.

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. June 26, 2017, Study session minutes were moved by Councilmember Jennings, seconded by Councilmember Carr and the motion carried unanimously.  
(*Councilmember Glickert abstained from the vote.*)
2. June 26, 2017, Regular session minutes were moved by Councilmember Carr, seconded by Councilmember Jennings and the motion carried unanimously.  
(*Councilmember Glickert abstained from the vote.*)
3. June 5, 2017, Study session minutes were moved by Councilmember Jennings, seconded by Councilmember Glickert and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS & COMMISSIONS**

1. Dorothy Davis is reappointed to the Library Board by Mayor Welsch. Seconded by Councilmember Glickert and the motion carried unanimously.

**G. SWEARING INTO BOARDS & COMMISSIONS**

**H. CITIZEN PARTICIPATION - (Total of 15 minutes allowed)**

**Sonya Pointer, 8039 Canton Avenue, University City, MO**

Ms. Pointer informed Council and members of the public that the MSD Board of Trustees Meeting will be held on Thursday, July 13th at 5 p.m.

**I. PUBLIC HEARINGS**

**J. CONSENT AGENDA**

**K. CITY MANAGER'S REPORT**

1. *ESM Marketing*—**REMOVED FOR FURTHER REVIEW**
2. *ESM Publishing Services*—**REMOVED FOR FURTHER REVIEW**
3. Picnic Liquor License for St. Louis African American Pride Inc.

Councilmember Glickert moved to approve, seconded by Councilmember Jennings and the motion carried unanimously.

**4. Fire Department Utility Truck**

Councilmember Jennings moved to approve, it was seconded by Councilmember Carr.

Councilmember Crow posed the following questions:

1. How many miles does the utility truck have?
2. What will the truck be used for?
3. Is it absolutely necessary that the truck be purchased this year?

Sinan Alpaslan, Director of Public Works and Parks, stated since this is a proposal from the Fire Department he is uncertain about the exact mileage. However, the qualification for replacement of a vehicle is based on the number of years in service. He stated this vehicle is a crew cab that will be used to convey additional firemen and tools to the scene when responding to emergencies. Councilmember Crow stated his question regarding the necessity to purchase the truck this year is based on the fact that the City may also have to invest in the purchase of additional EMS vehicles. Mr. Alpaslan stated while he believes the two purchases are unrelated, this proposal; which will be ascertained through a DOT contract, was presented to him at the end of the fiscal year. And although his staff made the decision to delay making this recommendation, he would have to confer with the Fire Department to determine whether it is an absolute necessity.

Councilmember Crow apologized to Mr. Adams for not submitting his questions in advance of tonight's meeting but believes it is important to get the answers to these questions prior to taking a vote.

Mr. Adams informed Councilmember Crow that staff would provide Council with the specifics at the next meeting.

Councilmember Crow made a motion to postpone this item until the next meeting, it was seconded by Councilmember Carr and the motion carried unanimously.

## 5. Police Vehicles

Mr. Adams stated staff is recommending the replacement of six (6) police vehicles. The mileage for each vehicle is contained in Council's packet.

Councilmember Glickert moved to approve, it was seconded by Councilmember Crow.

Councilmember Smotherson questioned whether the vehicles being replaced would be traded-in or sold at an auction? Mr. Adams stated that as a result of their excessive mileage these vehicles are normally auctioned off in a bundle.

Voice vote on the motion carried unanimously.

## L. UNFINISHED BUSINESS

### BILLS

- 1. Bill Number 9319-** AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER JULY 1, 2017 AND REPEALING ORDINANCE NO. 7012. Bill Number 9319 was read for the second and third time.

Councilmember Glickert made a motion that Bill 9319 be amended by adding the Planning and Zoning Administrator to Schedule B; Pay grade 14A, seconded by Councilmember Jennings.

Councilmember Carr stated she is unsure why the amendment is necessary since the Planning and Zoning Administrator is already listed under 14A?

Mr. Adams stated after the first reading of the Bill staff recognized this omission and thereafter revised the document to include the Planning and Zoning Administrator.

Voice vote on Councilmember Glickert's motion to amend, carried unanimously.

Councilmember Carr moved to approve Bill Number 9319 as amended, it was seconded by Councilmember Crow.

Roll Call Vote Was:

**Ayes:** Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings, Councilmember Carr and Mayor Welsch.

**Nays:** None.

## M. NEW BUSINESS

### RESOLUTIONS

*Introduced by Councilmember Jennings*

- 1. RESOLUTION 2017-12:** Majerus Park Grant Application. The motion was seconded by Councilmember Glickert.

Voice vote on the motion to approve carried unanimously.

## BILLS

*Introduced by Councilmember Smotherson*

2. **Bill Number 9320** - AN ORDINANCE AMENDING CHAPTER 110 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ADMINISTRATION, BY REPEALING SECTION 110.040 THEREOF, RELATING TO DISCLOSURE OF CONFLICTS OF INTEREST, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS "SECTION 110.040 DISCLOSURE OF CONFLICTS OF INTEREST." Bill Number 9320 was read for the first time.

### N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed  
Mayor Welsch announced the appointments that were needed.
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

### O. CITIZEN PARTICIPATION (continued if needed)

#### **Bryce Kehoe, 6552 Corbitt Avenue, University City, MO**

Mr. Kehoe reiterated his comments regarding the need to revise the section of the City's Ordinance specifically related to chickens and provided Council with an update on his research to address several complaints made by cyclists who encountered difficulty crossing the trolley tracks.

- Two different companies make an inexpensive product that plugs trolley tracks.
- Portland, Oregon; where U City's trolley cars were purchased, has a good system designed to separate bicycles, automobiles, and trolleys wherever possible.
- U City's tracks located east of the train station were designed to be textbook perfect. However, the tracks located on the west side are problematic in that the trolley, bikes, and automobiles must all vie for the same space.
- Bump-outs or trolley stops represent the most dangerous areas for cyclists.

Suggestions:

- That bicycles and pedestrians compete, rather than bicycles and trolleys, through the implementation of a gating system.
- That signs be posted on every street coming into Delmar advising cyclists to utilize side streets instead of Delmar.
- On-site kiosks or videos on the City's website to educate pedestrians and cyclists on how to safely cross the trolley tracks.
- Review of Wash U's Bicycle Detour Plan located on their website.

Mr. Kehoe stated the one entity that will have the most interest in finding a solution is the insurance companies. But, in the meantime, a temporary solution could be to fill in the tracks with sand to ensure that bicycles do not get stuck in the ruts.

#### **Don Fitz, 720 Harvard, University City, MO**

Mr. Fitz thanked Mayor Welsch for participating in the taping of *Mayor's for Clean Energy* on June 29th, along with the Mayor of Maplewood.

He then urged everyone to not only attend MSD's Trustee meeting on July 13th, but to remember that anybody can make promises, but if they are not in writing all you really have is their word.

And sometimes even the fact that you have it in writing can be meaningless when citizens become content, let down their guard and stop attending meetings because he has personally experienced instances where organizations have reneged on fulfilling their part of a contract and they found out about it after-the-fact. Mr. Fitz stated that MSD has less need to be responsive to the citizens of U City than the County Council; who actually reversed their decision in the case he was involved in. And if the County Council can undo a positive resolution, MSD can certainly exhibit the same type of behavior. So not only do citizens have to make sure everything is in writing, they have to maintain oversight throughout the entire process to ensure that promises are fulfilled.

**P. COUNCIL COMMENTS**

Councilmember Smotherson thanked everyone in attendance and made the following requests:

1. That at the next meeting staff provide Council with an update on the expenditures associated with the temporary police station, as well the balance remaining from the 7 million dollar reserve.
2. That staff makes an assessment of the sidewalk in front of 1436 Waldron; (*the correct address*) to determine whether anything can be done to eliminate the zigzags in the walkway.
3. That staff makes an assessment of the large amounts of dirt that was left after the sidewalk was replaced at 8043 Appleton, to determine whether anything can be done.

Councilmember Smotherson stated both of these residents are elderly and cannot take care of these issues on their own. He announced that he did plan to attend and speak at the MSD meeting and that members of Council have been, and would continue to meet with their Trustees.

Councilmember Crow stated although he appreciates the research conducted by Mr. Kehoe, he thinks it is important for staff to provide Council with an update and current status of any temporary and long-term solutions related to this issue. He stated that the City Manager should also keep Council apprised of any conversations that are taking place between the City and MSD.

Councilmember Crow requested that Council be provided with an update from the Department of Community Development on the land at Olive and North and South. He stated that he is also interested in hearing from a member of staff about the City's masonry building requirements and what avenues can be taken to initiate dialogue between the City and its citizens to allow them an opportunity to express their feelings about non-conforming houses being built in their neighborhoods.

Councilmember Crow stated although he is still trying to gain an understanding of Council's obligation to follow its own rules, he is pleased that the communications being published by individual members of Council seem to be more diplomatic and polite. He stated his hope is that the community has started to recognize some of the progress Council has been made, and plans to continue by addressing these issues in the near future: Gateway Ambulance service; the City's liability insurance premiums, and the conduct of Councilmember Glickert and Mayor Welsch.

Councilmember Carr echoed Councilmember Crow's request regarding an update on the Olive and North and South property and reminded Council of her desire to have the Storm Water Task Force up and running by September. She stated that she would be posting several city-wide announcements with the hope of recruiting more applicants

Councilmember Carr stated when Mr. Ollendorff retired Council established a precedent that she would like this Council to consider, which was to freeze all entry-level recruitment and hiring activities until the new City Manager was brought on board to allow him or her the opportunity to develop their own staff. Currently, the City has such vacancies and since it will only be a short period of time until a new City Manager is appointed, she would ask Council to think about this proposition and be prepared to discuss it in greater detail at the next meeting.

**Q. ADJOURNMENT**

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 7:03 p.m.

LaRette Reese  
Interim City Clerk

SPECIAL MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**July 31, 2017**  
**5:00 p.m.**

**A. MEETING CALLED TO ORDER**

At the Special Session of the City Council of University City held on the fifth floor of City Hall, on Monday, July 31, 2017, Mayor Shelley Welsch, called the meeting to order at 5:00 p.m.

**B. ROLL CALL**

In addition to the Mayor, the following members of Council were present:

Councilmember Rod Jennings; *(arrived at 5:06pm)*  
Councilmember Paulette Carr; *(via Video Conference)*  
Councilmember Steven McMahon  
Councilmember Terry Crow  
Councilmember Michael Glickert  
Councilmember Bwayne Smotherson

Also in attendance was Tina Charumilind as Acting City Manager

**C. APPROVAL OF AGENDA**

Mayor Welsch stated requested the votes for the 2 liquor licenses be moved to the City Manager's Report where they normally reside.

Hearing no other request to amend the Agenda, Mayor Welsch proceeded as follows:

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

**F. APPOINTMENTS TO BOARDS & COMMISSIONS**

**G. SWEARING INTO BOARDS & COMMISSIONS**

**H. CITIZEN PARTICIPATION - (Total of 15 minutes allowed)**

**I. PUBLIC HEARINGS**

**1. Liquor License for the Mad Crab Restaurant**

Mayor Welsch opened the public hearing at 5:01 p.m. Hearing no requests, Mayor Welsch closed the public hearing at 5:01 p.m.

**2. Liquor License for the Taco Buddha Restaurant**

Mayor Welsch opened the public hearing at 5:01 p.m. Hearing no requests, Mayor Welsch closed the public hearing at 5:01 p.m.

**J. CONSENT AGENDA**

## **K. CITY MANAGER'S REPORT**

### **1. Approve Liquor License for the Mad Crab Restaurant (8080 Olive Blvd.)**

Councilmember Glickert moved to approve, it was seconded by Mayor Welsch.

Councilmember McMahon stated that the ordinance indicates the recommendations need to come from citizen residents and it appears some of names on the application may not qualify. He posed the following questions:

- I. The second name listed on the application is Seafood City Inc. (Alex Fung), he asked if Alex Fung is the actual owner and if he lives in the City or not? Also on number two; the answer to the question regarding any reason to refuse the applicant a license to sell intoxicating liquor is marked "yes"; is that correct?
- II. The third name listed on the application is the Olive Supermarket; although they may be interrelated with other corporations is this the same person/owner?
- III. The fourth name on the application is Wonton King, the owners name is unclear; so is it the owner or manager? The question regarding a reason to refuse the license was not answered.
- IV. The fifth name on the application is Wei Hong and it's the same situation as number four.

Councilmember McMahon stated again that he is not sure these recommendations comply with the ordinance. He stated that he shared his concerns with Councilmember Glickert last Friday when the request to have an expedited hearing was received.

Councilmember Glickert stated that he had spoken with the Interim, Interim City Manager and thought everything was squared away. He stated that unfortunately historically we have let this portion of the application slip; we have had people that did not live in University City sign off on liquor licenses in the past. If in the future we need to have only citizens living around the establishment sign off; we will need to tighten the process up.

Councilmember Carr stated other liquor license requests have been postponed until they are completed; there are several answers that are questionable or missing all together. She advised that she does not feel Council should waive this questions; everything should be in order. She believes the questions can be cleared up and the next meeting is only a couple of weeks again. It's regrettable that no one took action between last Friday and now; she would like to vote yes but she will not do so unless this portion is corrected.

Ms. Charumilind stated that she did not look at St. Louis County's website to confirm the business owner listed is actually the person that owns the property or if they reside in U City.

Councilmember Crow stated that between the applicant and staff, by the time it gets to Council all of this should be done already.



Whether its staff or the applicant or whomever, it looks as if we do not have residents signing off on this and our ordinance states that it is required. He would love to help but this is not his responsibility, it's the applicants and staffs responsibility. It looks like we do not have residents of the City making the recommendations on this application. He would like to know if someone can tell him if the five folks listed meet the test of our ordinances and if they don't it will have to come back in 2 weeks.

Councilmember Glickert stated that he did not want to come back in 2 weeks; he would really like to see a business owner in University City get a beer and wine license now. The restaurant is doing a very brisk business, and he believes this has happen before and we could have a variance in this process whereby we can approve the license and have the applicant get the information that Council needs afterwards. It's only 3 or 4 names that are needed. Councilmember Glickert asked the Mayor if Mr. Van Ho could come forward to answer Councilmember Crow's question; Mayor Welsch asked Mr. Van Ho to come forward to the mic.

Councilmember Crow asked Mr. Van Ho the following questions:

- I. Liling Wemhoener appears to live in U City so that signature is good.
- II. Is Alex Fung of Seafood City a resident of University City? Mr. Van Ho stated he did not know. He stated Mr. Fung is his landlord and owns Seafood City.
- III. Is the owner of Olive Supermarket Inc. a resident? Mr. Van Ho stated he did not know but that he owns the market across from Seafood City.
- IV. Is the owner of Wonton King a resident? Mr. Van Ho stated he did not know if the owner lives if U City.
- V. Is the owner of Wei Hong a resident? Mr. Van Ho stated he did not know if the owner lives if U City.

Councilmember Crow stated that he had asked these questions about residency last week. He doesn't think a variance has ever been done when 4 of 5 recommendations have not been shown to be residents. He would love to help out, but this is the applicant and staff's responsibility. By the time we get to this stage, staff should have already signed off and said residency has not been verified. And today the applicant cannot provide confirmation. So what choice does Council really have?

Mayor Welsch asked Mr. Charumilind if there are any other choices? Ms. Charumilind stated that in the past, staff did not really check the St. Louis County website for residency verification. When applicants or business owners receive the application staff explains the procedure to them. In general people have lived or done business at these locations for 10 or 17 years we assume. Ms. Charumilind knows the names and knows that they have done business in our City for a number of years.

Councilmember Crow stated that's not what the ordinance says. Ms. Charumilind asked what if they own the properties?

Councilmember Jennings stated that regretfully he has to concur with Councilmember Crow. There are not enough residents on the application. These are all fine business owners but this is a technical thing and you really need to go back and correct it.

It looks as though the will of the Council is not to pass this as a variance so a special meeting will be needed once you have the signature or it can be brought back in 2 weeks at August 14<sup>th</sup> meeting.

Councilmember Carr stated that she adamantly against going against an ordinance and she cannot remember when there has been a variance. Staff was given notice on last Friday and the meeting was called on Friday to best of her knowledge. Councilmember Carr moved to postpone approval until the next meeting. The motion was seconded by Councilmember Jennings.

Councilmember Jennings asked the applicant to help make the application more litigable by printing the names so it's clear who the folks are. He stated he had been to the restaurant and had a wonderful meal and looks forward to continuing to do business.

Councilmember Smotherson asked if both or one application was being addressed. The Mayor replied the motion is just for the Mad Crab.

The motion to postpone approval of a liquor license to the Mad Crab Restaurant until the next meeting August 14<sup>th</sup> passed unanimously.

Mayor Welsch apologized to Mr. Van Ho and asked that he come back on the August 14<sup>th</sup> with the 5 residential signatures.

Mayor Welsch said for record, Councilmember Crow has mentioned a number of times that we need a review of this process and she really thinks we need to get that done. We are asking people to vouch for the character of the applicant and basically anyone new coming into U City who do not know U City people, will be asking people to sign off and vouch for an applicant or people they may not know. She believes the second paragraph of the application is poorly written. When she was first of the Council a creditable real estate property tax paying citizen was the person vouching for the character of the applicants. She does not think in the past they have always been residents of University City, and this has to be clarified. If we need to carefully review the ordinance, we should do that and go through the process that Councilmember Crow has asked for a number of times.

As it is, this may keep people out of University City if they don't know people who will vouch for their character. We should look at their professional requirements; rather or not they've had a license before, their sales taxes, etc.

**2. *Approve Liquor License for the Taco Buddha Restaurant (7405 Pershing Ave.)***

Councilmember McMahon moved to approve, it was seconded by Councilmember Crow.

Mayor Welsch asked Mr. Eller where Lynn Eastin (#5 signature) lives? No address was provided on the application. Mr. Eller stated that Lynn lives on Alta Dena Court and he has known her for 1 year and 4 months.

Councilmember McMahon stated he had called Mr. Eller earlier to give a heads up on the missing address; according to St. Louis County property records Ms. Eastin's address is 416 Alta Dena Court.

The motion to approve the liquor license for Taco Buddha passed unanimously.

**L. UNFINISHED BUSINESS**

*BILLS*

**M. NEW BUSINESS**

*RESOLUTIONS*

*BILLS*

**N. COUNCIL REPORTS/BUSINESS**

**1. Boards and Commission appointments needed**

Mayor Welsch announced the appointments that were needed.

**2. Council liaison reports on Boards and Commissions**

**3. Boards, Commissions, and Task Force minutes**

**4. Other Discussions/Business**

**O. CITIZEN PARTICIPATION (continued if needed)**

**Jan Adams, 7150 Cambridge Ave, University City, MO**

Ms. Adams stated that a few weeks ago she had submitted a status report on some of the litigation pending against University City. She reported that it was her understanding that the action challenging the legality of Mr. McMahon's claim to the office of Council member for Ward 1, after April, 2017, was dismissed on a procedural issue and that the claim would be re-filed. Tonight she was there to report that, in fact, the Petition for Declaratory Judgment has been re-filed. She also wanted to correct the apparent misrepresentation of the laws that govern this case. It is her understanding that some lawyer has informed some members of this Council that the votes that Mr. McMahon casts after April 30, 2017, are valid and would be upheld in a Court of law. That is not true.

She has also been informed that the City Attorney believes that if he can delay any adjudication of this case until after April, 2018, that the issue will be moot. This is also not true. Taxpayers have a remedy to right any wrongs whenever this matter is finally adjudicated. So the delays and the attorney's fees for the delays are a waste of taxpayer's money.

She stated for her legal opinions, she relies on the McQuillin Municipal Corporation Treatise and the Corpus Juris Secundum, , as well as the Westlaw publication on "Local Government and case law from the State of Missouri. She is attaching to her comments the relevant excerpts from her research so that it can be provided to any attorney who has a different opinion. She updated her research today and can say that the law cited has not been overturned.

She read a few excerpts from her research; "the reason for validating the acts of a de facto officer does not exist if the public and third persons are aware of defects in the officer's title and are consequently not deceived". "A person who assumes without authority to exercise official powers ordinarily does not become an officer de facto if his authority to exercise by such powers is promptly challenged"; which it has been in this case.

"The doctrine does not protect members of the public or third parties who were aware of the defects in the officer's title. So, too the doctrine does not protect the de facto officer who acts for his own benefit".

“The reason for validating the acts of a de facto officer does not exist if the public and third persons are aware of defects in the officer’s title and are consequently not deceived”. “Expiration of the term dose not abate the pending litigation”.

To be clear any action taken by this Council based on 4-3 vote in which Mr. McMahon votes with the majority, after April 30, may be overturned by the courts. Furthermore, the Courts have ordered the offending officer holder to pay attorney’s fees, court fines, and reimbursement to the City for misappropriated funds. Mr. McMahon has suggested that he is in favor of breaching the contract with Gateway Ambulance. That could prove to be very expensive. This Council has a sworn duty to be prudent and good stewarts of taxpayer funds, so you should not be funding a flawed legal defense based on some other lawyer’s misrepresentations. She asks that a copy comments and the attachment be attached to the minutes.

**P. COUNCIL COMMENTS**

Councilmember Glickert thanked Council for moving quickly with this issue of the liquor license approvals. He then stated that over the weekend the diving and slide areas of the pool were closed on Saturday. The reason for the closure was a shortage of guards; he asked Ms. Charumilind to get back to Council to let them know what happen. He understands that historically August falls short as the young people go back to school and sports but this is still July. He is worried that we outsourced with Lifeguards Unlimited, but they seem to be limited. The weekend is high peek time and he would really like to the slide open for the residents. Ms. Charumilind stated she would get back to Council with more information.

**Q. ADJOURNMENT**

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 5:26 p.m.

LaRette Reese  
Interim City Clerk

Council Comments  
July 31, 2017

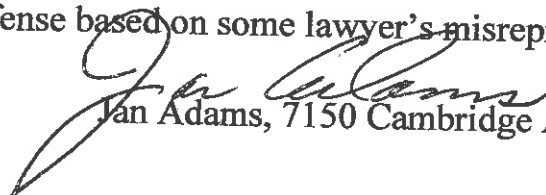
A few weeks ago, I submitted a status report on some of the litigation pending against University City. I reported that it was my understanding that the action challenging the legality of Mr. McMahon's claim to the office of Council member for Ward 1, after April, 2017, was dismissed on a procedural issue and that the claim would be re-filed. I am here tonight to report that it, in fact, that Petition for Declaratory Judgment has been re-filed.

I am also here to correct an apparent misrepresentation of the laws that govern this case. It is my understanding that some lawyer has informed some members of this Council that the votes that Mr. McMahon casts after April 30, 2017, are valid and would be upheld in a Court of law. That is not true.

I have also been informed that the City Attorney believes that if he can delay any adjudication of this case until after April, 2018, that the issue will be moot. That is also not true. Taxpayers have a remedy to right any wrongs whenever this matter is finally adjudicated.

For my legal opinions, I rely on the McQuillin Municipal Corporation Treatise and Corpus Juris Secundum, as well as the Westlaw publication on "Local Government" and case law from the State of Missouri. I am attaching to these Comments, the relevant excerpts from my research so that you can provide this to any attorney who has a different opinion. I updated my research today and can say that the law I have cited has not been overturned.

To be clear, any action taken by this Council, based on a 4-3 vote in which Mr. McMahon votes with the majority, after April 30, may be overturned by the Courts. Furthermore, the Courts have ordered the offending office holder to pay attorney fees, court fines, and reimbursement to the City for misappropriated funds. Mr. McMahon has suggested that he is in favor of breaching the contract with Gateway Ambulance. That could prove to be very expensive. This Council has a sworn duty to be prudent stewards of taxpayer funds, so you should not be funding a flawed legal defense based on some lawyer's misrepresentations.

  
Jan Adams, 7150 Cambridge Ave.

§ 12:161. Acts, 3 McQuillin Mun. Corp. § 12:161 (3d ed.)

3 McQuillin Mun. Corp. § 12:161 (3d ed.)

McQuillin The Law of Municipal Corporations | July 2017 Update

Chapter 12. Elections, Offices and Officers, Employees and Agents and

Municipal Departments

VII. De Facto Officers

“The acts of an officer de facto, although that officer’s title may be bad, are valid so far as they concern the public or third persons who have an interest in the thing done.

...The official acts of de facto officers are validated only from motives of public policy to preserve the rights of third persons and the organization of society.

***...However, the reason for validating the acts of a de facto officer does not exist if the public and third persons are aware of defects in the officer’s title and are consequently not deceived.***

...and de facto officers are not permitted to benefit personally from what is legally a usurpation of office.”

67 C.J.S. Officers § 461

Corpus Juris Secundum | June 2017 Update

Officers and Public Employees

Francis C. Amendola, J.D., James Buchwalter, J.D., Lonnie E. Griffith, Jr.,

J.D., Sonja Larsen, J.D., Stephen Lease, J.D., William

Lindsley, J.D., Eric Mayer, J.D., Jeanne M. Reiser, J.D.

X. De Facto Officers

§ 461. Color of title—Acting without qualification; unauthorized assumption of office

An Occupant of an office who has exercised the powers thereof for a considerable period of time, with the acquiescence of the public authorities and the public, may be an officer de facto.

***However, a person who assumes without authority to exercise official powers ordinarily does not become an officer de facto if his authority to exercise such powers is promptly challenged.***

**2 Local Government Law § 10:24**

**Local Government Law | May 2017 Update**

**John Martinez**

**Part II. Local Government Organization and Processes**

**Chapter 10. Personnel Matters**

**By John Martinez**

**II. Merit Selection**

**§ 10:24. Irregular installation, ratification, and de facto status**

The true reason for the de facto doctrine is to promote stability of expectation with respect to official acts by protecting the rights of the public and third parties who have relied upon the apparent authority of the officer. Accordingly, the doctrine does not protect members of the public or third parties who were aware of the defects in the officer's title.

So, too, the doctrine does not protect the de facto officer who acts for his own benefit. The American Doctrine of Judicial Review under which courts may declare statutes unconstitutional and the createdness of local government units which are empowered to do only that which their creator authorizes are sometimes invoked as counterweights to the public policy considerations upon which the "de facto" doctrine rests.

The better approach is to determine whether the protection afforded to innocent third parties and the public at large by the "de facto" doctrine is sound under the totality of the circumstances in the particular case rather than through the manipulation of abstractions like "void" and "voidable."

The trend toward scrutiny of the circumstances of the particular case as the touchstone for decisions can be seen in cases in which the officer seeks recovery of compensation for services rendered during the defective tenure of office. Although some courts deny recovery when the statute under which the services were rendered is adjudged unconstitutional or the occupation of the office is otherwise void, the better rule is to award or deny recovery to de facto officers based on whether the occupancy was in good faith, at least when there is no other claimant for the sum in question.

Even where a de facto officer may not sue to recover salary withheld from him, he may keep any salary he has received in good faith occupancy of the office.

*Alleger v. School Dist. No. 16, Newton County, 142 S.W.2d 660 (Mo. Ct. App. 1940)*

However, the reason for validating the acts of a de facto officer does not exist if the public and third persons are aware of defects in the officer's title and are consequently not deceived.

*Bogges v. Pence, 321 SW2d 667 (Mo. 1959)*

Expiration of the term does not abate the pending litigation.





## City Manager's Report Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Liquor License for **The Mad Crab, 8080 Olive Blvd.**

**AGENDA SECTION:** Public Hearing

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** **The Mad Crab Restaurant**, has applied for a liquor license: Beer and Wine, by the Drink, Retail including Sunday sales. Applicant is An Van HO.

- A background check by the Police Department revealed no disqualifying information.
- Department approval was granted from Community Development, with no additional comments.
- Recommendations from University City citizens are included.
- A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business.
- 2016 personal property tax record for the applicant indicate payment of taxes.
- Current voter registration documentation for the applicant was provided.

**ATTACHMENTS:** Background check  
Department Approval

**RECOMMENDATION:** Approval



Notice of Public Hearing  
(Case Number: PC 17-06)

Notice is hereby given that the City Council of University City will hold a public hearing on **Monday, August 14, 2017 at 6:30 pm** in the 5<sup>th</sup> Floor Council Chambers of City Hall, 6801 Delmar Boulevard, to consider the application of **Screaming Eagle Development, LLC** (c/o Matthew Masiel, Principal) for a Zoning Map Amendment to rezone the property located at 1351 N. Hanley Road (former Nathaniel Hawthorne Elementary School) from PA–Public Activity District to HR-High Density Residential District. Please contact Raymond Lai at 314-505-8502 with questions about the proposed Map Amendment. Persons with disabilities who require special arrangements to attend the public hearing should contact LaRette Reese at 314-505-8531 at least 5 days prior to the meeting. All interested parties are invited to attend.

CITY OF UNIVERSITY CITY  
LaRette Reese  
Interim City Clerk



Notice of Public Hearing  
(Case Number: PC 17-07)

Notice is hereby given that the City Council of University City will hold a public hearing on **Monday, August 14, 2017 at 6:30 pm** in the 5<sup>th</sup> Floor Council Chambers of City Hall, 6801 Delmar Boulevard, to consider the application of **Rosemann & Assoc.** (c/o Jarret Cooper, V.P.) for amendment of the Final Development Plan for an existing “PD-M” Planned Development – Mixed-Use District for a proposed redevelopment of the existing multi-family senior housing development on the property located at 8350 Delcrest Drive (Crown Center for Senior Living). Please contact Raymond Lai at 314-505-8502 with questions about the proposed Map Amendment. Persons with disabilities who require special arrangements to attend the public hearing should contact LaRette Reese at 314-505-8531 at least 5 days prior to the meeting. All interested parties are invited to attend.

CITY OF UNIVERSITY CITY  
LaRette Reese  
Interim City Clerk





## City Manager's Report Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Liquor License for **the Gatesworth**

**AGENDA SECTION:** Public Hearing

**CAN THIS ITEM BE RESCHEDULED? :** Yes

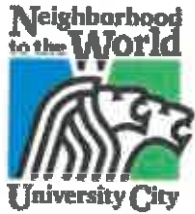
**BACKGROUND REVIEW:** **One McKnight Place Development** formerly McKnight Place PTP, LLLP DBA the Gatesworth, has applied for a liquor license: All kinds of intoxicating liquor, by the drink, retail, including Sunday sales. This location currently has a valid liquor license for the same classification. This request is due to a change in the name of liquor license holding. The Managing Officer is David Smith.

**ATTACHMENTS:** Valid Liquor License for 2017

**RECOMMENDATION:** Approval







## City Manager's Report Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Liquor License for The Mad Crab, 8080 Olive Blvd.

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

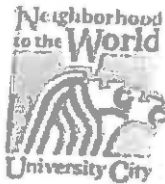
**BACKGROUND REVIEW:** The Mad Crab Restaurant, has applied for a liquor license: Beer and Wine, by the Drink, Retail including Sunday sales. Applicant is An Van HO.

- A background check by the Police Department revealed no disqualifying information.
- Department approval was granted from Community Development, with no additional comments.
- Recommendations from University City citizens are included.
- A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business.
- 2016 personal property tax record for the applicant indicate payment of taxes.
- Current voter registration documentation for the applicant was provided.

**ATTACHMENTS:** Background check  
Department Approval

**RECOMMENDATION:** Approval





**CITY OF UNIVERSITY CITY  
APPLICATION FOR LIQUOR LICENSE**  
University City Municipal Code Chapter 600 Section 600.060

**INSTRUCTIONS:** Read each question carefully. Make certain that each question is answered completely and correctly before you submit this application. If you need additional space, use the additional sheet provided at the end of this application. If a question does not apply to you, write N/A in the space, do not leave any blank fields. Submit all documents as requested. **PLEASE PRINT CLEARLY.**

Please note that this application may only be completed and filed by a sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license.

◁ AN APPLICANT IS NOT PERMITTED TO OPERATE UNTIL LICENSE IS ISSUED ▷

Applications must be accompanied by a non-refundable application filing fee of \$25.00

Type of license requested- separate license shall be obtained for each of the following classes of sales:  
(Please check each classification that applies)

<input type="checkbox"/>	2-	All kinds of intoxicating liquor, by the drink, retail . . . . .	\$450.00
<input type="checkbox"/>	4-	CLUB: All kinds of intoxicating liquor, by the drink, retail . . . . .	200.00
<input type="checkbox"/>	5-	Malt liquor not in excess of 5% alcohol wholesaler to wholesaler . . . . .	75.00
<input type="checkbox"/>	6-	Intoxicating liquor not in excess of 22% alcohol wholesaler to wholesaler . . . . .	150.00
<input type="checkbox"/>	7-	Malt liquor not in excess of 5% alcohol wholesaler to retailer . . . . .	150.00
<input type="checkbox"/>	8-	Intoxicating liquor not in excess of 22% alcohol wholesaler to retailer . . . . .	300.00
<input type="checkbox"/>	9-	Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the package, retail . . . . .	75.00
<input type="checkbox"/>	10-	Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the drink, retail . . . . .	75.00
<input checked="" type="checkbox"/>	11-	Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail . . . . .	75.00
<input type="checkbox"/>	12-	Intoxicating liquor not more than 22%, by the package, retail . . . . .	75.00
<input type="checkbox"/>	13-	Intoxicating liquor of all kinds, wholesaler to wholesaler . . . . .	375.00
<input type="checkbox"/>	14-	Intoxicating liquor of all kinds, wholesaler to retailer . . . . .	750.00
<input checked="" type="checkbox"/>	15-	Intoxicating liquor of all kinds by the package, retail . . . . .	150.00
		Sunday Liquor License . . . . .	300.00

I. BUSINESS APPLYING FOR LICENSE:		
A. BUSINESS NAME AND TYPE <i>The Mud Crab</i>		<input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company
B. DESCRIPTION OF PREMISES AND ADDRESS: DESCRIPTION: _____ ADDRESS: <i>2080 Olive Blvd, St. Louis MO 63130</i> HOURS OF OPERATION: _____		C. PHONE: <i>314-715-1013</i>
II. MANAGING OFFICER:		
A. NAME: (LAST) <i>MO</i>	(FIRST) <i>AN</i>	(MIDDLE INITIAL) <i>VAN</i>
B. ADDRESS, CITY & ZIP CODE: <i>8507 CRIXDALE AVE</i>		C. PHONE: <i>314-715-1013</i>
D. DATE OF BIRTH: [REDACTED]	F. BUSINESS PHONE: (IF DIFFERENT FROM ABOVE)	
G. PREVIOUS ADDRESS: (IF NOT AT PRESENT ADDRESS FOR 5 YEARS OR MORE) <i>301 Royal Ave Ferguson, MO 63185</i>		
H. IF FOREIGN BORN, PLEASE STATE COUNTRY, PLACE AND STATE OF NATURALIZATION:		
I. MISSOURI RESIDENT SINCE: (MONTH & YR)	K. TOWNSHIP:	L. COUNTY:
M. CURRENT BUSINESS OR OCCUPATION OF APPLICANT:		
N. NAME OF CORPORATION, PARTNERSHIP OR CLUB: (IF APPLICABLE)		
FOR PARTNERSHIP OR LIMITED PARTNERSHIP		NUMBER OF MEMBERS:
A2 STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL PARTNERS: (USE PAGE 7 IF NECESSARY)		
FOR CORPORATION OR LIMITED LIABILITY COMPANY		NUMBER OF MEMBERS: <i>1</i>
A3 STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL OFFICERS, DIRECTORS AND STOCKHOLDERS OWNING 1% OR MORE INTEREST IN THE CORPORATION OR MEMBERS OF A LIMITED LIABILITY COMPANY. (USE PAGE 7 IF NECESSARY)		
<i>MO, AN VAN</i>	<i>8507 Crixdale Ave, St. Louis MO 63132</i>	
<i>314-715-1013</i>	<i>12/07/64</i>	<i>100%</i>
OTHER PERSONS		NUMBER OF MEMBERS:
A4. LIST NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH FOR ALL OTHER PERSONS WHO HAVE AN INTEREST IN THE BUSINESS FOR WHICH LICENSE IS REQUESTED (USE PAGE 7 IF NECESSARY)		
B4. IN WHAT TYPE OF BUSINESS IS EACH OF THE ABOVE PERSONS ENGAGED. (USE PAGE 7 IF NECESSARY) <i>Limited Liability Company</i>		

**III. OTHER INFORMATION**

A. IS APPLICANT A QUALIFIED VOTER IN THE STATE OF MISSOURI?  
 YES  NO

B. IS APPLICANT AN ASSESSED, TAX PAYING CITIZEN IN THE STATE OF MISSOURI?  
 YES  NO

C. HAS APPLICANT PREVIOUSLY HELD A LIQUOR LICENSE OF ANY TYPE?

D. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM D)

E. HAS APPLICANT, OR ANY EMPLOYEE, OR PROPOSED EMPLOYEES, EVER BEEN DENIED A LIQUOR LICENSE, OR HAD A LICENSE TO SELL LIQUOR REVOKED?

F. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM F)

G. HAS APPLICANT EVER BEEN EMPLOYED IN ANY CAPACITY BY A BUSINESS WITH A BEER, WINE OR LIQUOR LICENSE?

H. EXPLAIN (WHEN, WHERE?)

YES  NO (IF YES, EXPLAIN, SEE ITEM H)

I. HAS THE APPLICANT, EMPLOYEE, OR PROPOSED EMPLOYEE EVER BEEN CONVICTED OF A VIOLATION OF ANY LAW REGULATING, CONTROLLING, OR PROHIBITING THE SALES OR MANUFACTURING OF INTOXICATING LIQUOR?

YES  NO (IF YES, EXPLAIN, USE PAGE 7 IF NECESSARY)

J. HAS ANY DISTILLER, WHOLESALER, WINE MAKER, BREWER OR ANY EMPLOYEE, OR AGENT THEREOF, HAVE OR PROPOSE TO HAVE, ANY FINANCIAL INTEREST IN THE BUSINESS TO WHICH THIS APPLICATION APPLIES?

YES  NO (IF YES, EXPLAIN, USE PAGE 7 IF NECESSARY)

K. INDICATE THE TYPE OF BUSINESS, IF ANY, APPLICANT PROPOSES TO CONDUCT ON PREMISES IN ADDITION TO SALE OF INTOXICATING LIQUOR:

- RESTAURANT
- HOTEL DINING ROOM
- OTHER (PLEASE EXPLAIN)

L. STATE ESTIMATE OF ANNUAL SALES VALUE: FOOD \$ \_\_\_\_\_ OTHER (INCLUDING LIQUOR) \$ \_\_\_\_\_

M. IS THERE A SCHOOL, CHURCH, SYNAGOGUE, PUBLIC PARK OR PLAYGROUND WITHIN ONE HUNDRED FIFTY (150) FEET OF THE PROPOSED BUSINESS?  YES  NO (IF YES, STATE THE NAME AND APPROXIMATE DISTANCES):

N. IS THE APPLICANT INDEBTED TO ANY PERSON FOR MONEY OR PROPERTY, TO BE USED IN THE LICENSED BUSINESS? (IF YES, STATE AMOUNT OF INDEBTEDNESS AND TO WHOM IT IS OWED )

YES  NO

AMOUNT OWED:

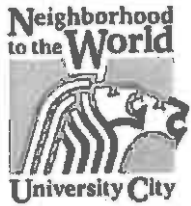
\$

NAME:

ADDRESS, CITY, STATE, & ZIP:

PHONE:

OCCUPATION:



**Inter-office Memo**



Date: 7/12/17

**TO: Colonel Hampton, Chief of Police**  
**FROM: Lieutenant Isenberg**  
**SUBJECT: 8080 Olive (Liquor License Application)**  
**CC:**

---

Business

The Mad Crab  
8080 Olive  
University City, MO 63130

Applicant

An Van Ho  
[REDACTED]  
8507 Crixdale  
University City, MO 63132  
314-715-1013

Sir,

I have reviewed the findings of the investigation completed by Detective Daur Nodari concerning the liquor license application submitted by An Van Ho for The Mad Crab located at 8080 Olive, University City, MO 63130. Det. Nodari's investigation was thorough and revealed no cause for a denial for a City of University Liquor License as applied for by An Van Ho.

Respectfully Submitted,

Lt. Isenberg.

Final Approval:

  
Col. Larry Hampton, Chief of Police



**Police Department**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 725-2211

## MEMORANDUM

TO: Chief Hampton

FROM: Detective Nodari

DATE: 07-12-2017

SUBJECT: Liquor License Application; 8080 Olive Blvd.

**Business**

The Mad Crab  
8080 Olive Blvd.  
University City MO, 63130

**Applicant**

Ho, An Van  
[REDACTED]  
8507 Crixdale Ave.  
University City MO, 63132  
314-715-1013

Application was received by Detective Nodari on 06-29-2017

Application is for Sunday Liquor License and Malt Liquor not in excess of 5% beer and 14% wine by the drink, retail.

**06-29-2017**

- Det. Nodari spoke to applicant and asked him to complete a St. Louis County "Records Check"
- Det. Nodari verified that applicant possesses a valid Missouri Driver's License
- Det. Nodari contacted the Missouri Secretary of State and verified that "The Mad Crab" has valid Articles of Organization on file, dated 04-30-2017, and an Amendment of Articles of Organization dated 05-03-2017, documenting a change of name to "The Mad Crab LLC"
- Det. Nodari contacted the Better Business Bureau and learned it was not an accredited business with the Better Business Bureau in the states of Missouri or Illinois.
- Det. Nodari conducted a computer check of the Lotus Notes database and located a report of a fight, involving a knife, documented under 17-937, which occurred at the same location, however, under a different ownership.

07-07-2017

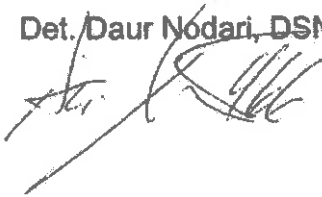
- Det. Nodari received a St. Louis County "Records Check" for An Van Ho, which read "NO RECORD" (see attached).
- Det. Nodari contacted the MO Attorney General's office and learned that there were no existing investigations or complaints against any businesses known as "The Mad Crab".

07-10-2017

- Detective Nodari met with An Van Ho and conducted an interview at the police station.
- During this interview Detective Nodari learned that An Van Ho will be employing a total of ten employees, all over the age of 21.
- An Van Ho also indicated that the business will be open seven days a week, Monday through Sunday, during the hours of 12pm- 10pm
- An Van Ho stated he does not plan to sell wine, only beer and no hard liquor.
- An Van Ho indicated that he has previously owned "Guava Nail Supply" and "Max Beauty Supply" businesses, which he has since sold to his brother.
- An Van Ho stated he is renting the building at 8080 Olive from Alex Fung for \$7000 a month.
- An Van Ho confirmed that he was not obtaining this license for any other individual and that he is the sole owner and proprietor of the business.

Respectfully,

Det. Daur Nodari, DSN 466





STATE OF MISSOURI

COUNTY OF ST LOUIS

SS

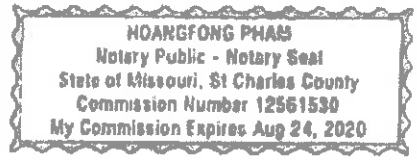
Comes now AN H<sup>2</sup> of lawful age being first duly sworn upon oath, deposes and says that he or she (1) is the sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license, (2) is authorized to make this application, (3) has read this application and understands same, (4) knows the contents of this application, (5) swears that the answers and statements contained in this application are true and correct, and (6) on behalf of the applicant, agrees to comply with all laws of the City of University City and the State of Missouri relevant to the applicant's business

X [Signature]  
SIGNATURE OF APPLICANT-MANAGING OFFICER

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY 12<sup>th</sup> of June 2017

[Signature]  
NOTARY PUBLIC

My COMMISSION EXPIRES 8/24/2020



3030 D/VC

THIS SECTION FOR CITY USE ONLY

APPROVALS:

Police Chief	_____	Date: _____
Comments:	_____	
Community Development	<u>Annamis</u>	Date: <u>7/26/17</u>
Comments:	<u>n/a</u>	
City Manager	_____	Date: _____
Comments:	_____	

Revised 11/2016



# Saint Louis COUNTY POLICE

Colonel Jon M. Belmar  
Chief of Police  
7900 Forsyth Boulevard  
St. Louis, Missouri 63105  
Voice/TTY (314) 889-2341

**BUREAU OF CENTRAL POLICE RECORDS - (314) 615-5317**

### ARREST RECORD INFORMATION

**RECORD CHECK INFORMATION REFLECTS ARREST/CRIMINAL INFORMATION FOR  
ST. LOUIS CITY AND ST. LOUIS COUNTY ONLY**

**DOES NOT INCLUDE TRAFFIC VIOLATION INFORMATION**

**RECORD CHECK APPLICATIONS WILL NOT BE ACCEPTED BY FAX**

### SECTION A: MUST BE COMPLETED PERSONALLY BY INDIVIDUAL REQUESTING RECORD CHECK

NAME An Van Ho RACE ASIAN SEX M HT 5'6" WT 145  
ADDRESS: 8507 CRIXDALE AVE.  
CITY U. CITY STATE MO ZIP 63132 PLACE OF BIRTH VIETNAM

THIS INFORMATION IS CURRENT AS OF 7-7-2017 BUT MAY NOT FULLY REFLECT DISPOSITIONS  
INSTITUTED THEREAFTER IN THE JUDICIAL PROCESS OR DURING JUDICIAL REVIEW.

I authorize the St. Louis County Police Department to release arrest/conviction information concerning myself which is on file at the Regional Justice Information Service in compliance with Chapter 610, Revised Missouri Statutes. I further understand that I am required to provide satisfactory verification of my identity prior to release of this information and that I am subject to a fee in accordance with County ordinance. The intent of the record check is for:

- St. Louis City and St. Louis County arrest/conviction information - OPEN RECORDS ONLY
- Record challenge (St. Louis County arrest/conviction information - BOTH OPEN AND CLOSED RECORDS)
- Child care and nursing home employment

### OFFICIAL NOTICE OF DISCLAIMER

THE RECORD INFORMATION SHOWN ON THIS FORM INCLUDES OPEN ARREST INFORMATION AND CERTAIN CLOSED INFORMATION WITHIN ST. LOUIS COUNTY AS DEFINED BY MISSOURI STATE STATUTE. THIS **INCLUDES** ARRESTS AND CONVICTION INFORMATION WITHIN ST. LOUIS COUNTY AS WELL AS CONVICTION INFORMATION **ONLY** FOR ST. LOUIS CITY. The information provided is based on comparison of our records with the name, race, sex, age, date of birth and social security number provided by the applicant and, to the best of our knowledge, the information provided belongs to the applicant. Since the only positive means of identification is through fingerprinting and fingerprinting was not part of this record check, the Police Department cannot state unequivocally the record belongs to the applicant.

An Van Ho  
Signature

7-7-2017  
Date of request

**SEE REVERSE SIDE FOR ARREST RECORD INFORMATION**



**IV SUNDAY LIQUOR LICENSE**

If application is for Sunday liquor license, complete the following section:

Under the provisions of Chapter 600, Section 600.260 of the Municipal code of the City of University City, application is hereby made for a license to sell intoxicating liquor between the hours of 9:00 A.M. and midnight on Sundays.

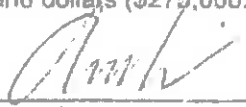
A APPLICANT NAME (LAST) HO (FIRST) AN (MIDDLE INITIAL) JAN

B BUSINESS NAME The Mad Crab PHONE NUMBER 314-715-1013

Type of Liquor License held or applied for:

- 1-2 All kinds of intoxicating liquor, by the drink, retail
- 9 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the package, retail
- 10 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the drink, retail
- 11 Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail
- 12 Intoxicating liquor not more than 22%, by the package, retail
- 15 Intoxicating liquor of all kinds, by the package, retail

For the purpose of obtaining said Sunday Liquor license: applicant states that at least fifty percent (50%) of the gross income of the restaurant bar at the above location is derived from the sale of prepared meals or food consumed on the premises, or which has an annual gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food.



Signature of Applicant

Owner / president

Title of Applicant

6-13-2017

Date

V. RECOMMENDATIONS- COMPLETE IF APPLYING FOR LICENSE TYPE 2, 10, OR 11

Five recommendations are required for Applicants petitioning for a license to sell intoxicating liquor by the drink at retail under section 600.080 of University City Municipal Code.

Each of the following recommendations is to be filled in and signed by a creditable resident, real property tax-paying citizen of University City, vouching for the character of the applicant.

1) Date: Aug. 1. 17 Name: Liting C. Wemhoner  
Location of University City real property taxed in your name: 8409 Elmire Ave  
How long have you known applicant? 10 years Are you related? friend  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? yes  
Phone Number: 314-9726612 Signature: Liting C. Wemhoner

2) Date: 8-01-17 Name: THU A TRAN  
Location of University City real property taxed in your name: 2342 Orchard Ave  
How long have you known applicant? 9 yr Are you related? friend  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? yes  
Phone Number: 314-3265229 Signature: Thu Tran

3) Date: 8/1/17 Name: JENNY THAI  
Location of University City real property taxed in your name: 1233 82nd Blvd  
How long have you known applicant? 14 yrs Are you related? friend  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? yes  
Phone Number: 636-634-1425 Signature: Jenny Thai

4) Date: Aug 1/17 Name: LIGAYA R REMINGTON  
Location of University City real property taxed in your name: 8526 ORCHARD AVE  
How long have you known applicant? 15 yr Are you related? friend  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? yes  
Phone Number: (314) 757-4685 Signature: Ligaya R Remington

5) Date: AUG-1-17 Name: NGUYEN HUA  
Location of University City real property taxed in your name: 1320 Grant Dr  
How long have you known applicant? 15 yr Are you related? friend  
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO  
Do you vouch for applicant's moral character and reputation? yes  
Phone Number: 314 680 8815 Signature: Nguyen Hua



6801 Delmar Blvd  
 University City, MO 63130  
 Tel: (314) 505-8544  
 Fax: (314) 863-0921

**VI. PETITION- COMPLETE IF APPLYING FOR LICENSE TYPE 2, 10, OR 11**

Under Chapter 600, Section 600.080, a petition must be submitted in favor of the license. Please Note: In the absence of valid petitions, the city council must have a five-sevenths vote to approve the license.

The undersigned taxpaying citizens, record owners of property within a radius of 200 feet of the primary public entrance of the premises in which the applicant proposes to sell intoxicating liquor, and owners occupying or conducting a business on the main or surface floor of buildings within such radius, hereby approve the foregoing application, and consent to the issuance to the applicant of a license to sell intoxicating liquor by the drink, to be consumed on the premises where sold:

NAME	ADDRESS
Lilias C. Wambacher	8409 Edmore Ave
ALEX. FUNK (Sacred City)	8020 Olive Blvd
John Wang	8041 Olive Blvd
William	8116 Olive Blvd
John	7740 Olive Blvd
Lillian Huang	1221 Mount Olive Ave
John Horns	2108 Olive Blvd
[Signature]	8312 Olive Blvd
[Signature]	1133 S. Olive Blvd 4667 67130
Peter Chang	8221 Olive Blvd.

(Attach additional sheet if necessary)





**SALES TAX REGISTRATION**

THE MAD CRAB LLC THE MAD CRAB LLC 8507 CRIXDALE AVE UNIVERSITY CITY MO 63132	DATE: <b>MAY 31, 2017</b>
	MO TAX ID NUMBER <b>23393009</b>
	PHONE: (573) 751-5860
	FAX: (573) 522-1722
E-mail: <a href="mailto:businesstaxregister@dor.mo.gov">businesstaxregister@dor.mo.gov</a>	

The Taxation Division has processed your Missouri Registration Application and issued the enclosed Retail Sales License(s).

Missouri Tax Identification Number 23393009 and PIN 3924 have been assigned to your business. Please refer to these numbers when corresponding with the Missouri Department of Revenue.

Your filing frequency is monthly. If you are a seasonal filer, a return must be filed for the month(s) you are registered for. If you only sell at special events, a return must be filed for the month(s) you receive a reporting form and attend an event. If you plan to attend a special event that you are not registered for, contact us at the above phone number or email address. If you have no tax to report, a zero return must be filed for the month(s) you are registered for. Your reporting forms will be mailed to you once a year in the form of a voucher booklet, which you should receive in about four weeks.

Below is your statement of no tax due from us which is a prerequisite to issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. You can also obtain a no tax due from our web site at [www.dor.mo.gov](http://www.dor.mo.gov), call 573-751-9268 or email us at [taxclearance@dor.mo.gov](mailto:taxclearance@dor.mo.gov).

If you require additional information or assistance, please contact the Department at the address or telephone number shown above.

**CERTIFICATE OF NO TAX DUE**

To Whom it may concern: The Department of Revenue, State of Missouri, certifies that the above listed taxpayer/account has filed all required returns and paid all sales and withholding tax due, including penalties and interest, or does not owe any sales or withholding tax, according to the records of the Missouri Department of Revenue, as of MAY 30, 2017. These records do not include returns that are not required to be filed as of this date for taxes previously collected or that have been filed but not yet processed by the Department.

This statement only applies to sales and withholding tax due and does not limit the authority of the Director of Revenue to assess, and/or collect liabilities under appeal, in default of an installment agreement entered into with the Director of Revenue or that becomes known to the Missouri Department of Revenue as a result of audit, review of taxpayer's records, or determination of successor liability.

**THIS CERTIFICATE REMAINS VALID FOR 90 DAYS FROM THE ISSUANCE DATE.**

DIRECTOR OF REVENUE OR DELEGATE  
 STATE OF MISSOURI

BY:

David J. Zanone

1C108943

COLLECTOR OF REVENUE  
41 S CENTRAL AVE  
ST LOUIS MO 63105  
(314) 615-5500

# ST LOUIS COUNTY, MISSOURI PERSONAL PROPERTY TAX BILL

ORIGINAL  
06/19/2017

TAX YEAR  
**2016**

ACCOUNT NUMBER	100213778	TAXING NAME	HO AN V	PIN	
		LOCATION	301 ROYAL AVE	SCHOOL/SUB	111AK

Taxes are based on ownership on January 1 of tax year, and become delinquent at 12:00 midnight December 31.  
A paid tax receipt for previous year(s) is needed to license or renew registration on any motor vehicle.

HO AN V  
301 ROYAL AVE  
SAINT LOUIS MO 63135

ASSESSED VALUE	TYPE	TAX RATE	SPECIAL ASSESSMENTS
1,270	PERSONAL	9.5835	ASSMT PENALTY 20.00 VEHICLE FEE 2.50
<p>MO law 139.100, 52.290 mandates the assessment of interest of 2% per month or any part thereof, plus a 2% penalty for all taxes unpaid by 12 midnight December 31 of tax year.</p> <p>In compliance with State statute 139.100 payments by mail require "postmark" by United States Postal Service on or before December 31.</p>			
TAX AMOUNTS			
CURRENT TAX AMOUNT		\$121.71	
CURRENT INT/PEN AMOUNT		\$17.34	
PRIOR YEAR TAX AMOUNT		\$222.95	
MISC. FEES		\$22.50	
<b>TOTAL DUE</b>		<b>\$384.50</b>	

TAX DISTRIBUTION	
ST. OF MISSOURI	0.38
COUNTY HEALTH FUND	1.78
CO. PARK MAINT.	0.63
COUNTY BOND RETIRE	0.24
ROAD & BRIDGE	1.33
ST L COMM COLL.	2.77
SPEC SCH DIST	15.76
MET ZOO MUS DIST	3.55
FERGUSON LIBRARY	2.79
SCH-FERG-FLO	70.36
METRO SEWER DIST	1.52
CTY-FERGUSON	16.79
SHELTERED WORKSHOP	1.14
COUNTY GENERAL	2.67
ASSMT PENALTY	20.00
VEHICLE FEE	2.50

**IMPORTANT:** Companies MUST SHOW PROOF of paid business personal property tax when applying for any County issued annual license or permit.

YEAR HERE AND RETURN LOWER PORTION WITH PAYMENT

ACCOUNT NUMBER	SCHOOL/SUB	CITY CODE	SITE CODE	EST	ORIGINAL	TAX YEAR
100213778	111AK	022	0537		06/19/2017	<b>2016</b>
VALUATION	TYPE	RATE PER \$100 =	CURRENT TAX +	INTEREST +	PENALTIES +	TOTAL FEES =
1,270	PERSONAL	9.5835	121.71	14.61	2.73	2.50
			20.00	ASSMT PENALTY amount includes prior taxes		
<b>PAY THIS AMOUNT \$384.50</b>						
Make checks payable to <b>COLLECTOR OF REVENUE</b>						

PRINT  
MAILING  
ADDRESS  
CHANGE

HO AN V  
301 ROYAL AVE  
SAINT LOUIS MO 63135

ST LOUIS COUNTY  
100213778-0 - HO AN V  
117264-0200 S P  
CASH:  
Payment Amount

DESCRIPTION OF PROPERTY	VEHICLE FEE	VALUATION
023053 - A 05 BMW 325	2.50	1,270
		161.55

MY164000011

PA51900213778CCCC

ND0000038450

YX1111122 9



RICHARD H. KELLETT  
Chairman  
TRUDI MCCOLLUM FOUSHEE  
Commissioner  
ERIC FEY  
Director of Elections

Saint Louis  
**COUNTY**  
**ELECTION BOARD**

JOHN W. MAUPIN  
Secretary  
vacant  
Commissioner  
RICK STREAM  
Director of Elections

**CERTIFICATE OF REGISTRATION**

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS



This is to certify that An Van Ho is a resident and registered voter in  
Precinct 42 of University Township of the County of St. Louis and the  
State of Missouri having registered on 6/12/17

I do hereby certify the following to be true and correct information obtained from the voter registration  
file and verified by the applicant.

Current Address: 8507 Crixdale Avenue  
City/State/Zip: Saint Louis, Missouri 63132  
Date of Birth: [REDACTED]  
U. S. Citizen: YES

IN WITNESS WHEREOF, I hereunto set my hand and the seal of said Board of Election  
Commissioners located in St. Louis County, Missouri, this 12 Day of June  
2017.

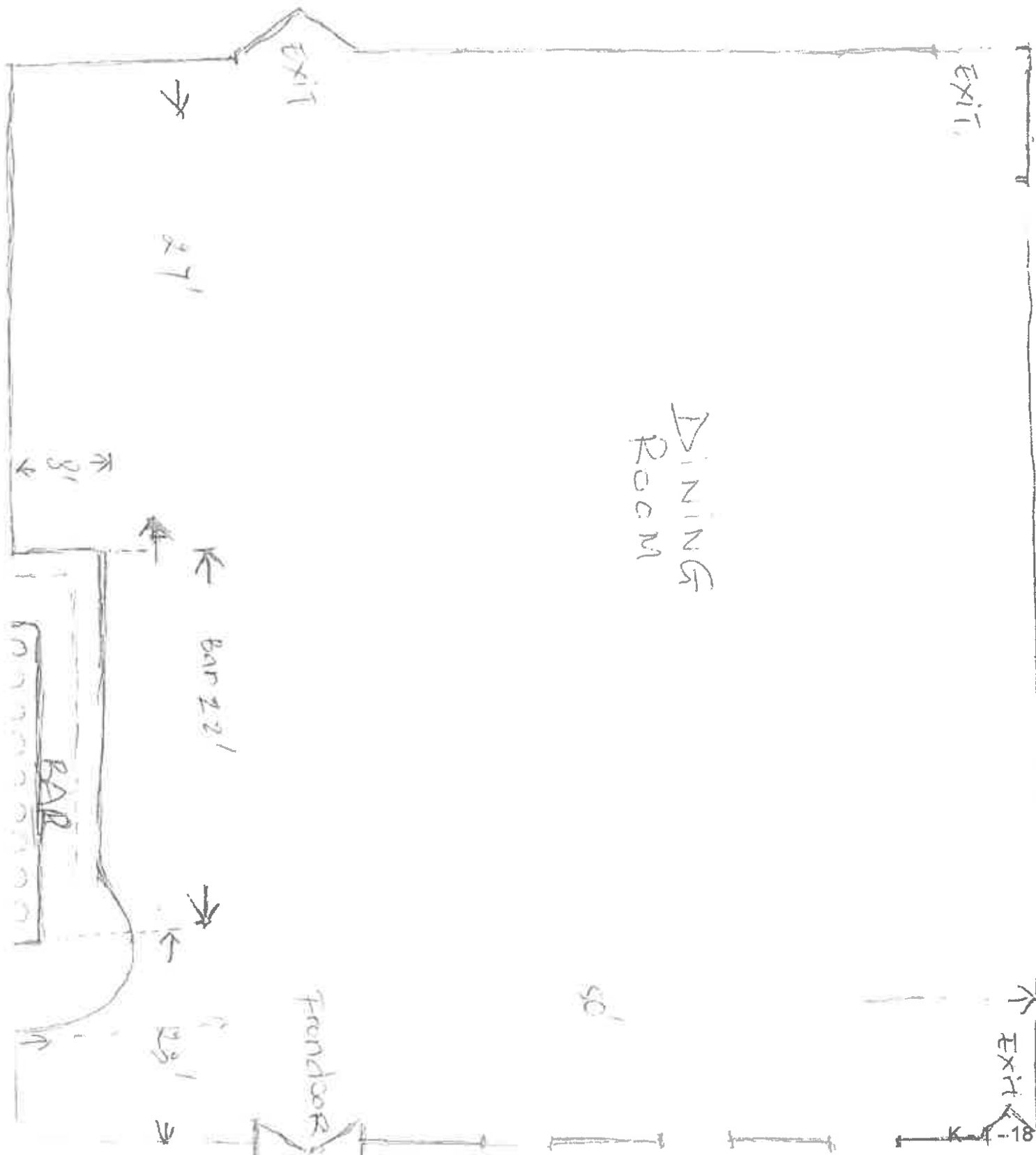
*Melissa Moore*  
Signature of Election Board Official

(Seal)

BOARD OF ELECTION COMMISSIONERS  
725 Northwest Plaza Drive • Saint Louis, MO 63143 • PH 314/615-1800 • FAX  
314/615-1999 RelayMO 711 or 800.735.2956 • web <http://www.stlouisco.com/elections>

(Reg k 11/2014)

KITCHEN



EXIT

DINING ROOM

EXIT

27'

8'

BAR 22'

BAR

25'

frondoor

EXIT

18



MISSOURI DEPARTMENT OF REVENUE  
 TAXATION DIVISION  
 P.O. BOX 3300  
 JEFFERSON CITY, MO 65105-3300

**SALES TAX REGISTRATION**

THE MAD CRAB LLC THE MAD CRAB LLC 8507 CRIXDALE AVE UNIVERSITY CITY MO 63132	DATE:                    MAY                    31, 2017
	MO TAX ID NUMBER:                    23393009
	PHONE: (573) 751-5860 FAX:     (573) 522-1722 E-mail: <a href="mailto:businesstaxregister@dor.mo.gov">businesstaxregister@dor.mo.gov</a>

Please use the following codes and rates applicable for each location when remitting sales or use tax to the Department of Revenue. These rates are effective as of the date of this letter but are subject to change. All rate changes are effective on the first day of the calendar quarter. Please confirm rates for each location at <http://dor.mo.gov/tax/business/sales/rates> before the next quarter to ensure you collect and report the correct rate for your location(s). If you require additional information, please contact the Department at the above address, telephone, or e-mail.

8080 OLIVE BLVD	75220 189 0001	08.613%
UNIVERSITY CITY	MO	

(B760-1)



## No Match Notification

A statewide search of the identifiers below has revealed no criminal conviction or sex offender information on file. Fingerprints were not provided and thus the result of the search cannot be guaranteed.

Date of Search: 05/25/2017

Name (1): AN VAN HO

Name (2):

Name (3):

Date Of Birth: [REDACTED]

SSN: [REDACTED]

Control Number: 3785056

If you have any questions, please do not hesitate to contact our office at 573-526-6312.

Missouri State Highway Patrol  
Criminal Justice Information Services Division  
PO BOX 9500  
Jefferson City, MO 65102



**State of Missouri**  
**John R. Ashcroft, Secretary of State**  
 Corporations Division  
 PO Box 778 / 600 W. Main St., Rm. 322  
 Jefferson City, MO 65102

**LC001537301**  
**Date Filed: 5/3/2017**  
**John R. Ashcroft**  
**Missouri Secretary of State**

**Amendment of Articles of Organization**

*(Submit with filing fee of \$25.00)*

Charter #: LC001537301

1. The current name of the limited liability company is THE CRAB BOIL & OYSTER BAR LLC

2. The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless a future date is otherwise indicated:

*(Date may not be more than 90 days after the filing date in this office)*

3. State date of occurrence that required this amendment: 5/1/2017  
*Month/Day/Year*

4. The articles of organization are hereby amended as follows:

New Name (if applicable): THE MAD CRAB LLC

5. (Check if applicable) This amendment is required to be filed because:

- management of the limited liability company is vested in one or more managers where management had not been so previously vested.
- management of the limited liability company is no longer vested in one or more managers where management was previously so vested.
- a change in the name of the limited liability company.
- a change in the time set forth in the articles of organization for the limited liability company to dissolve.

6. This amendment is (check either or both):

- authorized under the operating agreement
- required to be filed under the provisions of RSMo Chapter 347
- both

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

AN VAN HO  
*Authorized Signature*

AN VAN HO  
*Printed Name*

05/03/2017  
*Date*

Name and address to return filed document:

Name: J&G ACCOUNTING AND TAX SERVICE LLC

Address: Email: JG.ACCT.TAX@GMAIL.COM

City, State, and Zip Code: \_\_\_\_\_

LIC-12 (11/2009)

# BBB Accredited Business Directory

*Businesses you can trust in Eastern Missouri and Southern Illinois*

**Results for: THE MAD CRAB in Eastern Missouri and Southern Illinois**

We did not find any BBB Accredited Businesses that match your search criteria. Please try again.

# STATE OF MISSOURI



**John R. Ashcroft**  
**Secretary of State**

## CERTIFICATE OF ORGANIZATION

WHEREAS,

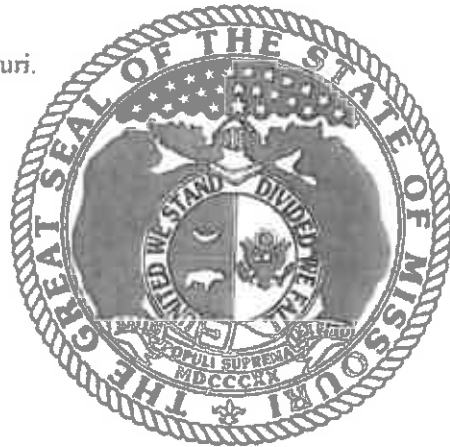
*THE CRAB BOIL & OYSTER BAR LLC*  
*LC001537301*

filed its Articles of Organization with this office on the 30th day of April, 2017, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, John R. Ashcroft, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 30th day of April, 2017, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri.  
Done at the City of Jefferson, this 30th day of April, 2017.

  
Secretary of State



8. The effective date of this document is the date it is filed by the Secretary of State of Missouri unless a future date is otherwise indicated: \_\_\_\_\_

*(Date may not be more than 90 days after the filing date in this office)*

**In Affirmation thereof, the facts stated above are true and correct:**

**(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)**

**All organizers must sign:**

AN VAN HO  
*Organizer Signature*

AN VAN HO  
*Printed Name*

04/30/2017  
*Date of Signature*



# STATE OF MISSOURI



**John R. Ashcroft**  
**Secretary of State**

## CERTIFICATE OF AMENDED ARTICLES OF ORGANIZATION

WHEREAS,

*THE MAD CRAB LLC*  
*LC001537301*

FORMERLY,

*THE CRAB BOIL & OYSTER BAR LLC*

filed its amended Articles of Organization with this office and WHEREAS that filing was found to conform to the Missouri Limited Liability Company Act;

NOW, THEREFORE, I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, by virtue of authority vested in me by law do hereby certify and declare that the above entity's Articles of Organization are amended.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 3rd day of May, 2017.

  
Secretary of State





**State of Missouri**  
**John R. Ashcroft, Secretary of State**  
 Corporations Division  
 PO Box 778 / 600 W. Main St., Rm. 322  
 Jefferson City, MO 65102

**LC001537301**  
**Date Filed: 4/30/2017**  
**John R. Ashcroft**  
**Missouri Secretary of State**

**Articles of Organization**

*(Submit with filing fee of \$105.00)*

1. The name of the limited liability company is

THE CRAB BOIL & OYSTER BAR LLC

*(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "LLC," or "LLC")*

2. The purpose(s) for which the limited liability company is organized:

TO PROVIDE FOOD SERVICES AND ALL OTHER LEGAL ACTS PERMITTED LIABILITY COMPANIES MAYBE ORGANIZED UNDER THE MISSOURI LIMITED LIABILITY COMPANY ACT, CHAPTER 347 RSMO.

3. The name and address of the limited liability company's registered agent in Missouri is:

JIAN SU LI

8221 OLIVE BLVD

ST LOUIS MO 63132

*Name*

*Street Address: May not use PO Box unless street address also provided*

*City/State/Zip*

4. The management of the limited liability company is vested in:  managers  members *(check one)*

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual: Perpetual

*(The answer to this question could cause possible tax consequences, you may wish to consult with your attorney or accountant)*

6. The name(s) and street address(es) of each organizer *(PO box may only be used in addition to a physical street address):*

*(Organizer(s) are not required to be member(s), manager(s) or owner(s))*

*Name*

*Address*

*City/State/Zip*

HO, AN VAN

8507 CRIXDALE AVE

ST LOUIS MO 63132

7.  Series LLC (OPTIONAL) Pursuant to Section 347.186, the limited liability company may establish a designated series in its operating agreement. The names of the series must include the full name of the limited liability company and are the following:

New Series:

The limited liability company gives notice that the series has limited liability.

New Series:

The limited liability company gives notice that the series has limited liability.

New Series:

The limited liability company gives notice that the series has limited liability.

*(Each separate series must also file an Attachment Form LLC IA.)*

Name and address to return filed document:	
Name:	<u>J&amp;G ACCOUNTING AND TAX SERVICE LLC</u>
Address:	<u>Email: JG.ACCT.TAX@GMAIL.COM</u>
City, State, and Zip Code:	_____

LLC-1 (08/2013)



## Council Agenda Item Cover

---

**MEETING DATE:** 08/14/2017

**AGENDA ITEM TITLE:** Replacement Fire Department Utility Truck

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** The Fire Department has a 2004 crew cab pick-up that has reached the end of its service life and requires replacement. The department has requested that a utility bed be installed instead of the standard truck bed. The base price of the truck is \$27,987. The price for the utility bed with the required options, installed, is \$12,381. The State of Missouri has issued a statewide cooperative purchasing contract for truck and the utility bed. The total purchase price for the truck with the utility bed installed is \$40,368.

**RECOMMENDATION:** Staff recommends that the City Council approve an award to Don Brown Chevrolet and Knapheide for the amount of \$40,368 for the replacement truck.

### **ATTACHMENTS:**

- 1) MODOT Bid Tabulation
- 2) Don Brown chassis quote
- 3) Knapheide service body quote
- 4) Proposed utility truck sample picture (a Chevrolet is proposed)



Missouri Department of Transportation  
RFB 3-170105TV Medium Duty Vehicles

Multiple Award

ITEM # 3 - New standard equipped 2017 or Newer Model Crew Cab ¾ Ton Pickup

VENDOR:

MAKE/MODEL

GVWR

GAS MPG

CITY / HWY

E-85 Compatible (Y/N)

Engine Size/HP

Tire Size

Bed Length

BASE PRICE 2WD/SHORT BOX

BASE PRICE 2WD/8' BOX

BASE PRICE 4WD/SHORT BOX

BASE PRICE 4WD/8' BOX

OPTION 3A Ext. Color Highway Yellow

OPTION 3B 2 Full length cab steps or running boards

OPTION 3C Bluetooth Capability

Optional Rear Axle Ratio

Limited Slip Rear Axle

OPTION 3F Commercial grade spray on bed lining

OPTION 3G Bed/Tow Package delete

OPTION 3H Receiver trailer hitch

OPTION 3I 1 Mounted 8' platform body

OPTION 3I 2 Mounted 8' aluminum platform body

OPTION 3J Permanently installed bulkhead

OPTION 3K Mounted standard utility tool body

OPTION 3L

Mounted fiberglass composite utility tool body

OPTION 3M Utility tool body 3 sections

OPTION 3N Additional set of keys

OPTION 3O

Standard diesel engine in lieu of gasoline engine

% of Discount Off MSRP

STD ARO (DAYS)



Don Brown with Knapheide

CAPACITIES & PRICES

Chevrolet 2500 2WD/4WD with 8' Box/Short Box

9,500

Approx. 11 - City / 13 - Hwy

Yes

6.0L / 360

LT245/75R17E

97.76"

\$26,333.00

\$26,635.00

\$28,373.00

\$28,587.00

\$273.00

\$573.00

\$187.00

\$92.00

\$-

\$490.00

(\$600.00)

\$625.00

\$2,325.00

\$5,400.00

\$500.00

\$5,485.00

\$1,850.00

\$42.00

\$8,024.00

10%

80



2244 S. Kingshighway, St. Louis, Missouri 63110  
 (314)772-1400 (314)772-1022 Fax  
[dave@donbrownchevrolet.com](mailto:dave@donbrownchevrolet.com)

ATTN: City of University City

DATE: 05/12/17

## QUOTE

QTY	DESCRIPTION	Unit Price	TOTAL
	MoDOT Contract # 3-170105TV		
1	2017 Silverado Item #3 2500HD Crew Cab 4WD 8' Box	\$28,587.00	\$28,587.00
1	Option 3G - Bed Delete	(\$600.00)	(\$600.00)
1	Vinyl Floor - Standard		
	Ext. Color - Red Hot		
<b>GRAND TOTAL</b>			<b>\$27,987.00</b>

If you should have any questions, please don't hesitate to give me a call. Thank you!

---

Dave Helterbrand  
 Fleet Department Manager

*This quote is good for 30 days*







**Knapheide Truck Equipment**  
 10101 Mid Rivers Mall Drive  
 St Peters MO 63376  
 Phone: 636-397-4444  
 Fax: 636-397-2613  
 www.stlouis.knapheide.com

**QUOTATION**

Quote ID: LD00003287

Page 1 of 3

**Customer:** UNIVERSITY CITY, CITY OF  
 STREET MAINTENANCE  
 1015 PENNSYLVANIA  
 UNIVERSITY CITY MO 63130

**Quote Number:** LD00003287

**Quote Date:** 5/15/2017

**Quote valid until:** 6/14/2017

**Contact:** TOM BRUSHWOOD

**Phone:** 1-314-505-8542

**Fax:** 1-314-863-0921

**By:** Prepared Idavies

**Salesperson:** PAUL MUEHLING

**PO#:**

<b>Make:</b> CHEVROLET	<b>Model:</b> SILVERADO 2500	<b>Year:</b> 2017	<b>Single/Dual:</b> SRW
<b>Cab Type:</b> REGULAR	<b>Wheelbase:</b> 134.0	<b>Cab-to-Axle:</b> 56.0	<b>VIN:</b>

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
1			\$12,381.00	\$12,381.00
1	KNAP 696J1	BODY UTILITY COMP. 696J CHASSIS APPLICATION: Single Wheel 56" CA BODY SHELL: 14 Ga. Galvanneal STEEL FLOOR: 12 Ga. Treadplate w/1-3/8" return flange UNDERSTRUCTURE: 50000 yield 11 Ga. high-strength STEEL cross sills (5) and (2) end rails TAILGATE: 14/16 Ga. Galvanneal steel double panel slam latchable tailgate, 12" high, installed. DOORS: Double-shell, 20 Ga. two-sided Galvanneal STEEL with hat-section reinforcement for durability and long life. All stainless STEEL continuous hinges with 1/8" pin provides corrosion protection and pry-proof security. DOOR RETAINERS: Double spring-over center door retainers are standard equipment on all vertical doors. Rubber door bumpers and chain retainers are standard items on all horizontal doors. DOOR SEALS: Automotive continuous hollow neoprene seals installed on all door frames. LIGHT GUARDS: Prepunched interior light guards provide protection for the optional recessed lights and for the wiring harness package. EXTERIOR PRIME: 12 stage prime paint process features, zinc phosphate precoat, complete immersion in electrodeposition gray epoxy primer, and oven curing for durable finish. INTERIOR PAINT: Medium gloss light gray electrodeposition epoxy paint reflects light and is oven cured for a mar resistant finish UNDERCOATING: The already primed underbody is completely undercoated with a water-borne material that provides extra corrosion and road debris protection WARRANTY: Exclusive 6-year guarantee to first owner/user covering no rust through on body shell, no failure of the standard continuous hinges, no failure of the latches or lock cylinders, and no bending of the shelves under maximum rated load of 250 pounds. OVERALL LENGTH: ----- 97-1/4" OVERALL WIDTH: ----- 78"		



Knapheide Truck Equipment  
 10101 Mid Rivers Mall Drive  
 St Peters MO 63376  
 Phone: 636-397-4444  
 Fax: 636-397-2613  
 www.stlouis.knapheide.com

**QUOTATION**

Quote ID: LD00003287

Page 2 of 3

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
		FLOOR WIDTH: ----- 49" SIDE COMPARTMENT HEIGHT: ---- 40" SIDE COMPARTMENT DEPTH: ---- 14-1/2" FLOOR HEIGHT: ----- 24" STREETSIDE COMPARTMENTATION: 1V = 31-1/4" in length x 40" high H = 44-3/4" in length x 18-1/2" high 2V = 21-1/4" in length x 40" high CURBSIDE COMPARTMENTATION: 1V = 31-1/4" in length x 40" high H = 44-3/4" in length x 18-1/2" high 2V = 21-1/4" in length x 40" high STANDARD SHELVING: Includes (2) adjustable divider shelves each front vertical compartment, (1) bolt-in divider shelf curbside horizontal compartment, (1) adjustable divider shelf each rear vertical compartment, and (28) shelf dividers. <b>MODOT 1K</b>		
1	KNAP 77000156	LIGHT HOLES INSTALLED,HIGH FOUR		
1	KNAP 26203802	MOUNTING KIT,SUPPLEMENT,GM 2001+ LATER, KC BODY 2011+ LATER, SERVICE BODIES		
1	WESH WHCSSFB- GM29K	29 DEGREE SS FULE FILL CUP		
1	EWB 26266494	KIT LIGHT UB LED 6 CIRCUIT		
1	BUYE 5624324	LIGHT 4in ROUND BACK-UP 24 LED CLR W/		
2	MISC 019-10-044	WEATHERPROOF FLASH DELAY		
1	KNAP 26050310	BUMPER,TREADPLATE,78",W/PINTLE HOOK RECESS,LOOSE MAKE BUMPER WINGS EACH SIDE OF LIFTGATE		
1	BUYE 3034789	HITCH UNIVERSAL 2"-NOTCHED <b>MODOT 1H</b>		
1	CURT 57184	7 WAY		
1	KNAP 77009256	TRIM PACKAGE, ALUM TREADPLATE 96" STANDARD BODIES, LOOSE		
1	XTRE BEDLINER	LINE INSIDE OF BED AND REAR BUMPER <b>MODOT 1F</b>		
2	BUYE 56297145	STRIP LIGHT 96"CLEAR COOL		
1	MAXO C2-54-1342 EA38	C2-54-1342 EA38+6"RAMP 1300 CAP 48"-54" (SB) ALUMINUM		
1	MAXO 295555-03	CM-LED RECT LT KIT 2R/2W LED COMB STT ( 2 RED/2 WHITE		
1	SMS	ROCK GUARD		
1	SL PAIN MAT	PAINTING MATERIAL TO PAINT BODY <b>MODOT 1A</b>		



Knapheide Truck Equipment  
 10101 Mid Rivers Mall Drive  
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 Phone: 636-397-4444  
 Fax: 636-397-2613  
 www.stlouis.knapheide.com

**QUOTATION**

Quote ID: LD00003287

Page 3 of 3

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
		WITH CLEATCOAT OPTION		
			Quote Total:	\$12,381.00
			Discount:	\$0.00
			Total Due(Sales tax not included):	\$12,381.00

The following options may be added:

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	

- ◆ Terms are Due Upon Receipt unless prior credit arrangements are made at the time of order.
- ◆ **Options and Quoted Items do NOT include applicable Sales Tax**
- ◆ If a pool chassis is being held that is associated with this quotation, the pool truck will be held for a maximum of 72 hours from the time of this quotation.

Notes:





## Council Agenda Item Cover

---

**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Site Plan for a tax-exempt religious institution to occupy 7860-64 Olive Blvd. in a commercial plaza in the "GC" – General Commercial District (#SPR 17-03)

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Attached is the Staff Report and related documents for the Site Plan application to allow a tax-exempt religious institution (All Nations church) to occupy and operate at the above-mentioned address. Section 400.2595 of the University City Zoning Code requires certain tax-exempt organizations such as religious institutions to obtain Site Plan approval from City Council.

Section 400.2620 of the Zoning Code requires staff to review the site plan and prepare a report and recommendation for City Council. For its approval, this agenda item would require a motion by the City Council.

**Attachments:**

Staff Report with attachments (including Site Plan application documents and drawings)

**RECOMMENDATION:** Approval



**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

MEETING DATE: August 14, 2017

FILE NUMBER: SPR 17-03

COUNCIL DISTRICT: 2

Type of Review: Site Plan

Location: 7860-64 Olive Blvd. (in Westover Center, Southwest corner of Olive Boulevard and Groby Road)

Property Owner: Clayton Building Partnership

Applicant: Bruce Hesterberg, Etegra, Inc. (on behalf of All Nations church)

Requested Action: Site Plan approval for a tax-exempt religious institution to occupy 7860-64 Olive Blvd. in a commercial plaza

**STAFF RECOMMENDATION**

Approval                       Approval with Conditions                       Denial

Existing Zoning: "GC" – General Commercial District  
Existing Land Use: Multi-tenant commercial plaza (Westover Center)  
Proposed Zoning: No change – "GC" District  
Proposed Land Use: No change – multi-tenant commercial plaza

**Surrounding Zoning and Land Use:**

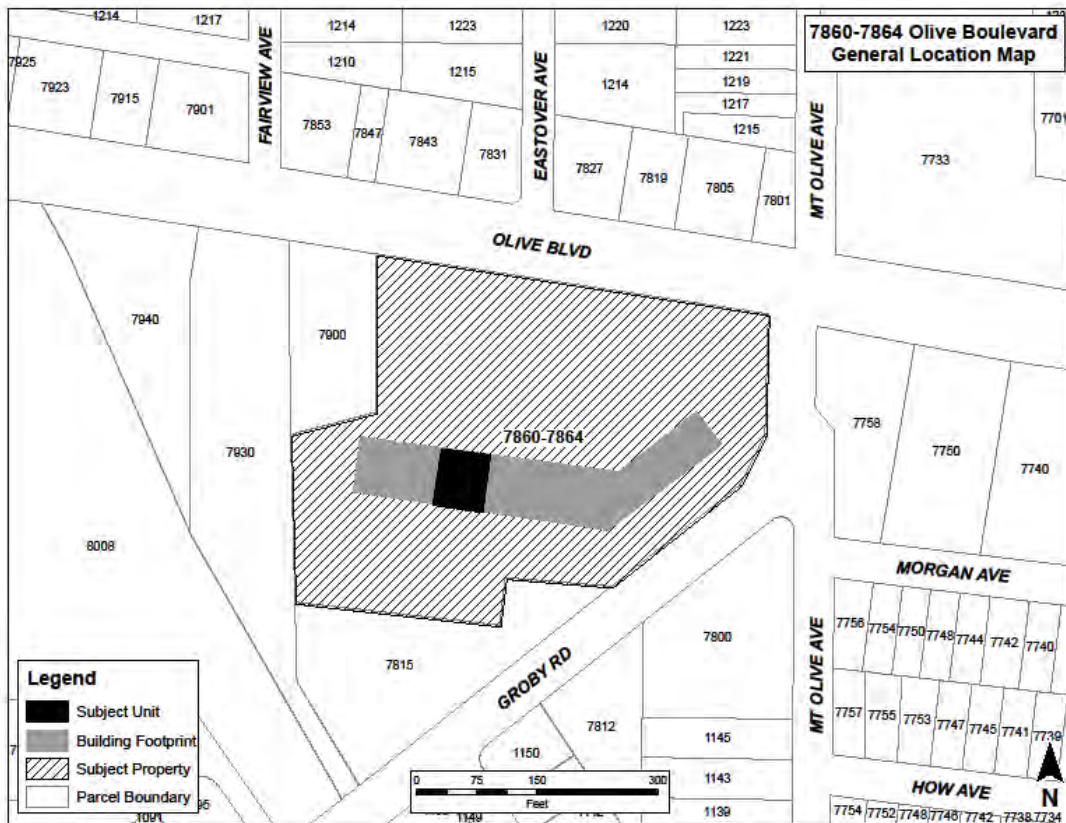
North: "GC" - General Commercial District	Commercial and institutional uses
East: "GC" - General Commercial District & "SR" - Single-Family Residential District	Restaurants, office, and church
South: "SR" - Single-Family Residential District	Open space
West: "GC" - General Commercial District	Retail and restaurants

**COMPREHENSIVE PLAN CONFORMANCE**

Yes                       No                       No reference

**ATTACHMENTS:**

- A. Map
- B. Application documents including site plan and elevation images



**Existing Property**

The subject building unit is a vacant tenant space (formerly occupied by Rent-A-Center) in a one-story multi-tenant commercial strip center (Westover Center) of approximately 30,325 sq. ft. in floor area, developed in 1990 on a 4.65-acre property. A large parking area with 206 parking spaces is located in front of the building. Access to the site is from Olive Boulevard and Groby Road, via a bi-directional curb-cut respectively.

**Applicant’s Request**

The current request is for Site Plan approval of re-occupancy of a former retail tenant space by a tax-exempt religious institution in a multi-tenant commercial center. The space is approximately 2,880 square feet in floor area. No additions or other exterior changes to the building are proposed, nor are any new curb-cuts or changes to the site layout of the commercial center. Primary construction work proposed involves only interior renovations.

**Process – Required City Approvals**

City Council: Sections 400.2595 and 400.2630 of the Zoning Code requires that site plans for tax-exempt religious institutions, among other tax-exempt persons and organizations, to occupy any real property in the City to be reviewed and approved by City Council. In conducting its review, City Council shall consider the staff report and the application to determine if the proposed site plan application meets the requirements of the Zoning Code. No public hearing is required.

## **Analysis**

*[The application and site plan were distributed to City Departments for review and comment. The analysis and staff recommendation sections of this report incorporate interdepartmental comments.]*

Places of worship such as the proposed use are permitted uses in the “GC” – General Commercial District. Thus, zoning classification and the proposed use for the subject site are not at issue. Operation of tax-exempt uses such as the one proposed requires Site Plan review and approval by City Council. City Council’s review of the site plan is to be as per Section 400.2630 of the Zoning Code and generally includes the site design and circulation, consistency with the Comprehensive Plan and other planning and development policies, parking and compatibility with adjacent properties.

With no proposed changes to the site design of the existing commercial center or the exterior of the building, it is the opinion of staff that the proposed use would be compatible with the surrounding areas and will not have any detrimental impact on nearby properties or uses.

The minimum off-street parking and loading space requirements set forth in Section 400.2140 of the Zoning Code are met. Sixteen (16) parking spaces are required for the proposed use, while 206 existing parking spaces will continue to be shared by various tenants in the commercial center with different operating hours. The on-site circulation will continue to be functional and efficient. Primary activities of the proposed use will occur on Sunday mornings, as noted on the site plan, when not many of the other existing tenants are opened.

The re-occupancy proposal is consistent with the goals and objectives of the 2005 Comprehensive Plan update. However, the Olive Boulevard Design Guidelines is not applicable as it does not meet any of the criteria triggering compliance with the Guidelines.

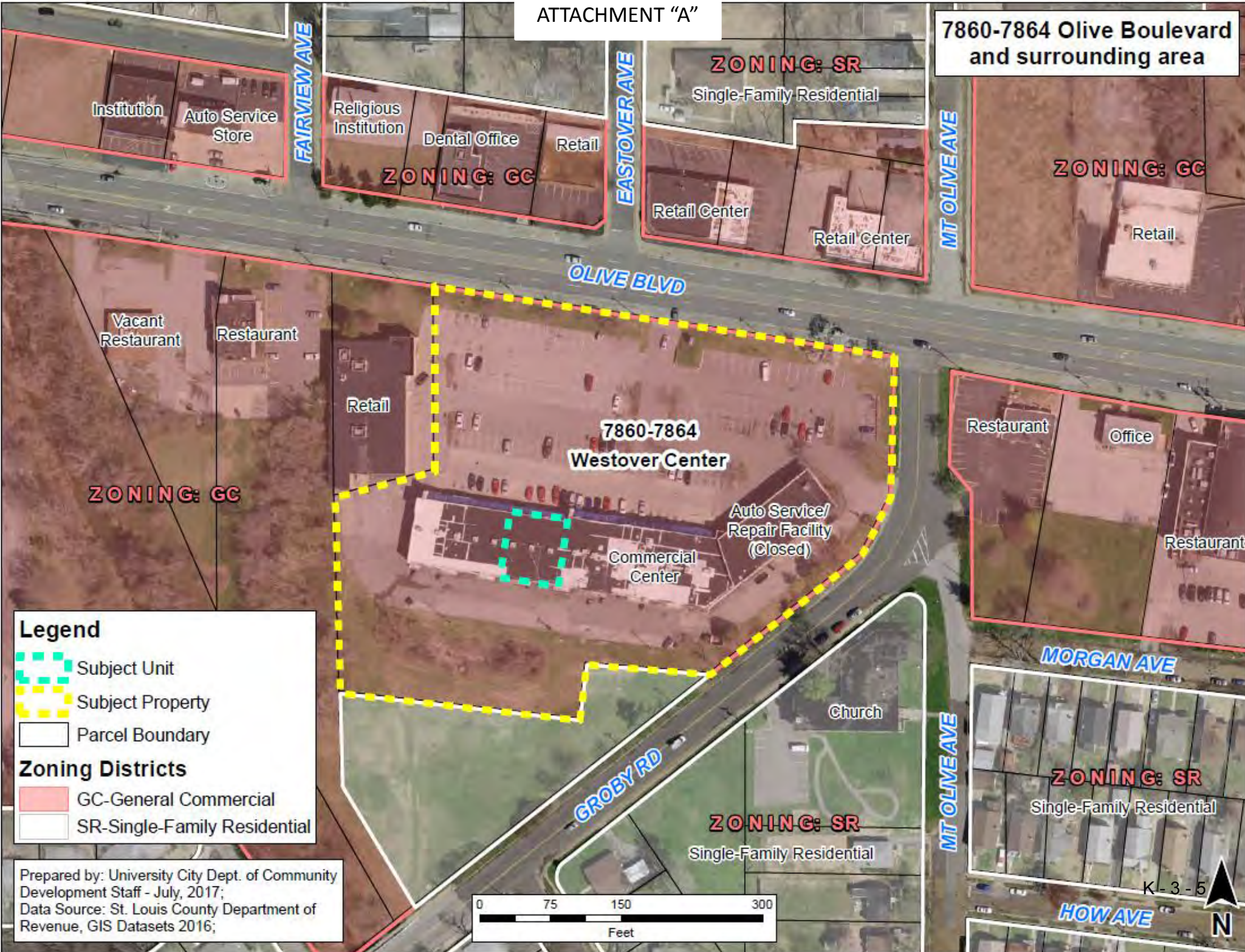
## **Staff Recommendation**

The proposal complies with all applicable provisions of the Zoning Code and with the Site Plan Review findings of fact as set forth in the Zoning Code. Accordingly, staff recommends approval of the proposed Site Plan.



ATTACHMENT "A"

7860-7864 Olive Boulevard and surrounding area



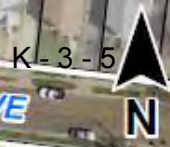
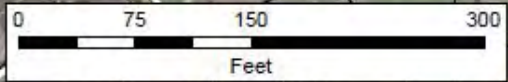
**Legend**

- Subject Unit
- Subject Property
- Parcel Boundary

**Zoning Districts**

- GC-General Commercial
- SR-Single-Family Residential

Prepared by: University City Dept. of Community Development Staff - July, 2017;  
 Data Source: St. Louis County Department of Revenue, GIS Datasets 2016;



K-3-5



17-05932

Department of Community Development

6801 Delmar Boulevard • University City, Missouri 63130 • 314-505-8500 • Fax: 314-862-3168

Received JUL 25 2017

Department of Community Development  
City of University City  
6801 Delmar  
University City, MO 63130

APPLICATION FOR SITE PLAN REVIEW FOR: 7860-7864 Olive Blvd.  
Address / Location / Site of Building

- 1. Zoning District (Check one):  
 CC  GC  HR  HRO  IC  LC  LR  MR  PA
- 2. State proposed use: Religious worship
- 3. Describe existing premises: Existing multi-use commercial structure
- 4. Describe proposed construction (please attach additional narrative): Interior renovation, tenant fit-out.
- 5. State applicant's name, address and daytime telephone number: Bruce Hesterberg, Etegra, Inc.  
1121 Olivette Executive Parkway, Suite 100, Olivette, MO 63132 PH: 314-533-2200  
bruce.hesterberg@etegra.com
- 6. Applicant's interest in the property (check one):  
 Owner  Tenant  Under contract to purchase  Under contract to lease  
 Other (specify): Architect, on behalf of tenant

7. State name and address and daytime telephone number of owner, if other than applicant:  
Chai-Pei Lu, Clayton Building Partnership, 1281 White Rd., Chesterfield, MO 63017

- 8. Check type of authorization(s) required:  
 New Development: This does not include single or two-family dwellings. (City Council approval required.)  
 Substantial Addition: Additions to buildings, or new accessory buildings, when 1) the addition or new accessory building is greater than 25% of the existing principal building; 2) the addition or new accessory building exceeds 1,000 square feet in gross floor area; 3) new curb cuts are required; or 4) when such new construction reduces existing parking or significantly modifies existing on-site circulation (this does not include single or two-family dwellings). (City Council approval required.)  
 Tax Exemption: Person, association, corporation, religious institution, charity or foundation that has been designated by any governmental entity as exempt from payment of any tax levied by the city seeking to purchase or occupy real property in University City per Municipal Code 400.2595. (City Council approval required.)  
 Amendment: Amendment to any of the above (City Council approval required.)  
 Olive Boulevard Design Guideline Review (Administrative review required.)  
 Administrative review for Zoning compliance (for other construction activity that does not meet the above-referenced criteria):

The undersigned hereby makes application for a Site Plan Review and requests the authorization to proceed with the activities described in this application.

7/25/17. Date  
[Signature] AIA, PRINCIPAL Applicant's Signature and Title

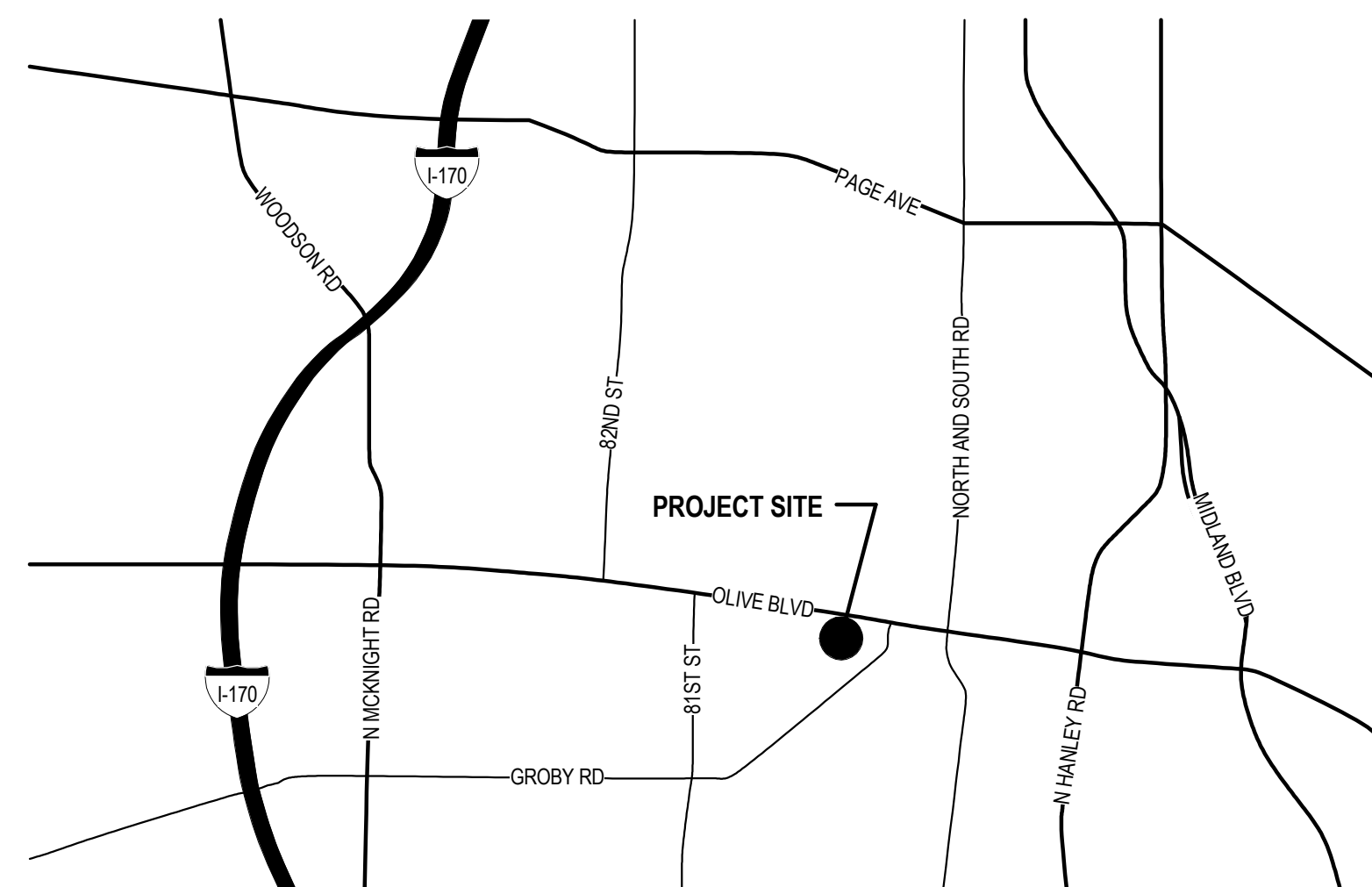
FOR OFFICE USE ONLY

Date: \_\_\_\_\_ Application first received of \_\_\_\_\_  
Application fee in the amount of \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

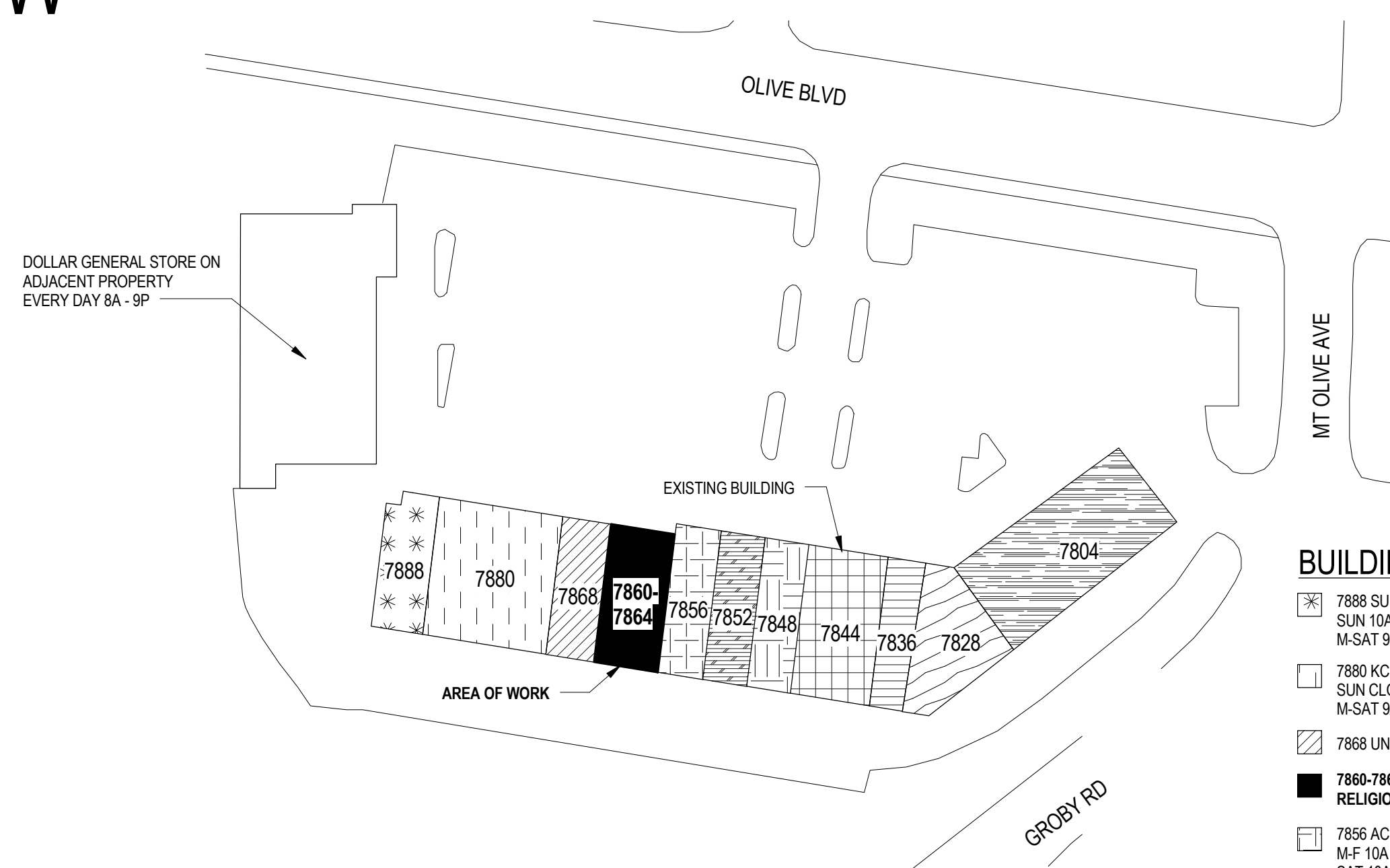
# TENANT FITOUT

ALL NATIONS CHURCH  
7860-7864 OLIVE BLVD.  
UNIVERSITY CITY, MO

ISSUE FOR: SITE PLAN REVIEW  
JULY 25, 2017



TRUE NORTH  
LOCATION MAP  
N.T.S.



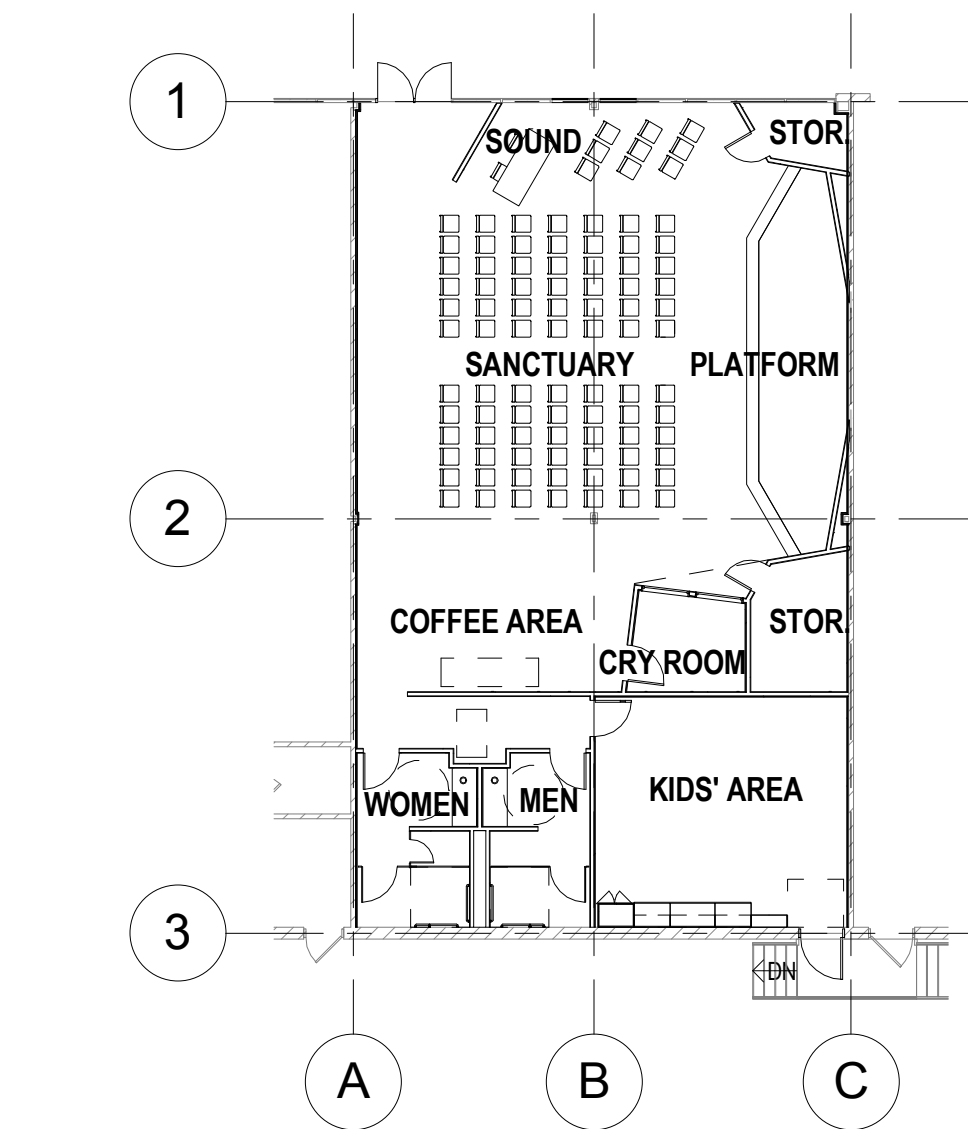
PLAN TRUE NORTH  
TENANT DIAGRAM  
N.T.S.



OVERALL EXISTING BUILDING PHOTO ELEVATION  
N.T.S.



EXISTING STOREFRONT PHOTO ELEVATION  
N.T.S.

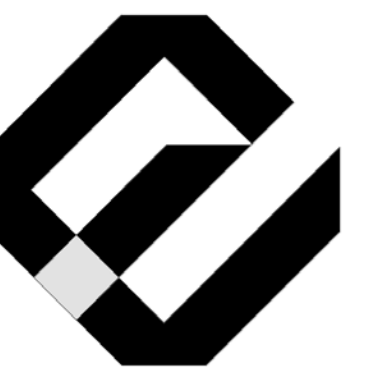


PLAN NORTH  
FLOOR PLAN - FURNITURE LAYOUT  
1/16" = 1'-0"

## SHEET INDEX - SITE PLAN REVIEW

GENERAL  
G-000 COVER SHEET  
ARCHITECTURAL  
A-100 SITE PLAN

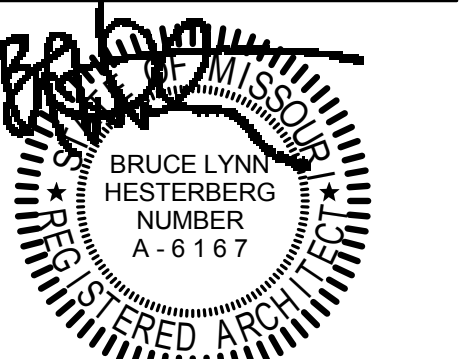
**PROPERTY INFORMATION**  
PROPERTY ADDRESS: 7804 OLIVE BLVD.  
TENANT ADDRESS: 7860-7864 OLIVE BLVD.  
SUBDIVISION NAME: WESTOVER CENTER LOT 2 RESUB  
4.65 TOTAL ACRES  
PROPOSED TENANT USE: RELIGIOUS WORSHIP (ASSEMBLY A-3)  
ZONED: GC - GENERAL COMMERCIAL DISTRICT  
OWNER:  
CLAYTON BUILDING PARTNERSHIP  
1281 WHITE RD.  
CHESTERFIELD, MO 63017  
SIGNAGE TO BE PERMITTED UNDER SEPARATE SIGNAGE PERMIT.



etegra

Envision. Enhance. Evolve.  
1121 Olivette Executive Parkway, Suite 100  
Olivette, MO 63132  
p: (314) 533-2200  
f: (314) 533-2203  
www.etegra.com

Etegra, Inc.  
Missouri State Certificate of Authority #2013041394



Bruce Lynn Hesterberg - Architect  
MO# A-6167 7/25/17

ALL NATIONS CHURCH

TENANT FITOUT

7860-7864 OLIVE BLVD.  
UNIVERSITY CITY, MO

ISSUE FOR SITE PLAN REVIEW  
JULY 25, 2017

#	DESCRIPTION	DATE

COVER SHEET

G-000

K-3-7  
ETEGRA PROJECT 3051

**PARKING CALCULATIONS**

⊕ SYMBOL INDICATES NUMBER OF EXISTING PARKING SPACES PER ROW

MAIN WORSHIP SPACE, 95 SEATS  
PLACES OF WORSHIP, 1 PARKING SPACE PER 3.5 SEATS = 27 PARKING SPACES


MULTI-TENANT REDUCTION, 20% = REDUCE BY 5 SPACES  
PEAK HOURS REDUCTION, 10% = REDUCE BY 3 SPACES  
TRANSIT STOP REDUCTION, 10% = REDUCE BY 3 SPACES

TOTAL SPACES REQUIRED: 16 SPACES  
TOTAL EXISTING PARKING PROVIDED: 206 SPACES



TRUE NORTH  
 1  
**SITE PLAN**  
 SCALE: 1" = 30'-0"

**etegra**  
 Envision. Enhance. Evolve.  
 1121 Olivette Executive Parkway, Suite 100  
 Olivette, MO 63132  
 p: (314) 533-2200  
 f: (314) 533-2203  
 www.etegra.com  
 Etetra, Inc.  
 Missouri State Certificate of Authority #2013041394

  
 Bruce Lynn Hesterberg - Architect  
 MO# A-6167 7/25/17

**ALL NATIONS CHURCH**  
**TENANT FITOUT**  
 7860-7864 OLIVE BLVD.  
 UNIVERSITY CITY, MO

ISSUE FOR SITE PLAN REVIEW  
 JULY 25, 2017

#	DESCRIPTION	DATE

**SITE PLAN**  
**A-100**  
 K-3-8  
 ETEGRA PROJECT 3051



## Council Agenda Item Cover

---

**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Site Plan for a tax-exempt religious institution to occupy 829 N. Hanley Road in the "PA" – Public Activity District (#SPR 17-04)

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Attached is the Staff Report and related documents for the Site Plan application to allow a tax-exempt religious institution (The Journey church) to occupy and operate at the above-mentioned address. Section 400.2595 of the University City Zoning Code requires certain tax-exempt organizations such as religious institutions to obtain Site Plan approval from City Council.

Section 400.2620 of the Zoning Code requires staff to review the site plan and prepare a report and recommendation for City Council. For its approval, this agenda item would require a motion by the City Council.

**Attachments:**

Staff Report with attachments (including Site Plan application documents and drawings)

**RECOMMENDATION:** Approval



**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

MEETING DATE: August 14, 2017  
FILE NUMBER: SPR 17-04  
COUNCIL DISTRICT: 2  
Type of Review: Site Plan  
Location: 829 N. Hanley Road  
Property Owner: The Journey Fellowship, Inc.  
Applicant: Amy Hedgcoth (on behalf of The Journey church)  
Requested Action: Site Plan approval for a tax-exempt religious institution to re-occupy 829 N. Hanley Road in the "PA" – Public Activity District (#SPR 17-04)

**STAFF RECOMMENDATION**

Approval                       Approval with Conditions                       Denial

Existing Zoning: "PA" – Public Activity District  
Existing Land Use: Vacant Place of Worship and Existing Child Care Center  
Proposed Zoning: No change – "PA" District  
Proposed Land Use: No change –Place of Worship and Child Care Center

**Surrounding Zoning and Land Use:**

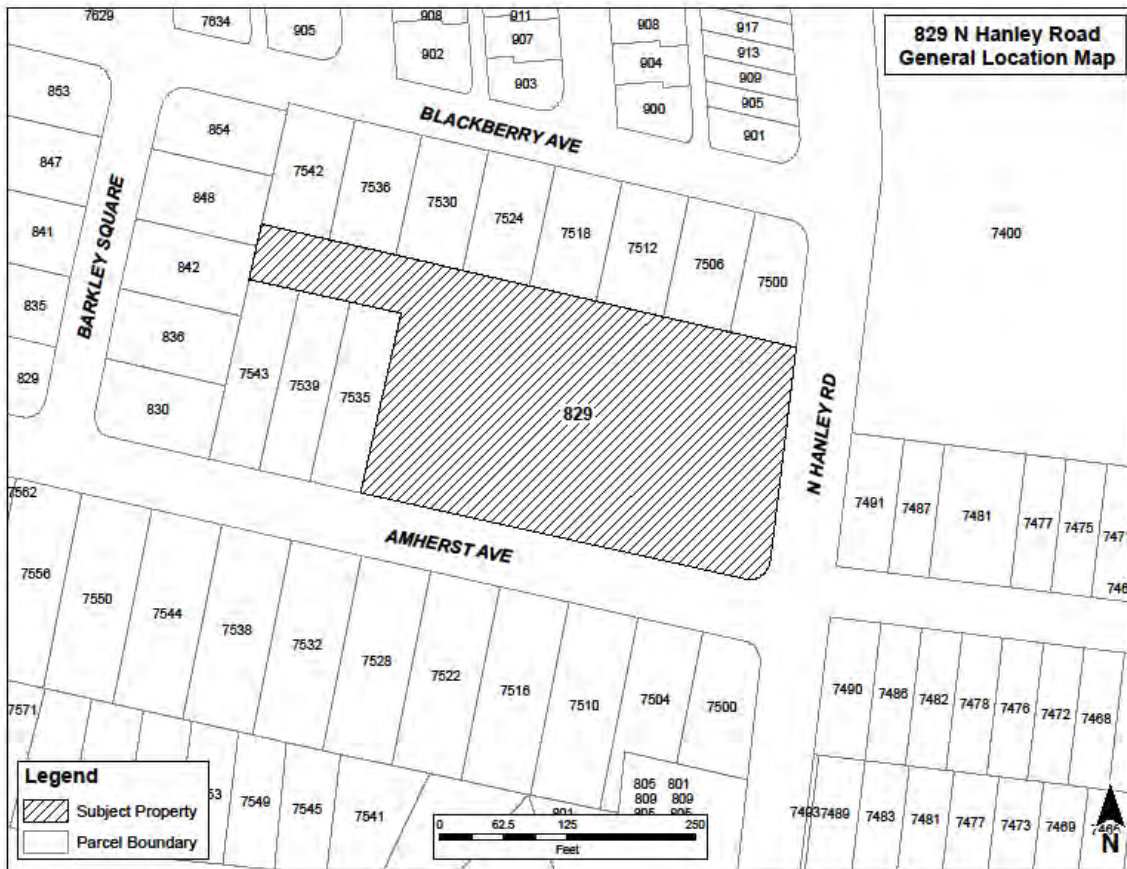
North: "SR" - Single-Family Residential District & "HRO"-High Density Residential/Office District	Single-family residences & townhouses
East: "PA" – Public Activity District & "SR" - Single-Family Residential District	Single-family residences & elementary school open field
South: "SR" - Single-Family Residential District	Single-family residences
West: "SR" - Single-Family Residential District	Single-family residences

**COMPREHENSIVE PLAN CONFORMANCE**

Yes                       No                       No reference

**ATTACHMENTS:**

- A. Map
- B. Application documents including site plan and elevation images



**Existing Property**

The flag-shaped 2.34-acre subject property is occupied by a 3-story complex, built in 1955, containing a vacant Place of Worship (formerly Kol Rinah) and an operating child care center. 206 existing parking spaces are shown to the immediate north and west of the complex. Access to/from the site is by an “Enter-Only” curb-cut on N. Hanley Road and two unidirectional curb-cuts on Amherst Avenue, one ‘Enter-Only” and another “Exit-Only”.

**Applicant’s Request**

The current request is for Site Plan approval for a tax-exempt religious institution (The Journey church) to re-occupy the subject property for church function with classrooms. The interior of the 3-story existing complex, approximately 41,191 square feet in total floor area, will be renovated. No additions or exterior modifications to the building are proposed, nor are any new curb-cuts or changes to the site layout, with the minor exception of a renovated sanctuary window and wall in an existing large opening on the east façade. The existing child care center will remain in operation for a period of time.

**Process – Required City Approvals**

City Council: Sections 400.2595 and 400.2630 of the Zoning Code requires that site plans for tax-exempt religious institutions, among other tax-exempt persons and organizations, to occupy any real property in the City to be reviewed and approved by City Council. In conducting its review, City Council shall consider the staff report and the application to determine if the proposed site plan application meets the requirements of the Zoning Code. No public hearing is required.

## **Analysis**

*[The application and site plan were distributed to City Departments for review and comment. The analysis and staff recommendation sections of this report incorporate interdepartmental comments.]*

Places of worship such as the proposed use are permitted uses in the “PA” – Public Activity District. Thus, zoning classification and the proposed use for the subject site are not at issue. Operation of tax-exempt uses such as the one proposed requires Site Plan review and approval by City Council. City Council’s review of the site plan is to be as per Section 400.2630 of the Zoning Code and generally includes the site design and circulation, consistency with the Comprehensive Plan and other planning and development policies, parking and compatibility with adjacent properties.

With neither changes to the site design of the existing property nor major modifications to the exterior of the building are proposed, it is the opinion of staff that the proposed use would be compatible with the surrounding areas and will not have any detrimental impact on nearby residential and institutional properties or uses. Essentially, it is a change of property ownership with continuation of the nature and function of the previous use and operation.

The minimum off-street parking and loading space requirements set forth in Section 400.2140 of the Zoning Code are exceeded. While 97 parking spaces are required for the proposed use, the 104 existing spaces will remain to be available. The on-site circulation will continue to be functional and efficient. Existing landscaping and fencing, providing screening and buffer to the adjacent residential uses, will be maintained.

The re-occupancy proposal is consistent with the goals and objectives of the 2005 Comprehensive Plan update.

## **Staff Recommendation**

The proposal complies with all applicable provisions of the Zoning Code and with the Site Plan Review findings of fact as set forth in the Zoning Code. Accordingly, staff recommends approval of the proposed Site Plan.



829 N Hanley Road and surrounding area



**ZONING: HRO**  
Single-Family Residential & Townhomes

**ZONING: SR**  
Single-Family Residential

**ZONING: PA**  
Elementary School/Field

829  
Former Synagogue/  
Existing Child Care Center

**ZONING: SR**  
Single-Family Residential

**ZONING: SR**  
Single-Family Residential

**ZONING: SR**  
Single-Family Residential

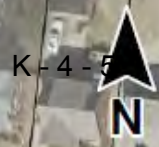
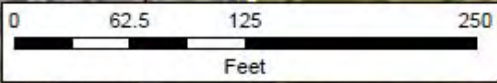
**ZONING: MR**  
Multi-Family Residential

**Legend**

-  Subject Property
-  Parcel Boundary

**Zoning Districts**

-  HRO-High Density Residential/Office
-  MR-Medium Density Residential
-  PA-Public Activity
-  SR-Single-Family Residential





Department of Community Development

6801 Delmar Boulevard • University City, Missouri 63130 • 314-505-8500 • Fax: 314-862-3168

APPLICATION FOR SITE PLAN REVIEW FOR: 829 N. Hanley Road  
Address / Location / Site of Building

- 1. Zoning District (Check one):  
 CC  GC  HR  HRO  IC  LC  LR  MR  PA  PD  SR
- 2. State proposed use: Church + Sunday School Classrooms
- 3. Describe existing premises: Synagogue + Daycare
- 4. Describe proposed construction (please attach additional narrative): Interior Renovation
- 5. State applicant's name, address and daytime telephone number: AMY HEDGCOTH  
Commercial Installation + Construction  
1325 N. Warson Rd. St. Louis, MO 63132 314-218-6490

6. Applicant's interest in the property (check one):

Owner  Tenant  Under contract to purchase  Under contract to lease

Other (specify): General Contractor

7. State name and address and daytime telephone number of owner, if other than applicant:

The Journey Fellowship 829 N. Hanley Rd. University City, MO 63130  
Mick McIntyre 314-277-1316

- New Development: This does not include single or two-family dwellings. (City Council approval required.)
- Substantial Addition: Additions to buildings, or new accessory buildings, when 1) the addition or new accessory building is greater than 25% of the existing principal building; 2) the addition or new accessory building exceeds 1,000 square feet in gross floor area; 3) new curb cuts are required; or 4) when such new construction reduces existing parking or significantly modifies existing on-site circulation (this does not include single or two-family dwellings). (City Council approval required.)
- Canopies: Canopies constructed over existing walkways, loading docks, or pump islands, where such new construction reduces existing parking or significantly modifies existing on-site circulation. (City Council approval required.)
- Tax Exemption: Person, association, corporation, religious institution, charity or foundation that has been designated by any governmental entity as exempt from payment of any tax levied by the city seeking to purchase or occupy real property in University City per Municipal Code 400.2595. (City Council approval required.)
- Amendment: Amendment to any of the above (City Council approval required.)
- Olive Boulevard Design Guideline Review (Administrative review required.)
- Administrative review for Zoning compliance (for other construction activity that does not meet the above-referenced criteria):

The undersigned hereby makes application for a Site Plan Review and requests the authorization to proceed with the activities described in this application.

7-27-17 Date

Amy Hedgcoth, Project Coordinator Applicant's Signature and Title

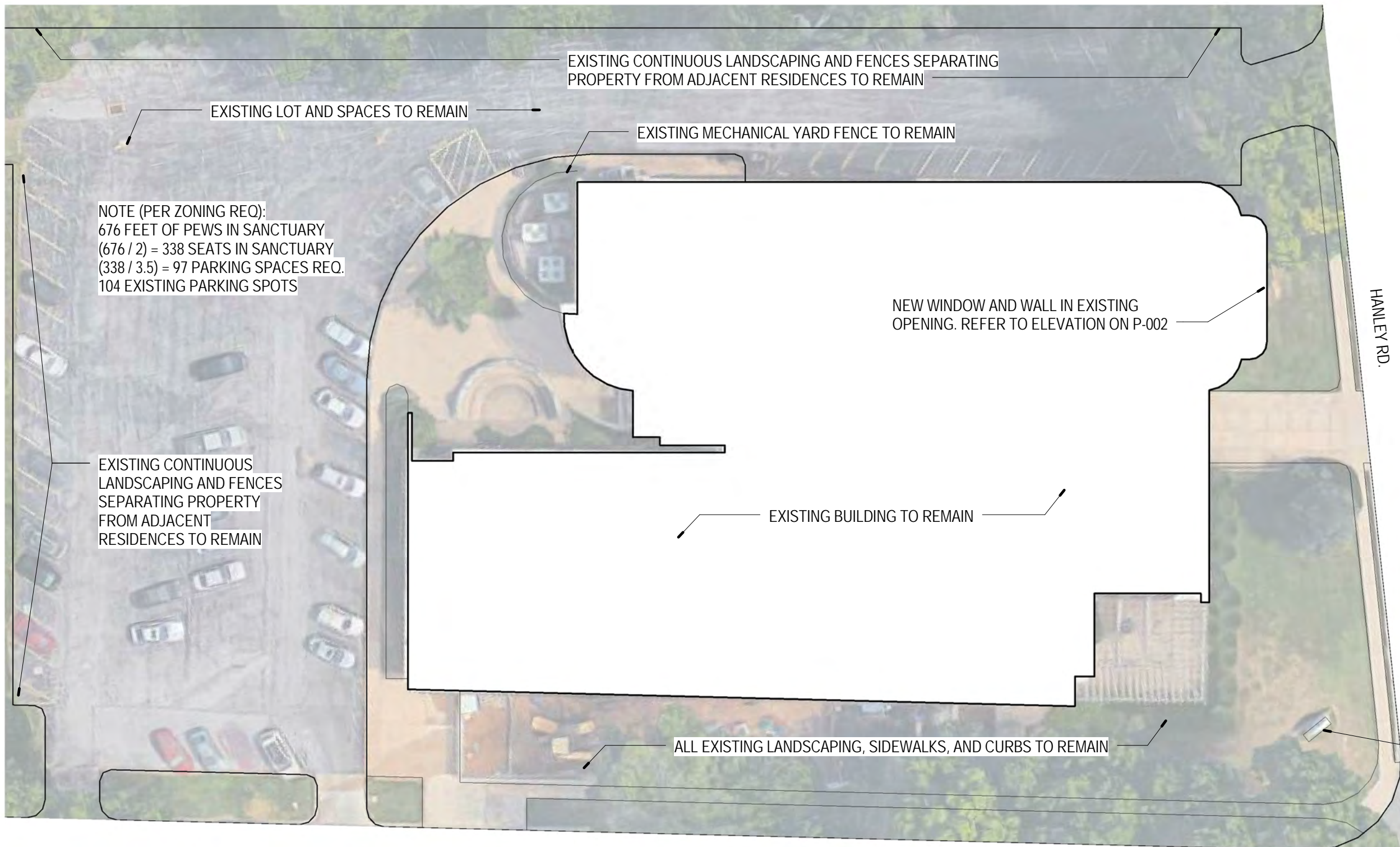
City of University City  
 6801 Delmar  
 Department of Community Development

FOR OFFICE USE ONLY

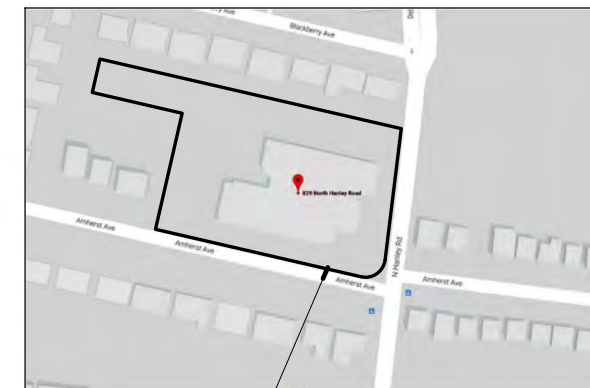
Date: \_\_\_\_\_ Application first received of \_\_\_\_\_

Application fee in the amount of \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

JUL 28 2017



VICINITY MAP



PROPERTY LINE

HANLEY RD.

AMHERST AVE.

**BUILDING DESCRIPTION:**

- THE EXISTING 41,191FT<sup>2</sup> THREE-STORY BUILDING IS A SYNAGOGUE AND DAY CARE CENTER.
- THE RENOVATED BUILDING WILL FUNCTION AS A CHURCH AND SUNDAY SCHOOL CLASSROOMS.
- THERE ARE NO EXTERIOR MODIFICATIONS WITH THE EXCEPTION OF A RENOVATED SANCTUARY WINDOW AND WALL IN AN EXISTING OPENING (SEE ELEVATION ON P-002).

**TOTAL LOT AREA:** 2.34 ACRES

**ZONING:** PA - PUBLIC ACTIVITY DISTRICT  
**NOTE:** ADJACENT PROPERTIES ARE ZONED SR - SINGLE-FAMILY RESIDENCE.

EXISTING SIGN MONUMENT TO REMAIN. CLIENT TO PROVIDE NEW SIGNAGE ON MONUMENT.

**1 ARCHITECTURAL SITE PLAN**  
 P-001 1" = 30'-0"



**JEMA**  
 planning architecture interior design  
 3005 LOCUST STREET SAINT LOUIS, MO 63103  
 T 314 531 7400 F 314 531 7401

**The Journey**  
**University City Church**  
**829 N Hanley Rd, St. Louis, MO 63130**

**ARCHITECT**  
 JEMA  
 3005 LOCUST ST.  
 ST. LOUIS, MO 63103  
 CONTACT: JON MCKEE  
 T (314) 531-7400 x12  
 E-MAIL: JMCREE@JEMASTL.COM

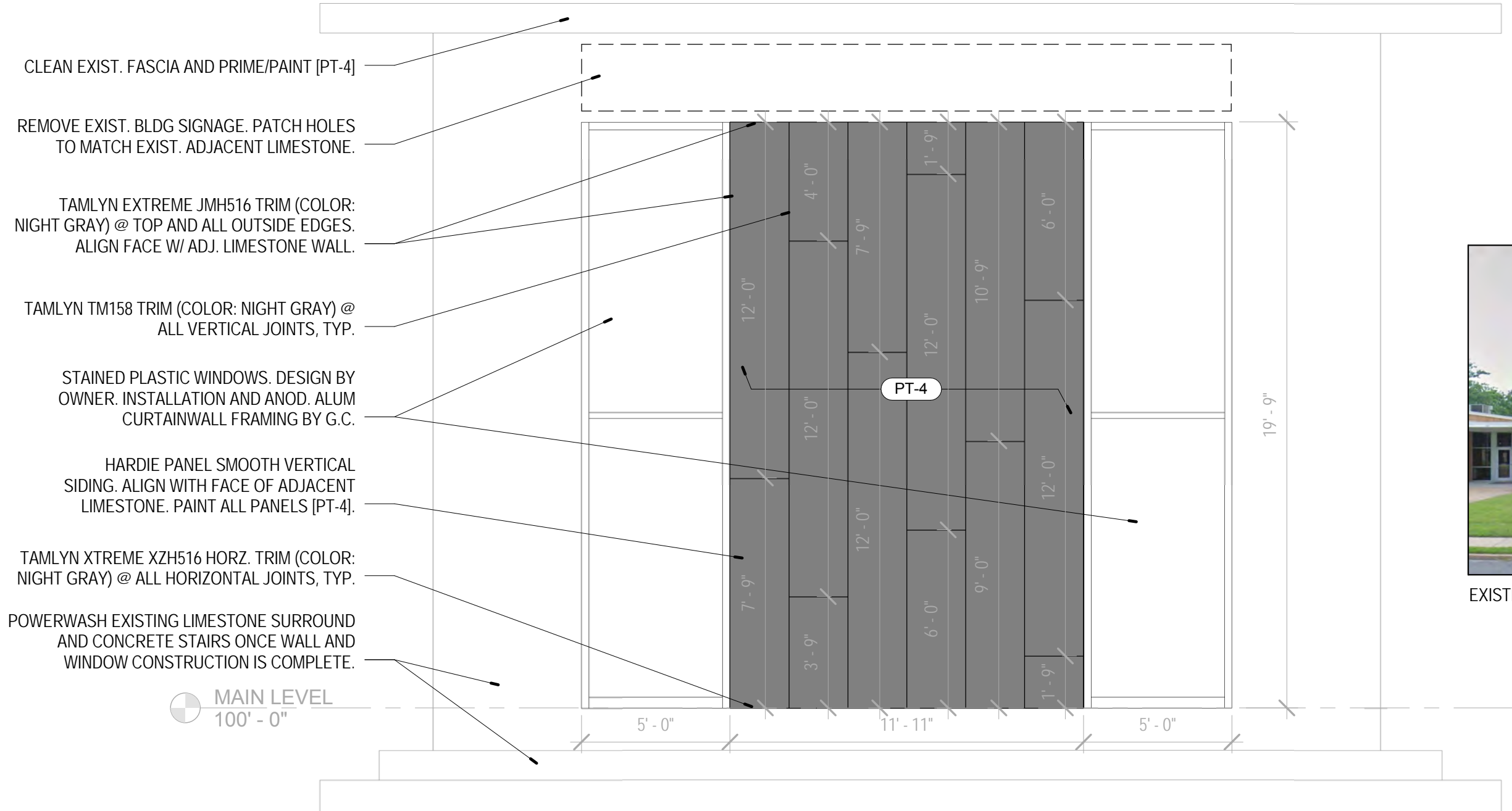
**GENERAL CONTRACTOR**  
 CIC  
 1325 N. WARSON RD.  
 ST. LOUIS, MO 63132  
 CONTACT: MARK RICHERT  
 T (314) 567-7292  
 E-MAIL: MRICHERT@CIC-CA.COM

**OWNER**  
 THE JOURNEY CHURCH  
 829 NORTH HANLEY RD.  
 ST. LOUIS, MO 63130  
 OWNER'S REP: MICK MCINTYRE  
 T (314) 277-1316  
 E-MAIL: MMCINTYRE@COLOR-ART.COM

DRAWING NAME <b>Site Plan</b>	
PROJECT NUMBER <b>15-1131.00</b>	DATE <b>07/27/17</b>
REFERENCE DRAWING <b>K-4</b>	DRAWING SCALE <b>1" = 30'-0"</b>

PT-4

MNF: SHERWIN-WILLIAMS  
COLOR: SW 7074 - SOFTWARE  
(DARK GRAY - REFER TO PHYSICAL SAMPLE)



EXISTING SANCTUARY WINDOW FROM HANLEY RD.

1 PROPOSED EXTERIOR SANCTUARY WALL AND WINDOW - EAST ELEVATION  
P-002 1/4" = 1'-0"

**JEMA**  
planning architecture interior design  
3005 LOCUST STREET SAINT LOUIS, MO 63103  
T 314 531 7400 F 314 531 7401

**The Journey**  
**University City Church**  
**829 N Hanley Rd, St. Louis, MO 63130**

**ARCHITECT**  
JEMA  
3005 LOCUST ST.  
ST. LOUIS, MO 63103  
CONTACT: JON MCKEE  
T (314) 531-7400 x12  
E-MAIL: JMCKEE@JEMASTL.COM

**GENERAL CONTRACTOR**  
CIC  
1325 N. WARSON RD.  
ST. LOUIS, MO 63132  
CONTACT: MARK RICHERT  
T (314) 567-7292  
E-MAIL: MRICHERT@CIC-CA.COM

**OWNER**  
THE JOURNEY CHURCH  
829 NORTH HANLEY RD.  
ST. LOUIS, MO 63130  
OWNER'S REP: MICK MCINTYRE  
T (314) 277-1316  
E-MAIL: MMCINTYRE@COLOR-ART.COM

DRAWING NAME <b>SANCTUARY WALL ELEVATION</b>	
PROJECT NUMBER <b>15-1131.00</b>	DATE <b>07/27/17</b>
REFERENCE DRAWING	DRAWING SCALE <b>1/4" = 1'-0"</b>



## Council Agenda Item Cover

---

**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** FY16 Flood Mitigation Assistance grant – Hafner Ct. Apts..

**AGENDA SECTION:** City Manager's Report

**COUNCIL ACTION:** FY16 Flood Mitigation Assistance grant – Hafner Ct. Apts..

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** See Attached Memorandum

**Attachments:**

1. Memo to Interim City Manager
2. Copy of Flood Mitigation Assistance grant application
3. Copy of SEMA Flood Mitigation Assistance grant award approval letter
4. Memorandum for timeline discussion

**RECOMMENDATION:** Approval





**Public Works and Parks Department**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-0694

## MEMORANDUM

TO: Charles Adams, Interim City Manager

FROM: Sinan Alpaslan, Director of Public Works-Parks

DATE: August 3, 2017

SUBJECT: FY16 Flood Mitigation Assistance grant – Hafner Ct. Apts.

---

**BACKGROUND:**

In May of 2016, the City applied for, and in March of 2017, the City received a notice of award for \$3.3 million in funding (FY16 Flood Mitigation Assistance-FMA Grant) for voluntary buyout and demolition of the Hafner Ct. apartments (see attachments).

MSD has also proposed a project to build holding tanks on a part of this property and additional land to the north and east of the above apartments. The current most up-to-date information is that MSD has two options that they are recommending to the City. Both options include the purchase and demolition of the Hafner Ct. apartments.

Chris Kalter, Project Manager on the department staff has been coordinating the FMA grant for the City. Mr. Kalter has been in contact with the State Emergency Management Agency (SEMA) and has been asked several times by the City's SEMA liaison the status of the project. Mr. Kalter discussed the MSD project with SEMA and stated that he is waiting for a final decision regarding the MSD project. For information, the FMA grant must be used and a buyout project completed until March of 2019 for eligibility of federal reimbursement, which is set at 100% of the project cost (attached memorandum shows an estimated detailed project schedule for timeline discussion purposes).

In light of the known MSD proposal for the land in question, SEMA informed PWP of two options for a disposition of the FMA grant:

1. Termination for convenience – This means that the City informs SEMA in writing that we will not be utilizing the grant funding and this ends the FY16 FMA grant.
2. MSD and the City agree that MSD will take over the FY16 FMA grant. MSD would submit paperwork to SEMA indicating that they would take over this grant. SEMA stated to PWP that this is not a guarantee because the Federal Emergency Management Agency (FEMA) would be the ultimate decision maker.

I will be available to provide any additional information on the above options as required.

- ATTACHMENT:**
1. Copy of Flood Mitigation Assistance grant application
  2. Copy of SEMA Flood Mitigation Assistance grant award approval letter
  3. Memorandum for timeline discussion



**City of University City**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

**Maintenance**

City of University City hereby certifies that all property acquired and demolished as part of this FMA application implementation will be maintained as open space in perpetuity. The only maintenance costs to the City will be periodic mowing of the vacant lot and the City hereby acknowledges our responsibility for this maintenance.

Authorized Representative: Lehman Walker

Title: City Manager

Signature: 

Date: 05 16 14



DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**FEMA GRANTS APPLICATION**

O.M.B. No. 1660-0025  
Expires September 30, 2017

**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 0.75 per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting the form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless it displays a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington VA 20598-3005, Paperwork Reduction Project (1660-0025) **NOTE: Do not send your completed form to this address.**

<b>1. Type of Submission:*</b> <input type="checkbox"/> Pre-application <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Correct Application	<b>2. Type of Application:*</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s) <input type="text"/>
		* Other (Specify) <input type="text"/>

<b>3. Date Received:*</b> <input type="text"/>	<b>4. Applicant Identifier:</b> <input type="text"/>
---	---

<b>5a. Federal Entity Identifier:</b> <input type="text"/>	<b>5b. Federal Award Identifier:*</b> <input type="text"/>
---	---

**State Use Only:**

<b>6. Date Received by State:</b> <input type="text"/>	<b>7. State Application Identifier:</b> <input type="text"/>
---	---

**8. Applicant Information:**

<b>a. Legal Name:*</b> City of University City		
<b>b. Employer/Taxpayer Identification Number (EIN/TIN):*</b> 122,501,492	<b>c. State Application Identifier:*</b> 075908293	

**d. Address:**

Street 1:*	6801 Delmar Blvd		
Street 2:	<input type="text"/>		
City:*	University	County/Parish:	<input type="text"/>
State:*	MO	Province:	<input type="text"/>
Country:*	St. Louis	Zip/Postal Code:*	63160

**e. Organizational Unit:** Department Name:  Division:

**f. Name and Contact Information of Person to be Contacted on Matters Involving this Application:**

Prefix: <input type="text" value="Mr."/>	First Name: <input type="text" value="Lehman"/>	Middle Name: <input type="text"/>	Last Name: <input type="text" value="Walker"/>
Title: <input type="text" value="City Manager"/>	Organizational Affiliation: <input type="text"/>		
Telephone Number: <input type="text" value="+1 (314) 505-8534"/>	Fax Number: <input type="text"/>	E-mail: <input type="text" value="walker@ucitymo.org"/>	

**9. Type of Applicant:**

Applicant 1: <input type="text" value="City or Township Government"/>
Applicant 2: <input type="text" value="Select Applicant Type"/>
Applicant 3: <input type="text" value="Select Applicant Type"/>
Other (Specify): <input type="text"/>

K - 5 - 5

**10. Catalog of Federal Domestic Assistance (CFDA):**

Number: 97-029

Title: Flood Mitigation Assistance

**11. Funding Opportunity:\***

Number:

Title:

**12. Competition Identification:**

Number:

Title:

**13. Areas Affected by Projects (Cities, Counties, States, etc.) if more space needed please use continuation sheet:**

City of University City, MO

**14. Descriptive Title of Applicants Project:\***

Acquisition/Demolition of a three building apartment complex - all three buildings are insured and Severe Repetitive Loss

**15. Congressional Districts of:\***

Applicant: 1st

Project: 1st

**16. Proposed Project:\***

Start Date: Grant Award

End Date: Grant Award + 2 Year

**17. Estimated Funding (\$):\***

Federal: 3,331,000

Applicant:

State: 0

Other:

Local: 0

Program Income:

Total: 3,331,000

**18. Is Application Subject to Review by State Under Executive Order (EO) 12372 Process?:\***

- a. This application was made available to the State under EO 12372 Process for Review on:
- b. Program is Subject to EO 12372, but has not been selected by the State for review.
- c. Program is not covered under EO 12372.

**19. Is the Applicant Delinquent on Any Federal Debt? (If Yes, Provide an Explanation in Attachment):\***

Yes  No

**20. By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware any false, fictitious or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (US Code, Title 218, Section 1001)\***


I Agree

**Authorized Representative:**

Prefix: Mr. First Name: \*Lehman Middle Name: Last Name: \*Walker

Title: \*City Manager Organizational Affiliation:

Telephone Number: \* +1 (314) 505-8534 Fax Number: E-mail: \*lwalker@ucitymo.org

Signature of Authorized Representative: 

Date Signed: \* 05/16/16

# Model Statement of Assurances for Property Acquisition Projects

SEND THIS STATEMENT OF ASSURANCES ATTACHED WITH THE PROJECT APPLICATION, OR SEND TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY AT THE TIME OF APPLICATION.

NOTE: If you have questions regarding any of these assurances, please consult the program guidance and contact the sponsoring agency.

Name of Project Sub-Applicant: University City  
State: Missouri

As the duly authorized representative of the sub-applicant, I certify that the sub-applicant:

1. Will ensure that participation by property owners is voluntary. The prospective participants have been informed in writing that participation in the program is voluntary, that the Sub-applicant will not use its eminent domain authority to acquire their property for the project purposes should negotiations fail;
2. Will ensure each property owner will be informed, in writing, of what the Sub-applicant considers to be the fair market value of the property. The Sub-applicant will use the Model Statement of Voluntary Transaction to document this and will provide a copy for each property after award;
3. Will accept all of the requirements of the FEMA grant and the deed restriction governing the use of the land, as restricted in perpetuity to open-space uses. The Sub-applicant will apply and record a deed restriction on each property in accordance with the language in the FEMA Model Deed Restriction. The community will seek FEMA approval for any changes in language differing from the Model Deed Restriction.
4. Will ensure that the land will be unavailable for the construction of flood damage reduction levees and other incompatible purposes, and is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date;
5. Will demonstrate that it has consulted with the US Army Corps of Engineers regarding the subject land's potential future use for the construction of a levee system, and will reject future consideration of such use if it accepts FEMA assistance to convert the property to permanent open-space;
6. Will demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned improvements or enhancements to the Federal aid systems are under consideration that will affect the subject property;
7. Will remove existing structures within 90 days of settlement;

8. Post grant award, will ensure that a property interested is conveyed only with the prior approval of the FEMA Regional Director and only to another public entity or to a qualified conservation organization pursuant to 26 CFR 1.170A-14;
9. Will submit every three years to the Grantee, who will then submit to the FEMA Regional Director, a report certifying that it has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant. If the subject property is not maintained according to the terms of the grant, the Grantee and FEMA, its representatives, designated authorities, and assigns are responsible for taking measures to bring the property back into compliance; and
10. Will not seek or accept the provision of, after settlement, disaster assistance for any purpose from any Federal entity with respect to the property, and FEMA will not distribute flood insurance benefits for that property for claims related to damage occurring after the date of the property settlement.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified assurances and certifications.

Lehman Walker  
Type Name of Authorized Agent Title

*Lehman Walker*  
Signature

05-16-16  
Date Signed

Last Modified: Friday, 05-Oct-2007 13:13:31 EDT



**City of University City**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

Date: May 12, 2016  
To: Federal Emergency Management Agency  
From: Lehman Walker, City Manager  
Subject: Assurance of FEMA Deed Restrictions

The purpose of this memo is to provide City of University City's assurance that the following FEMA Deed Restrictions will be implemented and enforced following the acquisition of properties approved for acquisition under the FMA program:

(1) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed:

- (i) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and
- (ii) No new structures(s) will be built on the property except as indicated below:
  - a. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
  - b. A rest room; or
  - c. A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which FEMA approves in writing before the construction of the structure begins.

Assurance signed by: Lehman Walker  
Printed Name

Lehman Walker

05-16-16  
Date:

FEDERAL EMERGENCY MANAGEMENT AGENCY  
SUMMARY SHEET FOR ASSURANCES AND CERTIFICATIONS

O.M.B. No. 3067-0206  
Expires February 28, 2007

FOR  
FY 2016

CA FOR (Name of Applicant)  
City of University City, MO

This summary sheet includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for Federal Assistance.

An applicant must check each item that they are certifying to:

- Part I  FEMA Form 20-16A, Assurances-Nonconstruction Programs
- Part II  FEMA Form 20-16B, Assurances-Construction Programs
- Part III  FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Part IV  SF LLL, Disclosure of Lobbying Activities (If applicable)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified attached assurances and certifications.

Lehman Walker

Typed Name of Authorized Representative

City Manager

Title

Lehman Walker

Signature of Authorized Representative

05-16-16

Date Signed

NOTE: By signing the certification regarding debarment, suspension, and other responsibility matters for primary covered transaction, the applicant agrees that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction.

The applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17.)

**Paperwork Burden Disclosure Notice**

"Public reporting burden for this form is estimated to average 1.7 hours per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the form, including suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0206). You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Please do not send your completed form to the above address.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
ASSURANCES-CONSTRUCTION PROGRAMS

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchase.
12. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Section 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333) regarding labor standards for federally assisted construction subagreements.

14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

20. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

21. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout, that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

22. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

23. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117. - 1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

24. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transfer, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

25. In making subgrants with nonprofit institutions under this Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Non-profit Organizations" included in Vol. 49, Federal Register, pages 18260 through 18277 (April 27, 1984).



FEDERAL EMERGENCY MANAGEMENT AGENCY  
**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all subrecipients shall certify and disclose accordingly.

Standard Form LLL, "Disclosure of Lobbying Activities" attached. (This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

**2. DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS  
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or shall shall attached an explanation to this application.

**3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.615 and 17.620:

A. The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions tht will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. the grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

6801 Delmar Blvd

University City, MO 63130

Check  if there are workplaces on file that are not identified here.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.



**City of University City**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

From: Lehman Walker, City Manager  
Subject: City of University City Appraisal Appeal Process

The Appraisal Appeal process cannot begin until the owner has received a written offer from the City of University City (City). If the City has made a written offer, and the owner would like to contest the appraised value of the property, they may pursue an Appraisal Appeal.

To begin the Appraisal Appeal process, the owner notifies the City POC in writing as soon as possible that they would like to pursue an Appraisal Appeal.

After the owner notifies the City POC in writing, the owner must retain, at their own expense, a qualified appraiser to perform a second appraisal. The appraisal professional the owner hires must adhere to the following three parameters:

- a) The appraisal must be completed by a State Certified Residential Real Estate Appraiser licensed by the State of Missouri.
- b) The instructions to the appraiser must state that she/he is being hired to appraise a Single Detached/Attached Family Residence for full fee conveyance in accordance with the same methodology and assumptions used in the Township-commissioned appraisal. It is essential that the appraisal is prepared in the General Purpose Appraisal Report (GPAP) format, and the appraisal must consider the same date of value as the State-commissioned appraisal, and be USPAP compliant.

If the owner submits an appraisal report that does not conform to these requirements, the information in the report may not be considered.

As soon as the owner has hired an appraiser, they must notify the City POC in writing of the name and contact information of the appraisal firm the owner have retained. City POC will follow up promptly to answer any questions she or he may have with respect to the appraisal requirements or the Scope of Work for the Appraisal Services.

When the appraisal is complete, the owner forwards the appraisal report to the City POC. The owner must submit the appraisal report within 30 days of initiation of the appeal process.

The owner may withdraw from the appeal process up until the time the owner submits the appraisal report. Once City receives the appraisal report, however, the appeal process cannot be terminated.

Upon receipt of the appraisal, City will hire a review appraisal. This review Appraiser will be provided with both the City appraisal and the owners appraisal with instructions to complete a desk review of both Appraisal and, based on the data contained in both appraisals and provide a final decision of value, based on only data provided in these two appraisals. The owner will then be presented a final offer based on the results of the appraisal review. This offer could be the value in the original City appraisal, the value in the owner's appraisal, or somewhere in between. At this point, the owner's only remaining option is to accept or decline the City's offer.

Signed Lehman Walker Date 05.16.16

Prop Locatr	Insured?	Policy Number	Address Line 2	City	State	Zip Code	SRL	Estimated Purchase Price	Total Closing	Appraisal	Asbestos Survey	Demo	Tenants	Tenant Relo Agent	Tenant Relocation Assistant	Total Project Cost
0039022	YES	RL00055703	8033-8056 HAFNER CT	UNIVERSITY CITY	MO	631301533	SRL	\$ 868,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 24,000.00	24	\$ 96,000.00	\$ 240,000.00	\$ 1,231,000.00
0006863	YES	RL00058726	8011-8024 HAFNER CT	UNIVERSITY CITY	MO	631301533	SRL	\$ 470,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 12,000.00	16	\$ 64,000.00	\$ 160,000.00	\$ 709,000.00
0039023	YES	9904738978	8061-8082 HAFNER CT	UNIVERSITY CITY	MO	631301533	SRL	\$ 868,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 24,000.00	24	\$ 96,000.00	\$ 240,000.00	\$ 1,231,000.00
								\$ 2,206,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 60,000.00	64	\$ 256,000.00	\$ 640,000.00	\$ 3,171,000.00
															Sub App Mgmt Fee	\$ 150,000.00
															Pre-Award App Dev	\$ 10,000.00
															Total	\$ 3,331,000.00

Eric R. Greitens  
Governor

STATE OF MISSOURI

Ernie Rhodes  
Director

Charles A. (Drew) Juden  
Director of Public Safety

## EMERGENCY MANAGEMENT AGENCY

DEPARTMENT OF PUBLIC SAFETY  
PO Box 116, Jefferson City, Missouri 65102  
Phone: 573/526-9100 Fax: 573/634-7966  
E-mail: [mosema@sema.dps.mo.gov](mailto:mosema@sema.dps.mo.gov)



March 8, 2017

Mr. Charles Adams  
Interim City Manager  
6801 Delmar Boulevard  
University City, MO 63130

Re: University City Acquisition Project, Federal Grant # FMA-PJ-07-MO-2016-008

Dear Mr. Adams:

We are pleased to inform you that the Federal Emergency Management Agency (FEMA) has approved FMA funding for University City to acquire 3 flood prone properties. This sub-grant award has resulted in \$3,331,000.00 of federal funds; this is a 100% Federal Funded project.

Two copies of the *Grant Agreement* and the *Funding Approval* form have been provided for your signature. Please sign and return all copies to SEMA. Once SEMA has received the signed Grant Agreement and Funding Approval Form we will provide signed copies for your records. When you receive the fully signed documents, the project may begin.

We look forward to working with you and your staff. If you have any questions, please contact Cheryl Buxton, your SEMA assigned grant manager, at (573)526- 9281.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Weyrauch".

Elizabeth Weyrauch  
State Hazard Mitigation Officer  
Missouri State Emergency Management Agency

EAW/cdb



A Nationally  
Accredited  
Agency

K - 5 - 17

**Missouri State Emergency Management Agency  
Flood Mitigation Grant Program (FMA)  
Funding Approval Form  
FMA-PJ-07-2016-008**



<b>Name and Address of Recipient:</b> Missouri State Emergency Management Agency P.O. Box 116 Jefferson City, Missouri 65102		<b>Name and Address of Subrecipient:</b> University City 6801 Delmar Boulevard University City, MO 63130 <b>DUNS: 075908293</b>	
<b>Disaster Number:</b> FMA-PJ-07-MO-2016-008		<b>CFDA Number:</b> 97.029	
<b>Grant Award Date:</b> March 3, 2017		<b>Anticipated Project Completion Date:</b> March 3, 2019	
<b>Non-Federal Match Source (25% Cost Share):</b> University City will not provide the 25% local non-Federal match. This is a 100% Federal funded project.			
<b>Project Description:</b>  The acquisition and demolition of the three commercial structures located at 8033-8056, 8011-8024, and 8061-8082 Hafner Ct.			
<b>Budget</b>			
<b>Description:</b>	<b>Federal Award</b>	<b>Non-Federal Share</b>	<b>Total Project Cost</b>
Project Funds:	\$3,331,000.00	\$0.00	\$3,331,000.00
<b>Total Funds Awarded:</b>	<b>\$3,331,000.00</b>	<b>\$0.00</b>	<b>\$3,331,000.00</b>

**Signature of Authorized Representatives:**

\_\_\_\_\_  
Charles Adams  
Interim City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronald C. Broxton, Manager  
Recovery Division  
Missouri State Emergency Management Agency

\_\_\_\_\_  
Date



# Missouri State Emergency Management Agency Flood Mitigation Assistance Grant Program Grant Agreement

Project # FMA-PJ-07-MO-2016-008



This grant agreement is made by and between the **Missouri State Emergency Management Agency (SEMA)**, herein called the **State** and University City, herein called the **Subrecipient**.

In reliance upon and in consideration of the mutual representations and obligations hereunder, the State and the Subrecipient agree as follows:

1. The Subrecipient agrees to accept responsibility for adherence to this Agreement.
2. The Subrecipient agrees that any and all such amount of local funds or in-kind (force account) services or materials shall be equal to or greater than 25% of the total project costs.
  - (A) The following documentation is required for matching cash contributions:
    - Record of source of donor, dates, rates, amounts, deposit slips
  - (B) The following documentation is required for matching noncash contributions:
    - Record of donor, dates, rates, and amount
3. The Subrecipient agrees that any proposed activity budget variances (from the Funding Approval form) in excess of the amount of this Agreement shall be approved by the State in writing prior to an obligation of funds for such activity; however, any variance shall be approved by the Subrecipient's governing body in advance of an obligation of such activity.
4. The Subrecipient agrees to complete the project in its entirety as indicated in the Funding Approval form unless amended in writing by agreement of all parties.
5. The Subrecipient agrees to implement the project in accordance with the milestones identified in the application work schedule. Should the Subrecipient determine that any milestone will not be met; the Subrecipient will contact the State to request approval to revise the work schedule accordingly.
6. The Subrecipient agrees that any federal funds remaining from the allocation indicated in the Funding Approval form after the project has been completed shall be returned to the State if they have been drawn to the Subrecipient's local depository, or canceled if such funds have not been drawn.
7. The Subrecipient agrees to comply with OMB Circular A-133, which governs the auditing requirements of these grant monies in accordance with the Single Audit Act, and to provide the State with all required audits.
8. The Subrecipient also agrees to comply with OMB Circular A-87 concerning allowable and non-allowable expenses.

**NOTE pertaining to #7 and #8 above:** The Office of Management and Budget (OMB) published new requirements for federal award programs entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the Super Circular) codified at 2 CFR 200. The guidance supersedes and consolidates the requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, A-133, and A-50. This applies to all awards issued after December 26, 2014. The subrecipient agrees to comply with 2 CFR Part 200.

9. The Subrecipient agrees to provide the State Monthly Progress Reports by the 10<sup>th</sup> of each month.

10. The Subrecipient agrees to comply with any and all guidance provided by the State in regards to this grant to include the *Local Officials Guide to Managing a Voluntary Buyout* guidebook along with all requirements as outlined in *44 Code of Federal Regulations Part 80: Property Acquisition and Relocation for Open Space*.
11. The Subrecipient agrees that the State and FEMA officials shall have full access to any documents or materials relating to this Agreement at any reasonable time.
12. The Subrecipient agrees that all funds received under this Agreement shall be held and used by the Subrecipient for the purpose of accomplishing the project only and none of the funds so held or received shall be diverted to any other use or purpose.
13. The Subrecipient agrees that any material prepared by the Subrecipient or persons or firms employed or contracted by the Subrecipient shall not be subject to copyright, and the State shall have unrestricted authority to publish, disclose, distribute or otherwise use, in whole or in part, any reports, data or other material prepared under this agreement.
14. The Subrecipient agrees that any approval of contracts, sub-contracts, material or service orders, or any other obligation by the Subrecipient or its agents shall not be deemed an obligation by the State, and the State shall not be responsible for fulfillment of the Subrecipient's obligations.
15. In the event that the State or an audit has determined that the Subrecipient has failed to comply with this Agreement, the Subrecipient shall perform remedial actions to correct the deficiency, as determined by the State which may include:
  - X Repayment or reimbursement of federal and state funds spent inappropriately to the State;
  - X The return of federal and state funds deposited at the Subrecipient's local financial institution to the State;
  - X The return of any equipment, materials or supplies purchased, leased or lease purchased using federal or state funds to the State or supplier;
  - X Other actions as the State deems appropriate.
16. The State may terminate this agreement in whole or in part, at any time before the date of completion, whenever it is determined by the State that the Subrecipient has failed to comply with the conditions of this Agreement. The State shall notify the Subrecipient in writing of the determination and the reasons for the termination, together with the effective date. The Subrecipient shall not incur new obligations for the terminated portion after the effective date of the revocation of the Agreement, and it shall be the Subrecipient's duty to cancel all outstanding obligations that are legally possible.
17. The State and Subrecipient each binds himself to his successors, executors, administrators, assigns and legal representatives or such other party, in respect to all covenants, agreements, and obligations of this agreement.
18. The State agrees that it may at any time, in its sole discretion, give any consent, deferment, subordination, release, satisfaction, or termination of any or all of the Subrecipient's obligations under this Agreement, with or without valuable consideration, upon such terms and conditions as the State may determine to be (a) advisable to further the purpose of the project or to protect the State's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it was made.
19. The Subrecipient agrees to complete such action as is required to become fully informed of all State and National laws and county and municipal ordinances and regulations in any manner affecting those engaged or employed in the work, or the materials used in the work, or in any way affecting the conduct of the work and the Subrecipient shall at all times observe and comply with, all such applicable existing and future laws, ordinances, regulations, orders and decrees and the Subrecipient further agrees to protect, indemnify and hold harmless, with respect to any damages arising from any completed work or tort done in performing any of the work embraced by this Agreement, SEMA, the



State of Missouri and the Federal Emergency Management Agency and the officers and agents of those entities, from any claim or liability arising from or based on the violation of any law, ordinance, regulation, order or decree, whether by the Subrecipient or the Subrecipient's employees

20. The Subrecipient agrees that the remediation of any hazardous materials (except asbestos in acquisition/demolition projects) discovered during the completion of this project is the sole responsibility of the Subrecipient. The Subrecipient must follow all Federal and State regulations. SEMA and FEMA will not contribute any funds or resources to the required remediation.
21. The Subrecipient agrees that it understands and accepts the responsibility under the Revised Statutes of Missouri (RSMo) Sections 385.525 through 285.555 (Illegal Immigrants) to ensure that "no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri." The Subrecipient further certifies that any contract awarded by the Subrecipient will require the contracted business entity to comply with the references mentioned above. The Subrecipient understands that failure to comply with this requirement will subject the Subrecipient to the penalties described in the references mentioned above.
22. Subrecipient agrees to make every effort to quantify and report losses avoided and success stories to the State, for the recognized life of the project, after an event occurs that realizes the benefit or objective of the project.

# Signatory Approval of the Flood Mitigation Assistance Program Flood Buyout Grant Agreement

*The parties hereto have made and executed this Agreement as of the day and year indicated in the Funding Approval form.*

## Subrecipient Signatory Representative

\_\_\_\_\_  
Charles Adams  
Interim City Manger

\_\_\_\_\_  
Date

## State Signatory Representative

\_\_\_\_\_  
Ernie Rhodes, Director  
Missouri State Emergency Management Agency

\_\_\_\_\_  
Date



City of University City, Department of Public Works and Parks  
6801 Delmar Blvd. University City, Missouri 63130 314-505-8560, fax 314-862-0694

July 28, 2017

MEMO

To: Charles Adams, Interim City Manager

From: Sinan Alpaslan, Director Public Works and Parks

RE: FY16 FMA Grant – Hafner Ct. Apartments Voluntary Buy-out

Below is the estimated timeline for completing the buyout of the Hafner Ct. Apartments with the Flood Mitigation Assistance grant the City was awarded earlier this year.

The grant started March 1, 2017 and the City has until March 30, 2019 to complete the project. October 1, 2017 is the drop-dead date for starting the project.

August 11, 2017 – New information communicated on August 10, 2017 by the State Emergency Management Agency (SEMA) of Missouri to the department requires a decision of whether to execute the grant agreement by University City by September 18, 2017 (revised drop-dead date) for this project and otherwise SEMA will terminate the grant offering to University City.

October 2017 –

- City signs FMA grant agreement paperwork.
- City makes contact with Hafner Ct. Apartments property owner
- Post notices to hire an appraisal company and title company
- Post notice to hire consultant to handle tenant move
- Meet with grant consultant to determine if there are any permitting needs for this project (MSD, USACE, FEMA, City, County, State)

November 2017 –

- Hire Appraisal and Title Company
- Hire Tenant move consultant
- Contact the necessary entities for permitting

December 2017 –

- Appraisal of apartment completed (2 weeks)
- Information sent to tenants about move
- Permitting paperwork submitted (if necessary)

January to June 2018 –

- Move tenants
- Permit work
- Title work

May 2018 –

- Hire Demolition Company

July 2018 –

- Close on properties

August - September 2018 –

- Asbestos work

October thru November 2018 –

- Demolition of structures

December 2018 thru March 2019 –

- Close out project
- This is buffer for anything that goes wrong throughout the project and pushes things back.



## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Preliminary Funding Agreement with U. City, L.L.C.

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

The City issued a Request for Proposal (RFP) on March 29, 2017 to solicit redevelopment proposals for a 31-acre multi-parcel site under private ownership adjacent to the intersection of Olive Boulevard and Interstate 170. The City's intent was to encourage retail or office, hospitality and residential development of the site and help stimulate the overall redevelopment of the Olive Boulevard corridor and adjacent residential areas.

The RFP was directly mailed to 41 local, regional, and national developers; placed on the City's website; published in the local news media; and sent to existing property owners, the City of Olivette and local commercial real estate brokers. One response was received, from Novus Development Company, provided to the City Council on May 15, 2017.

Special Counsel has been retained by the City and a Preliminary Funding Agreement has been negotiated with Novus Development for the City Council's consideration. The Agreement calls for U. City, L.L.C. to initially advance \$40,000 to the City and maintain at least a \$10,000 balance. The funds will be used to pay or reimburse the City for payment of actual costs incurred by the City for services provided by consultants and advisors (including attorneys, planners, and financial consultants) as the City deems advisable regarding its review of redevelopment plans, blight studies, and related documents, and negotiation of a redevelopment agreement, and for expenses incurred by the City (such as mailing, publication and similar costs) in connection with the foregoing.

### **RECOMMENDATION:**

Approval

### **ATTACHMENTS:**

- Preliminary Funding Agreement with U. City, L.L.C.



## PRELIMINARY FUNDING AGREEMENT

THIS PRELIMINARY FUNDING AGREEMENT (the "Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the CITY OF UNIVERSITY CITY, MISSOURI (the "City") and U. CITY, L.L.C. (the "Company").

### RECITALS

1. The Company has submitted a proposal to the City for the redevelopment property adjacent to the intersection of Interstate 170 and Olive Boulevard (the "Proposed Redevelopment Area").

2. The City is willing to explore the feasibility of financing a portion of the costs of redeveloping the Proposed Redevelopment Area through the use of tax increment financing or other economic development incentives, if the Company advances funds to pay the City's costs of exploring such incentives.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Advance of Funds.** The City hereby acknowledges receipt from the Company of \$40,000 to be used as initial preliminary funding in connection with the City's consideration of the adoption of tax increment financing or other economic development incentives in the Proposed Redevelopment Area (the "Preliminary Funds"). The City shall use the Preliminary Funds to pay or reimburse the City for payment of actual costs incurred by the City for services provided by such consultants and advisors (including, but not limited to attorneys, planners, and financial consultants) as the City deems advisable regarding the City's review of redevelopment plans, blight studies and related documents, and negotiation of a redevelopment agreement, and for expenses incurred by the City (such as mailing, publication and similar costs) in connection with the foregoing. The parties acknowledge that such amount is a substantial sum and agree to use their best efforts to work together to reduce the total costs to be paid out of the Preliminary Funds.

2. **Disbursement.** Subject to the remaining provisions of this Agreement, the City shall disburse Preliminary Funds for fees and expenses incurred or to reimburse the City for fees and expenses previously paid by the City upon receipt of (a) invoices for work performed by consultants and advisors, (b) invoices and/or receipts for out-of-pocket expenses incurred by such parties or the City for the planning, legal and financial work described above, and (c) such other supporting documentation as may be requested by the City. The City shall use reasonable care in ascertaining that the fees and expenses paid from the Preliminary Funds are fair and reasonable.

3. **Copies of Disbursement Requests.** The Company may request copies of all disbursement records (as maintained pursuant to Section 2 above) detailing costs paid from the Application Fee and from the Preliminary Funds.

4. **Consideration of Incentives.** Nothing herein shall obligate the City to approve tax increment financing or any other incentives for the Company's proposed project.

5. **Company's Right of Termination.** The Company may terminate this Agreement at any time in its sole discretion upon giving the City 10 days' written notice; whereupon 10 days following the Company's delivery of said notice this Agreement shall be deemed terminated. Upon receipt of such notice, the City will cease incurring expenditures under this Agreement as soon as reasonably possible. The City shall pay to Company, within 60 days after the Company delivers notice of its termination under

this Section, all Preliminary Funds remaining after the City's payment of any fees and expenses submitted pursuant to this Agreement for work performed through the date of termination.

**6. City's Right of Termination.** The City may terminate this Agreement upon giving the Company 10 days' written notice if (a) a redevelopment agreement is not executed within a reasonable time (as determined by the City in its reasonable discretion) or (b) the balance from the initial Preliminary Funds or subsequent funds advanced hereunder falls below \$10,000 and the Company does not provide additional Preliminary Funds to the City. Upon giving such notice under this Section, the City shall cease incurring expenditures under this Agreement. The City shall pay to the Company, within 60 days after the City delivers notice of its termination of this Agreement under this Section, all Preliminary Funds remaining after the City's payment of any fees and expenses submitted pursuant to this Agreement for work performed by the City or its consultants, as specified in Section 1 hereof, through the date of termination.

**7. Excess Preliminary Funds.** If the City does not expend all the Preliminary Funds as provided herein, the City shall immediately return the remainder to the Company.

**8. No Third-Party Beneficiaries.** This Agreement constitutes a contract solely between the City and the Company. No third party has any beneficial interest in or derived from this Agreement.

**9. Notices.** All notices and correspondence hereunder shall be in writing and shall be delivered by hand delivery, facsimile, or first class mail, postage prepaid, to the parties as set forth below:

**If to the City:**

City of University City  
Attention: Andrea Riganti  
6801 Delmar Boulevard  
University City, Missouri 63130

**If to the Company:**

U. City, L.L.C.  
c/o Novus Development Company  
20 Allen Avenue, Suite 400  
Webster Groves, Missouri 63119  
Attention: Jonathan Browne

**10. Miscellaneous.**

**a. Severability.** If any provision of this Agreement is unenforceable, the remainder of this Agreement shall be enforced as if such provision were not contained herein.

**b. No Waiver.** Failure of any party hereto to enforce its rights hereunder at any time shall not be deemed a waiver of any such rights.

**c. Representations and Warranties.** The Company and the City each represent and warrant that (i) this Agreement has been duly executed by them or on their behalf, as the case may be, pursuant to due authorization, and is not in violation of any such party's governing documents, charter or ordinances, as the case may be, (ii) no consents are necessary for the execution, delivery, and performance of this Agreement by such party, and (iii) this Agreement is valid, binding and enforceable against such



party in accordance with its terms.

**d. Assignment.** This Agreement may not be assigned by either party without the written consent of the other.

**11. Limitation of Liability.** Notwithstanding any provision hereof to the contrary, the City and its officials, agents, employees and representatives shall not be liable to the Company for damages or otherwise if this Agreement, any prospective adoption of tax increment financing, the Plan or the Redevelopment Agreement is declared invalid or unconstitutional in whole or in part by the final (as to which all rights of appeal have expired or have been exhausted) judgment of any court of competent jurisdiction, and by reason thereof either the City is prevented from performing any of the covenants and agreements herein or the Company is prevented from enjoying the rights and privileges contemplated hereunder.

[Remainder of Page Intentionally Left Blank.]

**IN WITNESS WHEREOF**, the parties hereto have caused this Preliminary Funding Agreement to be duly executed as of the date first above written.

**CITY OF UNIVERSITY CITY, MISSOURI**

By: \_\_\_\_\_  
City Manager

**U. CITY, L.L.C.**

By: \_\_\_\_\_  
President



## City Manager's Report Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Liquor License for **One McKnight Place Development Company – One McKnight Place**

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** **One McKnight Place Development** formerly McKnight Place PTP, LLLP DBA the Gatesworth, has applied for a liquor license: All kinds of intoxicating liquor, by the drink, retail, including Sunday sales. This location currently has a valid liquor license for the same classification. This request is due to a change in the name of liquor license holding. The Managing Officer is David Smith.

**ATTACHMENTS:** Valid Liquor License for 2017

**RECOMMENDATION:** Approval

#109



CITY OF UNIVERSITY CITY
APPLICATION FOR LIQUOR LICENSE
University City Municipal Code, Chapter 600 Section 600.060

INSTRUCTIONS: Read each question carefully. Make certain that each question is answered completely and correctly before you submit this application. If you need additional space, use the additional sheet provided at the end of this application. If a question does not apply to you, write N/A in the space, do not leave any blank fields. Submit all documents as requested. PLEASE PRINT CLEARLY.

Please note that this application may only be completed and filed by a sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license.

AN APPLICANT IS NOT PERMITTED TO OPERATE UNTIL LICENSE IS ISSUED

Applications must be accompanied by a non-refundable application filing fee of \$25.00

Type of license requested- separate license shall be obtained for each of the following classes of sales: (Please check each classification that applies)

- 2- All kinds of intoxicating liquor, by the drink, retail \$450.00
4- CLUB: All kinds of intoxicating liquor, by the drink, retail 200.00
5- Malt liquor not in excess of 5% alcohol wholesaler to wholesaler 75.00
6- Intoxicating liquor not in excess of 22% alcohol wholesaler to wholesaler 150.00
7- Malt liquor not in excess of 5% alcohol wholesaler to retailer 150.00
8- Intoxicating liquor not in excess of 22% alcohol wholesaler to retailer 300.00
9- Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the package, retail 75.00
10- Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the drink, retail 75.00
11- Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail 75.00
12- Intoxicating liquor not more than 22%, by the package, retail 75.00
13- Intoxicating liquor of all kinds, wholesaler to wholesaler 375.00
14- Intoxicating liquor of all kinds, wholesaler to retailer 750.00
15- Intoxicating liquor of all kinds, by the package, retail 150.00
Sunday Liquor License 300.00

**William J. Kuehling**  
314 552 6394 direct  
wkuehling@thompsoncoburn.com

August 9, 2017

**VIA MESSENGER DELIVERY**

City of University City  
Attn: Finance Department, 1st Floor  
6801 Delmar Boulevard  
University City, MO 63130

Re: Application of Gatesworth for Change of Name of Owner

Dear Sir/Madam:


Enclosed please find the Application to change the name of the liquor license holding entity at the Gatesworth from McKnight Place Partnership I, LLLP d/b/a The Gatesworth to One McKnight Place Development Company.

Also enclosed is the non-refundable application fee of \$25.00.

Please let me know if you have any questions regarding this application and thank you very much for your assistance.

Very truly yours,

Thompson Coburn LLP

By   
William J. Kuehling  
Counsel

WJK/cr

Enclosure

<b>I. BUSINESS APPLYING FOR LICENSE:</b>		
<b>A. BUSINESS NAME AND TYPE</b>		<input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company
One McKnight Place Development Company		
<b>B. DESCRIPTION OF PREMISES AND ADDRESS:</b>		<b>C. PHONE:</b>
DESCRIPTION: <u>The Gatesworth</u>		314-993-0111
ADDRESS: <u>One McKnight Place, University City, MO 63124</u>		
HOURS OF OPERATION: <u>10 am to 9 pm except for special events</u>		
<b>II. MANAGING OFFICER:</b>		
<b>A. NAME: (LAST)</b>	<b>(FIRST)</b>	<b>(MIDDLE INITIAL)</b>
Smith	David	A.
<b>B. ADDRESS, CITY &amp; ZIP CODE:</b>		<b>C. PHONE:</b>
One McKnight Place, University City, MO 63124		314-993-0111
<b>D. DATE OF BIRTH:</b>	<b>F. BUSINESS PHONE: (IF DIFFERENT FROM ABOVE)</b>	
July 5, 1950	See above	
<b>G. PREVIOUS ADDRESS: (IF NOT AT PRESENT ADDRESS FOR 5 YEARS OR MORE)</b>		
N/A		
<b>H. IF FOREIGN BORN, PLEASE STATE COUNTRY, PLACE AND STATE OF NATURALIZATION:</b>		
N/A		
<b>I. MISSOURI RESIDENT SINCE: (MONTH &amp; YR)</b>	<b>K. TOWNSHIP:</b>	<b>L. COUNTY:</b>
July, 1950	N/A	St. Louis
<b>M. CURRENT BUSINESS OR OCCUPATION OF APPLICANT:</b>		
Manager of McKnight Place Partnership I, L.L.L.P.		
<b>N. NAME OF CORPORATION, PARTNERSHIP OR CLUB: (IF APPLICABLE)</b>		
N/A		
<b>FOR PARTNERSHIP OR LIMITED PARTNERSHIP</b>		<b>NUMBER OF MEMBERS:</b>
<b>A2. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL PARTNERS: (USE PAGE 7 IF NECESSARY)</b>		
N/A		
<b>FOR CORPORATION OR LIMITED LIABILITY COMPANY</b>		<b>NUMBER OF MEMBERS:</b>
<b>A3. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL OFFICERS, DIRECTORS AND STOCKHOLDERS OWNING 1% OR MORE INTEREST IN THE CORPORATION OR MEMBERS OF A LIMITED LIABILITY COMPANY. (USE PAGE 7 IF NECESSARY)</b>		
See Attachment 1		
<b>OTHER PERSONS</b>		<b>NUMBER OF MEMBERS: 3 shareholders</b>
<b>A4. LIST NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH FOR ALL OTHER PERSONS WHO HAVE AN INTEREST IN THE BUSINESS FOR WHICH LICENSE IS REQUESTED. (USE PAGE 7 IF NECESSARY)</b>		
N/A		
<b>B4. IN WHAT TYPE OF BUSINESS IS EACH OF THE ABOVE PERSONS ENGAGED: (USE PAGE 7 IF NECESSARY)</b>		
N/A		

**III. OTHER INFORMATION**

<p>A. IS APPLICANT A QUALIFIED VOTER IN THE STATE OF MISSOURI?  <input checked="" type="checkbox"/> YES   <input type="checkbox"/> NO</p>	<p>B. IS APPLICANT AN ASSESSED, TAX PAYING CITIZEN IN THE STATE OF MISSOURI?   <input checked="" type="checkbox"/> YES   <input type="checkbox"/> NO</p>						
<p>C. HAS APPLICANT PREVIOUSLY HELD A LIQUOR LICENSE OF ANY TYPE?  <input checked="" type="checkbox"/> YES   <input type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM D)</p>	<p>D. EXPLAIN (WHEN, WHERE?)                  Applicant held license as McKnight Place Partnership I, L.L.L.P. d/b/a The Gatesworth</p>						
<p>E. HAS APPLICANT, OR ANY EMPLOYEE, OR PROPOSED EMPLOYEES, EVER BEEN DENIED A LIQUOR LICENSE, OR HAD A LICENSE TO SELL LIQUOR REVOKED?  <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM F)</p>	<p>F. EXPLAIN (WHEN, WHERE?)                  N/A</p>						
<p>G. HAS APPLICANT EVER BEEN EMPLOYED IN ANY CAPACITY BY A BUSINESS WITH A BEER, WINE OR LIQUOR LICENSE?  <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM H)</p>	<p>H. EXPLAIN (WHEN, WHERE?)                  N/A</p>						
<p>I. HAS THE APPLICANT, EMPLOYEE, OR PROPOSED EMPLOYEE EVER BEEN CONVICTED OF A VIOLATION OF ANY LAW REGULATING, CONTROLLING, OR PROHIBITING THE SALES OR MANUFACTURING OF INTOXICATING LIQUOR?  <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)</p>							
<p>J. HAS ANY DISTILLER, WHOLESALER, WINE MAKER, BREWER OR ANY EMPLOYEE, OR AGENT THEREOF, HAVE OR PROPOSE TO HAVE, ANY FINANCIAL INTEREST IN THE BUSINESS TO WHICH THIS APPLICATION APPLIES?  <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)</p>							
<p>K. INDICATE THE TYPE OF BUSINESS, IF ANY, APPLICANT PROPOSES TO CONDUCT ON PREMISES IN ADDITION TO SALE OF INTOXICATING LIQUOR:</p> <p><input type="checkbox"/> RESTAURANT _____</p> <p><input type="checkbox"/> HOTEL DINING ROOM _____</p> <p><input checked="" type="checkbox"/> OTHER (PLEASE EXPLAIN)     <u>Applicant runs The Gatesworth Senior Living Facility</u></p>							
<p>L. STATE ESTIMATE OF ANNUAL SALES VALUE:    FOOD \$ <u>2,750,000</u>    OTHER (INCLUDING LIQUOR) \$ <u>150,000</u></p>							
<p>M. IS THERE A SCHOOL, CHURCH, SYNAGOGUE, PUBLIC PARK OR PLAYGROUND WITHIN ONE HUNDRED FIFTY (150) FEET OF THE PROPOSED BUSINESS?   <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO (IF YES, STATE THE NAME AND APPROXIMATE DISTANCES):</p>							
<p>N. IS THE APPLICANT INDEBTED TO ANY PERSON FOR MONEY OR PROPERTY, TO BE USED IN THE LICENSED BUSINESS? (IF YES, STATE AMOUNT OF INDEBTEDNESS AND TO WHOM IT IS OWED.)   <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">AMOUNT OWED: \$ N/A</td> <td style="width:50%;">NAME: N/A</td> </tr> <tr> <td colspan="2">ADDRESS, CITY, STATE, &amp; ZIP: N/A</td> </tr> <tr> <td>PHONE: N/A</td> <td>OCCUPATION: N/A</td> </tr> </table>	AMOUNT OWED: \$ N/A	NAME: N/A	ADDRESS, CITY, STATE, & ZIP: N/A		PHONE: N/A	OCCUPATION: N/A
AMOUNT OWED: \$ N/A	NAME: N/A						
ADDRESS, CITY, STATE, & ZIP: N/A							
PHONE: N/A	OCCUPATION: N/A						

STATE OF MISSOURI )  
 ) SS.  
COUNTY OF ST. LOUIS )

Comes now David A. Smith of lawful age, being first duly sworn upon oath, deposes and says that he or she: (1) is the sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license, (2) is authorized to make this application, (3) has read this application and understands same, (4) knows the contents of this application, (5) swears that the answers and statements contained in this application are true and correct, and (6) on behalf of the applicant, agrees to comply with all laws of the City of University City and the State of Missouri relevant to the applicant's business.

David A. Smith  
SIGNATURE OF APPLICANT/MANAGING OFFICER

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY 9<sup>th</sup> OF August 2017.

Amanda K. Canaday  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
5-25-21



THIS SECTION FOR CITY USE ONLY

APPROVALS:

Police Chief _____	Date: _____
Comments: _____	
Community Development _____	Date: _____
Comments: _____	
City Manager _____	Date: _____
Comments: _____	



STATE OF MISSOURI )  
 ) SS.  
COUNTY OF ST. LOUIS )

Comes now David A. Smith of lawful age, being first duly sworn upon oath, deposes and says that he or she: (1) is the sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license, (2) is authorized to make this application, (3) has read this application and understands same, (4) knows the contents of this application, (5) swears that the answers and statements contained in this application are true and correct, and (6) on behalf of the applicant, agrees to comply with all laws of the City of University City and the State of Missouri relevant to the applicant's business.

David A. Smith  
SIGNATURE OF APPLICANT/MANAGING OFFICER

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY 9<sup>th</sup> OF August 2017

Amanda K. Canaday  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

5 25 21



THIS SECTION FOR CITY USE ONLY

APPROVALS:

Police Chief	_____	Date: _____
Comments:	_____	
Community Development	<u>Andrea Riganti (RL)</u>	Date: <u>8/10/17</u>
Comments:	_____	
City Manager	_____	Date: _____
Comments:	_____	

**IV. SUNDAY LIQUOR LICENSE**

If application is for Sunday liquor license, complete the following section:

Under the provisions of Chapter 600, Section 600.260 of the Municipal code of the City of University City, application is hereby made for a license to sell intoxicating liquor between the hours of 9:00 A.M. and midnight on Sundays.

A. APPLICANT NAME: (LAST) **Smith** (FIRST) **David** (MIDDLE INITIAL) **A.**

B. BUSINESS NAME: **One McKnight Place, University City, MO 63124** PHONE NUMBER: **314-993-0111**

Type of Liquor License held or applied for:

- 1-2 All kinds of intoxicating liquor, by the drink, retail
- 9 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the package, retail
- 10 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the drink, retail
- 11 Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail
- 12 Intoxicating liquor not more than 22%, by the package, retail
- 15 Intoxicating liquor of all kinds, by the package, retail

For the purpose of obtaining said Sunday Liquor license: applicant states that at least fifty percent (50%) of the gross income of the restaurant bar at the above location is derived from the sale of prepared meals or food consumed on the premises, or which has an annual gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food.

*David A. Smith*

Signature of Applicant

*Authorized Agent*

Title of Applicant

*August 9, 2017*

Date

**Ownership of One McKnight Place Development Company**

Shareholders

Charles J. Deutsch Revocable Living Trust  
David A. Smith Revocable Trust  
Elana Spitzberg Revocable Trust

Address for All: One McKnight Place  
University City, MO 63124  
Telephone Number for all: 314-993-0111

Directors:

Charles J. Deutsch – D.O.B. – 12/5/1949  
David A. Smith – D.O.B. – 7/5/1950

Address for all" One McKnight Place  
University City, MO 63124  
Telephone Number for all: 314-993-0111

Officers:

Charles J. Deutsch – President  
David A. Smith – Secretary  
Address and Telephone Number: See above

Jason Kander Secretary of State  
 2016-2017 BIENNIAL REGISTRATION REPORT  
 BUSINESS

**00295723**  
**Date Filed: 4/26/2016**  
**Jason Kander**  
**Missouri Secretary of State**

I ELECT TO FILE A BIENNIAL REGISTRATION REPORT

\* SECTION 1, 3 & 4 ARE REQUIRED

REPORT DUE BY: 4/30/2016

**00295723**  
 ONE MCKNIGHT PLACE DEVELOPMENT COMPANY  
 CHARLES J. DETUSCH  
 ONE MCKNIGHT PLACE  
 ST. LOUIS MO 63124

RENEWAL MONTH: <b>JANUARY</b>	
<input type="checkbox"/> I OPT TO CHANGE THE CORPORATION'S RENEWAL MONTH TO FOR A \$25.00 FEE	
PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS: *	
One McKnight Place	(Required)
STREET	
St. Louis	MO 63124
CITY / STATE ZIP	

2 If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

The new registered agent \_\_\_\_\_

IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

The new registered office address \_\_\_\_\_

Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). MUST LIST PRESIDENT AND SECRETARY BELOW		BOARD OF DIRECTORS NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). MUST LIST AT LEAST ONE DIRECTOR BELOW	
A		B	
<u>PRESIDENT</u>	Deutsch, Charles J. One McKnight Place STREET CITY/STATE/ZIP <u>St Louis MO 63124</u>	<u>NAME</u>	Deutsch, Charles J. One McKnight Place STREET CITY/STATE/ZIP <u>St. Louis MO 63124</u>
<u>SECRETARY</u>	Smith, David A. One McKnight Place STREET CITY/STATE/ZIP <u>St. Louis MO 63124</u>	<u>NAME</u>	Smith, David A. One McKnight Place STREET CITY/STATE/ZIP <u>St. Louis MO 63124</u>
	STREET _____ CITY/STATE/ZIP _____	<u>NAME</u>	_____
	STREET _____ CITY/STATE/ZIP _____	STREET _____	_____
	STREET _____ CITY/STATE/ZIP _____	CITY/STATE/ZIP _____	_____

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

4 The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 576.060 RSMo. Photocopy or stamped signature not acceptable. \*

Authorized party or officer sign here Charles J. Deutsch (Required)

Please print name and title of signer: Charles J. Deutsch / President  
 NAME TITLE

REGISTRATION REPORT FEE IS:  
 \_\_\_ \$40.00 If filed on or before 4/30/2016  
 \_\_\_ \$55.00 If filed on or before 5/31/2016  
 \_\_\_ \$70.00 If filed on or before 6/30/2016  
 \_\_\_ \$85.00 If filed on or before 7/31/2016  
**ADD AN ADDITIONAL \$25.00 FEE IF CHANGING THE RENEWAL MONTH.**

**WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE**

E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED  
 RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO: Secretary of State, P.O. Box 1366, Jefferson City, MO 65102



# LIQUOR LICENSE RENEWAL APPLICATION

TO: Financial Services  
 City of University City  
 6801 Delmar Blvd.  
**THE GATESWORTH**  
 University City, MO 63130

RENEWAL EFFECTIVE: **January 1, 2017**  
 RENEWAL SENT DATE: **September 1, 2016**  
 BUSINESS: **MCKNIGHT PLACE PTP I LLLP DBA**

BUSINESS ADDRESS: **ONE MCKNIGHT PLACE**  
 LICENSE NUMBER: **73**

MCKNIGHT PLACE PTP I LLLP DBA THE GATESWORTH  
 ONE MCKNIGHT PLACE  
 SAINT LOUIS MO 63124

Liquor licenses are issued on an annual basis and expire December 31<sup>st</sup> following the date of issuance. Our records indicate that it is time to renew the liquor license for the above-named business. Please fill-in the information below and return the completed form and the total due to:

City of University City  
 Attn: Financial Services  
 6801 Delmar Blvd.  
 University City, MO 63130

**Failure to submit the renewal application and payment by the due date of October 31, 2016, may result in penalties and possible revocation of said liquor license.**

License Type	
Intoxicating Liquor of All Kinds	\$ 450.00
Sunday Liquor	\$ 300.00

**Total: \$750.00**

Business Telephone Number:	Business License Number:	Number of Employees:	Non Liquor Sales:	Total Liquor Sales:
(314)993-0111	3860	240	1,795,533	120,862

Under the provisions of Chapter 5 of the Municipal Code of the City of University City, the undersigned hereby makes application for RENEWAL of the present liquor license for the business and address location referenced above.

In making request for renewal of the liquor license, the **UNDERSIGNED AGREES THAT THE TERMS UNDER WHICH ORIGINAL LICENSE WAS ISSUED TO APPLICANT STILL APPLIES IN ALL RESPECTS.**

If identical conditions do not exist, changes from original application have been stated in detail on reverse side of this renewal application form.

**\*RENEWAL APPLICATION MUST BE SIGNED BY ORIGINAL APPLICANT, OWNER, OR MANAGING OFFICER OF LICENSED BUSINESS.**

Linda Elmore                      Controller                      9/19/2016  
 Signature of Applicant                      Title of Applicant                      Date

**City of University City  
Liquor License  
Business Information Update Form**

Please Type or Print

*NO CHANGES*

**BUSINESS INFORMATION**

Business Name:

Physical Address:

City, State, Zip Code:

Telephone:

Fax:

Email:

Mailing Address (if different from above):

Manager's Name:

Emergency Contact Person:

Emergency Telephone Number:

**BUSINESS STATUS**

- No Change in Business Status
- New Ownership; Indicate Date of Ownership Change \_\_\_\_\_
- Managing Officer Change; Indicate Date of Managing Officer Change \_\_\_\_\_
- Moved; Indicate Date of Move \_\_\_\_\_
- Closed; Indicate Last Day of Business Conducted \_\_\_\_\_

**OTHER CHANGES FROM ORIGINAL APPLICATION**

**DECLARATION OF AUTHORIZED REPRESENTATIVE**

I hereby declare that the information provided above is true and complete.

Signature:

Date:

TAXATION DIVISION  
P.O. BOX 3666  
JEFFERSON CITY, MO 65105-3666



**STATE OF MISSOURI**  
**Department of Revenue**  
Telephone: (573) 751-9268  
Fax: (573) 522-1265  
E-mail: taxclearance@dor.mo.gov

ONE MCKNIGHT PLACE DEVELOPMENT CO  
ONE MCKNIGHT PLACE DEVELOPMENT CO  
1 MCKNIGHT PL  
ST LOUIS , MO 631242229

**DATE:** September 19, 2016  
**MISSOURI TAX ID NUMBER:**  
12951340  
**University City**

## CERTIFICATE OF NO TAX DUE

To Whom it may concern: The Department of Revenue, State of Missouri, certifies that the above listed taxpayer/account has filed all required returns and paid all sales or withholding tax due, including penalties and interest, or does not owe any sales and withholding tax, according to the records of the Missouri Department of Revenue as of September 16, 2016. These records do not include returns that are not required to be filed as of this date for taxes previously collected or that have been filed but not yet processed by the Department.

This statement only applies to sales and withholding tax due and does not limit the authority of the Director of Revenue to assess, and/or collect liabilities under appeal, in default of an installment agreement entered into with the Director of Revenue or that become known to the Missouri Department of Revenue as a result of audit, review of the taxpayer's records, or determination of successor liability.

**THIS CERTIFICATE REMAINS VALID FOR 90 DAYS FROM THE ISSUANCE DATE.**

DIRECTOR OF REVENUE OR DELEGATE  
STATE OF MISSOURI

BY:

A handwritten signature in black ink that reads "Dwayne Maples".

Dwayne Maples  
Administrator, Business Tax



**LIQUOR LICENSE**

**CITY OF UNIVERSITY CITY, MISSOURI**

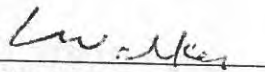
**No. 73  
EXPIRES: 12/31/2017**

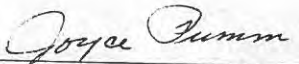
**MCKNIGHT PLACE PTP I LLLP DBA THE GATESWORTH  
ONE MCKNIGHT PLACE**

**IS HEREBY AUTHORIZED TO SELL LIQUOR AS LISTED BELOW WITHIN  
THE CITY OF UNIVERSITY CITY, MISSOURI.**

**Intoxicating Liquor of All Kinds by the Drink, Retail, Including Sunday Sales**



  
City Manager

  
City Clerk

**TO BE PROMINENTLY POSTED ON THE PREMISES  
NOT TRANSFERABLE FROM LOCATION SHOWN ABOVE**

**MCKNIGHT PLACE PTP I LLLP  
DBA THE GATESWORTH  
ONE MCKNIGHT PLACE  
SAINT LOUIS, MO 63124**



Gatesworth

Bill Kuehling  
552-6394

<p><b>§ 600.200</b> Persons Eighteen Years of Age or Older May Sell or Handle Intoxicating Liquor, When.</p>	<p>licensed 5 liquor 9</p>
<p>... dispensing of intoxicating <b>liquor</b>. In any place of business <b>licensed</b> in accordance with Section ... for carryout, intoxicating <b>liquor</b>. Delivery of intoxicating <b>liquor</b> away from the <b>licensed</b> business premises cannot be ... years of age or older on the <b>licensed</b> premises during all hours of ...</p>	
<p>Alcoholic Beverages&gt; Intoxicating Liquor</p>	

<p><b>§ 600.210</b> Sale To Minor — Certain Other Persons Exceptions — Allowing Person Under Twenty-One Years of Age To Drink or Possess Intoxicating Liquor.</p>	<p>license 3 licensed 3 liquor 11</p>
<p>... supply any intoxicating <b>liquor</b> in any quantity whatsoever to ... supply intoxicating <b>liquor</b> to any person under the age ... supplying of intoxicating <b>liquor</b> to a person under the age of ... of such intoxicating <b>liquor</b> to any person by a duly <b>licensed</b> physician. Notwithstanding ...</p>	
<p>Alcoholic Beverages&gt; Intoxicating Liquor</p>	

<p><b>§ 605.1300</b> Licenses.</p>	<p>license 38 licensed 3 licenses 5 licenses licenses 1 licensing 4</p>
<p>... person obtains a pawnshop <b>license</b> issued by the City in accordance with the general <b>licensing</b> provisions of the City and ... of this Article. A <b>license</b> is required for each place ... than that specified in the <b>license</b>. It shall be unlawful for any ... in the place of business the <b>license</b> certificate therefor and a ...</p>	
<p>Business Regulations&gt; Pawnshops and Pawnbrokers</p>	

<p><b>§ 600.090</b> Classification of Licenses — Fees, Terms and Regulations.</p>	<p>license 39 licensed 22 licenses 8 liquor 30 liquor license 4 liquor licenses 4 liquors 2</p>
<p>... Any person applying for a <b>license</b> as described in this Section ... The various classes of <b>licenses</b>, their terms and regulations and <b>license</b> fees to be paid to the ... Finance upon the issuance of <b>licenses</b> pursuant to this Article upon ... brewing in this City malt <b>liquor</b> containing not in excess of ...</p>	
<p>Alcoholic Beverages&gt; Intoxicating Liquor</p>	

<p><b>§ 600.060</b> Application Form, Fee and Contents — Prerequisites To Issuance of License.</p>	<p>license 14 liquor 5 liquors 5</p>
<p>Alcoholic Beverages&gt; Intoxicating Liquor</p>	

[R.O. 2011 85.08.060; Prior Code §4-6 (part); Ord. No. 3292 §3; Ord. No. 4665 §1; Ord. No. 4711 §1; Ord. No. 4731 §1; Ord. No. 5643 §1, 2-8-1988; Ord. No. 5650 §1, 4-18-1988]

- A. No license shall be issued to an applicant to sell all kinds of intoxicating liquors as defined by Section **600.010** for consumption on the premises until the following conditions have been met and complied with:

1. *Petition and filing fee.* The applicant shall file with the City a petition for a license and, except when applying for a renewal of any license, shall pay a filing fee of twenty-five dollars (\$25.00) to the Director of Finance. Such petition shall be verified by the applicant and shall set forth:

- a. If an individual, the full name, age, residence and place of birth of the applicant; and if a naturalized citizen, the time and place of naturalization; whether the person is a registered voter and a taxpaying citizen of the State; whether or not the person has ever been convicted since the ratification of the 21st Amendment to the Constitution of the United States of the violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquors; whether or not the person has ever been engaged in the manufacture or sale or distribution of intoxicating liquor, and if so when, where and the nature of the business; whether or not any distiller, wholesaler, wine maker, brewer, or any employee, officer or agent of any such person has any financial interest or proposes to have any financial interest in the retail business for the sale of intoxicating liquor for which such applicant is applying for the license; and whether or not any such persons, either directly or indirectly, have loaned, given or furnished, or will loan, give or furnish any equipment, money, credit or property of any kind to such applicant except ordinary commercial credit for liquor sold to such applicant.

If a corporation, the same information required above from individuals shall be furnished concerning the person to whom the license is to be issued; and in addition thereto, the full corporate name or proposed corporate name, the State of incorporation or proposed State of incorporation, the address of its principal office, the amount of its capital stock and the names and addresses of its officers and directors;

- b. The exact location of the place or premises where the applicant proposes to engage in such retail liquor business, and particularly and fully describing the premises, setting forth all entrances to and exits from such premises, the doors and windows thereof, and the extent of the visibility of the interior of such premises from any street or sidewalk or other places on the outside of such premises, and the kind of businesses, if any, conducted in all other parts of the building in which the applicant's business is to be conducted;
- c. The kind of business, if any, which the applicant proposes to conduct in such premises in addition to the sale of intoxicating liquor, and the hours which such applicant plans to keep his/her place open for business of any kind.

2. *Recommendations, etc.* Except as provided in Section **600.080**, the application must be accompanied by the recommendation of five (5) credible, resident citizens of this City, vouching for the character and reputation of the applicant. A petition must be submitted in favor of the license signed by at least one (1) owner of record of each of the parcels of real estate constituting a majority of the parcels of real estate in the City within a distance of two hundred (200) feet in all directions from the primary public entrance of the premises described in Subsection **(1)(b)** of this Section. A petition must also be submitted in favor of the license signed by at least one (1) owner of each of the businesses constituting a majority of the business occupying or conducting any business in the City on the main or surface floor within a distance of two hundred (200) feet in all directions from the primary public entrance of the premises described in Subsection **(1)(b)** of this Section. In the absence of valid petitions described above, the City Council must have a five-sevenths (5/7) vote to approve the license.

- 3. *Investigation and report by City Manager.* It shall be the duty of the City Manager to cause and to be made an investigation of such application for the purpose of determining the qualifications of the applicant and the applicant's compliance with the terms of this Article, and the City Manager shall report the facts so found to the Council, together with any recommendations upon such application, and the Council shall take action thereupon.
- 4. *When license not to be issued.* No license shall be issued pursuant to this Article unless the following conditions have been met and complied with:
  - a. The applicant, if an individual: the partners, if a partnership; the applicant, directors or officers, if a corporation; is/are a person/persons of good moral character, a native born or naturalized citizen of the United States of America, a qualified legal voter and taxpaying citizen of the United States of America, a qualified legal voter and taxpaying citizen of the State; or to anyone whose license to manufacture or sell intoxicating liquors, issued by this or any other municipality or State, has been revoked within three (3) years of the date of such person's application, or to anyone who has ever been convicted, since the ratification of the 21st Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquors, or employs or intends to employ in their business any person whose license to deal in intoxicating liquors has been revoked within three (3) years of the date of the filing of such application, or has been convicted of violating such law since the date aforesaid;
  - b. The Council shall find that issuance thereof will serve the public convenience or necessity.
- 5. *Public hearing — notice of hearing.* Before taking action upon any application for a license pursuant to this Article, the Council shall hold a public hearing thereon, and the Council shall direct the City Clerk to give notice of such public hearing to those the Council shall deem appropriate. Such public notice shall be posted on the premises described in Subsection (1)(b) of this Section. Upon such hearing the applicant may produce testimony under oath and be represented by counsel, and the Council shall have the power to subpoena witnesses and take their testimony pertaining to all matters connected with the petition of the applicant, and any person interested in or affected by such application shall have the right to attend such hearing, produce witnesses and testimony.

Alcoholic Beverages> Intoxicating Liquor

**§ 600.100 License Issuance To Business Near School or A Building Regularly Used As A Place of Religious Worship.**

license	4
licensed	2
liquor	2

No **license** shall be granted for the sale of intoxicating **liquor**, as defined in this Chapter, ... unless the applicant for the **license** shall first obtain the ... of any place of business **licensed** to sell intoxicating **liquor**, the **license** shall not be denied for this ...

Alcoholic Beverages> Intoxicating Liquor

**§ 210.210 License Tags.**

license	8
---------	---

... shall have prepared dog **license** plates made of metal or other ... to applicants securing a **license**. Such **license** plates shall be numbered and ... the number appearing on the **license** and on the application for such **license**. Such **license** plate shall be securely ...

<p><b>§ 600.080</b> Grants of License For Same Location.</p>	<p>license</p>	<p>3</p>
<p>[R.O. 2011 §5.08.080; Prior Code §4-6 (part); Ord. No. 3292 §3; Ord. No. 4665 §1; Ord. No. 4711 §1; Ord. No. 4731 §1; Ord. No. 5643 §1, 2-8-1988; Ord. No. 5650 §1, 4-18-1988]</p>		
<p>A. Any license issued under this Article may be granted to a successor owner of the business at the same location, upon payment of the fee therefor; provided that such successor owner:</p>		
<ol style="list-style-type: none"> <li>1. Satisfies the requirements of Section 600.060(1), (3) and (4) hereof; and</li> <li>2. Such application is made within thirty (30) days of the expiration of such predecessor's license.</li> </ol>		
<p>Alcoholic Beverages&gt; Intoxicating Liquor</p>		

<p><b>§ 605.820</b> Investigation, Deposit, Referral To Council and Issuance of License.</p>	<p>license</p>	<p>3</p>
<p>... showing a deposit by such applicant of the <b>license</b> tax provided for by this Chapter. All ... and necessity require, it shall issue a <b>license</b> to the owner of such service car.</p>		
<p>Business Regulations&gt; Service Cars</p>		

<p><b>§ 605.1270</b> Operating Bus When Permit or License Revoked.</p>	<p>license</p>	<p>3</p>
<p>... §1103.22; Prior Code §31-55] No motorbus, the <b>license</b> or permit for which shall have been revoked, ... the Council or unless or until a new permit or <b>license</b> shall be authorized by the Council and issued in ...</p>		
<p>Business Regulations&gt; Motorbuses</p>		

<p><b>§ 605.1490</b> Issuance of License, Schedule of Fees and Renewals.</p>	<p>license</p>	<p>3</p>
<p>... Director of Finance shall issue the <b>license</b> therefor upon the receipt of a bond ... of the appropriate following <b>license</b> fee: Detective agency employing not ... dollars (\$30.00) per year. All <b>licenses</b> so issued may be renewed annually ...</p>		
<p>Business Regulations&gt; Private Detectives</p>		
<p>licenses</p>		
<p>1</p>		

<p><b>§ 605.670</b> Application and Investigation — Issuance of License.</p>	<p>license</p>	<p>6</p>
<p><small>By using eCode360 you agree to be tracked and analyzed by analytics providers such as Google Analytics, who may share information about your use of the product with other companies. Privacy Policy</small></p>		



## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** An Ordinance Amending Chapter 110

**AGENDA SECTION:** Unfinished Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

AN ORDINANCE AMENDING CHAPTER 110 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ADMINISTRATION, BY REPEALING SECTION 110.040 THEREOF, RELATING TO DISCLOSURE OF CONFLICTS OF INTEREST, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS "SECTION 110.040 DISCLOSURE OF CONFLICTS OF INTEREST."

**STAFF RECOMMENDATION:** Approval

### **ATTACHMENTS:**

1. Bill 9320



INTRODUCED BY: Councilmember Smotherson

DATE: July 10, 2017

BILL NO.: **9320**

ORDINANCE NO.:

**AN ORDINANCE AMENDING CHAPTER 110 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ADMINISTRATION, BY REPEALING SECTION 110.040 THEREOF, RELATING TO DISCLOSURE OF CONFLICTS OF INTEREST, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS “SECTION 110.040 DISCLOSURE OF CONFLICTS OF INTEREST.”**

WHEREAS, according to Missouri statutes on regulation of conflict of interest and lobbying, each political subdivision in Missouri with an annual operating budget in excess of one million dollars (\$1,000,000) must decide by September 15, every two years, whether to conform with the complex, detailed personal financial disclosure requirements in Chapter 105 RSMo, or to adopt its own method of disclosing conflicts of interest pursuant to Section 105.485.4 RSMo; and

WHEREAS, the City of University City has an annual operating budget in excess of one million dollars (\$1,000,000) and it is desirable to comply with State law by adoption of the following ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 110 of the University City Municipal Code, relating to Administration, is hereby amended by repealing Section 110.040 thereof, relating to conflicts of interest, and enacting in lieu thereof a new section to be known as “Section 110.040 Disclosure of Conflicts of Interest,” so that said section, as amended, shall read as follows:

**110.040 Disclosure of Conflicts of Interest.**

A. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

B. Conflicts of Interest. The Mayor or any member of the City Council who has a substantial personal or private interest as defined by Sections 105.450 (10, 11) and 105.461.1 RSMo, in any measure, bill, order or ordinance proposed or pending before the City Council, shall, before he or she passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the City Clerk and such statement shall be recorded in the record of proceedings of the City Council.

C. Disclosure Reports.

1. Each elected official, candidate for elective office, the City Manager, the Chief Purchasing Officer and the City Attorney (if employed full time) shall disclose in writing the following described transactions, if any such transactions were engaged in during the calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- c. The City Manager and the Chief Purchasing Officer shall disclose in writing the following information:
  - (1) The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000) or more was received during the year covered by the statement;
  - (2) The name and address of each sole proprietorship which he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests; and
  - (3) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

D. Filing of Reports. Duplicate disclosure reports made pursuant to this ordinance; in the format approved by the Missouri Ethics Commission, shall be filed with the City Clerk and the Missouri



Ethics Commission. The City Clerk shall maintain such disclosure reports available for public inspection and copying during normal business hours.

E. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

1. Each candidate for elective office who is required to file a personal financial disclosure statement shall file the financial interest statement no later than fourteen days after the close of the filing at which the candidate seeks nomination or election, and the statement shall be for the twelve months prior to the closing date;

2. Each person appointed to office shall file the statement within thirty days of such appointment or employment;

3. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 2. Filing of Ordinance. The City Clerk is directed to send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this 14<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Interim City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
City Attorney





## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Resolution Regarding MSD's Sewage Tank Project

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED?** Yes

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### **BACKGROUND REVIEW:**

Councilmembers Bwayne Smotherson and Paulette Carr are requesting the attached resolution regarding the MSD Sewage Tank Project.

### **RECOMMENDATION:**

### **ATTACHMENTS:**

- 1) Resolution 2017-13



## RESOLUTION NO. 2017-13

### A RESOLUTION ON MSD'S SEWAGE TANK PROJECT

#### MSD is a political subdivision

WHEREAS, The Metropolitan St. Louis Sewer District (MSD) is a political subdivision established in 1954 by voters in St. Louis City and St. Louis County pursuant to Missouri Constitution, Art. 6, Section 30, to provide adequate sewer and drainage facilities within its boundaries; and

WHEREAS, under MSD's Charter (Plan) approved by voters, effective July 1, 1954, MSD took complete title, jurisdiction, control, possession, and supervision of all sanitary and storm water sewer systems and facilities of all municipalities, sewer districts and other public agencies for the collection and disposal of sanitary sewage and storm water; and

WHEREAS, MSD has the power under its Plan to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments and extensions thereto; and

WHEREAS, all powers of MSD are vested in a Board of Trustees, which enacts ordinances, adopts budgets, determines policies and appoints an Executive Director, who executes the ordinances and administers the government of MSD; and

WHEREAS, the Board of Trustees consists of six members, three of whom are appointed by the Mayor of the City of St. Louis and three of whom are appointed by the County Executive of St. Louis County; and

WHEREAS, each Trustee is appointed for a term of four years and shall not serve for more than two full consecutive terms plus any unexpired portion of an unexpired term, and may be removed by said Mayor or County Executive, as the case may be, only upon charges and a finding of nonfeasance, malfeasance, or misfeasance in office and after a public hearing; and

WHEREAS, MSD's Plan is the organic law of the territory defined in the Plan, and takes the place of and supersedes all laws, charter provisions and ordinances inconsistent therewith relating to the territory; and

WHEREAS, MSD's Plan may be amended by a petition signed by registered voters residing within the District in such number as is equal to five percent of the total vote cast within St. Louis City and St. Louis County, respectively, at the last general election for governor, and approved by a majority of voters in each of the two jurisdictions at an election; and

Federal and State lawsuit against MSD for alleged violations of the Clean Water Act;  
Consent Decree

WHEREAS, on June 11, 2007, the United States of America, acting at the request of the United States Environmental Protection Agency (EPA), and the State of Missouri, acting at the request of the Missouri Department of Natural Resources (MDNR) jointly filed a lawsuit in the United States District Court for the Eastern District of Missouri (Case No. 4:07-CV-1120) seeking injunctive relief and civil penalties against MSD for MSD's alleged discharges of pollutants in violation of the federal Clean Water Act, including discharges of untreated sewage from its Combined Sewer Overflows and at least 300 Constructed Sanitary Sewer Overflows, and for alleged violations of conditions established in the National Pollutant Discharge Elimination System permits issued to MSD by the MDNR, as authorized by the EPA; and

WHEREAS, in addition, the United States alleged a claim under the Clean Water Act seeking to require MSD take such actions as may be necessary to abate the imminent and substantial endangerment to the health of persons presented by MSD's sewer system, resulting from discharges of untreated sewage to homes, yards, parks, playgrounds and streets; and

WHEREAS, the Missouri Coalition for the Environment Foundation was allowed to intervene in the lawsuit and filed a complaint for MSD's alleged violations of the Clean Water Act and certain National Pollutant Discharge Elimination System permits; and

WHEREAS, on April 27, 2012, the United States District Court entered a Consent Decree which imposed a \$1.2 million civil penalty on MSD, and ordered stipulated daily penalties in the event specified remedial measures are not completed by MSD by the deadlines that run through 2035 for such measures; and

WHEREAS, the terms of Consent Decree may be modified by written agreement of the parties or if a party is entitled to modification in accordance with Consent Decree provisions; and

WHEREAS, MSD is required to identify and implement all measures needed to ensure compliance with the federal Clean Water Act and the Missouri Clean Water Act and the regulations and policies promulgated thereunder, and MSD's plans, programs, and other submittals must be based upon good engineering practices and industry standards, using certain recognized industry documents as guidance; and

WHEREAS, MSD has stated that the Consent Decree requires MSD to spend a minimum of \$4.7 billion through 2035 to address the issue of overflows and other sewer system improvements; and

MSD Project Clear

WHEREAS, MSD has stated that Project Clear is a long-term effort undertaken by MSD as part of the Consent Decree to improve water quality for everyone, solve problems for some of its customers created by the very nature and design of St. Louis' wastewater system, and provide clear, up-to-date information to the public; and

WHEREAS, MSD has further stated that Project Clear focuses on preventing storm water from entering the sewer system; repairing, maintaining and renewing the existing sewer system; and new construction of wastewater management structures, including deep underground tunnels and above-ground storage tanks; and

Hafner Court Sanitary Storage Facility--MSD Project #11992

WHEREAS, on November 20, 2015 MSD met with University City staff to explain Project Clear and that an underground storage facility near Hafner Court in Ward 3 was being considered; and

WHEREAS, University City staff asked for a summary of Project #11992 that could be communicated to the City Council, but one was not provided by MSD; and

WHEREAS, MSD requested University City staff to keep their discussions confidential while the engineering was being refined and due diligence performed; and

WHEREAS, in subsequent meetings with MSD, on December 22, 2015 and March 7, 2016, MSD informed University City staff that the underground storage concept was being abandoned and above ground options were being pursued; staff expressed concerns to MSD about the impact on the residential area, and requested additional information and that MSD consider another site, in a commercial area south of Hafner Court; and

WHEREAS, in a meeting on November 22, 2016, MSD informed University City staff that the commercial area site was not feasible, and staff requested that MSD present the options and supporting information to the City Council; and

WHEREAS, MSD requested a closed meeting with the City Council, but University City staff informed MSD that a closed meeting was not appropriate under the Missouri Sunshine Law, so a study session with the City Council, open to the public, was scheduled for May 22, 2017; and

WHEREAS, at the study session on May 22, 2017, MSD informed the City Council and the public--for the first time--about Project #11992, and presented two site plan options--both in residential areas near Hafner Court--and told the City Council that it wanted the City Council to select one by the end of June 2017; and

WHEREAS, the first option is an area of approximately six acres where 31 residential parcels would either be voluntarily purchased by MSD or condemned and involuntarily taken by MSD, and two sewage tanks would be constructed, each having a capacity of 4.6 million gallons, 35 feet above ground and 13 feet below ground, and 180 feet wide, together with connecting sewers, a pump station, a control building and an odor control unit; and

WHEREAS, the second option is an area of approximately four acres where 20 residential parcels would either be voluntarily purchased by MSD or condemned and

involuntarily taken by MSD, and two sewage tanks would be constructed, each having a capacity of 4.6 million gallons, 35 feet above ground and 13 feet below ground, and 180 feet wide, together with connecting sewers, a pump station, a control building and an odor control unit; and

WHEREAS, both options assume that University City will decline \$3.33 million in approved FEMA grant funds to purchase and demolish the Hafner Court Apartments and that MSD will purchase and demolish the Hafner Court Apartments and use the property for construction staging and upon completion of the project it would be green space; and

WHEREAS, the City Council finds that neither option is in the best interest of University City and therefore it rejects both; and

WHEREAS, at a community meeting held by MSD on June 20, 2017, MSD told University City residents that it can modify the two site plans so that the sewage tanks would be five feet above ground; and

WHEREAS, no such modified plan has been presented to the City Council, and in any case it is not in the best interest of University City and therefore is unacceptable; and

WHEREAS, the City Council requests that MSD work cooperatively with it, University City staff and residents, and other interested persons, to find an acceptable solution; and

MSD's failure to respond to University City's requests for information without formal Sunshine Law requests

WHEREAS, following the May 22, 2017 City Council meeting, University City staff made written requests to MSD for information on the project and relevant policies, and MSD informed staff that formal Missouri Sunshine Law requests must be made; and

WHEREAS, the Sunshine Law is limited in scope and therefore MSD's responses may accordingly be limited in scope; and

WHEREAS, MSD's failure or refusal to provide all requested relevant information is inconsistent with its Project Clear promise to provide clear, up-to-date information to the public; and

WHEREAS, University City cannot effectively study the project and consider and offer alternative solutions without all relevant information; and

MSD's failure to identify any environmental justice and nondiscrimination policies or actions with respect to the project

WHEREAS, University City Municipal Code Section 223.010 prohibits housing discrimination, which is defined to include unfair treatment based on race or color; and



WHEREAS, the United States Supreme Court recently held, in *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S.Ct. 2507 (2015), that the federal Fair Housing Act (FHA) encompasses disparate-impact claims based on race discrimination, and suits targeting policies that unfairly exclude minorities from certain neighborhoods without sufficient justification are at the heartland of disparate-impact liability; and

WHEREAS, by written communication to MSD on June 9, 2017, University City staff requested 1) MSD's public engagement plan for the project and if the public engagement will include an opportunity for questions and answers on whether Project Clear in general and the University City project in particular have a disproportionate impact on communities of color and low income communities, such as the two near Hafner Court, and 2) the actions MSD has taken in Project Clear in general and the University City project in particular to promote and ensure equitable treatment of communities of color and low income communities, and further, that there is no disproportionate impact on a community; and

WHEREAS, MSD has failed or refused to respond to such requests by staff; and

NAACP's request to the EPA to investigate environmental justice issues concerning MSD's project in University City

WHEREAS, by letter dated July 12, 2017 to the United States Environmental Protection Agency (EPA), attached and incorporated herein, the Missouri Conference of the National Association for the Advancement of Colored People (NAACP) and Great Rivers Environmental Law Center requested the EPA to investigate environmental justice issues concerning the MSD project in University City; and

WHEREAS, the EPA, in its Environmental Justice Strategic Plan for 2016-2020, defines environmental justice as "the fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies;" and

WHEREAS, principal themes within the EPA's Environmental Justice Strategic Plan include working with local government to reduce adverse impacts and promoting meaningful public participation; and

WHEREAS, MSD has not worked with University City to reduce adverse impacts and promote meaningful public participation; and

WHEREAS, the City Council fully supports the NAACP's request to the EPA to investigate MSD's project in University City, especially given MSD's failure or refusal to identify any environmental justice policies or actions with respect to Project Clear in general and the University City project in particular; and

WHEREAS, University City residents are entitled to environmental justice; and

MSD's position that it does not have to comply with University City's Codes

WHEREAS, at a community meeting held by MSD on June 20, 2017, MSD told University City residents it did not have to comply with University City's Building and Zoning Codes and Right-of-Way Use Regulations; and

WHEREAS, MSD's position that it does not have to comply with municipal codes and may in effect ignore them in connection with its projects invites litigation with municipalities and does not promote good relations with municipalities throughout MSD's territory; and

NOW THEREFORE, BE IT RESOLVED, that the City Council rejects the two project options presented by MSD on May 22, 2017 as not in the best interest of University City; requests that MSD work cooperatively with it, University City staff and residents, and other interested persons, to find an acceptable solution; fully supports the NAACP's request to the EPA to investigate environmental justice issues concerning the project; and requests that MSD change its position on University City's Codes and Regulations and agree to comply with them.

Adopted this 14<sup>th</sup> day of August, 2017.

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Shelley Welsch, Mayor

ATTEST:

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LaRette Reese, Interim City Clerk

July 12, 2017

G R E A T  
R I V E R S



Environmental Law Center  
*Lawyers for the Environment*

Ms. Althea Moses  
Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, KS 66219

319 North Fourth Street  
Suite 800  
St. Louis, MO 63102-1935  
Telephone (314) 231-4181  
Facsimile (314) 231-4184  
www.greatriverslaw.org

Via electronic mail to [moses.althea@epa.gov](mailto:moses.althea@epa.gov)

Re: MSD Proposal for Raw Sewage Storage Tanks

Founding President  
Lewis C. Green, 1924-2003

Dear Ms. Moses:

On behalf of the Missouri State Conference of the National Association for the Advancement of Colored People (“Missouri NAACP”), Great Rivers Environmental Law Center (“Great Rivers”) writes to request that EPA investigate an environmental justice issue concerning a proposal by the St. Louis Metropolitan Sewer District (MSD) to locate two raw sewage storage tanks within a densely populated minority community in Ward 3 of the City of University City, St. Louis County, Missouri. At its June 3, 2017 quarterly meeting, upon a motion made, seconded and carried, the members of the Missouri NAACP determined to request EPA to undertake the environmental justice investigation.<sup>1</sup>

#### Environmental Justice

In its 2020 Action Agenda, EPA defines environmental justice “as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.”<sup>2</sup> Principal themes within EPA’s current

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<sup>1</sup> The mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. The NAACP has an Environmental and Climate Justice Program (“ECJ”) that addresses environmental injustices that have a disproportionate impact on communities of color and low-income communities.

<sup>2</sup> EJ 2020 Action Agenda, The U.S. EPA’s Environmental Justice Strategic Plan for 2016 – 2020, p. 1 (“Action Agenda”).

Environmental Justice Action Agenda include working with local government to reduce adverse impacts and promoting meaningful public participation.<sup>3</sup>

The Missouri NAACP believes that fair treatment and meaningful community involvement have been lacking in connection with MSD's proposed sewage storage tanks.

#### Factual Background

On May 31, 2017, the undersigned attended a community meeting of University City Ward 3 residents concerning the proposed sewage tanks. Apparently, nine days earlier, on May 22, 2017, MSD had announced to the community its plan to construct the sewage tanks above ground in the midst of a densely populated residential neighborhood in the City's 3rd Ward in a predominantly African American community.<sup>4</sup> Before May 22, 2017, MSD had held no public meetings and otherwise had not engaged the public with regard to its plans to locate these sewage storage tanks above ground.

At the May 22, 2017 public meeting, MSD gave the community two options. Both options put the tanks in a densely populated, minority, residential neighborhood. MSD represented that there was no other feasible alternative and directed the City to choose either "Option 1" or "Option 2" by the end of June, 2017.

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<sup>3</sup> See e.g., Action Agenda, p. 4 ("Work with co-regulators to reduce adverse impacts and promote meaningful involvement in overburdened communities"); p. 9 ("EPA seeks the fair treatment and meaningful involvement of all people . . . , in coordination with local, state, tribal and federal partners."); p. 19 ("EPA will also enhance communication and transparency with affected communities . . . so that community input can inform our work"); p. 27 ("The objectives reflect the shared responsibilities of EPA, states and local governments to gain significant environmental and public health improvements in the places and communities where these are needed most, and to meaningfully involve people as we set priorities and make decisions.")

<sup>4</sup> Until May 22, 2017, the City's governing body was under the impression that MSD was planning to construct a below ground tunnel. In fact, City Council members were led to believe that the only surface disruption in the area would be minimal surface disruption surrounding "drop shafts." Thus, if a member of the community had asked his or her councilmember about MSD's plans, the community member would receive information about a remedy to be located completely underground.

MSD's ultimatum generated intense public surprise and outcry. University City officials promptly held the May 31, 2017, community meeting mentioned above. Approximately two hundred community residents were in attendance. By a show of hands, not one had any prior knowledge of the MSD proposal to locate the raw sewage storage tanks above ground before May 22, 2017. By a show of hands, all were in favor of EPA investigating environmental justice concerns.

#### MSD Reveals a Third Alternative

Three weeks later, on June 20, 2017, MSD held a community meeting within the City's 3rd Ward. At this meeting, MSD revealed to the public that there was another feasible alternative not disclosed to the community previously. MSD then announced that it would put the two tanks below ground, except for the upper five feet of each tank, which supposedly would be concealed by landscaping.<sup>5</sup>

#### Meaningful Public Participation Is Lacking

MSD presented the community with two options at a public meeting in May, 2017, and directed the City to choose one of the two options before the end of June, 2017. Three weeks later, MSD revealed that there was a third, feasible alternative. Presenting these alternatives to the community in a piecemeal fashion thwarts meaningful public participation. MSD should disclose to the community, upfront, all of the alternatives it has evaluated. Further, if the community comes forward with other feasible alternatives, MSD should evaluate these alternatives as well and involve the community in the evaluation process.<sup>6</sup> The problem MSD faces is a region-wide problem. This particular minority community should not be forced to bear a disproportionate share of the adverse impacts.

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<sup>5</sup> Although visually not as offensive as the two options MSD had presented to the public on May 22, 2017, community members continue to express outrage over MSD's plan to locate the tanks in their residential neighborhood.

<sup>6</sup> We understand that the City has submitted to MSD a request for public information pursuant to Missouri's Open Records law. The City is awaiting a response. The City also had submitted a list of questions to MSD in advance of the June, 20, 2017, public meeting. We understand that, as of the date of this letter, MSD has declined to answer these questions.

### The Disparate Treatment

With regard to MSD's Project Clear, it appears that MSD is treating the City's 3rd Ward differently compared to other communities in MSD's service area. To date, MSD has constructed one other above ground sewage storage facility. It is located in an industrial setting, adjacent to Interstate 70 in St. Louis County. It is not located in a residential neighborhood. MSD also plans to locate a second above ground sewage storage tank in Crestwood, St. Louis County, Missouri. That tank also will not be in the middle of a residential neighborhood.<sup>7</sup> In contrast, if constructed, these tanks will be located within a dense residential neighborhood, within approximately 100 feet of other residential properties, in close proximity to a public school, and in close proximity to a park.

### The Sewage Storage Tanks Will Destabilize the Community

If constructed, the sewage storage tanks also will have the effect of destabilizing the subject community. According to EPA's Action Agenda (p. 5), "environmental justice requires not only reducing disproportionate burdens but also creating opportunities to build healthy, wholesome, sustainable and resilient communities." The action agenda further sets out as one of its goals (p.5), "promoting community revitalization."

We understand that the particular neighborhood where MSD proposes to construct the tanks is one of the more stable neighborhoods within that part of the City's 3rd Ward. MSD's proposal will have the effect of destabilizing the community instead of promoting community revitalization.

### Community Demographics and Contact Information

The City now is in the process of identifying persons to serve as community contacts for EPA. We will transmit that contact information to you when we receive it.

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<sup>7</sup> See also MSD's proposed underground Maline Creek Storage facility at [http://www.projectclearstl.org/wp-content/uploads/2015/07/pc\\_maline-creek\\_fact-sheet\\_073015\\_01.pdf](http://www.projectclearstl.org/wp-content/uploads/2015/07/pc_maline-creek_fact-sheet_073015_01.pdf).

The City also is gathering information about the demographics within the affected community. We will transmit that information to you as well.

Conclusion

Although we are continuing to investigate the facts on behalf of the Missouri NAACP, we believe that sufficient information exists at this juncture to ask EPA to investigate the environmental justice issues surrounding MSD's proposal to locate the raw sewage storage tanks in the midst of this residential community.

Sincerely,



Bruce A. Morrison







## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Resolution for Fiscal Year 2016-2017- Budget Amendment # 7

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED? :** No

**BACKGROUND REVIEW:** Attached is the budget amendment for the end of the fiscal year 2017. This amendment incorporates the adjustment of expenditures between divisions and departments that have significant variances to the annual budget and the transfers from the fund reserve for all funds.

### General Fund

#### 1) Police

- A transfer of \$48,000 from Salaries Full-time to cover medical insurance cost due to an increase of employees' coverages in the department.
- A transfer of \$44,500 from Office Equipment budget to cover the cost of additional works required at the temporary unit. These included electrical, plumbing and cleaning. In addition, the City was required to purchase a separate insurance for this temporary unit. A transfer of \$8,000 from Equipment Maintenance budget to cover this cost.

#### 2) Public Works – Administration & Engineering

Due to some changes in the cost allocation to Solid Waste Division, the Administration needed additional budget to cover both Salaries Full-time and Part-time. \$45,000 needed to be transferred from Salaries Part-time and Overtime in Street Division.

#### 3) Public Works - Golf

A transfer of \$31,000 from both Full-time and Part-time salaries to cover the cost of merchandise purchases for the Pro Shop.

#### 4) Recreation – Aquatics

- A transfer of \$52,000 from Salaries Part-time and Professional Services budgets to cover the expenditures incurred from outsourcing pool management to Lifeguard Unlimited.
- A transfer of \$32,000 from Medical Insurance budget to cover additional expenses at the Heman Park pool. These costs included Chemicals, Food, Building Materials, Institutional and Recreational Supplies.

### Other Funds

#### 5) Internal Service Fund (Fleet Maintenance)

A transfer of \$105,000 from Fuel, Oil, & Lubricants budget to cover the cost of Vehicle Maintenance and Depreciation expenditures.

**6) Sewer Lateral Fund**

To cover the cost of future sewer lateral projects to be approved and to avoid an interruption of program services to residents that need them and per the County tax regulations, a transfer of funds is needed. An additional \$75,000 needs to be transferred from the fund reserve.

**7) Solid Waste Fund – Operation**

A transfer of \$66,000 from Salaries – Full time Administration to cover the cost of Salaries Full-time, Overtime and Workers Comp Insurance for Operation. This was due to hiring additional employees as opposed to temporary help from an outside agency.

**8) Solid Waste Fund – Leaf Collection**

Transfers of \$45,000 and \$41,000 from Salaries Full-time in Administration and Leaf Collection, respectively, to cover the cost of composting, leaf collecting and cleaning.

The changes in the attached budget amendment will not have any impact on any fund reserves except the Sewer Lateral Fund and Grant Fund. These two funds will lower their fund reserves by \$75,000 and \$31,500, respectively.

The resolution for approval of the amendment is attached, as well as details of the budget amendment. The details of budget transfers for the amounts up to \$25,000 that were delegated to the Acting City Manager are also attached for information only.

**RECOMMENDATION:** Approval

**FY 17 Budget Amendment # 7  
To be Approved by the City Council  
August 14, 2017**

**GENERAL FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b>1) Police</b>			
5460 Medical Insurance	48,000		Increase in number of health
5001 Salaries-Full time		(48,000)	insurance coverage
6050 Maintenance Contract	44,500		Additional work to the Temp.
6160 Insurance- Property	8,000		Police Bldg and property
6380 Equipment Maintenance		(20,000)	insurance
6400 Office Equipment		(32,500)	
<b>2) PW - Admin &amp; Engineering</b>			
5001 Salaries-Full time	30,000		Salaries and benefits allocation to
5340 Salaries-Part time (Street)		(30,000)	SW Fund had been adjusted from
5340 Salaries-Part time	15,000		the original budget
5380 Overtime (Street)		(15,000)	
<b>3) PW - Golf</b>			
7690 Recreational Supplies	31,000		
7210 Chemicals (Street)		(5,000)	Transfer budget within the dept. to
5001 Salaries-Full time		(12,000)	cover the actual spending
5340 Salaries-Part time		(13,000)	
<b>4) CD - Aquatics</b>			
6050 Maintenance Contract	52,000		The original budget did not included
5340 Salaries-Part time		(31,000)	the outsource for pool management
6010 Professional Services - CD		(21,000)	to Lifeguard Unlimited
7210 Chemicals	16,000		Additional expenseS occurred during
7330 Food	6,000		this season.
7370 Institutional Supplies	5,000		
7490 Building Materials	3,000		
7690 Recreational Supplies	2,000		
5460 Medical Insurance-CD		(32,000)	
<b>TOTAL GENERAL FUND</b>			
<b>REDUCTION IN FUND BALANCE</b>			
		\$ -	

**FLEET MAINTENANCE**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b>5) 6460 Vehicle Maintenance</b>			
6460 Vehicle Maintenance	\$33,000		To adjust the budget to cover the
6490 Depreciation	72,000		actual expenditures
7610 Fuel, Oil & Lubricants		(\$105,000)	

FY 17 Budget Amendment # 7  
 To be Approved by the City Council (Continued)  
 August 14, 2017

**SEWER LATERAL FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
6) 6450 Sewer Lateral Expenses	\$75,000		
<b>TOTAL SEWER LATERAL FUND</b>		<b>\$ 75,000</b>	Increase volume of repairs
<b>REDUCTION IN FUND BALANCE</b>			

**SOLID WASTE FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b><u>SW-Operation</u></b>			
7) 5001 Salaries-Full time - Operation	\$46,000		
5380 Overtime	5,000		Transfer budget from Admin to cover
5420 Workers Comp.	15,000		the operation division
5001 Salaries-Full time - Admin		(66,000)	
<b><u>SW-Leaf Collection</u></b>			
6050 Maintenance Contract	\$83,000		Composting cost was budget in both
6070 Temporary Labor	3,000		divisions, operation and leaf collection
5001 Salaries Full time - Admin		(45,000)	
5001 Salaries Full time - Leaf		(41,000)	
<b>TOTAL PARK AND STORM WATER SALES TAX FUND</b>			
<b>REDUCTION IN FUND BALANCE</b>		<b>\$0</b>	

**SBD LOOP BUSINESS**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
9) 6010 Professional Services	21,500		Transfer from fund reserve (\$144) to co
6040 Events	5,000		actual expenses
6050 Maintenance Contract	5,000		
<b>TOTAL SBD LOOP BUSINESS</b>		<b>\$ 31,500</b>	
<b>REDUCTION IN FUND BALANCE</b>			

FY 17 Budget Amendment # 7  
To be Approved by the City Council (Continued)  
August 14, 2017

**SEWER LATERAL FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
6) 6450 Sewer Lateral Expenses	\$75,000		
<b>TOTAL SEWER LATERAL FUND</b>		<b>\$ 75,000</b>	Increase volume of repairs
<b>REDUCTION IN FUND BALANCE</b>			

**SOLID WASTE FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b><u>SW-Operation</u></b>			
7) 5001 Salaries-Full time - Operation	\$46,000		
5380 Overtime	5,000		
5420 Workers Comp.	15,000		
5001 Salaries-Full time - Admin		(66,000)	Transfer budget from Admin to cover the operation division
<b><u>SW-Leaf Collection</u></b>			
6050 Maintenance Contract	\$83,000		
6070 Temporary Labor	3,000		
5001 Salaries Full time - Admin		(45,000)	
5001 Salaries Full time - Leaf		(41,000)	Composting cost was budget in both divisions, operation and leaf collection
<b>TOTAL PARK AND STORM WATER SALES TAX FUND</b>			
<b>REDUCTION IN FUND BALANCE</b>		<b>\$0</b>	

**SBD LOOP BUSINESS**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
9) 6010 Professional Services	21,500		
6040 Events	5,000		
6050 Maintenance Contract	5,000		
<b>TOTAL SBD LOOP BUSINESS</b>		<b>\$ 31,500</b>	
<b>REDUCTION IN FUND BALANCE</b>			

**FY 17 Budget Transfer# 3**  
**To be Delegated to Acting City Manager**  
**August 14, 2017**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b><u>GENERAL FUND</u></b>			
<b>1) City Manager's Office</b>			
5001 Salaries - Full time	22,000		Transfer to cover City Mgr. salary
6010 Professional Services		(22,000)	
<b>2) Finance</b>			
6001 Auditing & Accounting	3,000		During staff turn over, Finance incur additional contractual service expenditures, such as professional services and temporary help.
6010 Professional Services	5,000		
6050 Maintenance Contract	5,500		
6070 Temporary Labor	15,500		
6090 Postages	11,000		
6560 Technology Services	3,500		
5001 Salaries - Full time		(43,500)	
7650 Parking Meter Parts	2,000		Paystation at Tivoli parking lot
5460 Medical Insurance		(2,000)	
<b>3) Municipal Court</b>			
7001 Office Supplies	500		Transfer to cover purchase of computer and supplies
7090 Office & Computer Equipmer	1,500		
6050 Maintenance Contract		(2,000)	
<b>4) Information Technology</b>			
5001 Salaries - Full time	1,800		To adjust personnel services
5420 Workers Compensation	2,700		
6050 Maintenance Contract		(4,500)	
<b>3) Police</b>			
5220 Injury Leave	24,000		Increase injury leave
5001 Salaries - Full time		(24,000)	
8100 Misc. Improvement	3,500		Additional cost for the generator
Temp Bldg.		(3,500)	
8150 Machinery Equipment	4,000		
6400 Office Equipment		(4,000)	
<b>4) PW- Admin &amp; Engineering</b>			
6010 Professional Services	10,000		PW Support Services
7290 Chemicals (Street)		(10,000)	
<b>6) PW- Parks</b>			
6530 Fleet Services	15,000		Reallocate Fleet services between division
6530 Fleet Services (Street)		(15,000)	
7690 Recreational supplies	9,000		To cover purchase of playground equipment
7290 Chemicals (Street)		(9,000)	
<b>7) PW- Golf</b>			
6770 Bank & Credit Card Fees	1,000		More customers used credit card
5001 Salaries - Full time		(1,000)	
7210 Chemicals	3,000		Additional turf products
5001 Salaries - Full time		(3,000)	

**FY 17 Budget Transfer# 3  
To be Delegated to Acting City Manager (Continued)  
August 14, 2017**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b>GENERAL FUND (CONTINUED)</b>			
<b>8) CD- Centennial Commons</b>			
7001 Office Supplies	2,500		
7370 Institutional Supplies	2,000		
7690 Recreational Supplies	3,500		
6770 Bank & Credit Card Fees		(8,000)	
 <b><u>ECONOMIC DEVELOPMENT SALES TAX</u></b>			
6040 Events & Reception	24,000		
7535 Decorative Supplies		(4,000)	
7855 Promotional Items		(20,000)	
 <b><u>CAPITAL IMPROVEMENT SALES TAX FUND</u></b>			
6010 Professional Services	1,000		To adjust and transfer budget for various items to cover the actual expenditures
6530 Fleet Services	20,000		
5001 Salaries Full-time		(21,000)	
7170 Asphalt Products	9,500		
7290 Concrete & Clay Products	2,500		
7810 Sign Supplies	4,800		
5001 Salaries Full-time		(16,800)	
9100 Debt Service Expense	1,700		BNY Mellon fees
5001 Salaries Full-time		(1,700)	
 <b><u>PARK AND STORM WATER SALES TAX FUND</u></b>			
5001 Salaries Full-time	11,000		To increase revenue and salaries from original budget
5380 Overtime	2,000		
5660 Social Security	2,000		
4120 Park and Storm Water Sales Tax		(15,000)	
9100 Debt Service Expense	1,700		BNY Mellon fees
4120 Park and Storm Water Sales Tax		(\$1,700)	
 <b><u>GRANTS FUND</u></b>			
4205 Grant Revenue		(\$14,559)	Surveillance Camera
8120 Computer Equipment (Police	14,559		

**APPROVAL SECTION:**

Interim City Manager

Date

***Resolution 2017 - 14***

**A RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 (FY17)  
BUDGET – AMENDMENT # 7 AND APPROPRIATING SAID AMOUNTS**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of University City, Missouri, that the Annual Budget for the fiscal year beginning July 1, 2016, was approved by the City Council and circumstances now warrant amendment to that original budget.

**BE IT FURTHER RESOLVED**, that in accordance with the City Charter, the several amounts stated in the budget amendment as presented, are herewith appropriated to the several objects and purposes named.

Adopted this 14th day of August, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Interim City Clerk

Certified to be Correct as to Form:

\_\_\_\_\_  
City Attorney





## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Resolution 2017-15 – Censure of Councilmember Michael Glickert

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED?** Yes

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### **BACKGROUND REVIEW:**

RESOLUTION ON THE CITY COUNCIL'S CENSURE OF COUNCILMEMBER MICHAEL GLICKERT IN ACCORDANCE WITH THE CITY COUNCIL'S RULES OF ORDER AND PROCEDURE AND THE CITY CHARTER AND MUNICIPAL CODE OF UNIVERSITY CITY.

Requested by Councilmembers Smotherson and Carr

### **RECOMMENDATION:**

**ATTACHMENTS:** Resolution 2017-15



**RESOLUTION 2017 – 15**

**RESOLUTION ON THE CITY COUNCIL’S CENSURE OF COUNCILMEMBER MICHAEL GLICKERT IN ACCORDANCE WITH THE CITY COUNCIL’S RULES OF ORDER AND PROCEDURE AND THE CITY CHARTER AND MUNICIPAL CODE OF UNIVERSITY CITY**

WHEREAS, Councilmember Michael Glickert took the Oath of Office as a Member of the City Council of University City which states that every member of council will support the Constitution and the Laws of the United States and of the State of Missouri, and the Charter and Ordinances of University City and faithfully and conscientiously discharge the duties of the office with impartiality and justice; and

WHEREAS, Article II of the Charter of University City, Section 9 states that The Council shall determine its own rules and order of business. It shall keep a journal of its own proceedings, which shall be open to public inspection. It shall be the judge of the election returns and qualifications of its members, and may punish its members for disorderly behavior; and,

WHEREAS, on March 22, 2016 the City of UniversityCity, under the direction of the City Manager and Director of Community Development conducted a community meetingat a regularly scheduled citizens Focus Group Meeting in the Heman Park Community Center located at 975 Pennsylvania Avenue; and,

WHEREAS, Michael Glickert was there in his capacity as a public official to receive a report presented by an architectural firm as it pertained to the University City Police Station; and,

WHEREAS, at this event, the actions taken by Michael Glickert, which involved bodily contact and assault of one of his constituents, Bart Stewart, resulted in Michael Glickert being charged with assault in the third degree for the assault that took place on March 22, 2016; and,

WHEREAS, a jury trial was conducted in the Circuit Court of the County of St. Louis wherein a jury of Michael Glickert’s peers entered a verdict of guilty of assault in the third degree against Michael Glickert; and,

WHEREAS, the court, following the jury’s verdict, issued a suspended imposition of sentence to place the defendant, Michael Glickert, on probation for two years to be supervised by the St. Louis County Department of Justice Services; and,

WHEREAS, the conduct of Michael Glickert in his capacity as a public official at a community event sponsored by University City in assaulting a constituent was determined by a jury of his peers to be a crime of assault in the third degree and a violation of the laws of the State of Missouri; and,

WHEREAS it is incumbent upon the City Council to make clear that it will not allow the citizens it represents to be harmed without taking action to discipline one of its members who does so.

NOW THEREFORE BE IT RESOLVED, that the City Council of University City formally censures Councilmember Michael Glickert for assaulting a constituent, while in attendance in his capacity as a public official at an event sponsored by the City of University City, and for being found guilty of assault in the third degree by a jury of his peers. This Council also declares that it is considering additional action in response to a breach of the Councilmember’s Oath of Office, violation of the Municipal Code, and violation of Missouri law by Michael Glickert.

Adopted this \_\_\_ day of August, 2017

\_\_\_\_\_  
Shelley Welsch, Mayor

Attest:  
\_\_\_\_\_  
LaRette Reese, Acting City Clerk





## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Map Amendment – rezone 1351 North Hanley Road from “PA” – Public Activity District to “HR” – High Density Residential District (PC 17-06 Screaming Eagle Development, LLC c/o Matthew Masiel, Principal)

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** No

**BACKGROUND REVIEW:** The Plan Commission recommended approval of the proposed Map Amendment at their July 26, 2017 meeting. This agenda item requires a public hearing at the City Council level and consideration for the passage of an ordinance. The first reading and public hearing should take place on August 14, 2017. The second and third readings and passage of the ordinance could occur at the subsequent September 11, 2017 meeting.

**Attachments:**

- 1: Transmittal Letter from Plan Commission
- 2: Staff Report
3. Draft Ordinance and Exhibits

**RECOMMENDATION:** Approval



ATTACHMENT 1:  
Transmittal letter from Plan Commission



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

July 27, 2017

Ms. LaRette Reese, Interim City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Zoning Map Amendment – 1351 North Hanley Road (PC 17-06)

Dear Ms. Reese,

At its regular meeting on July 26, 2017 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, University City, Missouri, 63130, the City Plan Commission considered the application by Matthew Masiel with Screaming Eagle Development, LLC to rezone 1351 North Hanley Road from “PA” – Public Activity District to “HR” – High Density Residential District.

By a vote of 6 to 0, the Plan Commission recommended approval of said Map Amendment to the University City Official Zoning Map.

Sincerely,

Cirri Moran, Chairperson  
University City Plan Commission



ATTACHMENT 2:  
Staff Report



**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

MEETING DATE: July 26, 2017

FILE NUMBER: PC 17-06

COUNCIL DISTRICT: 3

Location: 1351 N. Hanley Road (Former Nathaniel Hawthorne Elementary School), north side of Carleton Ave.

Applicant: Screaming Eagle Development, LLC

Property Owner: The School District of University City

Request: Zoning Map Amendment (Rezoning) from "PA"-Public Activity District to "HR"-High Density Residential District

**COMPREHENSIVE PLAN CONFORMANCE**

Yes       No       No reference

**STAFF RECOMMENDATION**

Approval       Approval with Conditions in Attachment       Denial

**ATTACHMENTS:**

A. Map                      B. Application Documents                      C. Site Plan

Existing Zoning: "PA"-Public Activity District  
 Existing Land Use: Former elementary school – currently vacant  
 Proposed Zoning: "HR"-High Density Residential District  
 Proposed Land Use: Multi-Family Residential

Surrounding Zoning and Land Use:

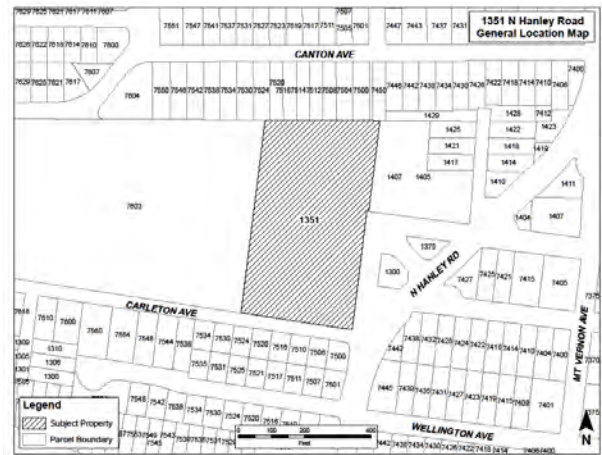
North: SR-Single-Family Residential District	Single-Family residences
East: PA-Public Activity District	Church
South: SR-Single-Family Residential District	Single-Family residences
West: PA-Public Activity District	Municipal park (Millar Park)

**Existing Property**

The subject property is approximately 5.07 acres in area and occupied by a vacant three-story former elementary school of approximately 54,840 square feet. The former Nathaniel Hawthorne Elementary School, constructed in 1930 with subsequent building additions between 1930 and 1950, is located in the middle section of the site. An existing parking lot of

37 spaces is adjacent to the south side of the building. An existing bi-directional curb-cut is located on Carleton Ave. at the southwest corner of the site.

At their meeting on July 20, 2017, the University City Historic Preservation Commission endorsed the nomination of the existing school building to be placed on the National Register of Historic Places.



### **Applicant's Request**

The current request is for a Map Amendment (Rezoning) from "PA"-Public Activity District to "HR"-High Density Residential District. Although not required for a rezoning request, a site plan was submitted by the applicant voluntarily, indicating the proposed conversion of the existing vacant school building into a multi-family residential use of 37 one- and two-bedroom apartment units. An additional 10-unit attached townhouse complex with a parking area of 15 spaces is proposed to be added to the northern portion of the site. There is no change to the location of the existing curb-cut. Walking trails are also proposed to be provided on-site to connect to those in the adjoining Millar Park.

### **Process – Required City Approvals**

Plan Commission. Section 400.3180 of the Zoning Code requires that Map Amendment applications be reviewed by Plan Commission after receipt of staff review report. The Plan Commission shall report a recommendation to the City Council for their consideration.

City Council. Sections 400.3190 and 400.3200 of the Zoning Code require that a public hearing be held by the City Council before making a final decision, subsequent to receiving a recommendation from Plan Commission.

### **Analysis**

At issue is the appropriateness of rezoning the subject property from "PA"-Public Activity District to "HR"-High Density Residential District, rather than consideration of a specific land use or site design as shown on the site plan submitted voluntarily submitted by the applicant.

Probably due to the presence of the elementary school then, the proposed land use map in the 2005 Comprehensive Plan Update depicts the subject property as "institution" use, sandwiched between another "institution" use (currently a church) to the east and "Park, Recreation, and Open Space" use (currently Millar Park) to the west. The map also depicts the adjacent properties to the north and south as "single-family residential". Given the school is no longer in use; the site's frontage on North Hanley Road, a major north-south County arterial roadway; and the surrounding single-family residential, institutional, and park uses; a residential zoning classification such as for high density, rather than "PA" District only, could also be considered.

The purpose of the "HR" district is to *"protect and conserve areas of predominantly multi-family apartments, built at relatively high densities, and provide for the construction of new*

*high density residential developments commonly referred to as town house apartments, garden apartments, and elevator apartment buildings.*” In staff’s opinion, the proposed “HR” District would be appropriate at this location and would provide a reasonable transition between the abutting “SR” District and “PA” District.

If this rezoning request is approved, any future site design and development of the property for permitted uses such as multi-family residential will be subject to subsequent site plan review and approval process, and compliance with City regulations e.g. density, landscaping, setbacks, and buffers to ensure compatibility with the adjacent single-family/park/church uses.

**Conclusion/Recommendation**

Based on the preceding considerations, staff is of the opinion that the requested rezoning is appropriate and reasonable, and would not create a detrimental impact on the surrounding area. Thus, staff recommends approval of the Zoning Map Amendment from “PA”-Public Activity District to “HR”-High Density Residential District.

**ATTACHMENT "A"**

**ZONING & LAND USE**  
**1351 N Hanley Road**  
and surrounding area



**ZONING: SR**  
Single-Family Residential

**ZONING: PA**  
Millar Park

**1351**  
Vacant School

**ZONING: PA**  
Church

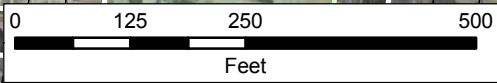
**ZONING: SR**  
Single-Family Residential

**ZONING: SR**  
Single-Family Residential

**Legend**

- Subject Property
- Parcel Boundary
- Zoning Districts**
- GC-General Commercial
- MR-Medium Density Residential
- PA-Public Activity
- SR-Single Family Residential

Prepared by: University City Dept. of Community Development Staff - July, 2017;  
Data Source: St. Louis County Department of Revenue, GIS Datasets 2016;





**Department of Community Development**  
6801 Delmar Boulevard University City, Missouri 63130 [314-505-8500

## **APPLICATION FOR ZONING MAP AMENDMENT**

### **General Information**

Article XIV of the Zoning Code describes the zoning amendment process. The zoning code is accessible through the City's website at [www.ucitymo.org>government>citycode/charter](http://www.ucitymo.org>government>citycode/charter). An application for map amendment may be submitted by the City Council, Plan Commission, Board of Adjustment or any person with financial, contractual or proprietary interest in the property to be considered for the amendment.

### **Submission Requirements**

At least 30 days prior to a Plan Commission meeting, this application, a \$200 fee and the following shall be submitted to the Department of Community Development:

1. Legal description of property
2. Scaled map of the property, clearly showing the boundaries of property; its current and proposed zoning district classification; and the current zoning classification of adjacent property.

### **City Staff and Plan Commission Review**

Once an application has been deemed complete, an analysis by City staff will be conducted and a staff report developed. The application and staff report will then be submitted to Plan Commission for consideration at the next possible meeting. This group generally meets on the 4<sup>th</sup> Wednesday of the month. Plan Commission will vote on the application and report its recommendation to City Council.

### **Public Hearing and Notification**

After Plan Commission action, a public hearing will be scheduled for the next possible City Council meeting. Notice of the hearing must be provided 15 days in advance of the hearing date. Property owners within 200' of the subject area will be notified of the proposed zoning change.

### **City Council Action**

After holding a public hearing, City Council will make a decision on the application. Amendments to the Zoning Code are presented in the form of an ordinance and require three readings in two separate meetings. The bill (ordinance) is introduced at one City Council meeting, and has a second and third reading at a subsequent City Council meeting. City Council generally meets on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month.

1. Address/Location/Site of Building  
 NATHANIEL HAWTHORNE ELEMENTARY SCHOOL  
 1351 N. HANLEY ROAD, UNIVERSITY CITY MO 63130
2. Applicant Name, Address, and Daytime Telephone Number:  
 SCREAMING EAGLE DEVELOPMENT, LLC  
 MATTHEW MASIEL, PRINCIPAL  
 7777 BONHOMME AVE. SUITE 2010, ST. LOUIS MO 63105 314-920-9051
3. Applicant's Interest in Property:  Owner  Tenant  Under contract to purchase  
 Under contract to lease  Other

**If applicant is not owner, attach a letter from the property owner authorizing the application for Map Amendment. The letter must include name, address, and daytime phone number of owner.**

4. Current Zoning District:  SR  LR  MR  HR  HRO  
 LC  GC  CC  IC  PA  PD
5. Proposed Zoning District:  SR  LR  MR  HR  HRO  
 LC  GC  CC  IC  PA  PD

6. Proposed Use of Property:  
 MULTI-FAMILY RESIDENTIAL.  
 CONVERSION OF EXISTING SCHOOL BUILDING TO 37 MARKET RATE APARTMENTS.  
 NEW CONSTRUCTION OF 10 MARKET RATE TOWNHOME UNITS.  
 COMMON AREA AND EXTERIOR AMENITIES FOR RESIDENT USE.
7. Describe existing premises and property description:  
 VACANT ELEMENTARY SCHOOL. EXISTING SCHOOL BUILDING AND SURROUNDING SITE ELEMENTS ARE IN NEED OF REPAIR.

The undersigned hereby makes application for a Zoning Map Amendment and requests authorization of the City Council to proceed with the activities described in this application. The applicant certifies that the information contained in the application is accurate.

Date *Matthew P. Masiel* Applicant's Printed Name and Title  
 Matthew P. Masiel, Principal  
 Screaming Eagle Development, LLC  
 June 29, 2017 Applicant's Signature

FOR OFFICE USE ONLY

Date First Received: Received by:  
 Amendments Received (if applicable): Received by:  
 Application Fee Received:



July 7, 2017

University City Planning Commission  
6801 Delmar Boulevard  
University City, MO 63130

Dear Planning Commission:

Please see included here the legal description for Nathaniel Hawthorne Elementary School located at 1351 North Hanley Road, University City, St. Louis, MO 63130:

NW 1/4 of Section 3, Township 45 North, Range 6 East,  
University City Designation 16J111357 11 16 82

Regards,

Chuck Reitzel, AIA, NCARB, LEED AP  
Vice President





**ATTACHMENT 3:  
Draft Ordinance and Exhibits**

INTRODUCED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

BILL NO.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 400.070 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTIES LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY AT 1351 NORTH HANLEY ROAD FROM "PA" – PUBLIC ACTIVITY DISTRICT TO "HR" HIGH DENSITY RESIDENTIAL DISTRICT; AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

WHEREAS, Chapter 400 of the University City Municipal Code divides the City in to several zoning districts, and regulates the character of buildings which may be erected in each of said districts, and the uses to which the buildings and premises located therein may be put; and

WHEREAS, the City Plan Commission examined a request (PC 17-06) from Screaming Eagle Development, LLC (c/o Matthew Masiel, Principal) for an amendment of the Official Zoning Map of the City to change the classification of the property located within the city limits of University City at 1351 North Hanley Road from Public Activity District ("PA") to High Density Residential District ("HR"); and

WHEREAS, the City Plan Commission, in a meeting at the Heman Park Community Center, 975 Pennsylvania Avenue, University City, Missouri, 63130 on July 26, 2017, considered said request for map amendment and recommended to the City Council that it be enacted into an ordinance; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m., on August 14, 2017, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on July 30, 2017; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Official Zoning Map of the City were duly heard and considered by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 400 of the University City Municipal Code, relating to zoning, is hereby amended by repealing the Official Zoning Map illustrating the zoning districts

established pursuant to Section 400.070 thereof, and enacting in lieu thereof a new Official Zoning Map, thereby amending the Official Zoning Map so as to change the classification of the property located within the city limits of University City at 1351 North Hanley Road from Public Activity District ("PA") to High Density Residential District ("HR").

Section 2. Said property at 1351 North Hanley Road, totaling 4.78 acres, are more fully described with legal descriptions, attached hereto, marked Exhibit "A" and made a part hereof.

The above described tract having a St. Louis County locator number of:  
1351 North Hanley Road 17J431272

Section 3. The new Official Zoning Map of the City is attached hereto, marked Exhibit "B", and incorporated herein by this reference thereto.

Section 4. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Chapter 400, nor bar the prosecution of any such violation.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Chapter 400, Article 9, Division 5 of the University City Municipal Code.

Section 6. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

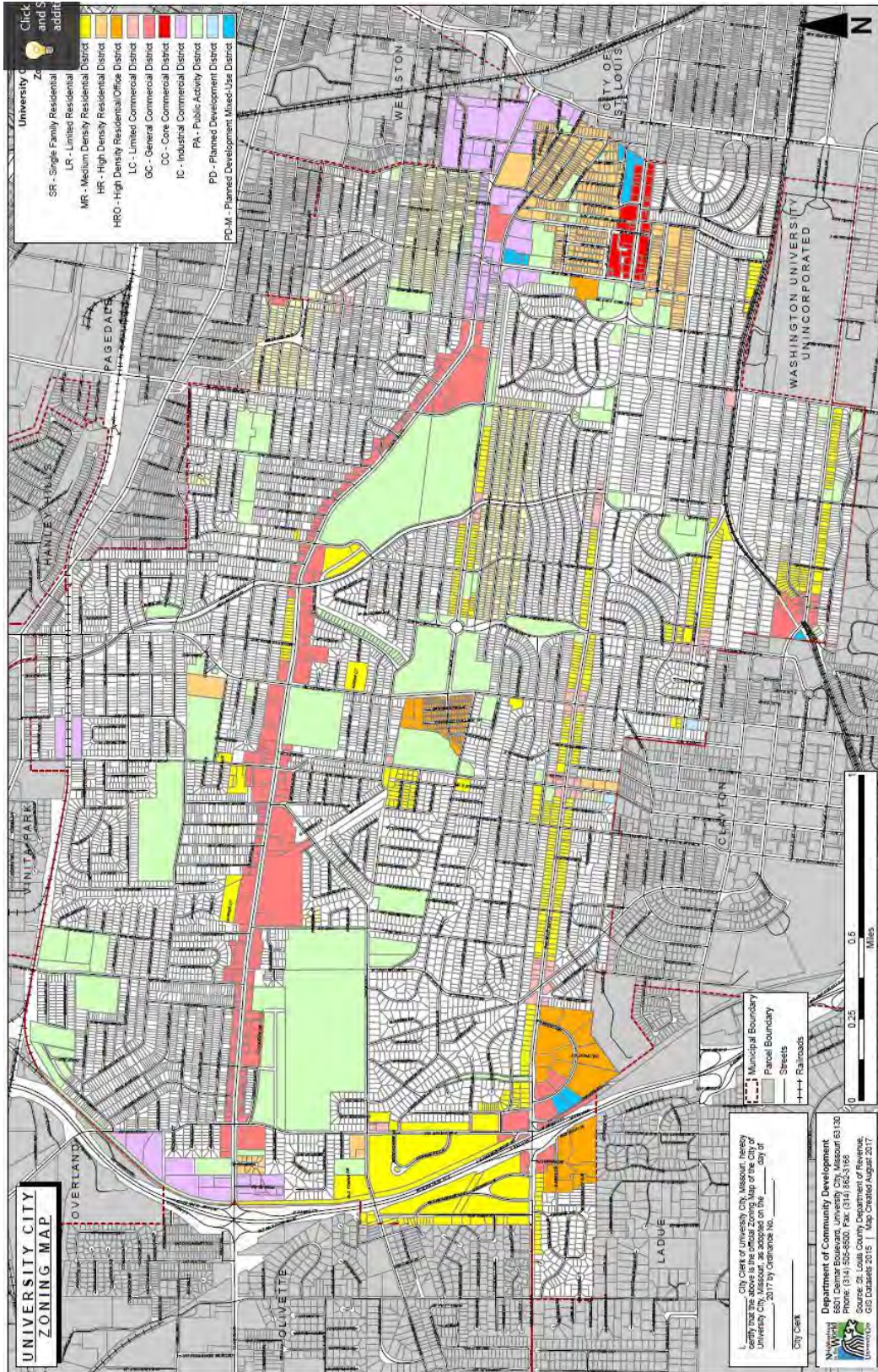
\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – 1351 NORTH HANLEY ROAD**

1351North Hanley Road – Parcel 1. Being all of lots 21-22 and 23 and part of lot 24, of Mount Olive in Township 45 North, Range 6 East of St. Louis County, Missouri, bounded as follows: On the North by Township line, on the East by the West line of the Hanley Road, 60 feet wide, and property of W.P. Morgan, on the south by the North line of Walton Avenue now Carleton Avenue, 40 feet wide, and on the West line by the East line of Spring Avenue, 40 feet wide, containing exactly 16.973 acres as per the survey on the 16th day of July, 1929 by the Elbring Surveying Company. EXCEPTING THEREFROM the unimproved Real Estate lying, being and situated in the said City of University City and State of Missouri to witt, 12.193 acres being Lots 22, 23 and part of Mount Olive in Township 45 North, Range 6 East, St. Louis County, Missouri, bounded on the South by the North line of Carleton Avenue, 40 feet wide on the West by the East line of Spring Avenue 40 feet wide, on the North by the Township line and on the East by the dividing line between Lots 21 and 22 of Mount Olive. The total area of the site is 4.78 acres.

DRAFT

# EXHIBIT B





## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Amended Final Development Plan for proposed redevelopment – 8348 and 8350 Delcrest Drive (Crown Center for Senior Living) – PC 17-07 Rosemann & Assoc.

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** The Plan Commission considered and recommended approval of the proposed Amended Final Development Plan with conditions for the redevelopment of the existing multi-family senior housing development at their July 26, 2017 meeting by a vote of 6 to 0. The current “PD-M” Planned Development Mixed-Use District zoning of the site remains unchanged.

This agenda item requires a public hearing at the City Council level and consideration for the passage of an ordinance. The first reading and public hearing should take place on August 14, 2017. The second and third readings and passage of the ordinance could occur at the subsequent September 11, 2017 meeting.

**Attachments:**

- 1: Transmittal Letter from Plan Commission with recommended conditions
- 2: Staff Report with attachments (including application documents and site plan)
3. Draft Ordinance and Exhibits

**RECOMMENDATION:** Approval





ATTACHMENT 1:  
Transmittal letter from Plan Commission



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

July 27, 2017

Ms. LaRette Reese  
Interim City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Amended Final Development Plan for proposed redevelopment – 8348 and 8350  
Delcrest Drive (Crown Center for Senior Living) – PC 17-07

Dear Ms. Reese,

At its regular meeting on July 26, 2017 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the University City Plan Commission considered the application by Rosemann & Assoc. for amendment to the Final Development Plan in an existing "PD-M" Planned Development – Mixed-Use District for a proposed redevelopment of the existing multi-family senior housing development.

By a vote of 6 to 0, the Plan Commission recommended approval of the application subject to the conditions in Attachment A.

Sincerely,

A handwritten signature in black ink, appearing to read "Cirri Moran". The signature is fluid and cursive, with a large loop at the end.

Cirri Moran, Chairperson  
University City Plan Commission

## ATTACHMENT A: CONDITIONS

1. Permitted uses shall be limited to a multi-family residential development for senior living with associated accessory uses including but not limited to offices related to the operation of the facility, a café and dining area, a demonstration kitchen, a fitness area, and an outdoor gardening area which may be open to the public. The hours in which the café is open to the public shall be limited to 6:00 am to 10:00 pm. Any change to the hours of operation shall require written approval from the Department of Community Development.
2. The existing building height, number of stories, mass, floor area ratio, and setbacks shall be maintained as depicted in the preliminary development plan and not be exceeded.
3. The total number of residential units shall not exceed 238.
4. Parking and drive aisle layout shall be as generally depicted on the Preliminary Development Plan. A minimum of 131 off-street parking and garage spaces shall be maintained. The location of the proposed curb-cut for ingress/egress shall be as approved by the Department of Public Works and Parks.
5. Along the north property limits, Department of Community Development staff shall seek a landscape plan from the developer that provides a visual screening from the adjacent service drive with a combination of evergreen and deciduous trees.
6. A final landscape plan shall be submitted to the Department of Community Development for its review and approval, in conjunction with a review by the City Forester. Said plan shall be submitted prior to the submittal of a demolition/building permit. Landscaping shall be installed and maintained in accordance with the approved plan.
7. Any proposed signage shall be in strict compliance with the Sign Regulations set forth in Article 8 of the Zoning Code.
8. Lighting of all exterior areas shall comply with the requirements of Section 34-93.7 of the Zoning Code, and shall be designed to be compatible with surrounding areas by shading to direct light downward and away from abutting uses.
9. All work in the public right-of-way shall be located, constructed, and maintained as approved by the Department of Public Works and Parks.
10. A detailed construction traffic control and parking plan should be submitted to the Department of Community Development for approval, in conjunction with review

by the Department of Public Works and Parks. Said plan shall set forth details pertaining to worker and resident parking during all phases of the proposed construction. It shall further detail solutions to public property maintenance issues such as street cleaning and traffic diversion. Said plan shall be finalized prior to the issuance of a building permit. It shall be the applicant's responsibility to obtain those approvals in written form in a timely manner prior to issuance of the building permit.

11. Approval of the Amended Final Development Plan must be obtained by City Council.
12. Except as noted herein, other codes and regulations of the City of University City shall apply.
13. Address the comments from the Department of Public Works and Parks (Attachment B of staff report - memorandum of July 11, 2017)

ATTACHMENT 2:  
Staff Report



**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

MEETING DATE: July 26, 2017

FILE NUMBER: 17-07

COUNCIL DISTRICT: 1

Applicant: John Cahill with Rosemann and Associates, on behalf of Council Apartments, LLC (property owner)

Location: 8348-8350 Delcrest Drive

Request: Amendment to Final Development Plan

Existing Zoning: PD-M Planned Development-Mixed Use District

Existing Land Use: Senior living facility (multi-family residential) with associated offices and accessory uses

Proposed Land Use: Construction of two four-story senior living facilities (multi-family residential)

**Surrounding Zoning and Land Use**

North:	GC-General Commercial District	Commercial
East:	GC-General Commercial District	Commercial
South:	HRO-High Density Residential/Office District	Multi-family residential
West:	GC-General Commercial District	Private road and Interstate 170

**COMPREHENSIVE PLAN CONFORMANCE**

Yes     No     No reference

**STAFF RECOMMENDATION**

Approval     Approval with Conditions (Attachment A)     Denial

**ATTACHMENTS**

- A. Conditions of Approval
- B. Department Comments
- C. Maps
- D. Application Documents
- E. Amendment to Final Development Plan

**Subject Property – Zoning and Land Use**

The subject property includes two parcels approximately 2.79 acres in total area. The subject property is located on the west side of Delcrest Drive, approximately 350 feet south of Delmar Boulevard. The subject property consists of two buildings. The northern building, constructed in 1967, is 10 stories in height and the southern building, constructed in 1995, is 8 stories. The buildings are connected by a one-story corridor.

Off-street parking is provided to the north, west, and south of the buildings including 134 total parking spaces. Access to the subject property from Delcrest Drive is currently provided by two curb cuts, located at the north and south ends of the off-street parking areas.

The buildings are currently used as a multi-family residential facility for senior living. The complex also includes accessory uses such as a cafeteria, fitness facility, gardening areas, offices associated with the operation of the facility, and other activity areas and meeting rooms.

The subject property is zoned PD-M – Planned Development Mixed Use.

### **Surrounding Zoning and Land Use**

The property to the north is zoned GC – General Commercial District and consists of two commercial buildings. The southernmost building is a five-story mixed commercial building. The building to the north is a one-story retail building. The property to the east/northeast is zoned GC – General Commercial District and is a retail building with drive-thru facilities (Walgreens); a preschool/daycare facility is located to the east. The property to the south is zoned HRO – High Density Residential/Office District and is a 200-unit multi-family development. To the west is a public bicycle/pedestrian trail, a private road providing access between Delmar Boulevard and the Schnuck's shopping center to the southwest, and Interstate 170.

### **Background**

#### University City Comprehensive Plan

In Chapter 3 of the Comprehensive Plan Update of 2005, under "Housing", as an implementation action, it states, *"Encourage new housing development that is mixed-use and supports pedestrian oriented activities. Encourage planned housing developments to integrate different types, densities and income levels."* It goes on further to state, *"Ensure flexibility in land use regulations so that a variety of developments are more feasible. Ensure that the Zoning Code permits mixed-use activities and amenities. For example, review the parking requirements and investigate the possibility of parking credits if located near commercial or employment activities, on-street parking, or transit stations (such as the proposed MetroLink stations); review design elements to ensure flexible development standards for creating various positive attributes of mixed use housing such as open spaces; allow flexibility in lot sizes; review the possibility of allowing additional non-residential uses in planned residential developments."*

Also in same Chapter 3 under "Land Use and Redevelopment," as a general policy, it states, *"The City will strongly support development(s) that promote desirable planning concepts such as neighborhood-serving, mixed uses...and enhance the pedestrian character of the City."*

The University City Comprehensive Plan Update of 2005 Proposed Land Use Map shows the subject property as mixed-use / transit oriented development.

#### Conditional Use Permit

The subject property is currently operating under a Conditional Use Permit that was approved in 1991 to allow for the construction of the southern building to be integrated with the existing building to the north and that the facility would operate as a senior living facility. The original proposal was for 262 units with a floor area ratio of 1.45 and 124 off-street parking spaces. However, the development was completed with 244 units and a floor area ratio of 1.34.

#### Zoning Variance

A variance to allow a reduction in the width of the required landscape buffer between the proposed parking and public right-of-way along Delcrest Drive was granted by the Board of Adjustment on October 21, 2013. The variance was approved to allow a five foot landscape buffer in lieu of the ten feet required per the Zoning Code.

#### PD – M – Planned Development Mixed Use

The property was rezoned to PD-M in 2013, and a preliminary and final development plan were approved for the property. The PD-M zoning designation as per Section 34-40.1 of the Zoning Code is “to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the design and future operation of the development.” The PD-M rezoning was sought because the facility proposed to allow a café and other accessory uses that would be open to residents and the general public. These uses were not allowed by the prior traditional zoning district regulations.

Planned Development Districts are attached to a parcel, and may only be developed in accordance with an approved development plan. The development plan approved in 2013 included renovations to the senior living facility, the addition of a ground floor café and substantial reconfiguration of the parking areas. There were no modifications to the upper floor residential areas or the number of units, density, height or mass.

#### **Applicant's Request**

##### Zoning and Land Use

The applicant is requesting an amendment to the approved development plan to allow for the reconstruction of 120 housing units on the existing site in two phases.

After concluding that the 1960s constructed multi-family complex (“Tallin Building”) was poorly designed, functionally obsolete and did not meet modern standards and codes, the developers explored several options for the building. It was determined that renovating the existing structure was extremely cost prohibitive, problematic, and limiting. New construction is being pursued.

The Tallin Building is currently fully occupied. In order to serve the needs of those occupants, as well as future occupants, the Phase 1 construction includes a new 4-story 64 unit building with 1-bedroom/1-bath units and several 2-bedroom/1 bath units. The building will be constructed over a 31-space podium parking garage. The proposed siting of the new building is immediately north of the Tallin Building, and 10 feet south of the northern property line. During construction, it is planned for the Tallin Building to remain occupied to avoid the extended off-site relocation of existing residents.

After Phase 1 is complete, the residents of the Tallin Building will be relocated to the new facility and the Tallin Building demolished. Phase 2 proposes the construction of a 4-story 56-unit building with 1-bedroom/1-bath units and several 2-bedroom/1 bath units. This building would include connecting corridors, expanded amenity spaces for residents, and new management and administrative offices. It will be constructed over a 28-space podium parking garage

The proposal represents significant changes to the development plan approved in 2013. Therefore, a plan amendment process is required. In addition to the demolition of the Tallin



Building and construction of two new four story buildings, some of the off-street parking areas will be reconfigured. Specifically, the remaining surface area once the Tallin Building is demolished will be converted to surface parking. Much of the surface parking to the east will remain, except for those to be removed to accommodate a new curb cut. This curb cut, sited approximately 80' south of the northern property line, will replace the existing to be removed northern curb cut.

The proposed additions, modifications and reconfiguration of the parking areas will result in 131 spaces. The proposed modifications will also require new landscape buffers, one along the northern property line and the other along the eastern property line adjacent to Delcrest Drive. A preliminary landscape plan will be submitted to the Director of Community Development.

## **Analysis**

### Zoning

**Section 400.890. Amendments to Final Development Plan** requires that all proposed changes in use, or rearrangement of lots, blocks and building tracts in the provision of common open spaces, and changes which would cause any of the situations listed under Subsection (A) of this Section shall be subject to approval of City Council. The changes proposed will cause a change in the record plat, which is listed in the reference Subsection (A) and therefore an amendment is required.

In analyzing this request, it is important to note that the PD-M zoning designation allows flexibility to create developments that adapt better to site conditions and the relation to surrounding properties that are otherwise not possible under traditional district regulations, thus resulting in developments that are more compatible and consistent with surrounding neighborhoods.

### Uses

There are no changes proposed to the uses.

### Density and Dimensional Regulations

The number of residential units will decrease from 126 to 120 with the Phase 1 and Phase 2 new construction. The total number of units, including those in the Weinberg building, will be 238. The building height for the new construction is 4 stories, as compared to the existing 8 story building. The massing increased with a third building proposed. It is staff's option that the density and massing proposed are appropriate.

The proposed open space of .78 is acceptable for such developments.

The northern setback is 10' from the property line on the north and west sides. The southern setbacks vary but are approximately 35' and the eastern setbacks vary from 25' to approximately 40'. The applicant indicates that site limitations and challenges with constructing a new building around an existing building require that the buildings be sited 10 feet from the north and west property lines.

Setbacks are designed to provide physical separation, transition and buffering between uses and developments. Buffering regulations in planned districts are set forth in Section 400.780. Density and Dimensional Regulations and Performance Standards. PD-M developments are to consider buffering regulations established for PD-R and PD-C regulations. The perimeter buffering for PD-R is 30' from a commercial use or district, and 50' for a PD-C when adjacent

to a residential area. Where there is a conflict in meeting these regulations, the applicant shall set forth the reason(s) the regulations cannot be met and propose a resolution. The resolution shall be pursuant to a staff recommendation or as set forth by Plan Commission.

As it relates to this application, the proposal cannot meet the buffering requirements on the north and west property lines and it is staff's opinion that these setbacks are inadequate.

The developer could continue to explore options to acquire property to the north, decrease the width of the buildings, shift the Phase 2 buildings to the south or some other resolution.

#### Access and Circulation

The proposed changes to the access and circulation will relocate a curb cut onto Delcrest Drive. Interior 90-degree parking will be provided to serve the surrounding buildings. A two way drive aisle is proposed for these areas. It is staff's opinion that the proposed changes to access and circulation are acceptable.

#### Landscaping

A preliminary landscape plan has been submitted and depicts minimal plantings. A final landscape plan must be provided and approved prior to submitting a demolition/building permit. The north and west property lines must depict areas to be planted with trees and shrubs as specified in the Zoning Code. It is staff's opinion that the proposed landscape buffers are inadequate.

#### Parking

The proposed modifications to the parking areas will result in a decrease in parking spaces, bringing the total number of spaces to 131. It is staff's opinion that since the current proposal slightly decreases the number of residential units that the proposed number of parking spaces is acceptable and will provide sufficient parking.

#### University City Comprehensive Plan

It is staff's opinion that the preliminary development plan is in conformance with the University City Comprehensive Plan Update of 2005. The 2005 Update encourages new housing development that is mixed-use support pedestrian oriented activities and recommends flexibility in land use regulations to allow for mixed-use activities. Also in Chapter 3 of the Comprehensive Plan Update of 2005, under Land Use and Redevelopment, as a general policy it states, "*The City will strongly support development(s) that promote desirable planning concepts such as neighborhood-serving, mixed uses and transit-oriented development and enhance the pedestrian character of the City.*" Thus, the proposed development is in conformance with the Proposed Land Use Map in the Comprehensive Plan Update of 2005.

#### **Conclusion/Recommendation**

Based on the preceding considerations, staff is of the opinion the requested Amended Final Development Plan is reasonable in terms of use, density, massing, site coverage and parking. Refinements are needed to address concerns with the setback requests and landscaping.

## ATTACHMENT A: CONDITIONS

1. The setbacks and buffering on the north and west property lines are inadequate. A resolution must be proposed and approved by Plan Commission, in order for a favorable recommendation to be forwarded to City Council. Said solution will be incorporated into the final approval documents.
2. Permitted uses shall be limited to a multi-family residential development for senior living with associated accessory uses including but not limited to offices related to the operation of the facility, a café and dining area, a demonstration kitchen, a fitness area, and an outdoor gardening area which may be open to the public. The hours in which the café is open to the public shall be limited to 6:00 am to 10:00 pm. Any change to the hours of operation shall require written approval from the Department of Community Development.
3. The existing building height, number of stories, mass, floor area ratio, and setbacks shall be maintained as depicted in the preliminary development plan and not be exceeded.
4. The total number of residential units shall not exceed 238.
5. Parking and drive aisle layout shall be as generally depicted on the Preliminary Development Plan. A minimum of 131 off-street parking and garage spaces shall be maintained. The location of the proposed curb-cut for ingress/egress shall be as approved by the Department of Public Works and Parks.
6. A final landscape plan shall be submitted to the Department of Community Development for its review and approval, in conjunction with a review by the City Forester. Said plan shall be submitted prior to the submittal of a demolition/building permit. Landscaping shall be installed and maintained in accordance with the approved plan.
7. Any proposed signage shall be in strict compliance with the Sign Regulations set forth in Article 8 of the Zoning Code.
8. Lighting of all exterior areas shall comply with the requirements of Section 34- 93.7 of the Zoning Code, and shall be designed to be compatible with surrounding areas by shading to direct light downward and away from abutting uses.
9. All work in the public right-of-way shall be located, constructed, and maintained as approved by the Department of Public Works and Parks.
10. A detailed construction traffic control and parking plan should be submitted to the Department of Community Development for approval, in conjunction with review by the Department of Public Works and Parks. Said plan shall set forth details pertaining to worker and resident parking during all phases of the proposed construction. It shall further detail solutions to public property maintenance issues such as street cleaning and traffic diversion. Said plan shall be finalized prior to the issuance of a building

permit. It shall be the applicant's responsibility to obtain those approvals in written form in a timely manner prior to issuance of the building permit.

11. Approval of the amended Final Development Plan must be obtained by City Council.
12. Except as noted herein, other codes and regulations of the City of University City shall apply.
13. Address the comments from the Department of Public Works and Parks (Attachment B - memorandum of July 11, 2017)

PC 17-07

8348-8350 DELCREST DRIVE

ATTACHMENT B



**Department of Public Works and Parks**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-0694

July 11, 2017

RE: Sketch Plan Review, Crown Centre Senior Living (8350 Delcrest )

Dear Mr. Lai:

We have reviewed the sketch plan for the proposed project. Below are our comments:

- Attached is the public works plan review checklist. Not all of the items are applicable but it is useful to refer to this checklist when completing the full set of plans.
- All pedestrian facilities must comply with the Americans with Disabilities Act.
- We have a planned raised crossed walk for Crown Centre on Delcrest, but will hold off on construction until we hear more on the development
- Provide photo metrics for, parking lot, and along the public right-of-way if this will apply.
- If work will occur in the Right-Of-Way, a traffic control plan is required.
- If a sidewalk closure will be necessary, provide a plan for re-routing.
- Provide a plan for trash and recycling collection based on the current layout of the containers.
- please provide area of land disturbed

Sincerely,

A handwritten signature in black ink, appearing to read "Errol Tate", with a long horizontal stroke extending to the right.

Errol Tate  
Senior Project Manager

## Raymond Lai

---

**From:** Errol Tate  
**Sent:** Tuesday, July 11, 2017 5:09 PM  
**To:** Raymond Lai  
**Cc:** Sinan Alpaslan  
**Subject:** RE: Interdepartmental Sketch Plan Meeting - Proposed Redevelopment of Crown Center for Senior Living  
**Attachments:** Plan Review Checklist - BLANK.pdf; July 11 2017- Letter to RL -8350 Delcrest Crown Centre.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ray here are our comments.

Thank you,  
Errol Tate, Senior Project Manager



**From:** Raymond Lai  
**Sent:** Monday, July 10, 2017 5:28 PM  
**To:** Errol Tate  
**Cc:** Sinan Alpaslan  
**Subject:** RE: Interdepartmental Sketch Plan Meeting - Proposed Redevelopment of Crown Center for Senior Living

Errol,  
Thanks for attending the meeting this morning. Since you did not have too many comments during the discussion, I wonder if you would mind providing PWP official review comments to me tomorrow. I hope to compile the collective departmental comments by end of tomorrow if possible, sooner than planned, given no major comments from City departments earlier. Please advise.  
Thanks,  
Ray



Raymond Lai, AICP

**A.**  
*Sketch Plan Meeting.* The sketch plan meeting is a required, but informal, procedure intended to benefit the prospective applicant by allowing for an exchange of ideas and information. No formal approval from the Zoning Administrator or other City staff is required prior to proceeding with the preliminary development plan stage. Prior to petitioning for a rezoning to one (1) of the planned development districts, the prospective applicant shall schedule a preapplication meeting with the Zoning Administrator. The Zoning Administrator may request that other City department representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed development, including site location, existing site conditions, and a sketch plan of the proposed planned development. The Zoning Administrator shall report to the applicant the staff's evaluation of the sketch plan with respect to its compliance with the intent of the planned development regulations as soon as practical after the meeting. The Zoning Administrator shall also inform the prospective applicant of the required development standards and documentation submittal and procedural requirements, should the applicant decide to submit a formal rezoning petition.

**B.**  
*Contents Of Sketch Plan.* The information that should be included with the sketch plan are itemized in Section **405.230** "Preliminary Plat Submittal Requirements" University City Municipal Code. In addition to items listed in that Section, the following information shall be included as well:

- 1.** Building outlines (footprints) of all structures, except single-family detached dwellings proposed on subdivided lots;
- 2.** Circulation plan, including circulation drives and parking areas;
- 3.** Conceptual landscaping plan, open space/common areas and buffer areas between the proposed development and adjacent properties.

Thanks,  
Ray



**Raymond Lai, AICP**  
*Deputy Director of Community Development*  
Department of Community Development  
City of University City, 6801 Delmar Boulevard  
University City, MO 63130  
P: 314.505.8502 | F: 314.862.3168 | [www.ucitymo.org](http://www.ucitymo.org)

\* *Click [Comprehensive Plan Update To Learn More](#)  
About This New City-wide Planning Effort !*

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


PC 17-07

8348-8350 DELCREST DRIVE

ATTACHMENT C



**Legend**  
 Subject Property  
 Parcel Boundary

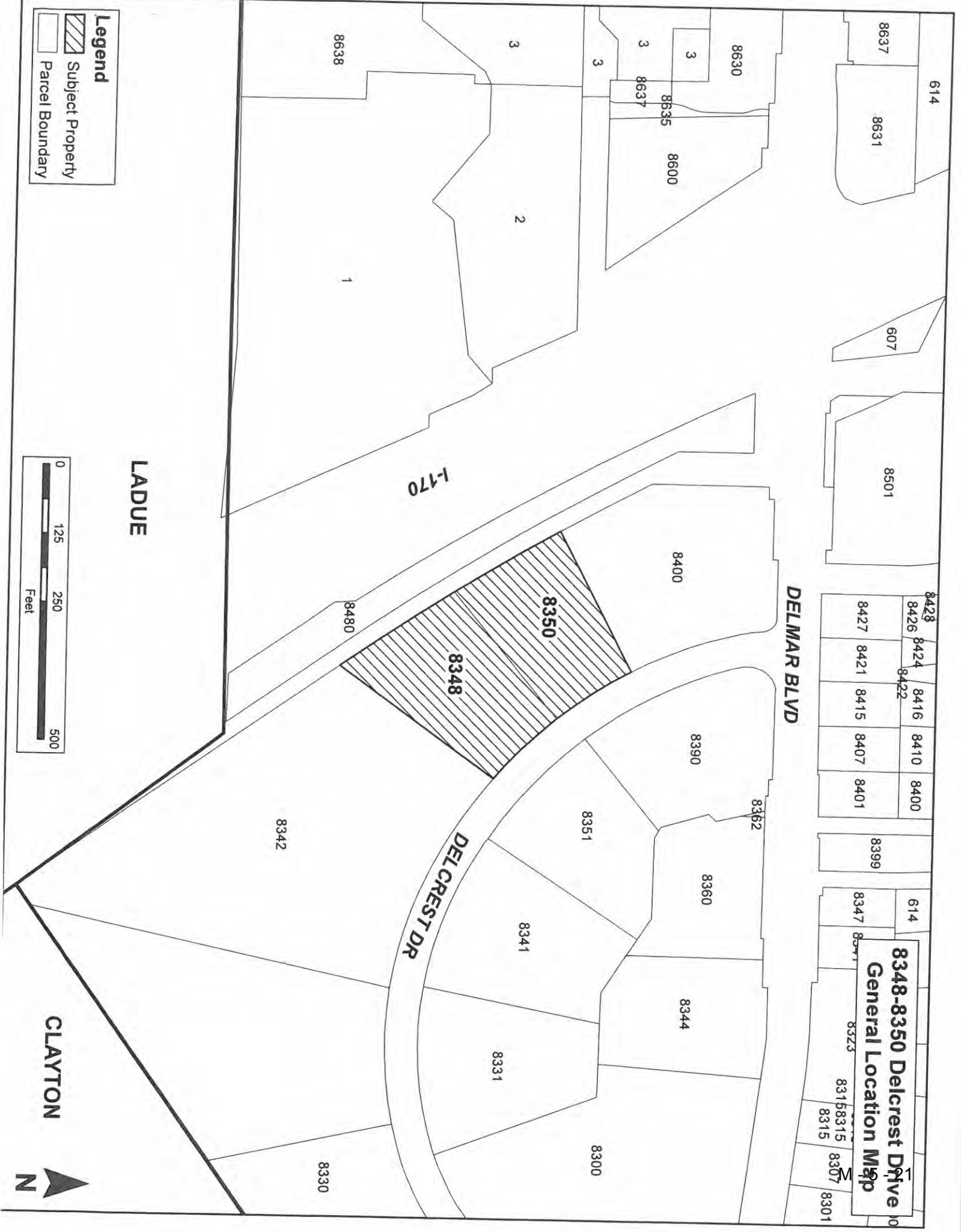


LADUE

DEL CREST DR

DELMAR BLVD

**8348-8350 Delcrest Drive  
 General Location Map**



PC 17-07

8348-8350 DELCREST DRIVE

ATTACHMENT D



**Department of Community Development**  
6801 Delmar Boulevard University City, Missouri 63130 ☎314-505-8500

**APPLICATION FOR FINAL DEVELOPMENT PLAN AMENDMENT  
FOR EXISTING "PD" PLANNED DEVELOPMENT DISTRICTS**

1. Address/Location/Site

8350 Delcrest Dr.  
University City, Mo. 63124

2. Applicant Name, Address, and Daytime Telephone Number:

Rosemann & Associates, P.C. 314.678.1448  
168 Meramec Ave., Suite 200  
St. Louis, Mo. 63105

3. Applicant's Interest in Property:      Owner      Tenant      Under contract to purchase  
   Under contract to lease      Other

*See attached*

4. Existing Planned District Zoning: PD-R      **PD-M**      PD-C      PD-I  
Approval Date:

5. Describe the Approved Final Development Plan (Existing Situation):

*Crown Center consist of 2 mid-rise apartment buildings, the Weinberg and Tallin, which have a total of 243 units serving low-income senior residents. In addition, a single story community and activities building connects both buildings which also serves as the Crown Center administrative and management offices. The Weinberg building also contains a small cafe' which is open to the public as well as the residents. Parking consist of 131 surface parking spaces.*

6. Describe Proposed Amendment to the Final Development Plan, specifically noting:

- whether there is a change in the use or character of the development
- an increase in building or site coverage
- an increase in the intensity of use (i.e. number of dwelling units)
- an increase in vehicular traffic generation or significant changes in traffic access and circulation
- a reduction in approved open space or required buffer areas.

*See attached narrative for proposed amendment to Final Development plan*





July 14, 2017

Mr. Raymond Lai  
City of University City  
Department of Community Development  
6801 Delmar Boulevard  
University City, Missouri 63130

8350 Delcrest Drive  
Saint Louis, Missouri  
63124-2166

(314) 991-2055  
www.crowncenterstl.org

Re: Crown Center for Senior Living – redevelopment of the “Tallin Building”  
Application for Final Development Plan Amendment for Existing “PD” Planned  
Development Districts

Nikki Goldstein  
Executive Director

Dear Mr. Lai,

**BOARD OF DIRECTORS**

- Keith Cohen  
*President*
- Sally Altman
- Mitchell Baris
- Jacob Cedergreen
- Ted Flom
- Todd Goldenhersh
- Bethe Growe
- Sheldon Harber
- James Kolker
- Alvah Levine
- Sylvia Nissenboim
- Nancy Novack
- Estelle Rochman
- Mark Rubin
- Darryl Sagel
- Jill Schupp
- Erin Schuver
- Barbara Schwartz
- Michelle Schwerin
- Ann Spector
- David Steinbach
- Cindy Lander Wallach

I am the Executive Director of the Crown Center, the parent corporation of Council Apartments, Inc. As Executive Director, I hereby authorize Rosemann & Associates, P.C. to file that certain Application for Final Development Plan Amendment for Existing “PD” Planned Development Districts on behalf of the proposed redevelopment of the Tallin Building, located at 8350 Delcrest Drive.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Nikki Goldstein

**COUNCIL OF LIFE MEMBERS**

- Les Borowsky
- Jeffrey Cohen
- Betsy Garland
- Randall Green
- Petie Karsh
- Joe Marchbein
- Merle Miller
- Jeffrey Rosenblum
- Steven Rosenblum
- Richard Tallin
- Miriam Wilhelm

## Raymond Lai

---

**From:** David S. Lang <DLang@rgsz.com>  
**Sent:** Tuesday, July 18, 2017 1:05 PM  
**To:** Raymond Lai  
**Cc:** John Cahill (jcahill@rosemann.com)  
**Subject:** Crown Center - Planning Commission meeting doc  
**Attachments:** authorize ltr.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Lai,

Attached please find the authorization from Crown Center for the submission that Rosemann Architects made on behalf of the organization.

Thank you.

**David S. Lang | Attorney at Law**

ROSENBLUM GOLDENHERSH, P.C.  
7733 Forsyth Boulevard, Suite 400  
St. Louis, MO 63105  
tel: 314.726.6868 | fax: 314.726.6786  
[dlang@rosenblumgoldenherish.com](mailto:dlang@rosenblumgoldenherish.com)  
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ROSENBLUM  GOLDENHERSH

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**UNIVERSITY CITY POLICE DEPARTMENT**  
6801 DELMAR BLVD.  
UNIVERSITY CITY, MISSOURI 63130



**Raymond Lai**  
Dep. Dir. Community Development  
City of University City

**July 20, 2017**

**Sir,**

**I have no comments to add in reference to the proposal for the redevelopment of the Crown Center for Senior Living.**

**Sincerely,**

**Captain Dana Morley**  
Commander, Bureau of Services  
University City Police Department  
314-505-8654

July 14, 2017



ARCHITECTURE  
INTERIOR DESIGN  
ENGINEERING  
PLANNING

## **CROWN CENTER SENIOR LIVING**

### **PROJECT DESCRIPTION – NEW BUILDING PHASED DEVELOPMENT**

The existing "Tallin Building", as highlighted in YELLOW on the attached drawing, is a 126-unit multifamily affordable housing complex constructed in the mid-1960's using the HUD Section 202 Direct Loan Program.

All of the units in the Tallin Building are income restricted aimed at housing low-income seniors. Council Apartments, Inc., a non-profit 501(c) which owns the Tallin Building, paid off the 50-year HUD 202 loan in 2015. Note that Council Apartments II, Inc. (an affiliate of Council Apartments, Inc.), owns the adjacent Weinberg senior housing building that is part of the same campus.

Upon paying off the loan, The Crown Center (the non-profit parent corporation of both Council Apartments, Inc. and Council Apartments II, Inc.) began to investigate the possibility of renovating the Tallin Building. Unfortunately, the Tallin Building was originally constructed in such a way that to renovate the existing structure and bring it up to current building code compliance is not economically feasible. In addition, the building has many design issues that make the current units functionally obsolete, and unmarketable in the long run.

At the present time, the Tallin Building is fully occupied due to its affordability restrictions. In order to construct a new building to serve the needs of the residents and community (both now and in the future), we plan to construct a new building to replace the existing structure. The Weinberg building will remain with only some interior and exterior entry modifications.

With the assistance of our selected architectural team, Rosemann & Associates, and our developer, Fulson Housing Group, we have formulated a plan to reconstruct 120 housing units on the existing site in two Phases, utilizing both federal and state low-income housing tax credits (LIHTC), Affordable Housing Assistance Program tax credits (AHAP), and low interest loans available for affordable housing.

Phase 1 would create new 1-bdrm / 1-bath units and several 2-bdrm / 1 bath units located in a 4-story building over podium parking which will provide covered parking for residents. We anticipate Phase 1 would be constructed adjacent the existing Tallin Building which will remain occupied during construction to avoid the need for extended off-site relocation of the existing residents away from their homes. In order to accomplish this, it will be necessary that we locate the new Phase 1 building within the current setbacks thereby providing the minimum area required for its construction and still allowing for continued occupancy of the existing Tallin Building.

During Phase 1 construction, The Crown Center will stop leasing any units in the Tallin Building. After completion of Phase 1 and all residents of the Tallin Building have been relocated into the Phase 1 building the existing Tallin Building will be demolished.



After the demolition of the Tallin Building, we will commence the development of Phase 2 which will also consist primarily of 1-bdrm / 1-bath units and several 2-bdrm / 1 bath units located in a 4-story building over podium parking. The corridors of each floor will connect to the Phase 1 corridors so as to seamlessly connect the two Phases. The Phase 2 project will also include new and expanded amenity spaces for residents as well as new management and administrative offices.

Due to the site limitations, it is anticipated that the Phase 1 building will need to be located approximately 10 feet from the property line on the north and west sides and 25' from the east (front) property line. The property to the north of The Crown Center site has a driveway and parking adjacent to the proposed 10 foot building setback which will allow for access in the event of emergencies. Additionally, The Crown Center site abuts Delcrest Drive to the East, and a driveway access to Ladue Crossing shopping center to the West, which further provides access for emergency vehicles. As a result of the decrease in the number of units from the current 126 to the proposed 120 no increase in traffic volume is anticipated.

Several options were explored in an effort to eliminate the need to locate the new building within the setback limits. Among these included shifting the current Phase 2 building approximately 60' south to avoid the occupied Tallin building. This would then become Phase 1 of construction. However, this resulted in a separation of less 15' between the new Phase 1 building and the adjacent Weinberg building (scheduled to remain) directly south. This raised concerns regarding separation distances, views, and site utilization as it eliminated much of the outdoor space available to the residents. An alternative to this was to construct a smaller Phase 1 building between the Tallin and Weinberg buildings. However, this option significantly reduces the number of units that can be constructed to a point below the number required for relocation of the remaining residents from the Tallin building.

No development activity is foreseen along the south property line and therefore no impact to setbacks or the adjacent property is anticipated.

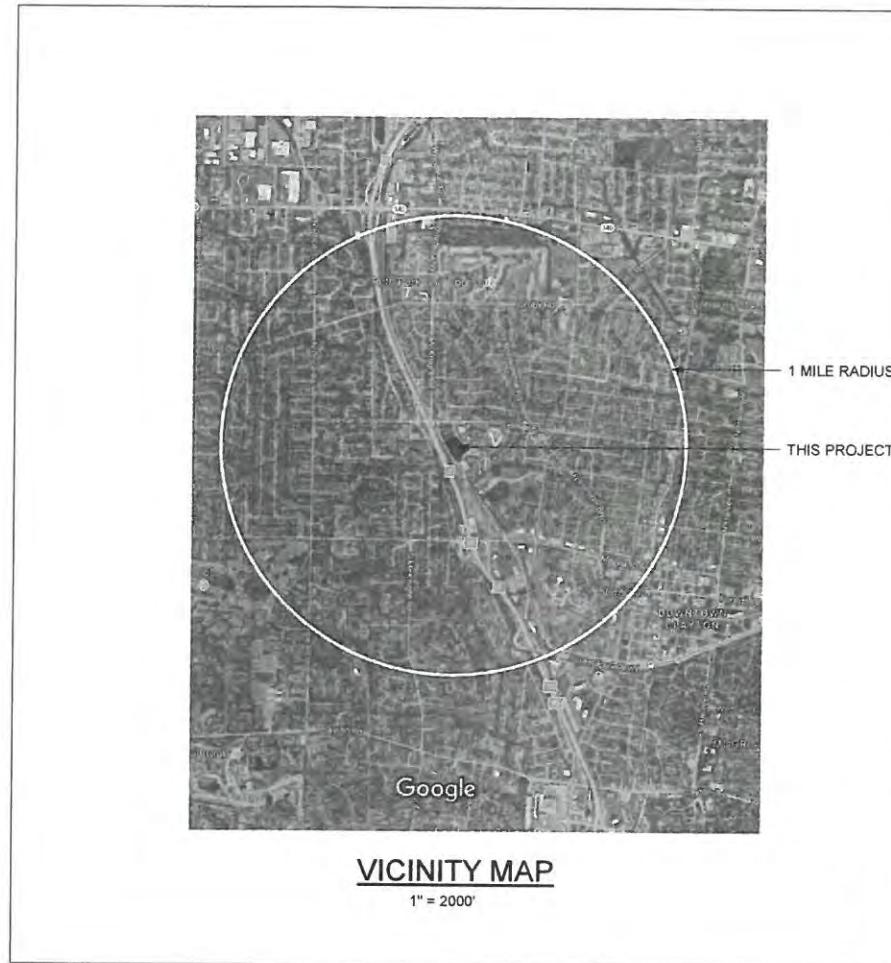
PC 17-07

8348-8350 DELCREST DRIVE

ATTACHMENT E

# CROWN CENTRE SENIOR LIVING

PRINTS ISSUED  
07/26/2017 - CITY P&Z REVIEW  
REVISIONS:



**PROPERTY OWNERSHIP**

**Address:** 8350 Delcrest Dr.  
**Owner:** Council Apartments  
8350 Delcrest Dr.  
St. Louis, MO, 63124

Current Zoning: PD-M Planned Development Mixed Use District

**TITLE DESCRIPTION:**

Lot 10 of Delcrest, according to plat thereof recorded in Plat Book 45 Page 46 of the St. Louis County Recorder's Office.

AND BEING the same property conveyed to Council Apartments, Inc., a Missouri not-for-profit corporation from Marlin Brown and Violet Brown, his wife, as to an undivided 50% interest, Robert J. Diamond, as to an undivided 35% interest, and Edwin J. Dimond, as to an undivided 15% interest by General Warranty Deed dated February 27, 1965 and recorded December 30, 1965 in Deed Book 5873, Page 427.

**AREA:**

APPROXIMATELY 2.8 ACRES

**OPEN SPACE:**

APPROXIMATELY .78 ACRES

**ADJACENT PROPERTY OWNERSHIP**

**Address:** 8420 Delmar Blvd.  
**Owner:** University Terrace Assoc. L.P  
8420 Delmar Blvd.  
St. Louis, MO, 63124

Current Zoning: GC - General Commercial District

8342 Delcrest Dr. RAIA Mo Spe Vehicle LLC Etal  
500 North Franklin Turnpike  
Ramsey, NJ, 07446

Current Zoning: HRO - High Density Residential / Office District

**ZONING REQUIREMENTS - PD-M**

**CURRENT:**

**Setback:**  
Street R.O.W. - 30'  
**Adjacent Properties:**  
North property line - 30'  
West property line - 30'  
South property line - 35'

**PROPOSED CHANGE:**

25' East Property line (Adj. to Delcrest Dr.)  
North property line - 10'  
West property line - 10'  
(No Change)

**Parking:**  
131 Spaces - provided

(No Change)

**NEW CONSTRUCTION:**

**Type V-A**

Occupancy: R-2: Residential  
Height and Area Limitations: 4 stories or 70 feet / 24,000 sq/ft \*  
Fire Resistance Rating of Exterior Walls Based on Fire Separation Distance (10' ≤ X <30'): 1 hr  
Max. Area of Exterior Wall Opening Based on Fire Separation Distance (10' - ≤ 15'): 45%  
Fire Wall Resistance Rating (Group R-2): 2 hr (per exception a.)

**Type I-A**

Occupancy: S-2: Parking Garage  
Height and Area Limitations: UL  
Fire Resistance Rating of Exterior Walls Based on Fire Separation Distance (10' ≤ X <30'): 1 hr  
Max. Area of Exterior Wall Opening Based on Fire Separation Distance: N/A  
Fire Resistance Rating for Horizontal Assemblies Between Fire Areas (R and S-2): 2 hr

\*With area and height increases per IBC sec. 504.2 and 506.3

**rosemann & ASSOCIATES P.C.**  
ARCHITECTURE  
INTERIOR DESIGN  
ENGINEERING  
PLANNING  
168 N. Meramec Avenue, Ste 200  
Clayton, MO 63105  
P: 314-678-1448  
W: www.rosemann.com  
© 2017 Rosemann & Associates, P.C.  
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CROWN CENTER SENIOR  
LIVING  
8350 DELCREST DRIVE  
UNIVERSITY CITY, MISSOURI 63124

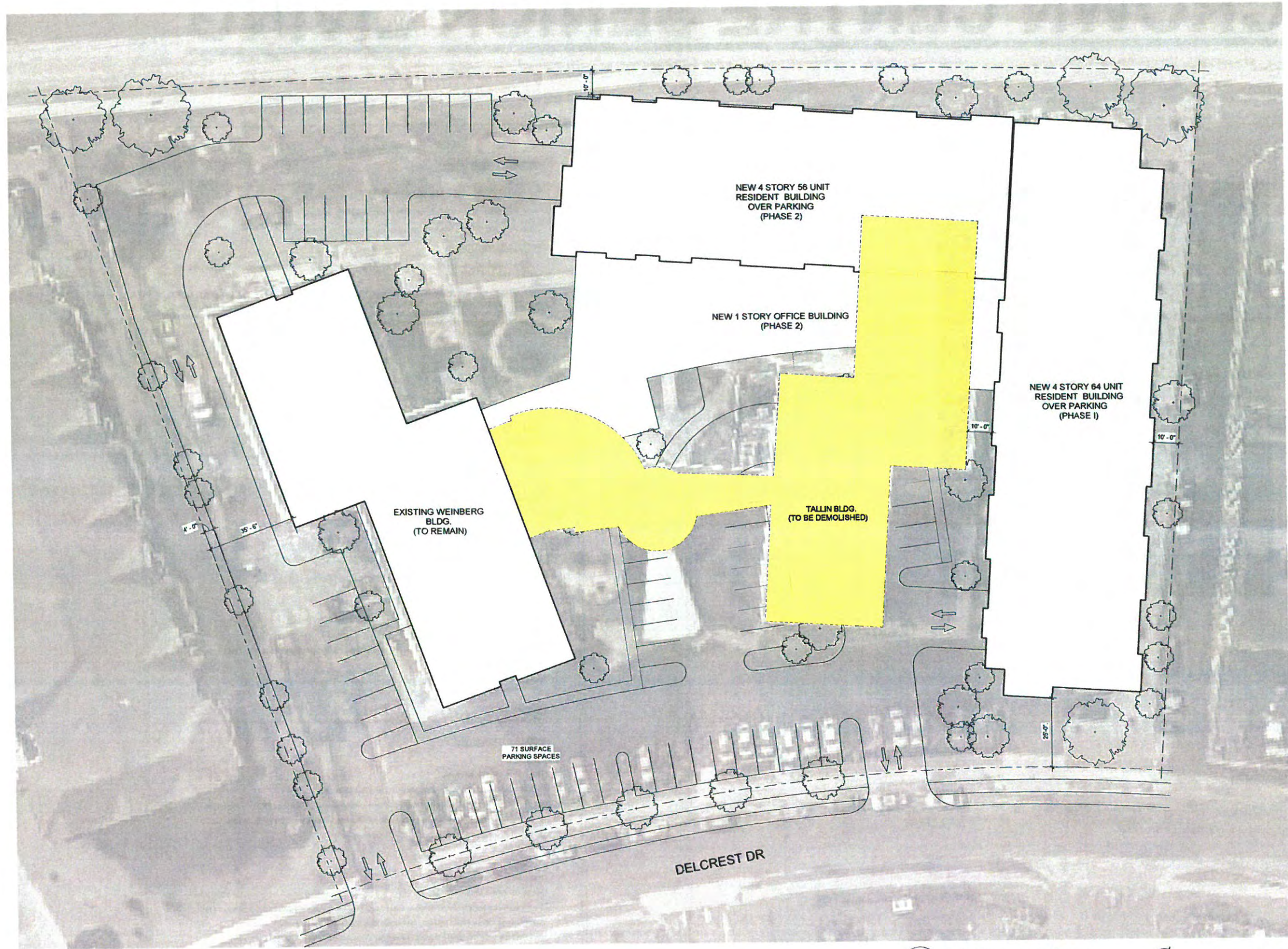
SHEET TITLE  
ZONING COVER

PROJECT NUMBER: 16026

SHEET NUMBER:

P&Z - 1

DRAWN BY: Author CHECKED BY: Checker



**1** SITE PLAN - PHASE I & II  
 1" = 20'-0"

**KEY**  
 TO BE DEMOLISHED UNDER PHASE 2

**PARKING COUNT:**  
 GARAGE:  
 Phase 1 - 31  
 Phase 2 - 28  
 SURFACE:  
 Existing - 27  
 New - 45  
 TOTAL 131 SPACES

**rosemann & ASSOCIATES P.C.**  
 ARCHITECTURE  
 INTERIOR DESIGN  
 ENGINEERING  
 PLANNING  
 168 N. Meramec Avenue, Ste 200  
 Clayton, MO 63105  
 p: 314.678.1448  
 w: www.rosemann.com  
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**CROWN CENTER SENIOR LIVING**  
 8350 DELCREST DRIVE  
 UNIVERSITY CITY, MISSOURI 63124

SHEET TITLE  
 PHASE I & II SITE PLAN  
 PROJECT NUMBER: 16026  
 SHEET NUMBER:

**AS-100**

2/13/2017 10:42 AM  
 C:\Users\jacob.rosemann\OneDrive\Documents\Projects\Crown\_Center\_Senior\_Living\AS-100.dwg

**ATTACHMENT 3:  
Draft Ordinance and Exhibits**

INTRODUCED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT PLAN FOR PROPOSED REDEVELOPMENT TO CROWN CENTER FOR SENIOR LIVING LOCATED AT 8348-8350 DELCREST DRIVE IN THE "PD-M" PLANNED DEVELOPMENT MIXED-USE ZONING DISTRICT.

WHEREAS, the Preliminary Development Plan was approved by the City Council of University City on January 13, 2014 for a mixed-use development project known as "Crown Center for Senior Living" located at 8348 and 8350 Delcrest Drive in the PD-M Planned Development Mixed-Use Zoning District in the City of University City, authorizing the submittal of a Final Development Plan; and

WHEREAS, on April 28, 2014, the Final Development Plan for said development project was approved by City Council via Ordinance 6955; and

WHEREAS, on July 17, 2017, Jarret Cooper, V.P. of Rosemann & Assoc. on behalf of the property owners submitted for review and approval an Amended Final Development Plan in the PD-M Planned Development Mixed-Use Zoning District for a proposed redevelopment of the existing multi-family senior housing development; and

WHEREAS, Section 400.890.B "Plan Amendment" of the University City Municipal Code requires that certain significant amendments to a Final Development Plan be approved by the City Council subject to requirements of this section as if it were a new application; and

WHEREAS, the review and approval of an Amended Final Development Plan shall be in accordance with Section 400.870 "Final Development Plan Procedure" and Section 405.380 "Final Plat Submittal Requirements" of the University City Municipal Code with the adoption of an ordinance by City Council; and

WHEREAS, at its meeting on July 26, 2017, the University City Plan Commission considered and recommended to the City Council of University City approval of the Amended Final Development Plan subject to the conditions in Exhibit A; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m., on August 14, 2017, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on July 30, 2017; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment to the Final Development Plan were duly heard and considered by the City Council; and

WHEREAS, the Amended Final Development Plan application, including all required



documents and information submitted therewith, is before the City Council for its consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Attached, marked Exhibit “B” and made a part hereof, is an Amended Final Development Plan submitted for the “Crown Center for Senior Living.”

Section 2. It is hereby found and determined that the Amended Final Development Plan is in full compliance with said Section 400.870 of the University City Municipal Code, subject to the conditions in Exhibit A. Accordingly, the Amended Final Development Plan, subject to compliance with the conditions in Exhibit A, is hereby approved.

Section 3. The Interim City Clerk is hereby directed to endorse upon the Amended Final Development Plan, subject to the conditions in Exhibit A, the approval of the City Council under the hand of the Interim City Clerk and the seal of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
INTERIM CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## ATTACHMENT A: CONDITIONS

1. Permitted uses shall be limited to a multi-family residential development for senior living with associated accessory uses including but not limited to offices related to the operation of the facility, a café and dining area, a demonstration kitchen, a fitness area, and an outdoor gardening area which may be open to the public. The hours in which the café is open to the public shall be limited to 6:00 am to 10:00 pm. Any change to the hours of operation shall require written approval from the Department of Community Development.
2. The existing building height, number of stories, mass, floor area ratio, and setbacks shall be maintained as depicted in the preliminary development plan and not be exceeded.
3. The total number of residential units shall not exceed 238.
4. Parking and drive aisle layout shall be as generally depicted on the Preliminary Development Plan. A minimum of 131 off-street parking and garage spaces shall be maintained. The location of the proposed curb-cut for ingress/egress shall be as approved by the Department of Public Works and Parks.
5. Along the north property limits, Department of Community Development staff shall seek a landscape plan from the developer that provides a visual screening from the adjacent service drive with a combination of evergreen and deciduous trees.
6. A final landscape plan shall be submitted to the Department of Community Development for its review and approval, in conjunction with a review by the City Forester. Said plan shall be submitted prior to the submittal of a demolition/building permit. Landscaping shall be installed and maintained in accordance with the approved plan.
7. Any proposed signage shall be in strict compliance with the Sign Regulations set forth in Article 8 of the Zoning Code.
8. Lighting of all exterior areas shall comply with the requirements of Section 34- 93.7 of the Zoning Code, and shall be designed to be compatible with surrounding areas by shading to direct light downward and away from abutting uses.
9. All work in the public right-of-way shall be located, constructed, and maintained as approved by the Department of Public Works and Parks.
10. A detailed construction traffic control and parking plan should be submitted to the Department of Community Development for approval, in conjunction with review by the Department of Public Works and Parks. Said plan shall set forth details pertaining to worker and resident parking during all phases of the proposed construction. It shall further detail solutions to public property maintenance issues such as street cleaning and

traffic diversion. Said plan shall be finalized prior to the issuance of a building permit. It shall be the applicant's responsibility to obtain those approvals in written form in a timely manner prior to issuance of the building permit.

11. Approval of the Amended Final Development Plan must be obtained by City Council.
12. Except as noted herein, other codes and regulations of the City of University City shall apply.
13. Address the comments from the Department of Public Works and Parks (Attachment B of staff report - memorandum of July 11, 2017)

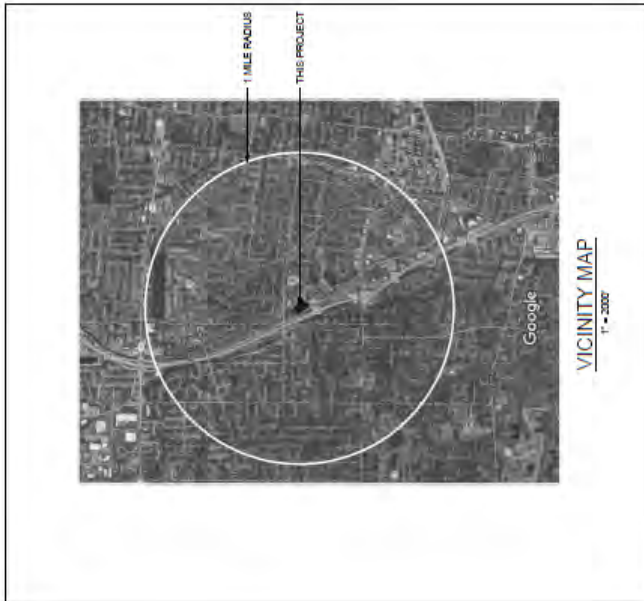
DRAFT

EXHIBIT "B"  
Amended Final Development Plan

DRAFT

# CROWN CENTRE SENIOR LIVING

PRINTS QUALITY  
STANDARD - CITY AND REVIEW  
REVISIONS



**PROPERTY OWNERSHIP**  
 Owner:  
 Council Apartments  
 8350 Delcrest Dr.  
 St. Louis, MO 63124  
 Current Zoning: PC-U Planned Development Mixed Use District

**TITLE DESCRIPTION**  
 Lot 10 of Delcrest, according to plat thereof recorded in Plat Book 45 Page 46 of the St. Louis County Recorder's Office.  
 AND BEING the same property conveyed to Council Apartments, Inc., a Missouri not-for-profit corporation from Martin Brown and Violet Brown, his wife, as to an undivided 50% interest, Robert J. Brown and Violet Brown, his wife, as to an undivided 50% interest, and Robert J. Brown and Violet Brown, his wife, as to an undivided 50% interest, by General Warranty Deed dated February 27, 1955 and recorded December 30, 1955 in Deed Book 5873, Page 427.

**AREA**  
 APPROXIMATELY 2.8 ACRES

**DEVELOPER**  
 APPROXIMATELY 78 ACRES

**ADJACENT PROPERTY OWNERSHIP**  
**Address:**  
 University Terrace Assoc. LP  
 8420 Delmar Blvd.  
 St. Louis, MO 63124  
 Current Zoning: GC - General Commercial District

**8342 Delcrest Dr.**  
 PMA Mo Spa Vehicle LLC Et Al  
 8342 Delcrest Drive  
 Rainey, MO 63124

**Current Zoning: HRO - High Density Residential / Office District**

**ADJACENT DISCOUNTS - 100%**

**CURB/SEAL**  
**SEWERAGE:**  
 Street R.O.W. - 30'  
 Adjacent Properties - 30'  
 West Property Line - 30'  
 East Property Line - 30'  
 South Property Line - 36'

**PROPOSED CHANGES:**  
 20' East Property Line (At 8342 Delcrest Dr.)  
 North Property Line - 10'  
 West Property Line - 10'  
 (No Change)

**NOISE:**  
 (No Change)

**NEW CONSTRUCTION:**  
**TYPE/USE:**  
 Occupancy: N-2 Residential  
 Height and Area Limitations: 4 stories or 70 feet / 24,000 sq ft  
 Fire Resistance Rating of Exterior Walls Based on Fire Separation Distance (10' ± X 30') 1 hr  
 Fire Resistance Rating of Exterior Wall Opening Based on Fire Separation Distance (10' ± X 15') 60"  
 Fire Wall Resistance Rating (Table 5.2), 2 hr (See attached's.)

**TOOTS:**  
 Occupancy: S-2 Parking Garage  
 Height and Area Limitations: 4'  
 Fire Resistance Rating of Exterior Walls Based on Fire Separation Distance (10' ± X 30') 1 hr  
 Max. Area of Exterior Wall Opening Based on Fire Separation Distance: N/A  
 Fire Resistance Rating for Horizontal Assemblies Between Fire Areas (R-40 R-57): 2 hr  
 \*With area and height increases per IRC sec. 904.2 and 906.3

**rosemann & associates pc**  
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 F: 312.678.1448  
 rosemann.com  
 8201 Stevenson & Woodlawn, P.C.  
 PLANNING  
 DRIVER #KH8AS QTY # ST LOUIS ARLN HTX

CROWN CENTER SENIOR  
 LIVING  
 8350 DELCREST DRIVE  
 UNIVERSITY CITY, MISSOURI 63124

PROJECT NUMBER: 1026  
 SHEET NUMBER:

P&Z - 1

Drawn by: Adee  
 Calculated by: Chae

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**rosemann & associates, p.c.**  
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 108 N. MARSHALL AVENUE, 5TH FLOOR  
 ST. LOUIS, MISSOURI 63101  
 PHONE: 314.478.1448  
 FAX: 314.478.1449  
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**CROWN CENTER SENIOR LIVING**  
 8350 DELCREST DRIVE  
 UNIVERSITY CITY, MISSOURI 63124

SHEET TITLE: PHASE I & II SITE PLAN  
 PROJECT NUMBER: 162K  
 SHEET NUMBER:

**AS-100**  
 CONSULT: ARCHT. CONSULTOR: CHICAGO



**1 SITE PLAN - PHASE I & II**  
 1/16/17

**PARKING COUNT:**  
 Phase 1: 24  
 Phase 2: 28  
 Existing: 21  
 Total: 73 SPACES

**KEY:**  
 TO BE DEMOLISHED UNDER PHASE 2



## Council Agenda Item Cover

---

**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Prohibit parking in front of 709 Interdrive at the south side of the driveway

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

---

### **BACKGROUND REVIEW:**

The Traffic Commissioners received a traffic request to prohibit parking in front of 709 Interdrive at the south side of the driveway. At the April 12, 2017 Traffic Commission meeting the requestor resident explained the several interferences with entering and existing the driveway, because drivers park either at the edge of the driveway or partially in front of the driveway. The Commissioners recommended that the City Council approve the request.

### **RECOMMENDATION:**

It is the recommendation of the Public Works and Parks Department that the attached ordinance for a parking prohibition be approved.

### **ATTACHMENTS:**

1. Bill amending section 355.100 – Parking in Prohibited or Restricted Zone
2. Traffic Commission Staff Report
3. Minutes from Traffic Commission April 12, 2017 meeting





INTRODUCED BY:

DATE:

**BILL NO: 9323**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SCHEDULE III OF THE SECTION 355.100 OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Schedule III of the Traffic Code, of the University City Municipal Code is amended as provided herein. Language to be added to the Code is represented as highlighted. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

**Section 2.** Schedule III of the University City Municipal Code Section 355.100 is hereby amended to add **Interdrive Avenue: From the south edge of the driveway at 709 Interdrive Avenue to no more than 5 feet south toward Enright Avenue where the City has designated as a “No Parking Zone”**, to be edited to the Traffic Code as the “Schedule” – Schedule III.

\* \* \*

**Section 3.** This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

**Section 4.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

**Section 5.** This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

DRAFT



**STAFF REPORT**

**MEETING DATE:** April 12, 2017  
**APPLICANT:** Rhowsheda Markovich, 709 Interdrive  
**Location:** 709 Interdrive - At the entrance of the driveway  
**Request:** Place "No Parking anytime" at the curb on the south side of the driveway  
**Attachments:** Traffic Request Form

**Existing Conditions:**

Area to Place No Parking Restriction Request



**Request:**

Prohibit parking in front of 709 Interdrive at the south side of the driveway.

At the requested location, the resident has had several interferences with entering and existing her driveway, because drivers park either at the edge of the driveway or partially in front of the driveway. The resident has explained that sometimes she is stuck in the driveway with no way of exiting. The resident has tried to have cars towed that are blocking the driveway, but the street is too narrow for a tow truck to fit and tow a vehicle.

**Conclusion/Recommendation:**

At this location there is parking in the rear of the building that is used by the other tenants in the building.

Currently Interdrive has a No Parking restriction that was put in the code for street sweeping which is: "On the east side thereof on Wednesday only and on the west side thereof on Monday only, from Enright Avenue to Clemens Avenue, between the hours of 9:00 A.M. and 12:00 noon." and "On the east side thereof on the first (1st) Wednesday of the month and on the west side thereof on the first (1st) Friday of the month, from Enright Avenue to Clemens Avenue, between the hours of 8:00 A.M. to 11:00 A.M."

Interdrive is a one-way street which is located behind the Delmar Loop, there is a lot of student parking and loop visitor parking that takes place during peak times.

Based on the information from Miss Markavich, implementing a “No Parking Any Time” restriction would be the most appropriate treatment since the parking situation is very hectic and traps her inside of the driveway at times. The restriction should take place at the south side of the edge of the driveway to no more than 5 feet south toward Enright Avenue.



## Traffic Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION April 12, 2017

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, April 12, 2017, Chairman Jeff Hales called the meeting to order at 6:33 p.m. In addition to Chairman Hales, the following members of the commission were present:

- Bart Stewart
- Jeff Zornes
- Derek Helderman
- Jeffrey Mishkin

Also in attendance:

- Errol Tate (non-voting member – Public Works Liaison)
- Sinan Alpaslan (Public Works Director)
- Councilmember Bwayne Smotherson (non-voting member—Council Liaison)

Absent:

- Sergeant Shawn Whitley (non-voting member – Police Department Liaison)
- Eva Creer (excused)
- Curtis Tunstall

#### 3. Approval of Agenda

Mr. Helderman moved to approve the agenda and was seconded by Mr. Zornes. The motion carried unanimously.

#### 4. Approval of the Minutes

##### A. March 8, 2017 Minutes

Mr. Helderman made a motion to approve the minutes of the March 8, 2017 meeting and was seconded by Mr. Mishkin. The motion carried unanimously.

#### 5. Agenda Items

##### a. No Parking Restriction in front of 709 Interdrive

Mr. Tate presented the request from applicant / resident Rhowsheda Markovich of 709 Interdrive to restrict parking 5 feet to the south of her driveway due to a persistent problem with cars parking in front of her driveway.

Ms. Markovich spoke to the commission about her experience with cars parking over the edge of her driveway, often blocking her in. She stated that because of the narrow street and space constraints, it makes it impossible for a tow truck to tow a car blocking her driveway.

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## Traffic Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

Mr. Tate elaborated on the staff's position on the request. He indicated the only restrictions are for street sweeping and stated that from his observation driving by, he was in agreement with the applicant about cars parking over the edge of her driveway and recommended a 5 foot parking restriction as requested south of the applicant's driveway.

Mr. Hales asked if Ms. Markovich was the only person on the block experiencing this problem. Ms. Markovich stated she did not know if others were affected but stated that her house is the first house on the block and is closest to The Loop.

Greg Sherrill of 1018 Llewellyn Lane informed the commission that this house is one of the only houses that has a driveway in the front of the house.

Mr. Zornes asked if staff was recommending both painting the curb and installing a sign. Mr. Tate suggested that the curb be painted first to see if that would resolve the matter. Mr. Hales stated that he experienced a similar situation with cars parking over his driveway and his understanding was that in order for the parking restriction to be enforceable, it would require a sign be placed and codified by ordinance. Mr. Alpaslan stated that he believed that by painting the curb yellow, it would be enforceable on a temporary basis but would ultimately require a sign.

Mr. Stewart asked what the reservation was about installing a sign. Mr. Tate stated that because there were already parking restrictions on the street, it would be confusing and suggest the entire area would be restricted. Mr. Alpaslan suggested two signs; one on either side of the driveway.

Mr. Mishkin mentioned that it was stated that it was not possible to tow a car from blocking the driveway and asked if there was any other remedy aside from ticketing the car. Mr. Stewart suggested that the restriction would hopefully serve as a deterrent. Ms. Markovich stated that when she has called the police over cars being parked in front of her driveway, she was told they could not do anything. Mr. Alpaslan stated that the ordinances state that a car can be ticketed for blocking a driveway. Mr. Hales stated that he had previously observed the police ticketing cars for blocking his driveway.

Mr. Stewart made a motion that the traffic commission recommend restricting parking 5 feet from both sides of the applicant's driveway at 709 Interdrive and mark the restriction with paint and signage on five. Mr. Zornes seconded the motion. The motion carried unanimously.

### **b. Compact Car Restriction Review.**



## Traffic Commission

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Mr. Tate presented the staff recommendation for a proposed compact car restriction. He included the email from City Attorney Katie Forrester requesting clarification of the language that the commission would like to see.

Mr. Zornes expressed concerns over small CUVs that are compact, but still tall which could obstruct sightlines.

Mr. Hales expressed concern over the definition's including interior cubic feet. Mr. Stewart suggested that the commission try to keep the terms simple. Mr. Zornes concurred suggesting a restriction on trucks, vans, minivans and SUVs with a height restriction. Mr. Helderman agreed. Councilmember Smotherson agreed as well.

Mr. Helderman stated that the documentation presented in 2014 included Clayton's ordinance restricting vehicles over 60 inches.

Mr. Hales stated that he believed we needed input from the police department for the ideal language to be included on the signs as well as in the ordinance. Mr. Alpaslan stated that the police department wants any ordinance to be clear and recommended the input from the police department.

Mr. Hales asked if the commission wants recommend an ordinance that addresses a compact car, or an ordinance that restricts the height of vehicles for certain parking spaces. Mr. Stewart stated he believed the primary concern was the height of the vehicle causing an obstructed view. Mr. Helderman agreed that the height is the primary concern.

Mr. Tate reminded the commission that there city does have limited parking in some areas and including a compact car to the restriction could be helpful. Mr. Hales agreed that there is merit to a compact car ordinance as well, but stated that his recollection of the concerns brought to the commission in recent years have been about the height of cars creating a visibility and sightline issues, rather than the length of the vehicle.

Mr. Helderman asked if the commission could make its recommendation on the nature of the restriction and types of vehicles to be restricted and ask for the input of the police department.

Mr. Hales asked if the draft ordinance would be presented to the commission once it is written for final recommendation to council. Mr. Alpaslan indicated that would be the best way to proceed since it would be a new ordinance, rather than amending an existing ordinance.

Mr. Zornes made a motion to give the commission's recommendation on implementing a restriction allowing compact car / motorcycle parking only and



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restricting parking of all vans, minivans, trucks and SUVs. Mr. Mishkin seconded the motion. The motion passed unanimously.

### **c. Loop South Two-Way Traffic Review Draft**

Mr. Tate presented the review of the Loop Two-Way Traffic proposal. He reported that the traffic engineer had evaluated Loop South and determined parking could remain on the south side of the street providing for more parking spaces.

Mr. Hales asked if staff was still seeking to implement the new parking and two way traffic at the same time. Mr. Tate confirmed.

Mr. Mishkin asked if the change would be applied west from Leland to Kingsland. Mr. Tate confirmed.

Mr. Mishkin asked what the value of making Loop South a two-way street. Mr. Alpaslan stated that it makes it much easier for wayfinding for customers and delivery vehicles. Mr. Zornes stated that he read that the merchants believed it would benefit their businesses and customers.

Mr. Stewart made a motion to recommend that Loop South be made a two way street with striped parallel parking on the south side of the street. Mr. Helderman seconded the motion. The motion passed unanimously.

### **6. Council Liaison Report**

Councilmember Smotherson informed the commission that Centene's ground breaking is set for April 21<sup>st</sup>.

### **7. Miscellaneous Business**

Mr. Zornes asked if University City has looked into switching its parking system to something similar to what the City of St. Louis uses like Park Mobile where you can pay using an app.

Mr. Alpaslan stated that it would lower the cost of maintenance of the meters by switching to pay stations.

Mr. Smotherson stated that he would recommend the council look into the issue.

### **8. Adjournment.**

Mr. Mishkin made a motion to adjourn the meeting and was seconded by Mr. Stewart. The motion unanimously carried and the meeting was adjourned at 7:31 pm.





## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** 7100 Block of Lindell Blvd. – **Residential Permit Parking Area**

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

The Traffic Commission reviewed a petition to create a Residential Permit Parking Area on both sides of 7100 Lindell Blvd, from 7100 Lindell Boulevard to Asbury Avenue.

According to the Municipal Code Section 355.030 Residential Parking Permit Plan, parking on public streets within residential neighborhoods may be restricted to the residents along not more than three (3) blocks of a street if the street is within two (2) blocks of Washington University or another municipality's boundary and if the problems caused by non-resident parking on the block are chronic and well documented.

The petition submitted by property owners at 7108 Lindell Boulevard documents the parking problems on both sides of the 7100 block of Lindell Blvd, and requests to restrict parking for residents on the both sides of the block.

The signatures in the petition exceeded the minimum requirement. The petition was signed by 100% of the affected households. Restricted hours are not to exceed twelve (12) hours daily. Proposed hours are from 9 am to 9 pm every day of the week except Sunday.

The Traffic Commission reviewed this request at their July 12, 2017 meeting and recommended City Council's approval of this petition to alleviate a reoccurring parking problem existing in this residential road within University City.

### **RECOMMENDATION:**

Staff recommends approval of the request, based on the parking issues documented and submitted to the City through the petition attached, and compliance with the requirements outlined on the University City Municipal Code section 355.030; thus amending the Traffic Code Schedule III-D Residential Permit Parking Areas to add both sides of 7100 Block of Lindell Boulevard.

### **ATTACHMENTS:**

- Bill amending Schedule III-D Residential Permit Parking Areas
- Minutes of the July 12, 2017 Traffic Commission Meeting and Staff Report
- Petition submitted by affected property owners of the of the 7100 block of Lindell Boulevard.



INTRODUCED BY:

DATE:

**BILL NO: 9324**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Schedule III of the Traffic Code, of the University City Municipal Code is amended as provided herein. Language to be added to the Code is represented as highlighted. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

**Section 2.** Schedule III of the University City Municipal Code is hereby amended to add both sides of Lindell Boulevard from 7100 Lindell Boulevard to Asbury Avenue where the City has designated as a Residential Permit Parking Area, to be edited to the Traffic Code as the “Schedule” – Schedule III, as follows:

**Traffic Schedules**

**Schedule III: Parking Restrictions**

**Table III-D Residential Permit Parking Areas**

The following areas are “Residential Permit Parking Areas” and are regulated as set forth in section 355.030 of this Code:

<b>Street</b>	<b>Block</b>	<b>Scope</b>
<b>Lindell Boulevard</b>	<b>7100</b>	<b>Both Sides</b>

\* \* \*

**Section 3.** This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

**Section 4.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

**Section 5.** This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



## STAFF REPORT

MEETING DATE: July 12, 2017  
APPLICANT: Lori and Jim Messina – 7108 Lindell Boulevard  
Location: 7100 Lindell Boulevard - Between 7100 Lindell Blvd and Asbury Ave  
Request: Residential Parking Permit request  
Attachments: Traffic Request Form

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### Existing Conditions:

Lindell Blvd form 7100 Lindell Blvd to Asbury Ave.



★ Signed Petition dated 06/23/2017

**Currently there is no residential parking permit system Implemented**

At the June 14, 2017 Traffic Commission meeting, a motion was passed to request a petition for the Residential Parking Permit.

Implement a Residential Parking Permit System in the 7100 block of Lindell Blvd between Asbury Ave and 7000 Block of Lindell Blvd, on both sides of the street (per the Traffic Commission recommendation from June 2017).

Residential Parking Only from 9 a.m. to 9 p.m., every day of the week. This restriction matches the hours and days of adjacent streets.

The petition submitted included signatures from 22 property owners, out of 22 properties in the requested area. This constitutes 100% of property owners in agreement.

**Conclusion/Recommendation:**

City Staff recommends that the Traffic Commission approve the petition as presented. system.



**Department of Public Works and Parks**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

**RESIDENTIAL PARKING PERMIT PETITION**

TO: UNIVERSITY CITY- TRAFFIC COMMISSION

PROBLEMS CAUSED BY NON-RESIDENT PARKING (PROBLEMS SHOULD BE CHRONIC AND WELL DOCUMENTED). USE ADDITIONAL PAGE IF NECESSARY

The residents would like to establish a residential permit parking zone in the 7100 block of the Lindell in effect from 9 a.m. to 9 p.m. The surrounding blocks of Forsyth, Maryland and Westmoreland and the 7000 block of Lindell have Residential Permit parking restrictions in place and the 7200 block is also pursuing residential permit parking. Non-resident parking makes it difficult to access our driveways or park in front of our homes. We have frequent non-resident parkers associated with Washington University who remained parked throughout the day.

SPECIFIC AREA REQUESTED TO BE RESTRICTED:

7100 block of Lindell and the portion of Asbury from Forsyth to the intersection of the 7100 and 7200 Lindell.  
See attached map

REQUESTED RESTRICTED TIME PERIOD (SHALL NOT EXCEED 12 HOURS DAILY)

9 a.m. to 9 p.m.

NOTE:

THIS PETITION SHOULD BE SIGNED BY AT LEAST SEVENTY-FIVE (75%) PERCENT OF THE PROPERTY OWNERS ADJACENT TO THE BLOCK OF THE PUBLIC STREET INVOLVED.

The Public Works Department staff will review this petition and, if warranted, this matter will appear as an agenda item for a traffic commission meeting. If a meeting is held, you will be encouraged to attend so that you may state your concerns.

NAME: Lori and Jim Messina

ADDRESS: 7108 Lindell, University City, MO 63130

PHONE (HOME): 314-725-7722 PHONE (WORK): 314-422-2608

Date: June 23, 2017

Please return completed to Angelica Gutierrez, at the Public Works Department, 3<sup>rd</sup> floor of the City Hall, located at 6801 Delmar Blvd, University City, MO 63130. Phone: (314) 505-8560 Fax: (314) 862-0694



**Department of Public Works and Parks**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

**PETITION**

Block: 7100 Name of Street: Lindell Blvd.  
 Hours restricted: 9 a.m. to 9 p.m.

NAME (PRINTED)	SIGNATURE	ADDRESS
Charles or Ann Cramer	<i>Charles Cramer</i>	7100 Lindell
Nicole Tosi or Craig Wedbush	<i>Nicole Tosi</i>	7101 Lindell
John or Kristin Kuchem	<i>John Kuchem</i>	7104 Lindell
Mark or Peggy Shamleffer	<i>Brygg A Shamleffer</i>	7105 Lindell
James or Lori Messina	<i>Lori M</i>	7108 Lindell
Stephen Schutz	<i>Stephen Schutz</i>	7109 Lindell
Abigail or William Keough	<i>Abigail Keough</i>	7113 Lindell
Elizabeth Goldkamp	<i>Elizabeth Goldkamp</i>	7116 Lindell
Mark Schlitzman Margaret Gillerman	<i>Mark Schlitzman</i> (co-owner of hotels)	7117 Lindell
Dennis or Mary Doyle	<i>Mary Crown Doyle</i>	7120 Lindell
Wayne or Anna Hanebrink	<i>Wayne Hanebrink</i>	7125 Lindell
Julie Moloney	<i>Julie Moloney</i>	7131 Lindell
Stephen Miles or Linling Xu	<i>Linling Xu</i>	7135 Lindell
Brent or Leslie Sumner	<i>Brent Sumner</i>	7142 Lindell
Agatha or Thomas Brockland	<i>Thomas W. Brockland</i>	7146 Lindell
Randy Rener Jean Dames	<i>Randy Rener</i>	7149 Lindell









## Council Agenda Item Cover

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**MEETING DATE:** August 14, 2017

**AGENDA ITEM TITLE:** Stop sign at Milan Avenue and Mendell Drive intersection

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

The Traffic Commission reviewed a request to approve permanent installation of a stop sign on Milan Avenue at Mendell Drive.

A stop sign is warranted at this location. Due to the speeding and volume of through traffic on Mendell Dr. at the intersection, it is recommended to install a Stop sign on Milan Avenue at Mendell Drive, as requested. An additional plaque "Cross traffic does not stop" should be added.

At the June 14, 2017 Traffic Commission meeting, the Traffic Commissioners reviewed the request and recommended approval by the City Council.

The Traffic Code will have to be amended in Schedule VII, Stop Intersections, Table VII-A Stop Intersections to include this location.

### **RECOMMENDATION:**

Staff recommends approval of this request; therefore amend the Traffic Code Chapter 300 – Schedule VII Stop Intersections, Table VII-A Stop Intersections.

### **ATTACHMENTS:**

1. Bill amending Chapter 300 – Schedule VII Stop Intersections.
2. Minutes of the June 14, 2017 Traffic Commission Meeting
3. Staff Report

INTRODUCED BY:

DATE:

**BILL NO: 9325**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SCHEDULE VII, TABLE VII-A – STOP INTERSECTIONS, CHAPTER 300 TRAFFIC CODE, OF THE UNIVERSITY CITY MUNICIPAL CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Schedule VII, Table VII-A. Stop Intersections of Chapter 300 of the Traffic Code, of the University City Municipal Code is amended as provided herein. Language to be added to the Code is emphasized. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

**Section 2.** Chapter 300 of the University City Municipal Code is hereby amended to add a new location where the City has designated as a stop intersection, to be added to the Traffic Code – Schedule VII, Table VII-A, as follows:

**Schedule VII: Stop Intersections**

**Table VII-A. Stop Intersections**

<b>Stop Street</b>	<b>Cross Street</b>	<b>Stops</b>
<b>Milan Avenue</b>	<b>Mendell Drive</b>	

\* \* \*

**Section 3.** This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

**Section 4.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

**Section 5.** This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

DRAFT



## Traffic Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION June 14, 2017

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, June 14, 2017, Chairman Jeff Hales called the meeting to order at 6:32 p.m. In addition to Chairman Hales, the following members of the commission were present:

- Curtis Tunstall
- Jeff Zornes
- Bart Stewart

Also in attendance:

- Errol Tate (non-voting member – Public Works Liaison)
- Sinan Alpaslan (Public Works Director)
- Councilmember Bwayne Smotherson (non-voting member—Council Liaison)

Absent:

- Sergeant Shawn Whitley (non-voting member – Police Department Liaison)
- Eva Creer (resigned from commission - 5/2017)
- Jeffrey Mishkin (excused)
- Derek Helderman (excused)

#### 3. Approval of Agenda

Commissioner Zornes moved to approve the agenda and was seconded by Commissioner Tunstall. The motion carried unanimously.

#### 4. Approval of the Minutes

##### A. April 12, 2017 Minutes

Commissioner Zornes made a motion to approve the minutes of the April 12, 2017 meeting and was seconded by Commissioner Tunstall. The motion carried unanimously.

#### 5. Agenda Items

##### a. Bicycles in the Loop

Mr. Tate presented the challenges presented to bicyclists by the trolley tracks on Delmar and identified several areas for proposed improved signage. Mr. Tate stated that staff had researched other cities such as Kansas City and Atlanta which have implemented alternate bike routes, bike lanes going against traffic and in some cases allowing bicycles to go on widened sidewalks which he indicated was not a possibility in the Loop. He stated the staff would not like to remove bicycles from the Loop area and indicated that any help from the Traffic Commission would be greatly appreciated.



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Chairman Hales reminded commission members that staff is again recording commission meetings and the audio of the meeting will be posted on the city website. Chairman Hales then asked whether the expenses for additional signage would be paid by the city or the Loop Trolley Company. Mr. Tate indicated that the additional signage would most likely be paid for by the City.

Mr. Alpaslan stated that a representative from the Loop Trolley company would be attending the meeting but was yet present at the meeting. He also stated that the city looked into the rubberized inserts for the rails and concluded that the city cannot install rubberized inserts on the Loop Trolley Company's trolley tracks and it would have to be done by the Loop Trolley Company because it's their operational infrastructure. He indicated that staff has not discussed the additional signage with the Loop Trolley Company to date and that he didn't know if the city could rely on the Loop Trolley Company providing the additional signage in the public right of ways.

Chairman Hales suggested that the first citizen speaker address the commission and then table discussion of the agenda item until after the final agenda item for the evening. Chairman Hales called on citizen Sarah Hanly to address the commission.

Sarah Hanly (7050 Washington Ave) addressed the commission and stated that she is a volunteer for Trailnet as a Bike/Walk ambassador with a focus on University City. She stated that the residents of University City had been disproportionately affected by the trolley. She emphasized that she does not believe that the burden of the solutions related to the bicycles and the trolley should be put on the taxpayers of University City since there is a Loop Trolley Transportation District that collects sales tax revenue. She stated that tracks have always presented a challenge to bicyclists, but the tracks in University City present unique challenges because the tracks shift from the middle of the lanes to the side of the road, creating conflict points with cyclists. She stated that a group of concerned citizens had a conversation on social media and got together to meet and discuss the hazards posed by the tracks and possible solutions. She presented 3 possible solutions and suggestions: 1. Improved signage at all cyclist entry points to Delmar and pavement markings to warn cyclists of the shifting tracks, 2. Improved collection of crash data and the encouragement of cyclists to report crashes to the police or on the website bikemax.com, 3. They would the city to find a solution to the hazards presented to cyclists by the tracks, such as Velostrail rubber inserts for the tracks. She indicated another option would be to develop alternate routes, such as Loop North, Enright, with signage and wayfinding for cyclists. It may require the cooperation with University City, St. Louis City and Washington University to address the challenges with alternate routes at the east and west ends of the alternate route. She indicated that the Loop Trolley Company should take responsibility for finding and paying for solutions to improve bicycle safety in the Loop.

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## Traffic Commission

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Chairman Hales asked the commission if they preferred to continue discussing or table the discussion until later in the meeting. Commissioner Zornes made a motion to table discussion of the Bicycles in the Loop agenda item until after the representative from the Loop Trolley Company arrived. The motion was seconded by Commissioner Tunstall and carried unanimously.

### **b. Braddock Avenue Speeding**

Mr. Tate introduced a traffic request from Councilmember Bwayne Smotherson regarding speeding on Braddock Ave. The police have reported 7 accidents in the last 3 years and requested a recommendation to conduct a speed study in that area and recommended that 3 new speed limit signs be installed.

Councilmember Smotherson stated that Braddock is a wider street and used as a cut-through between 82<sup>nd</sup> and Woodson and Canton as an east-west route alternative to Olive Blvd.

Chairman Hales asked if the speed limit signs are currently installed where they should be. Mr. Tate stated that there were not enough speed limit signs on Braddock. Chairman Hales stated that the commission didn't have the purview to authorize any expenditure of funds for an engineer and traffic study, but he stated that he felt that if staff believes there is a need to deploy a speed trailer and install additional speed limit signs, then they should do so.

Mr. Alpaslan stated he would recommend deploying the speed trailer and consulting with the Streets Department for additional solutions. Long term, there are additional considerations such as a solar powered permanent radar sign and additional traffic calming measures such as raised crossings and temporary mockup solutions to channelize traffic.

Chairman Hales stated that he believed that enforcement has the greatest effect for traffic calming.

Ms. Hanly asked to speak and Chairman Hales asked Ms. Hanly to address the commission. She stated that as a volunteer for Trailnet, she could provide their traffic calming kit and information to staff and the commission. Chairman Hales suggested that Ms. Hanly provide that information to Mr. Tate or Mr. Aspaslan to be shared at a future meeting.

Commissioner Zornes asked if the needed to approve anything on this agenda item. Chairman Hales agreed that no action was needed for staff to deploy the speed trailer and conduct a study as well as install additional speed limit signs, but that the results from the speed trailer would be





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something the commission should review when completed. No action was taken by the commission.

### c. 1352 Coolidge Avenue Parking

Mr. Tate presented a request from Kevin Carter of 1352 Coolidge Dr. Mr. Carter was requesting signage be placed where the sidewalk ramp meets the street to prevent cars from parking in front of and on the sidewalk at that location.

Citizen Kevin Carter (1352 Coolidge Dr.) described the problem as being related to one neighbor who regularly parks in front of the sidewalk ramp or on the sidewalk blocking access to the sidewalk which leads to a school. He stated that as a result, people have to walk through his yard to get to the sidewalk and that he has asked the neighbor to stop parking there. He said he believed that if a sign were posted and the car was to be ticketed or towed, it would solve the problem and he would be very grateful.

Commissioner Zornes asked if there was a no parking sign at that location. Mr. Carter stated that there was not and described how the car is parked blocking the sidewalk ramp to the street.

Chairman Hales asked Mr. Alpaslan there is anything in the code that already prohibits parking in front of the sidewalk. Mr. Alpaslan stated that the code already prohibits parking in front of an intersection and parking on the sidewalk. Chairman Hales asked if Mr. Alpaslan believed there would be any value in pavement markings or partial pavement markings where the sidewalk ramp meets the street. Mr. Alpaslan stated that would be helpful.

Commissioner Tunstall thanked Mr. Carter for his concern for children using this sidewalk.

Mr. Alpaslan stated that staff can install signs and notify the Police Department for enforcement.

Chairman Hales stated that he believed there were two issues, parking in front of the sidewalk and parking on the sidewalk. He thought posting a sign that states "no parking on the sidewalk" seemed like a silly sign to have to post and they could be posted all over the city. Mr. Tate responded that all that would be needed would be no parking signs in front of the sidewalk ramp.

Mr. Alpaslan stated he believed the signs could be erected without changing the traffic code and taking it to the city council. Chairman Hales stated he believed that would be a much faster process for Mr. Carter and wouldn't require the city attorney to draft an ordinance. Mr. Alpaslan stated he would



## Traffic Commission

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look into it and bring it back to the commission if there was a problem and an ordinance was to be required.

### d. 7340 Ahern Ave. Parking

Mr. Tate presented a traffic request from Dorothy Tillman of 7340 Ahern Dr. He indicated that Ms. Tillman is elderly and has difficulty parking in front of her home because other cars are parked in front of her house and she has the only house that does not have a driveway or garage. She had requested that something be done to protect her ability to park in front of her own home. Mr. Tate asked the commission for a solution for Ms. Tillman's parking situation. He suggested to her an ADA parking permit, but she declined and was not in attendance at the meeting.

Commissioner Tunstall confirmed with Mr. Tate that he suggested the ADA permit and she declined.

Commissioner Stewart asked what the qualifications were for a residential parking permit. Mr. Tate stated that the requirements are that the homes are within a two block radius of a school, university, or commercial area.

Chairman Hales recalled a similar situation where the commission was asked to prohibit parking behind a woman's driveway, similarly for one person. In that instance, the neighbors were all in agreement. He stated that requests for individual accommodations are difficult requests and his understanding is that staff was not supportive of establishing reserved spacing on an individual basis.

Commissioner Stewart asked if Ms. Tillman indicated why she declined the ADA parking solution. Mr. Tate stated she did not and he would be willing to discuss the ADA option with her again.

Commissioner Zornes agreed with Chairman Hales that the commission should not establish reserved parking in front of individual homes and believed that the ADA reserved parking appears to be the only tool the commission has to address her concern.

Chairman Hales stated he would prefer that this request be brought back to the commission after another discussion with Ms. Tillman about the ADA parking option and indicated that he believed Mr. Tate was on the right track with that as the best solution.

Councilmember Smotherson suggested that Councilmember Carr speak with Ms. Tillman as well. Commissioner Tunstall agreed that it may be a good idea for Councilmember Carr to speak with Ms. Tillman. No further action was taken.



## Traffic Commission

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### e. 1500 Block of Mendell Dr. Stop Sign and Speeding

Mr. Tate presented a request from citizen Craig Hughes of 1523 Mendell about concerns over speeding and traffic. Mr. Tate presented staff's recommendation that a stop sign be installed at Mendell Drive and Milan Avenue replacing a yield sign, as well as new speed limit signs, and deployment of the speed trailer. He indicated that the Mr. Hughes' request for speed bumps at this location was not feasible.

Citizen Craig Hughes (1523 Mendell Dr.), President of the Big Dell Block Unit, addressed the commission outlining his request, including a stop bar pavement marking as well as a yellow line at the intersection, as well as crosswalk pavement markings. He also stated this was needed at Mendell at Wayne and Mendell at Canton because Mendell is used a cut-through. He also asked for replacement stop signs to replace old faded stop signs. He provided the commissioners with a schematic of how he would like the intersections to be marked. He also indicated that these intersections are also where school buses stop and the additional markings would improve safety for children. He also stated that he did some research and found a neighborhood where speed-dips were implemented to slow the traffic.

Chairman Hales asked if the crosswalks used to be marked. Mr. Hughes stated that prior to resurfacing in the 1990s there were crosswalk markings at Wayne and Mendell. Chairman Hales asked how close the three proposed intersections were to the school. Mr. Hughes indicated the school was to the west of Mendell Dr. He also asked that additional signage be installed for "children playing", "no loud music" and "neighborhood watch" for the residents of the neighborhood and cited their main concern is for the safety of the children and residents.

stated that he was very familiar with this area and that Mendell is used as a cut-through between 82<sup>nd</sup> and North and South Rd.

Commissioner Tunstall thanked Mr. Hughes for his intricate schematic presented to the commission.

Commissioner Stewart expressed concern that the petition signed by residents did not specify that they were signing in support of the request, but recognized the concerns raised by the petitioner.

Ms. Hanly asked to address the commission and asked if raised intersections could be implemented. Mr. Alpaslan stated that is something that could be done and has been implemented before, but there are budgetary constraints.

Chairman Hales indicated that he understood Commissioner Stewart's concern about the petition but stated that a petition was not necessary for a citizen to bring a safety concern related to traffic to the Traffic Commission.



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Chairman Hales reviewed the recommendations of staff with the commission. Chairman Hales mentioned the recent study being done relating to the review of school zone areas and suggested that crosswalk markings should be considered to be included in school zone areas.

Chairman Hales asked staff if they had any comment on the proposed pavement markings. Mr. Tate stated that staff would consider all of the requests for pavement markings.

Commissioner Stewart asked if the commission could make a recommendation in support of the staff recommendation at this time and evaluate the effectiveness of the implemented changes at a later date.

Chairman Hales suggested that a number of the recommendations are not necessarily issues that require action of the commission since it can be implemented under the existing code.

Commissioner Stewart made a motion to approve the recommendations as presented by staff and was seconded by Commissioner Zornes. The motion passed unanimously.

### **f. 7100 Block of Lindell Blvd Residential Parking Permit**

Mr. Tate presented the request from Lori and Jim Messina for a Residential Parking Permit plan for the 7100 block of Lindell.

Chairman Hales stated that the commission was very familiar with this area and the residential parking permit in the area as well as the parking issues related to Washington University, commercial, and Metrolink.

Ms. Lori Messina of 7108 Lindell asked the commission if she needed to speak to the commission. Chairman Hales informed her that she was not required to speak and that this request was very straightforward and that the commission would need to determine the affected area for a petition for a Residential Parking Permit plan which would likely be the 75% of all of the property owners in the 7100 block of Lindell. Ms. Messina stated that the streets all around them already have residential parking permit plans in place and that her request also includes the block of Asbury between Lindell and Forsyth. She stated that she already had obtained signature for the residents on Lindell and Asbury.

Chairman Hales stated that he felt that procedurally that the petition should come from the city documenting precisely the proposed area and households.



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Cheryl Adelstein from Washington University spoke to the commission and clarified that she had been assisting Ms. Messina and that the signatures collected thus far were on post cards mailed back showing interest in residential parking and that a petition had not yet been circulated. Chairman Hales thanked Ms. Adelstein for her clarification.

Commissioner Zornes made a motion to issue a residential parking permit petition for the 7100 block of Lindell and the block of Asbury between Lindell and Forsyth with an affected area including the properties of 7100- 7200 on the south side of Lindell and 7101-7157 on the north side of Lindell as well as 7199 and 7201 Forsyth. Commissioner Tunstall seconded the motion. The motion passed unanimously.

### **g. 7200 Block of Lindell Blvd. Residential Parking Permit**

Mr. Tate presented the Residential Parking Permit request from Cecelia Hanan Reyes and William Acree of 7244 Lindell. The request was for a residential parking permit plan for about 2/3 of the block.

Ms. Cecelia Hanan Reyes (7244 Lindell) addressed the commission and cited the challenge with their block becoming rental properties and multi-family on the western end of the block. She indicated that as she knocked on doors, she found that most of the residents at the end of the 7200 block were renters. She stated that she feels badly for residents of the 7300 block because they have to deal with parking from the nearby Metrolink as well as businesses and Washington University and Centene.

Commissioner Stewart asked staff how the signage would work for a partial block. Mr. Tate stated the signs would be placed in front of the affected area. He stated the challenge is that the multi-family properties on the block are not owner occupied and making it very difficult to obtain signatures from the property owners.

Commissioner Zornes asked if staff was recommending the permit be implemented from 7200-7250 Lindell. Mr. Tate confirmed.

Ms. Reyes stated that many of the renters would also like to be included in the residential parking permit area. Chairman Hales clarified that the code requires the signatures must come from the property owners of the affected properties which has presented a challenge for residents who have sought parking permits in the multi-family block of Forsyth as well.

Commissioner Zornes asked if the petitioner had gone through the same process with Ms. Adelstein as was done in the 7100 block.

Chairman Hales stated that he believed this request is more challenging. He stated that the commission has had a lot of experience with the parking issues



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and implementing residential permit parking on Forsyth and he understood Northmoor was going to be seeking a petition at the next commission meeting. He indicated that the commission has also spent a considerable amount of time considering the impact of the Centene Development in this area as well. He stated in his almost 4 years on the commission, one of the concerns that the commission has had in the past is splitting a block up for a residential parking petition. More recently, he stated that the commission has expressed concerns that some of the recent parking restrictions implemented on Forsyth have pushed the parking issues down the street. He stated that he is totally in agreement with the need for residential parking on this block, but believes there is also a need beyond the boundary listed in front of the duplexes and apartments and that the commission and staff needs to come up with a solution to accommodate residential parking permit plans in multifamily areas. His concern is that the implementation as recommended by staff will push the parking problem further west down the block and he doesn't see that the parking issues are going to get any better with the Centene Development proceeding. He stated he would like to know that the staff and commission are committed to addressing the issue of residential parking permits in multifamily areas.

Commissioner Zornes agreed that the commission needs to find a solution for multi-family streets, but stated that the commission had a request and recommendation from staff in front of it. He stated he believed that the commission should approve the request. Commissioner Zornes asked what the commission can do to address the problem and suggested that staff come back to the commission with a solution to establish residential parking permit plans for multi-family streets with renters.

Chairman Hales stated he would be agreeable if staff was in agreement and committed to finding a residential parking permit solution to multi-family streets.

Commissioner Zornes made a motion to accept staff's recommendation and request a residential parking permit petition for the partial block of Lindell between Asbury and 7254 Lindell with the affected properties including 7200-7254 Lindell Ave with the understanding that staff will come back to the commission with a proposed residential parking solution for the remaining blocks of Lindell terminating at Forsyth. The motion was seconded by Commissioner Stewart and unanimously approved.

### **h. North and South Road Resurfacing and Striping**

Mr. Tate presented an update from St. Louis County about the proposed resurfacing and restriping of North and South Rd. from Delmar to Olive Blvd. The restriped road is planned to be 3 lanes instead of 4 with a center turn lane and removing parking.



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Chairman Hales stated that he believed that as part of this project that the city should lean on the County to install a solar signalized crosswalk at Gannon and North and South.

Ms. Hanly requested to address the commission. She stated that North and South is on the East/West Gateway bike plan and is a street that needs more analysis. She checked with the last traffic count from 2006 which showed that the traffic counts were very low for the type of street that it is and questioned the need for a center turn lane. She also stated that she thought a bicycle lane should be included and communicated that to St. Louis County and was told that the project is primarily to bring the streets and sidewalks up to ADA standards and that county does not have a right of way to install sidewalks between Olive and Delmar. She encouraged the City and Traffic Commission to encourage St. Louis County to see if our streets can better meet the needs of our citizens.

Chairman Hales inquired about right-of-ways for sidewalks. Mr. Alpaslan stated that the construction of sidewalks would require the agreement of residents public buy-in is challenging.

Chairman Hales asked if there was a timeline for this project and if the commission could be provided with further details and a more readable diagram.

Chairman Hales stated that he had one speaker request for a non-agenda item and asked Mr. Lee Meyer from 8350 Gannon Ave. to speak about a non-agenda item. Mr. Meyer spoke to the commission about speeding on Gannon bypassing the stop-lights on Delmar from Oakbrook to North and South. He stated that there are many Orthodox Jewish residents who regularly walk to Synagogue and the streets have a lot of foot traffic. He believes that traffic regularly drives down Gannon at speeds in excess of 40mph and is hoping that that the traffic commission can help find a solution to the problem.

### **a. Bicycles in the Loop – Continued Discussion**

With Mr. Kevin Barbeau, executive director of the Loop Trolley Company in attendance, Commissioner Zornes suggested that he hear the points made by Ms. Sarah Hanly at the beginning of the meeting. Chairman Hales summarized the concerns and proposed solutions provided by Ms. Hanley.

Kevin Barbeau (5450 Eichelberger Ave., St. Louis City) addressed the commission. He stated that the Trolley Company is looking for ways to better identify and mark the trolley tracks and alternate bicycle routes. He stated he supports cyclists' rights to use the streets and stated that the trolley project was designed "for you", approved and built based on previously reviewed drawings as a navigable course for all users of the street, vehicles, bicyclists and the trolley. He stated he was aware about the discussion about



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rubberized inserts for the tracks, but indicated the technology is not there yet. Ms. Hanley asked if he had heard about Velostrail. Mr. Barbeau stated he had not and would look into it. His understanding is that the rubberized inserts are prone to deterioration and can come out of the tracks causing a hazard. Mr. Barbeau stated the Trolley Company's goal is to run a system that accepts bicycles and they don't want one form of alternative transit to push another form of alternative transit off of the street. He stated that the Trolley Company will work with the City of University City to determine what options small and slightly larger than small are available to address and implement.

Commissioner Zornes asked staff what the city would require of the Trolley Company. Mr. Tate stated assistance with signage and awareness. Commissioner Zornes stated that he understands the issue with additional signage to alert people to the hazards of the track but the Trolley Company owns the track and if people continue to get hurt, who is liable for those accidents? Commissioner Zornes asked if the City can direct the Trolley Company to address and pay for the safety concerns related to the tracks. Mr. Alpaslan stated that the Trolley Company has a Conditional Use Permit to comply with as well as a Right of Way permit. Both permits are still open. Under these permits, Mr. Alpaslan stated the City can look for ways to solve the problems before the system starts its operation.

Chairman Hales stated that he completely agreed with Ms. Hanly's suggestion for signage at all entry points to Delmar. He stated that the subject of bicycle safety and trolley tracks has been a very large subject on social media following a Riverfront Times article that suggested that the Traffic Commission was intent on banning bicycles from the Delmar Loop when the commission had never discussed it. Chairman Hales stated that the tracks are now in and we now have a problem, a problem which could have been foreseen. Commissioner Zornes stated that we are we are now and the problems need to be fixed.

Commissioner Tunstall told Ms. Hanly that he feels her frustration. He stated that the focus of the Trolley Company has been on their startup date and the issue of bicycles and the trolley should have been considered during the design and construction.

Mr. Barbeau stated that the emphasis of the Trolley Company remains on providing safe passage for bicycles, pedestrians and vehicles.

Chairman Hales stated that he wanted people to understand that both the City's Bike/Walk plan and the Trolley Design came before the commission in late 2012. He stated he read back through the minutes from that time and found there was an astonishing disconnect between the two issues. He agreed with Commissioner Zornes about the addressing the problem, but as a





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commission, there is a new staff liaison, a new council liaison, a new director of public works, and there were no current commission members who served on the commission at that time. He stated that the commission was asked to make a recommendation on proposed additional signage and his question to Mr. Alpaslan, while it's not the purview of the Traffic Commission, is who will be paying for the additional signage relating to bicycle safety and the trolley tracks because he believes those expenses should be borne by the Loop Trolley Company. Chairman Hales asked Mr. Barbeau if he had seen the proposed additional signage and locations indicating where the track narrows at the various platforms. Mr. Barbeau had not.

Chairman Hales asked what the space was between the track and the platform. Commissioner Stewart stated it was about 6 inches. Chairman Hales asked staff if staff believes it's feasible for a bicycle to travel in that area and stated he's never seen a bike lane narrower than about 4 feet wide.

Mr. Alpaslan stated that the signage is to raise awareness for the hazardous condition of the tracks and suggested additional pavement markings and reflectorized tags on the rails.

Commissioner Zornes stated that he believes that the commission does not want people to think that the commission does not want bicycles in the Loop. He asked whose liability is it if a cyclist is injured.

Mr. Barbeau stated that the Trolley Company has fielded injury reports from the police which were sent to their insurance company and his understanding is that no payouts had been made on those claims. He stated that those claims would continue to be filtered from the city to the Loop Trolley Company's insurance company. He stated that when accidents happen, one of Loop Trolley Company's tasks is a visual review of the incident and area and sending that information to the insurance company.

Mr. Barbeau asked Mr. Alpaslan if the purpose of the signs was not to encourage cyclists to ride between the cars and the parking lane but to let people know if they are that they are running out of room. Mr. Alpaslan confirmed. He stated that in the street running portion of the alignment, bicycles have the same rights to the street. He stated that bicycles could use the inside of the track and the rails as their guideposts. He suggested hash marks placed on the street indicating where the track moves to the right for the platform. He recognized that the change of course of the track presents a danger to cyclists.

Chairman Hales asked Mr. Barbeau if he suggesting that bicycles use the space between the rails as a bicycle lane. Mr. Barbeau confirmed. Chairman Hales stated that the problem with that is that bicycles have to obey the rules of the road. He stated that as you take the track east at Westgate, the track



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moves into the left turn lane and will proceed through the intersection, east on Delmar while through traffic would be sitting presumably at a red light and traffic turning left would presumably be turning left at the same time. Chairman Hales asked Mr. Barbeau if bicycles should run the red light and follow the trolley at that intersection. Mr. Barbeau said that he would hope not. Chairman Hales stated that if a cyclist is supposed to intuitively follow the trolley, at what point does the cyclist safely cross the intersection if traffic has a red light? He stated that Mr. Barbeau indicated that he wants bicycles on Delmar and asked him where he wants them to go? Mr. Barbeau stated that you don't want the bicycles to be in the turn lane and the cyclist will have to jump the track. Chairman Hales stated that he feels like the commission now has to solve a problem that should have been solved 5 years ago and he's not sure how to achieve a suitable result for everyone. Chairman Hales also stated that he was recently in New Orleans where there are transit platforms on the side of the road and the bike lanes go through or up and over those platforms. He stated that he didn't understand why that wasn't considered, if it was considered and questioned whether that type of design could be retrofitted as a possible solution. He indicated that he believed cyclists are most likely to want to ride on the right side of the track.

The commission discussed alternative routes again, but it was noted that there is no through route east to west.

Commissioner Zornes addressed Mr. Barbeau and stated that he believed Mr. Barbeau wants to have a safe system with people driving, walking and riding bikes. He stated he believe Ms. Hanley made some good suggestions and urged Mr. Barbeau think about how to create a process to work together to find a solution, because there is an issue now and we need to work together to fix it. Mr. Barbeau stated that Loop Trolley Company is eager to work with University City and local bicycle advocacy groups and concerned citizens on the issue. Mr. Barbeau stated he would have to go back to the construction side to see if there is an option for amending the platforms. Commissioner Zornes clarified and stated that he believes Mr. Barbeau needs to work with city staff to find solutions to the problem.

Commissioner Stewart asked if the City of St. Louis is not experiencing these problems because the track is moved to the middle of the street and a single track. Mr. Barbeau confirmed and also stated that the eastern track is also a protected right-of-way.

Commissioner Zornes again stated that he believed Mr. Barbeau needed to get his team and get together with staff and get on bicycles at the western most part of the track and ride down Delmar to Skinker to figure out how to fix it. He stated that he believed if their group worked with city staff, there's probably a solution and that this is one step in a continuum of things that need to happen. Commissioner Zornes asked if staff would like the commission to



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proceed with the recommendation of additional signs or table the issue to further study and bring back to the commission. Chairman Hales asked if action of the commission to add additional safety-related signs required action from the commission since it would not require an ordinance. Mr. Alpaslan stated that a comprehensive solution is needed and that safety related signage would probably not require an ordinance. He also stated that most signage on Delmar is related to vehicles and there are many signs and the challenge is to have signs that bicyclists will notice.

Commissioner Stewart asked about implementing pavement markings. Mr. Alpaslan stated that pavement markings are enhancements but are not codified. He also stated that they did not know if anything could be placed on the rail itself.

Commissioner Zornes stated that he believed the commission was asked for input and a lot of good input was created. He suggested that perhaps Velostrail was not needed everywhere but just in the troublesome areas and suggested that Loop Trolley Company representatives and staff need to take a comprehensive look at the issue.

Commissioner Stewart asked Mr. Barbeau if he would make commitment to look into Velostrail. Mr. Barbeau stated he would look into it.

Chairman Hales agreed with the comments of Commissioner Zornes and Mr. Barbeau and stated that as someone who was not on the commission 5 years ago, it is incredibly frustrating because at some point the City signed off on the trolley plans, but said he didn't know that the city necessarily signed off on the level of hazard that has been created. He stated that he hopes that the Loop Trolley Company has a significant commitment to addressing these problems because this is their project and these are the consequences of it, and while it may have been signed off by the city, but surely they must have considered the issue of bicycles at that time.

Ms. Hanly asked to speak. She stated that she was on the Bike/Walk task force and they asked to get information from the Loop Trolley Company and were unable to get information. Mr. Barbeau stated he would look back through his records of the discussion and considerations given to bicycles. Chairman Hales asked that that information be provided to staff.

Commissioner Stewart asked about the bump at the west end of the trolley by the library and asked if reflective pylons could be placed on the curb separating the track from the road. Mr. Barbeau indicated he would check and see. Chairman Hales stated that he's seen cars pull into the area that is the trolley stop in front of the library. He stated that he thinks that area is confusing to motorists because drivers are used to seeing the yellow line on the road to the left and at that point, there is a yellow light to the left and a



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yellow curb dividing the street from the trolley stop. Commissioner Stewart confirmed that he has also seen motorists turn from Kingsland onto Delmar and into the trolley stop.

Commissioner Tunstall asked when the startup date. Mr. Barbeau stated that it was dependent on the delivery of the third car. He stated their most recent communication was that they were waiting on a critical piece for the 3<sup>rd</sup> car to be delivered from Germany in July and expected delivery of the third car in mid-to-late September. He indicated that the Loop Trolley Company was talking to the FTA about allowing them to start service prior to receiving the third car, but they have been previously been told they need three to begin operations.

Mr. Barbeau stated that the trolley would run at the speed of traffic when it begins operation and that it would be likely that 15 mph would be the maximum. Chairman Hales asked if there is a standard for distance between the trolley and vehicle or a bicycle. He asked if there was a policy or federal guidelines related to speed and distance. Mr. Barbeau stated that he did not have the answer to the question but would check on it. Chairman Hales asked if that information could be shared with staff and believed that there should be some type of policy to that effect.

### **6. Council Liaison Report**

did not have a report, but asked Mr. Tate if he had spoken to County Councilwoman Hazel Erby and thought it would be better if it had a bicycle lane rather than a center turn lane. Chairman Hales also asked if the city could inquire about the recent county traffic counting study on North and South Rd.

### **7. Miscellaneous Business**

Chairman Hales reported that Northmoor Drive will be coming to the commission requesting a residential parking permit plan at the July meeting.

### **8. Adjournment.**

Commissioner Tunstall made a motion to adjourn the meeting and was seconded by Commissioner Stewart. The motion unanimously carried and the meeting was adjourned at 9:02 pm.

Minutes prepared by Jeff Hales, Traffic Commission Chairman & Secretary

## STAFF REPORT

MEETING DATE: June 14, 2017  
APPLICANT: Craig Hughes – 1523 Mendell Drive  
Location: 1500 Block of Mendell Drive and Millan Avenue  
Request: Stop Sign Installation  
Attachments: Traffic Request Form

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### Existing Conditions:

#### Raymond Ave and Melrose Ave intersection – Stop signs location request



Currently there is a yield sign on Millan Ave at Mendell Dr (westbound only), and no stop signs on Mendell Dr.

The University City Police Department will provide accidents reported for the last 3 years at the time of the meeting. Mendell Dr. and Millan Ave. speed limit is 25 MPH.

### Request(s):

Install a stop sign on Millan Ave at Mendell Dr.  
New speed Limit Signs  
Deploy speed trailer  
Speed bumps in 1500 Block of Mendell

**Conclusion/Recommendation:**

Due to the speeding and through traffic of the intersection, it is recommended to install a Stop sign on Millan Ave at Mendell Ave, as requested. An additional plaque "Cross traffic does not stop" should be added. The Yield sign located on Millan Ave will be replaced with the new stop sign. The city will have the signage updated, arrange for the deployment of the speed radar trailer and request patrol presence of the police department. We will not recommend the installation of speed bumps due to the hazard for emergency vehicles.

**Plan Commission  
April 26, 2017 Meeting Minutes  
(Approved 7-26-2017)**

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, April 26, 2017. The meeting commenced at 6:30 pm.

**1. Roll Call**

**Voting Members Present**

Cirri Moran (Chairperson)  
Rosalind Williams  
Michael Miller  
Cynthia Head  
Judith Gainer  
Ellen Hartz

**Voting Members Absent (excused)**

Andrew Ruben

**Non-Voting Council Liaison Present**

Rod Jennings

**Staff Present**

Raymond Lai, Deputy Director of Community Development  
Zach Greatens, Planner

**2. Approval of Minutes**

**2.a. January 25, 2017 Plan Commission meeting**

A motion was made by Mr. Miller to approve the January 25, 2017 meeting minutes. The motion was seconded by Ms. Head and carried unanimously.

**3. Public Hearings**

**3.a. Conditional Use Permit PC 17-01 – 6655 Delmar Boulevard – Proposal for a karaoke entertainment establishment, a non-retail use with ground-floor frontage on Delmar Boulevard in the “CC” – Core Commercial District**

Mr. Greatens showed staff slides of the site and surrounding area.

The applicant, Xin Wei, was present. The applicant’s architect, Helen Lee with Tao and Lee Associates, explained the proposal for a karaoke entertainment establishment and presented images of the proposed plans.

- 11 themed rooms proposed with an open bar area which would be typically used by those waiting for their reserved rooms
- Lounge seating for each room with its own restroom

- Similar to karaoke establishments on east and west coasts
- Each room would be sound-proofed
- Customers may order food and bar services
- Hours of operation will be 2:30 pm to 2:30 am everyday
- Intends to apply for liquor license
- Estimating that venue could hold up to 250 people

Dan Wald, property owner of 6655 Delmar Boulevard stated he could have leased the building by now to any restaurant, but waited for the applicant to go through the process because he thinks it will be a success

Xin Wei stated this would be something new to Delmar Loop that is needed here.

Mr. Greatens stated that staff recommended approval of the Conditional Use Permit with conditions included in Attachment A of the staff report.

Questions / Comments and Discussion by Plan Commission included:

- Liquor license and available time for minors. (Applicant response –intends to check IDs at the door and would stamp minors’ hands; those under 16 are subject to curfew in University City; business owner would set time limits for minors and provide a safe environment.)
- Room turnover. (Applicant response – would likely charge by the hour; the bar area near the front would be a waiting area for those who’ve reserved private rooms.)
- Doors to the private rooms and see-through windows for rooms, with concern about inappropriate activity in the rooms. (Applicant response – intends to have security cameras and window on each room door, as well as security guards; will make sure there is no inappropriate activity.)
- Kitchen and food service. (Applicant response – limited food service with much food prepared in advance.)
- Adjacent open patio use and noise, etc. (Applicant response – no plans for outside seating and would not have outdoor karaoke and loudspeakers.)

Public Hearing speakers:

- 1) Joe Edwards, 6504 Delmar Blvd. – stated that the proposal was a good concept if done right, but concerned that applicant did not present his proposal at the Loop Special Business District (LSBD) meeting for feedback. He was shown the proposed plans by the property owner only a few days ago. Mr. Edwards suggested that the petition be postponed until after the next LSBD meeting. He was concerned that it would not be meeting food sale requirements for the liquor license and its late hours of operation, but agreed that windows on the door for each room should not be completely covered.

Questions/Comments by Plan Commission: Similar food-serving concept for The Pageant and hours of operation for Blueberry Hill, and the former Gaslight Square entertainment district. (Mr. Edwards stated that alcohol is not served to the underage in these two establishments, and their opening hours are also different.)



- 2) Dan Wald (subject property owner), 8400 Delmar Blvd. – stated that he shared the proposal with many people of the LSBD and they were enthusiastic about it.

A motion was made by Mr. Miller to recommend approval of Conditional Use Permit PC 17-01 with the conditions in Attachment A of the staff report, and with an additional condition that no outdoor speakers shall be allowed. The motion was seconded by Ms. Hartz and carried unanimously. The recommendation will be forwarded to City Council for consideration of final approval.

### **3.b. Conditional Use Permit PC 17-02 – 6662-D Delmar Boulevard – Proposal for a food and beverage establishment (bubble tea), a non-retail use with ground-floor frontage on Delmar Boulevard in the “CC” – Core Commercial District**

Mr. Greatens showed staff slides of the site and surrounding area.

The applicant, Ms. Ngan Thi, was present to explain the proposal:

- It would be a bubble-tea franchise (“Kung-Fu Tea”)
- No food service except pre-cooked food will be served
- No kitchen hood is proposed
- Hours will be from 11 am to 11 pm daily
- Currently over 100 stores in U.S., but this would be first in St. Louis area and Missouri

#### Questions / Comments and Discussion by Plan Commission

- History of the franchise and typical customer base. (Applicant response – franchise began in 1990 in New York; typical customer base is young people, college students, and under 40 years old.)
- Another bubble tea place is across the street. (Applicant response – would be competition but this franchise is different than that existing business.)
- Parking availability (Applicant response – parking lot at the rear and on-street parking along Loop South.)
- Whether no cooking on site is proposed (Applicant response – Yes, no cooking.)
- Outdoor dining (Applicant response – Not proposed)

Mr. Greatens stated that staff recommended approval of the Conditional Use Permit with the conditions contained in Attachment A of the staff report.

A motion was made by Ms. Williams to recommend approval of Conditional Use Permit PC 17-02 with the conditions in Attachment A of the staff report. The motion was seconded by Ms. Gainer and carried unanimously. The recommendation will be forwarded to City Council for consideration of final approval.

**4. Hearings** – None

**5. Old Business** – None

## **6. New Business**

### **6.a. Text Amendment PC 17-03 – Multi-family residential developments and attached single-family dwellings**

Staff explained the proposed text amendments:

- Would revise definitions and other sections so that townhouse developments and attached single-family dwellings could be allowed on one lot for the entire development or individual lots for each unit. Would also revise the definition of attached single-family dwellings for a maximum of two dwelling units. Attached single-family dwellings would be added as a conditional use in the “LR” Residential District, a permitted use in the “MR” and “HR” Residential Districts, and moved from conditional uses to be permitted uses in the “HRO” District.
- This would allow for more variety of residential development types in the community
- Attached single-family dwellings and townhouses on individual lots used to be allowed by the University City Zoning Code, but were removed in the mid-90s based on staff records
- Other changes proposed are to the terms used for different multi-family residential development types – removing word “apartment”.

Questions / Comments and Discussion by Plan Commission:

- Asked for some minor clarifications on proposed changes; staff showed pictures of some examples of existing townhouse and attached single-family developments in University City.

Mr. Miller, chairperson of the Code Review Committee (CRC), stated that there was good discussion at the March 22, 2017 Code Review Committee meeting with non-CRC Plan Commissioners in attendance. They discussed that condo and townhouse development would likely continue to become more popular and add population to the City.

A motion was made by Mr. Miller to recommend approval of the proposed Zoning Text Amendments. The motion was seconded by Ms. Head and carried unanimously. The recommendation will be forwarded to City Council for a public hearing and consideration of final approval.

## **7. Other Business**

**7.a. Public Comments** - There were no public comments.

## **8. Reports**

**8.a. Code Review Committee Report** – None

**8.b. Comprehensive Plan Committee Report**

Mr. Lai explained for the benefit of the new Plan Commission members that the Comprehensive Plan Update project is in its final stage of the planning process. The

consolidated comments of the Comprehensive Plan Advisory Committee and staff were sent to consultant and the consultant has provided feedback. Staff is preparing a response. It was noted that the project is a little behind schedule as the consultant had lost some staff members who were involved in this project.

### **8.c. Council Liaison Report**

Council Member Jennings gave an update on the City budget process, the brewery project (Olive Blvd./North & South Road), Request for Proposals (RFP) for Olive/I-170 area redevelopment, search firm selection for city manager opening, and several community events.

### **8.d. Department Report**

Mr. Lai provided an update on the permits for the brewery project and the Washington University's multi-level garage project (behind 560 Music Center and a multi-story student apartment building)

### **9. Adjournment**

The meeting adjourned at 8:00 pm.





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### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION June 14, 2017

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, June 14, 2017, Chairman Jeff Hales called the meeting to order at 6:32 p.m. In addition to Chairman Hales, the following members of the commission were present:

- Curtis Tunstall
- Jeff Zornes
- Bart Stewart

Also in attendance:

- Errol Tate(non-voting member – Public Works Liaison)
- Sinan Alpaslan (Public Works Director)
- Councilmember Bwayne Smotherson (non-voting member—Council Liaison)

Absent:

- Sergeant Shawn Whitley (non-voting member – Police Department Liaison)
- Eva Creer (resigned from commission - 5/2017)
- Jeffrey Mishkin (excused)
- Derek Helderman (excused)

#### 3. Approval of Agenda

Commissioner Zornes moved to approve the agenda and was seconded by Commissioner Tunstall. The motion carried unanimously.

#### 4. Approval of the Minutes

##### A. April 12, 2017 Minutes

Commissioner Zornes made a motion to approve the minutes of the April 12, 2017 meeting and was seconded by Commissioner Tunstall. The motion carried unanimously.

#### 5. Agenda Items

##### a. Bicycles in the Loop

Mr. Tate presented the challenges presented to bicyclists by the trolley tracks on Delmar and identified several areas for proposed improved signage. Mr. Tate stated that staff had researched other cities such as Kansas City and Atlanta which have implemented alternate bike routes, bike lanes going against traffic and in some cases allowing bicycles to go on widened sidewalks which he indicated was not a possibility in the Loop. He stated the staff would not like to remove bicycles from the Loop area and indicated that any help from the Traffic Commission would be greatly appreciated.



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Chairman Hales reminded commission members that staff is again recording commission meetings and the audio of the meeting will be posted on the city website. Chairman Hales then asked whether the expenses for additional signage would be paid by the city or the Loop Trolley Company. Mr. Tate indicated that the additional signage would most likely be paid for by the City.

Mr. Alpaslan stated that a representative from the Loop Trolley company would be attending the meeting but was yet present at the meeting. He also stated that the city looked into the rubberized inserts for the rails and concluded that the city cannot install rubberized inserts on the Loop Trolley Company's trolley tracks and it would have to be done by the Loop Trolley Company because it's their operational infrastructure. He indicated that staff has not discussed the additional signage with the Loop Trolley Company to date and that he didn't know if the city could rely on the Loop Trolley Company providing the additional signage in the public right of ways.

Chairman Hales suggested that the first citizen speaker address the commission and then table discussion of the agenda item until after the final agenda item for the evening. Chairman Hales called on citizen Sarah Hanly to address the commission.

Sarah Hanly (7050 Washington Ave) addressed the commission and stated that she is a volunteer for Trailnet as a Bike/Walk ambassador with a focus on University City. She stated that the residents of University City had been disproportionately affected by the trolley. She emphasized that she does not believe that the burden of the solutions related to the bicycles and the trolley should be put on the taxpayers of University City since there is a Loop Trolley Transportation District that collects sales tax revenue. She stated that tracks have always presented a challenge to bicyclists, but the tracks in University City present unique challenges because the tracks shift from the middle of the lanes to the side of the road, creating conflict points with cyclists. She stated that a group of concerned citizens had a conversation on social media and got together to meet and discuss the hazards posed by the tracks and possible solutions. She presented 3 possible solutions and suggestions: 1. Improved signage at all cyclist entry points to Delmar and pavement markings to warn cyclists of the shifting tracks, 2. Improved collection of crash data and the encouragement of cyclists to report crashes to the police or on the website bikemax.com, 3. They would the city to find a solution to the hazards presented to cyclists by the tracks, such as Velostrail rubber inserts for the tracks. She indicated another option would be to develop alternate routes, such as Loop North, Enright, with signage and wayfinding for cyclists. It may require the cooperation with University City, St. Louis City and Washington University to address the challenges with alternate routes at the east and west ends of the alternate route. She indicated that the Loop Trolley Company should take responsibility for finding and paying for solutions to improve bicycle safety in the Loop.

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Chairman Hales asked the commission if they preferred to continue discussing or table the discussion until later in the meeting. Commissioner Zornes made a motion to table discussion of the Bicycles in the Loop agenda item until after the representative from the Loop Trolley Company arrived. The motion was seconded by Commissioner Tunstall and carried unanimously.

### **b. Braddock Avenue Speeding**

Mr. Tate introduced a traffic request from Councilmember Bwayne Smotherson regarding speeding on Braddock Ave. The police have reported 7 accidents in the last 3 years and requested a recommendation to conduct a speed study in that area and recommended that 3 new speed limit signs be installed.

Councilmember Smotherson stated that Braddock is a wider street and used as a cut-through between 82<sup>nd</sup> and Woodson and Canton as an east-west route alternative to Olive Blvd.

Chairman Hales asked if the speed limit signs are currently installed where they should be. Mr. Tate stated that there were not enough speed limit signs on Braddock. Chairman Hales stated that the commission didn't have the purview to authorize any expenditure of funds for an engineer and traffic study, but he stated that he felt that if staff believes there is a need to deploy a speed trailer and install additional speed limit signs, then they should do so.

Mr. Alpaslan stated he would recommend deploying the speed trailer and consulting with the Streets Department for additional solutions. Long term, there are additional considerations such as a solar powered permanent radar sign and additional traffic calming measures such as raised crossings and temporary mockup solutions to channelize traffic.

Chairman Hales stated that he believed that enforcement has the greatest effect for traffic calming.

Ms. Hanly asked to speak and Chairman Hales asked Ms. Hanly to address the commission. She stated that as a volunteer for Trailnet, she could provide their traffic calming kit and information to staff and the commission. Chairman Hales suggested that Ms. Hanly provide that information to Mr. Tate or Mr. Alpaslan to be shared at a future meeting.

Commissioner Zornes asked if the needed to approve anything on this agenda item. Chairman Hales agreed that no action was needed for staff to deploy the speed trailer and conduct a study as well as install additional speed limit signs, but that the results from the speed trailer would be



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something the commission should review when completed. No action was taken by the commission.

### c. 1352 Coolidge Avenue Parking

Mr. Tate presented a request from Kevin Carter of 1352 Coolidge Dr. Mr. Carter was requesting signage be placed where the sidewalk ramp meets the street to prevent cars from parking in front of and on the sidewalk at that location.

Citizen Kevin Carter (1352 Coolidge Dr.) described the problem as being related to one neighbor who regularly parks in front of the sidewalk ramp or on the sidewalk blocking access to the sidewalk which leads to a school. He stated that as a result, people have to walk through his yard to get to the sidewalk and that he has asked the neighbor to stop parking there. He said he believed that if a sign were posted and the car was to be ticketed or towed, it would solve the problem and he would be very grateful.

Commissioner Zornes asked if there was a no parking sign at that location. Mr. Carter stated that there was not and described how the car is parked blocking the sidewalk ramp to the street.

Chairman Hales asked Mr. Alpaslan there is anything in the code that already prohibits parking in front of the sidewalk. Mr. Alpaslan stated that the code already prohibits parking in front of an intersection and parking on the sidewalk. Chairman Hales asked if Mr. Alpaslan believed there would be any value in pavement markings or partial pavement markings where the sidewalk ramp meets the street. Mr. Alpaslan stated that would be helpful.

Commissioner Tunstall thanked Mr. Carter for his concern for children using this sidewalk.

Mr. Alpaslan stated that staff can install signs and notify the Police Department for enforcement.

Chairman Hales stated that he believed there were two issues, parking in front of the sidewalk and parking on the sidewalk. He thought posting a sign that states "no parking on the sidewalk" seemed like a silly sign to have to post and they could be posted all over the city. Mr. Tate responded that all that would be needed would be no parking signs in front of the sidewalk ramp.

Mr. Alpaslan stated he believed the signs could be erected without changing the traffic code and taking it to the city council. Chairman Hales stated he believed that would be a much faster process for Mr. Carter and wouldn't require the city attorney to draft an ordinance. Mr. Alpaslan stated he would





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look into it and bring it back to the commission if there was a problem and an ordinance was to be required.

### **d. 7340 Ahern Ave. Parking**

Mr. Tate presented a traffic request from Dorothy Tillman of 7340 Ahern Dr. He indicated that Ms. Tillman is elderly and has difficulty parking in front of her home because other cars are parked in front of her house and she has the only house that does not have a driveway or garage. She had requested that something be done to protect her ability to park in front of her own home. Mr. Tate asked the commission for a solution for Ms. Tillman's parking situation. He suggested to her an ADA parking permit, but she declined and was not in attendance at the meeting.

Commissioner Tunstall confirmed with Mr. Tate that he suggested the ADA permit and she declined.

Commissioner Stewart asked what the qualifications were for a residential parking permit. Mr. Tate stated that the requirements are that the homes are within a two block radius of a school, university, or commercial area.

Chairman Hales recalled a similar situation where the commission was asked to prohibit parking behind a woman's driveway, similarly for one person. In that instance, the neighbors were all in agreement. He stated that requests for individual accommodations are difficult requests and his understanding is that staff was not supportive of establishing reserved spacing on an individual basis.

Commissioner Stewart asked if Ms. Tillman indicated why she declined the ADA parking solution. Mr. Tate stated she did not and he would be willing to discuss the ADA option with her again.

Commissioner Zornes agreed with Chairman Hales that the commission should not establish reserved parking in front of individual homes and believed that the ADA reserved parking appears to be the only tool the commission has to address her concern.

Chairman Hales stated he would prefer that this request be brought back to the commission after another discussion with Ms. Tillman about the ADA parking option and indicated that he believed Mr. Tate was on the right track with that as the best solution.

Councilmember Smotherson suggested that Councilmember Carr speak with Ms. Tillman as well. Commissioner Tunstall agreed that it may be a good idea for Councilmember Carr to speak with Ms. Tillman. No further action was taken.



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### e. 1500 Block of Mendell Dr. Stop Sign and Speeding

Mr. Tate presented a request from citizen Craig Hughes of 1523 Mendell about concerns over speeding and traffic. Mr. Tate presented staff's recommendation that a stop sign be installed at Mendell Drive and Milan Avenue replacing a yield sign, as well as new speed limit signs, and deployment of the speed trailer. He indicated that the Mr. Hughes' request for speed bumps at this location was not feasible.

Citizen Craig Hughes (1523 Mendell Dr.), President of the Big Dell Block Unit, addressed the commission outlining his request, including a stop bar pavement marking as well as a yellow line at the intersection, as well as crosswalk pavement markings. He also stated this was needed at Mendell at Wayne and Mendell at Canton because Mendell is used a cut-through. He also asked for replacement stop signs to replace old faded stop signs. He provided the commissioners with a schematic of how he would like the intersections to be marked. He also indicated that these intersections are also where school buses stop and the additional markings would improve safety for children. He also stated that he did some research and found a neighborhood where speed-dips were implemented to slow the traffic.

Chairman Hales asked if the crosswalks used to be marked. Mr. Hughes stated that prior to resurfacing in the 1990s there were crosswalk markings at Wayne and Mendell. Chairman Hales asked how close the three proposed intersections were to the school. Mr. Hughes indicated the school was to the west of Mendell Dr. He also asked that additional signage be installed for "children playing", "no loud music" and "neighborhood watch" for the residents of the neighborhood and cited their main concern is for the safety of the children and residents.

stated that he was very familiar with this area and that Mendell is used as a cut-through between 82<sup>nd</sup> and North and South Rd.

Commissioner Tunstall thanked Mr. Hughes for his intricate schematic presented to the commission.

Commissioner Stewart expressed concern that the petition signed by residents did not specify that they were signing in support of the request, but recognized the concerns raised by the petitioner.

Ms. Hanly asked to address the commission and asked if raised intersections could be implemented. Mr. Alpaslan stated that is something that could be done and has been implemented before, but there are budgetary constraints.

Chairman Hales indicated that he understood Commissioner Stewart's concern about the petition but stated that a petition was not necessary for a citizen to bring a safety concern related to traffic to the Traffic Commission. - 4b - 6



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Chairman Hales reviewed the recommendations of staff with the commission. Chairman Hales mentioned the recent study being done relating to the review of school zone areas and suggested that crosswalk markings should be considered to be included in school zone areas.

Chairman Hales asked staff if they had any comment on the proposed pavement markings. Mr. Tate stated that staff would consider all of the requests for pavement markings.

Commissioner Stewart asked if the commission could make a recommendation in support of the staff recommendation at this time and evaluate the effectiveness of the implemented changes at a later date.

Chairman Hales suggested that a number of the recommendations are not necessarily issues that require action of the commission since it can be implemented under the existing code.

Commissioner Stewart made a motion to approve the recommendations as presented by staff and was seconded by Commissioner Zornes. The motion passed unanimously.

### **f. 7100 Block of Lindell Blvd Residential Parking Permit**

Mr. Tate presented the request from Lori and Jim Messina for a Residential Parking Permit plan for the 7100 block of Lindell.

Chairman Hales stated that the commission was very familiar with this area and the residential parking permit in the area as well as the parking issues related to Washington University, commercial, and Metrolink.

Ms. Lori Messina of 7108 Lindell asked the commission if she needed to speak to the commission. Chairman Hales informed her that she was not required to speak and that this request was very straightforward and that the commission would need to determine the affected area for a petition for a Residential Parking Permit plan which would likely be the 75% of all of the property owners in the 7100 block of Lindell. Ms. Messina stated that the streets all around them already have residential parking permit plans in place and that her request also includes the block of Asbury between Lindell and Forsyth. She stated that she already had obtained signature for the residents on Lindell and Asbury.

Chairman Hales stated that he felt that procedurally that the petition should come from the city documenting precisely the proposed area and households.



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Cheryl Adelstein from Washington University spoke to the commission and clarified that she had been assisting Ms. Messina and that the signatures collected thus far were on post cards mailed back showing interest in residential parking and that a petition had not yet been circulated. Chairman Hales thanked Ms. Adelstein for her clarification.

Commissioner Zornes made a motion to issue a residential parking permit petition for the 7100 block of Lindell and the block of Asbury between Lindell and Forsyth with an affected area including the properties of 7100- 7200 on the south side of Lindell and 7101-7157 on the north side of Lindell as well as 7199 and 7201 Forsyth. Commissioner Tunstall seconded the motion. The motion passed unanimously.

### **g. 7200 Block of Lindell Blvd. Residential Parking Permit**

Mr. Tate presented the Residential Parking Permit request from Cecelia Hanan Reyes and William Acree of 7244 Lindell. The request was for a residential parking permit plan for about 2/3 of the block.

Ms. Cecelia Hanan Reyes (7244 Lindell) addressed the commission and cited the challenge with their block becoming rental properties and multi-family on the western end of the block. She indicated that as she knocked on doors, she found that most of the residents at the end of the 7200 block were renters. She stated that she feels badly for residents of the 7300 block because they have to deal with parking from the nearby Metrolink as well as businesses and Washington University and Centene.

Commissioner Stewart asked staff how the signage would work for a partial block. Mr. Tate stated the signs would be placed in front of the affected area. He stated the challenge is that the multi-family properties on the block are not owner occupied and making it very difficult to obtain signatures from the property owners.

Commissioner Zornes asked if staff was recommending the permit be implemented from 7200-7250 Lindell. Mr. Tate confirmed.

Ms. Reyes stated that many of the renters would also like to be included in the residential parking permit area. Chairman Hales clarified that the code requires the signatures must come from the property owners of the affected properties which has presented a challenge for residents who have sought parking permits in the multi-family block of Forsyth as well.

Commissioner Zornes asked if the petitioner had gone through the same process with Ms. Adelstein as was done in the 7100 block.

Chairman Hales stated that he believed this request is more challenging. He stated that the commission has had a lot of experience with the parking issues



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and implementing residential permit parking on Forsyth and he understood Northmoor was going to be seeking a petition at the next commission meeting. He indicated that the commission has also spent a considerable amount of time considering the impact of the Centene Development in this area as well. He stated in his almost 4 years on the commission, one of the concerns that the commission has had in the past is splitting a block up for a residential parking petition. More recently, he stated that the commission has expressed concerns that some of the recent parking restrictions implemented on Forsyth have pushed the parking issues down the street. He stated that he is totally in agreement with the need for residential parking on this block, but believes there is also a need beyond the boundary listed in front of the duplexes and apartments and that the commission and staff needs to come up with a solution to accommodate residential parking permit plans in multifamily areas. His concern is that the implementation as recommended by staff will push the parking problem further west down the block and he doesn't see that the parking issues are going to get any better with the Centene Development proceeding. He stated he would like to know that the staff and commission are committed to addressing the issue of residential parking permits in multifamily areas.

Commissioner Zornes agreed that the commission needs to find a solution for multi-family streets, but stated that the commission had a request and recommendation from staff in front of it. He stated he believed that the commission should approve the request. Commissioner Zornes asked what the commission can do to address the problem and suggested that staff come back to the commission with a solution to establish residential parking permit plans for multi-family streets with renters.

Chairman Hales stated he would be agreeable if staff was in agreement and committed to finding a residential parking permit solution to multi-family streets.

Commissioner Zornes made a motion to accept staff's recommendation and request a residential parking permit petition for the partial block of Lindell between Asbury and 7254 Lindell with the affected properties including 7200-7254 Lindell Ave with the understanding that staff will come back to the commission with a proposed residential parking solution for the remaining blocks of Lindell terminating at Forsyth. The motion was seconded by Commissioner Stewart and unanimously approved.

### **h. North and South Road Resurfacing and Striping**

Mr. Tate presented an update from St. Louis County about the proposed resurfacing and restriping of North and South Rd. from Delmar to Olive Blvd. The restriped road is planned to be 3 lanes instead of 4 with a center turn lane and removing parking.



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Chairman Hales stated that he believed that as part of this project that the city should lean on the County to install a solar signalized crosswalk at Gannon and North and South.

Ms. Hanly requested to address the commission. She stated that North and South is on the East/West Gateway bike plan and is a street that needs more analysis. She checked with the last traffic count from 2006 which showed that the traffic counts were very low for the type of street that it is and questioned the need for a center turn lane. She also stated that she thought a bicycle lane should be included and communicated that to St. Louis County and was told that the project is primarily to bring the streets and sidewalks up to ADA standards and that county does not have a right of way to install sidewalks between Olive and Delmar. She encouraged the City and Traffic Commission to encourage St. Louis County to see if our streets can better meet the needs of our citizens.

Chairman Hales inquired about right-of-ways for sidewalks. Mr. Alpaslan stated that the construction of sidewalks would require the agreement of residents public buy-in is challenging.

Chairman Hales asked if there was a timeline for this project and if the commission could be provided with further details and a more readable diagram.

Chairman Hales stated that he had one speaker request for a non-agenda item and asked Mr. Lee Meyer from 8350 Gannon Ave. to speak about a non-agenda item. Mr. Meyer spoke to the commission about speeding on Gannon bypassing the stop-lights on Delmar from Oakbrook to North and South. He stated that there are many Orthodox Jewish residents who regularly walk to Synagogue and the streets have a lot of foot traffic. He believes that traffic regularly drives down Gannon at speeds in excess of 40mph and is hoping that that the traffic commission can help find a solution to the problem.

### **a. Bicycles in the Loop – Continued Discussion**

With Mr. Kevin Barbeau, executive director of the Loop Trolley Company in attendance, Commissioner Zornes suggested that he hear the points made by Ms. Sarah Hanly at the beginning of the meeting. Chairman Hales summarized the concerns and proposed solutions provided by Ms. Hanley.

Kevin Barbeau (5450 Eichelberger Ave., St. Louis City) addressed the commission. He stated that the Trolley Company is looking for ways to better identify and mark the trolley tracks and alternate bicycle routes. He stated he supports cyclists' rights to use the streets and stated that the trolley project was designed "for you", approved and built based on previously reviewed drawings as a navigable course for all users of the street, vehicles, bicyclists and the trolley. He stated he was aware about the discussion about



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rubberized inserts for the tracks, but indicated the technology is not there yet. Ms. Hanley asked if he had heard about Velostrail. Mr. Barbeau stated he had not and would look into it. His understanding is that the rubberized inserts are prone to deterioration and can come out of the tracks causing a hazard. Mr. Barbeau stated the Trolley Company's goal is to run a system that accepts bicycles and they don't want one form of alternative transit to push another form of alternative transit off of the street. He stated that the Trolley Company will work with the City of University City to determine what options small and slightly larger than small are available to address and implement.

Commissioner Zornes asked staff what the city would require of the Trolley Company. Mr. Tate stated assistance with signage and awareness. Commissioner Zornes stated that he understands the issue with additional signage to alert people to the hazards of the track but the Trolley Company owns the track and if people continue to get hurt, who is liable for those accidents? Commissioner Zornes asked if the City can direct the Trolley Company to address and pay for the safety concerns related to the tracks. Mr. Alpaslan stated that the Trolley Company has a Conditional Use Permit to comply with as well as a Right of Way permit. Both permits are still open. Under these permits, Mr. Alpaslan stated the City can look for ways to solve the problems before the system starts its operation.

Chairman Hales stated that he completely agreed with Ms. Hanly's suggestion for signage at all entry points to Delmar. He stated that the subject of bicycle safety and trolley tracks has been a very large subject on social media following a Riverfront Times article that suggested that the Traffic Commission was intent on banning bicycles from the Delmar Loop when the commission had never discussed it. Chairman Hales stated that the tracks are now in and we now have a problem, a problem which could have been foreseen. Commissioner Zornes stated that we are we are now and the problems need to be fixed.

Commissioner Tunstall told Ms. Hanly that he feels her frustration. He stated that the focus of the Trolley Company has been on their startup date and the issue of bicycles and the trolley should have been considered during the design and construction.

Mr. Barbeau stated that the emphasis of the Trolley Company remains on providing safe passage for bicycles, pedestrians and vehicles.

Chairman Hales stated that he wanted people to understand that both the City's Bike/Walk plan and the Trolley Design came before the commission in late 2012. He stated he read back through the minutes from that time and found there was an astonishing disconnect between the two issues. He agreed with Commissioner Zornes about the addressing the problem, but as a



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commission, there is a new staff liaison, a new council liaison, a new director of public works, and there were no current commission members who served on the commission at that time. He stated that the commission was asked to make a recommendation on proposed additional signage and his question to Mr. Alpaslan, while it's not the purview of the Traffic Commission, is who will be paying for the additional signage relating to bicycle safety and the trolley tracks because he believes those expenses should be borne by the Loop Trolley Company. Chairman Hales asked Mr. Barbeau if he had seen the proposed additional signage and locations indicating where the track narrows at the various platforms. Mr. Barbeau had not.

Chairman Hales asked what the space was between the track and the platform. Commissioner Stewart stated it was about 6 inches. Chairman Hales asked staff if staff believes it's feasible for a bicycle to travel in that area and stated he's never seen a bike lane narrower than about 4 feet wide.

Mr. Alpaslan stated that the signage is to raise awareness for the hazardous condition of the tracks and suggested additional pavement markings and reflectorized tags on the rails.

Commissioner Zornes stated that he believes that the commission does not want people to think that the commission does not want bicycles in the Loop. He asked whose liability is it if a cyclist is injured.

Mr. Barbeau stated that the Trolley Company has fielded injury reports from the police which were sent to their insurance company and his understanding is that no payouts had been made on those claims. He stated that those claims would continue to be filtered from the city to the Loop Trolley Company's insurance company. He stated that when accidents happen, one of Loop Trolley Company's tasks is a visual review of the incident and area and sending that information to the insurance company.

Mr. Barbeau asked Mr. Alpaslan if the purpose of the signs was not to encourage cyclists to ride between the cars and the parking lane but to let people know if they are that they are running out of room. Mr. Alpaslan confirmed. He stated that in the street running portion of the alignment, bicycles have the same rights to the street. He stated that bicycles could use the inside of the track and the rails as their guideposts. He suggested hash marks placed on the street indicating where the track moves to the right for the platform. He recognized that the change of course of the track presents a danger to cyclists.

Chairman Hales asked Mr. Barbeau if he suggesting that bicycles use the space between the rails as a bicycle lane. Mr. Barbeau confirmed. Chairman Hales stated that the problem with that is that bicycles have to obey the rules of the road. He stated that as you take the track east at Westgate, the track





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moves into the left turn lane and will proceed through the intersection, east on Delmar while through traffic would be sitting presumably at a red light and traffic turning left would presumably be turning left at the same time. Chairman Hales asked Mr. Barbeau if bicycles should run the red light and follow the trolley at that intersection. Mr. Barbeau said that he would hope not. Chairman Hales stated that if a cyclist is supposed to intuitively follow the trolley, at what point does the cyclist safely cross the intersection if traffic has a red light? He stated that Mr. Barbeau indicated that he wants bicycles on Delmar and asked him where he wants them to go? Mr. Barbeau stated that you don't want the bicycles to be in the turn lane and the cyclist will have to jump the track. Chairman Hales stated that he feels like the commission now has to solve a problem that should have been solved 5 years ago and he's not sure how to achieve a suitable result for everyone. Chairman Hales also stated that he was recently in New Orleans where there are transit platforms on the side of the road and the bike lanes go through or up and over those platforms. He stated that he didn't understand why that wasn't considered, if it was considered and questioned whether that type of design could be retrofitted as a possible solution. He indicated that he believed cyclists are most likely to want to ride on the right side of the track.

The commission discussed alternative routes again, but it was noted that there is no through route east to west.

Commissioner Zornes addressed Mr. Barbeau and stated that he believed Mr. Barbeau wants to have a safe system with people driving, walking and riding bikes. He stated he believe Ms. Hanley made some good suggestions and urged Mr. Barbeau think about how to create a process to work together to find a solution, because there is an issue now and we need to work together to fix it. Mr. Barbeau stated that Loop Trolley Company is eager to work with University City and local bicycle advocacy groups and concerned citizens on the issue. Mr. Barbeau stated he would have to go back to the construction side to see if there is an option for amending the platforms. Commissioner Zornes clarified and stated that he believes Mr. Barbeau needs to work with city staff to find solutions to the problem.

Commissioner Stewart asked if the City of St. Louis is not experiencing these problems because the track is moved to the middle of the street and a single track. Mr. Barbeau confirmed and also stated that the eastern track is also a protected right-of-way.

Commissioner Zornes again stated that he believed Mr. Barbeau needed to get his team and get together with staff and get on bicycles at the western most part of the track and ride down Delmar to Skinker to figure out how to fix it. He stated that he believed if their group worked with city staff, there's probably a solution and that this is one step in a continuum of things that need to happen. Commissioner Zornes asked if staff would like the commission to

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proceed with the recommendation of additional signs or table the issue to further study and bring back to the commission. Chairman Hales asked if action of the commission to add additional safety-related signs required action from the commission since it would not require an ordinance. Mr. Alpaslan stated that a comprehensive solution is needed and that safety related signage would probably not require an ordinance. He also stated that most signage on Delmar is related to vehicles and there are many signs and the challenge is to have signs that bicyclists will notice.

Commissioner Stewart asked about implementing pavement markings. Mr. Alpaslan stated that pavement markings are enhancements but are not codified. He also stated that they did not know if anything could be placed on the rail itself.

Commissioner Zornes stated that he believed the commission was asked for input and a lot of good input was created. He suggested that perhaps Velostrail was not needed everywhere but just in the troublesome areas and suggested that Loop Trolley Company representatives and staff need to take a comprehensive look at the issue.

Commissioner Stewart asked Mr. Barbeau if he would make commitment to look into Velostrail. Mr. Barbeau stated he would look into it.

Chairman Hales agreed with the comments of Commissioner Zornes and Mr. Barbeau and stated that as someone who was not on the commission 5 years ago, it is incredibly frustrating because at some point the City signed off on the trolley plans, but said he didn't know that the city necessarily signed off on the level of hazard that has been created. He stated that he hopes that the Loop Trolley Company has a significant commitment to addressing these problems because this is their project and these are the consequences of it, and while it may have been signed off by the city, but surely they must have considered the issue of bicycles at that time.

Ms. Hanly asked to speak. She stated that she was on the Bike/Walk task force and they asked to get information from the Loop Trolley Company and were unable to get information. Mr. Barbeau stated he would look back through his records of the discussion and considerations given to bicycles. Chairman Hales asked that that information be provided to staff.

Commissioner Stewart asked about the bump at the west end of the trolley by the library and asked if reflective pylons could be placed on the curb separating the track from the road. Mr. Barbeau indicated he would check and see. Chairman Hales stated that he's seen cars pull into the area that is the trolley stop in front of the library. He stated that he thinks that area is confusing to motorists because drivers are used to seeing the yellow line on the road to the left and at that point, there is a yellow light to the left and a



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yellow curb dividing the street from the trolley stop. Commissioner Stewart confirmed that he has also seen motorists turn from Kingsland onto Delmar and into the trolley stop.

Commissioner Tunstall asked when the startup date. Mr. Barbeau stated that it was dependent on the delivery of the third car. He stated their most recent communication was that they were waiting on a critical piece for the 3<sup>rd</sup> car to be delivered from Germany in July and expected delivery of the third car in mid-to-late September. He indicated that the Loop Trolley Company was talking to the FTA about allowing them to start service prior to receiving the third car, but they have been previously been told they need three to begin operations.

Mr. Barbeau stated that the trolley would run at the speed of traffic when it begins operation and that it would be likely that 15 mph would be the maximum. Chairman Hales asked if there is a standard for distance between the trolley and vehicle or a bicycle. He asked if there was a policy or federal guidelines related to speed and distance. Mr. Barbeau stated that he did not have the answer to the question but would check on it. Chairman Hales asked if that information could be shared with staff and believed that there should be some type of policy to that effect.

### **6. Council Liaison Report**

did not have a report, but asked Mr. Tate if he had spoken to County Councilwoman Hazel Erby and thought it would be better if it had a bicycle lane rather than a center turn lane. Chairman Hales also asked if the city could inquire about the recent county traffic counting study on North and South Rd.

### **7. Miscellaneous Business**

Chairman Hales reported that Northmoor Drive will be coming to the commission requesting a residential parking permit plan at the July meeting.

### **8. Adjournment.**

Commissioner Tunstall made a motion to adjourn the meeting and was seconded by Commissioner Stewart. The motion unanimously carried and the meeting was adjourned at 9:02 pm.

Minutes prepared by Jeff Hales, Traffic Commission Chairman & Secretary

