MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
November 13, 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, November 13, 2017, Mayor Shelley Welsch called the meeting to order at 6:32 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
Councilmember Terry Crow
Councilmember Michael Glickert
Councilmember Bwayne Smotherson

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

Mayor Welsch announced that she had just signed a contract with Gregory Rose, to return to U City to serve as City Manager. Mr. Rose previously served as the Assistant City Manager for U City, from 1997 to 2001, and will initiate his new contract on December 28th.

C. APPROVAL OF AGENDA

Councilmember Jennings moved to approve the agenda as presented, it was seconded by Councilmember Glickert, and the motion carried unanimously.

D. PROCLAMATIONS

1. A Proclamation honoring the life and work of Mrs. Agnes Wilcox was read and presented to her husband.

Mayor Welsch informed Mr. Wilcox that an Amended Proclamation would be provided to him after all of the necessary corrections had been made.

E. APPROVAL OF MINUTES

1. September 25, 2017, Study Session minutes, were moved by Councilmember Jennings, it was seconded by Councilmember McMahon, and the motion carried unanimously.
2. October 23, 2017, Regular Session minutes, were moved by Councilmember McMahon, it was seconded by Councilmember Jennings, and the motion carried unanimously.

F. APPOINTMENTS to BOARDS & COMMISSIONS

1. Irene Chaudhry is nominated to the Plan Commission replacing Rosalind Williams, by Councilmember Glickert, it was seconded by Councilmember Jennings.

Citizen's Comments

Cirri Moran, 6652 Kingsbury, University City, MO - (Chairman)

Ms. Moran expressed her support for Ms. Rosalind Williams, a current member of the Plan Commission. She stated she was dismayed to learn that Ms. Williams was being summarily replaced at this juncture, without advance notice, instead of waiting until the normal appointment period. Ms. Williams is a professional city planner who has worked for both the Cities of Ferguson and Kirkwood; therefore, her input on this commission has been vital. Commissions need more people like Ms. Williams to step up and give their skills and passions to help this City meet the critical challenges ahead, and those individuals who do step up should not be dismissed out-of-hand.

Ms. Moran then read the following statement from fellow Plan Commission Member, **Judith Gainer, 721 Harvard, University, City, MO - (2nd Ward),** into the record:

"I want to make public the concerns I expressed privately to Councilmember Glickert about the new appointment to the Plan Commission. Rosalind Williams, a professional city planner from Ward 2, is being replaced by a third representative from Ward 3. I don't know the new appointee, so my concerns are not with the person, but rather, with larger issues related to this appointment. Namely, first and foremost, the Plan Commission will lose the expertise of Ms. Williams' professional knowledge and valuable experience, a unique perspective that, it seems to me, is being squandered." (Ms. Gainer's letter was read in its entirety and made a part of the minutes of this meeting.)

Helen Fuller, 7365 Colgate, University City, MO

Ms. Fuller stated she was here tonight to speak on behalf of Rosalind Williams. Based on her understanding, it is customary for a seated member of a commission to be asked if they would like to serve for a second term on their specific commission, and she has always believed this to be a courteous and sensible practice. However, Ms. Williams was not asked about her desire to serve a second term, in spite of the fact that she has been a conscientious, hardworking and extremely knowledgeable member of the Plan Commission. Ms. Fuller suggested that Council extend this common sense courtesy to Ms. Williams by asking her to serve a second term because to not do so, would be a grave mistake.

Kathy Straatmann, 6855 Plymouth Avenue, University City, MO - (2nd Ward)

Ms. Straatmann stated her belief is that a uniformed and consistent procedure for all is vital in order to have the most efficient, professional, and productive use of Boards and Commissions, as well as the most effective outcomes for the good of U City's citizens. For that reason, she would ask Council to reconsider Ms. Williams' appointment and adhere to the process that should be followed for selecting individuals to serve on Boards and Commission.

Gloria Nickerson, 7576 Blackberry, University City, MO - (2nd Ward)

Ms. Nickerson stated although her comments will be in support of Ms. Williams, her main point is premised on the following letter, dated August 6, 2010, and directed to Mayor Shelley Welsch.

"Dear Mayor Welsch, please be advised that I represent Gloria Nickerson with regard to her appointment as a member of the Economic Development Retail Sales Tax Board. It is my understanding that Ms. Nickerson was appointed by former Mayor Joe Adams, and approved by the City Council in an open Board Meeting, in March of 2010. She was sworn in by the City Clerk prior to Mayor Joe Adams leaving office on April 20, 2010.

I understand that you believe there has been some violation of the Sunshine Law. I am hopeful that you have contacted the City Attorney, John Mulligan, to discuss this matter.

If you believe that there is a violation of the Sunshine Law and this appointment has no validity, then you need to seek the appropriate redress in St. Louis County Circuit Courts.

"Ms. Nickerson stated that during this same time period Ms. Williams was also a member of the EDRST Board, so she is very familiar with the quality of work she is capable of performing. However, when she read tonight's agenda and learned that Ms. Williams had not even been asked whether she would like to remain on the Plan Commission, it dredged up these unpleasant memories of her own experience. Consequently, she would like to pose two questions that she hopes can be answered at tonight's meeting:

1. What are the rules or procedures with respect to making Board and Commission appointments?
2. Are these rules and/or procedures available for review by the public?

Mayor Welsch informed Ms. Nickerson that this portion of the agenda does not allow for questions and answers, nevertheless, her questions would be addressed at a later time.

Patricia McQueen, 1132 George Street, University City, MO
Ms. McQueen stated she became infuriated after learning that Ms. Williams was being replaced. She stated that her personal records revealed the initiation of what appeared to be a process; Ms. Williams was nominated on December 9, 2013; sworn in on January 13, 2014, but that seems to be where the process stopped, because Ms. Williams was never informed that she was going to be removed from the Plan Commission. Ms. McQueen stated U City is at a pivotal point where she believes it would be beneficial for the new City Manager to work with citizens like Ms. Williams, who accepted the responsibility to see that the plans for the Olive/1-70 interchange came to fruition in order to achieve economic development and stabilization in the 3rd Ward. She asked that Council take another look at this motion because at this point their proposed actions merely demonstrate the City's lack of transparency, consistency, courtesy, and failure to implement sound policies and procedures.

Jeff Hales, 7471 Kingsbury, University City, MO
Mr. Hales stated that as someone who has served on the City's Boards and Commissions, and attended Council meetings on a regular basis, he is fully aware of the difficulties associated with recruiting citizens to serve. He stated that he has witnessed Ms. Williams' performance and has no doubt she possesses the qualifications, skills, and passion to be a member of the Plan Commission. So to remove Ms. Williams and appoint Ms. Chaudhry under this set of circumstances is not fair to either of these residents. Mr. Hales urged Council to think about the citizens who volunteer to do the work of the City by showing up month after month to serve on these Boards and Commissions, and then act in a manner that exhibits decency and consideration.

Bobette Patton, 8639 Spoon Drive, University City, MO
Ms. Patton expressed her understanding of the City's appointment process and stated that although she has no idea why Ms. Williams was not given the opportunity to continue to serve on the Plan Commission, or why the 2nd Ward is not being represented in the way that it should be, tonight's actions are simply wrong. As this City anticipates the coming of a new year, Ms. Patton informed Council that the residents of U City are anticipating better decisions, and better results, than those that have been demonstrated in the past.

Suzanne Greenwald, 836 Barkley Square, University City, MO
Ms. Greenwald stated in 2008, Mayor Welsch; then a member of Council, appointed Ms. Williams to the EDRST Commission. In 2013 Councilmember Glickert appointed Ms. Williams to the Plan Commission; thank you Mayor Welsch and Councilmember Glickert for your wise decisions.

At no cost, U City benefitted from the services of a professional with a Master's Degree in Urban Planning and a 40-year career as the Director of Planning for several municipalities.

As a member of the Plan Commission, Ms. Williams chaired several subcommittees, was instrumental in developing the Comprehensive Plan, and most importantly, was known as someone always willing to do the tedious research and ask the hard questions. Yet, here we are today, discovering that Ms. Williams received no oral communication; no letter, or even an expression of appreciation. The Federal Government no longer practices grace and civility, so her question to Councilmembers Glickert and Jennings is straightforward; must we follow suit? Ms. Greenwald stated while she is uncertain of the motivation behind this action, it is certainly not in the best interest of U City.

Rosalind Williams, Chamberlain, University City, MO
Ms. Williams acknowledged that she had never been asked to serve a second term on the Plan Commission, and was surprised when she learned that she was going to be replaced at tonight's meeting. She stated that she volunteered to serve on the Plan Commission based on her concern for U City, and believes that she make positive contributions during her tenure. So, had she been asked about her interest in being reappointed, she would have expressed her absolute desire to continue serving. Ms. Williams noted that her departure will leave only two experienced commission members with knowledge about the new Comprehensive Plan, which she does not believe would be in the best interest of the City.

Council's Comments
Councilmember Carr stated this is an extraordinary situation which does not involve the candidates, but rather, the process utilized in making these appointments. As previously noted, had she not called Ms. Williams to inform her about the actions being taken tonight, Ms. Williams would have had no idea she was being removed, since neither Councilmember Jennings; Council Liaison for the Plan Commission, nor Councilmember Glickert; who made her original appointment, ever contacted Ms. Williams to discuss her interest in serving a second term.

With regard to Board and Commission reappointments, Council has long operated in a manner that relies on the Council Liaison to inquire about a member's interest in being reappointed prior to making a new appointment. And as a courtesy, Council's practice has been to accept recommendations offered by Council Liaisons, regardless of an individual Councilmember's political or personal preference. Councilmember Carr stated this incident reminds her of a similar incident involving Ms. Nickerson who was unilaterally removed from the EDRST Board by Mayor Welsch in 2011. That was a shame then, and this is a shame now, especially since Councilmember Jennings was advised of Ms. Williams' eligibility at the time he presented his new appointment to the Interim City Clerk. So at this point in time, she would like to offer Councilmembers Jennings and Glickert the opportunity to provide an explanation for their actions.

(Councilmember Jennings elected to provide no explanation.)

Councilmember Glickert stated this is a very sensitive issue, and therefore, would provide no further response to Councilmember Carr's comments.

Councilmember Carr stated during her conversation with Councilmember Jennings she posed the following questions, to which he responded *"No".*

1. Was your decision related to Ms. Williams' performance?
2. Did Ms. Williams exhibit poor attendance at meetings?
3. Was Ms. Williams ill-prepared at the meetings?
4. Did Ms. Williams fail to participate in the meetings?
5. Were actions exhibited by Ms. Williams deemed to be inappropriate?

Thereafter, Councilmember Carr stated Councilmember Jennings informed her that his rationale was based on his preference to have a specific resident from Ward 3 appointed to the commission. And when she reminded Councilmember Jennings that this was not his appointment to make, he responded that his hope was that after Councilmember Glickert had had an opportunity to meet with his candidate he would be amenable to making the appointment; which he did. Ms. Williams is probably the most qualified resident to ever be appointed to the Plan Commission. So is this how we treat our citizens who are willing to serve in this City?

Councilmember Carr stated the result of Councilmember Glickert's unwillingness to reappoint Ms. Williams to this vital commission that is often the last stop for questions and readjustments, prior to a recommendation being presented to Council, means that:

- Ward 2 will be grossly underrepresented
- After the terming out of Ms. Moran in January, remaining members, with the exception of Mr. Miller, will have less than one year experience
- There will be a deficit in long-range planning experience
- There will be a deficit of institutional knowledge

For their willingness to serve this City, Councilmember Carr proposed that Council show their respect and appreciation to both Ms. Chaudhry and Ms. Williams, by agreeing to the following motion: To postpone this appointment until the first meeting in January, at which time Ms. Chaudhry and Ms. Williams can be appointed to fill the vacant positions on the Plan Commission. The motion was seconded by Councilmember Smotherson.

Councilmember Crow praised Ms. Moran for her eloquent presentation and thanked everyone who came out tonight in support of Ms. Williams. He stated in his opinion, none of this makes any sense; could have been avoided, and as such, he would like to extend his heartfelt apology to both Ms. Williams and Ms. Chaudhry. With all of the vacancies on the City's Boards and Commissions the difficulty of getting residents to serve; especially someone as qualified as Ms. Williams, is quite obvious. And while ensuring that a balance of all three wards is achieved on the City's Boards and Commissions is important, Council's ability to maintain its customary practices in order to fulfill the obligation owed to citizens willing to serve in these positions is far more paramount.

Councilmember Crow stated to answer the questions posed by Ms. Nickerson; it is customary for Council to reappoint members when they are willing to serve. And it is also customary for Council to respect an appointment made by one of their colleagues. But since these customs are clearly in conflict tonight, he applauds the efforts made by Councilmember Carr's to resolve this quandary that Council should have never been placed in.

“Mayor Welsch stated that Mr. Glickert is in the position he is in because his appointee was not reappointed. So, I feel in deference to Mr. Glickert, he should not be attacked. He was told the position was open. I cannot speak as to why Mr. Jennings did not speak to Ms. Williams prior to making his decision.

I will say the habit on this Council since I’ve been on the Council, since 2002, is that we have Council liaisons make reappointments because they are the people who know best how a commission is working and how a candidate on a commission is working. I also have spoken to Mr. Jennings about his reason for his decision. I did not grill him or ask questions in the same manner as Ms. Carr. However, the issue he mentioned to me which, as Mr. Glickert said, I prefer not to go into, I don’t think this is political. It is a decision he made and he felt it was for the best interest of the City. So, I just want to say that. He is being attacked this evening. I believe he felt he was doing what is in the best interest (of the City). I agree that the conversation should have been had before the reappointment was made. But I would ask that we not assume that Mr. Jennings was being political. As he explained it to me, he had an issue and he followed through with it.”

Roll Call Vote Was:
Ayes: Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Carr and Mayor Welsch.
Nays: Councilmember Jennings**.**

Mayor Welsch stated the retroactive reappointments listed below are being done as a matter of housekeeping and record tracking.

1. Denise Anderson is nominated for reappointment to the Board of Adjustment, retroactive back to 7/7/2016 by Councilmember Jennings.
2. Christine Albinson is nominated for reappointment to the Board of Appeals retroactive back to 8/1/2016 by Councilmember Glickert.
3. Winifred Sullivan is nominated for reappointment to Arts and Letter, retroactive back to 1/2/2014 by Councilmember Smotherson.
4. Myra Vandersall and Stephanie Schlaifer are nominated for reappointment to Arts and Letter, retroactive back to 1/2/2015 by Councilmember Smotherson.
5. Marian Reed and Frederick Fehr are nominated for reappointment to Arts and Letter, retroactive back to 1/2/2016 by Councilmember Smotherson.
6. Nicole Thomas and Wilmetta Toliver-Diallo are nominated for reappointment to Arts and Letter, retroactive back to 1/2/2017 by Councilmember Smotherson.
7. Patricia McQueen is nominated for reappointment to CALOP, retroactive back to 9/9/2015 by Councilmember McMahon.
8. Robert Frazier is nominated for reappointment to L.C.R.A, retroactive back to 3/18/2016 by Mayor Welsch.
9. Wayne Flesh is nominated for reappointment to the Senior Commission, retroactive back to 11/25/2016 by Councilmember Carr.
10. Beth Skelton is nominated for reappointment to Urban Forestry, retroactive back to 1/1/2016 by Councilmember McMahon.

Point of Information: Councilmember Carr questioned whether Council was required to vote on these retroactive appointments? Mayor Welsch stated they could be voted on if Council so desired. Councilmember Carr requested that Council take a vote. Mayor Welsch asked for a motion to approve the aforesaid reappointments.

Councilmember Carr moved to approve, it was seconded by Councilmember Glickert and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Timothy Dugan was sworn in to the Green Practices Commission at tonight's meeting.
2. Carl Hoagland was sworn in to the Park Commission at tonight's meeting.
3. Kevin Taylor was sworn in to the Park Commission at tonight's meeting.
4. Margaret Holly was sworn in to the Plan Commission on October 24th in the Interim City Clerk’s office.
5. Gloria Nickerson was sworn in to the Senior Commission November 6th in the City Clerk’s office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Recommended approval of a Conditional Use Permit /HopCat - 6315 Delmar (*food & beverage (non-retail) with outdoor patio)*

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

Citizen's Comments

Jeff Hales, 7471 Kingsbury, University City, MO

Mr. Hales stated after realizing that tonight's packet did not contain minutes of the Plan Commission's meeting, he thought it might be in everyone's best interest if he brought some of the concerns raised at that meeting to Council's attention.

- The removal of eight parking spaces located behind the building and its impact on the Loop
- A Traffic Study created by the CBB Company that was not reviewed by the Traffic Commission

Mr. Hales stated his main concern moving forward, is the removal of parking spots in an area where he thinks a broad look should be taken with respect to traffic and parking. He stated that the applicant's justification for removal was based on their intent to lease spaces in the City Garage. And since it has been noted that this garage is currently underutilized, one idea to generate revenue would be to eliminate the management contract with St. Louis Parking and install an automated system where Loop businesses could validate parking for their customers.

Council's Comments

Councilmember Carr stated although she does have a few questions, she would like to preface her statements by stating that she is in support of this development.
She stated that when the Trolley eliminated six spaces in the Loop they were asked to replace them. So shouldn't the same hold true in this case, whether it's the sole responsibility of the business or a shared responsibility between the City and business? It also looks like the City does have something to the effect of shared parking, and yet, she had been unable to find anything in the code referencing this process. Councilmember Carr stated that she had talked with Mr. Adams and his staff in an attempt to ascertain the specific terms of these leases and discovered that they did not have this information since City uses a management company to handle the leases. She stated since the lease will be developed at a later time, she has no intention of holding this recommendation up until she receives an answer, but would ask Mr. Adams if he could provide her with a legal opinion on whether this meets the Loop parking requirements in the Zoning Ordinances? So before the permits are issued she thinks Council should get an answer to these questions because if HopCat is as successful as she thinks it will be, there is going to be a lot more demand for parking in the Loop.

Mr. Adams stated Ms. Riganti had informed him that in this instance the parking spaces being removed were on private property. Whereas the parking spaces removed by the Trolley had been on public property and therefore, required to be replaced. He advised Councilmember Carr that all of her questions had been referred to the City Attorney in order to provide her with a more definitive answer.

Councilmember Crow stated that in spite of the fact that he also has questions, he too was pleased to have this business in U City.

1. Can this recommendation be rescheduled until after Council has received answers to their questions?

2. Has it been the practice to lease parking spaces in the City Garage?
3. What is the number of leased spots available in the garage?

Mr. Adams stated that the Riverfront Times had leased spaces in the past.

Mayor Welsch stated that United Provisions might also be leasing some spaces.

Andrea Riganti, Director of Community Development, stated the City had established a precedent of providing lease agreements to several businesses within the Loop. However, she would note that these agreements are currently being developed in consultation with Mr. Mulligan. And in terms of shared parking, between 8 a.m. and 6 p.m. spaces are utilized by several offices, leaving them free to be used again, in the evening.

Ms. Riganti informed Council that a representative from HopCat was in attendance at tonight's meeting, and could address the scheduling question posed by Councilmember Crow.

Kevin Kozak, a partner in Barfly Ventures, the parent company of HopCat, stated they are currently tracking to start as soon as possible, so his only question is how long Council anticipated delaying the issuance of their Building Permit?

Councilmember Crow stated that in this case, it would depend on when Council received the answers to their questions. However, typically, recommendations are presented again in two weeks, at the next Council meeting.

Voice vote on the motion to approve carried unanimously.

2. Recommended approval of the Leaf Collection Contract / St. Louis Composting

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

Councilmember Carr stated that the Recommendation talks about a three-year contract to be voted on en mass. But with the announcement of a new City Manager, she would like to amend the motion and request that the contract be approved for a one year period to allow the new City Manager an opportunity to review the contract and make recommendations. It was seconded by Councilmember Glickert and the amended motion carried unanimously.
Voice vote to approve the original Recommendation, as amended, carried unanimously.

3. America Recycles Day - November 15 - (Informational)

Mayor Welsch thanked staff for the work they do in the area of recycling.

4. Recommended approval of the Ackert Walkway Improvements – Transportation Alternatives Program Agreement

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

Councilmember Carr expressed her excitement about the grant for Ackert Park; a park that long gets neglected, and for which she receives a ton of complaints from constituents. Therefore, she would like to thank staff for their hard work in locating this grant.
Voice vote on the motion to approve carried unanimously.

5. Recommended Approval of the FY18 Annual Tree Trimming – Gamma Tree Experts

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

6. Recommended Approval of the Site Plan - Hawthorne

Councilmember Jennings moved to approve, seconded by Councilmember Smotherson.

Councilmember Carr stated there were several recommendations by the Traffic Commission, and would like to ask Ms. Riganti, through Mr. Adams, whether these recommendations had been considered, and if Council would be advised about any revisions to the construction entrance.

Councilmember Smotherson stated Matt had provided him with a copy of Pinnacle's rationale for why they would be unable to make a separate entrance and exit for construction. And that it had also been made clear by Mr. Hales, Chair of the Traffic Commission, that Pinnacle would be required to use the Hanley entrance to Carlton since it only impacts three or four houses. Councilmember Smotherson stated he was satisfied with the company's explanation and would make this information available to anyone who would like to read it.

Mayor Welsch asked Ms. Reese if she would make copies of this information to be shared with Council.

Voice vote on the motion to approve carried unanimously.

L. UNFINISHED BUSINESS

BILLS

1. **Bill 9337** - AN ORDINANCE ADOPTING REGULATIONS FOR CONSIDERATION OF STORMWATER QUALITY AND MANAGEMENT IN SITE DESIGN BY AMENDING CHAPTER 405, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE VI, LAND DEVELOPMENT REGULATIONS AS PROVIDED HEREIN. Bill Number 9337 was read for the second and third time.

Councilmember Carr moved to approve, it was seconded by Councilmember Glickert

Roll Call Vote Was:
Ayes: Councilmember Carr, Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings and Mayor Welsch.
Nays: None.

(Post-Construction Land Disturbance Requirements)

2. **Bill 9338** - AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. Bill Number 9338 was read for the second and third time.

(Parking Restrictions – 6600-6800 Kingsbury Blvd., 500 Melville Ave., 500 Kingsland Ave., Trinity Ave.) –corrected

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

Roll Call Vote Was:
Ayes: Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings, Councilmember Carr and Mayor Welsch.
Nays: None.

3. **Bill 9339** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, DECLARING 1351 N. HANLEY AVENUE A BLIGHTED AREA AND APPROVING A REDEVELOPMENT PLAN FOR THE AREA. Bill Number 9339 was read for the second and third time.

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

Councilmember Smotherson asked who would be responsible for approving the tax abatement application referenced in Attachment B? Ms. Riganti stated that Attachment A, which outlines the tax abatement process, states that City Council will review and approve the Blight Analysis and Redevelopment Plan, and the Land Clearance Redevelopment Authority (LCRA) will be the agency; as per Chapter 99 of the State Statute, that reviews the tax abatement application. However, what is before Council is the developer's request, so at this point, nothing has been voted on or approved by the LCRA. Councilmember Smotherson asked whether it was customary to ask for a ten-year, 100%, and a five-year, 50% tax abatement? Ms. Riganti stated that the applicant has been made aware of U City's allowable term, which is either eight or ten years, versus the City of St. Louis' allowable term of fifteen years. Councilmember Smotherson stated his preference would be more in line with the ten-year allowable term. Referencing the following language, *"The kitchen is expected to have granite countertops and bathrooms should have ceramic tile,"* Councilmember Smotherson stated he would like to see the language express exactly what will be included, rather than a hypothetical.

Matthew Masiel, 7777 Bonhomme Avenue, Suite 2010, St. Louis, MO
Mr. Maisel stated while they are doing everything possible to include the nicest amenities they can afford, at this stage, they are not far enough along in the budgetary process to say exactly what amenities will be provided.

Councilmember Smotherson stated his hope is that Council will be informed well ahead of time about what their final decision will be with regard to these amenities.
Roll Call Vote Was:
Ayes: Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings, Councilmember Carr, Councilmember McMahon, Mayor Welsch.
Nays: None.

M. NEW BUSINESS

RESOLUTIONS

BILLS

Introduced by Councilmember Glickert

1. **Bill 9340** -AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR THE USE OF EXPLOSIVES AND EXPLOSIVES MATERIALS TO PROTECT HEALTH, SAFETY AND WELFARE WITHIN THE CITY OF UNIVERSITY CITY, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS; MAKING OF INSPECTIONS; COLLECTION OF PERMIT AND INSPECTION FEES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF THROUGH THE ADOPTION OF THE EXPLOSIVES CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI AS THE EXPLOSIVES CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI. Bill Number 9340 was read for the first time.

Introduced by Councilmember Jennings

2. **Bill 9341** - AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS MAGNOLIA TOWNHOMES: DELMAR HEIGHTS LOTS 17, 18, AND 19 IN BLOCK 4 BOUNDARY ADJUSTMENT PLAT AND PART OF A 15 FOOT WIDE ALLEY IN BLOCK 4 OF DELMAR HEIGHTS. Bill Number 9341 was read for the first time.

(7634 Delmar Boulevard & 565 N. Central Avenue (PC 17-08))

Introduced by Councilmember Carr

3. **Bill 9342** – AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING MINIMUM REGULATIONS FOR CONTROLLING EROSION, AND SEDIMENT FROM LAND DISTURBANCE ACTIVITIES AT CONSTRUCTION SITES WITHIN THE CITY OF UNIVERSITY CITY, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS; MAKING OF INSPECTIONS; COLLECTION OF PERMIT AND INSPECTION FEES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF THROUGH THE ADOPTION OF THE LAND DISTURBANCE CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI AS THE LAND DISTURBANCE CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI AS IT PERTAINS TO MAJOR LAND DISTURBANCE. Bill Number 9342 was read for the first time.

Introduced by Councilmember Smotherson

4. **Bill 9343** - AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. *(1000 block of Purcell)* Bill Number 9343 was read for the first time.

Introduced by Councilmember McMahon

5. **Bill 9344** – AN ORDINANCE TO AMEND CHAPTERS 100 AND 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI RELATED TO SELF-PREEMPTION AND REGULATION OF SMALL WIRELESS COMMUNICATION FACILITIES. Bill 9344 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. <u>Boards and Commission appointments needed</u>
   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)

P. COUNCIL COMMENTS

Councilmember Glickert stated that on October 28th and 29th, Vernon's Barbeque and Catering won 1st Place in the turkey category; 2nd place in beef brisket; 4th place in beef ribs; 4th place in overall kosher, and 6th place in chicken, at the Kansas City's Barbeque Societies' 2017 Dallas Kosher Championship.

Mayor Welsch stated she thinks they should have come in first, in the brisket category.

Councilmember Crow stated he is very pleased that Council voted unanimously to hire Gregory Rose as the new City Manager. His contract has been made available for public inspection and it is Council's hope that Mr. Rose will be joining U City prior to year-end.

Mr. Rose comes to U City from Maricopa, Arizona; Hyattsville, Maryland; North Las Vegas, Nevada, and served as the Assistant City Manager for four years in University City, MO. He has a Master's of Public Administration from the University of Texas, and a Bachelor of Science. Councilmember Crow stated that Council is also pleased and grateful for all that the Interim City Manager, Charles Adams, has done, and continues to do for the City.

He stated as many know, Mayor Welsch puts out a Sunday evening missive, but the one he has elected to highlight came out on October 29, 2017.

- **She was very appreciative that Mr. Walker agreed to take part in the mediation; something he did not have to do.** He stated that it is clear in the comments made by Mayor Welsch that she does not agree with this settlement.
- **The bit of background which starts on November 28th, when Councilmember McMahon was sworn in, and then goes on to attack the members of Council who suspended Mr. Walker with pay.** He stated that what she omitted is that on November the 17th, Mr. Walker, through his attorney, sent Council a letter demanding a half million dollars in damages and also threatened that a lawsuit would be filed. Mr. Walker also charged three members of Council with defamation and discrimination.
- **Mr. Mulligan has charged more than $100,000 in legal fees for his representation in the Walker matter.** He stated if someone can produce a document that states Mr. Mulligan charged the City $100,000 in the Lehman Walker matter, he would certainly like to see it. If not, then he believes the Mayor owes Mr. Mulligan an apology.
- ***"Oh, and we have been without a professional City Manager running the City for almost one year."*** He stated he is appalled that anyone would make such an offensive statement about Mr. Adams, who came out of retirement after 40 years of service with U City, at the request of Council, and has done an incredible job. In fact, he hopes there will be a transition plan that allows Mr. Adams to remain as a member of staff on a temporary basis.
- ***"The lies that are being said about Mr. Walker; and they are lies with no basis in fact."*** He stated if Mayor Welsch can find one instance where he has lied about Lehman Walker, she needs to show it to him.
- **Mr. Walker is credited with decreasing the City's taxes to the lowest rate in seven years.** He stated perhaps residents should thank the assessor for reassessing property, because that's why the tax rates really went down. And if Mr. Walker can get credit for that, then Mr. Adams should also get credit for the rates that just went down.
- **Mr. Walker spent 5 million dollars for a new Fire Department.** He stated his belief is that President Obama provided the City with TARP funds that made this construction possible.
- **Mr. Walker is also credited with 100 million dollars of development in U City.** He stated that's great if you also include Washington University.
- **Mr. Walker conducted the police officer negotiations in less than two meetings.** He stated that this simply did not happen in two meetings.
- **Mr. Walker is also credited with successfully outsourcing the City's ambulance services.** He stated that he thinks the majority of people in this audience would take issue with how successful this outsourcing has been.

Councilmember Crow stated his hope is that he and his colleagues can move past all of this, and thinks the question that citizens are really asking is what have been the Mayor's accomplishments?

As it relates to this Council, there has clearly been no surprises; when Councilmember McMahon was elected Council said there would be a change in the administration; that there would be a nationwide search for a new City Manager; that there would be a new City Clerk and a new City Attorney; that the budget would be passed, and that Council would vehemently oppose the proposal presented by MDS. All of these promises have been methodical, professionally, and successfully carried out. And once the new City Manager comes on board Council will begin to work on EMS and the Police Station.

Councilmember Smotherson stated both he and Councilmember Carr had attended the MSD Board/Trustee meeting on November 9th, and he would like to provide the Interim City Manager with the information he provided to MSD. He stated that he wished to personally thank three residents, Nick, Tim, and Richa, for the information they provided to assist him in his presentation.

Councilmember Smotherson thanked Mr. Adams for his service, and the professionalism he displayed through his actions, advice, and even manner of dress. Councilmember Smotherson stated he would also like to thank Ms. Williams for her service and commitment.

Councilmember Carr stated that she too would like to thank Ms. Williams, who has been a great resource to the City on various levels; which has been attested to by all of the residents who came out to speak on her behalf.

Councilmember Carr stated that she spoke extemporaneously during the MSD meeting so she has no written information to provide. However, she had taken something off of MSD's website regarding the Deer Creek sewage/storage tunnel, which they have estimated spending 300 million dollars on. She stated MSD was very clear that in order to eliminate any disturbance to the communities of Clayton, Ladue, Richmond Heights, and Shrewsbury, they had elected to go underground. A consideration she had asked MSD to afford to U City.

She stated that when Council asked Mr. Adams to step in as the Interim City Manager, she was hoping for a caretaker; someone who knew the City and could maintain its stability while Council searched for a new manager. But what this City got with Mr. Adams and Ms. Reese far exceeded her expectations. She informed both employees that she could never thank them enough for their service.

Councilmember Carr stated she would like to extend the same appreciation to Mr. Mulligan for his legal support and attendance at every Council meeting, at no charge to the City.

Councilmember Carr stated she is now handing the baton over to Councilmember Glickert, to initiate the search for a new City Clerk. And while her hope is that Ms. Reese will remain, the end results cannot be determined until the process gets underway.

Councilmember Glickert stated he already has a job description and a human relations person in place, so he is ready to go and will keep Council apprised of his actions.

Councilmember McMahon stated it appears as though his colleagues are using the day he was sworn in as some type of line of demarcation and he does not want to take more credit than he should. However, what he did talk about when he ran for office were the changes that needed to be made. Councilmember McMahon stated he thinks Council is making those changes, and one of those changes really hit home tonight, with regard to how the City's Boards and Commissions are respected. He stated he relies on the people who serve on these Boards and Commission because more often than not, they are much smarter than he is. So he truly appreciates the three commissions he is a liaison to.

He stated that another aspect of the change he talked about was the need for everyone to work together. So he is proud to say that the search process for the City Manager was a pleasant experience where every member worked towards a common goal that has now been achieved.

Councilmember McMahon stated that in order to continue in this vein, there is a need to make certain that discussions conducted during Closed Sessions remain in Closed Session, and perhaps, a need to review individual copies of the Civility Pledge that each member took when they were sworn into office.

He stated he would also like to thank Mr. Adams, Ms. Reese, and Mr. Mulligan, for stepping up to serve during the breach and doing so, exceedingly well.

Mayor Welsch made the following announcement:

- The Prop P Town Hall meeting will be held at the U City Public Library on Wednesday, November 15th, at 6 p.m. This meeting is an opportunity for residents to provide their suggestion on how these funds should be expended, so she would encourage everyone to attend.

Q. ADJOURNMENT 8:12

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 8:12 p.m.

LaRette Reese
Interim City Clerk

13 November 2017

Thank you all for the opportunity to speak in favor of Rosalind Williams remaining on the Plan Commission. I was disappointed and dismayed to hear that Rosalind would not be reappointed for a second three-year term, especially since she has already fulfilled 10 months out of 12 of what would be the first year of a second term. To summarily dismiss her now, without at least waiting until the normal January appointment time would be a mistake. First of all, she is a committed, responsible member of the Plan Commission. She has not shirked her duties in any sense of the word. But most importantly, she is a professional city planner, having worked for both the cities of Ferguson and Kirkwood. Rosalind's input on the commission has been much more than helpful. It has been vital. Her experience and skills are what other cities have paid for....and we are getting it free-of-charge. In addition, to summarily replace her without notice, is not only wrong, it is disrespectful of the time and efforts she has spent over the past 3 years and 10 months for the benefit of University City...her City, our City....a City that prides itself on its core resources....our citizens. Is this a way to treat our most valuable resources? We need more people like Rosalind to step up and give of their skills and passions to help our city meet the critical challenges ahead. We shouldn't dismiss them out of hand.

Thank you for the opportunity to speak on her behalf.

Cirri Moran, Chairman, University City Plan Commission
6652 Kingsbury

Judith Gainer
721 Harvard

To the Mayor, Members of the Council and fellow citizens:

I want to make public the concerns that I expressed privately to Mr. Glickert about the new appointment to the Plan Commission.

Rosalind Williams, a professional city planner from Ward 2, is being replaced by a third representative from Ward 3. I don't know the new appointee, so my concerns are not with the person but rather with larger issues related to this appointment. Namely…

First and foremost, the Plan Commission will lose the expertise of Ms. Williams' professional knowledge and valuable experience—a unique perspective that, it seems to me, is being squandered. She is more than willing to continue to serve and, given her ongoing commitment to University City and the work of the Plan Commission, replacing her makes no sense!

Secondly, the new appointment is from Ward 3. The makeup of the commission with this new appointment will be as follows: Three people from Ward 1, three people from Ward 3, and only 1 person, a newbie, from Ward 2! On this lopsided commission, I will be the only representative from Ward 2, and I have only been on the commission for a few months. Ms. Williams participation on the committee has been a model as I have worked to grow into the role.

Finally, I am saddened by the process by which this change has been effected. It is the responsibility of the Council liaison, Mr. Jennings, to inform Ms. Williams that she was being replaced. To date no one in an official capacity has provided the courtesy of notifying Ms. Williams.

In summary, it has been decided that the knowledge and experience of a seasoned professional is not needed on the Plan Commission, that Ward 2 does not deserve equal representation on the Commission, and that the process by which this change is being made is sorely lacking in the most basic courtesies.

It is my understanding that it is customary for a seated member of a City Commission to be asked if they will serve a 2nd term on that commission. I have always believed that to be both a courteous and sensible practice. No matter how compatible the Commissioner's skill set is to the task of their appointed Commission, it takes time to learn a new job.

This has not been the case with Rosalind Williams, member of the City's Plan Commission. She was not asked to serve a second term as a member of the Plan Commission. Ms. Williams has been conscientious, hardworking and extremely knowledgeable. Someone has made a GRAVE MISTAKE!

I suggest we slow this process down and extend Ms. Williams the Common-sense courtesy of asking her to serve a second term on the Plan Commission.

Good evening

I was made aware that I would not be re-appointed for a second term on the Planning Commission by Council member Paulette Carr about a week ago.

I was not contacted by anyone to determine if I wanted to continue to serve on the Planning Commission. I was surprise to find out that I would be replaced at this Council Meeting.

I volunteered to serve on the Planning Commission because I care about the City. I believe I have positively contributed during my tenure on the Commission.

I believe my departure at this time with four newly appointed planning commissioners out of just seven, is not in the best interest of the City. It would leave only two members with any experience on the commission and involvement in the new comprehensive plan deliberations, that will be up for approval by the commission soon.

If asked, I would have responded that I would like to continue to serve a second term on the planning commission.

Thank you for your time.

Introduction.

Good afternoon, my name is Bwayne Smotherson, I live at 1243 Purdue Ave in University City. I am also a City Councilman representing the 3rd Ward.

The reason for my presence before you are to make sure you the Trustee board of MSD, were aware of the affect the two public meetings held by your staff on Oct 25th and 30th had on not only myself but also the residents that attended. First, I want to be up front and honest with you and tell you my impression of those meetings so that we're clear about where I stand. I stated:

My personal opinion is that I believe their presentation to the public was a waste of your time. MSD left us with no answers to questions that concern our lives and future. I know that the MSD engineers are smart people and have an idea of what they want to do. They already know what is operationally, financially and fundamentally feasible.

But it's not just my opinion I wanted you to hear, I also wanted you to hear some of the responses I received from residents that attended those meetings.

Stacy Clay

Councilman Smotherson I was also disappointed in the presentation. It seems the only information MSD should be lacking at this point is public input (after all no one should know more about building sewage mitigation infrastructure than MSD) yet they claim there are other pieces of information they need before making a decision. They failed to identify what those other pieces of information are, at least at the second meeting. The decision-making process is not clear at all.

Read Nick Goldner

Lastly, I want to use the new development as an example. The developer came to the city with this great plan that would not only benefit his business but also our city. We were able thru discussion make his plan even better for the both of us. His company and our city.

You (MSD) came to U City with 2 cheapest options that only benefited you and your obligation. We resisted. Now my hope is with the recent 14 options you presented, I hope we can meet somewhere in the middle which means options A, B and E are out. Both you and our city can sit down and work out what works best for US.

Attn: MSD Board of Trustees
C/O Bwayne Smotherson

Dear MSD Board of Trustee Members;

I trust that this letter finds you all well. I am writing regarding the community forum held by members of your MSD team for the proposed Project Clear projects that will be impacting University City.

I have been a member of the community at Glenside Place for a little over two years, and in that time have been welcomed into the neighborhood by people that have been living there their whole lives. This is a small, quiet, minority neighborhood, that will be greatly impacted by the impending Project Clear constructions. Due to my concern for the project, I attended the community meeting at Mandarin House on Monday, October 30. I was immediately taken aback by **the lack of care** that the MSD employees had for our situation: we were in attendance because our homes were in danger of being taken away, or there would be construction for years in our yards, or the resulting water tanks (above ground or below) would be obstructive and detract from our homes and our lives.

Upon opening the floor to the community, the MSD employees that were running the forum told us, "We will be here all night, as long as it takes to get your questions answered." From that point on, they were completely non-responsive to questions. Many people asked a simple question: will you listen to our voices? The MSD employee consistently told us that the last piece of information that they needed in order to start narrowing down project site options was input from the community, but refused to tell us how our input would be collated or utilized. When pushed for answers, the employees became aggressive, **interrupting** community members while they were in the middle of a sentence, saying, "Take it how you will," or "I don't know what answer you are looking for, but I answered your question, that's my answer."

The issue that these employees were not able to address still stands. There were many members of the community at this forum, all simply asking how their input and feedback about each of the Project Clear sites would be considered. We want to know that if the community **as a majority** feels like certain aspects of the project (the presence or absence of above-ground tanks, the proximity to homes, the presence of easements or construction detours, etc.) **matter more than others** (ease of approval, cost of project, etc.), that these concerns will be directly represented by the "short list" of project sites. We want to know that if our property is directly adjacent to a project site, that you acknowledge that our homes property value will **decrease**, and that we will **not** be compensated for it. The employees that represented your board at this meeting deflected this issue at every turn: they **refused** to state that our concerns would be appropriately addressed. As the community that this project will **directly affect**, it is imperative that we know that when we give you, the board, as well as your employees, our feedback, that they are not going into the garbage bin. The way we were treated at the community forum on Monday did **not** make us feel like our concerns were being listened to. In fact, we all left feeling disrespected, ignored, and overlooked.

Thankfully, this is a strong-willed and deeply caring community that did not stop asking questions, even though the MSD employees were becoming **more aggressive and belligerent** as the night

went on. The rudeness shown by these people was shocking, especially when the forum was desperately trying to get them to understand our point of view. As the forum continued, and it became clear that every community member was going to speak about how this would negatively affect us; one of the MSD employees stated that, "To keep things moving forward, let's try to keep each person to five minutes." I do not imply that I know how to run a community forum, but I do know that the intention of this was to determine how our community feels. Not only was this incredibly rude and demeaning, but then, one of your MSD employees sat next to the microphone, took out his phone, and started **timing** each person. University City community members pointed out the man to the MSD employees running the question session, and only then, when they were physically called out for their disrespect, did they tell him to stop, because they knew how bad that looked.

Board members, you are going to do what is best for the area as a whole, as is your job. But this forum left me incredibly disappointed at the disrespect with which my community was treated. This is not Clayton, or Ladue, where people with money and privilege can tell you to walk away, and you can listen to them because you have a backup plan. This community is not one that can be taken advantage of, or disregarded due to the wills of others.

Whatever your decision is, we need to be treated with **respect**, and our voices need to be heard. I urge you to include us in the decision-making process. I am more than happy to serve as a point of contact for my neighborhood, if for nothing more than to be another voice in the room, reminding you that there is a side to the story that you do not otherwise see; particularly from the employees you had representing you at Monday's forum.

Please, be in contact with us. Let our voices be heard. With transparency and respect from **you**, we can find the best solution for our community.

Sincerely yours,

Richa Rathore
Doctoral Candidate
Washington University School of Medicine in St. Louis
(414) 699-7552
richarathore [at] hotmail.com

Dear MSD Board of Trustees,

I am deeply disappointed in the leadership, compassion, knowledge and answers given to the University City community. The leadership at the info session for the MSD Project Clear initiative showed a level of incompetence and arrogance that made my neighbors and myself deeply distrustful of the process. We do not believe that MSD has our best interest at heart. We do not believe that our opinions matter. We do not believe that our concerns are being taken seriously. We do not believe in the process you have put into place to determine which plan is the right choice for our community.

MSD is not transparent about their methodology to determine what proposal is short listed and ultimately chosen. It demonstrates to the community that MSD does not care about us. We have no guarantee that our voices are heard and we have no assurances that MSD's decision will be based on facts and data. We have no way of independently verifying MSD's claims, nor do we have any way to ensure that the answers given to us are factual. While our politicians and elected officials may be wonderful people, there is still a level of distrust in the community.

We expect that MSD will put members of our community, not just politicians or bureaucrats associated with the city, to be directly involved in the meetings meant to select a short list and to ultimately decide which plan is chosen for our community.

We expect that MSD will conduct home valuation studies to determine what impact 3 years of construction and permanent placement of a water treatment facility will have on our homes and our neighborhood.

We expect that MSD will make decisions that reflects the desires of the community.

We expect that MSD will be able to provide answers to our questions that actually answer our questions.

We expect that MSD will treat our community with respect.

So far, none of those expectations have been meet.

Our community is active, it cares about its members and until we believe that our concerns have been heard, do not expect us to just go along with your plan.

Sincerely,

Nick Goldner

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Mr. Matt Masiel
Screaming Eagle Development
1401 S. Brentwood Blvd. Suite 750
St. Louis, Missouri 63144

November 13, 2017

RE: Hawthorne School Logistics

Dear Matt,

Pinnacle has been reviewing numerous scenarios to best serve the area and meet the project's needs. Attached is a logistics plan that we have been studying that indicates construction access, public access, signage, and construction boundaries. As the scope further develops this plan may change some notably where we will need to make site utility connections.

As you can see from the plan the best route for access is to come off of Carleton Avenue. The Hanley turnaround area (seen below in Exhibit A) may be used for construction parking but due to numerous factors we believe this is not the best location for full construction access.

Exhibit A: Looking South at the East side of the school towards Carleton Ave.

First of all you will notice the power lines. The power lines prohibit delivery trucks from entering as clearance is limited here due to the incline of the hill. The alternative is to relocate the power which can be costly and still this is not clear where it would be located and to what property. Secondly, the sidewalk is used by the public daily. Although there will be some

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construction along the sidewalk, we want to prevent our crossing of it to a minimum so that there is not a public safety issue. There will be some site utility connections where temporary sidewalks may be required. We can post signage and will take safety precautions to help navigate pedestrian traffic during those times. Lastly, the hill presents a challenge for large vehicles to get up the incline and trees will also have to be removed. We want to minimize the damage to any of the existing trees. If we come from the Hanley side, this will require at least two trees to be removed.

In conclusion, the Carleton Avenue entrance presents itself with the least obstacles and safest routes for vehicles. By using signage and communicating with our subcontractors and the local community we can help alleviate concerns.

Thank you for this opportunity and we look forward to working with your team to make this a successful project for all concerned. If you have any further questions please feel free to give me a call.

Sincerely,

Tim McLaughlin
Vice President of Operations

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