

**UNIVERSITY CITY COUNCIL
STUDY SESSION
5th Floor of City Hall
6801 Delmar
November 12, 2018**

1. Meeting Called to Order

The City Council Study Session was held in the Council Chambers on the fifth floor of City Hall, on Monday, November 12, 2018. Mayor Crow called the Study Session to order at 5:30 p.m.

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

Councilmember Stacy Clay *(arrived 5:36 p.m.)*
Councilmember Paulette Carr
Councilmember Steven McMahon *(arrived 5:33 p.m.)*
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose, and City Attorney, John F. Mulligan Jr., Patrick Wall and Dorothy Davis of the Library Board.

*Joe Edwards of the Loop Special Business District was also present in the audience.

2. Changes to Regular Council Agenda

Mayor Crow asked if any members of Council had any changes to tonight's regular meeting agenda, other than adding the first name (Richard) of Mr. Ruderer to the appointment list? Hearing no other changes to the Regular Council Agenda, Mayor Crow asked for a motion to approve the upcoming agenda; it was so moved by Councilmember Carr and it was seconded by Councilmember Smotherson and the motion carried unanimously.

Mayor Crow turned the meeting over to Mr. Rose. Mr. Rose opened the discussion regarding the library and stated that the library is considering making some improvements that would require them to do a tax levy to retire the debt. Mr. Rose then turned the meeting over to Ms. Dorothy Davis, the president of the Library Board.

3. Library Board

Ms. Davis stated there are nine members on the board as required by state statute to serve up to (3) three year terms. The appointments are made by City Council and the Library Board hires and appoints the Library director, who determines policy and sets the tax rate for the library. The building is fifty years old and needs a lot of upkeep and renovation. The Board is working with CALOP, MOnet, the Society of Black Engineers and other coding groups to help residents learn about new technology. This is happening in a building that needs to be modernized, electrically rewired and more meeting space. The Board last went

to the voters in 1990 to set the current rate of twenty eight cents. She then turned the discussion over to Patrick Wall, the Library Director.

Mr. Wall thanked Ms. Davis and Council for the time to provide an update on the library. He restated that the current library located at 6701 Delmar Blvd. has been there for fifty years. The first library on Trinity was built in 1939 at a cost of about seven thousand dollars and a collection of eight thousand books. In 1966 the voters voted to build the current larger building; which they love. Around 1995 they joined the Municipal Library Consortium (MLC) and we share collections with eight other municipalities in St. Louis County. Over the last couple of years, U City has loaned about thirty thousand items per year and we have borrowed about twenty-five thousand items. We also have reciprocal agreements with St. Louis County, St. Louis City public libraries and the St. Charles County library district. So U City residents can obtain a free library card from any of the entities.

Today the U City library has a collection of about two hundred twenty thousand items, a shared collection of electronic books and downloadable audio books and several electronic vessels. The auditorium and meeting rooms were used twenty-four hundred times in FY18. Many request for meeting rooms, study rooms are turned down because of the lack of space. There are 43 publically accessible computers and really robust Wi-Fi and the usage continues to increase every month; about thirty-eight thousand uses last year.

The Society of Black Engineers from Washington University will be running tutoring sessions on STEM topics at the library once a week. There's a new agreement in place with Globalhack to offer coding classes for children beginning in 2019. Three free health screenings are held every month. Ten thousand teens participate in about three hundred programs. Working to offer more tech topics are like the robots; the kids really like to use these.

The actual cost of an actual book has not gone up that much since 1990. It was about \$19.95 in 1990 and it's about \$29.95 today. Today in addition to buying the book, we buy the electronic version and the downloadable eBooks. A hardcopy book might cost \$14.00 but the eBook could cost as much \$85.00. The downloadable books are about \$100 per book. The MLC collectively spends about a hundred thousand a year and then an additional fifteen hundred to two thousand in U City for the subscription use services. In 1990 there was one mainframe computer and several dump terminals that ran the integrated library catalog for tracking everything. Today we have forty-six computers including Chrome books, laptops and early learning tablets for people to use.

The goal is to maintain and expand the services we have now to meet the needs of the community, perhaps adding a new service called Kanopy for streaming movies. A grant was recently received to install software to assist those with visual disabilities so they can use the computer. Also, all of the technology is somewhat grant funded but it does not cover all of the cost. We have a lot of outdated equipment such as the electronics and telephone equipment. Re-cabling is needed; we are currently using the max.

The building is great but the brick increases the cost of doing upgrades such as the bathroom doors, which need to be replaced to be ADA compliant. More storage is also needed for items that we need.

The Director will be asking the board to consider a ballot issue to ask the voters for an additional twelve cents per one hundred of the assessed valuation of property taxes to be used for building renovations, and keep and improve the level of services offered today. The other possible option if the tax increase is not approved; is to cut hours and services at some point in time. And not make some of the necessary repairs to the building. There are

problems with the exterior of the building and the ceiling and other parts of the building need to be sealed and repaired. The HVAC is another big issue.

Two focus group meetings have been held at the library and three more are scheduled, then there will be some focus groups held out in the community. People can also respond and provide feedback on the website.

Director Wall stated that was the end of his presentation, the Board wanted City Council to know what they were thinking and to answer any questions.

Mayor Crow asked if the Board was managing everything themselves or if they were receiving help or guidance elsewhere?

Mr. Wall stated they talked with Jones and Palzola, a local group, who helped them do a survey. It was determined that slightly less than 50% hard yes supportive and about 73% all together.

Mayor Crow asked for clarification that twenty-eight cents is currently being collected and if this levy was add an additional twelve cents?

Mr. Wall stated yes the current voting ceiling is twenty-eight they are seeking to go forty cents.

Mayor Crow asked what the budget is was for all the items?

Mr. Wall stated they talked with Stifle and they think it's about seventy-five thousand to borrow a million dollars on a certificate of participation. It would be a couple of million to complete the work that is needed (bathrooms, carpet, re-lamping, phones, alarm, parking, rewiring for high speed access etc.)

Councilmember Clay apologized for being late and then asked when was the last time that the Library went out for any of initiative?

Mr. Wall stated it was 1990

Councilmember Clay asked if that was the last time for any major renovation was done?

Mr. Wall stated they received a library services and instruction grant, which allowed for renovations to the elevator in 2000. The roof was done in 2009-2010 (about \$400,000) and a part of the HVAC system was replaced by taking money from the reserves. They have been spending out of the reserve more than they want trying to keep up the pace.

Councilmember Clay asked if they are loaning out technology?

Mr. Wall stated they have about 25 tablets to loan. In caparison, Kirkwood has 75, so we would like to have more. They are very popular. They lend telescopes, video cameras and equipment that people can use.

Councilmember Smotherson asked what the plan was for overcrowding and meeting space; are you planning to expand the building?

Mr. Wall said he would love to expand the space but does not see a way to do that. There is a basement that has been used for storage that could be converted to office and meeting space. They are looking to make better use of the current space.

Councilmember Cusick asked for more details on the plan for better heating and lighting?

Mr. Wall stated that the system had been updated once in the past, but it's still basically the same 1969 unit. It can be on or off, you cannot be back and for between cooling and heating. They would like to be able to control different zones. Maybe look at having solar cells on the roof and much better lighting.

Mayor Crow thanked Dorothy and Patrick for coming and wished them the best and offered to assist in moving the project forward.

3. Loop Special Business District

Mayor Crow stated for the record that Councilmember McMahon and Clay are present.

Mr. Rose stated that part of the work plan that Council authorized is a review every board and commission within the City; tonight's review will be of the Loop Special Business District (LSBD) advisory board. The boundaries for the LSBD or the Loop consist of Delmar between Kingsland, and the eastern municipal limits on both sides of Delmar on Kingsland, New Enright, Leland, Melville, Westgate and Delmar.

The purpose of the revenues is to cover the operating expenses and also infrastructure. The sources of revenue consist of all businesses within the Loop with the exception of the Market in the Loop. The real property in the district is subject to an annual tax of eight-five cents per hundred dollars assessed valuation. The funding is to be held in a special account for dispersal to the district with the approval of the City Council. There are no exempt properties with the exception of the Market in the Loop and no properties may receive any kind of tax abatement.

The LSBD has the opportunity to bond and can issue general obligation bonds to incur debt and the revenues that are generated would be used to retire the debt.

The LSBD is an advisory commission. It is created to assist the City Council with the allocation of the collected revenues. The City Council has the sole discretion as to how the revenues of the district are used with the advisory of the LSBD.

The membership is an advisory commission of nine members for a term of three years. For dismissals, if the Council wanted to remove someone, it could only be for neglect or misconduct. Vacancies should be filled as normal. No one on the commission is compensated. The primary focus regarding conflicts of interest is on hiring; you cannot hire relatives.

The Officers of the LSBD consist of the chair, vice chair, the secretary-treasurer; this is considered the executive committee. They must establish bylaws to guide the administration of district. They must have a development plan, which would act more like a work program. They must develop a proposed budget that is provided to the Mayor and Council for consideration. They must provide an annual report to the Mayor and Council and then it is filed with the City Administrator.

Mr. Rose requested the City Attorney, John Mulligan, provide some information relative the LSBD's responsibility as a public entity. Mr. Mulligan stated the LSBD is a governmental body within the meaning of the sunshine law and it is also a political subdivision in the state of Missouri. Therefore they are subject to all the laws that apply to a governmental body; the sunshine law being one of them, so the LSBD has to comply with sunshine law request. There has to be a custodian of records, documents have to be kept, certain record retention laws that apply with respect to public documents. They must comply with the state statues regarding budgets; you must have your revenues and expenses just like City Council. You have to pass an annual budget; in this case the Council approves the budget but the LSBD still has to pass a budget. There are other laws that apply to governmental bodies; such as conflict of interest which would be applicable because members of the commission are

public officers. Generally all the laws that apply to public officers would apply to the commission members. There could also be some specific situation that applies to LSBDD because of its unique responsibilities under the law that may not be applicable to other governmental bodies. There have been some litigations recently where the Judge determined the special business district did not comply with some of the laws. There was a good amount of media coverage and the Judge found there was a conflict of interest and budget laws were not being complied with and awarded attorney's fee to the taxpayer within the district. It is important the LSBDD comply with all the laws applicable to government bodies and political subdivisions. The City's code has a number of provisions to track largely the state statutes regarding the allowable improvements and activities in the district, as well as the items mentioned earlier.

Mr. Rose provided some examples of the kinds of expenditures that would be appropriate for the LSBDD budget:

- Landscaping or special cleaning
- Street and alley maintenance

Mr. Rose stated when the district was created; the idea was that the City would not reduce the amount of revenues allocated to the Loop simply because the district was being created.

NEXT STEPS:

- Confirm the Board members
- Review the Development Plan
- Review the Annual Report

If these plans do not currently exist, we will work with the chair, the vice chair and the treasurer to put those items in place because they are required by state statute.

Councilmember Carr asked Mr. Rose if today's information was just a report on the state of the commission or if Council might ask for some kind of action?

Mr. Rose stated that the review was just part of the review process that we are doing for all of the boards and commissions. If there is a particular direction that Council wants to take as a part of the review process, you are at liberty to provide that direction.

Councilmember Carr stated that she has been supportive of the LSBDD since before she was elected. Every time EDRST funding came up she was supportive and said the LSBDD provided about twenty percent of the tax dollars generated to the EDRST and therefore should get that kind of money back. Ms. Carr handed several documents to members of Council (minutes from May through August, the FY18 budget and also the checking registrar) and asked that Council review the documents. Ms. Carr stated that there is a joint meeting with an organization that is not within the City; which she believes is allowable. However it has been her experience that first you hold separate individual meetings and then you hold a combined meeting. In looking at the minutes, which are generated by the secretary and sent out in a bulletin, there is no clear separation. There's no distinction as to who is present from which board. There are no recorded votes to accept, correct or adopt the minutes. It is much more like a committee meeting rather than a governmental meeting.

Ms. Carr stated that she is also having problems tracking the money trail. You will recall there were riots here a year ago September; there was a degree of fundraising, mostly on the part of people in the Loop and maybe the Chamber of Commerce and a few others. Money

that was collected was to aid the businesses and to work on the public relations. Sometime in June, there was a discussion about taking the “excess funds”. It’s not clearly notated in the minutes but rather in an email discussion for which she was copied on along with the treasurer. There was a decision made in June to use these excess funds toward public relations for the trolley. Ms. Carr questions if this was a conflict of interest? Two members on the LSBDD board, which is advisory to Council, are also on the Trolley Company board. Because the money went toward advertising the trolley and there is no vote of record in the minutes, although the treasurer says it was voted on. The minutes become the record. Ms. Carr expressed that she is very concerned and does not believe enough oversight has been excerpted or done by the City. She stated that maybe the board members do not understand that they are part of a governmental entity that actually advises the Council. They seem to operate more independently and their focus is more on joint activities with the City side of the Loop. Ms. Carr suggests that there be some education and clarification on what their function is. Secondly, she is very concerned about the money. It’s possible that the money might have come from the Urban League for a different purpose. Money cannot be switched around without a vote. Did it need to come back to Council? It certainly wasn’t in the budget. Ms. Carr previously asked for the budget from FY2019 and these are records that should be available and they were not. In the budget information that we have, there aren’t a lot line items, she would expect a little more detail. She would also expect to receive the annual report, which in her seven years, she has never seen neither the budget nor an annual report for the Loop. Perhaps the LSBDD provided but it was never given to Council as part of the Council budget process. Ms. Carr also suggests the LSBDD understand that they are a board advisory to Council and that they have a staff liaison as well as a Council liaison just as all of the boards and commissions. They should understand at least procedurally what they should be doing. If they don’t have a person to keep their records, they should ensure that all their records come to the City. Most of the boards and commission send their records to the City Clerk. Ms. Carr referenced the election for board members and she is not aware of anything in code that says there will be or should be an election. This should be clarified somehow; maybe the process is accepted this year, but it should be very clear that the Mayor appoints with approval of Council.

Mr. Rose stated that going forward the focus will be on ensuring that we provide the LSBDD with the assistance that will be needed in order to confirm that they are in compliance with our codes and state statues. You will see a shift as to what information will be provided to the Mayor and Council in the future.

Ms. Carr stated that she would like to see minutes that reflect what this board is doing independently of the joint board; the business of this board should be clear in the minutes.

Councilmember Cusick asked Mr. Rose if the LSBDD had submitted an annual report and if so, has it been reviewed and are they available for Council review?

Mr. Rose stated that staff has not been able locate the reports if they have been submitted. He intends to work with the LSBDD to ensure they provide those reports in the future.

Ms. Cusick asked when was the LSBDD formed and if they had ever submitted reports? Mr. Rose/Mr. Mulligan stated they believe the last report found was from 2000.

Mayor Crow thanked Ms. Carr for providing the minutes, budget and check registrar for discussion. He stated as the audit moves forward, there will a review of a number of funds and the LSBDD fund will be included in the process. Regarding the election process, he stated that he is not sure how that came to be or if it has to be authorized or if it’s prohibited.

He was given information reflecting the nominees that were submitted to the former Mayor and then they were presented to Council. He stated the election process may not be the best way to do it, but it's probably been that way since it started back the 80's. Clearly we would like to see more structure than we have seen in the past but we also need to realize that some of the people are running businesses and this is one aspect of what they are doing. As we move forward in educating, we should do so in a way that is forward thinking. We need to improve on the issues from the past under previous administrations and make the process better for the business owners. There is a ribbon cutting on Thursday for the Trolley; and although we may have had challenges with the construction, we need to get as many citizens as possible to ride it to support the businesses. A lot of businesses just made it through and the hope is that this will be another ignition point for the Loop and the business development.

Ms. Carr thanked all the people who serve on all the boards and commissions. She reiterated that they need the education because she does not believe they realized that they were a part of government and that they should be doing something differently. She does not see that as a hardship.

Mr. Rose recognized Mr. Schoomer and reminded everyone that during study sessions the Council does not open the floor to public comments.

Adjournment

Hearing no further discussions, Mayor Crow adjourned the City Council Study Session at 6:16 p.m.

LaRette Reese
City Clerk