

**UNIVERSITY CITY COUNCIL
STUDY SESSION
5th Floor of City Hall
6801 Delmar
November 13, 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 Tuesday, November 13, 2018. Mayor Crow called the Study Session to order at 6:30 p.m.

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

Councilmember Steven McMahon
Councilmember Paulette Carr
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Stacy Clay
Councilmember Bwayne Smotherson

Also in attendance was City Manager, Gregory Rose, and City Attorney, John F. Mulligan Jr.

2. WASHINGTON UNIVERSITY - (2015 ADVISORY BOARD REPORT)

Requested by the Mayor and Council

To tee-up this discussion, Mayor Crow stated there are times in a relationship when adjustments may be necessary. Wash U takes up a great deal of time for members of Council in the 1st and 2nd Wards. And over the past few years, it has become apparent to every member of this Council that the number of calls received regarding construction, parking, variance requests, code violations, and the number of dispatches for police and fire from non-taxpaying residents, have increased. Every now and then, you just get tired. And while there are certainly some fiscal concerns, he thinks fatigue may be a major part of what Council is finally starting to experience.

He stated Wash U is a good neighbor that is integral to the fabric of this community. So this should not be considered a session to simply air grievances but rather, to discuss how U City and Wash U can become better neighbors. Mayor Crow stated his hope is that the Task Force Report and Recommendations before Council will frame a part of tonight's discussion and give Council a pathway forward.

Mayor Crow thanked everyone in attendance and reminded those in the audience that the agenda for Study Sessions is not designed to allow for public comments.

Councilmember Cusick stated tonight's Study Session represents the continuation of a process that began in July 2015, when the U City/Wash U Task Force submitted their final report to Council. This a comprehensive report, spanning 62 pages that addresses some very important issues. Wash U owned property in U City is, for the most part, tax-exempt, and the monetary losses from these tax-exempt properties place an undue burden on taxpayers who are ultimately, underwriting the education of Wash U students.

Question:

1. What impact does Wash U students and Wash U owned properties have on U City in general, and specifically, its ability to provide essential services to its residents?

Recommendations:

1. Impact Study. Mr. Rose has made a strong case for the necessity of an Impact Study and Wash U has agreed to pay 50 percent of the cost. Therefore, he would suggest that Council allow Mr. Rose to proceed based on the following criteria:
 - *That the consultant has experience in conducting impact studies that specifically investigate the relationship between a substantial not-for-profit entity and the potential impact it can have on the municipal area in which it operates.*
 - *That Council be provided with an overview of the consultant's background, to include examples of the work previously performed.*
 - *That the consultant be independent of Wash U.*
 - *That the consultant be provided with a copy of the U City/Wash U Task Force Report to be used as the basis for their study.*
 - *That the consultant be charged with reviewing all questions posed in the original report, as well as those identified by Council.*
 - *That the consultant be made aware of their responsibility to advise U City about any and all issues impacting the City that may not have been previously disclosed.*
 - *That the Impact Study be completed within 90 days.*
2. The formation of a Task Force or Standing Committee to review and make recommendations regarding the results of the Impact Study.
3. That Council immediately begins to examine the following issues for which they have direct control over:
 - *City Codes*
 - *The enforcement of City Codes*
 - *Zoning Ordinances*
 - *Parking & Occupancy Permits*
4. The Privileged License Tax. Although not-for-profit organizations are eligible for exemption from a number of taxes municipalities are authorized to levy, one exception is the Privileged License Tax. This is an excess tax levied on the privilege of conducting a particular trade or business.
 - *Council should explore the feasibility of creating a new Privileged License Tax category for specific not-for-profit activities, and the possibility of levying existing taxes based on quasi-commercial activities similar to those paid by for-profit entities.*
5. Reassessment of the Parkview Garden Neighborhood Sustainable Development Plan.
6. Review by City Attorney. Council is encouraged to submit pertinent questions to Mr. Mulligan via the City Manager in order to obtain his legal opinion on issues associated with this matter.

While Council is exploring these options and to avoid any contractual or inappropriate consequences, Councilmember Cusick respectfully requested that the City Attorney only provide legal advice or opinions in a closed session, whenever such advice is deemed necessary. He stated his belief is that this issue warrants further discussions during the course of the Impact Study, and therefore, would welcome any questions or comments from his colleagues.

Councilmember Carr stated she has been married almost 42 years and she can recall that the first time she sought out a marriage counselor she said, *"My husband needs to change"*. And the counselor's response was, *"You cannot change him, you can only change yourself. And if you can do that, then he might be willing to change, too."* And that is the same position she believes U City is in now. If this City can change its behaviors, more than likely, it will find itself in a happier relationship with Wash U.

Recently, at the request of Wash U, the City changed its Code to accommodate the COCA parking lot; even though it was roughly only one-third of the parking that should have been provided. So enforcement of the City's existing codes is paramount not only to parking but to occupancy as well.

1. Should some of the buildings occupied by Wash U be classified as an apartment or a dormitory?
2. Does the City's Code provide a classification for dormitories?
3. If so, what does it entail with respect to fees and inspections?
4. Are there instances where more than three unrelated people reside in the same residence?

Councilmember Carr stated it is a foregone conclusion that U City is the bedroom for Wash U, and as such, they should be regulated in the same manner this City regulates its residents who pay taxes.

People have asked, *"What do you think Wash U is going to be doing in the next ten or twenty years?"* And what she can tell them for certain is that what they are going to be doing is laid out in the Parkview Gardens Plan. Councilmember Carr stated despite the fact that the recent changes to adjacent areas may not permit Wash U to execute their plan to turn roughly one-third of Ward 2 into a private, residential enclave, Vernon will become a thoroughfare. And that is something this administration needs to take a look at. There is also a need to look at this plan in terms of what Wash U has planned for U City and the City of St. Louis. Councilmember Carr stated she has been told that should Wash U give consideration to the implementation of a pilot program, that program would have to be implemented in all three municipalities in which they are located. That information begged an inquiry into exactly what Wash U does for all three municipalities?

- U City gets \$90,000, plus the proceeds from various parking meters, which totals approximately \$114,000.
- Clayton, who maintains the unincorporated areas of their main campus, gets roughly \$300,000 for providing services associated with Fire and EMS.
- St. Louis City gets an earnings tax. As a Class A City, everyone who works or lives in the City pays 1% of their income to an earnings tax.

Councilmember Carr stated she provided two articles for her colleague's review. The first article, which states, *"Wash U chips in to protect the City's Earnings,"* was published in 2010. It goes on to state that, *"Many, but not all, Wash U employees pay the earnings tax. While the main campus straddles the City line, some of the University's highest-paid employees; the doctors and medical school staff, work in the Central West End. What's Washington U's stake in the earnings tax debate? If the earnings tax is repealed City Hall may have to look for other ways to recoup the revenue, such as asking tax-exempt institutions like Wash U for some type of payment in lieu of taxes."* So just by virtue of the fact that Wash U employs many people within the City, the City of St. Louis make a substantial amount of revenue. And that does not include the Cortex investments or the East Loop; which is one of the larger TIF areas.

The second article gives her, as well as others inspiration; *"Clayton Officials Reject Wash U's Plan for More Beds"*. It was very simple for them; if you do not provide the requisite parking, you may not increase the number of beds. However, this also begs the question of why U City has not taken this same stance?

Councilmember Carr stated, in this case, Wash U brought their bedrooms to U City; not incubators or businesses, so it's time for us to consider what we need from them. She thinks U City's work should evolve around enforcing the code, making sure the code adequately covers existing issues and gaining a better understanding of what this future relationship should be. And while that might be a difficult thing to do, she is convinced that more property will be acquired. In fact, an Alderman in the City is starting to complain because the properties being acquired by Wash U are some of their more valuable properties. Well, U City has some pretty valuable properties too, and these are the types of things that must be considered going forward. When you take valuable properties off the tax rolls more and more of the people with the least ability to pay will continue to subsidize essential services simply because of these not-for-profits who make minimal contributions and huge demands.

Mayor Crow made the following observations:

- Some of the recommendations made by Councilmember Cusick may fall more within the purview of the City Manager rather than Council;
- A 90-day deadline on an issue of this magnitude may not be sufficient;
- Having a shared investment in this study is good because it is likely that neither party is going to be totally satisfied with the outcome, and
- While the report prepared by the citizen-led Task Force should be made available to the consultant, it should be offered as more of an overview, rather than a baseline.

Mayor Crow stated he is in total agreement with Councilmember Carr's comments regarding the need to uniformly enforce the City codes. Over the years, numerous requests for exemptions have been made, however, at this point in time; he believes Wash U knows that such approvals may not be granted as often as they have in the past.

His belief is that this study will present this administration with an opportunity to establish a more balanced relationship, as well as a partnership, that can be optimized in a way to help the City achieve some of its major goals; like the Olive/170 Redevelopment Project. It's no secret that the 10 million dollars to secure housing in the 3rd Ward, and the 5 million dollars to support businesses along Olive, is not enough to accomplish everything this administration would like to see happen, so there is a need to develop new tactics that will enable us to leverage these dollars even further.

For example; Ackert Walkway is utilized more by Wash U students than it is by the City's taxpayers. So moving forward, there should be a clearer vision of cost-sharing for some of the City's public works projects that benefit Wash U. Mayor Crow stated this simply requires a change in our thought process. And as this administration strives to peel back this onion; with guidance from the Impact Study, he believes it will reveal an abundance of unique pathways and ideas that will assist the City in accomplishing its goals in a more efficient manner.

Councilmember Clay stated coming in with somewhat fresh eyes, he would certainly like to acknowledge the work performed by Councilmember Carr and others because as the Mayor has indicated, neither party is going anywhere. So this is definitely a relationship U City must learn how to creatively embrace. However, based on conversations with his constituents and fellow Councilmembers, it seems like there are two issues; one tactical and the other strategic.

Tactical being the everyday, nagging types of issues, like parking and the endless construction projects. And while both he and Councilman Smotherson do not necessarily bear the brunt of these issues, as a part of this community they certainly feel everyone's pain. But from his perspective, part of the solution revolves around how U City should address these everyday kinds of living/working issues?

And then, to the strategic theme; how do we craft and ask? Councilmember Clay stated although he may have missed something while reading the report and other documents, it appears as though U City has never come forth with and ask, i.e., here is what we want? Perhaps, this will be the fruit of the consultant's process, but he thinks it is the one thing needed at a strategic level that seems to have been omitted.

Councilmember McMahon stated although he agrees with Councilmember Carr's proposition about the need to look inward at what this administration can do on its own, he does not necessarily view this as an issue associated with U City's affiliation with Wash U. It's merely something this City should have been doing all along. There is a standard process that should be carried out uniformly for both residents and Wash U students, and if these rules are not being enforced then why do we even have them? Councilmember McMahon stated as U City moves forward with its plans for redevelopment, these past practices could present a major problem when a new organization comes in looking for special considerations. It's a fairness issue that needs to be addressed, so it's imperative that we get our house in order; even if it impacts Wash U.

Councilmember McMahon stated once this administration reaches a specific point in the internal process, staff may need to reach out to Wash U for support to help them identify which students are on a lease at the home where a resident reports seeing five cars parked in front and eight people walking out every morning with backpacks. So, there will be many asks; some small, some big, but that's the kind of thing a neighbor can ask another neighbor to do once a continuous dialogue has been established that allows them to work together.

Councilmember McMahon stated he is also in favor of the Impact Study and believes that the City Manager should be allowed to pick and choose those recommendations he believes are relevant.

Councilmember Smotherson acknowledged that the 3rd Ward's perspective on Wash U's impact was somewhat different. He stated he has always believed that Wash U's discretion to reveal their future plans was only problematic because U City did not have a plan. And that if and when a plan was developed that conflicts with their plans, there is no doubt in his mind that Wash U would be more than willing to come to the table. So perhaps, a part of the plan this Council is starting to put into operation with respect to the redevelopment of Olive should be to reach out to other universities, like St. Louis U, or UMSL, who also have a number of Asian students.

Wash U also has a housing program where they offer financial incentives to its employees who purchase a home in the 3rd Ward. Councilmember Smotherson stated he believes the main reason for this program is that unlike some of the unprotected neighboring communities U City has well-established Police and Fire Departments. Therefore, public safety is another area where the City should begin to look at cost-sharing.

Councilmember Hales stated he is very much in agreement with Councilmember Smotherson's comments regarding public safety. However, he's also been very clear about the fact that the most prevalent issue brought before the Traffic Commission, year after year, has been parking. As a result, a number of long-invested constituents from the 1st Ward have expressed frustration over the profound changes in the character of their neighborhood. Many of which now have multi-family buildings housing two or three people, with perhaps, two or three cars per unit. So, on a six-family unit that could be roughly fifteen cars for a building that was built to only accommodate six. Councilmember Hales stated with the growth of Wash U that is to be somewhat expected, however, one of the things they could assist the City with is help in determining how many vehicles and students/employees are coming into our neighborhoods.

Councilmember Hales stated for him, the starting point with respect to addressing enforcement of the zoning codes is to look at what currently exists, in order to determine exactly what the next steps should be. And somewhere down the line, he would like clarity on whether there are any sections in the code that address dormitories; how they are defined, and the number that currently exists in residential neighborhoods.

Councilmember Carr stated she would like to acknowledge that two members of the original Task Force are present tonight; Christine Albinson and Todd Swanstrom. She then asked Councilmember Smotherson if he was aware of how many of these subsidized Wash U employees actually live in the 3rd Ward? Councilmember Smotherson stated that he did not have that information.

Councilmember Carr stated in 2012 when she asked the Director of Community Development if they could put together a map and list of Wash U properties, their response was to look it up on the County rolls. And that lack of simple cooperation seems to have set the tone, irregardless of the fact that she often hears how much Wash U does for U City. But the truth of the matter is some people do things altruistically, while others do things for their own self-interest. And when you look at the sculptures in the park established 30 years ago; a venue for Wash U students that this City pays for, Wash U kicked in \$400.00. They support our schools, but they also benefit from the laboratory established for Wash U students. And as clearly described in the Subcommittee 3 Report, the Parkview Gardens Plan does not necessarily involve U City. So in her opinion, this relationship is not only unbalanced, but when you look at the scale of altruistic versus self-interest, it appears to fall much closer to self-interest on the part of Wash U. And while the Subcommittee 3 Report proposes road paving, negotiated service fees, and assistance to the school district as the types of assistance Wash U could provide, there are certainly other things that can be done. Councilmember Carr stated none of this is new. So when the question was raised about strategy, the answer is yes, there have been asks. She has repeatedly asked about issues related to parking, and yet, the parking requirements for Parkview Gardens were nearly cut in half of what it was. And Wash U students now elect to park on the City's streets and lots designed for commercial activity; for weeks at a time, rather than pay the high cost of parking on Wash U's lots. So yes, there have been asks, the problem is that they may not have been organized.

Councilmember Carr stated things have really changed since last year's election and this is a completely different environment where everyone manages to work together even when there are differences of opinions. But prior to April, that was not the case and things happened that some members of Council were not aware of.

When Wash U built lofts in Ward 2, two segments of the building were commercial or mixed-use, because the parking demands for a commercial property were less stringent than those for residential. The vast majority of the lofts were located in St. Louis City, but U City had one small section; the Peacock Cafe. The agreement was that Wash U would pay taxes on the commercial portion of the lofts; however, what she found out two years after it was built was that St. Louis City had been receiving \$60,000 a year, while U City received nothing. This is a perfect example of where U City should have approached Wash U to make certain they had a clear understanding of their responsibility to work with the County Assessor to ensure this agreement was carried out.

In the end, it is this administration's responsibility to develop a comprehensive approach. And while this report certainly lays out a fairly comprehensive plan, her wish list might include jobs, an incubator, training; which is definitely in their wheelhouse, or even the formation of scholarships; things that make Wash U look great, while yielding significant benefits to this community. Councilmember Carr stated her end goal is to change this from a parasitic relationship to a symbiotic relationship where both parties benefit.

She stated this is the best report that has ever been produced in U City, and she would like to see the fruits of this labor incorporated into everyone's end goal.

Councilmember Hales stated something of real concern that should become a part of the dialogue going forward, is Wash U's anticipated future needs with respect to additional buildings/housing, or whether they are still content with the proposed Parkview Gardens Plan.

Councilmember Clay stated he likes the way Councilmember Carr has framed things in terms of a comprehensive ask. Because outside of these confines each of us are just individual members of Council kind of doing their own thing, and that seems to be the way Wash U has made outreach to all of us. But when we unite and speak as a Council, that's when we have real power and accountability attached to our message. So, his hope is that within this process Council will undertake Councilmember Carr's suggestion of a comprehensive ask in whatever form everyone agrees is necessary because that's certainly what Wash U is going to do. They are very clear about their intentions and unless there is a compelling argument he does not think they will deviate from those objectives. Now, while that's not necessarily a good or bad thing, it simply is what it is. So we need to be similarly resolute, which will only happen if we act collectively.

Councilmember Carr stated the one thing she has been talking around, is the fact that U City prides itself on delivering, maintaining, and hopefully, improving the essential services it provides to residents. And as more and more properties are taken off of the tax roll it is becoming even more difficult for homeowners and property owners to pick up the extra monies needed to retain these services. Some residents already have to choose between flood insurance and food on their table. And if their house is in a floodplain the wealth they once had, is now frozen because they can't even sell it. Councilmember Carr stated it's also difficult to ask for a tax increase because U City taxes are already so high. And when people find out that the school district receives roughly 69% of their tax dollars not only are they shocked, but it becomes even more arduous for the District to get what they need; let alone the City, who only gets about 8.8 % in taxes. So the burden really has been shifted to the taxpayer.

Councilmember Carr stated she is simply not happy with continuing to pick up the tab or as Councilmember Cusick put it, "*Underwriting students' education*". And while her hope is that this Impact Study will provide a clear direction for the type of relief needed, at some point, Council will have to take this into account and make a decision about what lens Wash U's tax-exempt properties should be viewed through.

Councilmember Carr stated another thing this Council should be made aware of, is that on several occasions she's been informed that Wash U has put some of their properties on the tax rolls. Primarily, this action appears to be the result of renovations made to a property and Wash U's desire to acquire historic tax credits. But in order to meet the necessary requirements, those properties must remain on the tax roll for six and a half years. She stated while it's a relatively small number of properties compared to their total holdings, it raises the question once again, of whether this is truly a shared benefit because unlike the City of St. Louis, U City does not receive earnings taxes.

Councilmember Cusick asked Councilmember Clay if one of his comments was that U City already knows what Wash U's plans are? Councilmember Clay stated his comment was he is quite certain that Wash U knows what their plans are and that they are going to be resolute in carrying them out to fruition.

Councilmember Cusick stated this Council lacks any insight into what Wash U's vision is for U City, but it's certainly something they need to know. He stated from his perspective, the Impact Study is the pinnacle because as Councilmember Carr alluded to U City must continue to provide essential services to this community and the loss of those tax dollars from Wash U properties makes that very challenging. So he also hopes that the study will shed some light on Wash U's impact and demonstrate exactly what it is costing U City annually, in real dollars.

Mr. Rose highlighted what he perceived to be the next steps in this process:

1. The drafting of a letter from the Mayor and approved by Council, to be officially submitted to Wash U seeking their participation on the newly created Task Force and consent to share the cost of conducting the Impact Analysis Study.
2. Formulating the scope of work. Mr. Rose stated this step may require further deliberation since there appears to be an interest in delaying the creation of a Task Force. Typically, this process requires participation from staff, the Task Force, and Wash U. However, an alternative could be for staff to simply work with representatives from Wash U to ensure they have been given an opportunity to provide input into the process.
3. The RFQ. Mr. Rose stated since he is not aware of any companies in MO with the expertise needed to perform this type of an analysis, he would propose to issue an RFQ with a two-week submittal deadline.
4. An updated version of the data collected in the July 2015 Report to Council, to be provided by the consultant selected to perform the analysis.
5. Task Force Objectives. Once the Task Force is created their goal shall be to review the Impact Study and identify whether there are any negative fiscal impacts associated with Wash U. If fiscal impacts are identified, the Task Force shall make a recommendation to Council on how those impacts can be mitigated. If no fiscal impacts are identified, the Task Force shall make a recommendation to Council on areas where the University and City can create partnerships; i.e., safety, infrastructure, and economic development. All of these areas are important to the City and represent a mutual interest for the University.

Mr. Rose stated what tends to happen after great ideas are brought forth is a failure to execute. So, once the recommendations are presented to Council he would like to see at least a fraction of the Task Force remain intact for a period of time to make certain these recommendations are carried out.

Councilmember Carr asked Mr. Rose if a part of the process was for the Task Force to assist staff and Wash U in defining the scope of work for the consultant? Mr. Rose stated that is correct. Councilmember Carr stated she can recall appointing a Task Force where they were given six months to complete the project, and it took them over a year to get it done. So, has a timeframe been established for completing this work? Mr. Rose stated based on his experience, it has never taken more than 30 or 60 days to establish the scope of work. And since so much work has already been performed there should already be a general idea of what it is they need to look for, which means that it should fall within the 30-day timeframe.

Councilmember Carr asked Mr. Rose, (1) how he would determine which members should remain on the Task Force, and (2), how he planned to achieve compliance on the recommendations? Mr. Rose stated while the definitive answers to these questions would have to be flushed out moving forward, he thinks the compliance component will depend on what type of recommendations are made; which in part, might also determine who remains on the Task Force should Council even decide that one is needed.

He stated the other advantage of having a Task Force is to address issues that might emerge throughout the year. Having a group readily available to assist staff with vetting issues that might arise, and perhaps in doing so, create an extra layer of communication, would help to eliminate last-minute surprises.

Councilmember Carr stated part of that element of surprise comes from the withholding of information, not because we've gone to sleep and then suddenly wake up and notice something has changed. She stated she does not necessarily believe in having multiple layers within an organization. U City already has twenty Boards and Commissions and it sounds like some of the things that might need to be looked at would fall within the purview of one or two of those Commissions. So based on those grounds, she does not understand the uniqueness or the end game of this Task Force. Mr. Rose stated while it's merely a suggestion, what he is trying to achieve is an upward flow of communication, so that instead of always reacting to a situation, they can improve outcomes and realize greater success.

Councilmember Cusick stated he would have to agree with Councilmember Carr since he is also concerned about the time all of this will take; the City already has a very comprehensive study, and this is something Council and staff, need to move quickly on. So perhaps, there is another way to develop the scope of work because he does not see the benefit of creating a Task Force.

Mayor Crow stated this is where he would disagree; time is not of the essence because this is a marathon. This report has been out for some time and it is through no fault of any member of Council sitting here that this report got put into a desk. But now that it's been brought back, the process needs to be handled the right way, and means getting buy-in from the community and Wash U. And if some of his colleagues believe that a Task Force is not necessary, then the burden is going to be shifted to this Council to do an awful lot of this work. And quite frankly, he does not think Council is the right group of individuals to perform these tasks.

Mayor Crow stated he has been on Council for ten years and this is the first time there has ever been a substantive conversation about this relationship. So while he would commend everyone for the professional and respectful manner in which this has been handled, and he does not want to do anything that would unnecessarily extend this process out even further, he is not in a rush. Mayor Crow stated he believes the contents of the 2015 Report need to be refreshed, and that a group other than Council be appointed to help move this forward and make sure this administration gets the ask right. The best way to move forward with Wash U is to very methodically think this thing through. So he hopes this body will allow the City Manager to move forward in the manner outlined, and at a pace, he is comfortable with.

Councilmember Hales stated although the City has a relatively new Zoning Commissioner and he is aware that this Department has been very taxed with a lot of issues, he thinks there would be some value in reviewing page 34 of Subcommittee 3. He stated he would agree that this is a marathon and that he has been thoroughly impressed with the new Commissioner. So he would be interested to hear his thoughts about this section which addresses what the City's codes are and whether they are being enforced based on the intent of the codes and ordinances established to address some of these issues.

Councilmember Carr stated she believes Council can both walk and chew gum at the same time. So while the City Manager is looking at creating a Task Force and the Impact Study, Council should be looking at compliance and zoning.

She stated she is not willing to take anything off the table because whatever it takes to get this City to its end goal is exactly where she needs to be. However, she does think time is of the essence because here we are eleven years later trying to manage a vastly different game. And if this administration had been paying attention in 2007, they might have been able to make some different moves.

Councilmember Carr stated she is also not willing to write this report off because there were some very talented and highly educated people; like Todd Swanstrom, one of the leading public policy professionals in St. Louis, who brought a great deal of expertise, experience, and their time to the table. Therefore, she would like to thank this committee for giving Council something substantive to think about.

Mayor Crow stated he thinks in this particular instance, when you're using the pronoun "we," the third-person or outside group you're referring to needs to be clearly defined because if you're talking about the Department of Community Development; which is responsible for various aspects of zoning, you've got an understaffed area that's working on a lot of other projects. Mayor Crow stated he understands that this administration may be coming to a point where the rubber meets the road, and while most people can certainly walk and chew gum at the same time, a lot of staff members may say that their plates are already full. So, at some point, this Council needs to examine its use of "we" and give serious strategic consideration to exactly how "we" can move forward with some of these projects.

Mr. Rose stated if Council views this as being one of its highest priorities, then most likely, he will need to make some modifications to the approved Work Plan by pushing some of the planning and development projects scheduled for this year to the following year. He acknowledged that staffing was in fact, very lean throughout the entire organization; however, he would be willing to take a look at the Work Plan and present some recommendations to Council.

Councilmember Carr stated she certainly understands that staff is lean, but her comments were based on her knowledge of some people that have the time and motivation to dig into the zoning aspects of this project. She stated she's not afraid to put another thing on her plate and knows there are others that feel the same way. So no, she is not waiting for staff to do it, simply because she's never really had the opportunity to do that.

Mr. Rose stated his comments regarding the need to make modifications to the Work Plan were premised on the capacity to postpone projects that have not been initiated. For instance, the visioning process and update of the comprehensive plan will take a great deal of time to complete and may encompass the need to update the City's Zoning Codes. So what he will likely recommend is that they both be pushed back to next year in order to focus on this issue which seems to have a higher priority.

Mayor Crow asked Mr. Rose if would clarify what he believes would be the next steps for this body? Mr. Rose stated if Council is in agreement, staff will move forward with drafting the letter to Wash U, which will then be placed on the consent agenda for final approval prior to its delivery.

Mr. Rose stated he could move forward with developing the scope of work, although he still believes it will be important to work with the Task Force; even if it's only for a finite amount of time, to resolve its accuracy. Therefore, he would ask that Council give strong consideration to moving forward with the appointment of a Task Force. Mr. Rose stated he

also believes that bringing Wash U in at the beginning of this process and gaining their input is a good way to start.

During this process, Councilmember Cusick questioned whether the Zoning Codes or any related questions from Council could be submitted to Mr. Mulligan via the City Manager, for his review and determination on whether any changes are needed? Or perhaps, even an outside counsel could be utilized to perform this task if Mr. Mulligan does not have the time to conduct such an exhaustive review.

Councilmember Carr stated at this point, she thinks the first step would be for Council to establish a subcommittee to review some of the day-to-day zoning issues they've been made aware of, and then submit any questions that arise during that review to the City Attorney. She stated while she is willing to step back and take the position of allowing time for the creation of a Task Force and Impact Study, she is unwilling to sit back and wait to address some of the current issues associated with the City's zoning and enforcement policies.

Mayor Crow stated he possesses the same passion that all of his colleagues have when it comes to this issue, but at this point, he would ask Council to take a short pause and carefully think all of this through. If there is a need for staff to modify the Work Plan in order to effectively address this issue, then that's what should be done prior to placing any other demands on staff. He also thinks it is important for this City to enforce its existing codes. So he would like to hear Council's thoughts with respect to Councilmember Carr's suggestion to create a subcommittee, along with ideas about a timeline, its purpose, and potential members.

Councilmember McMahon stated while he would also agree that this is a marathon, he thinks it should be executed with deliberate speed to ensure this process continues in the right direction. And although he does not have a problem with the suggestion of a subcommittee, he believes that Council would be jumping the gun if it passed this along to the City Attorney. He stated it is Council's responsibility to identify the City's policy considerations evidenced within the Ordinances; determine how they are impacting residents; whether they need to be changed, and then make the policy decisions necessary to rectify or mitigate those problems; which at that point, will probably require the assistance of counsel.

Councilmember Clay asked if the subcommittee would be charged with taking a comprehensive look at the City's Zoning Ordinances or only those policies germane to Wash U?

Councilmember Carr stated her vision is that the subcommittee would consider things like parking within the Parkview Gardens Plan; identifying a clear definition for dormitories and their impact on neighborhoods; how this City can continue to absorb the sheer number of properties taken off of its tax roll, and their impact, if any, on the Zoning Codes. These are the kinds of things she would like the subcommittee to discuss and bring back to Council as a whole, prior to addressing any legal issues that ultimately may have to be resolved by the City Attorney. So their charge will not include a broad overhaul of the codes, which in her opinion, resides with staff, the Plan Commission, and others.

Councilmember Hales stated he actually thinks that the subcommittee makes sense because he has spent an inordinate amount of time looking at the Zoning Codes and trying to understand them in the context of the complaints received from constituents; particularly as it relates to Wash U. However, in his opinion, this process should initiate with the City Manager who can address questions and lay out specific sections of the code related to zoning for the subcommittee to explore in a more in-depth fashion.

Mr. Rose stated his recommendation would be more along the lines of what Councilmember Hales has articulated. Because he thinks the most efficient way to initiate this process would be to present staff with any questions or issues of concern regarding the code and let them conduct a preliminary analysis that would then be forwarded to Council. And after reviewing that analysis Council could make a determination about what type of subcommittee would be appropriate.

Councilmember Carr stated these recommendations put a lot of additional work on the City Manager and she has already identified three specific areas that need to be reviewed. So at this point, she is not willing to give this away or postpone taking any action for six months to a year. Councilmember Carr stated the fact that she is 70-years old and watching one of her good friends die, has made a huge impact on how she views the importance of getting things done. So she can readily admit that she probably has a bigger push than most of her colleagues who are half her age. Consequently, she would like to see several members of Council get together and initiate discussions; much like what occurred with Council's Rules, and if the City Manager would like to participate on the subcommittee he is certainly welcome to do so.

Mayor Crow noted that the Rules Subcommittee was created by the Mayor, and comprised of the Mayor and three members of Council. So in order to move forward, his question is whether everyone would be comfortable with the selection of one Councilmember from each Ward participating on the subcommittee? (*Mayor Crow acknowledged Council's consensus.*) He stated in the meantime, he and the City Manager will work on drafting the letter to Wash U, with a goal of rotating it out to every member for review, prior to putting it on the Consent Agenda.

Hearing no further discussions, Mayor Crow stated that he would like to entertain a motion to adjourn the Study Session.

Councilmember Hales moved to adjourn, seconded by Councilmember Clay and the motion carried unanimously.

3. ADJOURNMENT

Mayor Crow adjourned the City Council Study Session at 7:56 p.m.

LaRette Reese
City Clerk