

**JOINT STUDY SESSION
OF THE UNIVERSITY CITY COUNCIL
AND THE
SENIOR COMMISSION AND INFILL REVIEW BOARD**
5th Floor City Hall
6801 Delmar Blvd.
October 14, 2019

AGENDA

Requested by the City Manager

MEETING CALLED TO ORDER

The Joint City Council Study Session was held on the fifth floor of City Hall, on Monday, September 23, 2019. Mayor Terry Crow called the Study Session to order at 6:33 p.m.

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

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

Senior Coordinator Marcia Mermelstein
Commissioner Wayne Flesh
Commissioner Karl Reid
Commissioner Gloria Nickerson
Commissioner Kathy Straatmann
Commissioner Elaine Henton

Also, in attendance was City Manager, Gregory Rose; City Attorney, John F. Mulligan Jr., Director of Parks, Recreation and Forestry, Darren Dunkle, Deputy Director Parks, Recreation and Forestry, Lynda Euell-Taylor and Senior Coordinator Marcia Mermelstein.

Mr. Rose asked Council to move item J2 on the regular agenda to the City Managers Report.

Mr. Rose stated that there were two items on the agenda; the first item regarding that Infill Review Board's (IRB) operations will be conducted by the Planning and Development Director Clifford Cross.

Mr. Cross stated that the IRB is not a true Architectural Review Board (ARB). As part of the Comprehensive Plan staff will review the ARB processes. Tonight, we will review the background of the IRB.

Background:

- ▶ Established January 30, 2006 (Ordinance 6617 – Bill 8851)
- ▶ Created primarily to address inability to enforce design standards, specifically the standard of the HOA's
- ▶ Comprised of 10 members; 7 members appointed by City Council and 3 can be appointed by the Planning Commission
- ▶ 3 Year Terms

- ▶ The goal is to have one Architect and one Landscape Architect if possible
- ▶ They field concerns of neighboring properties to ensure conformity for the neighborhood in which a development is going to happen. They are primarily there to address residential development. As the Ordinance reflects that they are not there to address any commercial developments.
- ▶ IRB act's as an Advisory Committee (Ordinance Clarifies), they have no regulatory authority. They act as liaison when there's a development within an area of the City that is not regulated by the Historic Preservation District or part of a site review.

What is reviewed as part of the process?

- ▶ Examine applications for residential subdivisions and permits associated with building construction
- ▶ Achieve general conformity with neighborhood, like the Historic Preservation with the exception that they have no regulatory authority. They hear the concerns of the neighbors to ensure consistency with the neighborhood
- ▶ Review subdivision (division, consolidation, reconfiguration)
- ▶ Review new construction that is associated with a demolished home including any verified demolished within a 3-year timeframe
- ▶ Factors considered are: Roof Geometry, Materials, Façade, Fenestration and Landscape. These are all types of architectural standards seen as part of a HOA's adopted indentures that the Trustee will review as part of the process

What is the process for Case/Hearing?

Not every application will need to go before the IRB.

- ▶ Zoning Administrator reviews application and determines if it meets the notice requirements of the IRB; if so then:
- ▶ Notices to property owners where the following is the case:
 - ▶ 300 feet with street frontage on same street (along the street)
 - ▶ 150 feet within subject property (in front and behind within 150 feet)
- ▶ If all property owners are noticed and If 60 % of the owners submit a petition within 10 days of receipt of the letter; the zoning administrator will then schedule the IRB meeting to allow for a public hearing. This gives the neighbors the opportunity to come before the IRB to identify their concerns and thoughts for ensuring conformity with their neighborhood standards.
- ▶ Upon completion of meeting, the IRB forwards recommendations to City Manager and City Council

Mr. Cross stressed that the IRB is not a regulatory board nor is it an ARB. They serve as an advisory committee to staff for any development that is petitioned by the neighborhood.

Q. Councilmember Hales asked if Council was being asked for feedback on the current process and/or how we would like to see it modified?

A. Mr. Cross stated that was correct. In planning for the comprehensive plan, the question is whether to have an architectural review board. In order to develop an ARB, you must have a design standard to follow to ensure consistency. This can only happen as part of the comprehensive plan process where they develop form-based codes and design standards for character area (so to speak).

Mr. Cross clarified that yes Council is being asking for their feedback now and in the future; on whether to disband the IRB and move forward with consideration of an ARB in the future or if we should continue with IRB while we develop the new process? He stated the IRB has not met in (7) years, the board would need to be re-established if we want to continue. In the interim, if we get a petition with the 60% response requirement, we plan to take it before the Plan Commission. We had one case where notices were sent out but did not receive the 60% responses.

Councilmember Hales stated that the way it was set up in the beginning was reactionary and requires the residents to get together. He would like to see the process more proactive and setting a requirement for the hearings to take place without the requirement of the residents to petition. In his neighborhood, residents have been upset with some of the developments that have gone in. He would like to see an ARB in the future. He also thinks broadening the scope of notice might be a good idea.

Mayor Crow stated that the burden needs to be shifted from the neighbors back to the developer. Asking the neighbors to get together to get the 60%, it is almost like asking them to beg their neighbors for signatures. He agrees with Mr. Hales, as they live reverentially close to each other, some of the building that has happened on the vacant lots in the First Ward is not conducive to the neighborhood in the slightest; from building materials, to taking over the entire lot, to not matching the housing around them. He stated if we asked if notices were really sent out on some of the homes (before this staff was in place), he couldn't imagine that the neighbors wouldn't have said there is a problem. But really, it's not the neighbor's obligation to organize a petition; it should be the developer, who has bought a home, tore down a home or put up a home that asks how does this work? If it's a process to get to an ARB; so be it.

Councilmember Hales stated that he thinks we should consider additions to homes to go through the process. He knows of a few additions in his neighborhood that had some people pretty worked up. Some where they increased the size of the home by 60% and virtually the entire lot is a home, the materials don't match. So maybe we look at how large of an addition will be added. When you're taking up 75% of the lot with giant home next to homes that are of a different scale; it's a problem.

Mr. Cross stated there are some simple fixes to that issue by amending the zoning Ordinance and reducing the FARs' (floor area ratios) to fit the lot sizes. There are things that can be addressed as part of a form-based code. We can look at some text amendments to get more regulatory control over FARs' and impervious ratios.

Q. Commissioner Flesh asked if there was any responsibility for accessibility; primarily for older adults and folks with disabilities, either in the home and the neighborhood (sidewalks)?

A. Mr. Cross stated the only thing that would control accessibility standards are the accessibility codes in ADA standard that are associated primarily with commercial and federally funded type projects. On individual family homes, outside of the sidewalks that are in the public rights-of-way, we do not have a lot control. The board does not have control, nor does staff where most of the administrative reviews address ADA standards

Q. Councilmember McMahon stated that his understanding of why no issues have been brought to the board is because neighbors were not responding so the board had nothing to do. Members just stopped showing up to meetings and reappointments were never made so it became a Board that didn't have anything going on. He is hoping that we move in the direction of getting something done. He's heard that neighbor's find about a new development when ground is broken, and fence goes up and then they see it; which is much too late. It needs to flip as was discussed tonight. Moving forward; what is the timeframe for getting the IRB moving and having teeth or having an ARB? We are already (7) years past where this has been done, if it's (2) years then we're talking (9) years before anything is done with this?

Mr. Cross stated that if we want to give the IRB teeth, we can do that much quicker than ARB, because the biggest problem will be developing the design standards that are consistent and guiding manual for consistency. Staff can put together some alternatives and ordinance amendments to get a little more control and teeth. Mr. Cross stated he didn't think the IRB would ever have the full regulatory control, but by amending some of the provisions of the current ordinances, we can make sure the neighbors are not as burdened to activate the IRB. If the issue is in a subdivision that has trustees, we can notice the trustees and then they can make the application on behalf of the neighbors. This will ensure that the individuals dealing with the issues are noticed and it allows the developer to know that the City may not have regulatory control, but you are required to follow the indentures of the subdivision or you could be sued.

Councilmember Carr stated there is a concern in a private subdivision in Ward 2; the neighbors suddenly discovered that the new building would not be brick, as many of the homes are, instead it was going to be sided. She believes that the suggestions made by her colleagues would at least put people on notice. She is also concerned about the many public subdivisions, are we to make outreach to them and let them know that something is going to happen so that they can provide their input. She stated as she understands it; this process is for a hearing to allow the trustees and/or the neighbors to provide input.

Mr. Cross stated that was correct. The Ordinance states that they have no regulatory authority.

Councilmember Carr stated that the IRB is advisory to staff but not necessarily to the Plan Commission or anything else; so, it goes nowhere really?

Mr. Cross stated that the only time IRB would come into play would be part of site plan review, or a conditional use permit, but these are for commercial uses. The dilemma for staff is we get a recommendation, but the developer doesn't care if they are meeting the building codes. The question is what teeth do we have to stop it? That puts the City in a position of not approving a permit based on our current codes and regulations.

Councilmember Carr asked if the IRB is reactivated while we wait for the comprehensive plan to develop to standards is nothing more than giving the neighbors the opportunity to be notified?

Mr. Cross stated that was correct at this time. He stated he could research to see if there's anything that can be done from a regulatory standpoint. We want to make sure we don't do anything that could constitute an illegal taking situation.

Councilmember Carr stated there's another issue with infill in that it can create stormwater problems; depending how it's sited and how high up it is relevant to the existing houses. She asked Mr. Cross if this issue would be addressed as part of this process or do we need to put something in place with multiple commissions to look at various impacts on the neighbors?

Mr. Cross stated that those types can be reviewed as part of the process. When talking about stormwater; that becomes part of the administrative review and stormwater detention and impervious surface ratios. Staff will need to be proactive in determining if impervious surface and floor area ratios are appropriate for the lot. If you want to make the footprint smaller and you want a bigger home, the floor area goes up a little bit; these are some of checks and balance, to look at to see what works to ensure consistency with the neighborhood.

At this point it, would be best for staff to do some additional research, maybe see how other communities have done it and start drafting some options to what can be done in terms of regulatory controls. Look at how we put together the IRB ordinance but also more importantly fit it into the zoning ordinances for districts that are impacted.

Councilmember Carr stated that she is observing, primarily with the neighbors south of U City, that they are building from setback to setback; leaving no room for water absorption or retention. She is concerned that this piece will be overlooked unless it's specifically addressed as we develop the IRB and the ARB.

Mr. Cross stated that garages are a classic example; if you look at the accessory standards, which we need to change, there's no set maximum size for a garage. Currently the only requirement is 800 feet of green space, everything else is based on interpretation. We are going to be working to prepare some quick amendments to the zoning ordinances to bring to Council and the Plan Commission for review and then do a bulk amendment on several quick fixes.

Mr. Rose stated that the primary purpose of tonight's discussion was to get a better understanding of what Council wants to see in a policy and to inform Council that if the goal is to have an ARB; that board would need its own set of design standards, which would take a significant amount of time. Mr. Rose clarified that based on tonight's discussion, the stop-gap measure of strengthening the IRB would be acceptable to Council. Staff will draft legislation based of what was shared and then bring that information back to Council in another study session to ensure that meets the objectives outlined tonight.

Mayor Crow stated for clarification; when it comes back with changes, it will still have no teeth. Mr. Cross stated that was correct and he would research to see if there's anything that can be added, but he doesn't believe there's much that can be done.

Mr. Rose stated that some standards will need to be established even with the IRB, but Council can change the Ordinances. Staff will try to add teeth as much as possible on a stop gap basis; know that in the long term the intension is for the Board to have its own set of design standards.

City Attorney Mulligan stated that the current IRB has jurisdiction over subdivision requests and building permits. If Council wants to regulate the things that Mr. Cross referenced like the floor ratios, lot sizes, certain architecture features would go under the zoning umbrella. The process for passing an ordinance would involve amending the zoning code; the standards would be reflected there. That would go through the Planning Commission before it would come to Council. It really depends on what Councils goal is. If it's changing some of the architectural or dimensional requirements, we would do that by changing the zoning code. If it's to have some input on building permits, these standards are in the building code, which is not part of zoning. Technical specifications can be changed in the building code, but you could not have a review board with the ability to change building code standards nor zoning codes. The review board could make recommendations regarding interpretation of existing standards and to advise Staff or Council.

Lastly, there are certain standards in the subdivision code that must be met. The IRB could make recommendations here as well, but again ultimately it depends on if the standards are met and that is really an administrative interpretation by staff. It would be helpful for drafting legislation to know what Council wants to accomplish. There could a mechanism for neighborhood input; which is what could take place now. It might be more on a broader basis relative to what kind of problems are occurring and what kinds of legislation could be passed to address to the problems. More of a general policy making issue as opposed to an individual property or permit.

If you refer to the Council record, this issue has been around since 2002. It's been discussed at various times over the years; this issue has been talked about over the last 17 years, resulting in the legislation of 2006.

Mayor Crow opened the floor for discussion of the next agenda topic; the Commission on Senior Issues.

Councilmember Smotherson shared that there was a Senior group out of Springfield that won an award for innovation during the 2019 Municipal League conference; he brought information back to share with the Senior Commission in hopes that we find it helpful and perhaps get some ideas for University City.

Mr. Rose stated tonight's purpose was to address two issues; one is to discuss senior issues in general terms and the other to ensure compliance with the code; and to ensure that everyone understands what the code states.

Purpose:

The body is formed by the Council to review, evaluate and make recommendations to City Council and City staff on matters affecting seniors (fifty and older) residents.

Make Up:

The commission is a seven-member body. The members shall serve for a term of two (2) years and may be appointed for a second consecutive term. The chair of the commission shall be elected from amongst its members.

Meeting Requirements:

At least one (1) regular meeting of the commission shall be held each quarter, together with such additional meetings as may be required for the transaction of business.

Mr. Rose stated that the code is succinct on the Senior Commission; those are general terms under which they must operate.

Mr. Rose opened the floor for discussion on the code or issues impacting seniors.

Councilmember Clay stated that he was the liaison to the Senior Commission, and he does not believe the statutory requirement captures all the activity the commission has. He stated that they are involved in the programming that takes place related to the seniors; that is the regular programming that happens several times a week. And, special programming that takes place throughout the year; including informational sessions, coordination with the Make a Difference Day activities that assist seniors with home repairs etc. Councilmember Clay stated he has seen significant activity from the commission that has benefited the residents.

Councilmember Cusick asked the commission members how was City government doing related to the seniors? And if they had any issues that need to be addressed?

Commissioner Flesh invited Council to attend any of their meetings, he stated they would love the Council to attend maybe once a year? He stated that he also serves on the commission for St. Louis County and they have noticed an uptick in senior abuse. There are many ways that a senior can be abused; more than hurting them but also fiscally by misleading them and they don't know that they're being abused. He stated that he plans to move forward regarding information on this matter; by with some senior gatherings at the library. He would have speakers to talk about what it means to be abused, that it could happen in your own family, to make senior more aware. This is relatively new, they have contacted the prosecuting attorney's office in St. Louis County, and they have assigned someone to assist with this type of service. The plan is to have it on the agenda at a later date.

Councilmember Cusick asked if he was referring to abuse of a financial nature or other kinds of abuse that we should be addressing?

Commissioner Flesh stated they didn't know for sure, but they are hearing that many are monetary types of issues. He stated sometimes older residents don't know what abuse is; therefore the need for more education.

Mr. Rose recognized the staff members that provide support of the Senior Commission; Darren Dunkle, Director of Parks and Recreation, Lynda Euell-Taylor, the Assistant Director and Marcia Mermelstein, who is the direct support over senior services. Mr. Rose stated that we need to take a closer look at the services that we provide to seniors. He is interested in holding a Senior Fair in the future to provide information; such as construction of Wills, greater opportunity for socialization through games night or something similar. His plans to recommend that we make the program more robust.

Commissioner Flesh stated that Marcia has been an asset to the commission and stated that he was thankful to have her. He stated she is caring and very concerned about the seniors.

Mayor Crow asked if the library, community center and centennial commons were the three main gathering places for seniors? The consensus was yes.

Commissioner Gloria Nickerson thanked the City Manager, Marcia, Darren, Lynda, the Council representatives and the Mayor for allowing her to speak on behalf of the seniors. She stated that it meant a lot to the seniors for the City to take the actions that they did.

She asked if we knew how long the agreement with Aging Ahead was going to be in effect; the agreement reads that it could be terminated at any time; will that agreement continue for 2020?

Mr. Rose asked Darren to speak to the question; he stated whether it is Aging Ahead or the City providing its own senior program solely, based on the direction he received from the Mayor and Council when this issue first emerged; he is hopeful that we will continue with a non-for-profit that can supplement our efforts. But the Mayor and Council have to be steadfast in saying that we will have a program.

Mr. Dunkle stated the current agreement with Aging Ahead is a one-year contract. Staff will review to see if that is something we should continue with or improve upon.

Commissioner Nickerson stated her question is tri-fold in nature; right now, Aging Ahead provides the transportation and meals; if the City takes it over, would the City have to provide our own meals and transportation?

Mr. Dunkle stated staff would have to review that.

Commissioner Nickerson stated that although the program only has fifty participants right now, the City's vision should be bigger. Are we prepared to take on twenty-five additional people in November?

Mr. Dunkle stated he believes the City is prepared to take on more people at this time and the Aging Ahead contract has no limit on the number of people that they serve. They get state funding based on the number of attendees to pay for transportation and meals.

Commissioner Nickerson asked if on December 31st an additional fifty seniors join the program; would we continue to do Tuesdays and Thursdays, or would we have to renegotiate with Aging Ahead?

Mr. Dunkle stated that if we want to add any additional days with Aging Ahead; we would have to renegotiate with them.

Commissioner Nickerson stated that it's working now but stated that we should also be looking outside of the box.

She asked regarding the budget and the monies that we set aside for their operations; if they were still within the ramification of what was allowed?

Mr. Rose stated the budget is being managed by Mr. Dunkle, under recreation or the community center. He stated that staff is not prepared to provide that information tonight; but would be happy to provide information on how that budget is performing, what the expenditures look like and whether it's consistent with what was forecasted.

Commissioner Nickerson stated her last statement concerns the ROARS; is there a way for the Senior Commission to have a little corner in each issue?

Mr. Rose stated during preparation of the ROARS, the Department directors are asked if they have articles to submit. The seniors can simply submit an article to Mr. Dunkle for each edition of ROARS; and that information would be forwarded on to the Communication director.

Commissioner Flesh asked for the dates of the Aging Ahead contract?

Mr. Dunkle stated he believed the expiration was the end of June.

Ms. Mermelstein stated there was a survey commissioned by Andrea Riganti in the spring of 2018; Adam Brown worked with some of the graduate students at UMSL to develop a questionnaire to try and find out the needs in our community. The questionnaire was mailed to the 800 people on her database, it was posted on website, copies were taken to the senior center and an AARP meeting as well as delivered door to door. About 250 surveys were returned. She stated that she learned a lot during the process; how you phrase the question impacts the data you get back. She has a draft summary to share with everyone; she believes the most valuable information was found in the last question "do you have any additional comments". There were a lot of good comments and suggestions.

Ms. Mermelstein shared copies her resource document that list all the services provided by the City and some information regarding other resources around the St. Louis area.

Commissioner Flesh asked if was possible to hold another joint study session like this; maybe once a year?

Mr. Rose stated the initial joint session was to address compliance issues with the code; having an annual joint session makes sense to him, but that is a decision for the Mayor and Council.

Mayor Crow stated the Council would be open to having an annual meeting; he recommended that the senior commission make the request moving forward.

ADJOURNMENT

Councilmember Carr moved to adjourn the joint study session; it was seconded by Councilmember Cusick. Mayor Crow thanked everyone for their participation and adjourned the Joint Study Session at 6:24 p.m.