

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, April 27, 2020
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held via videoconference, on Monday, April 27, 2020, Mayor Terry Crow called the meeting to order at 6:30 p.m.

B. ROLL CALL

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

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

Also, in attendance were City Manager, Gregory Rose; Director of Planning & Development, Clifford Cross, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

Councilmember Carr moved that the Agenda be approved as presented, it was seconded by Councilmember Smotherson and the motion carried unanimously.

D. PROCLAMATIONS

1. Recognizing April 18, 2020, as Arbor Day - to be signed by all members of Council.

E. APPROVAL OF MINUTES

1. March 10, 2020, Study Session – Olive & Midland Presentation; were moved by Councilmember Smotherson, it was seconded by Councilmember Hales and the motion carried unanimously.
2. March 10, 2020, Regular Meeting Minutes were moved by Councilmember Cusick, it was seconded by Councilmember Clay and the motion carried unanimously.
3. April 16, 2020, Special Meeting of City Council were moved by Councilmember Carr, it was seconded by Councilmember Smotherson, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

G. SWEARING IN TO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Mayor Crow thanked citizens for joining Council in this videoconference and for submitting their written comments in advance of tonight's meeting.

All these comments have been distributed to Council for their review. So, the goal at this point is to do the best they can to move the Agenda along in an appropriate fashion.

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

1. State of Emergency Declaration - RATIFICATION
2. Emergency Responder & Pandemic Vacation Accrual Policy - RATIFICATION
3. Missouri Department of Transportation Traffic Enforcement Grant – RATIFICATION
4. Replacement Police Command Vehicle – Dodge Ram 1500
5. Reallocation of Capital Outlay Funds (Fire/EMS)
6. Asphalt Resurfacing Improvements Project (#1428)
7. Kennedy Street Rehabilitation – Design Supplemental Agreement

Councilmember Hales moved to approve all seven items in the Consent Agenda, it was seconded by Councilmember Carr, and the motion carried unanimously.

K. CITY MANAGER’S REPORT

1. Conditional Use Permit (CUP) – Auto Service

Mr. Rose stated the proposed Fiscal Year Operating Budget and FY21-25 Capital Improvement Program are on file with the City Clerk and will be distributed to Council.

Staff is recommending that Council consider the issuance of a Conditional Use Permit that will be explained in greater detail by Mr. Cross

Clifford Cross, Director of Planning & Development stated initially, this application went before the Planning Commission in February, requesting that the applicant be allowed to operate an auto service facility along with accessory auto sales at 7404 Olive Blvd; the old Firestone Building. During that process, a public hearing was conducted, and thereafter, the Commission recommended that a Conditional Use Permit only be approved for the auto service facility. Since the original building was designed for that purpose staff felt comfortable with the elimination of outdoor auto sales and is recommending that Council consider issuing this CUP.

Councilmember Smotherson moved to approve, it was seconded by Councilmember Clay.

Councilmember Smotherson asked Mr. Cross if he could explain what he meant by the term "*adding special circumstances*"? Mr. Cross stated should Council have concerns about the recommendation as submitted, they have the authority to add any special circumstances or conditions deemed necessary, to the permit.

Councilmember Smotherson questioned whether the applicant would have an opportunity to address his request to conduct outdoor auto sales at a later date if Council approved the Commission's recommendation? Mr. Cross stated since the ability to conduct used car sales is outside the scope of this permit, the applicant would have to address that by submitting a new application. He stated the City's Ordinance has supplemental regulations related to used auto sales, which states that technically, this type of operation should only be associated with new car dealerships. So, if Council were to approve a petition for used car sales under these circumstances, they would be setting a precedent that might not benefit the City in the long run. And his impression from members of the Planning Commission is that they would never consider the sale of used cars as an appropriate use for this site.

Councilmember Hales questioned what would happen if this business did start having unlicensed cars on their lot?

Mr. Cross stated that's something that might be difficult to enforce simply because of the nature of their business. For example, whether a vehicle is being stored for a period that exceeds the traditional time needed to make repairs because the real intent is to sell it; is a matter of interpretation.

And while he is certainly not saying this is the applicant's intent, if Council believes overnight D - 1 - 2

storage of vehicles could become problematic, then that could be a condition appended to the permit.

But from an enforcement standpoint, Mr. Cross stated if staff found what they believed was a violation, their first action would be to send the owner a Notice of Violation. And if they failed to comply, the next step would be the issuance of a citation. However, should the problem continue to escalate, the City has the authority; although it could be a tedious process, to revoke the permit; especially in light of the fact that it is a CUP.

Councilmember Hales stated one could assume that there might be a circumstance where a vehicle could be towed and stored on this lot. Is there a different zoning classification for vehicle repair facilities and storage yards? Mr. Cross stated he thinks the only zoning district where a storage yard would be a permitted use is Industrial Commercial. This repair business is located in the General Commercial District and requires a CUP because it is more intensive with respect to activities that might be conducted outdoors.

Councilmember Smotherson stated after speaking with the owner he is convinced that he absolutely understands that based on the large crowds generated by the adjacent nightclub and the City's concerns regarding how vehicles waiting for repairs will be stored, that all vehicles must be housed inside the facility after-hours. He stated that the owner is also working with Elmo's who has expressed a desire to utilize a portion of the Firestone building to expand their business.

Councilmember Cusick asked Mr. Cross if he was aware of how many vehicles this facility has the capacity to house indoors? Mr. Cross stated if he recalls correctly, the original business had three bays which could hold two vehicles each. However, since the third bay is going to be part of the new renovations associated with Elmo's, they can store six vehicles inside the facility at one time. Councilmember Cusick stated his concern is whether this business will have enough storage for vehicles and if the CUP allows the owner to utilize any public parking spaces in the area? Mr. Cross stated staff conducted an analysis of the parking in its current state and with the proposed expansion. Per the Code, the analysis revealed that this site will have a surplus of six spaces. However, should Subway or any other business decide to expand it would not only impact that surplus, but it would also lead to restrictions being placed on the type of businesses allowed to operate in some of the other suites.

City Attorney, John Mulligan stated staff is only recommending approval of the vehicle service facility. But he thinks it would be a good idea for Mr. Cross to clarify exactly what Council is being asked to vote on since the application as presented, is for a vehicle service facility with accessory used car sales; which is not permitted under the Zoning Code.

Mr. Cross stated the transmittal letter from the Planning Commission indicates that they voted unanimously to recommend approval of the CUP application subject to the following conditions: (1) Approval of vehicle service facility only. (2) No vehicle sales allowed.

Mayor Crow asked Councilmembers Smotherson and Clay if that was their understanding when both the motion and second were made?

Councilmember Smotherson stated that had been his understanding. Councilmember Clay stated based on the language contained in K-10 that had been his understanding as well.

Voice vote on Councilmember Smotherson's motion carried unanimously.

2. Habitat for Humanity Lot Donation Contract

Mr. Rose stated staff is asking Council to consider this contract, which will be explained in greater detail by Mr. Cross.

Mr. Cross stated this item is related to Habitat's construction of single-family homes in the 6500 block of Plymouth, which was initially presented to Council several months ago. Their original plan was to build seven homes.

However, after numerous concerns related to clustering and the need to include funding for renovations were raised, Habitat modified their original plan and is now seeking to implement a phased-in approach.

Habitat currently possesses two privately owned lots. This new plan asks the City to donate one lot at 6524 Plymouth, which will give them site control of three lots on that block and the capacity to pursue their application with St. Louis County to obtain funding for the completion of three new homes. Lots 6526 and 6545, which are also owned by the City, may be considered in the next phase of their plan, along with the potential for some of the renovations suggested by Council.

Councilmember Clay moved to approve; it was seconded by Councilmember Smotherson.

Councilmember Cusick questioned whether Habitat would still maintain custody and control of the parcel donated by the City if their application is not approved by St. Louis County? Mr. Cross stated there is a clause contained in the contract which requires Habitat to bear all costs associated with relinquishing control of the property and giving it back to the City if the project has not come to fruition within an 18-month timeframe.

Voice vote on the motion to approve carried unanimously.

L. UNFINISHED BUSINESS

- 1. BILL 9402 – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN (Williams Ave.)** Bill Number 9402 was read for the second and third time.

Councilmember Hales moved to approve, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

Ayes: Councilmember Carr, Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

Nays: None.

- 2. BILL 9403 – AN ORDINANCE AMENDING CHAPTER 120 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO COMMISSIONS, AUTHORITIES, BOARDS, AND COMMITTEES, BY ENACTING THEREIN A NEW ARTICLE TO BE KNOWN AS "ARTICLE XXIII: COMMISSION ON STORMWATER ISSUES" AND A NEW SECTION TO BE KNOWN AS "SECTION 120.1080. COMMISSION ON STORMWATER ISSUES ESTABLISHED – COMPOSITION, DUTIES, OFFICERS, AND RULES.** Bill Number 9403 was read for the second and third time.

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

Roll Call Vote Was:

Ayes: Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Carr, and Mayor Crow.

Nays: None.

M. NEW BUSINESS

RESOLUTIONS
BILLS

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

2. Council liaison reports on Boards and Commissions

Mayor Crow stated he hopes everyone had the opportunity to watch the Economic Development Retail Sales Tax Forum that took place at 5:00 p.m. this afternoon, and listen to the reports from Mr. Cross and the City Manager regarding the allocation of funds from the EDRST to U City businesses during this COVID-19 crisis. The forum discussed marketing strategies, the language, and length of time of the program, and the formula being used to make these allocations. He stated he would like to thank members of the EDRST Board for the promptness in which they acted on this proposal and for the thoughtfulness of the information provided to his colleagues and staff. And as a result, his hope is now that these recommendations have been presented to Council, that his colleagues will be willing to take the necessary actions to move this proposal forward as soon as possible. Mayor Crow stated both he and the City Manager would like to schedule a special meeting to discuss this program on Wednesday, April 29th, at 3:00 p.m., unless a different time is more conducive to everyone's schedule.

Councilmember Smotherson stated he would only be available to participate after 3:30 p.m.

Councilmember Clay stated the earliest he could participate would be after 4:00 p.m.

Mayor Crow asked Councilmember Clay if he preferred 4:30 or 5:00 p.m.? Councilmember Clay stated 4:30 would be fine. *(All members of Council concurred with the 4:30 p.m. timeframe.)*

3. Boards, Commissions, and Task Force minutes

4. Other Discussions/Business

O. CITIZEN PARTICIPATION (continued if needed)

Mayor Crow stated while Council and the EDRST Board have already received several comments from citizens, the Agenda for Wednesday's meeting; consisting only of EDRST's Forgivable Loan Program, will be posted to allow all interested parties an opportunity to participate.

P. COUNCIL COMMENTS

Councilmember Smotherson congratulated Councilmember Carr for her efforts leading up to the undisputed passage of Bill Number 9403 and the creation of a much-needed Stormwater Commission. Along that same vein, something he would like to see come to fruition in the near future is an Economic Development Commission. He stated his vision for this Commission is to assist Council, the EDRST Board, and this administration in researching and recommending strategies that promote and attract commercial, business, retail, and other supporting services for U City, especially in the 3rd Ward. Councilmember

Smotherson stated a perfect example of why he believes this type of Commission would be beneficial is the soon to be opened Dollar City or Dollar Plus, located next to Boogyz Donuts on Olive, which plans to sell snacks, candy, hardware, and lottery tickets; even though Olive-

already has a Dollar Tree, Dollar General, and two Family Dollar Stores. So, he is bothered by the idea that there seems to be a disregard for the 3rd Ward concerning the types of businesses that are being allowed to operate there.

Councilmember Hales stated he would also like to congratulate Councilmember Carr; who at one point was the only voice he can remember advocating this issue. So, he is grateful for her persistence and the opportunity to play a role in the creation of the Stormwater Commission.

Councilmember Hales stated while he is sure Council is aware, he is uncertain if the public is conscious of several social media posts related to the Forgivable Loan Program; one of which referenced comments made by the City Manager. The post accuses the City Manager of intentionally creating a delay in the process when he informed the EDRST Board via email that their proposal would not be presented to Council until the May 11th meeting. He stated as elected officials he's sure that every member of Council has become accustomed to barbs being thrown at them from time-to-time.

However, his conversations with the City Manager disclosed that the only reason for this statement was his concern about the challenges he might face in trying to arrange a meeting with the EDRST Board in short order via teleconferencing. So, there is no doubt in his mind that everyone believed this was an important issue. Therefore, he would like to thank members of the EDRST Board for recognizing the need to help the City's businesses, and for making the implementation of today's meeting a priority in their schedules. He stated he found the ability to not only hear the Board's discussions but see the members as they deliberated in this new environment quite enjoyable. Councilmember Hales stated thanks are also in order to Mr. Rose and the members of his staff whose expeditious efforts helped to make this all possible.

He stated there was one post that prompted him to become a little emotional, and that related to a suggestion that Council and this administration had not been transparent about the EDRST's proposal. Councilmember Hales stated transparency is the reason he got involved several years ago. And in roughly two years, this Council has restored the recording of Council meetings; unanimously approved and implemented live streaming; initiated communications through Facebook, Instagram posts, and tweets, and created a weekly newsletter; initiatives that had never been seriously contemplated in the past. Transparency is extremely important, so he cannot thank the City Manager and his staff enough for all the hard work that has gone into improving the City's communications and outreach to its residents.

Councilmember Carr thanked her colleagues for their support of the Stormwater Commission which brings the plight of the people directly affected by this issue to the forefront. However, despite her diligence and beliefs, none of this would have been possible without the work of the Stormwater Task Force. Councilmember Carr stated she is truly appreciative of the long hours and expertise demonstrated by these volunteers because that's what really made a difference. And she strongly believes that going forward they will continue to make the same extraordinary contributions in support of this undertaking.

Councilmember Clay stated he would like to acknowledge Councilmember Carr in a slightly different way. As a result of the municipal elections being postponed, she has agreed to continue in her role and commitment to this community until the election process has been completed. He stated Councilmember Carr has served with great distinction on this Council for many years, and as we all can imagine, she was probably looking forward to the next stage in her life.

Mayor Crow asked everyone to join him in congratulating Mary Shuman, a former member of Council, who was honored by CASA; St. Louis County's Court Appointed Special Advocate Program for minors, for her seventeen years of volunteer service.

Q. Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

Councilmember Carr moved to go into a Closed Session, it was seconded by Councilmember Hales.

Roll Call Vote Was:

Ayes: Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember Carr, Councilmember McMahon, Councilmember Hales, and Mayor Crow.

Nays: None.

R. ADJOURNMENT

Mayor Crow thanked the public for participating with Council during this videoconference and closed the regular City Council meeting at 7:15 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 8:10 p.m.

LaRette Reese
City Clerk

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Monday, April 27, 2020

University City Council Meeting

Dear Honorable Mayor, City Council members and City Manager,

I am very concern about the communication transparency about last week's announcement of reduction in the remaining FY2020 budget and upcoming FY2021 budget and the laying off of governmental staff. Next, I hear about a business assistance forgivable loan proposal that will come to you from the Economic Development Retail Sales Tax (EDRST) Board which would be in an estimate amount of up to \$1 million dollars. Cut staff but give out money. I understand that we are facing unparallel times, but decisions need to made in a prudent manner.

First, the announcement about the budget reductions and staff layoffs could have been announced late Friday night with the video that is now posted on the city's government's website. The media announced the layoffs on April 17, 2020 but the city's explanatory video was not posted until April 23, 2020. There was too long a gap between the two dates that only arouses mistrust and feelings that the city administration is using non-transparency tactics used by the previous administration. I understand that this is a perception and not the actual fact but, in the public, perception is important. The budget and staff reduction could mean a reversal of community and economic development gains. How are the economic development planning and community redevelopment planning impacted by the reductions? What plans are put in place to deal with the lowering morale of the staff who will have increased workload while working (I hope) on the previously mentioned plans?

Second, our city government does not have the same level of capacity as the federal and state government in providing funds to local small businesses. A new forgivable loan program proposed now before we have more information about potential repeating outbreaks the COVID-19 virus seems premature. With the staff reductions, how will the loan program be given adequate oversight? What if the COVID -19 has a second more serious wave in the fall and again in the spring of 2021? I sympathize with the plight of small businesses and their employees, but I am concerned about if the city is being forward-thinking enough in planning on how to assist the businesses in their relaunching in the "new" normal business environment?

Respectfully submitted,

Patricia McQueen

3rd Ward Resident

1132 George Street

St. Louis, MO 63130

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LaRette Reese

From: Ella Swierkosz <ella.swierkosz@gmail.com>
Sent: Sunday, April 26, 2020 10:13 AM
To: Council Comments Shared
Subject: Non-agenda item: Can U City establish a fund for furloughed U City employees?

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I would like to see an emergency fund set up for furloughed U City employees to be funded by the citizens of University City but administrated by the City Manager's office. I realize the furlough may last indefinitely and that it causes a tremendous financial strain for our excellent U City staff. I am willing to donate to such a fund. Thank you.

Ella Swierkosz
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U City, 63130
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