

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETINGS
Monday, September 14, 2020
6:30 p.m.

A. MEETING CALL

At the Regular Session of the City Council of University City held via videoconference, on Monday, September 14, 2020, Mayor Terry Crow called the meeting to order at 6:32 p.m.

B. ROLL CALL

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

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also, in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Chief of Police, Larry Hampton, and Planning & Zoning Director, Clifford Cross.

C. APPROVAL OF AGENDA

Mayor Crow stated during the Study Session Council agreed to amend the Agenda by removing Item J(1); Liquor License for Family Dollar.

Councilmember Smotherson requested that his nomination of Alice Boone be mentioned during the discussion regarding Resolution 2020-12, the Renaming of Streets and Parks Task Force, and thereafter, be formally added to the list.

The Motion to Amend was seconded by Councilmember Cusick.

Voice vote on the motion to Amend carried unanimously.

D. PROCLAMATIONS

1. Courtesy Proclamation – A Resolution celebrating the 100th Birthday of Willie J. Thomas; a proud resident of University City for 49 years.

E. APPROVAL OF MINUTES

1. July 21, 2020, Special Meeting were moved by Councilmember Smotherson, and was seconded by Councilmember Klein and the motion carried unanimously.
2. August 10, 2020, Study Session (Solid Waste Rate Study); were moved by Councilmember Cusick, and was seconded by Councilmember Clay and the motion carried unanimously.
3. August 10, 2020, Regular Meeting were moved by Councilmember Smotherson, and was seconded by Councilmember Klein and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Brendan O'Brien is nominated for **re-appointment** to the Economic Development Retail Sales Tax Board by Mayor Terry Crow. It was seconded by Councilmember Hales and the motion carried unanimously.
2. Richard Sorkin is nominated as a fill-in to the Land Clearance Redevelopment Authority replacing Daniel Rayhawk (3/2018-3/2022) by Mayor Terry Crow. It was seconded by Councilmember Cusick and the motion carried unanimously.

3. John Giger is nominated as a fill-in to the Land Clearance Redevelopment Authority replacing Sultan Ali Muhammad (3/2016-3/2020) by Mayor Terry Crow. It was seconded by Councilmember Smotherson and the motion carried unanimously.
4. St. Louis County Council, at their August 18, 2020, appointed Brandon Bradshaw (replacing Traci Moore's unexpired term) to the Economic Development Retail Sales Tax Board.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Malik Johnson was sworn into the Urban Forestry Commission on August 28, 2020

H. CITIZEN PARTICIPATION

Procedures for submitting comments for Citizen Participation and Public Hearings:

*Written comments must be received **no later than 12:00 p.m. on the day of the meeting**. Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to the City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting.*

*Please note, when submitting your comments, a **name and address must be provided**. Please also note, if your comment is on an agenda or non-agenda item. If a name and address are not provided, the provided comment will not be recorded in the official record*

Mayor Crow thanked everyone for their comments which were provided to members of Council and made a part of this record.

I. PUBLIC HEARINGS

1. Liquor License – Family Dollar – 7318 Olive Blvd.

Mayor Crow called the Public Hearing to order at 6:37 p.m. After receiving a confirmation from the City Clerk that no comments had been received, the hearing was closed at 6:38 p.m.

J. CONSENT AGENDA

1. Liquor License – Family Dollar – 7318 Olive Blvd. *(Removed)*
2. Body Camera Purchase – Police Department
3. Loop Special Business District Event Signed Agreement Ratification
4. Asphalt Resurfacing Project
5. Annual Leaf Collection Agreement

Councilmember McMahon moved to approve Items 2 through 5 of the Consent Agenda, it was seconded by Councilmember Clay.

Councilmember Smotherson stated he just realized that Kennedy Street; which is long overdue, had been omitted from the Asphalt Resurfacing Project, and therefore, would like to have it added to Phase II. Mr. Rose stated Kennedy would be included as an add-on and resurfaced if funding is available once all of the other streets have been completed.

Voice vote on Councilmember McMahon's motion to approve carried unanimously.

K. CITY MANAGER'S REPORT

1. Missouri Police Chief's Association Accreditation

Mr. Rose stated he would like to recognize the Police Department for achieving the Missouri Police Chief's Association's Accreditation which amplifies the City's commitment to transparency and professionalism within the Department. Chief Hampton was asked to present Council with a brief presentation regarding the criterion needed to achieve this accreditation.

Chief Hampton stated first, he would like to give thanks to Retired Captain Carol Jackson, one of the originators of CALEA (*Commission on Accreditation for Law Enforcement Agencies*), for the advice and consultation provided to Captain Dana Morley, who did an excellent job revamping the Department's policies and procedures to meet their accreditation goals.

This process was implemented in 2016 and after an on-site review by CALEA's assessment team, the U City Police Department was recommended for certification status through the Missouri Police Chief's Charitable Association in December of 2019. During the accreditation period; which is good for three years, the Department is required to submit annual reports and apply for re-accreditation every three years.

Chief Hampton stated the Missouri Police Chief's Association is aligned with the International Association of Chiefs of Police, as well as the City Managers Association. Best standard practices are required for all members of St. Louis Area Police Chiefs (SLAPC), and the Municipal League.

Mr. Rose stated he also wanted to highlight Council's action on the Consent Agent concerning the purchase of body cameras, which advances the Police Department in the area of transparency. He believes this action will assist the Department in securing recertification in 2022.

Mayor Crow stated on behalf of all his colleagues he would like to thank the Department for their efforts in achieving this accreditation.

2. Conditional Use Permit (CUP) – Medical Marijuana Dispensary (75Olive, LLC) – 7755 Olive Blvd. VOTE REQUIRED

Mr. Rose stated staff is recommending that Council approve the Conditional Use Permit (CUP) to establish and operate a Medical Marijuana Dispensary at 7755 Olive Blvd.

Clifford Cross, Director of Planning & Zoning stated there was a similar request about two months ago, so he thinks Council is somewhat familiar with this process. The only difference between the two applications is that they are located in different Zoning Districts. This one is within the General Commercial Zoning District and per the Code, requires the issuance of a CUP.

The Plan Commission conducted a Public Hearing on August 26th and heard the Applicant's presentation. There were no written or verbal public comments. The Commission's only concern was the impact this dispensary would have on traffic, especially as it involved patrons wanting to make a left turn onto Olive. The Commission unanimously recommended approval with a stipulation that the Applicant agree to construct an on-site no left turn sign if a comprehensive study by the City's engineers of traffic patterns and incidents determined that one was needed.

Mr. Cross stated he received an email from the Director of Public Works indicating that there have not been any accidents in the area over the last three years, which is one of the determining factors for the installation of a sign. And Mr. Mulligan concluded that while you can ask Applicants to erect a sign on the premises there is no way to ensure that it will be enforced. He stated other issues included whether the issue should be addressed with MoDOT and St. Louis County.

Mr. Cross stated Council has the authority to approve the application without the stipulation, deny the application, or accept the Commission's recommendation as presented. If the latter is approved, staff can reevaluate the traffic pattern in a few months and bring any issues back to Council.

Councilmember Smotherson questioned whether the curb cuts for ingress and egress were the same for both the Dispensary and Dollar Tree? Mr. Cross stated although some patrons might use the Dollar Tree exit, they each have their own standalone ingress and egress points off of Olive. Councilmember Smotherson asked whether there were enough parking spaces to meet the City's requirements? Mr. Cross stated there would be a surplus of parking.

Councilmember Clay stated in his fifteen years of traveling back and forth in this area he has not seen any significant issues related to left turns. So personally, the inclusion of signage is not of great importance.

Councilmember Hales stated this was his first meeting as the liaison of the Plan Commission. And while they did express concerns about a left turn, he explained that based on his experience with the Traffic Commission whenever there is a traffic concern usually the Police Department is asked to provide a history because oftentimes perceptions can be validated by the statistics. He stated that Mr. Mulligan also reminded everyone that U City has little jurisdiction over this section of Olive because it is a State road.

Councilmember Smotherson stated the border or property line for Dollar Tree permeates the west end of the building where the Dispensary will be located and was curious to know whether this issue had been resolved? Mr. Cross stated the common property line has no impact on the use itself; therefore, the structure is in good standing. He stated his assumption is that if there was an issue, it would have been addressed by some sort of easement.

Mayor Crow stated while there are several options for Council to consider, he does not have a strong desire one way or the other.

Councilmember Smotherson stated he and Councilmember Clay have talked with the owners extensively and are in absolute agreement that the CUP should be approved without the inclusion of any signage.

Mr. Mulligan stated this sign was going to be on private property, whereas typical traffic signs are on the public right-of-way. But for clarification purposes; if the motion is approved, the CUP will be granted without the condition that the Applicant agrees to erect an on-site no left turn sign on the premises if the City's comprehensive study of traffic patterns and incidents dictates the need for one?

Mayor Crow asked Councilmember Smotherson if that was the motion he was making? Councilmember Smotherson stated that it was. Mayor Crow asked Councilmember Clay if he was making a second to the motion? Councilmember Clay stated that he was.

Councilmember Cusick added that he also travels this section of Olive frequently and has not seen an issue with people making left turns out of this parking lot.

Voice vote on Councilmember Smotherson's motion carried unanimously.

**L. NEW BUSINESS
RESOLUTIONS**

1. Resolution 2020-10 – FY20 Budget Amendment #3 was moved by Councilmember Cusick and it was seconded by Councilmember McMahan.

Mr. Rose stated as the Finance Department reviews expenditures and revenues to determine whether there have been any increases that might impact the Budget, it is customary to present any amendments in the form of a Resolution for Council's approval.

Mayor Crow questioned whether the statement, "*Fire increase in salaries will need to be transferred from General Fund Reserves,*" meant these increases would have to be financed out of the Reserve Fund? Mr. Rose stated he was not aware of the need to dip into the Reserve Fund to make these adjustments. Mayor Crow asked if the intent was to use some of the CARES Act Funding to cover some of these additional expenditures? Mr. Rose stated the City anticipates receiving an estimated 2.3 million dollars that will go towards addressing some of the expenditures incurred as a result of COVID-19.

Keith Cole, Director of Finance stated at this point, the City will be close to a net even. However, another amendment may be forthcoming once a supplemental analysis of the revenue is completed.

Mr. Rose asked Mr. Cole if the CARES Act Funding; if awarded would be used to replace any expenditure taken out of the Reserve Fund? Mr. Cole stated that it would be.

Mayor Crow stated it has taken the County a long time to agree on an acceptable formula, but it wasn't an easy process to calculate the figures and distribute them to municipalities.

Voice vote on Councilmember Cusick's motion to approve carried unanimously.

2. Resolution 2020-11 – Rights-of-Way Agreement with Everstream Solutions, LLC

Mr. Rose stated this Resolution asks Council to consider an agreement with Everstream Solutions for use of the City's right-of-way. Mr. Rose asked Mr. Mulligan if he would highlight elements of the Agreement related to revenue.

Mr. Mulligan stated this Resolution authorizes the City Manager to execute a Right-of-Way Use Agreement with Everstream to install communication facilities. Council approved similar Right-of-Way Use Agreements in 2018 and 2019, and the terms of this agreement are substantially the same.

The amount of compensation the City will receive is based on linear feet. Everstream plans to install an estimated 16,536 feet of fiber, which based on the current rate, totals \$32,741 a year, for a term of ten years. The Agreement stipulates that any increases cannot exceed 2 percent annually.

Councilmember Cusick asked if there was a payment schedule? Mr. Rose stated payments will be made on a monthly basis.

Councilmember Hales stated based on recent concerns regarding the expansion of infrastructure he wanted to be clear that this agreement only pertained to the existing towers and infrastructure? Mr. Rose stated that is correct. The agreement does not allow for the construction of any new cell towers

Councilmember McMahon moved to approve, it was seconded by Councilmember Hales and the motion carried unanimously.

3. Resolution 2020-12 – A Resolution Establishing A Street and Park Renaming Task Force

Mayor Crow stated Council's intent is to express the values of this community and therefore hopes this Resolution will be a good start in that direction.

Councilmember Klein asked if a timeframe had been established for the completion of this work? Mayor Crow stated the Resolution establishes 120 days, which is roughly by the end of the year.

Mr. Mulligan stated it is 120 days from passage, however, Council may extend the timeframe should the need arise by way of a motion.

Mayor Crow stated he hopes there is no mission creep because he would like the Task Force to move through this process in a careful and considerate manner. However, should they encounter any issues they should be brought before Council for resolution.

Councilmember Smotherson moved to approve the Resolution, it was seconded by Councilmember Cusick, and the motion carried unanimously.

A. If Approved and Adopted - Task Force Appointments

- 1) Holly Ingraham is nominated to the Renaming of Streets and Parks Task Force by Councilmember Steve McMahon
- 2) Don Fitz is nominated to the Renaming of Streets and Parks Task Force by Councilmember Tim Cusick
- 3) Mimi Hendrix-Taylor is nominated to the Renaming of Streets and Parks Task Force by Councilmember Stacy Clay
- 4) Andrew Wool is nominated to the Renaming of Streets and Parks Task Force by Councilmember Jeff Hales
- 5) Esley Hamilton is nominated to the Renaming of Streets and Parks Task Force by Councilmember Aleta Klein
- 6) Susan Armstrong is nominated to the Renaming of Streets and Parks Task Force by Mayor Terry Crow
- 7) Alice Boone is nominated to the Renaming of Streets and Parks Task Force by Councilmember Smotherson

Mayor Crow noted that each member of Council was provided with the opportunity to nominate one member.

Councilmember Cusick moved to adopt and approve all seven nominees, it was seconded by Councilmember Clay, and the motion carried unanimously.

Councilmember Cusick thanked every member of the Task Force for their willingness to serve.

M. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions

Councilmember Clay reported on his new assignment to the Green Practices Commission and thanked the Senior Commission for the opportunity to serve as their liaison.

The City is working with a third party to undertake a Food Waste Study. And based on the data collected, the Commission's goal is to make recommendations on how this waste can be utilized in composting or other environmentally friendly products. Councilmember Clay stated he plans to work with Ms. Wendt to establish a method for garnering approximately 40 members of the community to participate in this study.

3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

N. COUNCIL COMMENTS

Mayor Crow stated as the City Manager alluded to earlier, Movie Night in The Loop, sponsored by the EDRST and LSBD was a great success. As many of you may know the proceeds from this event were shared with the School District's Supplemental Food Program to help kids who are attending classes online. He stated there are so many children who rely on receiving a good meal at school that at some point, there will probably be a need to provide additional support for this program.

Mayor Crow stated he was very glad to learn that the CARES Act Funding will be coming through because these are challenging times for everyone.

- O.** 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 and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration.

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

Roll Call Vote Was:

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

Nays: None.

P. ADJOURNMENT

Mayor Crow thanked members of the public for joining Council this evening and closed the regular City Council meeting at 7:14 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:43 p.m.

LaRette Reese
City Clerk