
**STUDY SESSION
OF THE
UNIVERSITY CITY COUNCIL
MONDAY, NOVEMBER 22, 2021
6:00 P.M.**

March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, those who are not fully vaccinated are asked to wear face coverings. To provide for social distancing during Council meetings **in-person public attendance will be limited to the first 25 people.**

AGENDA

Requested by the City Manager

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held on Monday, November 22, 2021, at City Hall, on the fifth floor, Mayor Terry Crow called the meeting to order at 6:00 p.m.

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

Councilmember Stacy Clay; *(Excused)*
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; Attorney, John F. Mulligan, Jr., and Director of Parks & Recreation, Darren Dunkle.

2. Changes to Regular Agenda

(No changes requested)

3. PARK ORDINANCES AND POLICIES

Mr. Rose stated this is a presentation from the Director of Parks & Recreation, Darren Dunkle, on proposed amendments to the City's park ordinances and policies.

Mr. Dunkle made the following presentation:

Philosophy

The City of University is ever mindful that the public parks and facilities of the community are held in trust by the Parks, Recreation, and Forestry Department for the use and enjoyment of the general public and this use and enjoyment is a valuable right of the general public, nearby park residents, and normal activities within the parks and facilities. For these reasons, the City of University City intends to make the parks and facilities available for various uses.

Conditions

So that the philosophy stated above shall not be misunderstood, the use of the City of University City parks and facilities shall be restricted by certain conditions which are specified in the Ordinances and Policies of the City of University City.

Control of the Parks

The Parks Commission shall recommend that Council establish all needful Ordinances, Rules, Regulations, and Policies for the government and protection of parks, facilities, and trails.

Ordinances

The City has limited Ordinances that directly relate to Parks, Recreation, and Forestry:

1. Section 120.1040 – City Forester and Urban Forestry Commission
2. Section 120.040 – Park Commission
3. Section 115.260 – Donations for Parks & Recreation
4. Section 115.260 - Closing for City Parks
5. Section 115.270 - Parks and Recreation Facilities Designated
6. Section 505.120 - Trees and Shrubs

The City has Ordinances that indirectly relate to Parks, Recreation, and Forestry:

1. 215.770 – Panhandling
2. Section 215.1870 – Drinking in Public
3. Section 215.2320 – Selling Confections Near Schools and Parks
4. Section 505-110 – News Box Distributions

Current Ordinance

Section 115.260 – Closing time for parks

All City parks shall be closed to the use of the public between the hours of 10:30 P.M. and the hour of 5:00 A.M. on each succeeding day except Ackert Park which closes at dark. Any person within the confines of any City park between the hours of 10:30 P.M. and 5:00 A.M. shall be guilty of a misdemeanor; provided, however, the Director of Public Works and Parks is authorized to issue a permit for a date certain to any applicant upon application thereof; such permit may include the applicant and members of the applicant's group, and the use of the park thereunder may be authorized until the hour of 12:00 midnight.

This Ordinance was reviewed by staff, the Parks Commission, and the Police Department, and following changes are recommended:

Proposed Ordinance Change

Section 115.260 – Closing time for parks

1. Adams, Eastgate, Greensfelder, Welsch, Metcalfe, Mooney, Rabe, and Ruth Woods Parks shall be open to the public for use between one-half hour prior to sunrise and one-half hour after sunset each succeeding day. *(These parks are not equipped with interior lights)*
2. Ackert, Flynn, Fogerty, Heman, Kaufman, Lewis, Majerus, Millar Park, and the Dog Park shall be open to the public for use between 5:00 a.m. and 10:30 p.m. each succeeding day.
3. Ruth Park Golf Course shall only be open to the public for use during posted hours of operation.

Proposed Ordinance Change

Section 215.2310 – Selling confections near schools and parks prohibited

- a. It is unlawful for any person to sell or offer or expose for sale any lunch or candy, ice cream, or other confection whatsoever on the streets, alleys, or public places in the City within three hundred (300) feet of any public or parochial school or public park, or within any public park within the City. Excluding Ruth Park, Golf Course, and the Heman Park Community Center, an exception is made as to any regularly licensed or permitted concessionaire acting by and under the authority and regulation of the Director of Parks, Recreation, and Forestry.
- b. For the purpose of this Section, the words "*public or parochial school*" shall be taken to mean and include any schoolyard and any athletic field or stadium maintained or operated by or in connection with any public or parochial school.
- c. Utilize any City park or facility to conduct any private or group instruction/lesson or conduct a service for private or commercial gain without obtaining a permit through the Parks, Recreation, and Forestry Department.

Proposed Ordinance Change

Section 215.1870 – drinking in public places prohibited

- a. No Person shall drink any intoxicating liquor in or on the streets, sidewalks, parkways, alleys, or parking lots of the City, or any other outdoor area open to the public for vehicular or pedestrian, whether publicly or privately owned unless such public consumption takes place at a social event for which the City has issued a public consumption permit (i.e. block party, park/facility rentals, and special events). The Section shall not apply to consumption at Ruth Park Golf Course when intoxicating liquor is purchased from the course, or to sidewalk cafes duly licensed under this Code.
- b. The City shall prepare and maintain forms for permits for the privilege of public consumption as permitted herein and shall establish an application fee for the processing of same, not to exceed thirty dollars (\$30.00), for the recovery of the City's processing costs. The City shall adopt reasonable regulations applicable to such consumption, which shall be stated on the permit, the violation of which shall be grounds for immediate permit revocation and the closing of the permitted event.

Although the City has several Management Policies for the Parks, Recreation, and Forestry Department, only a few have been adopted by City Council.

Policies

Policies are statements that provide positive direction, clarify relationships, assist in evaluation, assure fair treatment, and provide uniformity of action.

Through policies, the Parks, Recreation, and Forestry Department ensure that parklands are held and not dissipated by allocations for various other purposes. They also help to ensure all programs conducted by the City are well planned and directed.

Although the City has numerous Ordinances, in which some may generally be applied to uses and activities within a Park, the City does not have general Park Rules and Regulations which specifically pertain to the use of parks and recreation.

Park Rules and Regulations

Parks and Recreation Rules and Regulations must be thoughtfully designed and created to manage and improve our park system as to ensure the safety and enjoyment of parks by all park users.

Individual Park Rules and Regulations would fall under the following areas:

- Park Usage
- Sanitation
- Traffic; (*special events*)
- Behavior; (*acceptable & unacceptable*)
- Merchandising, Advertising, and Signs
- Recreation Activities for City-sponsored and outside organizations

The Parks, Recreation and Forestry Department, Police Department, along with the support of the Parks Commission will be bringing forward Park Rules and Regulations to be considered by City Council.

Councilmember Smotherson posed the following questions to Mr. Dunkle:

Q. There is a bus stop bench at the corner of Perdue and Midland; there is a bench at Midland and Balson; there is a bench in front of the Community Center, but there are no benches on Olive. So, can I suggest adding some benches to that area of the park?

A. I can look into that and see if we have any benches in stock or if we need to purchase additional ones in the future.

Q. Can you explain the lighting situations in Ackert, Flynn, Fogerty, Heman, Kaufman, Lewis, Majerus, Millar Park, and the Dog Park, that leads you to believe that they should remain open until 10:30 p.m.?

A. While I am not sure if the pavilions in these parks are lit, there are lights in close proximity, as well as lighting in the upper park, trails, and pathways. His department is also in the process of completing some renovations where additional lighting will be added to some of these parks.

Q. The lighting in Heman Park has been a major issue for the Arts & Letters Commission's concerts conducted in September; especially in the areas where there are pavilions, because once it gets dark there are no lights. So, I hope that lighting at Heman Park will be something staff and the Parks Commission will give further consideration to.

A. Staff is looking into making security lighting upgrades to address some of your concerns and the overall use of this park.

Mr. Dunkle stated the Ordinance as it currently stands, states that all parks; with the exception of Ackert, shall remain open until 10:30 p.m. And under the proposed changes, staff is looking to limit the time that some of these parks should remain open. The parks that have been listed to remain open until 10:30 p.m. are the ones determined to have enough lighting to provide the police with a reasonable comfort level of patrolling. And from a Parks & Recreation standpoint, most of the comments received indicate that residents want to keep these parks open so they can access the trails after 6 p.m. However, staff will continue to assess these parks and look at adding additional lighting in the future.

Councilmember Klein asked if there were any specific requirements for individuals interested in providing private or group lessons in the parks? Mr. Dunkle stated the criteria for this service may vary depending on the specific request. Permits are issued based on availability, insurance requirements, and age appropriateness. For example, all of the athletic fields are rented out, while tennis courts are limited to ensure that an adequate number of courts are available for public use.

Councilmember Hales posed the following questions to Mr. Dunkle:

Q. Did the Parks Commission make any distinctions between lighted trails/paths versus lighted playgrounds, when considering what parks should remain open until 10:30 p.m.?

A. Both the Commission and Police Department reviewed the Ordinance as a whole, with a desire to keep as many parks open as possible. So, for security purposes and the general use of these parks, they looked at the type of lighting that was already available for areas like parking lots and trails. But moving forward, staff will be looking into other aspects of the parks, like playgrounds and pavilions that may not be as well lit as some of these other areas.

Q. Will the Parks Commission continue to look at this issue, specifically as it relates to playgrounds?

A. Every year the Commission and staff establish recommendations for projects they would like to see completed in the subsequent year. And the number one priority is the need for additional lighting in the City's parks.

Councilmember McMahon posed the following questions to Mr. Dunkle:

Q. Are fundraisers like the ones typically held in the past by various organizations now being prohibited?

A. Yes, unless they have a permit. To be able to sell alcohol anywhere you must have a license. And while permits are already being utilized for family picnics or events where people are allowed to bring in coolers, staff's proposal is to change some of the language, as well as the processing fee, to ensure that the City and the Police Department know when an event is scheduled and what is expected to occur during those activities.

Q. Is the permitting process tied to a specific area of the park or does it allow an applicant to have full use of the park?

A. There are several different permits depending on the type of activity being requested. We've had rouge groups show up and try to sell things out of the trunks of their cars without a business license or a vendor's permit. However, most of these policies are geared towards people wanting to rent a pavilion, the community center, or hold a concert in the park.

Councilmember Cusick stated recently one of the neighborhood associations tried to get a permit and found the application process to be somewhat difficult to complete. So, will staff be looking at this process also to make it more user-friendly? Mr. Dunkle stated staff has been and will continue to review the application process since it represents another very old policy. But in the meantime, staff is available to walk anyone through the process. He stated if these changes are adopted by Council, the application will be added to the website so that it can be downloaded. Applications are also available at Centennial Commons.

Mayor Crow posed the following questions to Mr. Dunkle:

Q. Is it correct that Ackert Park had been closed years ago due to safety concerns?

A. Yes. My understanding is that the Police Department had encountered some issues which resulted in the parking being closed.

Q. Once these modifications take effect will there be some method of disseminating this information; especially as it relates to the use of the tennis courts?

A. Once these modifications are adopted, staff will be installing new signage on the tennis courts that lists the Ordinance and provides a phone number for who to contact for a permit.

4. ADJOURNMENT

Mayor Crow thanked everyone for their participation and adjourned the Study Session at 6:27 p.m.

LaRette Reese,
City Clerk

