

SPECIAL MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, December 19, 2022
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Special Session of the City Council of University City held on Monday, December 19, 2022, Mayor Terry Crow called the meeting to order at 6:35 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.; Jim Fredericks of Armstrong Teasdale, and Tahany Jabbar, Chief Operating Officer for J & I, Inc.

C. APPROVAL OF AGENDA

Councilmember Hales moved to approve the Agenda as presented, it was seconded by Councilmember Cusick, and the motion carried unanimously.

D. PROCLAMATIONS

None

E. APPROVAL OF MINUTES

None

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

None

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

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 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 whether your comment is on an agenda or a non-agenda item. If a name and address are not provided, the comment will not be recorded in the official record.

Mayor Crow noted that the City Clerk had advised Council that there were requests to address Council or written comments for this meeting.

I. PUBLIC HEARINGS

None

J. CONSENT AGENDA

None

K. CITY MANAGER'S REPORT

1. Liquor License – Gas Mart (6700 Olive)

Mr. Rose stated staff is recommending that Council consider a Liquor License for Gas Mart, located at 6700 Olive Blvd. This recommendation is contingent upon the Applicant providing a surety bond for the required improvements.

Councilmember Smotherson stated he was confused as to why this item was placed back on the Agenda since there were several questions raised by Council that have still not been answered. Mr. Rose stated Council requested that the owner be in attendance for any future discussions, and both she and her attorney are on this call. The second issue pertained to the need to bring the building up to compliance with the Conditional Use Permit (CUP). And what staff is proposing is that security in the form of a cash deposit or surety bond be added as a condition of approval. He stated the Applicant also understands that if they fail to rectify this issue within 30 days, Council can take actions to either close the facility or revoke their Liquor License.

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

Jim Fredericks, of Armstrong Teasdale, attorney for J & I, Inc., d/b/a Gas Mart, announced that he and his client, Tahany Jabbar, Chief Operating Officer, were available to answer Council's questions.

Mr. Fredericks stated J & I, Inc. has been in business since 1997 and he has been representing them throughout the majority of that time. He stated the application has been amended from "all liquor" to the "22% retail package," which consists of beer and wine. Mr. Fredericks stated it should be noted that the word "wine" is not mentioned in the application or the City's ordinances. He then posed the following questions to Ms. Jabbar:

Q. Does J & I currently have stores that sell beer and wine?

A. *Yes and I have brought several photographs depicting these items.*

Q. What types of wines are typically sold?

A. *Seltzer and Monaco wines.*

Q. What is the alcohol content of these wines?

A. *Fourteen percent.*

Q. Do most of the wines sold at your facilities consist of that same 14% content level?

A. *Yes.*

Q. Is the alcohol content level for your traditional beers 4.5 or 5%?

A. *Yes, that's right.*

Q. What is the level for Mike's Hard Cider?

A. *It has an 8% alcohol content level.*

Q. Do you sell anything else that comes close to the 14% alcohol content level of wine?

A. *No.*

Mr. Fredericks stated his client's business was in full operation when they learned that the pervious pavers had not been installed, so the issue of non-compliance came as quite a surprise. However, at this point, they have hired a contractor, submitted plans to the City, and applied for a Building Permit to get the work done. These actions demonstrate that their intent is to be in full compliance, and therefore, he would ask that their Liquor License be approved.

Councilmember Smotherson posed the following questions to Ms. Jabbar:

Q. Does your company own the store located at Delmar & Goodfellow?

A. Yes.

Q. Is there a reason why that store does not sell alcohol?

A. *We never applied for a license. Company rules dictate that alcohol not be sold in areas where alcohol has the tendency to perpetuate violence.*

Mr. Fredericks asked Ms. Jabbar whether this was a rehabbed site? Ms. Jabbar stated that it was. Mr. Fredericks asked if she was still affiliated with her original partner for this site? Ms. Jabbar stated she was not.

Councilmember Smotherson thanked Ms. Jabbar for her explanation about why no alcohol is sold at their Delmar site because it addressed all of his concerns.

Councilmember Clay posed the following questions to Ms. Jabbar:

Q. Will you be selling fortified wines?

A. *I don't know what that is.*

Q. Wines like Night Train or MD2020, that generally have a higher alcoholic content?

A. *The only wines we plan to sell are the ones depicted in the photographs.*

Mr. Fredericks stated the types of wines mentioned by Councilmember Clay are not sold at any of his client's stores and they would be happy to add that as a condition for approval.

Councilmember Clay stated he would appreciate the addition of that condition.

Mayor Crow questioned whether "tall boys" or 40-ounce bottles of beer would be sold? Ms. Jabbar stated another company rule is not to sell single cans or bottles of beer. So, they are packaged in two, three, or four packs.

Councilmember Clay stated that's a rule he believes residents living close to this establishment will appreciate. So, is this another condition that should be added to the application?

Mr. Mulligan stated the Code prohibits single beer sales; it requires a minimum of three in a package.

Mayor Crow asked Ms. Jabbar if she would provide her address for the record.

Tahany Jabbar, 1173 South Kingshighway, St. Louis, MO 63110.

Voice vote on Councilmember Clay's motion to approve the Liquor License carried unanimously.

L. UNFINISHED BUSINESS

none

M. NEW BUSINESS

Resolutions

1. **Resolution 2022-18** - SEMA HMGP Grant Application for the buy-out of flooded properties.

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

Mr. Rose stated staff made an application to SEMA for FEMA funding to execute a Buy-Out Program, and thereafter, received notification that 12 homes and the Hafner Court Apartments had been approved for the program. The remaining homes in the City's application have been placed on SEMA's waitlist. As a result, this Resolution is being presented to include funding for all of the homes; the first-round approval, and those on the waitlist. However, in the event SEMA does not approve homes on the waitlist, no funds will be expended.

Mr. Rose stated the recommended funding sources are, OMCI from the Metropolitan Sewer District, totaling \$749,000; the American Rescue Plan Act, totaling \$607,000, and the Park and Stormwater Tax, totaling \$324,738. All three funds total \$1,680,738.

Voice vote on Councilmember Cusick's motion carried unanimously.

Bills

Introduced by Councilmember Hales

2. **Bill 9497** – AN ORDINANCE AMENDING SECTION 400.030 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING CODE DEFINITIONS, BY AMENDING THE DEFINITION OF DORMITORY. Bill Number 9497 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions, and Task Force Minutes
4. Other Discussions/Business

O. CITIZEN PARTICIPATION (continue if needed)

P. COUNCIL COMMENTS

Q. ADJOURNMENT

Councilmember Hales moved to adjourn the Special Council Session, it was seconded by Councilmember Klein, and the motion carried unanimously.

Mayor Crow thanked everyone for their participation and expressed his desire for them to have a wonderful holiday season. The meeting was adjourned at 7:01 p.m.

LaRette Reese,
City Clerk, MRCC