

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, June 26, 2023
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, June 26, 2023, 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 Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Bwayne Smotherson
Councilmember Dennis Fuller

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Finance Director, Keith Cole; Stephen Mitchell, and Rose Abernathy, from 7-Eleven.

C. APPROVAL OF THE AGENDA

Hearing no amendments, Councilmember McMahon moved to approve the Agenda as presented, it was seconded by Councilmember Klein, and the motion carried unanimously.

D. PROCLAMATIONS - (Acknowledgement)

1. Designation of July as Park and Recreation Month. A Proclamation celebrating 100 years of parks in University City; acknowledging that parks and recreation programs are an integral part of this community and designating the month of July as Parks and Recreation Month in the City of University City.

E. APPROVAL OF MINUTES

1. June 13, 2023, Study Session Minutes - Façade Improvement Program; was moved by Councilmember Smotherson, it was seconded by Councilmember Hales, and the motion carried unanimously.
2. June 13, 2023, Regular Meeting Minutes was moved by Councilmember Smotherson, it was seconded by Councilmember Klein, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

1. John Tieman was sworn into the Historic Preservation Commission on June 15, 2023.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Procedures for submitting comments for Citizen Participation and Public Hearings:

Request to Address the Council Forms are located on the ledge just inside the entrance. Please complete and place the form in the basket at the front of the room.

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.

(There were no requests to speak on non-agenda items)

I. COUNCIL COMMENTS

J. PUBLIC HEARINGS

None

K. CONSENT AGENDA - (1 voice vote required)

1. CrowdStrike (Falcon Complete) – Cybersecurity Platform
2. Nissan Leaf Electric Car Purchase (Code Compliance)
3. Public Officials Insurance - Carrier Change

Councilmember Hales moved to approve Items 1 through 3 of the Consent Agenda, it was seconded by Councilmember Fuller, and the motion carried unanimously.

L. CITY MANAGER'S REPORT - (voice vote on each item as needed)

1. Liquor License - 7-Eleven Sales Corporation, D/B/A 7-Eleven Store #20118Q, 8159 Olive Boulevard.
Mr. Rose stated staff is recommending that Council consider the approval of a Liquor License for the 7-Eleven Store located at 8159 Olive Boulevard.

Mr. Cole stated at the last meeting Council posed several questions about the impact of this license, and two 7-Eleven representatives; Stephen Mitchell and Rose Abernathy are here this evening to address those concerns.

Councilmember Smotherson stated he would acknowledge that this is a well-established location. So, his only concern is whether any changes would be implemented to ensure that the addition of alcohol does not diminish the quality of this popular neighborhood store?

Mr. Mitchell, Managing Officer for 7-Eleven, stated his understanding is that for roughly the past 20 years liquor was being sold at this location. And the reason for this request is that after the owner retired and the store was turned over to corporate, the employees recognized that they needed a Liquor License from the City in addition to their State Liquor License. So, no changes are being made, it's just an effort to correct a mistake.

Ms. Abernathy, Training and Development Officer for 7-Eleven, stated Mr. Mitchell is correct, this store has always sold liquor. She stated the program employees go through before becoming a floor associate that sells alcohol consists of a written exam, an online course, and a recap and review of their knowledge that she conducts. Corporate also participates in the State Bars Program which sends secret shoppers out to each location twice a month to monitor the sale of alcohol and cigarettes. Ms. Abernathy stated if an employee is caught selling liquor to a questionable or underage customer, they are fired immediately.

Councilmember Smotherson asked if 7-Eleven had a policy regarding loitering? Ms. Abernathy stated loitering is not allowed. And while the goal is to handle each situation respectfully, the manager of this location not only worked closely with the Police Department, he offered them free coffee and food because he liked to have their presence in the store to deter this type of behavior.

Councilmember Clay asked if a patron or member of the community would be able to notice any differences between a franchise and a corporate-owned store? Ms. Abernathy stated in some locations they might notice that a franchisee is a little more lenient about adhering to company policies.

Mr. Mitchell stated he had a conversation with the officer that worked with the previous owner for 19 years, who stated that he had never had a problem at this location. So, the goal is to continue that same type of outstanding service.

Councilmember Hales asked either the City Manager or Attorney if they could explain what is and is not permitted under this license to ensure that 7-Eleven has a clear understanding of the City's expectations.

Mr. Rose stated the Applicant has applied for "*intoxicating liquor not more than 22% by the retail package,*" and a Sunday sales for "*intoxicating liquor not more than 22% by the retail package*". The address on the application is 8159 Olive Boulevard.

Councilmember Hales asked whether the Code permitted the sale of individual or single-serve alcoholic beverages? Mr. Mulligan stated the Code's definition of package is "*at least three beers in a container*".

Mr. Mitchell stated he could guarantee that 7-Eleven would abide by that definition and not sell individual beers to its patrons.

Mr. Mulligan questioned whether the information provided on the application for Sunday sales was correct; "*at least 50% of the gross income of the restaurant/bar at this location is derived from the sale of prepared meals of food, or food consumed on the premises*"?

Mr. Mitchell stated they have a new paralegal that may have checked the wrong box because while 7-Eleven does sell food, it's a convenience store, not a restaurant or a bar. So, he will work with City staff to get that corrected.

Mayor Crow asked when the control from franchise to corporate occurred? Ms. Abernathy stated it's been within the last few months. Initially, the franchisee thought he had a buyer, so we continue to run the license under his name until the buyer backed out.

Councilmember Smotherson moved to approve the application, with the stipulation that the application criteria related to Sunday sales be corrected, it was seconded by Councilmember Clay, and the motion carried unanimously.

M. UNFINISHED BUSINESS - (Roll call vote required on 2nd and 3rd readings)

None

**N. NEW BUSINESS
Resolutions - (Voice vote required)**

1. Resolution 2023-11- Committed Fund Reserves for Various Funds

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

2. Resolution 2023-12 – Fiscal Year 2023-2024 (FY24) Budget and FY2024-2028 Capital Improvement Program

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

Bills - (No vote required for Introduction and 1st reading)

Introduced by Councilmember Smotherson

- 1. Bill 9516 - AN ORDINANCE VACATING AND SURRENDERING A PUBLIC ALLEY LOCATED AT OR NEAR 6322 BARTMER INDUSTRIAL DRIVE.** Bill Number 9516 was read for the first time.

Citizen's Comments

Mark Jacobs, 873 Greenshire Court, U City, MO

Mr. Jacobs stated he is representing the owner of this property who is asking to vacate an old alleyway that has been abandoned by the City. All of the corresponding utilities have agreed to this request, and he is simply here to answer any questions.

Introduced by Councilmember McMahon

- 2. Bill 9517 - AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER JULY 10, 2023, AND REPEALING ORDINANCE NO. 7228.** Bill Number 9517 was read for the first time.

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
Councilmember Clay reported that the Library opened today at its permanent location. So, he would encourage everyone to stop by and check out this fantastic renovation.
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

P. CITIZEN PARTICIPATION - (continued if needed)

Aren Ginsberg, 430 West Point Court, U City, MO

Ms. Ginsberg stated she also wanted to encourage everyone to come see the beautifully updated spaces throughout the Library, brilliant lighting, ADA-accessible bathrooms, new seating, and of course, the fun summer reading to be explored. The grand opening celebration is being planned for this fall.

Q. COUNCIL COMMENTS

R. EXECUTIVE SESSION - (roll call vote required)

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 Hales moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember McMahon.

Roll Call Vote Was:

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

Nays: None.

S. ADJOURNMENT

Mayor Crow thanked everyone for their attendance and closed the Regular City Council meeting at 6:52 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 7:06 p.m.

LaRette Reese,
City Clerk, MRCC

