



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, February 4, 2019

7:00 PM

Regular

**Council Chamber
Columbia City Hall
701 E. Broadway**

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 4, 2019, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was led by scouts from Boy Scout Troop 707, and the roll was taken with the following results: Council Members PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, and THOMAS were present. The Interim City Manager,

The minutes of the regular meeting of January 22, 2019 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Trapp.

Upon his request, Mr. Skala made a motion to allow Mayor Treece to abstain from voting on R20-19. Mayor Treece noted on the Disclosure of Interest form that there was an appearance of a conflict. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Thomas asked that B19-19 be moved from the consent agenda to old business.

Upon his request, Mr. Thomas made a motion to allow Mr. Trapp to abstain from voting on REP3-19. Mr. Trapp noted on the Disclosure of Interest form that he was a partner in a limited liability company that was doing outreach to individuals who were homeless or panhandling within the Downtown Community Improvement District (CID). The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, including the consent agenda with B19-19 being moved to old business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

II. SPECIAL ITEMS

None.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

IV. SCHEDULED PUBLIC COMMENT

SPC7-19 Missouri Faith Voices - A moral agenda for Columbia.

Brittany Hughes, 4402 Crystal Rock Court, explained she was a regional community organizer with Missouri Faith Voices, and Molly Housh Gordon, 703 West Boulevard North, stated she was the minister of the Unitarian Universalist Church of Columbia and a leadership table member of Faith Voices of Columbia. Ms. Housh Gordon provided the Council a copy of her comments, and explained they should have received it electronically as well. She asked those in support of Faith Voices to stand, and approximately 25 people stood. She commented that Faith Voices of Columbia was a nonpartisan interfaith multiracial community organizing group representing over two dozen

congregations. They were one of four chapters of the statewide organization, Missouri Faith Voices, and were committed to a vision of economic dignity and racial equity. They believed people of faith at every age and place had a calling to address the conditions that obstructed this vision of dignity and equity. She commented that as disparity gaps in the community were widening, they were presenting this moral agenda to make their calling known. In the fall of 2018, they had conversed with 3,000 voters from vulnerable communities in Columbia, had formed relationships with those that were often ignored when decisions were made, and had helped pass Proposition B and Amendment 1 by overwhelming majorities. She stated they felt the inherent worth and dignity of all people, and expected elected officials to create and protect policies that placed those values foremost. With their growing voter power, they called upon the City of Columbia to adhere to their moral agenda and to work alongside them to ensure Columbia families had what they needed to thrive. Ms. Hughes commented that they envisioned a community where all people had equitable access to safe, comfortable, and affordable housing. They were calling on the City of Columbia and Boone County to commit to capital funding for a year-round, 24-hour consolidated resource center and shelter. She stated they called on the human services community, development community, and faith community along with the City to build the partnerships and human infrastructure needed to make that happen. Ms. Housh Gordon explained they envisioned a community transportation system that served everyone, including people that could not drive due to disability or economic limitations, and called upon the City to increase transit funding by 20 percent this year. She noted they promised to hold the City accountable to its stated social equity values as they related to transportation funding. Ms. Hughes commented that they envisioned a community where neighbors, friends, and families did not fear being detained, deported, or profiled in relation to immigration status. They called upon the Boone County Sheriff to make a public statement about how they would engage with anyone they suspected was undocumented and to make transparent their processes for working with the U.S. Immigration and Customs Enforcement (ICE). She stated they also asked the Boone County Sheriff to decline to detain people on behalf of ICE. She noted they called on the Columbia Police Chief, once hired and installed, to make a public message of safety to immigrant and undocumented residents. She commented that they would continue to build a sanctuary network that provided support and solidarity to immigrant neighbors, friends, and families. They would continue to grow capacity to provide accompaniment for migrants facing ICE, U.S. Customs and Border Protection (CBP), and justice system processes and would fundraise and disperse funds to migrants needing support navigating the systems that were threatening their dignity. Ms. Housh Gordon commented that they envisioned a community where every child had access to a high quality and free public education and where all students and their families were welcomed, included, and protected in the school environment. She stated they called upon the Columbia Public School Board and the community to acknowledge and address the community's participation in the school to prison pipeline, to make a public statement with regard to the safety of undocumented students and the students of undocumented parents, and to ensure redistricting did not under-resource or segregate students, particularly with regard to race and socioeconomic status. She noted they would hold a forum to address issues relating to students of color, students with disabilities, and students of immigrants and undocumented parents, and support and develop the leadership of parents as advocates. Ms. Hughes commented that they envisioned a community where every person was safe and free, where policing was dismantled because neighbors were supported in addressing the root causes of violence and crime, and where punitive measures were replaced by restorative justice processes that took both harm and humanity seriously. She stated they called upon the City Council and City Manager to ensure community policing principles were present in every level and in every act of policing, from recruitment and hiring to training, community engagement, and call responses. She asked that the City recruit and hire a new police

chief that demonstrated both the understanding and commitment to the principles of community policing, and that they examine and improve anti-bias training at every level. She explained they planned to develop training for congregations to learn about the racist history of policing in America, to engage in conversations about divesting from policing, and to develop skills of bystander intervention and restorative justice. She noted they would work on a bail fund to help people awaiting trial get out of jail while also advocating for the Boone County Court system to end its racist and classist practice of cash bail. Ms. Housh Gordon commented that this was their moral agenda for 2019 and stated they would like to invite the Council, as elected officials, and others present tonight to sign on to their agenda at mofaithvoices.org and to work with them to put dignity and equity at the center of the community. She noted they would follow up with Council in the coming months as they worked together to achieve their vision for Columbia.

SPC8-19

Howard Hutton - A City Council vote on adopting the language of the City of Denver's ban on conversion therapy by licensed practitioners on minors.

Mr. Hutton, 804 Cambridge Drive, explained he was a member of Parents for Parents, P4P, which was a program of The Center Project, and noted P4P celebrated children, supported each other, and worked for progress. He believed the Council had a responsibility to protect the health, safety, and welfare of the people of Columbia, especially the physical and psychological well-being of minors, which included LGBTQ youth, and supporting a ban on the dangerous practice of conversion therapy would affirm to the City's youth and the entire LGBTQ community that its leadership believed in the diversity, inclusion, and dignity of every person. He commented that conversion therapy was the attempt to change a person's sexual orientation identity and expression by virtually any means and in any setting. It consisted of making children disgusted with the most basic part of their being from which they bonded and created the loving relationships that would sustain them throughout life. He stated the tactics employed were loathsome, bullying, ostracizing, shameful and fear-based, as conversion therapy included mental and physical abuse, electroshock therapy, and even lobotomies. He asked the Council to move to officially prohibit the life-threatening and torturous practice of conversion therapy. He noted the well-known damaging effects of this unethical and heinous practice had directly cost lives and ruined futures, and a failure to act meant the next life taken would be on them. By adopting the ban approved by the Denver City Council, a provision could be ready for final approval within the month because the bill could be adjusted for Columbia's Code of Ordinances. He understood the Council and City Counselor had already received this information via email, and it was on the agenda for tomorrow's Human Rights Commission meeting. He commented that the ban would only prohibit licensed professional mental health providers and would not affect religious freedom, but thought they needed to be clear that conversion therapy when practiced by religions was religious torture. It was not about having the freedom to worship as one wished in their own emergent splendor. He provided an example of a young lady who had been subjected to conversion therapy once a week for two years in Columbia at Morningstar before her school, Central Christian College of the Bible in Moberly, Missouri, continued their concentrated effort to change her for another year. He commented that this therapy had almost killed her, and that there were thousands of these kinds of stories, many of which had ended badly. LGBTQ identity too often stayed a secret that went to the grave, and being lesbian, gay, bisexual, transgender, or queer was not a disease, disorder, illness, deficiency, or shortcoming. It was a normal and positive variation of humanity. He noted the consensus among medical and mental health professionals and organizations and others was that the attempts to change a person's sexual orientation or gender identity were ineffective. He stated research studies and other available evidence showed conversion therapy and other treatment practices that attempted to change a young person's sexual orientation or gender identity posed a significant risk of serious emotional and physical harm, such as anxiety, depression,

hopelessness, social withdrawal, illegal drug use, and suicidality, to that young person. In addition, LGBTQ youth tended to experience the harmful effects of stigma and discrimination when forced or coerced into undergoing conversion, reparative, or reorientation therapy because, as minors, they could not effectively refuse or prevent the conversion therapy wanted by parents or other authorities. He believed the City had a compelling interest to protect the physical and psychological well-being of LGBTQ minors by limiting the risk of harms caused by exposure to conversion therapy in the City. He asked those in support to stand, and approximately 30 people stood. He stated they were present today to request the Council unanimously vote to protect children by adopting the prohibition of conversion therapy as had recently been done by the City of Denver, Colorado, with only minor revisions for the City of Columbia's Code of Ordinances.

SPC9-19 Becky Rickman - The gun violence situation, and specifically how priorities need to shift.

Ms. Rickman did not speak.

SPC10-19 Alan Mitchell, President of the Columbia Police Officers Association - The Citizens Police Review Board.

Mr. Mitchell explained he was the President of the Columbia Police Officers Association (CPOA) and stated the CPOA did not believe Bill Davis should continue his role as a member of the Citizens Police Review Board (CPRB) based on his comments. He noted the CPRB was meant to provide citizen oversight to the Police Department's internal affairs system. Their job was to take complaints from citizens as well as police officers with regard to decisions rendered through the internal affairs process. They were meant to ensure the investigations were done properly and that there were not any improprieties. They were also tasked to ensure policies were applied and the facts of the situation had been examined. It was meant to be a fair and unbiased system. The CPOA felt Mr. Davis had shown through his comments at CPRB meetings and through social media that he was biased against police. He commented that Mr. Davis had expressed his interest to judge more incidents and generate more activity for the CPRB while admitting he had not read any of the Columbia Police Department's (CPD's) policies even though they had been provided to him. He understood Mr. Davis had indicated he knew how the police lied and had inferred officers lied for each other when their stories matched. He noted Mr. Davis was stereotyping all officers as liars by saying he knew how the police lied. By replacing the word "police" with any race or color of people, the sentence would be biased or even racist. He commented that Mr. Davis had expressed his desire to bring forward his own complaints to the CPRB so he would then to be able to sit on the CPRB in judgement of them. He did not believe that was fair or unbiased. He asked the Council to imagine that they were a defendant in a case where a juror stood up to say he or she knew they were guilty even before court had even started because they had worked with someone that looked like them and knew how they operated, and that the juror was still allowed to sit on the jury. He did not think one would have much respect for the jury's decision. He stated the CPOA did not have anything against the CPRB as it was there for both citizens and officers, but in order for the process to work, the police had to have faith that the CPRB was looking at incidents without prejudgment. They also had to have faith that the CPRB would look at the policies and facts, and not at feelings and politics. He felt Mr. Davis had shown himself to not be a neutral party, but an activist. He believed Mr. Davis had every right to be an activist, but by being one, he did not feel he was qualified to sit on the CPRB. He stated they had clips from social media and the CPRB meetings if anyone wanted to view them. He reiterated that the CPOA wanted a neutral body on the CPRB.

SPC11-19 John Trapp - Poverty: transportation and shelter.

Mr. Trapp stated he had a contract to do homeless outreach in the downtown area and expressed his gratitude to the City, its management, and this body for coming through with emergency shelter for those that were unable to get into the Room at the Inn and the Harbor House recently. The night before the coldest weather, approximately fifteen people had been turned away from the Room at the Inn and the Harbor House due to the lack of capacity. He was thankful no one died during the cold and that had been largely due to the last minute stop-gap actions of the City. He commented that this was a long-term problem that needed to be addressed. He stated Columbia was growing, and many were prospering in the process, but far too many were getting left behind. He felt the public transportation system was a joke. While public transit across the nation was in a slow decline, it was in freefall in Columbia due to poor decision-making and the lack of financial support. He asked how many of them had ridden the bus in attempting to get from one point to another by a certain time, such as work or to a doctor's appointment and how many of them had flown in or out of the Columbia Regional Airport. He felt that was the answer if anyone was wondering why the bus system was in retreat while the airport was receiving a \$12 million expansion. If the Council was dependent on the bus, the City would have a working transportation system. He commented that he had received a call this morning from a woman that he had helped house a while back who was celebrating 90 days sober and she now needed employment. The options for entry level positions for a 40-something formerly homeless women were lacking, and there were even fewer due to the lack of a functioning public transit system. He noted the bus by her house stopped running at 5:30 p.m., and did not run at all on weekends. This severely impacted her ability to find employment. From reading media reports, it appeared only one person on the Council understood the need for a functioning transit system, and he thanked Mr. Thomas for his advocacy on this issue. He asked the Council to deliberate, seek funding sources, build partnerships, and spend the same political capital rebuilding public transit as it had in building the airport. He commented that the lack of transportation options prevented employment, prevented access to affordable housing, and promoted despondency and despair amongst the most vulnerable. He asked Mr. Thomas to continue to advocate for a workable transit system, for Mayor Treece to stop lobbying against the interest of the City if he could not be a part of the solution, and for the rest of the Council to find a way to provide Columbia with the transportation system it deserved. He did not believe anything else was acceptable.

SPC12-19 Nina Hampton - Clear communication between public and city.

Ms. Hampton, 202 Bay Pointe Lane, explained she was a member of Race Matters, Friends, and stated the last two months had been challenging as the City was taking a step toward meaningful police reform and transparent leadership. She commented that much had transpired since the duties of Sergeant Tate had shifted away from contact with the public and toward a deeper investigation into his behavior while he was an internal affairs employee at the CPD. She noted the CPD had a new Interim Police Chief that had expressed a deep commitment to community oriented policing and building trust between the officers and the citizens they served. She believed Columbia was moving forward in a promising direction, but felt it was vitally important to the success of that forward movement to remember to not skip important steps when pursuing racial reconciliation, which was what they were attempting to do. She commented that Mayor Treece and others spoke frequently about building a beloved community. Acting Police Chief, Jill Schlude, and Interim City Manager, John Glascock, had spoken about Sergeant Tate's reassignment. They had also referenced the recently adopted principles of community, discussed training, and emphasized moving forward, and had even gone as far as envisioning Sergeant Tate could be an exemplary model of inclusion in the future. She believed what had been missed was an apology and an acknowledgement of the harm done. She commented that moving forward could only occur once they had

adequately dealt with the past and the present harm caused. As part of moving forward, they had to acknowledge the harm that had been caused and make amends. The way the City had framed Sergeant Tate's behavior and the language of moving forward was understandable, but it seemed inauthentic when it left out the people against whom those actions were directed. They remained unseen and unheard, the people of color, the poor, and the homeless, and they were the people of the beloved Columbia community.

V. PUBLIC HEARINGS

PH3-19 Proposed construction of a traffic calming project on Rain Forest Parkway.

PH3-19 was read by the Clerk.

Mr. Nichols provided a staff report.

Mayor Treece opened the public hearing.

Geoff Gunnell, 4006 Iguana Drive, explained it had not been too long after he had moved to the Vanderveen Subdivision when he realized quite a few of the residential streets there had a speeding problem. He noted he had talked to the homeowner's association about it and understood a lot of people had complained over the years. Finally, after all of this time, something was happening to address the issue on Rain Forest Parkway. At the two meetings he had participated in, they had looked at the section of road from Range Line Street to Providence Road and had examined the different ways to address the problem. He commented that the Public Works Department had done an excellent job of explaining the options. He pointed out a speed hump would be located near the Providence Road end, across from the swimming pool area, which they felt was critical even though there was not a lot of space and an existing hump was closer to the curve. He stated he saw a lot of traffic turning on to Rain Forest Parkway and speeding up quickly along with a lot of traffic westbound that did not slow down for the pedestrian walkway at the edge of the Providence Road intersection. He felt a calming measure there would add a lot for safety in the area. He commented that he was not aware of anyone against this.

Mayor Treece asked Mr. Gunnell if he liked the project the way it had been proposed. Mr. Gunnell replied he did, and explained the idea of the platforms was a good way to address the issue without being very intrusive to internal traffic. He thought they would work well with snow removal as well. He stated he believed it was a good plan.

Adam Franklin, 402 Rain Forest Parkway, explained he wanted to voice his support for this project. As both traffic studies had shown, the 85th percentile was significantly above the posted speed limit, even with the two current mitigating measures that had been installed in 2006. He was not sure if a study had been done afterward to see the impact of those measures, and was eager to see the results of a study six months afterward if this project was approved and implemented. He commented that approximately 900 vehicles per day traversed the road, and one out of every six traveled over 45 mph. He stated his house faced Rain Forest Parkway so he saw many pedestrians with pets and strollers. In addition, the amenities on the south side of Rain Forest Parkway drew people from the north side causing them to have to traverse the road at some point. He agreed the measure Mr. Gunnell had mentioned with the crosswalk and signs would help slow people down. He asked the Council to approve this project for the safety of both drivers and pedestrians.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Trapp applauded this process as there was a lot of support in the neighborhood. He pointed out traffic calming did not always have universal support, and people that enjoyed speeding were not fans of it because it tended to be effective. He noted one speed hump in isolation was not very effective. They really had to be placed in succession. In addition, speed humps should lower one's speed limit to lower than the posted speed limit in order to control the speed on the entire street and not just over the speed hump.

He agreed this was needed as had been indicated by the testimony.

Mr. Trapp made a motion directing staff to proceed with installation of traffic calming devices on Rain Forest Parkway between Providence Road and Range Line Street. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

PH4-19

Voluntary annexation of property located on the southeast corner of the Highway 163 and Route K intersection (Case No. 46-2019).

PH4-19 was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked if those properties with pre-annexation agreements would or could annex when becoming contiguous in exchange for City services prior to annexation. Mr. Teddy replied they could as the City still had to take action on those agreements. Mayor Treece asked about the location of those properties. Mr. Teddy pointed them out on a diagram that had been displayed.

Mr. Thomas asked why the Columbia Public Schools (CPS) wanted to annex. Mr. Teddy replied the statement he had was that they wanted to access City services, and one of the services mentioned had been a City resource officer. Mr. Thomas understood the City would not provide a resource officer to a school outside of the city limits. Mr. Teddy stated he was not certain of the policy, but that had been one of the stated reasons for annexation.

Mr. Thomas asked if CPS had acquired the strange strip with the specific goal of touching the city limits and being able to annex. Mr. Teddy replied he had heard about the strip going back a number of years, but did not know the story. He understood there had been a suggestion of a path being built there as they considered different things around the State Park.

Mr. Thomas asked if the City would receive any taxes if and when this property annexed. Mr. Teddy replied the City would receive fees for service. They were already paying for sewer, and he assumed they would pay for solid waste and other services. Any building activity would have associated fees as well, but there would not be any property taxes.

Mr. Thomas understood this would make another six parcels eligible for annexation. Mr. Teddy stated he believed four touched directly. Mr. Thomas asked if those parcels were already developed. Mr. Teddy replied yes. He explained they were houses on large lots that were connected to the City sewer system.

Ms. Peters asked for the location of the park. Mr. Teddy described the location on the diagram that was displayed.

Mr. Skala understood this was well within the urban service area. Mr. Teddy stated that was correct.

Mayor Treece asked how this was not flagpole annexation. Mr. Teddy replied it was a small perimeter of the subject parcel, but thought it could be argued that this fell midway between existing city boundaries. He showed the locations of other city boundaries utilizing the diagram that was displayed. He commented that it was generally in the direction of annexation, but admittedly it was a fairly weak territorial link in that there was not a lot of site perimeter that was adjacent to the city boundary at this time.

Mayor Treece opened the public hearing.

Tim Crockett, an engineer with offices at 1000 W. Nifong Boulevard, stated he was representing CPS and noted a formal presentation would be given in a couple of weeks when the zoning along with the annexation was before the Council. He explained the narrow strip had been acquired many years ago when the subdivision to the east had been subdivided. It was a 40-foot strip of land that went down to the park, and the intent of that acquisition was to link the school property to Rock Bridge State Park.

Mr. Thomas asked if this was the trail referred to as Paxton Passage. Mr. Crockett replied he was not sure what the trail was called, but noted there was a trail there. He reiterated it had been acquired many years ago, and had not been acquired for this

specific purpose.

Mr. Crockett commented that state regulations called for compact and contiguous for annexations. This property was certainly contiguous as it was abutting city property, and the word compact was a little vague. He explained they were annexing property that was already within a little pocket of County with the City around other sides of it. He gave an example of 3-4 miles of state right-of-way to get to a commercial corner as flag annexation that might be problematic, but stated he did not believe a situation such as this was a problem. With regard to Ms. Peters' question, the park was just to the south. He noted there were several properties in the area with pre-annexation agreements, but the City was not obligated to annex those properties. It only allowed the City the authority should they desire to annex. He commented that the school was served by a resource officer from the Boone County Sheriff's Department, but the high school right up the road was served by a City resource officer. This location did not need a resource officer on a regular basis, but it was necessary from time to time, so they wanted the ability to call in the resource officer that could respond more quickly.

Barbara Jefferson stated she had heard discussion about bringing in more property to Columbia multiple times. She understood this was a small area, but it was still growth and would place stress on services that already needed to be fixed. She commented that she was against any more growth because there was so much that was broken that needed to be fixed.

There being no further comment, Mayor Treece closed the public hearing.

VI. OLD BUSINESS

B17-19

Amending Chapter 11 of the City Code relating to landscape management.

The bill was given second reading by the Clerk.

Ms. Kottwitz and Ms. Fox provided a staff report.

Mr. Skala asked if there was any provision in this ordinance that would address the maintenance of any of the native species. Ms. Fox asked if he meant the height. Mr. Skala commented that he understood some people wanted a native approach on their entire yard while others felt there needed to be some restraint with respect to beds, and asked if that was addressed in this ordinance. Ms. Fox explained that in order to identify as a native landscape, it had to be managed with the intent of having a functional native landscape, i.e., ecologically functional, which meant having a biodiversity presence. If it included invasive species, it would not be considered a native landscape. It would need to be maintained so it was not growing into other people's yards, and as a result, some sort of barrier, whether it was a three-foot, six-foot, etc. buffer, would be needed. She stated there were ways to help guide the maintenance of certain landscapes. Mr. Skala understood the native landscape was pretty much freeform as long as there was not encroachment onto other people's property, so it could essentially go from the curb to the front door. Ms. Fox stated that was correct, but pointed out they would have to prevent the harborage of vermin, which was defined as having not only plant matter but a debris or trash presence as well.

Mr. Pitzer understood trees were not covered by the existing ordinance, and asked if Bradford Pears were covered under the proposed ordinance. Ms. Fox replied they were invasive.

Mr. Pitzer asked about the enforcement plan if this ordinance was enacted. Ms. Fox replied it would only be an issue if the person was claiming they had a native landscape. She commented that if it was clear someone was just letting their grass grow long and there was an invasive species, the code enforcement official would say there was an invasive plant present and ask about control measures. If the person did not have a plan or some reason for it, it would be obvious it was not a native landscape.

Mr. Pitzer asked who would be in charge of enforcement and if they had the resources for it. Ms. Kottwitz replied the City currently enforced the weed ordinance through the Office of Neighborhood Services and they had part-time staff to help in the summer. She

anticipated that would continue. She commented that some people had native landscapes, but most of the enforcement involved people that were not maintaining their yard at all so she anticipated that would continue even with this change. It was an issue of properties being neglected entirely and generally involved vacant lots or absentee property owners.

Ms. Peters understood this had been discussed last year and staff had suggested the Council allow them a year to determine how this would work and how it could be enforced, and asked if they were now comfortable that this was enforceable and that it would work. Ms. Kottwitz replied they had a few more months before the growing season, and it would require some staff training because they had added more detail to the ordinance and staff needed more knowledge with regard to what they would be seeing. She noted they were glad to have the help of Ms. Fox in getting staff ready for the growing season. She commented that one of the other things they had planned was to take the approach of determining the problem spots and issues that resulted in the complaint instead of assuming they were seeing weeds when it was a native yard.

Mayor Treece asked if there were any percentages of total area that could be in native landscape or if it could be at 100 percent. Ms. Fox replied they had not named any sort of percentage. The idea had been tossed around early on, but it would be difficult to determine when going out to assess a yard. She pointed out many people had natives along with non-native ornamental plantings as well.

Mayor Treece asked if there was a buffer zone between a native landscaped yard and the adjoining property, especially if the adjoining property had a yard that was mowed once a week. Ms. Fox replied it would have to be maintained so it was not reaching into the neighboring property. There would need to be some sort of buffer, whether a mowed three-foot buffer, a privacy fence, etc. She stated there were a lot of different scenarios, which was why they kept it broad within the ordinance. Mayor Treece asked about sidewalks, etc. Ms. Fox replied those would have to be clear. There could not be any obstruction of sidewalks or sight distance issues.

Mr. Ruffin asked if there was a procedure for assessing fines for absentee landlords that were in violation of the ordinance. Ms. Kottwitz replied they proceeded with abatement in most cases where the property owner was not being responsible and then charged the cost back to the property along with an administrative fee. It was how the City had accomplished some control with those properties while recouping costs. She noted they could send owners to Municipal Court, but had been resolving those issues through the abatement process, and would continue that process with this ordinance. Mr. Ruffin asked how successful the City had been in collecting those fees. Ms. Kottwitz replied she did not have that number, but thought it would vary. She understood the Finance Department billed the property owner, and the property changing hands provided an opportunity to collect the money if it was still unpaid.

Ken Midkiff, 1005 Belleview Court, explained he was Chair of the Environment and Energy Commission (EEC) and they enthusiastically and unanimously supported this landscape ordinance. He thanked Ms. Fox for appearing before them and answering questions similar to those of the Council.

Carolyn Amparan, 4804 Shale Oak Avenue, stated she was a member of the Mayor's Task Force on Climate Action and Adaptation Planning, but was not speaking for them because they had not had the opportunity to vote on this issue. She commented that the proposed ordinance supported a lot of what they wanted to accomplish with the Climate Action and Adaptation Plan. She explained one of the overall goals of the Climate Action and Adaptation Plan was to reduce greenhouse gas emissions, and a way native plants could help do that was through carbon sequestration in the soil. Native plants often had the benefit of deeper roots and did not have to be replanted and dug up every year, which contributed to the natural processes that improved carbon sequestration in the soil. She understood native plants did not require synthetic fertilizers or pesticides, and eliminating those from yard and garden care also helped carbon sequestration. Another benefit of

native plants was that they were more drought resistant so they required less water demands, and by not having to water them so much, they were reducing the greenhouse gas emissions associated with pumping water to the site. She noted they could also reduce mowing with native and natural landscapes in private yards and public rights-of-way, which would also reduce greenhouse gas emissions. Additionally, more native plants and natural landscapes would help wildlife and pollinators that were suffering greatly from climate change by not being able to adapt quickly enough. She commented that protecting pollinators was essential to protecting the food supply. She stated the Task Force had proposed actions to promote local food as part of the Climate Action and Adaptation Plan, and this ordinance provided opportunities for local gardening and small urban agriculture, which she believed would make the community more resilient in the face of climate change and possible food scarcity.

Jay Hasheider, 1812 Cliff Drive, commented that he was in favor of this ordinance. He pointed out the Water and Light Advisory Board (WLAB) had recently engaged with staff to develop a community garden water rider to the water rates, and this ordinance had a definition of community garden, which he felt should be consistent with the definition used for the water rates. He thought this had everything wanted but it had also included plants that were grown for aesthetic purposes, including but not limited to native and ornamental plants. The rest, in terms of growing food, was something the WLAB had been looking for from the Law Department for defining the rider. He reiterated it did not include growing ornamental plants and stated he was not sure if the Council wanted to change that definition tonight or wait until they had something from the Law Department for the rider, but felt the definitions should be as consistent as possible.

Nadia Navarrete-Tindall stated she lived on Grand Avenue and noted she agreed with all of the prior comments with regard to the benefits of native plants. She explained she had been working with native plants for about 20 years and had seen what native plants could do for a yard. It not only had the benefits mentioned previously, but it also provided beautification. She understood some people felt native plants were weeds, and pointed out it depended upon on how they were maintained. She believed these changes would allow native plants to be established in the same manner as other gardens with proper maintenance and landscaping. She commented that she had seen diversity in her garden every year. It provided not only physical benefits, but also mental benefits as it made them feel better. She applauded the work of the Office of Sustainability, and noted she would support it as a volunteer if necessary.

Beth Geden, 2610 Hillshire Drive, understood there was a provision to remove plants by March 21, and commented that they were native plants so they would likely not be dug up and removed. She thought the top growth would be cut back. She pointed out ornamental plants would likely not be removed either. They would just be cut back as well. She suggested that be clarified. She explained she thought there were two levels to the problem. One was the lack of involvement by the neighbors and the other was the lack of specificity of the planting plan. She stated she had experienced this in her neighborhood as the plan was lovely and what had grown had been lovely. The problem had been with maintenance because weeds had grown overtime and it had lost much of its appeal. She commented that the issue with regard to where the gardens should be planted and whether there should be some buffer area needed further attention, particularly in terms of a native garden or shrubbery because planting shrubbery on the property line meant it would likely be over the property line in a couple of years. She thought there needed to be a buffer that would allow for the growth of a bush or those types of plantings. She did not feel the current regulations or comments reflected subsequent management, review, recommendations, or enforcement of the recommendations, and believed it needed to be further addressed.

Dee Dokken, 804 Again Street, stated she was representing the Osage Group of the Sierra Club, which consisted of about 5,200 members and supporters in and around Columbia. She commented that they felt this had been a good process and supported

the proposal. She noted well-managed native landscapes were very nice, and provided the Parks and Recreation Department, the Missouri Department of Conservation, and the University of Missouri as examples of organizations with nice native landscapes.

Patricia Garcia, 2612 Hillshire Drive, explained she lived next door to Ms. Geden, who had spoken earlier. She commented that the City tended to have these great and awesome ideas, but did not feel things were fair for the neighbors. She provided chickens as an example, and noted a chicken coup in her neighbor's yard was exactly the legal distance required from her bedroom window, but it was twice as far from the neighbor's bedroom window. In addition, the associated odor and snakes were not being addressed, and a plan had never been presented to the neighbors. She felt if the City was going to allow these types of things, the neighbors should be involved as part of the process. She noted visitors sitting on her deck had wondered how long the property next door, which had a wildflower garden, had been abandoned. There was no definition or aesthetic niceness to it. It was just there. She felt regulations were necessary along with listening to the neighbors if the City was going to allow these types of activities. She stated she had been told by a realtor she would lose \$10,000 on her house due to this activity on the neighboring property. She did not want to lose \$10,000 nor have people on her deck thinking she was living next to an abandoned house. She reiterated that there needed to be defined areas. She noted the Parks and Recreation Department had these types of landscapes, but they included boundaries, mulch, etc. to make it look like a garden as opposed to a weed patch.

Kevin Borisenko stated he was representing the Missouri Department of Conservation (MDC) and extended his gratitude to the Council and to staff for doing diligent work over the past 18 months in reviewing how this situation was handled in other communities and in working with MDC staff in defining native plants and native landscaping. He applauded their efforts at outreach to obtain public input and to educate people on the proposed weed ordinance. He stated his support, and noted one of the ways they could connect people with nature was for it to be in their backyards. He understood the questions and concerns, but felt they could be addressed over time with education and understanding as it would mean a lot for native landscaping. He thanked the Council for considering it.

Billy Polansky stated he was the Executive Director of the Columbia Center for Urban Agriculture and noted they were in support of this ordinance for the many reasons previously mentioned. He explained pollination was great for growing fruits and vegetables so native plants would help everyone. He understood it would cost more to have a nice yard due to the new water rates passed at the prior council meeting, and native plants used less water providing an opportunity for people to not spend as much money on water. He commented that he felt there had been issues with a prior version of this ordinance as it appeared to limit the ability of people to grow food, but some changes were made, and he now believed it was great. He thought the ordinance would have some teeth in helping to address violations. He stated he had worked with Ms. Kottwitz with regard to neighbors on his street that had been negligent and staff had been swift. He was confident the Office of Neighborhood Services would do a good job. He commented that he felt it was great to give people the freedom to do more with their yards while providing some teeth for enforcement.

Mayor Treece asked staff to comment on some of the concerns mentioned. Ms. Kottwitz replied the ordinance discussed removing dead vegetation, and not necessarily the entire plant. The removal of the dead heading of the vegetation was the intent of the ordinance. In terms of the involvement of neighbors, the Office of Neighborhood Services already took citizen and neighbor complaints, but they did not necessarily have a weighted voice in the process. She noted they would continue to address neighbor complaints. She explained there was not a path for neighbors to attend a hearing in the current ordinance and it was not in the proposed ordinance either. She commented that the management of yards was required per the ordinance, and the definitions in the ordinance would help them meet the specifications of the ordinance.

Mayor Treece asked if there was a requirement to notify neighbors with respect to constructing a fence. He explained he was trying to emulate that in this ordinance. Mr. Teddy replied permits were not required for fences. Many times the fence contractor would notify the neighbor that they would be working along the property line.

Mayor Treece asked staff if they were comfortable with the proposed ordinance in terms of addressing issues at the property line. Ms. Fox replied there had to be some sort of mitigation to ensure it did not enter into the yard of the neighbor. She felt there would likely be some communication if one was being a good neighbor, but was not sure how they could regulate that.

Mr. Skala commented that he had been involved in the chicken ordinance, and noted there had not been a lot of complaints and less application of that ordinance than anticipated. He stated he was not suggesting there were not problems, and felt they needed to address any problems. He only thought this proposed ordinance was similar. There were many benefits as had been mentioned by some of the speakers, but the interface between private property and neighbors of that private property had the potential to be an issue. He stated he was inclined to support this, but understood there might be some issues they would have to revisit. He did not believe they should anticipate problems for something that would provide a general benefit to the public at-large, but felt they should ensure the meanings of well-managed and nuisance abuses, and address any issues when they arose to prevent hard feelings amongst neighbors.

Mr. Thomas stated he supported this ordinance for its habitat diversity and environmental impact, but thought it was important to have neighborhood cohesion and good communication between neighbors. He asked if inspectors could visit existing native gardens to interpret them again in light of the new ordinance and meet with neighbors that might disagree with the ordinance or felt the ordinance was not being followed if it was to pass tonight. Ms. Kottwitz replied that was the approach currently. If there was a conflict or a need for interpretation, staff would review the situation. She noted Ms. Fox had been a great asset, and they had other staff in the Parks and Recreation Department that could also be called upon if expertise was needed. She pointed out it had happened in the past, even under the old ordinance, and she anticipated it would continue.

Mr. Trapp commented that he felt this ordinance brought forward some important ends towards improving the environment. It also complimented the conservation water rate passed at the prior meeting. He stated he believed the provisions about entering the neighbor's yard, turf grass, and noxious plants provided adequate protections for those that might not appreciate native landscapes. In a free society neighbors sometimes did not engage in behaviors that everyone agreed with or appreciated, but a City that functioned for everyone was needed. He thought this struck a good balance between protecting the environment and stopping the worse kinds of problems from unkempt lawns.

B17-19 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B18-19

Amending Chapters 4 and 24 of the City Code relating to the regulation of downtown sidewalk cafes.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report, and pointed out there was reference to a subsection (b) (5) in Section 1 of the ordinance, which should be (c)(5). He asked that Council consider the ordinance with that correction.

Mayor Treece asked if the renewal of the annual permit would come to Council or if it would be handled administratively. Mr. Teddy replied both the original application and the renewal would be handled administratively unless there was a need for a right of use

permit.

Mayor Treece asked if restaurants would pay a fee to use the City's asset, i.e., the sidewalk, for their commercial benefit. Mr. Teddy replied no as they currently did not. This would only institute an annual application fee.

Mayor Treece commented that there was a rather notorious interpretation of this at the corner of Walnut Street and Eighth Street as a physical structure had been built, and asked if that would comply under this ordinance. Mr. Teddy replied that would not be approved through this process. He explained that had been a unique agreement that had gone to the Council and had involved a change order to the Avenue of the Columns streetscape and the taking of a parking space out of service. Mayor Treece understood that could not happen under this ordinance. Mr. Teddy stated that was correct.

Mayor Treece stated he thought this was a great idea as they wanted activity that permeated beyond the glass window of the restaurant while preserving pedestrian access. He understood there was reference in the ordinance to having some delineation and asked if that would be done by a chain or bollards. He wondered how the balance would be struck between those enjoying this benefit and pedestrian traffic. Mr. Teddy commented that there had to be an enclosure if alcohol was being served. Mayor Treece understood that only applied if there was alcohol. Mr. Teddy stated that was correct. He thought it had been a desire of the committee to preserve that aspect. Mayor Treece understood a bistro table in front of a coffee shop would not necessarily trigger it. Mr. Teddy stated that was correct.

Mr. Thomas asked if the existence of the renewal process meant that pre-existing examples of restaurants using the sidewalks would have to apply for a renewal, to include the notorious example Mayor Treece had mentioned. Mr. Teddy replied he would not comment on the example of the right of use with the structure, but it was the intent for this ordinance to apply to an ordinary café to include those that already existed. Mr. Thomas asked Mr. Teddy if the City would have to notify those with this pre-existing situation explaining they would have to apply within a year. Mr. Teddy replied yes. He pointed out they were portable for the most part, and as staff saw chairs and tables coming out, they would be notified of the permit process requirement. He commented that it was also an opportunity to keep track in case there were any complaints.

Mr. Thomas asked if the proposed ordinance spoke to a permanent roof structure over the area of the sidewalk in any way. Mr. Teddy replied that was not allowed for an ordinary sidewalk café. One could have an umbrella table to provide temporary shade. He pointed out it was meant to be portable. He noted someone might put chairs under an awning, but an awning was already an allowed feature. Mr. Thomas asked if annual permits would be required for those businesses that already had a sidewalk café area with a roof. Mr. Teddy replied he thought those would be subject to their agreements, but understood those could be reviewed if Council wanted. Mr. Thomas understood those with pre-existing agreements would not automatically be required to submit a permit application. Mr. Teddy commented that if it was something so substantial that it would not meet the criteria of the ordinance, he did not see the point of notifying the business. Ms. Thompson explained any item involving the right-of-way, such as a roof or other permanent installation, would require a right of use agreement. Right of use agreements came to the Council for authorization. The proposed ordinance would create an administrative process for the temporary sidewalk cafes that did not have any kind of permanent installations in the right-of-way, and all of the right of use agreements were subject to revocation by the Council at any time. If there was a violation of terms or if the Council felt it should no longer exist at the location, the right of use could be revoked.

Mayor Treece asked if the ordinance contemplated food trucks. Mr. Teddy replied no, and explained that was within a different part of the Code.

Mr. Pitzer made a motion to amend B18-19 by changing (b)(5) within Section 4-48(d) to (c)(5). The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B18-19, as amended, was given third reading with the vote recorded as follows:

VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

- B20-19 Rezoning property located on the west side of Scott Boulevard and the north and south sides of Smith Drive from District PD (Planned Development) to District M-N (Mixed-Use Neighborhood), M-C (Mixed-Use Corridor) and R-MF (Multiple-Family Dwelling) (Case No. 24-2019).

Discussion shown with R21-19.

- R21-19 Approving the Preliminary Plat of "Westbury Village Subdivision" located on the west side of Scott Boulevard and the north and south sides of Smith Drive; setting forth a condition for approval (Case No. 23-2019).

The bill was given second reading by the Clerk, and the resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Peters asked if there were standards as to how many residents a commercial development should service or what might be considered an appropriate distance. She commented that 1-2 miles did not appear to be too far to get groceries, but wondered if it was considered too far. Mr. Teddy replied he thought that would be highly subjective. He felt there were likely industry standards for individual uses. He believed they wanted groceries to be accessible to as many areas in as short of a distance as possible. He thought it was always good to have convenience goods at a close distance, but he was not sure what that specific distance was and noted they likely had some neighborhoods that were not served within several miles. Ms. Peters understood Mr. Teddy was not aware of an industry standard. Mr. Teddy replied he thought it would be different for those that determined store or service locations versus city planners. He explained planners wanted to place small commercial nodes or crossroad centers in between the large shopping venues so people had the opportunity to enjoy neighborhood-oriented services, such as coffee shops, beauty salons, dog grooming services, etc., but there was also a question of scale. Ms. Peters asked Mr. Teddy if he would consider this a neighborhood hub. Mr. Teddy replied it had a high capacity road on it that would attract a lot of traffic to the site. It also had the benefit of some good connectivity with a lot of neighborhoods and would enable routes not on Scott Boulevard for some commercial services. They had heard testimony from some saying they would like a few services to be closer while others thought it was too much and that the development would be overwhelming. He commented that the staff had not recommended M-C to the extent that was proposed. The leaning of staff was toward a greater proportion of M-N.

Mr. Skala commented that this was one of the first controversial items he had faced when he had first been appointed to the Planning and Zoning Commission (PZC) in 1999. He recalled some water runoff issues as the property had topography that lent itself to water issues. He asked Mr. Teddy if any issues had surfaced with regard to water. Mr. Teddy replied staff had discussed the intermittent stream early in the process with the developer and his design professionals. It was mapped and was the headwaters of the Gooden Branch, which was a named tributary south of Smith Drive. He noted a buffer was shown on the subdivision plat and the northwest corner of the site included some tree preservation and stormwater BMPs. In addition, there was a reservation of a detention basin to the southwest of the site. He explained the City had not yet had its current stormwater ordinance in 2000 and thought progress had been made since then in terms of how stormwater was managed.

Mayor Treece understood the 2000 approval was for a PUD-12 and asked how existing commercial had been converted to the new Unified Development Code (UDC) M-C and M-N districts. Mr. Teddy replied a planned district designation had been placed on the

entire 45 acres as the ordinance from 2000 governed development on the site. The exception involved the ordinance that had created a residential planned district to the west and north of this tract as it had expired per the terms of the previous zoning code. The terms of the residential planned district, however, had survived and building to that plan would require further proceedings at a PZC meeting with a plan that was designed to PUD-12 zoning. This developer had indicated the old plans and the existing zoning did not suit him, and that was the reason for their proposal for these base district zonings. They were three categories that paralleled what was currently on the site, and it would remove the PD process. If the Council was to approve this, the developer would have a fifteen lot subdivision and would do individual lot developments that would conform to the development code.

Mayor Treece stated he thought they had moved forward with the UDC to take out the planned development process and had required other certain characteristics, buffers, etc., and asked if the developer had sought any variations from that. Mr. Teddy replied not at this time. He noted staff had not seen the building plans yet. He pointed out testimony had indicated two potential end-users. One would be a continuum of care, i.e., an elderly care facility, on the PUD portion of the site, and the other was a convenience store, which he assumed would include gas pumps.

Mayor Treece understood buffer zones would be required for the M-N portion as it abutted residential zoning. On the other side, R-MF would meet R-2, so it would be multi-family against multi-family. He asked about the zoning off of Christian Fellowship Road. Mr. Teddy replied several lots were R-2 and as one traveled west to Dayspring Drive, it was R-1. Mayor Treece asked about the type of zoning M-N met. Mr. Teddy replied R-1. Mayor Treece understood that was appropriate per the UDC. Mr. Teddy stated the intent was that there would be a boundary somewhere and M-N was thought to be a transitional district.

Mr. Teddy continued the staff report.

Mr. Thomas understood a two-thirds majority was required to approve the plat, but not the zoning. Mr. Teddy replied each had its own rules. He understood it was confusing and likely emanated from the statutes as there were separate enabling laws for subdivisions. The procedures for subdivisions were in one place of the Code of Ordinances and the zoning was in another. He noted there was a provision that a written protest, which was a petition certified by the City Clerk that showed a percentage of the owners around the perimeter objected to a zoning, would trigger a super-majority, but such a petition had not been submitted.

Mr. Thomas referred to the staff report that indicated the applicant had suggested the site could not be developed as it was currently zoned, and asked Mr. Teddy for an example of the kind of evidence needed to substantiate such a claim. Mr. Teddy replied that would be hard without a detailed analysis. He thought the statement from the applicant was that it did not work for them. The developer that had originally received the approval in 2000 had not moved forward, and no one had purchased the property even with an approved plan, which one would think would be an attractive prospect. He stated something was going on with the existing plan, but noted he could not say it was not constructible without other information. He explained staff had some concerns with regard to some features of the 1999-2000 plan, but they had not really dwelled on it since there was so much more to discuss.

Caleb Colbert, an attorney with offices at 601 E. Broadway, stated he was representing THM Construction and Travis McGee, and noted they were asking for the support of Council for the rezoning request for Westbury Village. He commented that the property being considered involved 45 acres, and about 20 acres was proposed for multi-family residential use while the other 25 acres was proposed for some kind of mixed use, i.e., commercial, office, or multi-family residential. Since 2000, the property had been zoned and intended for commercial zoning. Under the original zoning, the 45 acres had about the same split as their proposal this evening with about 20 acres of planned residential

and about 25 acres of either planned commercial or planned office. He stated the proposal this evening paralleled the original zoning in 2000. He commented that they envisioned these 45 acres providing a little something for everyone. They had a lot buyer that would provide senior housing and were looking to add coffee shops, retail, a grocery store, and a convenient store/gas station. The intent was for these services to serve those currently in the area, i.e., those that drove by and could walk or ride a bike to the development. He noted comments that had come up during the PZC hearing involved the scale of the development and the concern that this would resemble the Columbia Mall, which was not true. He pointed out their largest commercial lot was 4.8 acres, and explained the Hyvee on West Broadway was on 13.8 acres while the Walmart on West Broadway was on 17.8 acres, Home Depot was on 16 acres, and the Lowes was on 14 acres. He commented that the Methodist Church right around the corner was on nine acres. He stated they did not intend to build a mall and only intended to provide services that were missing or had not been fully provided to residents in the area. He explained the zoning classifications had been chosen based upon what they expected to build and the zoning classification that would fit that expectation. He pointed out the application did not include a single design adjustment, variance, or conditional use permit request. They wanted to operate within the bounds of the Code the Council had created without any exception. As a result, they were requesting M-N, mixed-use neighborhood, M-C, mixed-use corridor, and R-MF, multi-family residential. He noted the M-C zoning district had been included because the M-N zoning district did not allow a drive-thru as a permitted use or a convenience store. If there was not any corridor zoning along Scott Boulevard, they could not have as a matter of right a coffee shop with a drive-thru, a fast-casual restaurant with a drive-thru, or a pharmacy with a drive-thru. He commented that he believed the corridor zoning and overall project were entirely appropriate for the area. M-C was a mixed-use corridor zoning and Scott Boulevard was a corridor. It was a five-lane arterial road with a 45 mph speed limit and had thousands of vehicles on it per day. Scott Boulevard was similar to Range Line Street, Nifong Boulevard, Grindstone Parkway, and Paris Road where one would expect to see businesses with drive-thrus and convenience stores. They also felt the zoning was appropriate because protections for the neighbors had been built into the project. The M-C zoning was located at the core of the project, and as they moved out to the single-family residential areas, there would be something that buffered all of the adjacent subdivisions. To the north and the west they had R-MF zoning, to the south they had M-N zoning and the stream buffer of 100 feet, and to the east they had Scott Boulevard, a five-lane arterial road. He noted Mr. Teddy had indicated M-N was a transitional zoning, and when looking at the hierarchy of zoning districts, M-N was set above R-MF. As a result, if M-N was an appropriate zoning district between R-1 or R-2 and a commercial use, R-MF was also an appropriate transitional zoning district when moving into the residential subdivisions. He commented that the UDC also provided protections as were noted in the staff report. There were neighborhood protection standards, additional screening requirements, reduced lighting requirements, and increased buffering standards. The purpose was to allow commercial uses to be in close proximity to residential uses. He explained their team had reached out to the neighbors, and a dialogue had been held with the neighbors since day one. He stated they had sent out nearly 2,000 postcards and had participated in several town hall meetings. They understood there was opposition to a convenience store at this location, but believed Scott Boulevard was a corridor area and it was appropriate for a convenience store to be placed on the site. He commented that another intangible protection for the neighbors was that the project had a local property owner and builder as the face of the project. THM Construction had a history of building good projects. When the City had gone through the UDC process a couple of years ago, the zoning consultant had picked Mr. McGee's building in the downtown as the one project that had met all of the form requirements and architectural restrictions. It had been held as an example of the type of project they wanted to build in Columbia with its mixed-use component of commercial on

the first floor and residential above it. He noted Mr. McGee was young and would not be going anywhere, and there was not any reason to believe he would not build that same quality of project at Westbury Village. He asked for the support of Council for their zoning application, and explained they had a separate presentation for the preliminary plat so they might return to offer comments on that issue separately.

Ms. Peters understood the mixed-use commercial lots would be separate lots, and asked how they would be developed. She asked if there would be separate parking, entrances, and exits for each. Mr. Colbert replied Mr. Kriete would address shared access when he spoke, and explained they would be developed as independent lots. It would be a single development with independent lots. Ms. Peters referred to the Hyvee on West Broadway and the development with the Arby's next to it as that incorporated a lot of concrete and asphalt and was a strip mall-type of development. She wondered how this development would be different. Mr. Colbert stated Mr. Kriete would speak on the parking aspects of this project.

Mayor Treece commented that his recollection was that Mr. Colbert had not been a big fan of the UDC. Mr. Colbert stated that was correct. Mayor Treece understood Mr. Colbert was saying they were now following the UDC they had not liked a few years ago. Mr. Colbert stated that was correct. He noted they were the rules whether he liked them or not. Mayor Treece explained that one of the reasons he had advocated for the UDC was because of all of loopholes, variances, and adjustments that had been brought to them as it seemed to erode the base of what they had expected everyone to follow. He stated his view was that the developer was following the UDC without the need for loopholes, variances, and adjustments. Mr. Colbert commented that he might not like the rules, but understood they were the rules.

Mayor Treece understood Mr. Colbert had referred to Lot 10, which was a third of the size of the largest commercial lots in the neighborhood, and asked if that was also the building envelope for the seasonal creek there because if it was it was not a full buildable four acres. Mr. Colbert stated that was correct.

Mr. Skala agreed the UDC had been developed to try to avoid the negotiation process that had been occurring under the previous code, but felt the difference here was that there was a zoning change request. He noted they were following the rules without any exceptions, but they were requesting a change in zoning to the M-C designation. He thought they would follow the UDC regardless of whether it was M-N or M-C. Mr. Colbert stated that was correct, and explained the open zoning districts with the increased protection standards and the increased buffering and screening matched closely to the original planned zoning. The one aspect their proposal did not have was the negotiations, which they felt was part of the intent of the UDC.

Mayor Treece asked Mr. Colbert if he had looked at this lot when the UDC was being contemplated. Mr. Colbert replied he had not looked at this particular lot at that time.

Matthew Kriete, a civil engineer with offices at 1113 Fay Street, commented that they could no longer build across lot lines. As a result, building envelopes had to be maintained within the lots, and thus, they were limited in terms of the size of the development so they would not see large, big-box-type stores. He pointed out there would be cross access and the parking areas would connect so the pavement would cross the lot lines. He felt that was necessary to provide adequate parking and to allow for vehicular and multi-modal travel for the area. There would not be any barrier from someone traveling from Faurot Drive to Smith Drive through this development. The only barriers would be the preservation areas, but they would still be able to maintain access through the development adequately. In terms of zoning, some of the uses that would have been allowed within the planned district would not be allowed under M-N zoning. The plan had fallen somewhere between the M-N and M-C zoning districts. He agreed the M-C allowed more uses than what had been allowed with the planned development. In addition, there were a few building area restrictions in the planned development, but nothing similar to the scale of M-N. He felt the M-N would result in a downgrade in

zoning for the site.

Mr. Kriete thought there had been a lot of changes since 2000 in order to address the continued concerns with development and in dealing with the inadequacies of a zoning code that had originally been written in the 1960s. He believed the UDC provided a better development scenario for the property and more protection for the neighbors. He reiterated the comments of Mr. Colbert in that this proposal followed the UDC without any design adjustments, variances, or conditional use permits. He displayed a table showing the dimensional controls, and noted the new plan standards were either equal to or greater than the old plan.

Mr. Ruffin understood Mr. Kriete had indicated a building could not be constructed across lot lines and that this would prohibit the construction of a big box store, and asked if individual freestanding buildings would be required on each lot. He wondered if it would eliminate the possibility of a strip mall-type of development. Mr. Kriete replied that would not be eliminated because they could still have zero lot line development. While the buildings were freestanding on their own, they could abut each other. Mr. Ruffin understood they could connect. Mr. Kriete stated that was correct.

Mayor Treece referred to the table displayed in terms of the O-P zoning versus M-C zoning and understood the M-C zoning would have lower height allowances and greater setback requirements than the old O-P zoning. Mr. Kriete stated that was correct. Mayor Treece understood M-C would have the same height allowances and greater setbacks than the old C-P. Mr. Kriete stated that was correct, and noted he thought there was also recognition in the Code of the difference between M-C and M-N. A greater setback and buffer was required between M-C and M-N. M-N did not require any buffering to be provided along the streets unlike M-C if it was within 25 feet.

Mr. Kriete commented that he thought the screening and landscaping requirements under the UDC were much more intensive as 80 percent opacity was required and a five-foot tall buffer had to be in place at the time of occupancy of the building. He noted the lighting requirements were similar, and listed some of the differences. In terms of access, he displayed a diagram showing the driveways on the property, and pointed out they were limited and shared. They were also separated in such a way for traffic to safely maneuver in and out of the driveways. In addition, they would have pedestrian and multi-modal access into the development and through the development, and that was represented by the orange lines. Each lot would have access to right-of-way. He explained they would have a pedway along Scott Boulevard as required and would also voluntarily build another one on Dayspring Drive. He commented that stormwater management was also more intensive under the UDC than it was in the old plan. He showed where the detention basin would be located, and noted it would serve mostly the northern portion of the site. The southern portions would have some independent systems. He displayed a visual of the old plan and explained it had not included the buffer or the stream they were protecting. He stated their new proposal would provide the buffer and protections associated with the transition needed to the existing residential district.

Ms. Peters asked if there were entrances to each of the properties off of Scott Boulevard. Mr. Kriete replied no. Ms. Peters asked for clarification regarding the yellow or orange markings. Mr. Kriete replied those were pedestrian access points. The green markings had identified the driveways.

Mayor Treece understood any drive-thru traffic would be interior to the development. Mr. Kriete stated that was correct. He explained there would be a signalized intersection at Smith Drive and Scott Boulevard, three-quarter access at Faurot Drive, so one would not make a left out of there, and right-ins/right-outs at the other access points. He pointed out the turn-bay on Scott Boulevard would be much longer. He noted there many restrictions within the UDC that would not have been required under the old plan, and listed a few of them.

Mayor Treece commented that he did not recall Mr. Kriete's position on the UDC a few years ago, and asked if there had been any reference to this area in the UDC in terms of

how it would be grandfathered or not. Mr. Kriete replied this property had not crossed his mind when considering the UDC. In addition, since it was a planned district, he had assumed it would move forward with that plan or a new plan. Mayor Treece stated he did not feel it was inappropriate as a mixed-use corridor. Mr. Kriete agreed, and noted the Comprehensive Plan had identified it as a commercial area. He explained it would serve a vacant area of development in the western side of Columbia since there were very few services as one traveled west and southwest in Columbia.

Shawn White, 1200 Olive Boulevard, St. Louis, noted she was a traffic engineer with CBB Transportation and explained they had been retained to prepare a traffic impact study for this development, which involved identifying the existing and baseline conditions, forecasting the future traffic demands, reanalyzing the intersections to assess the ability of the road system to accommodate those forecasted traffic volumes, and identifying any recommended improvements that might be necessary. She stated they had coordinated with the City of Columbia at the commencement of the study process to define the scope of work, time periods, and the intersections needing to be evaluated. They had collected traffic counts at the study intersections during the first and second weeks of May in 2018, and then had added trips for the approved Breckenridge Park development so they had a base condition prior to adding the Westbury Village trips. She commented that they had developed the forecast for the Westbury Village development using the IT trip generation manual. They then re-evaluated the intersections to determine any impacts. She explained several improvements were a result of that analysis and listed those. At the intersection of Scott Boulevard and Smith Drive, they were recommending providing a dual eastbound left turn lanes and a southbound separate right turn lane along with lengthening the northbound left turn storage bay at the signalized intersection. They were also recommending separate southbound right turn lanes on Scott Boulevard at the proposed Faurot Drive extension and the two proposed right-in/right-out drives. Separate left turn lanes were also recommended at all the site drives along Smith Drive and along Faurot Drive. She commented that with the recommended improvements, the development trips would be mitigated and all of the study intersections would operate and continue to operate at acceptable levels of service. Specifically at the intersection of Scott Boulevard and Smith Drive, the east bound approach currently operated at poor levels of service in the a.m. peak hour with a single eastbound left turn lane. Considering the base traffic volumes, there were approximately 320 left turns and the approach operated at a level of service E with about 73 seconds of delay on average with a queue of about 315 feet. In the built condition, there would be about 495 left turns, but the level of service would be improved to D and the delay would improve from 73 seconds to 47 seconds while the queue would be lessened from 315 feet to 245 feet. While the left turn volume would increase by about 15 percent, the provision of the dual eastbound lefts would double the capacity for the movement so the development trips would be mitigated and the conditions would actually improve compared to what they were today.

Ms. Peters asked Ms. White if her example was from Scott Boulevard turning eastbound on to Faurot Drive. Ms. White replied it would be going east from Smith Drive and turning north on to Scott Boulevard. She explained it was the predominant movement in the morning when everyone was leaving to go to work.

Mr. Skala understood Ms. White was saying that with the proper controls, they would actually improve the traffic situation. Ms. White stated that was what the analysis supported.

Mr. Pitzer understood Ms. White had indicated they had assumed the Breckenridge Park development was fully built out, and asked if there was more developable area in the west that would add to traffic in the future. Mr. Teddy replied there were some pockets. There were not a lot of really large vacant tracts, but noted a farmstead could be sold and subdivided. He thought there could be some incremental increase in addition to Breckenridge Park being built out.

Mr. Pitzer understood when Ms. White conducted her analysis she had assumed this

entire parcel was fully developed, and asked if she had assumed the different uses proposed, such as the convenience store, grocery store, etc. Ms. White replied yes. She referred to page 14 of the traffic impact study, and noted they had considered 320 units of multi-family housing and what was now proposed was only 130 units and a congregate care facility, which generated significantly less traffic than multi-family, so the trip estimates would be less. She stated they had assumed multi-family, a general shopping center, a gas station, two sit-down restaurants, a bank, a coffee shop, an office building, two fast-food restaurants, and a grocery store in the study.

Mayor Treece asked if staff had any objection to these findings. Mr. Teddy replied he thought it had been accepted by the City's engineers.

Mayor Treece asked Mr. Teddy if he thought the impact fee reflected this. Mr. Teddy replied a sum of money had been offered by the original developer, but since it was triggered by actual construction, it had never been collected. At that time, Scott Boulevard had been a two-lane road. The City later improved Scott Boulevard and they had since settled on an amount.

Mayor Treece asked how long some type of commercial development been contemplated here. He wondered if it had been at least 19 years. Mr. Teddy replied Mr. Skala had referred to 1999 as when it had likely started going through the system. He thought it had come to Council in February and November of 2000. He noted there had been very little activity since then.

Andy Struckhoff, 200 N. Broadway, Suite 1000, St. Louis, explained he was with PGAV Planners and noted they had been retained to produce an analysis of the potential property tax revenues, sales tax revenues, and jobs that might be supported by this project. He displayed various tables and stated they estimated a total assessed value of about \$9.2 million at completion, which would result in total property tax revenues of about \$660,000 and roughly \$567,000 would go to the Columbia Public School District. He stated they had sales per square foot figures ranging from \$125 on the low end contemplating the building might include a mix of sales generating uses and non-sales generating uses to \$530 per square foot for a restaurant and \$450 per square foot for a grocery store. At full build out, he thought they were looking at about \$44.5 million in taxable sales. For a convenience store, the actual sales might be around \$15 million, but two-thirds of those were typically pharmaceutical sales, which were not subject to sales tax. He noted the figure in the table only showed taxable sales. He commented that roughly \$2.6 million in sales taxes would be the result at build out for the State of Missouri, Boone County, and the City of Columbia. The majority would go to the State, the County would receive about \$560,000, and the City would receive close to \$650,000. He noted there would not be any transportation development district (TDD), community improvement district (CID), or any other special taxing district. He commented that assuming each construction job was a full time equivalent job earning on average \$70,000 per year, 589 construction jobs would be supported. He displayed tables with metrics for other jobs that would be associated with this development, and estimated 289 jobs at full project completion.

Mr. Pitzer asked Mr. Struckhoff if he had looked at capital investments and construction materials. Mr. Struckhoff replied he had not, and that had not been factored into these calculations.

Denise Heintz, 1551 S. National Avenue, Springfield, stated she was with O'Reilly Development Company and they were one of the proposed users, i.e., the senior continuum of care community. She commented that she and her partner, Pat O'Reilly, had started the company in 2013 and had over 30 years of real estate development experience. They had done historic preservation, adaptive reuse, new construction, multi-family housing, affordable housing, and continuum of care senior communities, which was their primary focus. Under contract and subject to zoning and plat approval was a nine acre tract for a senior community. It would involve 152 units, i.e., 90 independent living units, 44 assisted living units, and 18 memory care units. She noted

the assisted and memory care facilities required the approval of the Missouri Department of Health and Senior Services in terms of licensed beds, and they had submitted an application and had received a certificate of need for those licensed beds, which showed there was an unmet demand and need. She stated the project would be about a \$34 million, which was a different number than had been presented by the previous speaker. She believed over 100 people would be employed during the construction stage, which would be 15-18 months. There would be 75 total new jobs created of which 65 would be full time positions once the facility was open for operation. She commented that 90 percent of their communities were developed contiguous to or next door to residential housing as they prided themselves on creating a residential feel. She stated their developments had included a mix of single-story, two-story, and three-story buildings, and the complex would include community areas, exercise areas, lounge areas, and a full service cafeteria. Since 2013, they had developed seven communities and two were currently under construction. In addition, they had two others that were in the development stages. She commented that the senior community could not move forward independent of approval of the entire master plan as had been presented tonight.

Ms. Peters asked Ms. Heintz if they would utilize local contractors to construct the facility or if the contractors would come from Springfield. Ms. Heintz replied they had O'Reilly build, which was a construction management company, but they would competitively bid all trades and aspects of the construction. As a result, it would be available to local contractors to present a bid.

Ms. Peters asked for an idea of the wages for their full-time and part-time employees. Ms. Heintz replied she did not have that information. Ms. Peters asked if they were usually minimum wage jobs. Ms. Heintz replied no. Some, such as housing keeping and kitchen personnel, would be at the minimum, but the executive director and the nursing staff would be at a higher wage.

Mayor Treece understood the skilled nurses would be certified. Ms. Heintz stated they would not have any skilled nursing since they would be a Level 2 licensed facility. The residents could age in place and there was generally not a need for them to go to a skilled nursing facility.

Marty Walker, 112 S. Scott Boulevard, stated he lived just down the street from this proposed development. From the renderings, he thought it would be nice and assist the neighborhoods with the proviso that there was not a gas station. He commented that he picked up trash in his yard along Scott Boulevard every day, and since this would be at the Broadway end of Scott Boulevard, he thought they should refer to it as the Scott Boulevard/Broadway corridor. He noted the proposed gas station would be located 0.9 miles from the gas station at Hyvee. He commented that he did not believe a gas station would enhance the area when it was within 0.9 miles of another. He pointed out it would include a convenience store with cans, paper products, and other disposable items, which would be disposed of elsewhere, like his yard. He reiterated he thought it was a good project but did not feel a gas station was needed there. He noted the aggregate of all of the small lots would be more than Walmart and Hyvee combined. He understood they were individual lots, but the buildings could all come together. It would include a lot of buildings, and he did not believe they would miss a gas station. He reiterated he did not think a gas station was needed, and asked the Council to take that into consideration.

Chuck Wiedmeyer, 202 Haywood Court, explained he was the President of the Stoneridge Estates Homeowners Association, which was directly west of this proposed development. He stated he had spoken at the PZC meeting and his comments were in those transcripts. He noted he wanted to reiterate their objections to the rezoning of this property and for a gas station to be constructed on the site. He commented that they were in opposition to businesses that would increase vehicular traffic despite what the traffic studies showed. It was logical there would be more traffic. In addition, if more homes were built, there would be more traffic on these roads. He commented that they

had already seen an increase in traffic from the Breckenridge Park development, and there were other properties that could be developed creating more households. He noted they were also opposed to access to the neighborhood. They enjoyed a nice quiet neighborhood, and a road would provide access causing traffic to travel through their neighborhood. He pointed out an increase in these types of businesses would also potentially increase crime. He stated this would also cause a duplication of services. The rezoning would allow for a gas station when another one was less than a mile away, and there were grocery stores about a mile away. He noted there were Starbucks, financial institutions, and restaurants nearby as well. He did not believe these duplication of services were needed, especially at the scale being requested. He agreed the developers had been engaged in that they had sent almost 2,000 notices, had held information meetings, and had met privately with the Association, but felt they had lacked transparency. He explained the developer had been asked specifically what would be placed on the property, and the response was that it might be an assisted living facility when in fact a contract had been signed by the two entities in August. He stated they had asked specifically about the businesses that would be put on the property and had been told none when in fact some had already been planned for the development. The lack of transparency broke down a level of trust they had with the developer. He noted he had met the developer and thought he was a good man that had done a lot of good things for Columbia, but felt this was the wrong development at the wrong place. He pointed out the PZC and City staff felt that same way. He asked the Council to vote no on the rezoning of the property.

Mr. Thomas asked how many residents were in Stoneridge Estates. Mr. Wiedmeyer replied it had 139 homes. Mr. Thomas asked how many people supported this development as a neighborhood amenity. Mr. Wiedmeyer replied he was speaking on their behalf, and if he had received any feedback from people in support of the development, he would have expressed it. Mr. Thomas understood Mr. Wiedmeyer had not heard from any residents of the Stoneridge Estates that were in support of the development. Mr. Wiedmeyer stated that was correct. He explained they did not want to be labeled as "not in my backyard" but felt every neighborhood would be in opposition to a gas station and convenience store in their backyard as it would increase traffic, crime, and access to the neighborhood.

Allison Nelson, 4106 S. Wappel Drive, stated she was speaking on behalf of the Rothwell Heights Homeowners Association, which included over 250 homes. She noted it was the oldest subdivision in the area. As a neighborhood, they were opposed to this rezoning request. She explained the developer indicated the convenience store would be open 24 hours and that there would be several 24-hour fast food drive-thru restaurants. She also understood the intent was for a 24-hour pharmacy with a drive-thru on the other side of Smith Drive. There would be a lot of establishments that were targeted for people driving their cars. She stated they were also concerned about lighting as it would be visible to many of their single family homes despite the lighting requirements in the UDC. She noted they were also concerned about traffic, which would increase. They anticipated people driving down Rollins Road and Faurot Drive as a way to get to the development or exit the development when they left. She commented that they had environmental concerns as well with having a gas station so close to their homes. She understood the developer had indicated certain businesses, such as a coffee shop and fast casual restaurant, could not be done without M-C zoning, and pointed out they could be done with a conditional use permit even without the M-C zoning. She explained the Association did not feel the buffer between their single-family homes and this development was adequate. She did not feel Scott Boulevard could be used as a buffer. The only buffer they had was a single row of duplexes, and the gas station would be visible from many of their homes. She commented that they understood this land would be developed at some point, and they were not against that, but they wanted this developer or any other developer to more actively engage with the community. Although

the developer had met with them, the focus of the meeting had been to try to convince them of how great the development would be. They did not feel he had taken what they had said to heart and he had not offered any changes to make the development more palpable. She noted the developer had offered to plant a tree in the yard of one of their neighbors, which they felt had been disingenuous. She asked the Council to deny changing the zoning on the property.

Mayor Treece asked Ms. Nelson what kind of development she felt might be appropriate at this location. Ms. Nelson replied she thought the M-N zoning designation would be more appropriate as it was more of a neighborhood-type of zoning. She noted the M-C would allow for the types of businesses they preferred not to have, which were 24-hour drive-thru facilities and convenience stores.

Birgit Wiedmeyer, 202 Haywood Court, commented that the proposed Westbury development had been introduced as a marketplace concept where a central area of commerce and activity would benefit the neighborhoods surrounding it, which would be in keeping with the City's principles of livable and sustainable communities. She read from the Columbia Imagined Plan, which indicated mixed-use neighborhoods with facilities and options to reduce the need for automobile travel would be supported. The developer, however, was planning to establish businesses that would actually increase car traffic, i.e., a gas station and grocery store. She noted that was not in keeping with the City's vision or the concept of walkable neighborhoods. If the City actually wanted to increase walkability and bike-friendly neighborhoods and commercial centers, she suggested investments be made in the infrastructure surrounding the existing commercial areas close to neighborhoods by linking the nearby commercial centers to those neighborhoods. The neighborhoods around the proposed Westbury Village development already had access to services and gathering places within less than two miles, but they were not linked by anything other than automobile pathways. There were not continuous bike or pedestrian paths, and it was treacherous to take one's bike to Hyvee. Rather than duplicating commercial offerings and running the risk of having more empty storefronts, she proposed better linkages for non-automotive movement between existing commercial nodes and neighborhoods. She also encouraged the City to roll back cuts to the bus service to provide alternatives to automobile use. She noted they were encouraged to take the bus, but at this time, it was impossible to take the bus for an evening downtown from where she lived. Adding more bus routes and times would increase safety and encourage business while decreasing carbon dioxide emissions. She understood Columbia had stated of goal of reducing community greenhouse gas emissions by 35 percent by the year 2035, and that total greenhouse gas emissions had increased by 10 percent between 2010 and 2015. The per capita emissions showed Columbia had a higher carbon footprint than the national average. She thought it was critical that they not create more urban heat sources, i.e. asphalt jungles, and that they instead preserve what they had on the site currently. According to the developer's engineer, only about 20 trees on the site had qualified to be preserved. She commented that those 20 trees along with any newly planted small trees and a berm with six or eight azaleas would not offset the loss of the 40 acres of trees that were currently on the site. She stated she was proud Columbia involved its citizens in planning for a healthy and sustainable community and hoped the vote of the Council would reflect that engagement and forward thinking. She urged the Council to vote against the rezoning request because its outcome would contradict Columbia's vision of a healthy and sustainable community.

Jim Gerdeen stated he lived in the Stoneridge Neighborhood. He thanked the PZC for listening to them and suggested the Council follow their recommendation with regard to rezoning. He asked those from the Stoneridge Neighborhood to stand, and approximately 15 people stood. He stated he thought they all supported the comments of Mr. Wiedmeyer. He reiterated his recommendation for Council to consider the recommendation of the PZC for M-N zoning instead of M-C zoning.

Don Howser, 5609 Saddle Ridge Drive, explained he lived in the Thornbrook Subdivision at the end of Scott Boulevard and owned and managed about 52 rental units about a mile from the proposed development. He commented that he had been given the opportunity to review the site plan and felt it would be a nice looking development with a lot of potential services to those that rented from him. He thought it would increase his property values. He believed they were about two miles from a grocery store in one direction and 1.5-2 miles for a convenience store in another direction. This development would provide bikability and walkability, and from hearing the testimony tonight, he could not imagine this developer not doing what he indicated he would do. He reiterated those he served would be serviced by this development, and urged the Council to vote in favor of it.

Becky Ashbaugh, 4316 Christian Fellowship Road, commented that she had received an alarming email this afternoon from Jim Windsor, who had indicated he was a retired Assistant Director of Utilities and had sent the same email to Council. Ms. Peters understood the email indicated concern for electrical service to the area and that the Perche Creek substation would be overloaded. Ms. Ashbaugh did not believe they should allow more development in the area without addressing this and other problems they already had. She asked the Council to take that into consideration and wondered how she would learn what they decided to do. She suggested the City address these problems before expending more money and energy on more development that would eventually come. Mr. Thomas stated he would be happy to respond to Ms. Ashbaugh if she provided him with her email address. Ms. Ashbaugh explained she was on the email list of Mr. Windsor's email.

Mr. Skala asked where they were with respect to the Perche Creek substation and the demands that might be forthcoming with this development. Mr. Glascock replied growth had not progressed like they thought it would, and as a result, they were continuing to study the issue. He noted they had options, such as adding a transformer, but the issue needed to be studied. Ms. Peters asked if they had a group that was studying the issue now. Mr. Glascock replied yes. Ms. Peters asked when the Council might hear back from them. Mr. Glascock replied he did not recall but could find out.

Mayor Treece understood the UDC required a sufficiency of services test. Mr. Teddy explained they would not issue a building permit if they had knowledge of an insufficient utility capacity. Mayor Treece asked if there was any indication of an insufficient utility capacity. Mr. Teddy replied no, and pointed out he had not read the email that Ms. Ashbaugh had referenced so he was not sure of the description of the problem. He pointed out electrical engineers had participated in the concept review meetings by offering comments on conditions and resources, and if there was a need for any kind of remedial work, it would be determined then if known. In addition, throughout the process, there would be technical review, and the Utility Department would be consulted to assist with addressing any problems. He reiterated he could not comment on the problem identified in the email.

Tamara Day, 207 Haywood Court, commented that she had been a resident of this area for over 25 years and was the proud wife of a homebuilder. She explained she was concerned about the nursing home in addition to the gas station and understood they had a certificate of need. She noted she was a master-prepared nurse and had spent most of her career working with board certified national leading experts in geriatric medicine and did not feel they would have the necessary skilled and licensed staff for the number of beds planned to provide safe healthcare. As a healthcare provider that worked at a Level 1 academic medical center, she had concerns and would not want her family member residing there. She pointed out the facility would create an increased need for first responders in the area, and that along with traffic made her concerned for their patients.

Eric Kaup, 5309 Tiptree Court, stated he resided about a mile south and southwest of the proposed development, and noted his family had lived in this area of town for nearly 40 years and were in full support of the development. He explained his daughter attended

Christian Fellowship School so they drove by the tract every day. Currently, they could only access the school off of Scott Boulevard so they had to pull in and out of Scott Boulevard and any oncoming traffic without a light, which was difficult and dangerous at times. He understood this development would provide access from Dayspring Drive and Smith Drive allowing them to get on and off Scott Boulevard at a stoplight intersection, which provided a safer option for families with children attending Christian Fellowship School. He noted the Christian Fellowship School principal had been quoted in the Columbia Missourian in support of the project. He commented that for several years they had been looking forward to the development of this tract knowing it would bring a lot of amenities close to their neighborhood which they felt would be beneficial. He encouraged the Council to support the project.

Mike Leipard explained he owned Quality Drywall Construction, which had been in business for 40 years, and he had worked for Travis McGee as well as his dad when Tara Apartments had been constructed 30 years ago. He noted they had always been quality contractors, and stated he was excited to bid on the project. He commented that he hoped the Council would support the project, and reiterated he felt Mr. McGee would do a good job.

Cody Thorne, 820 Stratford Drive, stated he was in the Hamlet Subdivision, which was fairly close to this development. He commented that he, his wife, and three kids supported the project. They were excited about the goods and services that would be brought to the neighborhood. He noted he liked the idea of a local contractor versus someone from out of state. He also liked the job creation aspects of the project along with the potential for increased home values. He asked the Council to support it.

Sheri Lillich, 1310 Georgetown Court, stated she, her husband, and her son were in full support of this project. She noted Mr. McGee had spoken with her on several occasions about his vision for the proposed property. She commented that she liked some of the different grocery options that he had mentioned having available at this site. They were businesses she could just pop into without trying to find a parking spot and traverse through a huge store to only get the few things she needed or wanted. She explained her son was getting close to job age and she would be more comfortable with him finding a job in an area that was close to them. She noted he could also just go through the neighborhoods if he planned to ride his bicycle to the development. She understood Addison's had recently opened, but it was still pretty far south from her. She stated they liked going to Market Grille and Truman's, but having something they could walk to or ride their bikes to would be great. She understood someone had mentioned the two coffee shops in the area, but pointed out neither allowed for a nice quiet area to sit down with a friend as they were always extremely busy so another option would be fantastic. She commented that the proposed renderings showed beautiful park areas, and she did not believe they would just place concrete on the ground with only a couple of trees.

William Janes, 504 Onofrio Court, stated he was about three blocks from the proposed development. He agreed the renderings were beautiful and that they showed a walkable, bike-friendly development, but it did not match the plans provided tonight. A gas station was not visible in any of the renderings, and neither were fast food restaurants. The renderings looked great and what they described sounded very much in accordance with the M-N zoning the PZC had suggested was appropriate, but the developer had indicated the M-N zoning would prevent large footprint buildings and drive-thru facilities, which were things clearly more in line with M-C zoning. He noted the developer's representatives had listed reasons M-N and M-C were so much more restrictive, and wondered why they would then not prefer the existing zoning that was clearly more beneficial to what they wanted to do. He understood the reason was that they did not want further accountability to the neighborhood. They did not want to answer for any individual plans. They felt this would allow for further development without any further input from the community. While they talked a good game about a walkable, bike-friendly neighborhood development, it was clearly intended for M-C use. He noted he agreed with the PZC when the M-C

indicated that zoning was not appropriate for this area. He stated he and his family were very much opposed to this particular development, but not necessarily to any development on this site or any commercial development on this site. He explained they had purchased their home knowing this would eventually be developed, but had not anticipated a large-scale M-C appropriate corridor commercial development.

Mayor Treece asked if architectural covenants or any aesthetic requirements would ameliorate his opposition. Mr. Janes replied his concern was not with specific architectural flourishes of any one given building. He noted he was concerned with the footprint and intended uses of the buildings. They were clearly intended as companies that benefitted from automotive traffic over walkable, bikable, and local neighborhood traffic, which could be accomplished with the M-N zoning and was more appropriate.

John Hancock, 2101 Corona Road, stated he supported Mr. McGee's application and encouraged the Council to approve it. He explained they did not have the services that others enjoyed near the Hyvee and the Walmart developments. The only retail service they had at the Village of Cherry Hill was a liquor store. Everything else was mostly massage therapy, physical therapy, a dentist, etc., and to include that as a location of neighborhood services was in error. He stated he looked forward to having neighborhood services, to include a gas station, convenience store, and drive-thru facilities, at this location, and preferred that over the additional mileage associated with going around the corner to the Hyvee and Walmart.

Frank Schmidt, 505 Silver Thorne Drive, commented that he had been President of the Fairview Neighborhood Association when the development of this site had been considered in 1999 and 2000, but they had been left out since they were not adjacent property owners. Subsequently, the Council had authorized a task force to talk about development informational procedures and ways in which to reduce the conflict that had shown up in the initial rezoning of this property. It was a very diverse task force that included Dan Simon, Craig Van Matre, Don Stamper, Tom Bass, and several neighborhood and other representatives, and they had reached a consensus. Their chief recommendation was for early discussion and transparency with the neighbors. Unfortunately that had not been done with the present case as they had only received a post card 6-8 weeks prior to the PZC hearing and were invited for free pizza and to look at gauzy drawings. It was not engagement and it was not transparency. He noted he had found a letter associated with the PUD-12, which indicated there would not be any convenience store or other gasoline dispensary and that the buildings would mirror those on Dayspring Drive so R-1 buildings that were in existence would face R-1 buildings from the development while R-2 buildings would face other R-2 buildings. Knowing Mr. Van Matre that was not something he entered into of his own imagination. It was a negotiating point, and he and Mr. Tosini had presumably signed it of their own free will. He stated he did not see any compelling reason to change the parameters that had been agreed to previously. The land had not changed, and the neighborhood was even more developed and residential. In addition, it did not have any codicils built into it other than those present in the UDC. He commented that he might be persuaded that a senior living facility was a good thing, but there was nothing that indicated that had to happen. In addition, the R-MF portion of the site had been presented to be similar to Kelly Highlands by Mr. McGee. He noted Kelly Highlands was not a model for his neighborhood or a sustainable community. It was a large apartment complex that catered to a particular demographic that was not very representative of their neighborhood. He pointed out R-MF allowed for fraternities, sororities, large group homes, and many other things. If the senior living facility were to happen, he felt it needed to be ironclad that this was what would happen or the land would revert to its current R-2 designation. He explained he was a member of the Bicycle/Pedestrian Commission, but these were his opinions only as he had not discussed them with any members of that Commission.

Gena Patton, 4705 Glenn Wesley Court, stated she lived two houses down from the proposed development. She commented that most if not all of the people that had

spoken in support for this development were not from their neighborhood. She noted one speaker had mentioned Cherry Hill and pointed out numerous restaurants had been located there and had failed. She wondered why anyone would think it would be successful in her neighborhood when those services did not work in that neighborhood. She stated she had received word today that there was a possibility of a Dierbergs going in near Addison's South, which would create another grocery store nearby. The grocery store and facilities proposed by Mr. McGee in her neighborhood would not be large enough for a Hyvee or Walmart. It would potentially be something like a Lucky's or an Aldi, which were regional draws that would create more traffic. She understood there had been discussion of right turns in, but not left turns out. This would funnel traffic onto Dayspring Drive. In addition, any road connection to Stone Valley Parkway would not create walkability, but would create more traffic. She understood the gentleman on Tiptree Court had indicated he drove his daughter to Christian Fellowship School, and there was a big lot right across from his street where the school would likely relocate so he would soon not have to drive. If he did drive, he would be driving on their streets and creating more traffic in their neighborhoods, which would diminish walkability. She listed a variety of duplication of services this development would create based on other nearby services, and wondered how they felt services could be supported here if they could not be supported at Cherry Hill. She asked the Council to take those items into consideration.

Kristin Gadsen, 205 Bright Star Drive, commented that she lived just north of the proposed development in what was likely the smallest neighborhood in the vicinity, but it received a lot of traffic due to Christian Fellowship School and the church. She clarified the school was not moving. Only the church was moving south on Scott Boulevard. She stated she could appreciate the concern of Mr. Kaup for easy accessibility to get his children to school, but the amount of traffic generated as a result of the school was high. She noted her concern was with an increase in the amount of traffic in her small neighborhood that was already struggling to handle the amount it had. If Dayspring Drive was extended, it would increase traffic since people would also be traveling to and from that development. She noted there were a lot of families with children in the neighborhood along with pedestrians which was a concern. In addition, traffic on Scott Boulevard made it difficult to get out of the neighborhood and increased traffic would impact that as well.

George Batek, 503 Silver Thorne Drive, stated he was speaking on behalf of the neighborhood like Mr. Wiedmeyer had previously. He commented that they were all opposed to this development. He took issue with the presentation of the developer and his representatives. He understood they had compared Scott Boulevard to Nifong Boulevard and Range Line Street, and pointed out those corridors were not surrounded by residential homes. He stated they had heard about speeding traffic in the Vanderveen Subdivision earlier tonight due to people traveling from Providence Road to Range Line Street to all of the commercial development, and noted they did not want that in their neighborhood on Smith Drive or Dayspring Drive. He commented that he was a criminal defense attorney and had considered showing the Council a collage of all of the shootings he had the pleasure of defending at various gas stations up and down Range Line Street. He stated he had clients killed at Peachtree, which was off of Nifong Boulevard. He wondered why they would want this kind of violent crime at a gas station in their neighborhood. It would be a 24-hour gas station and would attract crime and trash. He reiterated they did not want this in their neighborhood. He understood Mr. Kriete had indicated they needed these services in west Columbia, but noted it took him three minutes from his door to get to both Walmart and Hyvee and their associated strip malls with various services. It would create a duplication of services, which had previously been mentioned. He agreed the assisted living facility appeared to be a nice facility and might be useful, but wondered who would want a two- or three-story building next to their home. He also wondered where everyone wanting to take a left turn out of the development

would go, and believed everyone would be pushed to Smith Drive because there would not be any other left turn out of the development. He felt Smith Drive was already overloaded with the Breckenridge Park and Georgetown Subdivisions, and this development would create more traffic there. He understood an additional turn lane would be installed, but that just meant there would be more traffic. He did not believe it would work in addressing traffic as had been stated by the traffic engineer. He reiterated that this development was not good for their neighborhood, and asked the Council to protect their homes by voting no.

Eugene Elkin, 3406 Range Line Street, commented that he agreed with the comments made in reference to Cherry Hill and its inability to maintain businesses. He mentioned an incident at the Hyvee gas station whereby gas had spilled on his car and in the nearby area, and wondered if they really wanted more gas leaching into the soil. He thought they should be concerned about the water more than anything. In addition, if they were to have an exit on I-70, he did not believe there was any reason for this property to be developed. He wondered if the development would create another expense for the City in terms of another intersection improvement or roundabout due to traffic. He commented that low income people lived in the area and wondered if they wanted to force them to go to the local gas station where prices would likely be higher than if they traveled a mile or so around the corner.

Mark Farnen, 103 E. Brandon Road, noted a comment had been made indicating this development was much bigger than the Walmart and Hyvee combined. The Walmart sat on 17 acres and the Hyvee sat on 13 acres, which was a total of about 30 acres. The commercial portion of the proposed development would only be about 23 acres as the rest would be residential. He commented that they had started negotiations with potential users of the site earlier in the summer, later in the fall, and during this past winter. They had talked to O'Reilly with regard to an assisted living facility and had told people they thought that was what they would get on the proposed site, but O'Reilly had not received their certificate of need until November. As a result, it was something they could not promise. In addition, they did not yet own the land. They did not have any final deal until they owned the land, which was contingent upon the passage of this zoning request. He commented that the situation was the same with the convenience store, banks, and grocery store. They thought those would be developed on the proposed site and were asking for the zoning for those appropriate uses. He noted the graphics had displayed a service station, a drive-thru bank, and restaurant. He explained they were under a new system and new construct, and they had not approached this in an adversarial manner. They knew there would be questions, such as timing, traffic, the types of stores, etc., and many people had asked them to explain the UDC to them since it was new. The City had sent out 70 notifications for the project and the developer had sent another 1,800. About 180 people had attended the first meeting, and most of them had never come back. He believed that was because they had answered their questions. He stated they had done their best to explain the UDC and their intent, and they were not liars. He commented that they had approached this honestly and had asked for the support of Council on both bills tonight.

Sarah Justice, 4200 Rollins Road, stated she had lived in Columbia for 25 years, and she and her husband had purchased their home in their well-established family-friendly neighborhood three years ago. She noted they enjoyed being able to walk, ride their bikes with their children, and meet their friends for block parties and trick-or-treating. She explained they had a very active neighborhood association and there was a lot of foot traffic on their street. She commented that no one had yet to mention traffic on Rollins Road. It was possible people would not want to wait for the turn lanes and their street would provide for another cut-through on the other side. She stated families were often seen improving their homes and yards, and they had every intention of making their neighborhood their home for many years to come. They understood this land was zoned for planned development, but they did not want to live next to the type of development a

change in zoning would bring. By specifically choosing a home in an older established neighborhood without this highest level of commercial development, they chose not to live by 24-hour gas stations and fast food facilities. Allowing this type of zoning change was a bit of a bait and switch for those that had purposely chosen these older neighborhoods to revive and live in long-term. She thought there had to be some places like this for them to be able to live where there was not another pop-up gas station or fast food restaurant. She believed the City had the responsibility to listen to its long-term residents and keep the zoning change from happening. It was one thing to create zoning in new developments where residents had a choice before purchasing their homes. She did not feel they needed three gas stations within 3-4 miles and wondered how that was progressive environmentally. They did not want the additional pollution, lights, noise, safety concerns, etc. She commented that they believed new businesses could be good for Columbia, but felt it should be thoughtful and appropriate neighborhood-friendly businesses. A zoning change to M-C with a plat supporting a gas station and drive-thru restaurants was not appropriate. She stated she was concerned for her neighbors that enjoyed riding bikes with their children and walking. She understood there were two small strips of R-2 zoning on the sides of this development, which had made this discussion possible, and there would not be any visual barrier from any of the homes in the surrounding neighborhoods. They would see the glow of the lights and hear the orders at the drive-thru restaurants as there was not enough space between this development and the residential homes. She also felt those living in the two-family duplexes deserved better than being right next to a gas station and fast food restaurants. She commented that the representatives of the developer had been good in terms of reaching out initially, but they had not heard anything since the PZC meeting when PZC recommended against the M-C zoning emphatically. There were whole neighborhood associations that did not want this, and for every one person in support that did not live nearby, there were pockets of represented people that were opposed to the M-C zoning. She noted the neighbors had been compliant as they had attended the meetings and had been respectful, and because something was allowed to be submitted did not mean it should be approved. The Walmart and Hyvee faced each other, and did not face homes. She commented that the neighborhoods did not want to surrender their voices, and changing the zoning would do that. They would no longer have the opportunity to speak with a change in zoning. They would not have the ability to ask for any concessions with the zoning change because the developer would be able to do what he wanted within that zoning change. She asked the Council to continue to preserve the integrity of residential neighborhoods and honor the recommendation of so many residents, neighborhood associations, schools, families, and the PZC by voting no on the proposed M-C rezoning.

Mary Christian, 1512 Sylvan Lane, commented that Christian Fellowship School could likely organize to obtain a bus to safely get children to the school. She agreed a 24-hour gas station would create more trash in the area and that there would also likely be more crime. She asked the Council to listen to those that lived nearby.

Scott Jenkins, 4012 S. Wappel Drive, stated he believed the Westbury Village development, as proposed, would be incompatible with the neighborhoods that bordered it and would in fact be detrimental to the area in general. He commented that he could not think of another area of town where a commercial development of this size and content existed in the middle of similar neighborhoods without a detrimental effect on the area. He noted the developer had presented this project as a beautiful upscale mixed-use development and had suggested quaint drive-thru coffee shops and fast-casual restaurants, but the reality was that it would place an unneeded gas station and several drive-thru fast food restaurants requiring other access points on an already crowded road. It would be located in active family-oriented neighborhoods. The related traffic increases, noise, light pollution, and potential environmental concerns were not a good fit for the neighborhoods surrounding the development. The images of the development depicted a lush wooded area, but the requested zoning would require little more than small shrubs

and trees. When asked about including more buffer vegetation to ease the transition for neighborhoods, the developer had indicated more could not be added without inhibiting the visibility of the businesses or creating more traffic concerns. He commented that the R-2 housing directly facing the proposed development had very little actual buffer as the homes had very small front yards and sat exceeding close to the roadway. It would create a negative and dangerous environment for those living in the R-2 housing. He stated the amount of R-2 housing in the Rothwell Neighborhood area was very small, and within a half of a block, it turned into an R-1 neighborhood with hundreds of families with young children. None of the families he had spoken with believed the fast food, drive-thru, and other commercial businesses within blocks of their homes were worth the associated pollution, extra vehicles, and increase in accidents. He assumed the developer would not want a similar development near his home. Another potential issue associated with multiple fast food and gas station entrances along the western side of Scott Boulevard was the possibility for vehicles on Scott Boulevard to back up so far as to leave drivers on the curved inclined section where Broadway transitioned to Scott Boulevard, which would be dangerous during inclement weather. He wondered if the proposed project area could actually support a development of this nature given the quantity of vacant retail spaces near the proposed development, including those in the area of Cherry Hill. He commented that Cherry Hill was a previous attempt at a mixed-use neighborhood, which saw most of its initial restaurants, convenience stores, and other businesses meant to serve the immediate neighborhood close and leave the area. This could potentially create even more shuttered businesses in the area. He noted he understood development was likely in the area in question, but did not believe what the developer had currently proposed was right for the area. A development in this location had the potential to set a standard for mixed-use, walkable neighborhoods in Columbia, but the inclusion of businesses, such as 24-hour gas stations and fast food facilities, was not a smart choice for any such development. He asked the Council to strongly consider the recommendation of the PZC who voted to deny the requested M-C zoning and to vote no on this issue.

Gary Meyerpeter, 3100 S. Winding Trail Drive, stated he had been a resident and banker in Columbia since 1984 and had retired 1 ½ years ago. He believed some of the comments were related to “not in my backyard.” He commented that Travis McGee was the son of John McGee, who had developed multiple projects in Columbia and Boone County. He explained he had been involved in the financing of multiple retail, multi-family, and commercial real estate projects associated with John McGee and eventually his son, Travis McGee, from 1991 until his retirement. He noted he was not being paid for his comments, and stated he was not a part of this development group. He commented that he had been pleased with the planning, development, and timely completion of each project, which were also within budget, and pointed out they never compromised quality. Each project complimented and enhanced the immediate and surrounding areas. He stated he had watched Travis McGee learn project development and real estate ownership responsibilities, and apply what he had learned as a developer, general contractor, and eventual owner/manager of various properties. During the recession several years ago, Travis McGee had virtually 100 percent occupancy for his project because he had worked hard to find quality tenants instead of reducing rents and compromising values. He stated he had been given the opportunity to discuss and view the proposed Westbury Village site and was a proponent. With regard to Cherry Hill, he thought the developers had good intentions but they had not possessed the expertise to keep those units filled and to select the appropriate tenants. Prior to his retirement, he noted Travis McGee had inquired about a property within Cherry Hill that was in a diminished capacity and had rejuvenated the property. It was something he did not have to do. He felt that spoke to the caliber of individual they would be dealing with and noted he was a long-term investor in the community. He asked the Council for approval of his proposal.

Barbara Jefferson commented that her first thought had been more work for those that serviced the City, such as solid waste employees, law enforcement, etc. She noted they had also heard from those in the neighborhoods asking the Council to not allow this, and hoped the Council would represent them by saying no to this rezoning.

Jim Egan, 205 Haywood Court, stated the 8-1 vote by the PZC was an acceptance of the proposal of the City staff.

Tim Zimmerman, 606 S. Scott Boulevard, commented that he could see the billboard for this development from his front window, and there was not a gas station on the poster. He echoed the comments of the property owners in that he would hate to look out of his window and see a gas station and burger joint on the corner. He thought they deserved better.

Mr. Thomas stated this was the third big development proposal that had come up in the Fourth Ward since he had been representing the Ward, and he had been very involved in all three in terms of meeting with the neighbors and the developers in trying to facilitate an effective outcome to the process. The other two happened at about the same time, and one of those was Breckenridge Park, which was just down the street from this development, and a lot of the same neighborhood associations and homeowner associations had been involved. The other had been Ridgemont Estates and had involved a different group of neighbors. He noted there were some substantial differences between those two processes in terms of interactions between the developers and the local residents and this one. He thought there had been authentic engagement and negotiation by both sides in terms of Breckenridge Park and Ridgemont Estates, which had resulted in outcomes that were eventually supported by both sides. He explained he had been proud to support those proposals as an outcome to a fair and honest negotiation. He commented that this had not occurred with this development although he had endeavored to make it happen. He noted he had been invited in an early stage to view the plans and had been impressed. He agreed a tremendous number of post cards had been mailed out along with several neighborhood meetings, but to his knowledge, not a single element of the original design had ever been on the table as the least bit negotiable. He understood residents had provided suggestions, but nothing had changed. For that reason, he would not support this development. He thought they could do better by honestly sitting down to come to negotiated outcomes. He commented that he liked a lot of elements of the proposal, such as the high density, the possibility of some affordable housing and senior housing, the creative use of the intermittent stream, and the fact it was mixed-use and walkable for a tremendous number of residents. If it were coffee shops, a small grocery store, and local services, he would strongly support it, but as most of the nearby residents had said, the gas station and drive-thru businesses defied the claim it would be a walkable and mixed-use development serving local residents. In addition, both would require M-C zoning to be built. He commented that the things the neighbors wanted could all be accomplished with M-N zoning, and he believed it was effectively what they had now and equivalent to the current zoning on the site. He pointed out City staff had recommended against M-C zoning and had supported the M-N zoning. The PZC had also voted against the M-C zoning and had supported the M-N zoning. Some of the items the proposal included that were not allowed by right in the M-N zoning could be applied for through the conditional use permit process. He did not believe they needed another gas station or these drive-thru businesses in Columbia. He felt they should be reducing their automobile dependence. He noted they had a Climate Action and Adaptation Plan that had them reducing their carbon emissions to zero by 2060, but they would likely not meet that goal if they continued to build gas stations and drive-thru businesses. He stated they needed to invest in transit and smart growth-oriented, localized, mix-use walkable developments that became transit nodes. If the developer would help develop that vision with the neighborhood, he thought it could be very successful financially and for the City's sustainability goals. He commented that they had a Vision Zero goal to eliminate deaths and serious injuries on the roadway by

2030, and they would not be able to meet that goal if they continued to build and zone for motorized travel throughout the community. He stated they needed to rethink the way they developed. He agreed this area was primed for development and should be developed, and felt those elements that were allowed within M-N were appropriate and would be supported by most of the neighbors. He commented that the requested rezoning was a privilege they could choose to grant, but it was not a right. It was a privilege they should only consider under extreme circumstances and to him there was not any reason to approve the rezoning with all of the neighborhoods surrounding the development unanimously opposing it. He asked the Council to vote against the rezoning and to ask the developer to bring back the elements of the plan that were supported with a proper negotiation so they had something better.

Mr. Trapp commented that Scott Boulevard was obviously a transportation corridor and did not believe the M-C zoning was inappropriate. He thought the zoning classifications asked for by the applicant were roughly equivalent to the things that had been projected with the PD zoning. When they had passed the UDC, they had adopted very strict requirements for all development with the idea that they would be able to increase certainty and predictability. He noted there was a big need in the Second Ward for grocery stores, and he had heard from people in Bellwood and the neighborhoods near Fairview Elementary School that wanted to use these neighborhood services. It would increase the bikability and walkability scores of many neighborhoods. The traffic was less of a concern since they had heard from the traffic engineer of a 15 percent increase in traffic along with a doubling of capacity. It would overall build the needed infrastructure. This would be a good size commercial development that would generate the tax dollars that would provide for the services that would serve the development. He commented that he liked the mixed-use component along with the preservation of the intermittent stream as it showed how far they had come with the stormwater ordinance. They did not have to deal with stormwater issues on every single development on a case by case basis because they had instilled stormwater detention and treatment in the UDC. They no longer had to go through the long negotiated processes because they had enshrined those protections in the UDC to allow for these kinds of developments. He thought this was appropriate for the area and would serve those in the Second Ward that would benefit from nearby commercial services. He stated he planned to support it.

Ms. Peters asked Mr. Glascock for a response to the concern regarding the electrical system for this project. Mr. Glascock replied he understood the system still had capacity available at this time, and the electric loads had not grown in the last several years.

Mr. Skala commented that this project had a lot of commendable items, but the PZC vote of 8-1 with the support of staff was compelling as well. He noted he did not feel this was a negotiable issue and explained it was why they had the UDC. Zoning was really a land use decision. Now that they had the UDC, he did not feel there should be a negotiation process. The UDC had been adopted to provide for some reliability and he believed Mr. McGee had satisfied that requirement by not asking for exceptions. He stated the question was whether this tract should be rezoned in terms of changing the M-N designation to M-C. He thought it was in keeping with earlier decision and with the decisions more recently to stay with M-N. He commented that he believed it had been a good decision in the past, and was likely still a reasonable decision. In addition, it provided avenues to make adjustments if necessary, such as the conditional use permitting process. He understood not having M-C zoning was a deal breaker for the elderly care facility, the gas station, and a few other businesses, but he would rely on the decision of the PZC almost twenty years ago and their reaffirmation more recently. He stated he was inclined to vote against the rezoning request as he felt the zoning should remain at M-N.

Mayor Treece explained he wanted to honor what was intended by the UDC, and a part of that reform was to eliminate these types of planning and zoning battles. Mr. Skala

agreed, but noted it was not a zoning reform. It was a development code reform. Mayor Treece agreed. He noted the M-C zoning provided for additional buffers and the same or greater height limitations than what had been intended under the original zoning. Part of the UDC debate was to eliminate some of the discretion they applied on every element. He pointed out that many of the applicant's representatives had opposed the UDC, but it had been passed unanimously by the PZC and the City Council, and they were now coming forward with a project that met the goals. He believed there were more good parts than bad parts to this development. He understood this was the first major development under the UDC and wanted to get it right. He did not want to do anything that would allow them to revert back to the old system.

Mr. Pitzer commented that he agreed that going back to that system would undermine the intent of the UDC reform. He did not view it as a negotiation, and felt it simplified it to a land use decision. The protections were built into the UDC so there would not be negotiations and a situation where the outcome was dependent upon the negotiating ability or availability of resources of the parties involved in the negotiation. It allowed for a more uniform outcome. He thought this development would provide valuable services to the area in west and southwest Columbia. He believed they were starved of gas stations and restaurants. He felt there was a lot of merit to the development, and noted it would not require any exceptions, variances, or financial assistance, such as a TIF or TDD. If this was to be denied, the next request might include variances, exceptions, and taxpayer support, and the outcome would likely be more problematic. He stated he thought the project as presented was good and that it met the criteria for granting the zoning change.

Mr. Ruffin stated he believed this was a strategic location for development that would potentially impact several wards, to include the First Ward. He commented that he thought it was important to honor the citizens of the various neighborhoods that had joined them tonight to voice their disapproval, but what he had heard was that they were not against development of the site. They were against the process of how they had reached this point and that their voices had not been heard sufficiently in terms of the types of businesses they wanted to see. He understood the developer had ideas for the types of businesses that could come to the area, but that nothing was definite at this time. As a result, he planned to base his opinion on his simple understanding of the UDC. He noted the proposal of the developer had the potential to provide even more protections for the neighborhoods, which was a part of the UDC that he had pushed for and supported. He thought they needed to maintain the integrity of residential neighborhoods, and believed the request of the developer would do just that. He stated he planned to vote in favor of it.

Mr. Skala commented that what had been said would be true if there had not been any zoning change anticipated. He stated the zoning had nothing to do with the UDC. If the zoning would not change from M-N to M-C, the UDC would apply to the M-N, and those extra protections would accrue to the M-N just as they would to any other kind of zoning. The two issues were separate.

Mayor Treece understood the staff report to PZC has indicated the mixed-use corridor was appropriate for this intersection. Mr. Skala agreed, and pointed out both M-N and M-C were mixed-use corridor designations, but one allowed for a more intensive use than the other.

Mr. Pitzer felt this entire proposal was a zoning change. If this request was rejected, it would revert to the planned development that was in place now. Mr. Skala agreed it would revert to what existed. Mr. Pitzer noted that was not M-N zoning. It was O-P. Mr. Thomas felt it was almost the same as M-N, and was much closer to M-N than M-C. Mr. Pitzer stated that was a difference of opinion.

Mr. Thomas asked Mr. Teddy for his thoughts. Mr. Teddy replied that by going to M-C, it would allow for some uses that were prohibited under the current planned district, such as car washes, gas stations, and automobile repair shops. He noted there were

protections in M-C so they could not do any ugly automotive facility, but those were some uses they would gain that were not in the planned district. He stated a hotel was another, but there was a height limit so it would have to be a relatively small hotel if they were able to attract one. Drive-thru facilities were a conditional accessory use in M-N, but would be a permitted accessory use in M-C. He noted restaurants were a permitted use in M-C so that would be gained as well.

Mr. Thomas asked if M-N or M-C was closest to the existing zoning for the site. Mr. Teddy replied he would say the M-N was the closest because of the prohibited uses in the PD. It was called planned business on the graphic, but there were a number of specifically prohibited uses. It was a technique used in the planned district, which had been a very lengthy and uncertain process, but had been an agreed to zoning.

Mr. Thomas stated he agreed with much of what had been said, and believed it could be done under M-N zoning and the conditional use permitting process. To change the zoning to M-C was an enormous concession that he did not believe was justified in this situation.

Mr. Trapp pointed out they had nine comments after they had each made a comment, and no one should have been allowed to comment since Ms. Peters had not commented per the Code of Ordinances. He did not believe that had been productive as they had made their points previously and there was truth on both sides.

B20-19 was given third reading with the vote recorded as follows: VOTING YES: PITZER, TREECE, RUFFIN, TRAPP. VOTING NO: PETERS, SKALA, THOMAS. Bill declared enacted, reading as follows:

Caleb Colbert, an attorney with offices at 601 E. Broadway, explained the preliminary plat included the development agreement, which would obligate them to complete the infrastructure and traffic improvements and make certain payments. Based on the outcome of the vote on the zoning, he recommended that the plat be approved, which created the limited lot sizes and the obligation to sign the development agreement.

Matthew Kriete, a civil engineer with offices at 1113 Fay Street, stated the preliminary plat met the requirements of the UDC and staff had recommended approval of it.

Ms. Peters stated the staff report indicated they should deny the preliminary plat for the Westbury Village Subdivision as recommended by the PZC. Mr. Kriete explained the staff had recommended approval. Mr. Skala noted the PZC had voted against it. Mr. Teddy stated staff had reported to Council the PZC recommendation in the staff report. The staff had recommended approval to the PZC. He explained the PZC had voted on the zoning first, and had recommended denial of the M-C. They had not recommended a replacement zoning so they were left with a remnant of the existing zoning on those lots that had been proposed for M-C. He thought that had been somewhat reflected in the outcome of their vote. He explained he would have been concerned if that had been the recommendation of Council because it should be identified per the UDC districts or revert to the PD fully. The plat would have had split zoning on several lots with the old PUD-12 zoning mixed in with other zoning. It would have made for an awkward situation, which was why some at the PZC had been against the plat.

The vote on R21-19 was recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B19-19 Amending Chapter 29 of the City Code relating to accessory dwelling units (Case No. 35-19).

The bill was given second reading by the Clerk.
Mr. Teddy provided a staff report.

Mr. Thomas asked if the parking area for the one space could be gravel. Mr. Teddy replied a parking space would need to be accounted for if there was a three-bedroom, and a driveway functioned as parking for single-family residential properties. Mr. Thomas understood gravel was an acceptable material. Mr. Teddy stated that was correct.

Mr. Thomas asked about a situation of a combined garage and accessory dwelling unit (ADU). He wondered if the garage required a paved driveway or if that could also be a gravel driveway. Mr. Teddy replied he thought it could if it was a combined unit, i.e., an apartment over the garage, but pointed out the caveat involved fire access. The standard for a fire access road was for a hard surface within 150 feet of the farthest point of any structure. He noted that had been written into the ordinance in that there could be a portion of driveway that had to be extended as concrete. Mr. Thomas understood a garage combined with an ADU within 150 feet of the road would be okay. Mr. Teddy stated it would okay as long as it met the standard.

B19-19 was given third reading with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

- B21-19 Authorizing a landscape maintenance agreement with Columbia Real Estate, LLC for the design, installation and maintenance of private landscaping and irrigation systems within a portion of City-owned property located on the southeast corner of the intersection of Providence Road and Broadway.
- B22-19 Appropriating funds received from donations and miscellaneous revenue to the Parks and Recreation Department.
- B23-19 Authorizing a memorandum of understanding with the Missouri State Highway Patrol relating to the temporary relocation of aircraft in the event of an emergency.
- B24-19 Appropriating funds for the Share the Light Program for the purchase of smoke alarms and carbon monoxide alarms to be distributed to low income residents.
- B25-19 Authorizing a second amendment to the agreement with The Curators of the University of Missouri for physician services.
- B26-19 Authorizing an agreement with Boone County, Missouri for public health services.
- B27-19 Authorizing an agreement with Boone County, Missouri for animal control

services.

- B28-19 Authorizing the City Manager to execute a grant of easement for water utility purposes to Consolidated Public Water Supply District No. 1 of Boone County, Missouri for the relocation of a water line along Route H near the Columbia Regional Airport.
- R14-19 Setting a public hearing: proposed construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park.
- R15-19 Setting a public hearing: proposed relocation of a portion of Route H to allow for the extension of Runway 2-20 at the Columbia Regional Airport.
- R16-19 Authorizing an agreement for professional engineering services with Walker Consultants for the preparation of construction documents and the provision of construction administration services for the repair and maintenance of the Eighth Street and Walnut Street parking structure.
- R17-19 Accepting technical assistance through the Urban Sustainability Director's Network (USDN) to provide for financing strategies for climate action and adaptation plan development; authorizing staff to participate in the development of comprehensive financing and funding analysis for implementation of a climate action and adaptation plan for the City of Columbia, as well as the creation of a guide to assist other cities in performing similar work in future climate action plan updates.
- R18-19 Authorizing a professional services agreement with Intuition & Logic Engineering, Inc. to perform a floodplain analysis of Mill Creek east of Bethel Street and manage the process of revising the official Flood Insurance Rate Map (FIRM) through the Federal Emergency Management Agency (FEMA).
- R19-19 Authorizing an educational affiliation agreement with Columbia College to provide health clinical experience and instruction for nursing students.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PITZER, PETERS, TREECE, RUFFIN, TRAPP, SKALA. VOTING NO: NO ONE. ABSENT: THOMAS (Mr. Thomas stepped out during this vote). Bills declared enacted and resolutions declared adopted, reading as follows:

Mayor Treece left the meeting room.

VIII. NEW BUSINESS

R20-19 Expressing support for HB 606 relating to the transportation of school children.

The resolution was read by the Clerk.

Mr. Trapp commented that he felt this was self-explanatory, and it was an issue they had been wrestling with for a number of years.

Mr. Pitzer understood the bill would allow for the City and the School District to enter into negotiations. Mr. Trapp stated that was correct, and noted it did not mandate anything. It would only allow the School Board and the City to actuate an agreement for shared transportation, and if such an agreement was entered into, it would add background standards for the bus drivers to match those of school bus drivers. Mr. Skala understood it essentially provided for discussion of some agreement. Mr. Trapp stated that was correct.

Mr. Trapp explained this had been discussed previously when Barbara Hoppe had been on the Council and they had run into the State Law that did not allow school districts to invest their transportation resources in that direction so they had shifted their strategy toward passing a law, and that effort had become clouded. He noted the purpose of this legislation was to make clear to the State Legislature that this was something that was supported by the Columbia City Council.

Jonathan Sessions stated this had been a legislative priority for the Columbia Public Schools for many years now, and it was a priority because they wanted to save money. Every tax dollar they could save on expenditures like transportation was a dollar they could invest in the classroom. He commented that the State already allowed them to share funds, and provided community parks and the District playgrounds as an example, but noted there was an arcane law at the State that prohibited them from having the same level of collaboration on bussing. This bill would show support of HB 606, which would resolve that problem and allow the School District and the City to work together. It would remove the restrictions that prohibited them from having the conversation. He stated the School District was asking for the local control that the State Representatives and State Senators kept promising them. He understood there were questions as to how this cooperative effort might look and be structured, but this was the obvious first step. He thanked the Council for taking up this issue and supporting intergovernmental cooperation.

Matt McCormick stated he was representing the Columbia Chamber of Commerce and they were asking the Council to support this resolution. It had been a part of their State Legislative priorities for the last three, and maybe even four, legislative cycles. Supporting this legislation would enable the conversation, which likely would have already taken place had it not been for the archaic law, to take place. This would only allow the City Council and School Board to sit down and start having a conversation as to what this could look like if it were to happen. He believed it was a win-win situation for the citizens. He commented that any technicalities should not be addressed until it was passed at the State level. At this point, they were all supportive and on the same page. It would also bring the local control back to Columbia instead of it being at the State or with any special interest groups. He asked the Council to support this and to allow for one voice as a community to bring back this local control.

Ben Ross explained he was a resident of the Second Ward, and noted he had grown up in St. Louis and had ridden the city bus twelve miles from his house to his middle school and high school starting in the seventh grade. He felt it had been a good experience for him. He thought the City bus system was something all students should be able to use. He explained they had sold bus passes at his high school so he had been able to purchase the bus pass there. It had been convenient and easy. He thought it was a good idea and hoped the Council supported it.

Mr. Thomas commented that riding on the City bus was already free for people younger

than 19 years old. The idea of more officially using the public transit system to transport high school students living within the city limits and for the City to design bus routes to serve students from their neighborhoods to the high schools was a good opportunity. As Mr. Ross pointed out, it could be a part of the culture change because as young people started to get used to riding public transit in their teenage years, it would stay with them to help achieve a transition to more shared transportation. He stated he was in support of this resolution. He commented that he also appreciated the fact that their different institutions were working together on a common strategy.

Mr. Skala stated he would support this initiative, but pointed out there had been some backlash to the ideas that had been discussed in the press in terms of security and safety. He commented that he did not want to preclude anything from the discussions and suspected those issues would be addressed. He understood this would only allow for an avenue to have those discussions.

The vote on R20-19 was recorded as follows: VOTING YES: PITZER, PETERS, RUFFIN, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSTAINING: TREECE. Resolution declared adopted, reading as follows:

Mayor Treece returned to the meeting room.

IX. INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

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| B29-19 | Voluntary annexation of the City-owned water treatment plant property located on the north side of Route K (6851 S. Route K); establishing permanent District A (Agricultural District) zoning (Case No. 29-2019). |
| B30-19 | Voluntary annexation of property located on the southeast corner of the Highway 163 and Route K intersection; establishing permanent R-1 (One-Family Dwelling District) zoning (Case No. 36-2019). |
| B31-19 | Approving the Final Minor Plat of "Missouri Alpha of Phi Kappa Psi Subdivision" located on the west side of Providence Road and north of Burnam Road (809 S. Providence Road); authorizing a performance contract; granting a design adjustment relating to street right-of-way (Case No. 20-2019). |
| B32-19 | Approving the Final Plat of "Waterbrook Place, Plat No. 2" located on the west side of Garth Avenue, between Worley Street and Oak Street (Case No. 18-169). |
| B33-19 | Changing the name of "Kiawah Court" to "Shadow Hawk Court" (Case No. 43-2019). |
| B34-19 | Authorizing construction of the Spring Valley Road PCCE #18 Sanitary |

Sewer Improvement Project; calling for bids through the Purchasing Division.

B35-19 Authorizing construction of the Country Club sanitary sewer relocation project located generally east of Old 63 and north of Walnut Street; calling for bids through the Purchasing Division.

B36-19 Authorizing the acquisition of property for the replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street.

B37-19 Authorizing construction of improvements at A. Perry Philips Park to include the construction of a low-water crossing on the northeast corner of the lake trail and landscaping improvements throughout the park; determining that the work shall be done by City employees.

B38-19 Amending the FY 2019 Annual Budget by adding a position in the Public Health and Human Services Department - Community Health Promotion Division.

B39-19 Accepting a donation from Columbia Board of Realtors for the 2019 Fair Housing and Lending Seminar; appropriating funds.

B40-19 Amending Chapter 11 of the City Code as it relates to the sale of tobacco, alternative nicotine products and vapor products and establishing a tobacco retailer license.

B41-19 Amending Chapter 24 of the City Code to add a new article pertaining to the construction and deployment of small wireless facilities.

Mr. Trapp left the meeting room.

X. REPORTS

REP3-19 Downtown Community Improvement District (CID) Board of Directors - Membership Change Due to Resignation.

Mayor Treece stated he wanted to appoint Auben Galloway to the vacant Downtown CID Board position, and asked for the consent of Council. The Council consented except for Mr. Trapp, who had abstained from this item.

REP7-19 Substance Abuse Advisory Commission Report on Drink Specials.

Ms. Browning and Lieutenant Shouse-Jones provided a staff report.
Mr. Trapp returned to the meeting room.

Mayor Treece asked if the police was more frequently called to situations at bars and restaurants or private residences. Lieutenant Shouse-Jones replied they would obviously have more alcohol-related calls at places that served alcohol, but there also appeared to be time and day trends they felt some legislation could help alleviate. Weekends and late night hours tended to trend upward in terms of alcohol related reports. She referred to the numbers associated with the 70D sub-beat in the staff report and noted the percentage of alcohol related reports was much higher there than other areas of the City. Mayor Treece asked if that was the downtown beat. Lieutenant Shouse-Jones replied yes.

Mr. Pitzer asked how existing alcohol ordinance were enforced. Lieutenant Shouse-Jones replied rarely and on a complaint basis. The disbanding of the Downtown Unit had reduced their alcohol enforcement activities. It was something they did not see the true numbers on unless they were doing proactive enforcement. They were instead dealing with the back end, which meant responding to more assaults and other items related to alcohol because it was not being enforced or regulated on the front end.

Mr. Pitzer understood the Police Department had to do the enforcement at an establishment. Lieutenant Shouse-Jones stated that was correct under the current model. Mr. Hollis commented that if the Council were to prohibit certain kinds of drink special, it could potentially be enforced administratively by the business administrator. They could watch for things like the advertising of drink specials during prohibited times and enforce that on the license in terms of revocation or suspension.

Mr. Pitzer asked why staff thought legislation would reduce the number of incidents versus just moving them out of a bar and into an apartment. Lieutenant Shouse-Jones replied there were some outliers in terms of drink specials, and from a public safety standpoint, they would prefer dealing with those outliers. They did not want to over-legislate in terms of bars that were conducting responsible business and serving alcohol responsibly. Practices such as establishing a set charge for an unlimited amount of alcohol tended to result in bigger problems and the need for more City resources. She noted the Fire Department and medics responded to those calls in addition to the Police Department.

Mr. Skala understood Lieutenant Shouse-Jones was saying the outliers were a more manageable problem because they were identifiable and repetitive. Lieutenant Shouse-Jones stated an easy one in her opinion was a set amount for a bottomless cup. She commented that some of the more problematic situations had likely started at places with drink specials that were specifically written to get around the ordinances. She provided a high cover charge and then being allowed to purchase pitchers of beers for pennies as an example, and noted people tended to drink in excess because they wanted to get their money's worth.

Mr. Trapp commented that he thought this was an excellent report as it had science and data behind it, and it pointed to a need to address it with an ordinance change.

Mr. Thomas agreed, and suggested they should give staff some direction for an ordinance. He thought a starting point would be an ordinance that prohibited a bottomless cup special, but preferred to hear a specific recommendation from staff as to what they felt was manageable in terms of enforcement while still having a significant impact.

Ms. Peters thought more than just something prohibiting a bottomless cup was needed.

Ms. Thompson explained staff had discussed this as a group to try to come up with some type of language. They had discussed whether they should identify specific practices and start addressing those singularly or whether they should develop a more comprehensive scheme. She noted they had looked at different ordinances throughout the country since it was not a problem that was unique to Columbia. It was a problem lots of college towns were facing. One of the suggested approaches and something she would recommend was to have something that was definable so an officer could go in and know whether or not the rules were being broken. The suggestion was for no drink

specials at certain times and for drink prices to be posted so they knew whether or not it was a drink special. This would allow everyone to be on the same level of playing field. She stated she did not have the exact wording, but reiterated her suggestion was to create a level playing field for all of the establishments. It would also limit the attempt to get around it by creating a new special not defined in the ordinance.

Mr. Thomas understood that suggestion would allow drink specials early in the evening but a time later at which they were stopped. Ms. Thompson stated that was correct. Mr. Thomas said he liked that. Mr. Trapp stated he was supportive of that framework and approach.

Lieutenant Shouse-Jones stated she believed that would be a good approach. She pointed out they did not have problems at brunch with bottomless mimosas or Bloody Mary's. They were not responding to places on Sunday morning. When looking at the data, they felt the 9 p.m. until close time frame made sense. She thought some narrow exceptions could be made as well for private catered events, etc. She stated Ms. Thompson was correct in that if they wrote the ordinances very specifically, certain establishments would try to get around it with other pricing methods. The negative was that every special would be nullified after that time so there could be no alcohol discounts then. She agreed requiring the establishments to publish their prices would help the police with its response and investigation. Ms. Thompson agreed it would eliminate the ever moving target to get around any new rule.

Ms. Peters asked if staff had talked to the bar owners. She wondered if the bar owners wanted an out of control crowd of drunk students. She felt this was adversarial and wondered if the City could work collaboratively with them. Lieutenant Shouse-Jones stated she believed the majority of bar owners in Columbia were responsible, and most of them did not want that type of crowd. Unfortunately, some were okay with it and had even said they were okay serving to minors because that was where they made their money. Any fine or penalty they might face did not outweigh the amount of money they were able to make. The issue was trying to balance dealing with problem owners while allowing the others to go about their business. She reiterated the majority would voluntarily comply with any ordinance passed. Ms. Peters thought if 80 percent complied, it might be easier to get the others to comply as well.

Mr. Pitzer commented that it appeared to be a difficult balance to strike and agreed it might be beneficial to talk to the Downtown CID or Downtown Columbia Leadership Council because there were establishments that were trying to be responsible but had late-night discounts for the non-college crowd. In addition, there were places with different prices on different days. He worried about the unintended consequences, and thought having more people involved could potentially address those issues in advance.

Lieutenant Shouse-Jones stated if they knew the direction they might go, they would obtain that public feedback since it would affect a lot of businesses.

Mayor Treece commented that he was not sure having them all in the same room was the best way to obtain this input. He noted some of the bar owners he had spoken with in the past felt it was a race to the bottom and that they needed to mark down drinks when their competitor did. He thought most wanted to do the right thing and that this would likely level the field in terms of allowing true market competition. He felt the input might be surprising during a one-on-one discussion.

Mr. Trapp stated he would like to see some draft ordinance language brought forward. He thought this had been a more substantive report than they had seen in the past. He believed they had enough facts to go forward. He noted he would not object to an interested parties meeting or some type of one-on-one engagement with bar owners. In his discussions with bar owners, some had talked about the race to the bottom while others felt it allowed newer people to enter the scene and break into established markets. He thought health data and the impact on public safety compelled them to take some kind of action. Overdrinking was a problem and was increasing. It was more of a problem here than in a lot of other places, and other places had found things that had

worked.

Mr. Skala commented that a fertile idea was a time delimiter in conjunction with some of the outliers.

Lieutenant Shouse-Jones stated it would be helpful to staff to get a sense from Council for something more general or more specific.

Ms. Peters asked Lieutenant Shouse-Jones what she recommended. Lieutenant Shouse-Jones replied a general ordinance of no discount pricing was the best in terms of ease of enforcement. Mr. Thomas stated he thought that might be more palatable because drink specials could happen at a certain time, likely earlier in the evening when it would not do as much damage. Mr. Trapp stated he was in agreement. Ms. Peters and Mr. Skala also agreed to move in that direction.

REP8-19

Sidewalk Snow Removal Enforcement Efforts.

Mayor Treece commented that he had received two compliments with regard to the Office of Neighborhood Services in terms of how polite but firm the staff was in speaking with them regarding snow removal.

Ms. Kottwitz provided a staff report.

Mr. Thomas commented that it appeared as though all of the enforcement currently was complaint driven. Ms. Kottwitz stated that was correct. Mr. Thomas asked if staff was doing any education efforts with regard to the ordinance. Ms. Kottwitz replied it had been included in the City Source. They also communicated it to landlords. She explained it had been out of their mind with the mild winters in the recent past, but thought more could be done. She felt that would likely be more effective at the beginning of the season. She noted they could also work with stakeholder groups, such as the Bicycle/Pedestrian Commission, in spreading the word and finding creative ways to increase awareness. She understood some residents just were not aware of the ordinance requirement. Mr. Thomas stated he would support taking this issue to the Bicycle/Pedestrian Commission, the Disabilities Commission, and others, and for some non-complaint driven enforcement or education. He did not want to serve citations or tickets, but wanted to focus on areas with the greatest danger to a pedestrian having to walk in the road when the sidewalk was not clear. Mr. Skala suggested positive reinforcement. Mr. Thomas agreed they should do positive reinforcement when someone was doing the right thing and provide a nudge when someone was not.

Mr. Pitzer asked for the time frame by which the sidewalks had to be cleared. Ms. Kottwitz replied the Code did not have a time frame, and that would be a possible ordinance change to consider. She understood a few Missouri cities cited 24 hours after a snowfall.

Mr. Pitzer asked who was doing the enforcement. Ms. Kottwitz replied the Office of Neighborhood Services handled the complaints and related enforcement. Mr. Pitzer wondered if someone plowing a street in front of the places requiring enforcement should handle that. Ms. Kottwitz commented that a lot of their normal rental inspection appointments tended to be canceled during big snow events. As a result, staff had time to address snow activity related enforcement and would just build it into their schedules.

Mr. Thomas commented that he would also support an ordinance change to build in a time frame for snow removal on sidewalks. He did not feel it was enforceable without a time frame. Ms. Kottwitz agreed it was hard for citizens to understand the expectations.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mary Christian, 1512 Sylvan Lane, stated she had spoken with Mayor Treece at the Columbia Values Diversity Breakfast regarding the issue of snow and he had assured her he knew who to talk to in order to address the situation, and the issue had been addressed the following week at all of the bus stops. She noted she had also seen a report on KMIZ indicating property owners would be fined \$550 per day for not complying with the ordinance. She thanked Mayor Treece for his help and stated she was proud to

have him as mayor.

Eugene Elkin 3406 Range Line Street, commented that he had learned that it was best to start moving snow within the first 24 hours as it tended to be more compact with more snow. Mayor Treece stated his technique had been to not wait until the full 18 inches arrived and to clear it several times. Mr. Elkin noted that had even been suggested on the radio.

Barbara Jefferson stated she was disappointed with how the snow removal was handled on her street, and noted the snow had not left until yesterday when the sun warmed up the temperatures. She explained she had taken care of her own sidewalk, but the homes on both sides of her were vacant so those areas were not cleared. She noted she had called on Monday and Tuesday regarding tree limbs being down and blocking the streets, and they were finally removed on Thursday, but the twigs had still been left there. She pointed out the garbage trucks had realized how high the snow was on her street on Monday and did not come back to pick up her trash that day. She had to wait until the following the week. She reiterated she was disappointed. They had gone to Park Avenue, but had not made it to Fifth Street. She understood priority routes, but felt her ward was being neglected.

Mayor Treece thanked Ms. Jefferson for sharing her experience. He noted he thought staff had done a good job considering there was 1,300 miles of streets to plow along with the many outages they had to address. It had been an historic storm.

Chad McLaurin, 1807 Jackson Street, understood Mayor Treece had floated the idea of having a limited audit about a month ago, and noted he believed a full audit was needed. There had been a change in leadership sufficient enough to actually create ripple effects throughout the organization. He understood a factor was how quickly an interim would step in and how closely they would hold to the old ways of doing things. He did not believe they wanted a constant flux, but thought they had the opportunity now for people to redefine and assess all previous assumed roles and responsibilities. He was not sure of a better way than for an auditor to do it. He understood it was an expense, but noted it was also an investment. He noted he had been told the City had not had an internal auditor for two years. Mr. Pitzer pointed out the City had one now. Mr. McLaurin commented that just because some people were gone, it did not mean their way of doing business had evaporated. He reiterated this provided a good opportunity to determine where their money was being spent. He wondered how much money was being spent on maintaining infrastructure within the City boundaries as opposed to expansion, and noted that had some very systemic problems associated with it in terms of class and race. He understood it was more expensive to address areas that had already been built upon, but stated it was a necessary investment so they did not continue creating islands of suburbia. He thought an audit could also help identify policies and their impacts on citizens on a daily basis. He reiterated he believed a full audit would be beneficial.

Barbara Jefferson commented that she did not understand why there was not a fee for airport parking, and wondered if the issue would be reviewed. Mayor Treece explained one of the lots at the airport was unimproved and the other did not have the gate system necessary to charge for parking. Ms. Jefferson asked if that was in the works. Mayor Treece replied he thought it was something staff had looked into.

Ms. Jefferson stated she had attended a couple of the Citizens Police Review Board (CPRB) meetings and suggested that the Police Chief come to those meetings to discuss policies every 2-3 months to ensure everyone on the CPRB was on the same page instead of depending on one person. She felt too often the CPRB would turn to the staff liaison to get the answer, and she did not feel that was right. She commented that she also felt the Chair of the CPRB should change every three years.

Ms. Jefferson commented that she could not think of anything more important than an audit of everything. At the very least, it could be used for comparison purposes. She noted she also felt it should be an audit from someone outside of city government.

James Greer, 5502 Dalcross Drive, provided a handout of the current ordinance related to tobacco and noted he had been trying to work with the Board of Health (BOH) since the summer of 2016. In October of 2016, he understood they were going down the path of a fee license structure, and at the time, he had presented the same information he was presenting to the Council now. Many on the BOH did not know what existed in the current ordinance. In 2017, the BOH had recommended a fee. He noted he was not opposed to a fee or a common sense fee license. In 2018, the current ordinances were being proposed to drastically change due to the strong influence of Tobacco Free Boone County. He noted he worked for MFA Oil, which operated Breaktime convenience stores, so they sold tobacco products. He was concerned with the proposed ordinance, B40-19, for several reasons. One was that they would take a structured fine system in place today and move to a \$200 to \$1,000 fine. They would also move from a higher penalty structure every time to where the business services administrator could suspend one's ability to sell tobacco. It would then go to a review board, and he was not sure how a review board could be impartial. It could then go to the Boone County Circuit Court. He commented that in the convenience store business any employee that broke the rule would be fired, and they spent way more than \$1,000 to terminate, hire, and retrain another employee. He explained he had offered to work with the BOH to come up with something that might be fair, and would love to have that conversation.

Mayor Treece understood B40-19 would be on old business at the next council meeting.

Eugene Elkin, 3406 Range Line Street, asked if they had agreed to allow students on the buses. Mr. Skala replied it would be discussed. Mr. Elkin suggested monitors be placed on the buses so the bus drivers did not have the pressure of all of the rowdy kids.

Mayor Treece asked staff to look at the Denver ordinance mentioned by Howard Hutton earlier in the evening to determine if that would fit within Columbia's framework. He also asked Council if there would be any objection to passing a resolution in support of HB 516 as it was a bill that would ban conversion therapy via the professional registration board that licensed the counseling professions.

Mr. Skala stated he thought they might want the BOH to weigh on that issue.

Mayor Treece suggested they lend their support to the State effort in the meantime.

Mayor Treece explained he and Mr. Glascock had met with MoDOT representatives on Friday morning regarding the Rocheport Bridge, which needed to be repaired. He noted MoDOT had two solutions. One was a rehab that would cost \$18-\$22 million, require 7-9 months of work, and would cause traffic to back up from Rocheport to Kingdom City in one direction and from Boonville to Rocheport in the other direction. The other alternative was a \$238 million replacement whereby a new bridge would be built to the south. That option would keep traffic moving, but it would require a federal grant and the participation of the City of Columbia financially along with Boone County, the City of Boonville, the City of Rocheport, and Cooper County. It would require a showing of regional support so the project would be moved ahead of other projects in St. Louis and Kansas City. He commented that his concern was that 40 mile backups over nine months would divert highway traffic into the City of Columbia creating more carbon dioxide emissions contributing to the local municipal inventory on greenhouse gas emissions. In addition, inbound and outbound freight would have difficulty getting to area companies, such as American Outdoor, Aurora Dairy, and Midway. He noted he had spoken to a representative of MU Healthcare and understood this would dramatically impact their healthcare delivery and especially their trauma care. He explained MoDOT had asked for

\$2 million. They had offered to loan the City the money to pay back over 15 years. He stated he wanted the sense of Council as to whether this was a good investment. He noted he thought it was, and it had taken him a bit to get there. If the Council agreed, he wanted to ask Mr. Glascock to determine how that might be accomplished. He felt the economic impact of not doing something would be dramatic in terms of tangibles and intangibles.

Mr. Skala thought it would be worthwhile to look into it.

Mayor Treece commented that the federal grant program had a deadline of March 2, and they would have one more meeting by which Mr. Glascock could bring forward a plan. He noted they would not be obligated unless the federal government approved the grant and it would only be for the replacement project, not the rehab project. He understood MoDOT could handle the rehab project, but it would only last another ten years or so. Mr. Glascock stated they had indicated it would last about 7-9 years.

Ms. Peters asked when the City would have to have the money by. Mayor Treece replied the spring of 2020. Ms. Peters agreed they should look into it.

Mayor Treece thought the impact could be that people would stop coming to Columbia as they would travel I-35 or I-44 versus I-70, which would impact tourism.

Mayor Treece asked if there was any objection to Mr. Glascock looking into the situation, and no one objected.

Mr. Skala commented that he was getting a tremendous amount of negative feedback with regard to short-term rental problem areas in certain neighborhoods, and encouraged staff to continue moving the process forward.

Mr. Glascock understood staff was looking into it. In addition, they already had some ordinances in place that only needed to be enforced.

Mayor Treece stated he had received some of those emails as well, and understood the PZC was to receive a draft by March 1 and hold a hearing on March 7. It would then likely be before the Council in April.

Mr. Glascock noted they were trying to obtain information from the public on the issue.

Mr. Pitzer thought it had gone to the PZC previously. Mr. Skala agreed it had.

Mr. Thomas thanked Faith Voices of Columbia for issuing their moral agenda today. There were five points, and three involved the City of Columbia with regard to policing, housing, and transit. It had included a call to increase the operating budget for transit by 20 percent next year. He noted he had signed it over lunch today and hoped his fellow Council Members would sign it as well. They were all issues that aligned perfectly with the City's social equity goals. If they were able to achieve them, they would certainly do a lot of good.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 12:44 a.m.