



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, March 1, 2021

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 approximately 7:00 p.m. on Monday, March 1, 2021, in the Council Chamber of the City of Columbia, Missouri. Cub Scout Pack 900 led the Pledge of Allegiance, and the roll was taken with the following results: Council Member BETSY PETERS, Mayor BRIAN TREECE, Council Member PAT FOWLER, Council Member MIKE TRAPP, Council Member KARL SKALA, Council Member IAN THOMAS, and Council Member MATT PITZER were present. City Manager John Glascock, City Counselor Nancy Thompson, City Clerk Sheela Amin, and various Department Heads and staff members were also present.

Treece explained the minutes were not yet complete for either the February 1 or the February 15 council meetings.

Treece pointed out there were a number of amendments to the Unified Development Code (UDC) on the consent agenda, and suggested they ask Community Development Director Tim Teddy if the amendments were technical in nature, scrivener's errors, etc. If everyone was comfortable with that discussion, they could all be left on the consent agenda. Treece stated he did not want to get into the specifics if there were concerns as he felt the items they had concerns with should be moved to old business for discussion instead.

Treece asked Teddy if these were all technical in nature. Teddy replied yes in his opinion, and explained staff had referred to these as "clean-up amendments" to the Code. They involved items that were either ambiguous or simply errors needing to be corrected. Teddy commented that one that had received the strong backing of the Planning and Zoning Commission (PZC) was with regard to a consumer lending institution having a definition separate from banks and other financial institutions. It would not recode those institutions, but they would be defined separately by the amendment. Teddy stated another item, which he had mentioned previously to Council, involved the notion of parking lots crossing lot lines. Staff felt the amendment would streamline that issue. Teddy noted they had seen a raft of design adjustments associated with it, and none of them had been controversial. Teddy commented that another amendment involved clarifying the language regarding the maximum parking requirement. Teddy explained others were as simple as changing a table reference or correcting situations whereby a sentence was repeated or "land" had been utilized when it was meant to be "lane."

Treece asked if any of them were specific to any unique property. Teddy replied no. Treece asked if any were specific to any particular project or developer. Teddy replied no.

Fowler asked for the significance as to why they would identify consumer loans separately. Teddy replied there had been some confusion as to how they were classified. They had taken the approach of using fewer but larger categories of land uses when developing the UDC. Banks that were regulated by the FDIC had been lumped together with payday loan type facilities. When the definitions had been reviewed, the PZC had

suggested those two types of lenders be broken out separately. Teddy reiterated they were not changing how they were coded so they could be located in the same districts under the same terms. It would only create an opening in the future if Council wanted to look at it as a separate category of use.

Fowler commented that the idea of building parking over lot lines seemed to come up a lot, and asked if that needed to be taken up in the future as a separate issue or if the suggested change would make the situation less onerous for the applicant. Teddy replied he thought they would see a reduction in the number of design adjustments in that regard. Teddy pointed out other types of structures could not encroach on other lots. Many types of developments, such as a mall, apartment complex, and shopping center, often had lot lines that were invisible to the public. Teddy explained they had not had a problem with the management of that type of situation yet. It had been an artifact of the way structure had been defined in the Code, as it had included parking lots and driveways.

Skala asked for advance notice in the event amendments like this were made in the future. Teddy replied that since these changes were in separate places in the Code, each had its own ordinance. Teddy agreed it appeared grander than it was due to the number of ordinances. Teddy stated they would consider a master guide in the future.

Thomas asked if any of these amendments would change the way staff had been interpreting or enforcing the Code. Teddy replied he thought they would help with consistency in terms of the likelihood of receiving a different answer from a different staff person. Thomas understood they would not change the way Teddy, as the Director, felt the Code should be interpreted and enforced. Teddy stated that was correct. Teddy gave the example of an administrative plat on which the Director had the authority to approve, which had a limit of 120 feet of frontage. Teddy noted some very inconsequential lot line adjustments were being escalated to the Council for approval. Teddy pointed out it would still go to Council in a situation whereby someone was consolidating multiple lots to 120 feet or more, which had the effect of increasing the density.

Treece asked that B77-21 be moved from the consent agenda to old business.

Peters asked that B69-21 and B70-21 be moved from the consent agenda to old business.

Upon her request, Treece made a motion to allow Fowler to abstain from voting on B85-21, B86-21, and B87-21. Fowler noted on the Disclosure of Interest from that the City was seeking temporary easements on her property and other nearby properties along with the purchase of property across the street from her for stormwater improvement and remediation purposes. The motion was seconded by Skala and approved unanimously by voice vote.

The agenda, including the consent agenda with B69-21, B70-21, and B77-21 being moved to old business, was approved unanimously by voice vote on a motion by Treece and a second by Skala.

II. SPECIAL ITEMS

SI9-21

Presentation of the Fiscal Year 2020 Financial Audit.

Finance Director Matthew Lue introduced Kevin Smith from RSM to present the fiscal year 2020 financial audit. Smith summarized the audit process and findings.

Skala understood the one significant deficiency had been resolved, and asked about its potential affect if it had not been resolved. Smith replied there would have been some capital assets in the sewer fund that would have never been recorded. Smith explained two pump stations had been contributed by developers, and the long term capital assets would have been understated by about \$800,000. Skala understood this had been self-corrected by staff. Smith stated that was correct. Smith noted there had been a similar donation in the current year and, while recording it, they had realized the prior two had not been recorded. Skala understood that had been the sole deficiency found. Smith stated that was correct. Treece asked if the other two donations had been in the

previous 12-month period. Smith replied it had been from 2012 and 2015. Treece asked why it had not been identified then. Smith replied it was something that should have been identified during those periods. Smith pointed out that since those were two different instances, they had not been as material back then when it had occurred. In addition, they were non-routine types of transactions. Smith commented that this was where the risk was a lot of the times. It was not with what was there. It was what with was not there, and a lot of times, those were the types of things that could be missed.

Pitzer commented that Smith had mentioned a report regarding compliance with passenger facility charges, which seemed like a pretty specific area, and asked if that was required to be audited every year. Smith replied yes, and explained it was required by the Federal Aviation Administration (FAA).

Pitzer stated Smith had mentioned some good discussions with the Finance Advisory and Audit Committee (FAAC) and asked what those discussions had covered. Smith replied they had gone through a lot of the things that had been a part of this presentation, but in more detail. There were more questions and dialogue. Smith explained they had met with the FAAC before the audit started to discuss the audit plan and audit risks, and had followed up on those discussions afterward. Pitzer asked if there were any concerns or questions the FAAC had that had not been addressed through this process. Smith replied he did not believe so.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

IV. SCHEDULED PUBLIC COMMENT

SPC9-21 Traci Wilson-Kleekamp - In Celebration of Black History Month -- A Couple of Lost But Found Stories.

Discussion shown with SPC10-21.

SPC10-21 Ian August Kleekamp - In Celebration of Black History Month -- A Couple of Lost But Found Stories.

Traci Wilson-Kleekamp and Ian Kleekamp provided a handout and showed a video, which Wilson-Kleekamp considered a lost story. Wilson-Kleekamp noted it was about how former slaves had organized in the late 1890s for reparations. Wilson-Kleekamp stated one of the handouts she had provided was a review of the book, *My Face is Black is True*, which had been written by the same person that had written the story about Callie House and the ex-slave pension movement. The author had actually come to Columbia to visit former slaves for their testimony. Wilson-Kleekamp explained Kleekamp would read about Henry Clay, a former slave owned by Jefferson Garth, and pointed out the other document handed out was a slave schedule for 1850 and 1860. The slave schedule showed how slaves were enumerated. They had not been listed by name, and were only listed by their age and gender. If they lived to be 100, their name would be placed on the slave schedule. Wilson-Kleekamp noted Callie House had been sent to jail for fraud in Missouri for her effort to try to organize nationwide for pensions.

Kleekamp read the testimony of Clay, a former slave that had been interviewed by the government and accused of fraud. The testimony was of Clay when he was 79 years old and had the occupation of a plasterer but could no longer perform due to a stroke of paralysis. The testimony indicated Clay had been a pensioner of the United States Colored Veterans Infantry and a member of the United States Colored Troops Company H Artillery. Clay had also served La Corps d'Afriques 4th Regiment Corps, which had been recognized from the 4th Louisiana Native Guards and had later become the 76th United States Colored Troops, and the 5th Regiment Corps d'Afriques, which had become the 77th United States Colored Troops. Clay had lived in Columbia for about 20 years and had been brought there as a boy. Clay's owner had been Jefferson Garth. Clay had

come from Scott County, Kentucky at about 9 to 7 years of age, and had lived in Columbia for about 10-12 years prior to being sold to John R. White and Robert Langton, who had taken him to Louisiana and had sold him to an Englishman named Henry Fleming, who had been a mechanic and had taught Clay his trade of plastering. Clay did the work and Fleming kept the money, but Fleming had been good to him. After the death of Fleming and his wife, Clay had been sold to a grocer named Aaron Rigands for \$2,650 as part of the Fleming estate even though Fleming had set him free. Clay had hired himself from Rigands for \$50 per month and interest to save up to \$2,650 to buy his freedom, but had not been successful prior to the start of the war and being made free by law. Prior to being set free, Edward Cross had bought Clay and had been the last man that had owned him. Clay had enlisted February 10, 1863, and had worked as a plasterer in New Orleans until he returned to Columbia in 1879, where he remained. Clay indicated he could not read writing nor write his name, but he could read print and the papers.

Wilson-Kleekamp commented that Clay was one of the very first slaves in Columbia, and noted that even James Scott's parents were on the schedule. Wilson-Kleekamp pointed out there were a lot of stories to tell, and some of these documents were at the National Archives. Wilson-Kleekamp felt these were things they could lean into to learn a lot. Wilson-Kleekamp believed Clay's story was interesting because it was his own testimony, which was very rare. Wilson-Kleekamp explained she had hired an archivist to actually obtain some of the documents, which was not cheap, but felt it was important to obtain those primary records.

SPC11-21

Maura Roodhouse - Jane Goodall/Wildlife Corridors.

Maura Roodhouse stated she was joined by friends and peers in order to advocate for those that were unable to advocate for themselves, such as the wildlife inhabitants of Columbia. Roodhouse commented that she had been observing and closely working with local wildlife, and had formed an understanding and appreciation of their importance and how crucial it was for the land on which they resided to be preserved. Roodhouse noted the message that had been shared by Jane Goodall in Columbia on September 17, 2014 had been inspiring for a number of reasons, to include her statement regarding wildlife corridors. Animals had complex familiar routes that had been taken for decades, and those routes were just as important to them as the roads were to humans. Roodhouse was saddened to see the existing wildlife corridors in the Bluffdale nature sanctuary were at risk of destruction by the installation of concrete trails. As a resident of Columbia for 17 years, Roodhouse along with others was continually amazed at the beauty the City's nature had to offer. The natural trails they were so fortunate to walk along were what made Columbia truly special. Roodhouse did not feel there was a need to separate themselves from the existing dirt trails or to destroy what had been utilized by their non-human friends for centuries. Roodhouse played a video showing the animals she had been able to capture while walking along the Nature Sanctuary. Roodhouse commented that a family of foxes had not been captured in the video along with blue jays and various birds. Roodhouse noted the animals mentioned along with those included in the video were just a few that called the nature sanctuary their home. Roodhouse was hopeful the construction of Alignment 3 would be reconsidered for the sake of the natural wildlife, and requested update reports on the cost and design of Alignment 3 along with a seat at the table for an open discussion with the City Council.

SPC12-21

Duncan Foss - Alignment 3 - How Can You Justify This?

Duncan Foss commented that he was also in attendance as an advocate for the nature preserve Roodhouse had described. Foss noted he had recently relocated from the Rocky Mountains, and was impressed by the number of people that cared. Foss understood the cost would be about \$800,000 to \$1 million when there was blight, items in disrepair, and no green areas in Wards 1 and 3. Foss felt there was more need in those areas. Foss asked for a freeze on the trail project until they could obtain a commitment for a walk-through from the Council. Foss believed that this much cement

and incursion on people's love for the City would be a travesty. Foss pointed out two news stations wanted to be involved and reiterated his request for a freeze until the Council was able to walk it to get a pulse of the area. Foss noted he had been stunned when he had walked it, and explained cement was not used at all in the Rocky Mountain area. Foss stated the disruption for the people that lived there had struck him, and felt this was an opportunity for Columbia. Foss also asked that he and others be included from here on out in any meetings, to include council meetings and those involving the project, and for an update from staff. Foss provided a handout as well.

SPC13-21 Ginger Owen - Alternate Route Alignment 3.

Ginger Owen, 5775 E. Heller Road, provided a handout and asked the Council to revisit Alignment 3 and the idea of Option 4, which had been as simple as utilizing the parking lots behind the University of Missouri Veterinary Medicine School from Rollins Street and cantilevering a basket across the bridge at 63, making the connection at Grindstone under where there was already a bridge that crossed the creek. Owen understood everyone wanted the trails by the creek and wondered why they could not go above the creek on the bluff. Owen noted Alignment 1 was complete and across the creek, and suggested they take the rest of the trail across the bluff with a connection at the bottom of the hill or pick it up behind campus as if they were going with Option 4. Owen commented that Council had already adopted PR89-19A, and Action 3.2.3 of the Climate Action and Adaptation Plan (CAAP) involved increasing stream buffer requirements to provide additional flood water storage and minimize property damage due to erosion and flooding. Owen felt the building of trails along creeks did not protect or provide any benefits. Continuing with Alignment 3 would create a tremendous amount of destruction to the existing sanctuary It's Our Wild Nature owned. Owen asked the Council to abandon that alignment and to consider another option.

SPC14-21 Chad McLaurin - City Roles and Responsibilities regarding Boone County Jail Conditions.

Chad McLaurin commented that as the Executive Director of Race Matter, Friends, he was privy to a lot of communication from the public, and did not believe the Council had a good relationship with the public. When the public brought issues to their public leaders, they expected them to be addressed. McLaurin explained a couple of weeks ago extreme cold weather conditions had driven temperatures inside the Boone County Jail to the point it had caused duress among the detainee population. These were not criminals, and even if they were criminals, they deserved better treatment. McLaurin stated he was talking to the Council about this situation because the Columbia Police Department (CPD) processed the individuals taken to the Boone County Jail and wondered if the Department of Health and Human Services had any oversight with regard to the conditions in which the detainees were held. McLaurin felt they had control within their own structure to determine the relationship they had with other entities. About two years ago, there were issues with school resource officers (SROs), and the City had reassessed that relationship which had resulted in changes. McLaurin noted he had contacted Treece's office about ten days ago indicating he had an urgent matter that requested some attention, but had not received a call back. Treece stated he had called McLaurin back around 5:30 p.m. on Friday, and asked if he had received the message. McLaurin replied he would need to check his phone records as he did not believe he had a record of that call, and apologized if Treece had called him back. McLaurin explained De'Carlton Seewood had been at the emergency meeting that had been held, but they had not received any feedback on the issue. McLaurin assumed it had been brought to the attention of the City Manager, but was not certain since they had not received any feedback. McLaurin felt there was no communication on these types of issues that needed to be discussed. McLaurin understood the City was under stress and that the pandemic complicated their ability to do business, but it also disrupted the lives of

community members, to include those that were most vulnerable and chronically victimized by bad policy, implementation, and procedures. They were suffering and carrying the burden of the ability of the government to manage the pandemic. McLaurin explained many community members felt completely disenfranchised from the system, and would contact them at Race Matters, Friends because they actually listened. It was something the City could not or would not do. McLaurin noted the Council spent a lot of time on plans, developments, parks, and trails, and wished they would spend some portion of that time on other community investments to shore up the most egregious affronts as they were failing their citizens. McLaurin commented that he did not understand why they continued to elevate people such as the Superintendent of the Columbia Public Schools or the Executive Director of the Columbia Police Officers Association that needed to be held accountable, and felt they were all covering for each other, which was abusive to the citizens. McLaurin explained Race Matters, Friends had been talking about these issues for years and they had not seen any action by the City. McLaurin assumed that was because they did not care and noted they were a part of the problem. McLaurin stated they would have their own scorecards and share it with the Council. In addition, McLaurin noted he did not plan on coming to the Council for any kind of assistance in the future because they were chronically abused and disappointed. McLaurin felt the relationship was done.

V. PUBLIC HEARINGS

PH7-21 Proposed replacement of water distribution infrastructure along Old Highway 63, Gordon Street and Charles Street.

PH7-21 was read by the City Clerk.

Utilities Director David Sorrell provided a staff report.

Peters asked if staff had the easements needed. Sorrell replied the project was mainly within the street right-of-way. If they needed any easements, they would likely be minor temporary construction easements. They were not yet at a point in the design to know what easements they needed. Peters asked for a time frame for completion of the project. Sorrell replied they had not developed a construction time frame at this time.

Treece opened the public hearing.

There being no comment, Treece closed the public hearing.

Skala stated he was confident this was a need that should be addressed and that the staff recommendation was appropriate.

Skala made a motion directing staff to proceed with the final design for the Old Highway 63, Gordon Street, and Charles Street water main replacement project. The motion was seconded by Treece and approved unanimously by voice vote.

VI. OLD BUSINESS

PR30-21 Establishing a City of Columbia Investment Policy.

The policy resolution was read by the City Clerk.

Lue provided a staff report.

Treece stated he appreciated the transparency of bringing forward the investment policy. Treece asked if there had been any discussion with regard to incorporating how often the City rebid its selection of financial advisors or investment firms. Lue replied no in terms of the investment policy. Lue explained they had discussed it for the external audit function, and could look at it for this as well if that was the desire of Council. Treece assumed there were many advisors and institutions and asked how often the City got the best bid for that. Lue replied the City currently invested with UBS and that had come to be because they were involved with the City's pension fund. Treece asked how long the City had been utilizing their services. Lue replied he was not sure. Treece asked if the City had gone to the market to see who might want to provide similar services for a lesser

yield or fees or to determine if the fees were fair. Lue replied he was not sure, and noted that as of now, they did not have any fees. Treece asked if that was a good component to have in the investment policy or if it was more of an internal policy they should adopt. Lue replied it would be an internal policy if Treece was referring to bidding the service.

Skala asked if it this involved a reinvestment schedule, if it was a reactive policy, or if it was a combination of both. Lue replied he felt it was a combination. Lue explained this policy would be reviewed once a year. Skala understood there had been a history over the course of city councils to take a look at the investments, and asked Lue if he would recommend more than a yearly look at the investment possibilities or if this was sufficient to be reactive. Lue replied he felt it was good to be reactive in some cases. Currently, the City did not have active investments. There were investments, but the City was not active in those investments. Lue explained they had a banking RFP, and once a bank was chosen, they could participate in some active investments with a small portion of the money.

Pitzer understood UBS was managing these funds because they were also managing the pension funds. Lue stated that was correct. Pitzer asked if those were linked together in the contract for the pension. Lue replied no. Lue understood there had been issues with investments at some point in time and UBS volunteered to take on those funds in order to limit what might have happened before. Pitzer understood the pension contract was rebid every five years or so. Lue stated that was correct. Pitzer understood there was a review of UBS at that point. Lue stated that was correct.

Pitzer appreciated staff bringing the policy to the Council as it had been something he had asked FAAC to look into shortly after he had been elected as there had not been a policy or it had not been updated in about 35 years. Lue understood there had not been a policy. Lue explained this was the first of several policies the Finance Department planned to bring forward.

Pitzer understood the policy referenced employees and investment officials disclosing any material interests in financial institutions with which they conduct business, and asked for an example of what might be a material interest. Lue replied he thought it might be a situation whereby someone was working for or was on a board of a company the City might invest with or have the opportunity to invest with. Pitzer asked about someone owning stock in the company. Lue replied he thought an abstention from anything involving that company would be required if someone held stock in the company and was in a judgement making position. Pitzer felt that was reasonable and thought it was something they should think about as there had been a case where decision-makers had owned the stock in UBS for example. It was an immaterial amount of money in the grand scheme of things, but it gave the perception of other potential motivations.

Pitzer asked how they would know UBS was doing a good job. Lue replied they did a review with UBS about once a year whereby they looked at the interest income, the current investments, and the current breakdown. Based on that review, Lue felt they were doing a great job. Pitzer asked if that was benchmarked against something. Lue replied they had compared it against one of their competitors during the last review, and UBS had been higher than the competitor.

Pitzer stated he was looking forward to seeing the regular reporting staff would provide to Council that was required with this new policy. Pitzer felt that would increase transparency and awareness. Pitzer pointed out these were the operating funds, such as reserves and the bond funds that had not been spent, and they totaled a couple hundred million dollars, which was significant. The interest rates were incredibly low right now so they were making very little money off of it, and it was good to know the whole pool of money was invested in safe assets and that the City was safeguarding those taxpayer assets.

Treece assumed this had been reviewed by the FAAC. Lue stated it had been reviewed by the FAAC, the City's bond counsel, and the City's municipal advisor.

Treece asked how the results of the stress test would be communicated to the Council.

Lue replied he had not really thought about that, but noted he could provide it in a report. Treece stated email would be acceptable for him.

PR30-21 was read by the City Clerk, and the vote was recorded as follows:

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

VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B76-21

Amending Chapter 6 of the City Code to expand the delay of the issuance of a demolition permit for an historic structure.

The bill was given second reading by the City Clerk.

Teddy provided a staff report.

Treece asked if a demolition request had been received on the MFA grain elevator. Teddy replied he did not believe they had received it, and asked if it was the one on Paris Road. Treece replied yes. Teddy stated he would have to check.

Fowler understood a building that was less than 50 years old and did not have any of the other qualities would not have to wait the 30 days for a demolition permit, and that they would receive it immediately. Teddy stated that was correct. It was not subject to the delay and was an exception. Teddy commented that if they could not discern the age, they would suggest it was 50 years or older for the purposes of following the procedure. Teddy explained retail structures seemed to have the shortest lives, and those were likely demolished at an age of less than 50 years old as part of a commercial redevelopment process. Fowler understood signs indicating the structure would be demolished would not need to be placed on the property. Teddy stated they would if they were unable to document the structure was less than 50 years old.

Trapp commented that he thought this was an important measure as there was an appearance of people manipulating the 30-day system. Trapp felt they would be better served with a period even longer than 45 days, especially since they had exceptions for safety purposes. Trapp explained that when the Niedermeyer building had been slated for destruction there had been enough public interest to generate a buyer leading to the preservation of that important site and an alternative site for the developers to pursue their development goals. Trapp stated he wanted to change the suggested 45 days to 90 days so the community had time to respond. Trapp commented that since Columbia had an active economy, they were architecturally impoverished compared to other cities in Missouri. Trapp felt they needed a longer period of time to allow the public to weigh in and for other proposals to be developed. Trapp did not feel the 90 days would be a hardship.

Trapp made a motion to amend B76-21 by changing forty-five (45) to ninety (90) where applicable.

Skala commented that he wanted to see an extension, but did not feel 90 days was necessary, and suggested 60 days.

The motion made by Trapp to amend B76-21 by changing forty-five (45) to ninety (90) where applicable was seconded by Treece.

Treece explained he had been Chair of the Historic Preservation Commission (HPC) when the original 30-day delay had been adopted. Prior to the delay, anyone could request a demolition permit and receive it the same day, which meant the building could be gone almost immediately. One of the concerns was for the structures they had lost, but another concern was for notice to the neighbors as demolitions created dust, noise, traffic, shock, etc. At that time, 30 days had seemed reasonable, but later what Trapp had described came true in that the HPC would meet Tuesday evening and a demolition permit would requested on Wednesday morning creating a situation whereby the 30 days would expire without the HPC taking action. Treece felt that was driving the change to 45 days. Whether they decided upon 45, 60, or 90 days, Treece believed there was some protection because the ordinance said "until the lesser of" 30, 45, or whatever number they decided upon "calendar days after the notice has been sent to the Community Development Department or until the Historic Preservation Commission has no objection

to the immediate demolition of the structure.” Treece commented that they could have a 90-day period, and if the HPC decided the structure could not be saved or there was not a reasonable adaptive reuse, those 90 days could become 31 days. If they had something like the Niedermeyer where there were title issues or the Juliet Bowling Rollins house where there were legal issues, the 90 days then became meaningful. Treece thought 90 days might be too long for developers wanting to act, but it also provided some opportunity for discussion with the HPC and other stakeholders. Treece commented that he was not sure of the right answer.

Pitzer asked if there was any requirement for the HPC to take the issue up at its next regularly scheduled meeting. Fowler replied they had always done that when she had been on the HPC. Fowler noted they had never been in a position to defer it for a month because it had not been an option, but it could be conceivable. Pitzer was only wondering if there might be an extra delay because the HPC chose not to take action, which could artificially extend the delay to 90 days when it could have been 31 days. Fowler understood the concern. Fowler felt they would need the full 90 days if they wanted to discuss what was significant with the property owner, how to save what was significant, or if the property owner was amenable to finding a different buyer for the property.

Peters stated she was in favor of the 45 days and did not feel it should be extended beyond that. Peters commented that if there was enough interest, the same thing that had happened with the Niedermeyer property could happen with another significant dwelling where there was a delay. As someone that had demolished historical properties in the past, Peters felt the sign indicating the property would be demolished tended to attract the throwing of rocks through windows and people destroying the building. A change to 90 days would allow for a lot of time for broken glass, massive destruction, and mischief. Peters believed the 45 days would force the HPC to not delay, and decreased the amount of destruction to the property slated for demolition.

Skala explained those were some of the reasons he preferred 60 days. It allowed some of the buffer needed while not being excessive.

The motion made by Trapp and seconded by Treece to amend B76-21 by changing forty-five (45) to ninety (90) where applicable was defeated by voice vote with only Trapp voting yes.

Skala made a motion to amend B76-21 by changing forty-five (45) to sixty (60) where applicable. The motion was seconded by Trapp.

Skala felt 60 days was ideal as it allowed a buffer while not extending the permit process too far. In addition, Skala believed it was fair to all parties involved.

Peters commented that she felt 45 days was enough to make a decision and move forward. Peters felt two months was too long.

Fowler stated she was in a quandary. When Trapp had mentioned going to 60 days during an earlier discussion, Fowler had contacted the current Chair of the HPC, and she had not had an objection to going to 60 days. In addition, from a practical matter, if it had been 60 days when Fowler had been on the HPC, they would have likely brought it up at one meeting to determine if there were any particular actions they wanted to take which would require them to roll it from that meeting to the next meeting. It presented a timing issue Fowler felt the HPC could deal with effectively, but she was also not sure what they gained as a community except for more of an opportunity to salvage items if there was an agreement. The HPC did not have the ability to stop a demolition or to do many other things. Fowler noted there was a balance to consider in terms of whether putting forward an idea undermined the long-term activity they could take in building a culture of preservation versus angering the public and property owners and further marginalizing their efforts in maintaining that culture. Fowler stated she was not sure how she would vote.

The motion made by Skala and seconded by Trapp to amend B76-21 by changing forty-five (45) to sixty (60) where applicable was defeated by roll call vote with only Trapp, Skala, and Thomas voting yes, and Peters, Treece, Fowler, and Pitzer voting no.

B76-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: PETERS, TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B69-21 Amending Chapter 29 of the City Code as it relates to neighborhood and subdivision lot lines in the Unified Development Code (UDC) (Case No. 49-2021).

Discussion shown with B70-21.

B70-21 Amending Chapter 29 of the City Code as it relates to a resubdivision or replat and an administrative plat in the Unified Development Code (UDC) (Case No. 49-2021).

The bills were given second reading by the City Clerk.

Teddy provided a staff report on B69-21.

Peters explained Teddy had answered a lot of her questions with the staff report. The concern was whether apartment buildings or a house could be placed across lot lines. If this amendment was strictly for a parking lot or driveway, Peters stated she was comfortable. Teddy noted that was correct. A building over a lot line would not be allowed. Teddy pointed out certain types of structures, such as those with party walls between them or townhomes built as single-family attached structures, would commonly have lot lines that ran through the party wall portion, and that was provided for in another portion of the Code.

Pitzer asked why pavement was considered a structure. Teddy replied it was the broadest definition of human-made things on the land and was permanent. Pitzer wondered why they did not just change the definition of a structure, and asked if there were situations whereby they needed the pavement defined as a structure. Teddy stated he would have to think about that and understood the point of Pitzer.

Teddy provided a staff report on B70-21.

Fowler commented that she appreciated what the 120 feet did for a neighborhood, and understood approving a plat was a ministerial or administrative act, which meant Council did not have discretion, and asked for clarification. Thompson replied there was a difference between an administrative act and a ministerial act. When it came to platting at the Council level, it was a ministerial act if a plat met all of the requirements of the subdivision code. The Council did not have discretionary authority on ministerial acts. There was no requirement for the Council to provide for an administrative plat to be granted by staff. The Council could require all of those items to come to the Council so they had that ministerial act. This ordinance would allow for a plat to be approved at the staff level, i.e., for that ministerial action to take place at the staff level.

Fowler understood they had the ability to say yes or no in terms of a fit with the surrounding neighborhood if a property owner wanted to connect more than one lot whereby it would exceed the 120-foot threshold, and asked if they could oppose a replat under those circumstances. Thompson replied no. All platting actions were based upon the engineering criteria, for lack of a better phrase, that were set forth in the Code as to the minimum requirements for lot size, setbacks, turning radiuses, etc. There were very specific criteria someone creating a plat would have to comply with, and as long as the plat met the criteria, the Council did not have the discretionary authority to deny it. Treece understood one of the components was harmony with the existing neighborhood. Thompson explained zoning had harmony with the existing neighborhood. Platting did

not unless they were looking at a planned development district whereby they were approving a development plan that might have some types of exceptions to the Code for purposes of the give and take that was inherent within a site plan that was a part of a development plan.

Skala understood platting, particularly preliminary platting, allowed more flexibility with input than the final platting. Once they had approved a preliminary plat, the approval of a final plat was essentially a ministerial action, and the only exception had to do with issues that might violate the health and safety given there was a change in the final plat, and asked if that was correct. Thompson replied they had more discretionary authority at the preliminary plat stage than the final plat stage, but it was still fairly minimal. The Council had its greatest discretion when it was deciding whether to rezone the property. At the preliminary plat stage, they were looking at whether it was an organized arrangement. There was the potential they could look at one and say it was not an organized arrangement as far as the street layout, etc., but that was typically defined by the street and subdivision standards already in place. This was the reason Thompson was saying they had very little discretion if it complied with the standards they had in place.

Skala understood some of the abuse of this and the reason for the change was that this had been happening on a more than just occasional basis in the Benton Stephens neighborhood. Lots were being accumulated and combined to construct larger and higher density buildings that were not in context with the area and were across lot lines. Teddy stated there was an example or two on Windsor Street.

Treece commented that he actually liked B69-21 as it carved out parking lots or driveways so it did not trigger the combining of two lots. Treece explained he had voted for that protection because he did not want a structure to inadvertently cross two lot lines, which had been happening. The unintended consequence of that was that there had been several issues before Council where they had combined lots. Treece provided Sandifer Avenue, which was off of Paris Road, as an example where an entire block had been consolidated into one plat because multiple structures had been added onto and interconnected. They could now not ever go back to the original grid of those lots and single-family homes. Treece felt the carving out of parking lots would prevent that a little by preserving the original lot lines for residential uses in the rapidly gentrifying areas.

Treece explained he was also comfortable with B70-21 because it limited administrative replats. Combining two lots into one triggered an administrative review, and anything else would still come to the Council for approval. Treece asked if that was correct. Teddy replied yes if it was residential or a mixed-use zoning that included residential.

Fowler understood when that type of situation came to them, they had discretion. Peters asked if they really had that ability if it was a replat and the zoning was all the same. Treece thought they did if someone was combining more than two lots. Thompson replied it depended upon the action. They would have to take each action on its own. Thompson commented that the Council always technically had the ability to vote yes or no. The result of that was unknown, and they could chat about it as it related to any particular development at any particular time. The analysis had to be applied on a per project basis.

B69-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: PETERS, TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B70-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: PETERS, TREECE, FOWLER, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B77-21 Approving a major amendment to the PD Plan for “Kinney Point” located on the northeast corner of Garth Avenue and Sexton Road; approving a revised statement of intent (Case No. 46-2021).

The bill was given second reading by the City Clerk.

Teddy provided a staff report.

Peters asked about the drainage for the site as she had driven through 6-8 inches of water at that intersection after some impressive rains. Peters stated she was concerned about a development being placed on a site that helped to absorb water for the intersection. Peters asked if the sewer and stormwater issues in this area had been addressed. Teddy replied there had been a project involving the culvert that ran east to west, north of the Lynn Street Cottages. Teddy thought there was also a project in progress involving the north/south drainage system. Peters asked where the Lynn Street Cottages were in relationship to this project. Teddy replied it was southwest of this site, and the homes were oriented to Lynn Street. They were not on Sexton Road. Teddy noted there was open space on Sexton Road as the City owned four vacant lots, totaling about an acre of property, but it was not at the corner as had been indicated at the PZC hearing. It was some distance off of the corner. Teddy commented that there was some floodplain on the south side of Sexton Road, within Sexton Road itself, and on the very southwest corner of the property. By floodplain, Teddy meant it was what was called two-tenths of one percent hazard zone. It was not what they termed the 100-year flood area. It was what they termed the 500-year flood area. A number of homes on the south side of Sexton Road were in that flood hazard zone so it did not surprise him to hear there was some history of flooding in the area. Teddy stated he could only speak to what might be done at the proposed site in terms of engineering, and explained the developer would have to account for the additional volume of stormwater that resulted from the development. They would have to detain and release it at a pre-development release rate and would have to address water quality per the City's ordinances. Teddy pointed out they would not be responsible for off-site issues, such as any existing problem now that had been caused by factors other than the development of this property. They would only be responsible for mitigating that for which they could mitigate. Peters understood there would be more stormwater in the roadway if they could not mitigate it, and asked if she was misunderstanding the situation. Teddy replied he thought she was pointing out there were deficiencies in the existing infrastructure. Peters stated she was concerned this would make it worse.

Skala commented that a situation existed there now, and it was not dependent upon this property. This property would have to account for pre-development standards as well as post-development standards. They could not contribute to or exacerbate the problem any further, and it would not make the current problem go away. That would have to be resolved off-site, and it was not the responsibility of this developer. Skala asked if that was a fair assessment. Teddy replied yes, and explained he could not point to an ordinance that said development would have to intervene to the point they were doing off-site drainage improvements in a situation where there was already an existing problem with the City's stormwater infrastructure. Teddy noted the developer might have to look at off-site drainage as part of their stormwater engineering in terms of the behavior of the system downstream as that would be part of the design process.

Fowler asked where they were in addressing some of the concerns at Garth Avenue and Sexton Road, which she understood was another branch or arm of the undergrounded Flat Branch Creek. Utilities Director Dave Sorrell believed some major stormwater improvements had been done along Sexton Road and Garth Avenue in the mid-1990s, but it had stopped at the intersection. It had reduced the amount of flooding in the homes in the area, but the street still flooded and that would likely continue for the foreseeable future since it was within a regulated floodplain. There was currently a construction project involving a box culvert that ran south from the intersection of Sexton Road and

Garth Avenue to south of Oak Towers and then turned to connect to the existing system, which ultimately discharged south of Broadway at Providence Road. Peters asked if that was a new sewer or an old sewer. Sorrell replied it was a new stormwater culvert box they were installing there. Sorrell noted they were also replacing the sewer in the street as part of the project. Sorrell explained construction had just started a few weeks ago. Skala asked if that would provide for new capacity. Sorrell replied it would provide for some new capacity but the capacity would be limited by what was between the end of that project and Broadway. The entire length of system would need to be improved to make significant changes to the drainage beyond what it was now. Sorrell understood there were other projects upstream of this in the CIP, and those would help reduce the amount of water coming through this area when completed.

Sorrell commented that if the CHA developed this project in accordance to the current stormwater ordinances, the discharge coming from it would not cause negative impacts of making the problem worse because they could not release the water any faster than it came off of the property now.

Fowler asked how a developer did this from an engineering point of view. Fowler wondered if there would be some below-grade detention. Sorrell replied it could involve below-grade detention or at-grade detention. A system that had adequate storage to account for the necessary volume during a storm and an outlet structure that would release the water at pre-development flow rates would have to be designed.

Fowler asked if that was one of the issues the CHA had asked the City to absorb to help bring down the cost of the project. Sorrell replied that would be a question for the developer.

Fowler commented that diagonally across the street were several empty lots that fronted on Sexton Road, and it appeared as though there was some sort of inlet box in the middle. Sorrell stated there was a box culvert there and noted he believed it was on property the City owned. Utilities Engineering and Operations Manager Erin Keys explained the southwest corner had the existing stormwater box that had been constructed in the 1920s or 1930s. As part of the housing project that had occurred in that area, the City had assisted in designing some stormwater best management practices and water quality type features. It was why they could see the top of the box now and why it had been excavated on both sides. It provided detention for the development the City had done. Fowler asked if that was the Lynn Street Cottages. Keys replied yes.

Fowler noted the subject lot was greenspace the neighborhood enjoyed, and asked if the land surrounding the area that was providing detention for the Lynn Street Cottages could be used as a potential greenspace park for the neighborhood should this existing greenspace be turned into housing. Fowler wondered if something could be done on that lot or if it was too marshy. Keys replied that would be a question for Community Development Housing Programs Manager Randy Cole. Fowler understood there were willingness and money questions, but felt there was also a question of engineering. Fowler wondered if it was possible to have that and another use. Keys commented that what was already greenspace could remain greenspace and still serve the stormwater function it was serving now. Fowler asked if it could be greenspace people could use and if it could include items such as a walking path and benches. Keys replied yes, but pointed out they would then be adding impervious area.

Treece asked for the acreage of the proposed site. Teddy replied it was 1.96 acres. Treece asked for the density. Teddy replied it was slightly over 12 units per acre. Treece asked what was typical for an R-1 zoned property. Teddy replied R-1 would typically involve 3-4 units per acre. Treece asked about an R-2 zoned property. Teddy replied R-2 would be about double that of R-1. Treece asked about R-3 or multi-family zoned property. Teddy replied the maximum was 17 for multi-family zoned property. Treece asked for the parking requirement for a multi-family zoned property. Teddy replied it depended upon the number of bedrooms per unit. It was 2.5 for a 3 or 4-bedroom unit,

two for a 2-bedroom unit, and one for a 1-bedroom unit.

Treece asked how the units would be oriented. Teddy replied the row facing Sexton Road had architectural fronts. Treece asked if that would be considered the front door. Teddy replied he thought that was the case based on the testimony at the PZC meeting. Treece asked about the ones on the rear of the lot. Teddy replied he thought those faced the parking area there. Teddy noted there appeared to be some front walkways and some outdoor living space on the backsides, which was south. They were back-to-back. Treece asked how close units A, B, C, or D would be to Unit 1. Teddy replied he would have to scale it to respond as it was not listed on the plan. Treece asked if it might be five or ten feet. Teddy stated it appeared to be close at the corner. Treece thought the sidewalk was five feet and there was five feet from the edge of the sidewalk to the back porch.

Pitzer asked for the remedy or process for a nearby resident or concerned individual that felt development had caused additional runoff in the past or a current development project was causing additional runoff. Sorrell replied that was fairly complicated. They could contact the City as they had staff that would go out and talk to property owners to make recommendations on what could be done to help protect their properties. In an instance where the developer installed stormwater management that met the current ordinances, it should not result in making any existing problem worse or create any problems that did not already exist. If they allowed the development to move forward with no stormwater management controls, it could cause problems. City staff only made recommendations with regard to what property owners could do to help protect their property. Sorrell explained he had not been directly involved in a situation where a development was pointed at as causing the problem and the result was any type of award or damage. Pitzer asked if the City had a process to ensure what was in the plan actually happened. Sorrell replied yes, and explained the Community Development Department conducted the plan review for all new developments so they reviewed the stormwater management plan to ensure it met the requirements of the ordinances and had inspection personnel that inspected the facilities to ensure everything was in place prior to the issuance of a certificate of occupancy.

Michael MacMann, a First Ward resident, commented that he and Dan Cullimore had monitored this property fairly closely, and since the new box had been installed, the standing water was better although they had not had the rain events they were having 3-4 years ago. MacMann noted the Ridgeway neighborhood had expressed to City staff the desire to use some of those vacant lots as greenspace along with a long-term desire for some gardening. MacMann did not believe they were in favor of hardscape surfaces there. MacMann commented that he did not believe new developments had been creating additional flooding since the UDC had been adopted. MacMann did not feel the flooding would be any worse if the City's engineering guidelines were followed.

Treece asked MacMann if he recalled the density for the Midland Green Meadows development. Pitzer replied it was 12 units on 1.45 acres. Treece understood this was 24 units on 1.95 acres. MacMann noted the density for the Midland project would be about eight units per acre, and this would be around 12 units per acre.

Treece asked if there was a concern about treating this project in the First Ward differently than they would treat another project that was in the Fifth Ward. MacMann replied that was always a concern since different standards were continually applied. It was the reality of politics. MacMann stated he would have to balance this project with the serious need for housing and the ability to anchor the neighborhood better. MacMann felt the Lynn Street Cottages was wonderful, and the Utilities staff had done more stormwater mitigation than the project had called for to help the area. MacMann explained he was concerned that what had been park would become concrete. MacMann noted he would also love to have 24 units and no new water problems or the water problems being fixed.

Skala thought they needed to require the developer to meet the requirements so there

was not anymore runoff there than had been pre-development and that the real solution involved further improvements down the system so the capacity was sufficient to address the issue. Skala did not feel they could blame this problem on anyone developing here. MacMann agreed they could not. MacMann pointed out that the Council had a lot of flexibility on what could happen on the site since it was a planned development. MacMann stated he did not feel the CHA should foot that bill, and that they needed to be cognizant of the fact this would not make the situation any better.

Phil Steinhaus, 201 Switzler Street, stated he was the CEO of the CHA, and understood some felt this was a park, but it was not a park. They had been good neighbors by allowing people to use the space. It had originally been purchased by Grace Covenant Church and had included several large houses that had been used for student housing. Steinhaus explained the CHA had purchased the property when Grace Covenant Church had been unable to convert the property into a sanctuary as planned and the CHA was looking at ways they could develop affordable housing. Steinhaus pointed out they owned the Oak Towers property to the south, and the reason the yard on that lot was not green on the photo being shown was because it had been taken right after the CHA had installed a geothermal well field. Steinhaus noted nothing would be developed on it. Steinhaus stated the southeast corner involved the lots Teddy had mentioned, and the CHA owned some of those properties. Steinhaus explained they had purchased the lots for the Lynn Street Cottages because they had planned to develop that intersection, but when the RAD program came along, they chose to focus on renovating public housing and had sold those properties to the City of Columbia for the same amount the CHA had put into them. They had not made a profit on it. Steinhaus stated the intersection had been planned to be a community center with a sanctuary and a walking trail when the Church had owned it. The CHA had decided not to spend money to remove the walking trail or to fence it off. They had allowed the neighborhood use, but it was not a park. It had always been meant for affordable housing or another development. Steinhaus explained this plan downsized the number of units on the property, and if it was rejected, they would be back to the original PUD that would allow for 42 units on the property instead of 24 units. In terms of the flood impact on the neighbors, he wondered who would be impacted because the water would run into their geothermal well field and the stormwater tunnel mentioned by City staff previously. Steinhaus pointed out the homes on the northwest corner were on a hill, and even if they did not have any stormwater abatement on their property, it would not affect those houses. At the worst, it might flood into their parking lot at Oak Towers. Steinhaus reiterated they were reducing the density on the property, and had the approval of the PZC. Steinhaus understood some neighbors had enjoyed the greenspace for a long time and did not want what they considered to be their park taken away, and pointed out the City owned some land across the way, which could be developed into a park if the City desired. It might flood occasionally, but it could still include a walking path, a swing set, a community garden, etc. Steinhaus explained they had changed their plans since the 42-unit three-story high rise did not get funded, and reiterated the density would be reduced and they would have to manage the stormwater on it as part of the project. Steinhaus did not feel they could be held accountable for solving the stormwater problem that existed there, and noted they understood they could not make it worse.

Treece asked when the previous PD plan had been approved. Steinhaus replied 2013. Treece commented that what might have been allowable in 2013 might not be allowable now, and when that three-story, 42-unit building was not funded, the CHA had changed its plan and that plan was not currently funded. Treece wondered why they should not also change this PD. Steinhaus explained they would attempt to obtain funding again and noted funding was not always approved the first time it was requested. Steinhaus pointed out they had resubmitted the Providence Walkway project three years in a row in different configurations. This would be the phase after Providence Walkway. Treece commented that he was not sure the development would work on this site and stated he

did not find the PD plan very imaginative. It was as dense as multi-family with the parking of single-family. Treece understood the same engineer was proposing 12 units for 1.45 acres elsewhere. Steinhaus asked Treece if he wanted to make affordable housing really difficult to develop. Treece felt the CHA was treating those that lived in affordable housing different than those that lived in other parts of town. Steinhaus stated that was not the case. Treece explained that was what this plan represented to him. Steinhaus commented that he believed the plan represented taking people that were living in 60-year old public housing units and putting them in a newer development. Treece understood they were related in the mind of Steinhaus, but he did not agree. Steinhaus stated this would make better housing for them, not worse housing. Treece explained he was trying to be consistent with a decision they would be asked to make at the next council meeting in terms of what might be the appropriate density for a planned development. Steinhaus believed it met the Code and noted the PZC voted 8-0 in favor of the project. Treece commented that he did not feel this plan met the four requirements of a planned development. In addition, Treece understood the PZC had significant concerns even though they had voted to support it.

Thomas stated he had counted about 40 parking spaces in the diagram Teddy had displayed, and asked Steinhaus if he would put in that many parking spaces if he had the freedom to only install what he felt was needed. Steinhaus replied no. Thomas asked how many he would include. Steinhaus replied he would probably only put in 30 as it would provide at least one parking spot per unit. In terms of visitor parking, they were more than happy to allow visitor parking at Oak Towers. Steinhaus thought it might be helpful to see how many cars were in the parking lot of the Providence Walkway development on Switzler Street as it was only half full. Steinhaus commented that he thought it had called for 56 parking spaces originally, and they had been able to reduce it.

Thomas asked if there was research showing the number of parking spaces that were used on a regular basis in particular types of developments. Thomas wondered if the requirement was data-driven. Teddy replied it was somewhat data-driven and explained reports existed. Teddy provided the Urban Land Institute as an example of an organization that had published parking generation publications. Teddy thought the Institute of Traffic Engineers (ITE) had empirical parking studies that showed statistical distributions by development type. Thomas asked if the City's Code followed those recommendations. Teddy replied somewhat, and explained the consultant had actually relaxed quite a number of the parking standards. Teddy commented that if they had an applicant that insisted they did not need as much as the Code required, they could require the applicant to show there was enough area without requiring it to be paved all at once. Thomas asked if that was an option under the current Code. Teddy replied it was under some circumstances, and noted he would have to determine if it would apply to this situation.

Skala commented that they used to allow the overflow capacity of setting aside parking that could be developed if needed but did not have to be developed immediately. Skala thought there had been discussions of pervious pavement for overflow parking as well. Skala asked if that had gone away with the UDC. Teddy replied there had been some site plans where that had been done, but they had included commercial contexts whereby there were time-of-day needs. Teddy stated he did not recall a 100 percent residential use example. Teddy pointed out an applicant could ask for a reduction in parking spaces, especially through the PD process. They would just need to submit data showing the usage. Thomas asked who would make the decision in that situation. Teddy replied it would be presented to the PZC. It was not done on an administrative basis. Teddy pointed out the PZC had been concerned about parking supply and had questioned some of the ratios used.

Skala asked Steinhaus if they had discussed reductions in the number of parking spaces. Steinhaus replied it had been reduced from 56 to 42 parking spaces, and understood there had been concerns by City staff with regard to what might be needed in

30 years if it no longer served low-income people. Steinhaus believed it would always serve low income people, and noted that was the reason he had mentioned providing for some allowances for affordable housing in the zoning code during the work session. Skala commented that this involved a PD so some allowances could be accommodated. Planned developments were the only place they had any negotiating capacity. Steinhaus stated he was not an expert on the zoning code.

Pitzer asked how having an approved plan or the lack there of impacted any funding request. Steinhaus replied they had to have an approved plan. Pitzer asked if the CHA needed an approved plan prior to applying for funding. Steinhaus replied no, but noted that once funding was awarded, they had to go through a very lengthy process to get to a firm submission. Steinhaus explained he had to go to the Missouri Housing Development Commission (MHDC) with enough pieces on the table to show it was a workable project, but they did not expect him to have spent money on full architectural drawings or full stormwater engineering plans. The CHA only had to show the project was feasible. Once they were able to show it was feasible, they then had to complete the design, put it out for bid, review the bids utilizing value engineering, etc. Steinhaus pointed out he had once been on a conference call with 24 different attorneys at the same time in the past because there were federal and state investors. Steinhaus explained syndicators would actually put together a package similar to a mutual fund, and those syndicators would find the many investors to purchase the tax credits. Pitzer understood if the plan was rejected by the City Council, the MHDC would look at the project as not being feasible, and asked if that was correct. Steinhaus replied they might not be able to get to firm submission in that instance. The CHA would have to have everything in place by the time MHDC signed off on the project. Steinhaus pointed out they needed a zoning letter indicating it was appropriately zoned.

Fowler asked about the next opportunity for the CHA to file with the MHDC for consideration for funding. Steinhaus replied the QAP would be issued in late spring or early summer with applications generally due back the first week of September, and decisions were usually made in December. Once the decisions were made, it could take 8-11 months to actually get to firm submission, and once they got to firm submission with everything being signed off on, they could then start breaking ground.

Fowler commented that she was concerned about not seeing any neighbors in the room. Steinhaus explained neighbors had attended the PZC meeting and had indicated a desire for the property to remain a park. Steinhaus had pointed out the City could create a park catty-corner to this property. Fowler understood there was not an imminent deadline for this. If they were going to do a PD and try to mitigate the stormwater runoff, she thought there was opportunity to have a conversation with the neighbors. As had been mentioned by Treece, there did not appear to be a lot of space between the end and beginning of the two rows of buildings. In addition, it might allow parking to be further reduced. Fowler stated she was uncomfortable about making a decision of this nature without taking some of these things into consideration since it would then sit on the shelf. Steinhaus stated the meeting notice had been posted and the neighbors in the surrounding area were all notified and had been provided the opportunity to give input at the public hearing or via written comments. Steinhaus pointed out the CHA had already spent \$50,000 on this item, and if it was not approved, it meant they would have to spend more money. The current plan met the Code and had been approved by the PZC.

Steinhaus wondered where they might be able to develop affordable housing if they were not able to at this location. Fowler commented that she did not believe they were asking him not to develop it. She explained they cared about affordable housing, but they also cared about neighborhoods. Steinhaus felt the issue was finding enough contiguous land within the urban core so people had access to transportation, goods, services, education, etc. In addition, the CHA could not afford to build something on that only included 15 units.

Eugene Elkin, 3406 Range Line Street, wondered if the Department of Conversation

should look at this area due to the flooding and erosion issues as fill might be needed. Elkin also suggested addressing the flooding problems before moving forward with a new project.

Kevin Murphy, an engineer with A Civil Group with offices at 3401 Broadway Business Park Court, explained this property had previously been developed with about a dozen homes on it. The Church that had purchased the lot prior to the CHA was going to develop it as a sanctuary, and they had constructed the existing building on the site and had sold the corner to the school to construct a parking lot. Detention had been provided at that time next to the building, and they would improve on it with this development. There had been problems for years in this area, and the City had been improving on it. City-owned property could be enjoyed by those neighbors that felt their parkland was being taken away. Murphy noted the existing approved plan had included a three-story building with almost twice the number of units as this proposed plan, and it would entail more impervious area. Murphy pointed out the CHA was the purveyor of affordable housing as private developers could not afford to build affordable housing due to the many barriers. Murphy commented that everyone was talking about affordable housing, but no one was able to provide it except for the CHA. Murphy understood there was a desire for density and less urban sprawl, and this proposed development was in the middle of the community with nearby bus services, employment services, grocery stores, etc. Murphy explained they could not make the stormwater situation any worse due to the City's ordinances. With regard to parking, the CHA had a permit system so they knew their parking needs. The CHA had way too much parking for their housing stock off of Providence Road and at Oak Towers. If parking became an issue, they would have overflow parking at Oak Towers. Murphy commented that he felt a 42-unit three-story building would have more impact on the neighborhood than the proposed plan, and believed the proposed development would meet the goals of affordable housing, density, and the utilization of services and infrastructure already in existence. Murphy did not understand the opposition to it. It would be new housing stock that would be built well versus the 60-plus year old units that did not meet the standards people expected and were hard to maintain. It would also allow them to redevelop other property to provide more affordable housing.

Fowler commented that she did not feel anyone was saying they did not want affordable housing or that they did not want the CHA to build on this lot. Fowler explained that asking questions about the development did not necessarily mean they were against it. Fowler felt it would be helpful if they stopped looking at this as an all or nothing conversation. The proposal came to the Council for a variety of reasons, to include the consideration of impacts to the neighborhood, environment, stormwater, etc. Fowler believed they should be allowed to ask thoughtful questions without the assumption that they were not interested in the same goal. Murphy stated it was not an assumption, and explained it was what he was hearing.

Murphy reiterated that this project had less parking as the CHA knew two-plus parking spaces per unit was more than adequate so they were reducing impervious area.

Murphy asked how many private developers were really able to construct affordable housing. Fowler replied she felt Murphy was making another assumption. Murphy explained he was not making an assumption as he knew it could not be done due to the number of barriers involved, and felt the rules needed to be reconsidered and higher density needed to be allowed.

Fowler reiterated there had been questions regarding the parking and the layout of the buildings since they appeared to be about five feet from one another in one area, which she believed could be discussed and potentially changed so it did not feel so awkward to those that would live in that neighborhood along with those adjacent to it. Fowler felt that by asking those types of questions and engaging in the discussion, they were being viewed as being against affordable housing when they were not.

Thomas explained the concern the CHA had was that the Council would try to reduce the

number of units, which could make the project unfeasible financially. Thomas felt that was the reason they were defensive. Thomas commented that he would love to see the parking reduced, but also understood they had spent a lot of money and time to get to this point and were concerned that it would be further delayed causing them to spend more money and more time, and potentially being forced to reduce the number units, which would then wreck the project. Thomas stated he was unsure of the right answer.

Treece pointed out the Google map showed a full parking lot behind Oak Towers. Murphy explained it was only a portion, and when looking along Garth Avenue, there were no cars in that lot.

Murphy commented that he thought it would be 15 feet or more between the two buildings. Murphy explained it was a triangular piece of ground, which made it hard to squeeze square boxes on it and was the reason for the issue at the corner of the one building. In an R-1 zoned neighborhood, houses could be constructed side by side with only a 12-foot setback per City standards. The fire code indicated they could be within 10 feet. Most R-1 neighborhoods had houses only 12 feet apart for the full depth of the house. In the proposed plan, the buildings might be 15 feet apart at the one corner.

Rebecca Shaw, 2615 Vail Drive, stated she appreciated the discussion because there was a development in her neighborhood that would be before the Council at its next meeting. A lot of the things they were discussing were concerns the neighbors had. Shaw thought this had been the fourth or fifth PD project that had come before the Council recently and it seemed as though the Council had to nit-pick all of the details each time. Moving forward, Shaw felt it would be important for the Council to look at the standards of a PD and whether the development was meeting those requirements. Shaw thanked the Council for the discussion this evening.

Trapp commented that this project would reduce the density for what was already approved for the area, and noted there was a vital need for affordable housing. When communities did not have affordable housing, it was not because they were against affordable housing. It was because they added items for other reasons that drove up the cost of construction. This development was across the street from Oak Towers, which he thought was the biggest residential building not within the downtown. Trapp stated it was a challenging spot. The flooding at Garth Avenue and Sexton Road had improved since the City had done the stormwater box although MacMann could be right in that they had not had those big rains in the last few years. Trapp explained they could not place that burden on the CHA to address the issue for everyone. The standard was that they could not make it worse, and that was fair. Trapp thought it was important that they approve this project with as many yes votes as possible. It was a competitive process and it would be difficult to get the project funded. Trapp noted he had supported the 2013 plan that the proposed development would make improvements on in terms of neighborhood context and less density. Trapp commented that the City would grow at two percent, and if they did not accommodate that growth, they would drive up housing costs and have even worse problems. They had to look at all of the things they did and not allow the perfect to be the enemy of the good. Trapp believed this was a good project. It could potentially be improved, and if it was not funded and they had to review it further, Trapp stated he would love to see some land-banking instead of the parking lot, but he did not want to add development costs at this time. The services of A Civil Engineering were not free, and the more they made people come back and go through long negotiated processes, the higher the cost would be. Trapp commented that they had a designated process and things would flow more smoothly, quickly, and with less acrimony if they stuck closer to it or followed it as was mandated by law. They were to ask questions, open it up to the public, and then make their statements as council members. Trapp explained he had a lot of thoughts about this process, but did not have any questions so he waited until the time to make statements to make his statement. Trapp stated he thought it was important to approve this project.

Skala commented that he thought this project was an improvement over what they had

before. Skala believed Thomas was correct in that they had a choice point, and on balance, he felt this was the right move to make. Skala stated he would support this proposal.

Thomas explained that if they wanted more affordable housing, they needed to allow for more density. One way to obtain density was to free up space by not having so many parking spaces. A lot of these decisions were out of the realm of individual property owners or developers. They were systemic. Thomas felt there was a message for them on the Council in that if they wanted to address affordable housing, they needed to address affordable transportation and help develop the City in a way that people were not so forced to own a car. It involved putting destinations closer together along with improving public transportation services.

Thomas asked if there was still a path to reduce the number of parking spaces or move the buildings if they approved this tonight or if that would involve another big burden later. Teddy replied it would require a plan amendment. It was not unprecedented, and it would be considered minor or major depending on whether the change was dramatic.

Thomas stated he would support this proposal.

B77-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: PETERS, FOWLER, TRAPP, SKALA, THOMAS, PITZER. VOTING NO: TREECE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

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

- B59-21 Amending Chapter 29 of the City Code as it relates to the definition of an arterial street in the Unified Development Code (UDC) (Case No. 49-2021).
- B60-21 Amending Chapter 29 of the City Code as it relates to the definition of a bank and financial institution, consumer lending institution and pawn shop in the Unified Development Code (UDC) (Case No. 49-2021).
- B61-21 Amending Chapter 29 of the City Code as it relates to the clearing of trees in the Unified Development Code (UDC) (Case No. 49-2021).
- B62-21 Amending Chapter 29 of the City Code as it relates to the definition of a wall sign in the Unified Development Code (UDC) (Case No. 49-2021).
- B63-21 Amending Chapter 29 of the City Code as it relates to the definition of a corner side yard (Case No. 49-2021).
- B64-21 Amending Chapter 29 of the City Code as it relates to permitted uses in a planned development district (Case No. 49-2021).
- B65-21 Amending Chapter 29 of the City Code as it relates to yard area exceptions in the Unified Development Code (UDC) (Case No. 49-2021).
- B66-21 Amending Chapter 29 of the City Code as it relates to parking and loading exceptions for small lots (Case No. 49-2021).
- B67-21 Amending Chapter 29 of the City Code as it relates to maximum parking limits in the Unified Development Code (UDC) (Case No. 49-2021).
- B68-21 Amending Chapter 29 of the City Code to correct a scrivener's error as it relates to the location and design of stacking lanes in the Unified Development Code (UDC) (Case No. 49-2021).

- B71-21 Amending Chapter 29 of the City Code as it relates to subdivision monuments in the Unified Development Code (UDC) (Case No. 49-2021).
- B72-21 Amending Chapter 29 of the City Code as it relates to the powers and duties of the Planning and Zoning Commission in the Unified Development Code (UDC) (Case No. 49-2021).
- B73-21 Amending Chapter 29 of the City Code to correct a scrivener's error as it relates to optional development standards approval in the Unified Development Code (UDC) (Case No. 49-2021).
- B74-21 Amending Chapter 29 of the City Code to correct a scrivener's error as it relates to criteria for approval for the issuance of a conditional use permit in the Unified Development Code (UDC) (Case No. 49-2021).
- B75-21 Amending Chapter 29 - Appendix A (Street Standards) of the City Code as it relates to design standards for residential, non-residential and terminal streets in the Unified Development Code (UDC)(Amending Turnaround Width) (Case No. 49-2021).
- B78-21 Granting a design adjustment relating to the proposed Bryant Walkway Apartments II - North Plat 2 located on the west side of Trinity Place and south of Pendleton Street to allow a lot line to bisect an existing structure (i.e., driveway) (Case No. 56-2021).
- B79-21 Approving the Final Plat of "Bryant Walkway Apartments II - North Plat 2" located on the west side of Trinity Place and south of Pendleton Street (Case No. 56-2021).
- B80-21 Vacating utility and drainage easements on Lots 4, 5 and 6 within the Final Plat of The Crossings located on the east side of Crossings Drive and south of Canterbury Drive (3404 Crossings Drive) (Case No. 54-2021).
- B81-21 Approving the Final Plat of "The Crossings, Plat No. 1A" located on the east side of Crossings Drive and south of Canterbury Drive (3404 Crossings Drive); authorizing a performance contract (Case No. 13-21).
- B82-21 Approving the Final Plat of "Northland Acres Plat 3" located on the southeast corner of the Northland Drive and Range Line Street intersection (3206 Range Line Street); authorizing a performance contract (Case No. 40-21).
- B83-21 Authorizing a right of use permit with The Curators of the University of Missouri for installation and maintenance of a directional sign in a portion of the right-of-way at the intersection of South Old Highway 63 and Stadium Boulevard (1601 South Old Highway 63).
- B84-21 Accepting conveyances for trail and temporary construction purposes for the future construction of the Hinkson Creek Trail from Stephens Lake Park to Clark Lane.
- B85-21 Authorizing the replacement and improvement of public storm drainage infrastructure adjacent to the intersection of Hickman Avenue and Sixth Street; calling for bids through the Purchasing Division.
- B86-21 Authorizing the acquisition of easements for the replacement and

- improvement of public storm drainage infrastructure adjacent to the intersection of Hickman Avenue and Sixth Street.
- B87-21 Authorizing a contract for the sale of real estate with Mid-Missouri Center Project, Inc. for the acquisition of property located at 515 Hickman Avenue for the replacement and improvement of public storm drainage infrastructure adjacent to the intersection of Hickman Avenue and Sixth Street.
- B88-21 Authorizing and ratifying an amendment to agreements with Boone County, Missouri for administration of CARES funding for public health, personal protective equipment and sanitation funding, and public safety employee expenses.
- R31-21 Setting a public hearing: proposed construction of the Flat Branch Park expansion project to include site reclamation, building demolition, installation of sidewalks, stairs, retaining walls, lighting and landscaping, and restoration of the creek bank.
- R32-21 Setting a public hearing: consider the FY 2020 Consolidated Annual Performance and Evaluation Report (CAPER).
- R33-21 Authorizing an agreement for professional engineering services with Klingner & Associates, P.C. for engineering and architectural services for building improvements at the Grissum Operations Center located at 1313 Lakeview Avenue.
- R34-21 Authorizing an amendment to the social services provider agreement with Central Missouri Community Action for personal finance education services.

The bills were given third reading and the resolutions read by the City Clerk with the vote recorded as follows: **VOTING YES: PETERS, TREECE, FOWLER** (except for B85-21, B86-21, and B87-21 on which she abstained), **TRAPP, SKALA, THOMAS, PITZER**. **VOTING NO: NO ONE**. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

None.

IX. INTRODUCTION AND FIRST READING

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

- B89-21 Authorizing and ratifying a second amendment to the agreement with Benevate, Inc. for software to implement a rent assistance module.
- B90-21 Rezoning property located on the northwest corner of the Green Meadows Road and Green Meadows Circle intersection from District R-1 (One-family Dwelling) to District PD (Planned Development); approving a statement of intent; approving the "Midland PD Plan" (Case No. 61-2021).
- B91-21 Changing the name of a portion of "Timberhill Road," located within Kelly Farms Subdivision, to "Cinnamon Ridge" (Case No. 76-2021).

- B92-21 Approving the Final Plat of "Burlington Subdivision Plat 1" located on the west side of Burlington Street and south of Vandiver Drive (Case No. 63-2021).
- B93-21 Authorizing a second amendment to the intergovernmental cooperation agreement with The Curators of the University of Missouri for integrated shuttle bus service on campus.
- B94-21 Accepting conveyances for sewer, temporary construction, temporary access, and drainage purposes; accepting a Stormwater Management/BMP Facilities Covenant.
- B95-21 Authorizing construction of the Flat Branch Park expansion project to include site reclamation, building demolition, installation of sidewalks, stairs, retaining walls, lighting and landscaping, and restoration of the creek bank; calling for bids for a portion of the project through the Purchasing Division; amending the FY 2021 Annual Budget by appropriating funds.
- B96-21 Amending Chapter 19 of the City Code as it relates to overtime provisions for Fire Department shift employees.
- B97-21 Authorizing a cooperative development agreement with Plumrose USA.
- B98-21 Amending Chapter 27 of the City Code to establish an economic development job creation rider.

X. REPORTS

- REP17-21 Board and Commission Applicant Diversity Statement/Information.

Treece understood a question had been added to the board and commission application form to espouse on the importance of diversity, inclusion, and equity. Treece noted the Council had adopted the statement of community principles which they affirmed and which stated opposition to discrimination against individuals based on race, ethnicity, religion, etc., and thought another option was to ask if the applicant agreed with the statement of community principles.

Treece asked Amin if she had anything to add. Amin replied City Management Fellow Colleen Spurlock had taken the lead on this item. Spurlock explained Question #7 had been added as the statement on diversity, equity, and inclusion as had been requested during the discussion with the Citizens Police Review Board (CPRB). Spurlock stated she liked the idea of the community principles, especially since they had been adopted in 2018, and thought that might be a good addition. The rest of the application included the optional self-identification items to help make the board and commission appointments more diverse.

Treece asked if it was inclusive enough. Spurlock replied she had tried to incorporate the input of Treece in looking at the questionnaire of the Biden Administration.

Treece asked Council if they had any comments or questions or if they wanted to think about this longer.

Treece asked about the next round of applications. Amin replied the current round closed on March 5, and they would advertise the new round of vacancies on March 17, but they would accept applications between March 5 and March 17 for anything that was open. It was up to the Council in terms of how quickly they wanted to move forward, but staff would appreciate some direction.

Skala commented that they could include a footnote with regard to the community principles along with Question #7 rather than prime someone to talk about it. If the person was interested in it, they could look it up and provide their own statement as well. They did not necessarily need to include all of that text in the application.

Treece suggested the Council obtain feedback prior to moving forward.

Spurlock noted she had reviewed other applications within the State of Missouri and this one would be the most inclusive.

Amin asked if this report should be placed on the March 15 meeting agenda for further discussion. Amin also asked if they wanted any suggested changes included the next time. Treece replied he thought they should provide any comments to Amin for discussion on March 15.

REP18-21 Disabilities Commission: Virtual Meeting Policy and Accessibility.

Jacquelyn Sample, the Chair of the Disabilities Commission, explained she wanted to ensure the intention behind the advisory letter was heard. Sample understood the discussion at the prior council meeting had included a comment indicating that it was fine for the Disabilities Commission to hold virtual meetings, but that had not been the intent. The intent was to make virtual participation possible across all boards and commissions. Sample thought this tied into their discussion on inclusion beautifully because she felt disability should be included in any kind of diversity statement. Sample stated she served on three commissions, and they had not been able to reach a quorum for one of those commissions twice. Sample thought other commissions had likely had similar experiences. Virtual attendance would allow more community members to serve if they were also allowed to vote virtually.

Fowler commented that she had omitted to make a motion at the last meeting with regard to the drafting of an ordinance and planned to do so at the end of tonight's meeting. Fowler agreed this was not only for those on the Disabilities Commission. It would help any person with a disability, self-identified or otherwise, that wanted to participate in a meeting of this body or any other body that was unable to do so due to the constraints of COVID to be able to do so. Fowler thanked Sample for the work she had put in with the Disabilities Commission and for the outside advice and counsel she had sought in preparing it.

Sample stated the Disabilities Commission appreciated being heard, and noted it was not just persons with disabilities. It also included parents of children with disabilities or those taking care of their elderly parents that might not have a caregiver in place whereby they could get to a physical place to sit on a board or commission or the City Council. Sample felt they should think of it in that way as it could open up the number of participants they could have within City government.

REP19-21 Citizens Police Review Board 2020 Annual Report.

Travis Pringle, Chair of the CPRB, stated he was available to answer questions regarding the report.

Treece stated he appreciated the compilation of all of their activities and the retrospective of the number of complaints and appeals along with what was justified, dismissed, sustained, etc.

Fowler commented that she had read an email today that indicated the CPRB had worked out the issue of putting a member of the CPRB on the Vehicle Stop Committee with the Police Chief, and asked if that had been resolved to their satisfaction and if Alex Hackworth would be that member. Pringle replied they had not decided if Hackworth would take that seat or not. Pringle explained Hackworth would meet with the Committee to discuss the next steps, and they would then determine how to proceed.

Fowler understood the report had referred to a training schedule to determine the type of training that was included, and asked how that was going. Pringle replied he understood today was the finalization date for the training schedule per their last meeting with the Police Chief in January so that should be forthcoming. Fowler asked Pringle if he expected de-escalation training and implicit bias training to be a part of the training schedule. Pringle replied yes. Pringle understood that was standard training for the Police Department so it should be included.

Fowler asked if there were any other open issues. Pringle replied they had been waiting

for the foot pursuit training video for a while, and that had been received today. Pringle explained they had been working with the Police Department on developing a foot pursuit training because they realized that had been something that was lacking in departments across the country, and that would be discussed at their next meeting on Wednesday. Fowler asked if that was a training video or a video of a young man running down the street. Fowler wondered about the context of the foot pursuit training. Pringle replied it was a training video.

Skala commented that he had met with Carley Gomez and another member of the CPRB following the joint Council and CPRB meeting. The conversation had involved communication, not only communication between the Council and CPRB, but also the public. Skala thought it had been a fruitful conversation and that the ideas would be shared with Pringle and the other CPRB members. Skala believed the more space they had for communication and strategies, they better they would all be.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Andrew Hutchinson, 510 Spencer Avenue, distributed a handout and explained he was speaking as the field representative for Laborers' Local 955. Hutchinson explained the handout included a timeline and a copy of the actual grievance/complaint, which had been submitted 26 working days ago or over five weeks ago. Hutchinson noted it had been submitted on January 25 and they had received confirmation from the City indicating it had been received on that day, but they had not received a formal response until today at 6 p.m., and that email was included in the handout as well. The email had indicated that despite the extensions the reason proper policy had not been followed was because Local 955 had used an incorrect form. This had never been stated in any of the conversations or emails. Hutchinson stated Local 955 felt Chapter 19 should be re-evaluated in terms of how it functioned, especially with regard to the grievance procedure. It had been a time sensitive issue involving stand-by pay for fleet mechanics. This past pay period, their stewards had informed them that some of them had received stand-by pay while there had been a pending grievance. Thus, the City had unilaterally made adjustments while they had still been waiting for a response. Hutchinson explained the fear was that if the grievance procedure was not followed in a transparent and equitable way, it would really discourage the use of that process to address issues even if they continued to have great discussions in bargaining and in other situations. Hutchinson commented that he did not enjoy bringing the issue to Council, but felt he had to since it had been over five weeks. Hutchinson explained he would be happy to answer questions regarding the specifics of the grievance, but noted he would never come to Council as a union representative saying they did not get the decision wanted. When the procedures that were inherent within Chapter 19 were not followed and there were no penalties for the breaking of that procedure from the management side, Hutchinson felt Council needed to be made aware.

Treece asked if the form included in the handout had been the item submitted 26 days ago. Hutchinson replied yes and clarified it had been 26 working days ago. Treece understood it was the form entitled Employee Grievance/Complaint Form. Hutchinson stated that was correct, and explained it was a form he had developed because he had never been provided a form by the Human Resources Department. Treece asked Hutchinson if he had ever seen the form that had been sent to him today. Hutchinson replied the email that had been sent to him today had not had that form attached so he had still not seen the form as of today. Treece understood it was not available, posted in the breakroom, or provided as part of the contract. Hutchinson stated he had never been provided the form. Hutchinson commented that someone with 773 might have been provided it or a prior person with 955, but he had not. In addition, when they had submitted the form that was attached to Hutchinson's handout on January 25, the response provided by the City had been that it was received. Treece understood the City had acknowledged receipt of it. Hutchinson stated that was correct. Treece understood

they had not said it was not an acceptable form to file a grievance. Hutchinson explained that at no point until today had they been told it was not the acceptable form to file a grievance. Treece commented that in the private sector it would be an unfair labor practice for management to not address the grievance, but he was unsure as to that within the public sector. Treece understood the City could not just fix the problem without consulting with 955. Hutchinson did not believe they could.

Skala asked where the form was located. Skala wondered if it was available on the City's website. Glascock replied he did not know. Hutchinson explained Chapter 19 indicated it was a form that would be provided by the Human Resources Department.

Treece felt there had been a process issue and a substantive issue. Since the Council could not engage in collective bargaining, Treece noted he would not get into the substantive issue, but felt there had been a process issue.

Fowler understood Hutchinson had indicated some of the mechanics had received stand-by pay, and asked if it was appropriate for the Council to ask for an accounting of it to determine if it had been handled for all of the mechanics versus just a few of them and if the back-pay issue had been resolved. Treece replied it could be, but noted he was not sure he wanted to address it here and now.

Skala understood they needed to ensure the process was fixed.

Hutchinson explained the process allowed for ten business days for the Department Director to informally resolve the complaint. At no point was the union ever contacted by the Department Director. They had only spoken with the Human Resources Director. As a result, last week, they had formally requested it be moved to the second step, which was where they dealt with the Human Resources Director. They had not received a response to that either.

Treece understood the first step was to talk to the Department Director or supervisor. Hutchinson stated it was a bit bizarre in that it was submitted to the Human Resources Director who would then pass it on to the Department Director who was the one that should talk to the union representative. Treece understood receipt was acknowledged. Hutchinson explained the Human Resources Director had acknowledged receipt but not the Department Director.

Treece understood there was a breakdown in the process.

Rebecca Shaw, 2615 Vail Drive, commented that as they had been preparing for the next meeting regarding a project in their neighborhood, they had noticed there had not been a recent traffic study done on Green Meadows Road. The most recent data they could find was from 2013. Shaw felt that was something that should be done since Green Meadows Road was a very busy corridor, especially with Nifong Boulevard having a lot of work being done on it, and noted it would benefit them as a neighborhood to know what was going on in that respect.

Shaw understood the Council likely knew about the amount of chatter going on regarding trash. Shaw stated she continued to see bags left in her neighborhood, and wondered about the City's plan for mitigating the situation going forward. Shaw wondered how they were notifying families that still needed to move to the logo bags and what steps were being taken to spread the word.

Shaw commented that it had recently been really cold, and she and several other volunteers had been taking soup and snacks to people at the bus station when it had been open as an emergency shelter. One evening, the shelter had not opened at the time that had been stated, and there had been quite a few people huddled in the cold for a while until they were able to get someone with the Columbia Police Department to open the doors. Shaw appreciated the City's utilization of that space for the unhoused, but if they continued this, which she hoped they would, she felt communication was needed among everyone involved as there had been quite a few people that really needed some place to be that night.

Skala commented that he took a bit of umbrage with McLaurin's castigations and assumptions as to what some on the Council were doing, and felt he was mistaken at a minimum in terms of his suggestions.

Skala noted several people had spoken earlier in the meeting with regard to Alignment 3 for a trail in the Sixth Ward. Skala understood there might be consideration for some low water bridges rather than the high span bridges that had originally been planned for the trail alignment, which meant there would likely be a significant difference in cost and require the involvement of the Corps of Engineers. Skala asked for a report that described the changes necessary for Alignment 3 along with the costs, plans, timeline, etc. so they had the information as to what they were considering for that alignment.

Fowler commented that this was the first year she had been paying that much attention to what was going on at the state legislature, and there were many things pending, to include some bills that would cause considerable tension and stress in Columbia if they were passed. Fowler asked if there was an opportunity to talk about some of the bills to determine if the City should take a position. Fowler understood the bills the legislature was more serious about would be aligned in a manner that they could move on after the legislative spring break, and noted she would like to discuss the perils and benefits of some of the pending legislation so they could determine if additional action with the City's lobbyist was necessary. Fowler wondered if that was something that could be entertained.

Treece explained it was up to the Council as Council set the priorities, and his recollection was that the three priorities were anything that pre-empted the local health order, particularly unique to Columbia, Wayfair, and local control and other pre-emption issues. Treece understood there had been a couple of things the City Manager had added. Treece agreed spring break was the demarcation or halfway mark in that if a bill had not left its house of origin and crossed over to the other side, it was less likely to move forward. Treece pointed out that if everything was a priority, then nothing was a priority, and he thought they honestly needed to ask themselves if their opposition to this would make a difference. Columbia happened to be represented by the Senate Majority Leader so he wanted to be cautious. Treece did not feel they should give the Senate Majority Leader a list of bills they wanted him to kill when there might be one bill they really wanted him to pass. Treece suggested they use their expensive political capital wisely and judiciously. It should also be based upon a decision by all of them.

Skala commented that in the past they had discussed the interface between the Council and the lobbyist during a work session. Skala did not recall the timing, but felt it had been a good process and would be the time to evaluate whether priorities had shifted.

Treece stated the legislative spring break was within a couple of weeks and did not feel it would be too much of a difficulty to have a comprehensive list of bills to review.

Fowler explained she was a member of the local Moms Demand Action group and was concerned about some of the gun bills that had been proposed among a few other items.

Fowler stated she wanted to move forward with drafting an ordinance regarding virtual meetings as had been recommended by the Disabilities Commission, and asked if she had support.

Skala commented that he was not opposed to that effort, but felt they should at least wait until they had the software to determine capacity.

Fowler understood the Information Technology Director had already made an evaluation of the software and that they were just waiting for the equipment. Fowler asked if the software had been installed. Glascock replied no, and explained they had run into an issue today with accessibility. Apparently the keyboard could not be used exclusively and a mouse had to be used for some of it. They were in the process of evaluating the situation. Fowler asked if that would entail changing to a different software if the issue

could not be resolved. Glascock replied yes.

Peters asked if an ordinance was needed. Peters wondered if the decision could just be made when they had the equipment.

Treece asked what it was they were doing. Skala replied they would open up the virtual process for all of the boards and commissions. Fowler replied it would also open it up to the Council for those persons that could not attend in person. The letter provided by the Disabilities Commission had outlined the components of what they thought would address the needs of persons with disabilities regardless of the board, commission, or council meeting for which they wanted to provide input.

Peters asked if that required an ordinance. Fowler replied she thought it did. Peters asked why. Fowler had noticed for some of the meetings she had attended that those board or commission members not in the room could not vote. Fowler pointed out that had not been her understanding as she thought they could vote so long as a quorum was in the room, but in practice they were not voting. Thompson stated, legally, they could vote. Thompson asked Fowler to send her an email as to when this was not occurring so it could be addressed. Thompson reiterated board members could vote if there was a quorum present in the room.

Treece asked if it was possible for someone participating virtually to vote if there was not a quorum in the room per the Sunshine Law. Thompson replied yes. Thompson stated they were requiring a quorum in the room under the direction of Council. Peters understood that was by policy. Glascock agreed. Thompson pointed out there were some boards and commissions that dealt with issues such as property rights, which required the see and be seen element, and those members could not vote without properly meeting that requirement. Peters understood those were the PZC and the Board of Adjustment. Thompson stated it included those as well as the CPRB and others. Amin noted it potentially included the Personnel Advisory Board, the Human Rights Commission, and the Building Construction Codes Commission as well.

Fowler stated she preferred an ordinance so they all had the same document to reference. In addition, since it did not appear they would move forward tonight, Fowler noted she would bring the issue up again at the next meeting, and was hopeful they could move forward then.

Skala asked if they had any idea when there might be some sort of resolution with regard to the software. Glascock replied he did not know. Glascock stated he had thought they were close to moving forward, but had learned today, there was an issue with accessibility.

Fowler commented that the City Manager had sent an email a couple of days ago outlining ideas for what they would use the money that had been freed up by the reimbursement of some expenses by the CARES Act funds, and asked that they discuss that as a Council in a work session. Fowler also asked that they solicit input from the public. Treece replied the public would be able to comment when it came forward as an amendment to the budget. Glascock noted it was scheduled to be discussed at the March 15 work session as well.

Thomas stated he had been contacted by the Chair of the Broadband Business Planning Task Force to ask Sorrell to re-establish the agenda planning meetings a few days prior to the actual Task Force meetings. Glascock replied he that would be done.

XII. ADJOURNMENT

Treece adjourned the meeting without objection at 10:40 p.m.