

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
OCTOBER 20, 2014**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 20, 2014, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA and THOMAS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of September 15, 2014 and the regular meeting of October 6, 2014 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Ms. Nauser.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Ms. Hoppe understood a constituent had asked for R198-14 to be moved from the consent agenda.

The agenda, including the consent agenda with R198-14 being moved to new business, was approved unanimously by voice vote on a motion by Mayor McDavid and a second by Ms. Chadwick.

**SPECIAL ITEMS**

None.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mayor McDavid asked staff to readvertise the Tax Increment Financing Commission vacancies.

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

**CITIZENS POLICE REVIEW BOARD**

Busch, Kathryn, 4004 Corkwood Court, Ward 4, Term to expire November 1, 2017  
Kennett, Jerry, 4614 Copperstone Court, Ward 5, Term to expire November 1, 2017  
Shelton, Jeffrey, 6402 Upper Bridle Bend Drive, Ward 6, Term to expire November 1, 2017

**COLUMBIA COMMUNITY DEVELOPMENT COMMISSION**

Crouch, Terence, 919 Marcassin Drive, Ward 6, Term to expire November 1, 2017  
Forbes, Pamela, 707 Donnelly Avenue, Ward 1, Term to expire November 1, 2017

**COMMISSION ON CULTURAL AFFAIRS**

Krawitz, Aaron, 901 Edgewood Avenue, Ward 4, Term to expire October 31, 2017  
Marcks, Melody, 3020 Wildflower Court, Boone County, Term to expire October 31, 2017

McGrail, Charles, 808 N. William Street, Ward 3, Term to expire October 31, 2017

Shults, Kevin, 6860 N. Nelson Drive, Boone County, Term to expire October 31, 2017

**ENVIRONMENT AND ENERGY COMMISSION**

Dye, Jan, 2222 Bluff Boulevard, Ward 6, Term to expire June 1, 2017

**PERSONNEL ADVISORY BOARD**

Rader, Jerome, 2226 Shepard Boulevard, Ward 6, Term to expire September 30, 2017

**SUBSTANCE ABUSE ADVISORY COMMISSION**

Hawf, Christopher, 2000 E. Broadway, Suite 275 (Business Address), Ward 4, Term to expire October 31, 2017

Rader, Dan, 3326 S. Country Woods Road, Boone County, Term to expire October 31, 2017

**SCHEDULED PUBLIC COMMENT**

**Jan Dye and/or Frederick VomSaal – Single-use plastic bag ordinance.**

Jan Dye, 2222 Bluff Boulevard, stated she was Chair of the Osage Group of the Sierra Club and noted the average American used about 500 plastic bags each year for about 12 minutes each, which amounted to about 100 billion bags per year. It took 12 million barrels of oil to produce these bags, and oil was a precious resource that took millions of years to form. She commented that this single-use mentality had contributed to the formation of a floating island of plastic debris in the Pacific Ocean more than twice the size of Texas and was commonly known as the Pacific garbage patch. Locally, discarded plastic bags were a huge problem in streams and rivers, endangering local wildlife and habitats, and ruining views. In addition, there were known and unknown risks from the presence of too much plastic in people's everyday lives.

Frederick VomSaal, 4679 S. Bearfield, stated he was a biology professor at the University of Missouri and had researched plastics and the associated polluting and health effects. He commented that UV light degraded ethylene plastic bags, which caused them to bound onto dioxins, PCBs, DDTs, and other harmful chemicals, and then vectored through the food chain. The bags were also a tremendous problem for landfills. He understood U.S. Geological Survey (USGS) and other agencies were looking at chemicals in plastic as they leached out into the groundwater, and wastewater treatment plants did not remove those chemicals from that groundwater. He noted there were multiple routes in which these kinds of plastics were impacting human health.

Ms. Dye commented that she believed the community needed to do more to reduce the use of single-use plastic bags, and many cities had already increased the recycling rates of plastic bags or had passed ordinances to partially or completely ban them. The Sierra Club recommended an ordinance that eliminated single-use plastic bags from stores that sold perishable food items and allowed retailers to charge a fee for paper bags. They believed this would encourage citizens to bring their own bags. She provided a copy of the proposed ordinance to the City Clerk, and invited the Council and public to a free screening of a documentary called *Bag It* on November 11 at 6:00 p.m. to encourage a community dialogue.

Mayor McDavid asked Mr. VomSaal to provide his documentation to the Council as he thought they would be interested in it.

**Maria Oropallo - Need for safe traffic crossing by children in the southwest Columbia.**

Maria Oropallo, 208 E. Briarwood Lane, provided a handout and explained the Rockingham Neighborhood was located between Stadium Boulevard, Manor Drive, and Clinkscales Road, on the south side of Broadway. She noted 12 children in the neighborhood attended West Middle School, and because they were less than a mile from the school, those children were not eligible for school bus transportation. Currently, there was no safe way to access West Middle School without walking at least two miles because they had to travel south in the opposite direction of the School to Rollins Road and Manor Drive because the intersection of Manor Drive and Clinkscales Road had the only traffic light that would allow the children to cross Broadway. She pointed out there was not a sidewalk on the south side of Broadway, except for a very small section in front of the Unity Church, and although there was a sidewalk on the north side of Broadway, the kids could not access that sidewalk without crossing the street. She commented that the children were also now trying to negotiate a median that had been constructed in front of West Briarwood Lane and Stadium Boulevard. She noted it had been suggested that a pedestrian-activated crosswalk be installed so children could cross Broadway, and stated she wanted to bring this to the attention of Council because a couple of development proposals had recently been discussed that would impact the neighborhood. She asked the Council to provide for safer routes for those kids.

**Joyce Mayfield - Local taxi cab companies vs. Uber "ride sharing" service, and why it is against city ordinance to let them operate in Columbia.**

Joyce Mayfield stated she was the owner of Metro Taxi and was speaking on behalf of all of the local taxi companies. She explained they had concerns with allowing Uber to conduct business in Columbia. Uber had been allowed to offer free rides for over a week and had received free publicity in the newspaper and on local news stations, and this gave them an opportunity to establish a customer base, which was unfair to the existing taxi companies. Before any of the taxi companies could operate, they had to jump through numerous hoops and were not allowed to operate until all of those conditions had been met. She wondered why Uber was not being held to the same standard. The taxi companies were required to have an office in a C-3 zoned location, a landline phone, vehicles marked with company logos, vehicles that had passed inspections and had taxi meters, and drivers with chauffeur's licenses and background checks. She understood these rules were put in place to keep drivers and passengers safe, and wondered if Uber and its drivers were exempt from those requirements. She felt unmarked cars with drivers without proper screening that were transporting people was a crime waiting to happen, and asked how the perpetrators of the crimes would be found. She noted taxis were required to drop off and pick up only at taxi stands in the downtown and during football games, but Uber could pick people up anywhere requested and tended to block traffic when dropping off or picking up people. She pointed out Section 390.020 RSMo defined a taxi cab as any motor vehicle performing for-hire taxi

cab service, having a capacity of not more than five passengers, exclusive of the driver, and not operating on a regular route or between fixed termini. She felt calling Uber a transportation network company or a ride-sharing service were semantics as current taxi companies could be called those names as well. She believed payment to transport someone from one place to another was a taxi service, and the way the company was contacted or whether the drivers were independent contractors or paid drivers should not matter. She understood Uber had commercial liability insurance coverage for drivers that began once someone agreed to accept a ride and ended when the passenger was dropped off at the destination, but established taxi companies were required to have a policy in force at all times. She pointed out Uber had questionable business practices and noted the Better Business Bureau had given Uber an F rating due to unexpected high charges and the failure to respond to 39 complaints. She felt their terms of agreement were frightening as well. She commented that the countries and cities in which Uber operated had either banned them, enacted legislation to regulate them, or had issued seize and desist orders based upon operating an unlicensed taxi service that violated laws designed to protect public safety, consumer protection, and fair practices. She asked the Council to reconsider allowing Uber to provide service in Columbia without being required to follow the same rules as taxi companies. She noted the taxi companies welcomed the competition, but asked that they be on an equal playing field, and stated they would be willing to work with the City to create a new system that allowed all of them to make a living in the pay-to-ride business.

## **PUBLIC HEARINGS**

### **B316-14 Authorizing construction of improvements at the Downtown Optimist Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Mr. Thomas commented that he believed the Parks and Recreation Department did a great job of following through on commitments. He also liked the look of the new design and understood it was on the bike boulevard, which created a nice synergy.

Mayor McDavid noted the Parks and Recreation Department created a list when asking for a tax and fulfilled the commitments made, and this would be another item checked off that list.

B316-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### **B317-14 Authorizing construction of improvements at Cosmo-Bethel Park to include the installation of tennis court lighting and construction of a new walking bridge, 6-foot wide concrete walking trail and multiple bulbouts along a portion of the fishing lake; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Ms. Nauser commented that both of her kids grew up playing in this park, which was a wonderful asset to the community. She noted she also had a lot of constituents that played tennis and knew they were excited about the installation of the new lights.

Mr. Skala stated he enjoyed tennis and appreciated the lighting of these courts.

B317-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of the Ridgemont Road PCCE #20 Sanitary Sewer Improvement Project.**

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas asked if this project would have any impact on the sewer overflows in Ridgefield Park, which was downstream from this project. Mr. Glascock replied he hoped the inflow and infiltration issues would be addressed as it was a private common collector, and he believed it likely had many leaks. Mr. Thomas asked if Mr. Glascock could provide a percentage estimate of the inflow and infiltration problem this project would address. Mr. Glascock replied he could not.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Ms. Nauser asked if staff verified gutters were not connected to the sewers when completing these types of common collector projects. Mr. Glascock replied yes.

Ms. Chadwick asked for the timeline of this project. Mr. Glascock replied staff hoped to construct it in the summer of 2015.

Ms. Chadwick commented that if this project did not provide some relief to the Ridgefield Park area, the Council needed to aggressively address that situation. Mr. Glascock explained the entire area would be studied, but it would cost about \$250,000, and it was a larger project than this private elimination project.

Mr. Thomas thought this project allowed for an opportunity to conduct some measurements before and after the completion to determine its impact. Mr. Glascock commented that he felt it was too small to conduct any measurement as they tried to do measurements on a watershed or sub-watershed basis. He did not believe measurements could be done on this project unless they only measured at the point where the project stopped, and it would be small compared to the entire watershed.

Mr. Thomas made a motion directing staff to proceed with final plans and specifications for the Ridgemont Road PCCE #20 Sanitary Sewer Improvement Project. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

**(B) Construction of an ADA compliant family restroom and snack bar at the Columbia Regional Airport.**

Item B was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Nauser asked if anyone that wanted to operate the snack bar would be able to bid on it. Mr. Glascock replied they were in discussion with the Parks and Recreation Department to see if they wanted to operate the restaurant and concession as they had experience with it. If they decided not to operate it, the City would bid both areas. Ms. Nauser wondered why the City would not allow the private sector the opportunity to bid prior to allowing a City department to decide whether to operate it. Mr. Glascock noted they would do what the Council desired. Ms. Hoppe thought it would make more sense to allow the private sector to bid on it. Mr. Glascock explained the restaurant had gone out to bid previously, and only one entity had bid on it. Mr. Thomas asked if that was the entity that operated the existing restaurant and snack bar. Mr. Glascock replied yes. He explained the City tried to bid this service every few years so it was a competitive process. Mr. Thomas asked if the upstairs snack bar would remain open when this one was established. Mr. Glascock replied yes.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Mayor McDavid stated he thought the City was doing a great job with a substandard facility. He commented that it was the City's front door as people landed, and he was embarrassed by it as people walked through three unattractive doublewides when getting off of a plane. He believed a new terminal was needed along with this band-aid, so he would support it.

Mr. Skala agreed and noted ADA accessibility for some of these services had been a chronic complaint for many years, so he appreciated this initiative.

Mr. Trapp made a motion directing staff to proceed with the final design and bidding of an ADA compliant family restroom and holding area and snack bar in the terminal at the Columbia Regional Airport. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(C) Construction of a solid waste administration and collection operations facilities building at the Columbia Sanitary Landfill.**

Item C was read by the Clerk.

Mr. Nichols provided a staff report.

Mayor McDavid asked how long this project had been on the Capital Improvement Project (CIP) Plan. Mr. Nichols replied he believed it had been on the CIP Plan since 2011.

Ms. Nauser asked if there were any detailed or conceptual plans as she wanted to know the size of the facility, what it would house, and how it would be used by the City. Mr. Nichols replied this facility would allow the City to consolidate its collections, administration, and material recovery facilities so they were located under one roof. This division had about 120 employees spread out at the Grissum Building and other sites at the landfill, and this would allow one facility for all operations and continuity in their work.

Mayor McDavid asked for the lifespan of this landfill. Ms. Mitchell replied this landfill had about ten more years. Mayor McDavid asked if the City would then have an orphaned building. Ms. Mitchell replied no, and explained the City had property to the south for which

they needed to start the permitting process. Mayor McDavid understood this building would still be viable 20-30 years from now. Mr. Nichols stated that was correct.

Ms. Nauser asked if this building would be steel or brick. Mr. Nichols replied it would be a metal building, and would have three bays. It would also be designed to maintain the compressed natural gas (CNG) vehicles. He explained it would be a showcase to allow the public to view its operations and to educate the public with regard to the bioreactor and composting. He noted it would also be a better situation for customers that came to the landfill.

Mayor McDavid asked if this would make operations more efficient. Mr. Nichols replied yes, and explained staff would be able to start and end their day at the landfill. Currently, staff had to start their day at the Grissum Building, and were sometimes unable to take the last load to the landfill and had to leave it at the Grissum Building, which was a health concern.

Mr. Skala understood this item would come back to Council for an appropriation. Mr. Nichols stated the money for this had been appropriated through the budget, and staff would come back to the Council at its next meeting with an ordinance to bid the project.

Ms. Hoppe understood this did not include an expansion of the building for recycling. Ms. Mitchell stated that was a future CIP Plan project.

Ms. Chadwick understood years of planning had likely been involved, and suggested the Council be provided advance notice when items such as this were forthcoming as this involved a large dollar amount. Ms. Hoppe suggested a cost breakdown as well.

Mayor McDavid noted \$4 million would cost each homeowner about fifty cents per month, so it was important to know it would increase productivity and lower costs. Mr. Nichols stated this would improve efficiency since they would be under one roof. He pointed out the Grissum Building was overcrowded as transit operations had moved to that facility due to COMO Connect, and the Grissum Building was in need of repair so it was more efficient for transit and street operations. In addition, the Grissum Building would need work so it was compatible with the maintenance needs of CNG vehicles.

Ms. Hoppe asked when the Grissum Building was built. Mr. Nichols replied it was built in 1968. Ms. Mitchell stated 75-77 solid waste employees currently worked at the Grissum Building.

Ms. Chadwick understood this did not address the lack of space for recycling, and that issue would be dealt with separately. Ms. Mitchell stated that was correct. She explained this project would impact collections and administration, and all of the solid waste vehicles would be moved to this new building, which would help with the overcrowding at the Grissum Building. Mr. Nichols pointed out all of the vehicles would be under a roof or weather-proof area to prevent damage to vehicles due to weather. Efficiency would also be created because staff would be able to get those vehicles running immediately in the morning instead of having to jumpstart them, which wasted time.

Mayor McDavid opened the public hearing.

Richard Shanker, 1829 Cliff Drive, asked the Council to table this item. He understood a report would soon be provided with regard to the solid waste utility, and thought they would be better able to evaluate needs after that report was completed as the recycling efforts could

be moved to St. Louis. He commented that the City was also asking taxpayers to fund more police, and \$4 million could help fund police. Mayor McDavid pointed out the \$4 million was dedicated to solid waste and could not be used for other services.

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

Mayor McDavid asked for a staff response to the point of Mr. Shanker with regard to whether it was too early to spend \$4 million on this facility when they were in the process of planning for the utility overall. Mr. Glascock replied the cost of service included this building, and all of the rates were based on everything in the CIP Plan associated with solid waste. He noted this could wait, but a new building would be needed eventually. The Grissum Building was overcrowded, and a more efficient and modern solid waste facility was needed. This had been in the plans for a number of years. He did not believe there was a question with regard to whether a new administration building was necessary. He thought the question was whether they would move forward with a new material recovery facility, which was a future CIP Plan project and would cost more than this building.

Mr. Skala asked when the report referred to by Mr. Shanker would be completed. Mr. Glascock replied he believed it would be done in November. He explained they had to make some changes based upon the budget decisions made recently.

Mr. Matthes explained the cost of service study was the report being referenced, and it would concentrate on the current operation. It would not discuss the City's larger aspirations of recycling and other potential changes with regard to how the utility operated. He noted the Grissum Building was a year older than the airport terminal and its use had grown over the years. There was a real need for this new facility, and it had been planned. It was also a lynchpin project as the Grissum Building could not be reconfigured without this new facility and people being moved to that new facility. He stated this project did not have to happen immediately, but it would hold up other projects, and it would be needed regardless of whether the City no longer operated a materials recovery facility or the type of collection technology used in the future. Mr. Glascock pointed out this was the second phase of the Grissum Building project. The first phase was to move the sewer division to the Treatment Plant, which was done 2-3 years ago. Once the second phase was completed, there would be more space for the fleet maintenance, street, and transit divisions.

Mr. Thomas understood the report from the consultant would provide a review of the entire operation so they could look at many different possibilities for the future, and asked if there was a risk to designing this building as it could potentially limit what they chose to do. Mr. Matthes replied staff did not believe it would create a risk because it essentially created office space and a place to park equipment out of the weather. In addition, staff felt that would be needed regardless of what they decided to do with operations in the future as those needs would not go away.

Mr. Skala understood the cost of service report would be completed soon, but the broader big picture report would not be completed for another year or so. Mr. Matthes explained they were trying to finish up their research, and noted they wanted to start a conversation at the Council level soon. Mr. Skala thought some of the more global decisions might impact this facility and \$4.5 million was a lot of money. He stated he also did not want to delay plans too long because he understood that could also cost money.

Mr. Glascock pointed out this was the public hearing, so staff could delay bringing forward the bid call ordinance until the cost of service study was completed. Mr. Matthes suggested the Council allow staff to proceed with final plans.

Ms. Nauser felt a project costing about \$4.5 million would likely come forward, if approved, at an estimated cost of \$4.5 million. She thought it would be helpful to know the details in terms of the size of the building, how the building would be used, etc. Ms. Mitchell explained the offices for all of the supervisors and administration staff currently at the Grissum Building would be located in the new facility. Ms. Nauser pointed out she wanted to see a floor plan, the number of people and vehicles that would be in the building, etc., so they had a better idea for market comparisons in terms of cost. She did not believe they needed to build a showcase for the community, and felt the facility only needed to be functional.

Mr. Matthes suggested this be discussed further at a pre-council meeting. Ms. Nauser stated it would not take too long to discuss if they had the needed information.

Mayor McDavid understood this issue dealt with proceeding with plans at a cost of about \$325,000, and staff would come back to Council for approval of the plans and to appropriate money for construction.

Mayor McDavid made a motion directing staff to proceed with plans for the construction of the solid waste administration and collection operations facilities building.

Mr. Skala asked for clarification as he understood the \$325,000 was an estimated cost of the heat recovery system. Mr. Glascock stated that was correct, and explained the City would bid the heating system as an alternate.

Ms. Chadwick asked for the cost of the plans. Ms. Mitchell replied that cost was a part of the FY14 budget, and they were at the end of that process. Mayor McDavid understood the money had already been appropriated. Mr. Glascock stated that was correct, and pointed out the City was already under contract for it.

The motion made by Mayor McDavid directing staff to proceed with plans for the construction of the solid waste administration and collection operations facilities building was seconded by Mr. Trapp.

Mr. Thomas commented that he believed this was another example of cost of growth. The reason the Grissum Building was full was because the number of customers the City served had been growing rapidly every year, and there was not a connection fee or impact fee for solid waste. It was another example of a cost put on the ratepayer or taxpayer to expand the system to serve a larger population.

The motion made by Mayor McDavid and seconded by Mr. Trapp to proceed with plans for the construction of the solid waste administration and collection operations facilities building was approved unanimously by voice vote.

**R203-14 Authorizing application to the Missouri Department of Transportation for federal Transportation Alternatives Program (TAP) funding for a trail connectivity project and a Safe Routes to School sidewalk project.**

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked if the main section of the trail would be parallel to the road. Mr. Teddy replied yes. He explained this was a conceptual map, and there would be a design

determination of where it would ultimately be located. He noted the idea was for any portion of the path to not go right through an automobile corridor.

Mr. Skala asked if there was a strategic advantage to prioritizing these in a particular order in terms of the dollar amount, whether the City already had right-of-way, etc. Mr. Teddy replied Council did not need to state its preference for one project over the other.

Mayor McDavid understood the City was not allocating any money or making any commitment at this time, and that the staff was only asking for permission to apply for funding. Mr. Teddy stated that was correct. Mr. Thomas thought the City was committing to a 20 percent match if the grant was awarded. Mr. Teddy stated that was correct.

Mayor McDavid opened the public hearing.

Joe Alder, 511 Parkade Boulevard, stated he was representing Columbia Pedestrians Quality User Experience (CPEDQUX), a new organization concerned about pedestrians and sidewalks, and felt both projects were critically important. He, personally, felt the Oakland Gravel Road project should be a higher priority because it was for essential transportation and involved children. He did not believe kids should have to walk in the street to get to school, and felt a sidewalk was needed. He wished the Cosmo Park project could have been broken into two separate projects with one project being a connection from the diverging diamond crosswalks on Stadium Boulevard to the sidewalks at Cosmo Park or along Business Loop 70 West. He noted those without cars had to walk along 200-300 feet of grassy, rocky, and muddy terrain. He stated there was a lack of a sidewalk along west side of Stadium Boulevard, from the north end of the diverging diamond bridge to the Columbia Independent School, and believed it should have been included as part of the Stadium Boulevard corridor project. He understood there were a lot of new sidewalks and curbs in progress, but some critical areas still lacked those safe pedestrian walkways.

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

Mr. Trapp stated he appreciated both of these projects as they would improve trail connectivity and pedestrian safety, which had been highlighted by recent events in the community. He felt going above the 20 percent match would make the projects more competitive and was a good use of local funds. These projects parlayed into larger projects in terms of interconnectivity and providing people the options of being able to travel throughout the City without getting onto the roads.

Mr. Thomas agreed both applications involved great projects and designs. The number of kids walking to school had increased over the years, and a sidewalk near Oakland Middle School, Blue Ridge Elementary School, and Lange Middle School would improve pedestrian safety and connectivity in the area. He liked the other project in Cosmo Park because it connected a suburban pedestrian project along Stadium Boulevard near the mall to a park and trail after crossing the interstate. He thought would help create more walking and bicycling routes, which would reduce automobile travel in the area. He agreed with Mr. Alder in that the City had to keep working on pedestrian safety to encourage people to use low-cost sustainable modes of transportation and to protect people who did not have a choice. He noted he would follow up on a request he had previously made for a study of the City streets and highways without sidewalks and with many pedestrians at the end of the meeting.

Mr. Skala commented that he believed both of these projects were excellent although he felt the project that would impact the safety of children was more important. He noted he was also glad the City had taken the initiative to try to fund these projects with grant funds.

Ms. Hoppe reminded everyone that one of the scheduled public comment speakers had pointed out the need for sidewalks along Broadway for school kids. She thought the City really needed to look at every opportunity to install sidewalks and crosswalks so kids could safely walk to school.

The vote on R203-14 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **OLD BUSINESS**

### **B74-14      Amending Chapter 16 of the City Code as it relates to marijuana.**

The bill was read by the Clerk.

Mr. Matthes and Chief Burton provided a staff report.

Ms. Hoppe asked Chief Burton if he was familiar with the Chillicothe, Missouri ordinance regarding controlled substances. Chief Burton replied he was not. Ms. Hoppe explained a city ordinance, which had been in place in Chillicothe since 2002, had not been overturned by a legal action and that ordinance had gone further than what was being proposed for Columbia. She noted the Chillicothe ordinance indicated any person that distributed, delivered, manufactured, or produced a controlled substance; attempted to distribute, deliver, manufacture, or produce a controlled substance; or possessed with the intent to distribute, deliver, manufacture, or produce a controlled substance had a penalty of a maximum of one year in jail or a one thousand dollar fine, and believed a controlled substance was something well beyond marijuana. Chief Burton explained he was not saying it could not be done, and that his point was that it would put City officers in a very difficult position. In addition, he was concerned about an unintended consequence of a person with two plants having a false sense of security. The Columbia Police Department (CPD) would be bound by the ordinance, but other law enforcement agencies in Boone County and the State of Missouri were bound by State law.

Ms. Chadwick asked for the current state and federal laws this proposed ordinance would conflict with, and if the penalty was five to 15 years for growing marijuana at the state and federal level. Chief Burton replied two plants would be felony for a University of Missouri Police Department (MUPD) officer or any other law enforcement agency officer. If this proposed ordinance were to pass, and the person with two plants came in contact with a CPD officer, it would be a \$250 fine and the issue would be referred to Municipal Court.

Ms. Chadwick understood Dan Viets had indicated about 90 percent of the incidents within the City limits involved City enforcement and about 10 percent involved state or federal enforcement, and asked if that was correct. Chief Burton replied he was not sure, but noted the CPD was involved in almost all of those situations and pointed out their federal and state partners would not be bound by this ordinance. He explained the CPD worked with several task forces, and if a CPD officer and a MUPD officer walked into the same house, the person could be subject to a felony because the MUPD officer would have seen the plant and could

legally make that arrest. Ms. Chadwick asked for the state felony charge. Chief Burton replied it was five to 15 years imprisonment for the manufacture or cultivation of marijuana. Mr. Matthes noted another negative consequence in that scenario was that it would open up that person to forfeiture, so the person's property and assets could be seized.

Ms. Chadwick asked if the City could have an ordinance with a lesser punishment than State statute, and whether the State would recognize it. Ms. Hoppe asked for clarification. Ms. Chadwick replied she wondered if the MUPD would recognize City ordinance when it was enforcing laws in East Campus or Greek Town. Mr. Noce explained the MUPD had discretion in what they recognized, and they likely sent some tickets to Municipal Court. Chief Burton thought Ms. Chadwick was asking if the City could supersede state and federal law, and his opinion was that the City could not. He understood the City could make laws more restrictive, but did not believe they could make less restrictive laws. Ms. Hoppe asked Chief Burton if he had case law on the subject. Chief Burton replied no, and explained that was his opinion. Ms. Hoppe commented that there was not any case law on the matter, and there was a difference between a different law and a law being in conflict or illegal.

Mr. Thomas commented that several years ago, the voters had approved relaxing the penalties for possession of up to 35 grams of marijuana, and asked how that situation differed from this one. Chief Burton replied he believed mere possession was minor, and was different than manufacturing or cultivating the substance.

Ms. Chadwick asked if possession was a misdemeanor at the state level. Chief Burton replied it depended on the amount. Mr. Thomas asked what it was for up to 35 grams. Chief Burton replied he believed it was a misdemeanor. Mr. Thomas understood the voters had simply changed the penalty. Chief Burton explained he had not been in Columbia during that time, and understood the CPD had been asked to refer those cases to Municipal Court as opposed to the State court, and that made it a misdemeanor.

Mr. Thomas asked if a MUPD officer apprehending someone with less than 35 grams could interpret the situation differently. Chief Burton replied the MUPD officer could interpret it differently as they had the choice to file it with the State court. CPD officers were bound by the ordinance, while MUPD, the Boone County Sheriff's Department, the DEA, and the Highway Patrol were not bound by City ordinances. Mr. Thomas understood that situation had worked adequately. Chief Burton stated he could not say what individual MUPD officers were doing. He guessed some charges were going to the State while others were going to the Municipal Court.

Ms. Nauser commented that she understood there was not a mandatory minimum at the state level, and the City ordinance had not redefined misdemeanor possession, so the City was able to decriminalize possession of a misdemeanor amount of marijuana and that the ordinance was not in conflict with State law. She also understood State law mandated the manufacture or cultivation of marijuana over five grams as a Class B felony, it was punishable with a sentence of five to 15 years imprisonment, and that this section superseded or preempted any municipal ordinance. She asked if that was accurate because the proposed ordinance would then be in conflict with State law. Mr. Noce commented that the preemption argument was due to the felony classification, and noted the conflict was that the ordinance would limit the penalty to something other than a felony and mandate

jurisdiction to Municipal Court. He explained a municipal ordinance had to be in harmony with State law, and was void if there was any conflict, and in order to determine conflict, they first had to determine whether the ordinance permitted what the statute prohibited or prohibited what the statute permitted. He thought the conflict was the reclassification of the felony and the jurisdiction to municipal court.

Ms. Hoppe noted the Chillicothe law had a lower penalty with a minimum sentence instead of a mandatory sentence, so there could be situations where there was a suspended imposition of sentence, someone not being charged if it was their first offense, etc. She stated the Chillicothe law had been on the books for a while and had not been legally challenged by any court. Mr. Noce explained his advice was that it would be inconsistent with that law as well.

Ms. Chadwick understood the current medical marijuana ordinance indicated a patient needed a physician's recommendation, and asked if the CPD checked for a doctor's recommendation. Chief Burton replied he was not sure how that would be handled since that was not yet in effect. Ms. Hoppe pointed out the ordinance as it was currently written from 2004 included a physician's written recommendation and it had been working fine. The proposed ordinance did not change the issue of a physician's recommendation. Ms. Chadwick understood it had been working, and noted she was asking if they had asked to review the physician's recommendation in the past. She explained she wanted to know if Chief Burton had ever called a doctor or had even seen a written recommendation. Chief Burton replied no, and stated he did not believe a recommendation had ever been presented in the City. Ms. Hoppe asked if anyone had ever been prosecuted. Chief Burton replied he did not believe anyone had.

Dan Viets asked those in attendance in support of this ordinance to stand, and approximately 50 people stood. He commented that the test with regard to whether an ordinance conflicted with State law involved whether it permitted what was forbidden by the statute, and he did not believe this law permitted what was forbidden by State statute unless the medical portion was construed in that manner, but that portion of the ordinance had been on the books for years. He noted the rulings of courts were based on legal authority, which was based on a law, a statute, or constitutional provision, a rule promulgated by an administrative agency with that authorization, or a case, and none of that existed in terms of this proposed ordinance. He thought the Council agreed the marijuana laws needed to be changed, and noted there was not a mandatory minimum penalty for a Class B felony for attempting to or actually cultivating marijuana as courts routinely granted suspended impositions of the sentence. Even if there was a mandatory minimum, he did not believe it would prevent the City from legislating in this field, and stated the possession ordinances were a good example. He pointed out this proposal had a great deal of support in the community, and noted the League of Women Voters, the Columbia Daily Tribune, George Kennedy with the Columbia Missourian, the NAACP, the Boone County Libertarian Party, the Missouri Association for Social Welfare, and the Missouri Civil Liberties Association had endorsed it. He agreed a sheriff's deputy or highway patrolman would likely violate the City ordinance if they arrested a City resident, but almost all of those arrests were due to traffic

stops, and cultivation was unlikely to occur in a vehicle. He also did not envision the cultivation of pot in a dorm room at the University of Missouri.

Dr. Gale Thompson stated he was a clinical psychologist and felt it was irrational that alcohol and nicotine were legal while marijuana was illegal. He also believed it would eventually be legal as 58 percent of the people in the United States thought it should be legal, and Columbia only needed to decide whether it wanted to be in the forefront. He referred to a book titled “Marijuana Gateway to Health: How Cannabis Protects Us from Cancer and Alzheimer’s Disease” as it had a lot of scientific studies, and believed it should be required reading for medical professionals, elected officials, and others interested in health and wellness. He pointed out there were 150,000 alcohol-related deaths per year while there were 450,000 nicotine-related deaths per year, and only a few deaths related directly to marijuana.

Eapen Thampy, 1511 Stone Street, thanked Chief Burton for being open-minded and fair in their discussions even though he did not agree with them on this specific issue, and stated he thought the Council could send a signal to Jefferson City and Washington D.C. in terms of marijuana prohibitions. He commented that some of the demand for marijuana in Columbia was from those that were sick and dying, and the black market was a place that attracted violent criminals. He thought the Council could diminish some of the market demand by allowing the poor, sick, and dying cultivate a meager amount of marijuana for their needs, and that it would result in a decrease in black market violence. He believed the concern of Chief Burton of this proposed ordinance putting the CPD officers in a tough situation due to the difference in state and federal law was fair, but thought it was worth the trouble if one life was saved in a botched marijuana deal. He commented that if the Council passed this proposed ordinance and sent a message to Jefferson City and Washington D.C., he would work as hard as possible to get the state and federal laws changed so the CPD officers were no longer in that situation.

Mitchell Moore, 1210 W. Broadway, explained he had been a member of the Substance Abuse Advisory Commission since 1989, and had voted to recommend the passage of this ordinance as a member of that Commission. He noted the Substance Abuse Advisory Commission and Board of Health had held a joint meeting on this matter, and an assistant prosecutor that had planned to attend was unable to attend due to a murder trial in which the defendant had shot the victim because he did not want to pay for some marijuana. As a result, he agreed with Mr. Thampy in that this proposed ordinance could address some black market violence issues. He commented that he had practiced law for 33 years and had represented many for alcohol and drug-related offenses, including marijuana, and believed marijuana was different from alcohol and other drugs in a good way. He stated the Gallup polls showed a majority of Americans now favored legalizing marijuana, and states like Colorado and Washington, and cities like Chillicothe had taken the lead on this issue. He noted change came from the bottom-up in the democratic process, and the Council was being asked to take a small step to lead to a change for the better. He pointed out the City had been a leader in the past on other issues, and asked that the Council demonstrate this leadership by passing this proposed ordinance to allow the cultivation of up to two marijuana plants to be an ordinance violation.

Steve Concannon stated he met with students regarding criminal violations, landlord-tenant issues, etc., as an attorney with Student Legal Services at the University of Missouri, and had also been a former state prosecutor and defense attorney. He asked the Council to consider what an attorney would tell a student that asked if he could have two marijuana plants in his room. He noted MUPD officers were State commissioned officers, and the cultivation of marijuana plants was a Class B felony. He pointed out students were already confused with regard to marijuana laws and this discussion created a further disservice to them. He commented that he did not believe this was the proper forum for this issue, and believed this proposed ordinance was in conflict with State law. He reiterated cultivation was a Class B felony if found by a Missouri commissioned officer.

Ms. Hoppe understood the University was independent from the City since it was a State institution, and could decide whether to follow City ordinances or State law and communicate its position to students on campus. Mr. Concannon stated MUPD officers were State commissioned officers similar to the highway patrol.

Gene Eckhardt stated he had lived in Columbia on and off for the last nine years, and believed marijuana was a medicine. He explained his sister, who had recently been told she had used her last possible chemotherapy treatment in fighting cancer, had used medical marijuana because it had been extremely effective in terms of pain management, and noted some studies had indicated it actually slowed the advancement of cancer. He commented that he was interested in getting treatment to his sister as fast as possible without risking going to jail and he was a criminal if he assisted her in the current paradigm. He asked the Council to not view this as a political issue as real people were impacted and needed real solutions. He understood the federal government viewed marijuana as a Class 1 drug, equal to heroin and LSD, but did not feel that was rational.

Andrew Welch, 709 Lyon Street, commented that he believed this was not only an issue of ethics but was also an issue of personal choice, and was supported by many people. He understood Columbia was a forward-thinking community and a leader, and asked the Council to represent its constituents by passing this proposed ordinance. He noted the majority of people in the United States did not believe the possession and cultivation of marijuana was a criminal offense. He asked the Council to support this movement and their constituents, as he believed a majority were in support of the proposed ordinance.

Kim Dude-Lammy, 3109 Appalachian Drive, commented that she had been a prevention specialist for over 30 years, and noted both the Substance Abuse Advisory Commission and the Board of Health had recommended against the proposed ordinance. In addition, the CPD and MUPD police chiefs and a Boone County deputy sheriff had indicated they would still have to arrest people because it was against State law. She wondered why the Council would not listen to these experts as they had nothing to gain with their input, other than to inform them. She noted the ordinance would confuse people, especially students, by creating a false sense of security, and explained most thought the decriminalization of marijuana meant it would be legal. She stated research showed the University of Missouri campus had the highest marijuana use of the 21 other college campuses in the State because it was perceived as a legal product. She commented that she believed the proposed ordinance would imply it was socially acceptable to smoke pot and

that the community condoned its use, and this would result in an increase in use by young people. She pointed out landlords could kick students out their apartments for illegal drugs because it was against policy so students who thought it was okay to cultivate marijuana could become homeless. She stated the use of marijuana was a medical and scientific issue, and there were over 500 chemical compounds in every marijuana cigarette, some of which were healthy, but those individual compounds were put into pills for people to take when they were sick. She also noted that not one student at the University of Missouri had ever been denied financial aid due to a marijuana conviction.

Spencer Pearson, 707 Washington Avenue, understood less than 15 percent of people in addiction recovery programs for marijuana treatment were voluntarily there as most were there due to a legal case. It was rare to see someone checking themselves into rehab because they could not stop smoking marijuana. He asked the Council to take into consideration the profit motive that placed people in rehabilitation programs or in jail. He pointed out the federal government had a patent on cannabis as medicine, and thought that should be considered as well since they were discussing medical marijuana.

Christopher Mikas, 1648 Towne Drive, noted the cost of marijuana on the black market was \$50-\$90 for 2-3 grams, and if people were allowed to grow marijuana, they would spend that money at area businesses and restaurants, which benefited the community and the City.

David Sohl, 4800 Newcastle Drive, stated he was a member of Board of Health and noted he would focus on the issues surrounding the proposed changes to the marijuana ordinances as he did not believe the proposed ordinance was as comprehensive as was needed. He asked how seedlings would be obtained and whether there would be a distribution network. He wondered how a physician's recommendation would be obtained since physicians could currently not prescribe it, if people would be required to have photocopies to provide to law enforcement upon request, if it would have to be renewed annually, etc. He noted the ordinance did not discuss cultivation near schools or daycares, and asked how police officers would know the variety of marijuana being grown in terms of whether it was medically therapeutic. He wondered how it would be consumed, where it could be used, and whether caregivers could grow it if the medical marijuana patient did not have a place to grow it. He reiterated the ordinance, as proposed, was inadequate as it had too many holes.

Badger Johnson commented that he was not a recreational or medical marijuana consumer, but was in favor of the progressive decriminalization that was already happening nationwide. He did not believe it made sense for this reform to come at the state level before the local level because Missouri was a more conservative state, and urban areas were typically more progressive. He understood there might be holes in the legislation, but did not believe they were egregious. He noted he was also in favor of Uber and did not like plastic bags.

Maureen Coy stated she wanted to know how adult was defined in the proposed ordinance as the juvenile code defined an adult as a person 17 years of age or older. She pointed out that science confirmed the adolescent brain, particularly the prefrontal cortex that regulated the planning of complex cognitive behavior, personality expression, decision

making, and social behavior, was not fully developed until the mid-20s, and felt that passing this law would take 17-21 year olds down a really bad path.

Russell Perkins, 201 S. Greenwood Avenue, commented that he agreed this would be hard for law enforcement, but thought any law change created confusion. He noted the University could help make clear the rules and regulations so students did not lose their scholarships or get kicked out of their apartment. He stated Columbia had the potential to be the leader in the State as legalization would eventually happen.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she knew people that had to smoke marijuana because nothing else would provide them the medical relief they needed, and felt it was important to give people what they needed. She asked the Council to do whatever it took to help those people.

Karen Davis, 617 Park Avenue, explained she had been a personal care attendant for the disabled twenty-five years ago, and had seen the medical problems of people with spasms and pain due to amputations or spinal cord injuries being eased by the use of marijuana. She noted she did not smoke marijuana, but was still in favor of its legalization because she had seen it help real people in real time.

Renee Powell stated she had epilepsy so she theoretically had access to marijuana under the State law that allowed cannabis extract, and believed this change was coming and other people should have the same privilege as her.

Becky Markt, 6425 Breezewood Drive, provided a copy of a lease of a landlord in the community to the Council, and noted the distribution, delivery, manufacture of a controlled substance, possession of a controlled substance, drug paraphernalia, etc. was a violation and good cause for termination of tenancy. She stated her fear was that people would be lulled into a false sense of security by the ordinance, and that they might hurt the most vulnerable populations by implying something was legal when it was not legal and when there was a choice of enforcing the law one way or another.

John Clark, 403 N. Ninth Street, pointed out this ordinance would not obligate anyone to grow anything, but noted he was concerned about the passage of the cultivation ordinance that might induce or facilitate a choice that had negative consequences, especially when they did not know enough about those negative consequences. He suggested the Council ask the Police Chief to discuss the possibility of a memorandum of understanding with MUPD and the Boone County Sheriff's Department to extend the current policy and to urge the State legislature to really address this issue.

John Shikles, 805 Green Meadows Road, stated he was a recent graduate of the University of Missouri School of Law and a lifelong resident of Columbia, and explained he was concerned because felt the legal issue was being misrepresented to the Council. He thought the ordinance as written might comply with State law, but that it would need to be determined by a court of law. He noted the Constitution of the United States and federal law indicated cultivation of marijuana was a felony, and the Missouri Constitution and Missouri law indicated possession and cultivation was a felony.

Brian McKenzie commented that the Council had a choice tonight in terms of patient rights and adult choices. He felt they asked 18 year olds to make adult choices every day, and this was not any different. He believed the Council had the moral responsibility to

change laws due to associated racial components, and thought the negatives of the current laws in terms of the destruction of a young person's academic career, where one could work, etc. outweighed the negative of officers being confused by a change in the law. He asked the Council to lead the State on this issue as he felt everyone else would follow.

Caroline Mathews, 4200 Rock Quarry Road, commented that Dan Viets was an expert on this topic and he had indicated to her that the MUPD almost always sent their cases to Municipal Court. In addition, he had indicated there was no way of knowing whether there had been a case where someone had avoided prosecution by showing a prescription from a doctor because it would not be recorded. She noted Christy Welliver, who had been active with the Disabilities Commission prior to passing away, had used medical marijuana through a prescription, and this was a reason that Commission had supported the proposed ordinance. She commented that it was true there was some expertise on commissions, but not everyone on the commission was an expert as citizens interested in assisting could apply and be appointed. She stated there were several studies focusing on critiques of an increase in teen uses of marijuana when allowing medical marijuana use, and a recent study had indicated the level remained the same or had decreased slightly.

Alyce Turner, 1204 Fieldcrest, stated she was interested in an increased access to marijuana for people with illnesses, such as Alzheimer's. She did not believe anyone would debate marijuana was useful in terms of pain medication, and a person with cancer did not have many legal or affordable choices in accessing marijuana, but the proposed ordinance would make that possible. She noted her brother had cancer, and there was no legal way she could help him with pain management through marijuana. She understood 23 states had passed a form of medical marijuana legislation, and in the State of Missouri, she believed local action was necessary.

Don Love, 1623 University Avenue, stated he was Chair of the Human Rights Task Force of the Missouri Association for Social Welfare, and they had recently adopted a policy to approve the late legalization of marijuana as they felt prosecuting people and putting them in jail, particularly when minorities were more vulnerable, was a bad idea. This proposed ordinance would reduce arrests, prosecutions, and convictions, and was good.

Linda Frost, 7321 Southern Drive, stated she had worked in the field of substance abuse prevention for the past 14 years, and believed the proposed changes would lead to a greater availability and an increased use by youth, which would result in potential adverse effects on education and the brain development of young people. As a result, she was advocating on behalf of the 17,000 students in Columbia. She noted the Columbia Public Schools did not support the changes proposed to the marijuana ordinance as it was counterintuitive for them to support any measure that had been deemed by the state and federal government to be explicitly detrimental to the well-being and safety of school children. In addition, the philosophy of programs created to prevent the use of drugs that had negative effects on students would be undermined by any position other than opposition. She commented that the growing of marijuana was illegal under state and federal law, and both state and federal law specifically increased the penalty for growing and manufacturing marijuana near a school, which would further compound the confusion of this ordinance. She pointed out marijuana affected brain development, and when used heavily by young people,

its effects on thinking and memory could last a long time. Marijuana use in adolescence revealed substantially reduced connectivity among brain areas responsible for learning a memory, and the lost cognitive abilities were not fully restored in those that quit smoking marijuana as adults. She understood those that used marijuana were also more likely to get lower grades and drop out of high school, and stated she agreed with the position of the Columbia Public Schools on this issue.

Claire Slama stated she was present on behalf of the Youth Community Coalition, whose mission was to help youth develop into productive and self-sufficient citizens by working to decrease substance abuse and promote healthy behaviors, and the Coalition had unanimously voted to not support the proposed ordinance as it could increase the availability of an illegal substance. They felt loosening marijuana laws sent a message to youth that smoking marijuana was okay, and many arguments for decriminalization left out the impact on youths. The reduction in marijuana penalties resulted in the drug becoming more available, the perception of harm decreasing, and an increase in the abuse of the drug, and this was confirmed by the recent legalization of marijuana in Colorado as the Rocky Mountain High Intensity Drug Trafficking Areas Report had indicated the youth drug abuse rate was 50 percent higher there than the national average. They did not feel the proposed ordinance was good for the kids, and it was, therefore, not good for the community either. Ms. Hoppe asked for the date of the Rocky Mountain study. Ms. Slama replied August 2014.

Joseph Alder, 511 Parkade Boulevard, commented that the Federal Department of Transportation had a zero tolerance policy for any type of substance a person could ingest that could cause any type of impairment, so anyone thinking about a career in the transportation industry needed to take that into consideration. Many other jobs also required in depth background checks for security reasons, to include jobs in the financial industry, medical profession, etc. In terms of driving, testing for impairments due to marijuana use was much more difficult, and this meant law enforcement agencies would be required to invest in much more complex and expensive technology when there was a crash. He noted this had legal implications for victims in terms of civil recovery when the impairment could not be identified. He asked the Council to think long and hard about these issues as they would accept the risks involved with marijuana use if they passed the ordinance.

Ron Rowe, 2201 UMC Drive, stated he had concerns in terms of conflict with State law, which he had already voiced via e-mail. He explained, as an attorney, he disagreed with Mr. Viets, and noted he first referred to the statutes, which indicated the statutes superseded and preempted municipal law in the matters covered under the drug regulations. He commented that he believed there would be a collateral consequence of this conflict in terms of potentially not receiving federal drug task force monies at a state and federal level to help enforce the manufacturing of other illegal drugs.

Heather Harlan, 302 Loch Lane, understood people had shared stories about how marijuana use had improved their lives, and stated she wanted share stories about people that she had seen in her office whose marijuana use at an early age had negatively impacted their futures and families. She provided a examples of an adolescent that had severe ADHD, had used marijuana as medicine, and had been sentenced to seven years in prison at the age of 18 for a violent crime, a college student that had indicated marijuana had taken over

her life causing her to fail all of her classes in one semester, a young gymnast who was introduced to marijuana in middle school and could now not wait to get out of class to smoke dope instead of her gymnastics skills, and an honor roll student and star athlete whose downward slide began with marijuana as he dropped out of high school and was now focused on recovery from heroin use. She commented that 90 percent of addictions began during adolescence, and the Council, while trying to help seriously ill people, could add to the number of people living with the chronic health issue of a substance abuse disorder or addiction. In addition, the Council might actually increase the number of people with legal issues due to confusion and a false sense of security while trying to help young people avoid the trauma of incarceration due to youthful experimentation. She asked the Council to reject the proposed ordinance.

Jake Loft, 308 S. Ninth Street, commented that a lot of the comments made tonight would be appropriate if they were discussing the legalization of marijuana, and noted the proposed ordinance would only decriminalize the cultivation of marijuana. The ordinance would not legalize it, so people would not start growing a garden of marijuana plants. He believed the concerns regarding increased teen usage and confusion among police were likely the same concerns voiced in 2004 when possession had been decriminalized, and those problems had not come to fruition. In addition, he did not believe much would change with the passage of the proposed ordinance as the way law enforcement handled those situations would be the same. This ordinance only provided access to the medicine for those that needed it.

Chrissy Padgett stated she was a new resident from Florida and had been a strong activist in her support for marijuana, and wondered why the consumption of alcohol was okay while the use of marijuana was wrong. She noted her mother had Multiple Sclerosis and she was dealing with her own personal medical issues, and she did not want to feel like a criminal or have her mother to feel like a criminal. She commented that she was a nursing student with a grade point average of 4.0 even though she had started smoking marijuana at the age of 14 years old, and stated she was not a bad person because of it. She believed people should have the choice.

Beth Eiken stated she was with the Boone County Suicide Prevention Coalition and the Stuart B. Eiken Memorial Foundation, and explained the Foundation was created in memory of her son Stuart, who died by suicide in October 2009. She believed marijuana was a stepping stone for more dangerous drugs. She noted her son had done drugs, and it had started with the use of nicotine, then marijuana, and had ultimately progressed to prescription drug use and cocaine use. Her son had also suffered from depression, and a lot of literature showed the combination of the use of illicit drugs and a person with a mental health disorder, such as depression, could lead to suicide. She did not want anyone to experience the pain and loss she had experienced, and felt the proposed ordinance would not assist in the matter as she believed drugs needed to be less accessible.

Duell Lauderdale, 1408 University Avenue, commented that studies had shown the rates of suicide were lower in states that allowed medical marijuana use because people were able to receive therapeutic benefits emotionally. In addition, there was not a definitive link between marijuana use and violent crimes or hard drug use, except in terms of the black

market. Those involved in the black market tended to be introduced to hard drugs and people that might commit violent actions. There was no basis for suggesting those that used marijuana were more likely to be violent. He commented that he believed one of the previous speakers that focused on potential holes in the proposed ordinance had meant to confuse and mislead people as there was not a need to question the type of doctor that was qualified to recommend marijuana. In addition, the purpose of the ordinance was to decriminalize marijuana, and not to legalize it. Those interested in cultivation would need to work out how they planned to obtain seeds and the type of plant they would need. He noted the purpose of decriminalization was to not put people in jail and mess up their lives for a non-violent crime, especially if the marijuana use was for medical reasons. He stated landlords had the right to remove people regardless of the proposed ordinance, and any legal advisor should tell students they could not grow two plants if asked as it was illegal.

Ms. Hoppe made a motion to amend B74-14 per the amendment sheet impacting Section 16-255.1 - medical marijuana. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Hoppe made a motion to amend B74-14 per the amendment sheet impacting Section 16-255.2 - policies for enforcing marijuana offenses. The motion was seconded by Mr. Trapp.

Ms. Hoppe commented that ten years ago Columbia voters had endorsed an ordinance to reduce the penalty for the use of marijuana, but the only way people were currently able to obtain marijuana was from a drug dealer, and that was her motivation for allowing the cultivation of two plants. Presently, per City ordinance, if an individual purchased 35 grams or less of marijuana from a drug dealer, that individual would be guilty of a misdemeanor with a maximum fine of \$250. She explained that when someone purchased marijuana from a drug dealer, the person was more likely to be exposed to the crime and violence that occurred with drug deals in general and more likely to be pushed into using and purchasing more marijuana or stronger drugs, and the marijuana was more likely to be contaminated with highly toxic and dangerous substances. She believed this proposed ordinance would even the playing field because the growing of marijuana for personal use would no longer have a higher penalty than dealing with a drug dealer. She noted the drug dealers would be the people hurt by this ordinance as they would be driven out of business. She pointed out this ordinance did not legalize marijuana. Those that used an illegal substance, such as marijuana, had to weigh the decision to use it personally. She reiterated it did not change the illegality of marijuana or encourage its use. She stated she had not seen any evidence indicating marijuana use was higher in Columbia than in other comparable cities since 2004 when the ordinance reducing the penalty for possession was passed. She commented that the goal was not to increase the use of marijuana, and explained the goal was to reduce the penalty and the other risks associated with dealing with drug dealers.

The motion made by Ms. Hoppe and seconded by Mr. Trapp to amend B74-14 per the amendment sheet impacting Section 16-255.2 - policies for enforcing marijuana offenses was approved unanimously by voice vote.

Mr. Skala commented that he wanted to maintain his ability to vote in favor the changes incorporated for medical marijuana, but not with regard to the other item.

Mr. Skala made a motion to amend B74-14 by removing Section 16-255.2. The motion was seconded by Ms. Chadwick.

Mayor McDavid understood there were medical uses for marijuana, but felt it was a complicated issue and that the proper way to deal with it was at the state level. He noted he would oppose the motion of Mr. Skala.

Mr. Skala stated he spent about 30 years in neuroscience and was an experimental psychologist, and did not believe THC was addictive although there was a component of psychological dependence. He noted he also understood the literature involving this issue due to his past experience. He explained he was willing to make an exception for medical marijuana, but was not in favor of the entire ordinance because it would provide a false sense of security. He was concerned about those that might face the risk of felony arrest or conviction, even if it might only be 10 percent of the people. He thought those with medical issues might not have a choice and a physician's permission might mitigate the risk of a felony conviction at the state or federal level. He commented that he was in favor of decriminalization and legalization with the right regulatory regime in place, and felt changes in laws could be encouraged through a grassroots or bottom-up approach, but did not believe laws could be changed from the bottom-up as those were changed from top-down.

Mr. Trapp commented that medical marijuana was a great idea in principle, but without statewide reform, doctors did not have the political protection of their medical license to make recommendations. He noted he had never seen a recommendation in the State of Missouri, and believed the motion made by Mr. Skala would excise the only part of the ordinance that would offer protection to the people who were using marijuana medically and wanted to risk cultivating it. He agreed they could not decide state or federal policies, but could set policies for the City of Columbia and require staff to follow directives. Currently, people were being sent to prison for five to 15 years for growing a marijuana plant. He felt the preventionist argument of sacrificing select individuals by sending them to prison in order to show people marijuana was bad and to protect children was insane. The part of the ordinance they would excise was the part that might change the facts on the ground. He commented that growing marijuana was a technologically sophisticated procedure that involved expensive equipment, obtaining seeds, etc., and he did not believe anyone would go into this process blindly or naively. He felt that was a spurious argument. He reiterated the motion proposed by Mr. Skala would gut the portion of the ordinance that would actually change the results, and they would then only pass a feel good medical marijuana ordinance that would really not do much of anything. He pointed out opiate deaths had dropped by one-third in states with meaningful medical marijuana laws, and it was a life and death issue. He asked the Council to consider what could actually happen and which piece of the ordinance actually had a legal impact, and to vote against the proposed motion.

Mr. Thomas stated he supported both amendments to the Code of Ordinances for the reasons mentioned by Mr. Trapp. He noted he thought there was some value to the concern of sending a signal that cultivation was less dangerous or risky than previously, and felt that could be addressed with educational materials so people understood it was still illegal. The

ordinance would only make the penalty more rational and sensible. He understood the concern with regard to the ordinance being in conflict with State law, and felt that was a chance they needed to take because he believed the benefits to lowering the penalties within the jurisdiction they had was greater than the concern.

Ms. Hoppe commented that federal, state, and municipal laws were different and inconsistent, and this was not a problem. She stated there was no law or case law that indicated the proposed ordinance would not be enforceable. The law in Chillicothe, which was much more liberal than the proposed ordinance, had existed since 2002 and had not been determined to be illegal or unenforceable.

Ms. Chadwick asked if the Chillicothe law allowed for cultivation. Ms. Hoppe replied yes. Ms. Chadwick asked if they had any conflict in terms of State enforcement. Ms. Hoppe replied no. Ms. Chadwick understood the MUPD were State commissioned officers and had indicated they would enforce the State laws. Ms. Hoppe stated they had the right to enforce State law for an incident on University property. This ordinance would allow a lesser penalty in the rest of the City, if agreeable. She noted it was not beneficial to put people in prison for 5-10 years or risk the violence or pressure to use other drugs when dealing with drug dealers. She commented that she was disappointed and surprised the City attorney had cited *Morrow vs Kansas City* to base his opinion as it dealt with the issue of collective bargaining, and did not deal with marijuana. Mr. Noce pointed out a case involving marijuana did not exist. He noted this ordinance dealt with preemption and the total amount of state power that could be exercised as a constitutional charter city, and that was the reason he had chosen that case. He agreed a case on point did not exist. The other issue involved the different pieces of felonies and whether the State controlled a felony, and the jurisdiction of a felony was only in circuit court. The *State vs Walker* was a magistrate court case that discussed a felony having to be filed because original jurisdiction was not allowed in magistrate court.

Ms. Nauser commented that she believed this proposed ordinance was contrary to State statute, and believed there were too many holes and problems with it. She believed they would be sending a mixed message to the residents of Columbia, especially children. She agreed the drug laws were antiquated, but felt it was a State issue. In addition, other law enforcement agencies would continue to enforce State law, and noted the MUPD had more jurisdiction than only University campus. She reiterated this was a State issue, and suggested the proponents lobby state and federal legislators. She thought chaos would be created if every city had different laws on this issue in terms of its legality and penalties.

Mr. Skala stated the reason he had proposed this motion was to keep his options open to allow the cultivation of up to two plants for medical marijuana, but if his motion failed, he would be forced to vote against the proposed ordinance.

Mr. Thomas understood Mr. Trapp had indicated the medical marijuana clause was meaningless. Mr. Trapp stated it would not change the facts on the ground because doctors in the State of Missouri would not make recommendations because they did not have any protection before the State Medical Board. The City already only had a symbolic medical marijuana law, and that would continue if the motion made by Mr. Skala passed.

Mr. Skala stated he believed a physician's support for someone with a terminal disease would mitigate the chance of State prosecution and arrest.

The motion made by Mr. Skala and seconded by Ms. Chadwick to amend B74-14 by removing Section 16-255.2 was defeated by voice vote with only Ms. Nauser, Mayor McDavid and Mr. Skala voting in favor of the motion.

Ms. Chadwick explained she had an issue with regard to the definition of adult in the proposed ordinance as it was undefined. She stated brain development in youth occurred during the 18-25 year old range and suggested defining adult as 21 years old. She felt this would continue to protect the youth and help with the perception that this was a legalization of marijuana.

Mr. Thomas asked Ms. Chadwick if she wanted to preserve the felony conviction status for people under the age of 21 years. Ms. Chadwick replied she wanted to define adult as 21 years old. Mr. Thomas understood there would be a harsher penalty for those under the age of 21. Ms. Chadwick stated that was correct. She explained she wanted to send a message in that they were not lessening the decriminalization of marijuana for those under 21 years old. She noted the students on campus truly believed the City was legalizing the growing of two plants even though that was not being done. As a result, she wanted a clear designation in that the law was not changing for those under the age of 21. Ms. Hoppe understood those under 21 who were using marijuana illegally would have to get it from a drug dealer or risk being sentenced to 5-10 years in jail, and felt educating the students would be a better option. Ms. Chadwick felt they were at risk anyways because most 18-21 year olds were on University campus. Ms. Hoppe stated there were a lot of people in that age range that were not University students. Ms. Chadwick understood, but noted the rate of use at the University of Missouri was higher than the rate on 21 other campuses surveyed in the State of Missouri. She felt the message that would be sent with the proposed ordinance was that it was acceptable.

Mr. Thomas asked Ms. Chadwick why she felt they were more likely to hear about this amendment versus the overall ordinance. Ms. Chadwick felt 21 years was consistent with the age to allow the purchase of alcohol. Ms. Hoppe pointed out the cultivation and use of marijuana was still illegal. Mr. Thomas suggested developing good educational materials indicating the cultivation and possession of marijuana were illegal and punishable. He noted his goal was to get away from the draconian penalties. Ms. Nauser wondered how they would get away from the draconian penalties when the state and federal government dictated those draconian penalties. Law enforcement officers had to uphold State laws, especially those sanctioned by the State. She felt they would send a mixed message.

Ms. Chadwick stated 18-19 year olds were in the high schools, and if cultivation was decriminalized, all high school students would have access. She noted this was seen with tobacco use because once 18 year olds could purchase tobacco, the entire high school had access to tobacco.

Ms. Chadwick made a motion to amend B74-14 by defining adults as 21 years old or older. The motion was seconded by Mr. Trapp.

Mr. Trapp stated he agreed with Mr. Thomas in that there was a ludicrous element to the motion in that they would offer felony convictions to people until they reached the age of 21, but felt they needed to support the motion in order for the fuller amendment, which would allow for the legitimate, needed, and compassionate medical component to marijuana, to

pass as it would take them a step away from the failed policies of the drug war. He felt the proposed ordinance had a chance to pass with the amendment of Ms. Chadwick, so he would reluctantly support it.

Mr. Skala stated he was having a hard time reconciling the idea that they just defeated an amendment that would feature medical marijuana with the comment of Mr. Trapp in that the only way to get to a reasonable medical marijuana approach was to pass the entire proposed ordinance, and asked for clarification. Mr. Trapp replied he did not believe there were many doctors that would put their medical licenses on the line out of compassion for very sick people as he had not seen evidence of it. Ms. Chadwick asked why they had a medical marijuana section if they knew no doctor in the State of Missouri would issue a recommendation. Mayor McDavid pointed out this motion was not about medical marijuana as it would apply to anyone.

Mr. Thomas understood Ms. Chadwick was concerned the ordinance if passed as proposed, it would send a signal to young people that it was acceptable and maybe even legal although it would still be illegal. Ms. Chadwick stated that was correct because she felt they were confused. Mr. Thomas stated he had that concern as well, but felt the benefits significantly outweighed that concern. In addition, he did not believe the motion made would resolve that issue. He did not understand how limiting the reduction in penalties to people 21 years old or older would achieve that goal. Ms. Chadwick stated she felt those 21 years old or older had the ability to really understand law. Mr. Thomas thought an education program would do that much better and was more logical.

Ms. Hoppe understood Ms. Chadwick planned to propose an ordinance to raise the tobacco smoking age to 21 years old because the health effects of tobacco were substantial and incontrovertible, and the goal was to encourage people under 21 years old to not use tobacco. She felt the inconsistency was that in her consideration for raising the legal age for smoking tobacco to 21 years old, she was not in favor of making it a felony as that would only hurt lives. She reiterated the cultivation of marijuana was illegal, and noted the concern was the penalty. Mr. Thomas agreed the penalties were ridiculous and destroyed lives.

Ms. Hoppe understood four favorable votes were needed for the proposed ordinance to pass, and felt the motion made by Ms. Chadwick needed to be approved in order for that to happen even though it would be a very flawed ordinance.

Ms. Chadwick stated she thought she had been clear in that she had multiple issues with the proposed ordinance, but if it were to pass, she would want it to pass with adults defined as being age 21 years old or older.

The motion made by Ms. Chadwick and seconded by Mr. Trapp to amend B74-14 by defining adults as 21 years old or older was approved by voice vote with only Ms. Nauser, Mayor McDavid and Mr. Skala voting against the motion.

Mayor McDavid stated his position was in support of the position of the Superintendent of the Columbia Public Schools, the Substance Abuse Advisory Commission, and the Board of Health, and as a result, he would not support the proposed ordinance.

Mr. Skala stated he was relying primarily on the arguments of the Board of Health as ten of the eleven members had recommended against the passage of the proposed ordinance due to issues that included inconsistency with State law, a misconception of

immunity from State law, potential conflict with City ordinance, intent to distribute, lack of regulation and infrastructure, and surrogate growers. He commented that he felt bad he would not be able to support an exception for medical marijuana because it was really needed by some people. He thought they were headed in the right direction in terms of decriminalization and legalization, but felt it needed to be from the top-down. He suggested they encourage a change in State law, but did not believe they could change State law by passing a municipal ordinance. He stated he would vote against the proposed ordinance.

Mr. Thomas stated he would vote in favor of the proposed ordinance. He noted some of the concerns of the Board of Health had been addressed by reducing the maximum number of plants from six to two, and thought it was interesting that the concerns of the Board were not really related to health, as they had to do with the legality and interpretation of the ordinance. He believed the proposed ordinance was an improvement to the current situation.

Mr. Trapp commented that he had worked in the social services field for 24 years, and as a substance abuse professional for the last eight years. In addition, for two and one-half years, he was the practice manager for Alternative Health Systems in El Cerrito, California, and worked under Dr. Todd Mikuriya, who at the time of his death was the world's foremost expert on medical marijuana. He pointed out there was no prescription for marijuana because it was not a Schedule 1 drug, and only THC was a Schedule 1 drug. He noted the 79 other psychoactive ingredients in cannabis were isolated, intensified, sprayed onto crushed rose petals, and sold as legal products in gas stations. In addition, there had been a regime of drug tests, drug laws, and punitive systems associated with marijuana that involved incarceration and felony conviction, and carried a far worse stigma than using marijuana. He noted they all agreed it was an unjust system that needed to be addressed. He commented that he lived and experienced the passage of Proposition 215, which was the first substantial piece of marijuana decriminalization, and it had changed things in a largely positive direction as many ill people had found themselves freed from the onerous burden of criminal sanction. He stated the Council could not free everyone, but they could decide they would not spend the resources to execute perverse and obscene laws that destroyed the lives of people. He did not believe there were many people under the age of 21 who would cultivate marijuana as it was technologically complex and required expertise and capital. He pointed out even the preventionists had indicated there were chemicals in marijuana that had medical uses, but that those should be separated out. He noted one of the reasons there was a more negative user experience with K-2 than marijuana was because the 80 identified psychoactive chemicals in marijuana balanced each other out and differentiated their effects on people. This was the reason it could help with sleep or keep people awake, lower blood pressure, raise blood pressure, etc. There were a number of different strains and the different strains had different benefits. He stated being able to inhale medicine was great for those that could not take pills, and marijuana was a powerful anti-spasmodic, which assisted people with cerebral palsy, paralysis, etc. There were also anti-inflammatory properties including being a bronchial dilator, which ameliorated some of the negative aspects of smoked marijuana. This was why there were lower rates of lung cancer in moderate marijuana users. He agreed there were higher rates of chronic bronchitis, and suggested those people stop smoking. He

noted marijuana was a powerful analgesic and much safer than narcotics. He understood some felt today's marijuana was not the marijuana of the 1970's because THC was higher, and pointed out it self-regulated quickly as tolerance rose and decreased. He agreed marijuana created dependency, and the chance of dependency doubled if one started before the age of 15 from nine to 18 percent. He noted alcohol and opiate prescription drugs were at 31 percent, and emphasized opiates were killing people in Missouri. He explained Missouri was the only State that did not have a registry for narcotics, and felt if the State would not regulate narcotics, they would not make changes toward the decriminalization of marijuana. He commented that marijuana had psychotherapeutic effects and helped some people with depression while making other people's depression worse. He understood there was good research out of Israel with regard to post-traumatic stress disorder as marijuana was helpful when one had intrusive memories and bad dreams. He agreed it could also be a problem because other coping skills could atrophy and that marijuana should not be relied upon as a coping mechanism. He stated marijuana was both good and bad, like everything, and did not believe abusing marijuana so bad that people should go to prison for five years or have a felony conviction. He noted this issue was already confusing in that there was already a move toward the liberalization of marijuana laws and the prevention community would need to find another way to convince young people not to use marijuana. He suggested providing people accurate information about the effects of substances and encourage a vigorous discussion as it was a medical problem requiring medical solutions. He commented that he had been on both sides of this issue, and believed marijuana could be a problem for some people while an answer to complex health needs for others. He thought they needed to do what they could to change this process, and although the proposed ordinance was not perfect, it would allow them to send less people to prison for marijuana.

Ms. Hoppe commented that she did not believe sending someone to jail for this type of offense was constructive and the proposed ordinance was a more rational and sane way to deal with this illegal substance. She noted the NAACP had endorsed the proposed ordinance citing the disparity in terms of use by the minority community and the higher arrests and sentences for minorities. The penalty was not only harsh, but it was also inequitably applied. She stated the Boone County League Voters, the Association of Social Welfare, the Missouri Civil Liberties Association, and the Human Rights Commission endorsed it. In addition, some members of the Substance Abuse Advisory Commission had spoken in favor of it, and the Disabilities Commission had voted in favor of supporting it. She explained she was also surprised the Board of Health had not focused on health issue, and pointed out some of their concerns had been addressed some of their concerns, to include reducing the amount so it was equivalent to 35 grams. Currently, marijuana had to be purchased by a drug dealer, which was problematic and dangerous. She commented that the enforcement concerns had been raised in 2004, and noted the CPD officers had complied with City ordinances. In addition, there was no law against the City enforcing a lower penalty. She thought these concerns were raised to divert attention to the true issues. She stated the proposed ordinance would result in a very small change, and made sense for many reasons.

Ms. Chadwick agreed marijuana use was not bad enough to have to go to prison, but she felt the proposed ordinance would send a mixed message to the community. She

commented that she had not proposed defining adults as 21 years old or older to gain support. She stated she proposed it so that the youth in the community were protected if the ordinance passed. The proposed ordinance conflicted with state and federal law, and 10 percent of the offenses were still due to outside law enforcement, which meant they would result in a felony. She did not believe they could create an ordinance with a lesser punishment that would be recognized by the State, and physicians in the community were unable to recommend marijuana without losing their licenses. She did not feel they should pass an ordinance that was not effective without a change in State law, and listed other issues that had not been dealt with, such as driving under the influence, cultivation near a school or daycare, its use in public places, etc. She stated she would not support the proposed ordinance.

The vote on B74-14, as amended, was recorded as follows: VOTING YES: HOPPE, TRAPP, THOMAS. VOTING NO: NAUSER, MCDAVID, CHADWICK, SKALA. Bill declared defeated.

**B308-14 Approving a major revision to the Broadway Shopping Center C-P Development Plan located on the southwest corner of Clinkscates Road and West Ash Street; approving less stringent landscaping requirements; setting forth conditions for approval.**

The bill was given second reading by the Clerk.

Mayor McDavid stated he recommended tabling this to the November 3, 2014 Council Meeting, and read the amendments proposed by the applicant. He explained his reading of those suggested amendments were not for the purposes of an endorsement or for support, and noted he planned to bring them up for discussion at the next Council Meeting. He felt tabling would allow the public the opportunity to consider the suggested amendments. He listed the suggested changes, which included the hours of operation for the fuel pumps to be 6:00 a.m. to 1:00 a.m., the hours of operation for the fuel center kiosk and other sales to be 6:00 a.m. to 10:00 p.m., the number of fuel islands to be limited to five with a maximum of two nozzles per island, no audio advertising under the fuel pump canopy, no tobacco advertising on the windows of the kiosk or outside of the kiosk on the fuel center site, the interior of the kiosk to be arranged to minimize the prominence of tobacco products, and the fuel center canopy and kiosk to not have the standard Gerbes fuel station red and silver color scheme as the applicant would use earth-tone colors, such as those shown in the depictions provided to the Planning and Zoning Commission and City Council.

Mayor McDavid made a motion to table B308-14 to the November 3, 2014 Council Meeting.

Ms. Chadwick noted she was not in support of the proposed change to the hours of operation of the fuel pumps. She wondered if an amendment was also needed with regard to the vending machines and outdoor storage displays. She thought subsection 3 in Section 5 of the ordinance needed to be deleted so it was rejected as well.

The motion made by Mayor McDavid to table B308-14 to the November 3, 2014 Council Meeting was seconded by Mr. Trapp.

Mr. Thomas stated he was concerned with regard to the number of pump islands. He thought 5-6 pump islands with two nozzles was only appropriate for five lane major arterial

roadways due to the amount of surface area, light, and traffic that would be generated. He suggested 3-4 pump islands instead.

Mr. Skala noted he had shared two concerns with Mr. Hollis earlier today, and those were the number of pump islands as he agreed five was too many and the nature of the vending machines. He did not believe the vending machines had only sodas and chips. He understood they would include pizzas and other items of that nature, and asked for clarification as to whether it would be a mini-convenience store without an attendant. Mayor McDavid suggested the Council go to the Paris Road Gerbes as it would provide a good example of the type of vending machine being discussed.

Ms. Hoppe stated she also had a concern with regard to the number of pumps, and felt five was too many.

The motion made by Mayor McDavid and seconded by Mr. Trapp to table B308-14 to the November 3, 2014 Council Meeting was approved unanimously by voice vote.

**B309-14 Approving the Final Plat of Old Hawthorne, Plat No. 13-A, a Replat of Lot 1302 of Old Hawthorne, Plat No. 13, located on the north side of Old Hawthorne Drive East.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe noted this was in the Sixth Ward, and she did not have any problem with it.

B309-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B311-14 Changing the names of unconstructed streets within Parkside Estates, Plat No. 1 located on the east side of Route K and south of State Highway 163.**

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas felt it was unclear as to whether this would create a hazardous situation for emergency response. Mr. Teddy stated he would not recommend Smith Place for the reasons stated, which included duplicative street names. He thought the Council could use its judgment on sound-a-like street names, such as Dobbs and Dodd as this was an issue for the emergency dispatch personnel. Mr. Thomas stated he was surprised there was not more clarity in the ordinance.

Mayor McDavid asked for the staff recommendation. Mr. Teddy replied staff did not believe all of the street names requested should be approved.

Mr. Trapp asked if they would never name another street with "Smith" in it even if that person found a cure for cancer. He understood there was not another street by the name of William Smith. The issue was that there were a number of other names with "Smith" in it. Mr. Teddy read the list of streets with "Smith" in it. Mr. Thomas wondered if allowing the William Smith street name would make things worse as it had not been a problem in the past to allow those many other streets with a form of "Smith" in their names. Mr. Matthes commented that it had been a problem, which was why this review was necessary. Staff had strong feelings

on the first one, and had flagged the others. He noted the worst transgression a dispatcher could commit was to accidentally send the ambulance to the wrong address.

Ms. Chadwick asked if this would have come to Council if staff was not concerned with the conflicts in street names. Mr. Matthes replied street names were included in the process, but the issues were usually resolved earlier in the process. It did not normally get to this point.

Sarah Hill, 5796 S. Route K, explained they had worked with staff and the property owners surrounding Parkside Estates to determine the most appropriate street names. The veterans named had done everything from clearing bodies in the aftermath of Hiroshima to peeling potatoes to feed the troops. W. B. Smith had previously owned the land where Parkside Estates was located, and was a navy pilot in World War II. In addition, his family lived next to Parkside Estates. Captain Ralph Dobbs of Columbia had been exposed to radiation when clearing bodies in Nagasaki and Hiroshima. He had also fought at Iwo Jima and had become a professor emeritus at the University of Missouri - College of Education. She believed these heroes deserved to be remembered in the places they traveled every day. She pointed out it was increasingly difficult to find a street name that did not sound similar to another street name or landmark due to the thousands of streets already named in Columbia and Boone County. She noted Truscott, which had been recommended by staff, was very similar to Scott, and the Council had recently approved the duplicative name of Tiger. She asked the Council for special consideration for these veterans in light of their service and the fact these names held special meaning to the surrounding property owners.

Rob Hill, 5796 S. Route K, provided a handout and noted he understood one Council Member lived on Hillshire, and there were 76 other streets with the root word "hill" in them and multiple streets with "shire" in them as well. He felt a reasonable person could tell them apart. He provided examples of streets with the name "Smith" in them, and noted they did not sound similar to the street name they had proposed. He agreed there were some similarities, but precedents had been set in the past to allow this. He asked the Council to make this concession for the veterans. He pointed out some of the Parkside Estate neighbors that were strongly opposed to the development, and were supportive of the name of William Smith.

Reed Hickem explained there were two streets in Columbia with his last name, and one was on the south side of town while the other was on the north side of town. He noted Ralph Dobbs had entered World War II as a private in the Marines and had come out a captain only three years later. He and another person with a college degree were pulled aside to review the flight and battle plans to help devise a plan to win the war at Iwo Jima. He deserved to have his name on a street in Columbia for that and other things he had done for the community.

Mayor McDavid commented that he did not have any problems with these names and would support the proposed ordinance. Ms. Nausser stated she did not have any problems either. Ms. Hoppe noted she thought they were reasonable. Mr. Thomas stated he had not heard any really clear problems with the names.

B311-14 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, TRAPP, SKALA, THOMAS. VOTING NO: CHADWICK. Bill declared enacted, reading as follows:

**B321-14 Authorizing an agreement for professional consulting services with Retail Strategies, LLC for market research and the development and implementation of a strategic retail recruitment plan; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. St. Romaine provided a staff report.

Mayor McDavid stated he would make a motion to table this for two months pending input from the retail people in Columbia. His impression was that retail growth was strong in Columbia, and there had been push back from members of the community. He noted he was concerned about the perception of using City tax revenue to encourage a restaurant to come to Columbia to compete with another restaurant, and believed retail was a zero sum game in some instances. He pointed out he was interested in manufacturing and economic drivers that would sell to the outside. He suggested they obtain input from the Chamber of Commerce, the Downtown Community Improvement District, the Downtown Columbia Leadership Council, and the Columbia Vision Commission.

Mayor McDavid made a motion to table B321-14 to the December 15, 2014 Council Meeting. The motion was seconded by Ms. Nauser.

Ms. Chadwick stated she was comfortable with the gap analysis and in determining how to fill those gaps, but wanted to hold off on recruiting big box stores until they provided the local community the opportunity to fill the gaps. She wondered if they could move forward with only the gap analysis.

Mr. Thomas asked if the gap analysis could identify the products and services that were purchased on-line that could potentially be replaced by a brick and mortar type store in Columbia. Mr. St. Romaine thought Part 1 of the agreement fulfilled that objective. Mr. Thomas thought it would be nice to stop at that point.

Monta Welch, 2808 Greenbriar Drive, provided a handout and explained she had been encouraged by some of the comments made thus far as she was concerned they would go too far and too fast in terms of development. She suggested tax dollars be used for infrastructure versus more development.

John Clark, 403 N. Ninth Street, asked why the City would spend money on economic development as he believed that was the role of the Chamber of Commerce or local businesses. He believed residential and retail were derivative developments, and was pleased Mayor McDavid had indicated he was interested in basic economic development that would bring money in from the outside. Columbia had robust growth, which had led to housing construction and retail. He did not believe public money should be spent on this initiative, even in terms of identifying gaps, as it did not benefit the community. He suggested they focus on the use tax.

Ms. Hoppe stated she agreed with tabling this item, and suggested the agreement be divided into three segments so Council could proceed judiciously. She was concerned with some language in the agreement as it discussed a recruitment strategy for new retail and restaurants as she believed there were already too many restaurants in Columbia. She

wanted time to review this issue more carefully and to allow input from the public, to include any neighborhood associations.

Mr. Trapp noted he would support tabling this matter to allow the business community time to provide input and to look at how they could structure the agreement so they were supportive of local enterprise. He pointed out more restaurants were needed on the north side of town as he heard about the lack of variety there on a regular basis. He believed a gap analysis would be helpful, and although he personally preferred locally owned restaurants, he had been asked to encourage any new restaurant to the area. He explained he liked the ongoing recruitment portion of the agreement as well as Columbia would continue to be marketed. He stated the City was so sales tax dependent that this \$100,000 investment would likely pay for itself by increasing sales tax revenues. He suggested tweaking the structure of the agreement to address the concerns.

Ms. Chadwick stated she agreed recruitment was necessary, and hoped the consultant understood the importance of local businesses. She also thought input from the business community would be helpful.

Mr. Skala thought it was important to get the right stakeholders together and to ask if this much money needed to be spent to identify gaps. He thought input from more than the business community was needed, and suggested a public discussion.

Ms. Nauser stated she was agreeable to tabling this item, and like Mr. Clark, felt this should be a private sector endeavor paid for by the Chamber of Commerce. She would prefer they invest money toward bringing in businesses other than retail businesses, and suggested they focus on businesses that promoted long-term employment and paid a better wage than the retail market.

The motion made by Mayor McDavid and seconded by Ms. Nauser to table B321-14 to the December 15, 2014 Council Meeting was approved unanimously by voice vote.

**B322-14 Authorizing the issuance of Taxable Tax Increment Revenue Notes (Tiger Hotel Redevelopment Project), Series 2014, of the City of Columbia, Missouri, to provide funds to finance certain redevelopment project costs; and approving certain actions in connection with the issuance of the Notes.**

The bill was given second reading by the Clerk.

Mr. St. Romaine provided a staff report.

Mayor McDavid understood the City was not at risk financially. The principals were borrowing money, and the City was enabling the incremental tax revenue to pay off the notes. The City was not responsible for the notes. If the enterprise failed, the note holders would be impacted. He noted this was only a vehicle to transfer the tax increment to the lender. Mr. St. Romaine stated that was correct. Mayor McDavid also understood they would only receive the tax increment if it was generated. If there was not any tax increment, they would not receive anything. Mr. St. Romaine stated that was correct.

Mr. Skala understood the conflict between the City and Boone County in terms of TIF reporting did not impact this issue. They were two independent issues. Mr. St. Romaine stated that was correct. He explained the litigation only impacted the ability to consider another TIF project within the City. Mr. Skala recalled the City not being at risk when the previous TIF projects were considered. Mr. St. Romaine stated that was correct. He

explained some communities had pledged their own bonds, but Columbia chose not to go that route. The City chose a “pay as you go” TIF system. Mr. Noce explained the amendment was to ensure accuracy and allow anyone to evaluate the risk independently.

Ms. Nauser made a motion to amend B322-14 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

John Clark, 403 N. Ninth Street, explained he was an applicant for the TIF Commission and had attended the last meeting. He understood the original agreement was on a reimbursement basis, had a set cap, and listed the specific costs that could be reimbursed, and that this was the mechanism by which the tax increment accumulations could be applied to the debt service.

Monta Welch, 2808 Greenbriar Drive, commented that she was not fond of TIFs as it took money away from schools and other entities. She believed providing even the increment to people making business decisions was not necessary, and suggested reconsidering this particular issuance if possible.

Mayor McDavid commented that without this financing, the Tiger Hotel building would be an empty, deteriorating building that would not have generated any increment, as this had been determined by the “but for” test. This would not take money away from anyone because there would not be any additional money without it. The purpose of TIFs were to spur investments, and the increment generated reimbursed investors and benefited the community.

Mr. Trapp thought approval of this TIF project had been good forward thinking because boutique hotels tended to keep people downtown spending money in the downtown. Since it benefited nearby businesses, it benefitted the entire community.

Ms. Hoppe commented that the historic preservation aspect of the Tiger Hotel TIF project had been important as it provided a way to renovate and use a historic building.

Mr. Skala stated the case by case argument was compelling with regard to a successful TIF project, and commented that he hoped the Tiger Hotel did not lose any business because its view shed was blocked by the Opus project.

B322-14, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

- B310-14**     **Approving the Final Plat of Gas Light Industrial Park Plat 3 located on the southeast corner of State Highway 763 and East Harvester Road (5250 and 5320 N. State Highway 763); authorizing a performance contract.**
- B312-14**     **Vacating a utility easement located on the south side of Rockingham Drive (317 Rockingham Drive).**
- B313-14**     **Appropriating funds received from a contractor in connection with fines issued by EPA for stormwater violations during the construction of improvements to Clark Lane between Route PP and St. Charles Road.**

- B314-14 Appropriating Federal Aviation Administration grant funds for costs relating to the acquisition of land for a runway protection zone at the Columbia Regional Airport.
- B315-14 Accepting conveyances for utility purposes.
- B318-14 Authorizing a use of facilities agreement with The Curators of the University of Missouri for the use of the Hearn Center – Main Concourse for the annual Halloween event.
- B319-14 Authorizing a program services contract with the Missouri Department of Health and Senior Services for maternal child health services; appropriating funds.
- B320-14 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation services.
- R194-14 Setting a public hearing: construction of sidewalk improvements on the east side of Bernadette Drive between Ash Street and Tiger Lane.
- R195-14 Authorizing an agreement with Columbia Eve Fest, Inc. for support of the New Year's Eve event in downtown Columbia; authorizing the City Manager to provide City support services.
- R196-14 Transferring tourism development funds for the installation of tee pads, disc golf baskets, site grading and walking bridges for the Strawn Park disc golf course.
- R197-14 Authorizing various Adopt a Spot agreements.
- R199-14 Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering, Inc. for design services for the relocation and reconstruction of a portion of Range Line Road adjacent to the Columbia Regional Airport.
- R200-14 Authorizing an agreement for professional engineering services with Shafer, Kline & Warren, Inc. for design of the Garth Avenue sidewalk project, between Worley Street and Sexton Road.
- R201-14 Authorizing a joint funding agreement with the U.S. Geological Survey, United States Department of the Interior for water resources investigations relating to the hydrologic monitoring of well sites in the vicinity of the wetland treatment units and the Eagle Bluffs Conservation Area.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

- R198-14 Authorizing the Finance Director to write off certain uncollectible receivables.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report and suggested tabling this item for a month to provide the detail that had been requested by Mr. Clark.

Mayor McDavid made a motion to table R198-14 to the November 17, 2014 Council Meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**R202-14 Authorizing demolition of a dilapidated structure located at 300 Garth Avenue; authorizing a special taxbill against the property.**

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Chadwick explained she received frequent calls regarding dilapidated homes in her ward, and asked how long the process took from start to finish in terms of demolishing a dilapidated structure. She also wondered how they could encourage property owners to maintain their properties. Mr. Teddy replied every case had a different set of facts, and each situation had a fair amount of detective work as they had to notify every individual with an ownership stake in the structure, which could take a lot of time. They also had to obtain a search warrant, conduct inspections, and provide additional notice to the property owners. Hearings were sometimes held, and the City sometimes allowed time for an intervening party to address the situation as it would cost the City less for someone else to address the nuisance. He pointed out demolition was a solution of last resort.

Ms. Chadwick asked for the City's budget for removing dilapidated structures. Mr. Teddy replied he did not know, and would provide that information at a later time. He noted that money paid to board up houses as well. Ms. Chadwick wondered if it was the last resort due to the lack of funding as she received many complaints with regard to dilapidated houses. She pointed out she had heard from the Columbia Housing Authority a number of times on a house on LaSalle.

Ms. Chadwick understood the initial letter had been sent with regard to this property on November 13, 2013, and asked if that was correct. Mr. Teddy replied yes. He explained a hearing had been held in April, and the resulting order had allowed them to remedy the situation by August.

John Clark, 403 N. Ninth Street, commented that during his 12-13 years as the President of the North Central Columbia Neighborhood Association, he had to deal with these types of situations a number of times. He explained these situations were connected to code enforcement and believed the woeful lack of funding for competent code enforcement on a consistent basis had created the problems in his neighborhood and the central neighborhoods north of Broadway, and as a result, those neighborhoods had more rental properties than owner occupied properties now. He encouraged the Council to dramatically increase the moral support and funding for code enforcement to preserve the low-income housing stock. He stated another reason for the problem was that property owners were given six months to remedy the situation, and would wait until the six months was almost over before moving forward. He did not believe all building permits should be kept open for six months. A shorter time frame was needed, especially for smaller types of projects.

Ms. Chadwick asked if shorter time frames would help these situations. Mr. Teddy replied he thought they could look at different time lines for different situations.

The vote on R202-14 was recorded as follows: VOTING YES: NAUSER, HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## INTRODUCTION AND FIRST READING

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

- B323-14**     Amending Chapter 20 of the City Code as it relates to processing fees for advertising costs for voluntary annexation petitions and agreements.
- B324-14**     Granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the west side of Lake Valley Lane (4805 Lake Valley Lane).
- B325-14**     Granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the east side of Greenwood Avenue (500 S. Greenwood Avenue).
- B326-14**     Authorizing a first supplemental master reimbursable utility agreement with the Missouri Highways and Transportation Commission as it relates to City of Columbia utility relocations along state roadway improvements.
- B327-14**     Amending the FY 2015 Annual Budget by adding and deleting positions in the Public Works Department; reassigning positions in the Public Works Department.
- B328-14**     Amending Chapter 12 of the City Code to add a new Article V pertaining to employment opportunities for qualified applicants.
- B329-14**     Amending Chapter 27 of the City Code as it relates to security deposits for utility services.
- B330-14**     Authorizing a program services contract with the Missouri Department of Health and Senior Services for the Healthy Eating Active Living in Local Communities program; appropriating funds.

## REPORTS AND PETITIONS

**REP94-14**    Correspondence from the Environment and Energy Commission relating to Land Disturbance Violations and Infractions.

Ms. Hoppe asked for a formal staff response on the two recommendations involving the surety bond or letter of credit and the updated project tracking system.

**REP95-14**    Sanitary Sewer Backflow Prevention Device Program.

Mr. Matthes provided a staff report.

Ms. Hoppe commented that she wanted to see something more than a first come, first served process for this, and suggested a rating system in terms of needs and cost. Mr. Matthes pointed out the City was not aware of all basement problems.

Mr. Glascock asked if \$100,000 was an appropriate amount for this program and pointed out the property owner would have to participate for this to be successful. The reason for the first come, first served scenario was because the property owners would need to have the money to participate. Ms. Hoppe stated she understood, but felt there also needed to be a “need” factor. She thought the property owner with the greatest need should be given priority if they had the money to participate.

Ms. Chadwick understood more funding could be allocated in the future if the City ran out of this initial \$100,000.

Mr. Thomas asked for the cost share percentage. Mr. Glascock replied he did not know, and explained they were still reviewing what was done in other communities.

Mayor McDavid understood the Council could expect action from staff in the future.

**REP96-14 Administrative Public Improvement Project: Shepard Boulevard Park Playground Replacement.**

**REP97-14 Administrative Public Improvement Project: Smithton Park Playground Surfacing Replacement.**

**REP98-14 Administrative Public Improvement Project: Roof Replacement on Maplewood House in Nifong Park.**

Mr. Matthes provided a staff report.

Mayor McDavid stated the City had assumed ownership of the Maplewood Home in 1974, and had not maintained it appropriately.

Mr. Griggs explained the City had an agreement with the Boone County Historical Society to maintain the interior of the home. The City only took care of the exterior of the home. He thought the roof had been replaced around 1993, and felt it was time to replace it again.

**REP99-14 Snow Priority Routes.**

Ms. Hoppe thought Huntridge Drive should be on the second priority list as it was a long, sloped street with a lot of other street connections similar to Lynnwood Drive and Walnut Street, or the City should establish a third priority list and include it on that list. Mr. Bitterman stated he did not believe there had been any problems clearing Huntridge Drive in the past. He explained priority routes were now marked for “no parking” during events, and a lot of cars parked on Huntridge Drive.

Ms. Hoppe asked about Bluff Pointe Drive, which was off of East Pointe Drive, as she understood it had to be plowed for an ambulance to travel the route last year. Mr. Bitterman replied that neighborhood was a neighborhood priority as they had agreed to remove all cars off of the roadways, so it was one of the first neighborhoods to be plowed.

Ms. Hoppe asked if Huntridge Drive could be a priority if they were agreeable to remove cars off of the street. Mr. Bitterman replied it was a street staff could review, but noted he understood there was a high demand for on-street parking in the area.

Mr. Glascock pointed out the City was trying to keep the priority miles to about 180 miles, and would consider adding a street if they could remove another street. Mr. Matthes pointed out the enforcement mechanism for priority routes was to tow vehicles that were not moved, and people on those streets needed to be prepared for that to occur.

**REP100-14 Cul-de-sacs, Advantages and Disadvantages.**

Mr. Thomas stated he thought this was a well-researched and interesting report.

**REP101-14 Uber Ride-Sharing Service.**

Mr. St. Romaine provided a staff report.

Mayor McDavid commented that his son, who lived in New York, preferred Uber as his method of transportation. The reason it was popular was because the technology was reliable. The passenger knew when the car would be there and the cost could be paid by

phone. He believed Columbia Transit needed to improve its technological capabilities to compete in terms of better customer service.

Mr. Trapp stated he was interested in hearing more with regard to Uber's F-rating from the Better Business Bureau. He understood they did not respond to complaints and had surge pricing.

Ms. Chadwick asked if the City had negotiated with the taxi cab companies when creating the ordinances governing them. Mr. St. Romaine replied he did not know, but noted the ordinances had been in effect for a long time and had not been changed recently. He explained staff had committed to reviewing the ordinances for onerous or unnecessary requirements involving taxi companies.

**REP102-14 Flight Cancellations and Delays for Columbia Regional Airport.**

Mayor McDavid understood Columbia had more cancellations than St. Louis and Kansas City because they were dependent on hubs in Chicago and Dallas, and believed most were weather related cancellations. He thought they were comparable to other regional services.

Ms. Chadwick asked if information regarding other regional airports could be provided if a report such as this was provided in the future.

**REP103-14 Utility Payment Assistance Programs.**

Mr. Matthes provided a staff report.

Ms. Hoppe encouraged those with means to donate because a minimal amount of money was helpful to others.

**REP104-14 Intra-Departmental Transfer of Funds Request.**

Mayor McDavid understood this report had been provided for informational purposes.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Phillip Chisholm, 4510 Weybridge Drive, shared his experience as an Uber driver. He understood Uber conducted background checks on all drivers, and he was required to have full coverage insurance on his car, which could not be older than 2006. Customers were provided a photo of the driver along with the name and vehicle type, and it was a cashless system. He noted that drivers that fell within a certain threshold were suspended. He felt Uber had been unfairly targeted, and the innovative service they provided would improve the taxi industry as well. He hoped the Council would allow it to continue to provide service in Columbia.

Carla Jacobs stated she was with the Uber public policy team, and explained Uber was a technology company that operated an app that could be downloaded to a smart phone and connected riders with safe and reliable rides. Uber operated in over 200 cities and over 400 countries worldwide. The product they were offering in Columbia was Uberx, which allowed residents to utilize their own vehicles to provide a low-cost transportation option. She commented that before any driver was allowed on the platform, Uber ensured drivers was properly vetted by requiring multi-state, county and federal background checks for at least

seven years back. In addition, Uber required an ongoing review of the motor vehicle records of the driver and ensured the vehicles were in good working order and clean. All ridesharing partners were required to provide proof of their own personal auto insurance policy, and Uber provided \$1 million in third-party commercial liability insurance during the time a trip was taking place. She noted Uber drivers and riders were exclusively matched via the online platform, and through the app, a rider was supplied a photo of the driver, his/her name, the make/model of the vehicle, the license plate number and the driver's rating. In addition, after every trip, Uber asked riders to rate the driver and provide real-time feedback, and they constantly monitored the feedback. Uber had a cashless platform as all payments were made automatically through the app eliminating drivers carrying large amounts of cash. In addition, riders were able to request a fare quote through the app, and the riders could contact the support team with any discrepancies with regard to the route. A summary of the trip was also provided immediately following via e-mail. She noted Uber used dynamic pricing to equalize the supply and demand of rides during popular times, such as game days or when bars closed, and 100 percent of the increase was provided to the driver. The fare quotes available through the app reflected the rate increases and riders had to approve the increase before requesting the ride.

Mr. Trapp commented that he had received notification that there was an opportunity for the City to apply for a parking audit grant through Smart Growth America.

Mr. Trapp made a motion authorizing staff to apply for a Smart Growth America technical assistance grant. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

Mr. Trapp noted parking on Leslie Lane had been eliminated to accommodate the COMO Connect bus routes, and asked for the signs to be clearer in that there was no parking while the transit system was in operation and for the signs to be better located for clarity purposes as the ambiguity made the situation worse. He asked for this to be done in a timely fashion.

Ms. Hoppe asked for the proposed single-use plastic bag ordinance provided by Ms. Dye during scheduled public comments to be provided to the Environment and Energy Commission for review and feedback.

Mr. Skala asked that the difference between the single-use reusable bags and biodegradable bags be reviewed as well, and to also provide comments with regard to it.

Ms. Hoppe made a motion directing the Environment and Energy Commission to review the single-use plastic bag ordinance and for them to discuss the difference between the single-use reusable bags and biodegradable bags, and to provide feedback. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe understood another speaker had raised a concern regarding the lack of sidewalks on West Broadway, between Stadium Boulevard and Manor Drive, and asked if that sidewalk was on the CIP list and for possibilities with regard to moving this sidewalk project forward.

Ms. Chadwick stated she had received complaints with regard to this sidewalk in the past as well, and explained the bus dropped people off in the ditch at that location. She agreed it needed to be a priority due to the bus route and its proximity to West Middle School.

Mr. Thomas stated he agreed this half-mile area on a major arterial needed to be addressed. He understood this might be a part of the negotiations in terms of the Gerbes gas station. Ms. Chadwick stated she did not believe there had been any formal negotiation for it.

Ms. Nauser noted she had previously asked for a report regarding the downtown cameras and their effectiveness, and asked about the status of that report. Mr. Matthes understood Ms. Nauser was referring to the closed circuit cameras. Ms. Nauser stated that was correct.

Ms. Nauser stated she had been contacted numerous times with regard to parking on Providence Road in front of the bus stops on game days, and asked if the City needed to establish and enforce a no parking area at those bus stops.

Ms. Nauser understood there was a pooling of water close to the playground equipment and basketball court at Jay Dix Park, and was concerned the standing water would become a liability to small children in the area. She was not sure of the depth of the water, but understood there was not a barrier in that location. She also thought the moisture was eroding the concrete slab by the basketball court. She asked staff to look into the issues.

Mr. Skala understood four street lights were out on Old Highway 63, near Cumulus Broadcasting, and asked if the issue had been resolved.

Mr. Skala commented that every time he had traveled Clark Lane since the improvements had been made, he had seen pedestrians walking along the wide shoulders on both sides of the street. He also understood a solar powered pedestrian-activated crosswalk had been installed on Clark Lane.

Mr. Thomas asked for the cost of the crosswalk as he believed it was an add-on to the project, and there were several other places around town that could be benefited by a crosswalk.

Mr. Thomas thanked staff for their work on the parking audit grant as he believed the City had a chance to be awarded the grant. He believed a technical assistance consultant would be able to provide good strategies for addressing parking in the downtown area, the issue of spillover into adjacent neighborhoods, campus parking, etc. He thought it would be helpful for a University representative to attend and for statistics on parking issues on campus to be included.

Mr. Thomas stated the parking task force had recommended a shift in parking enforcement hours in the downtown from 8:00 a.m. to 6:00 p.m. to 9:00 a.m. to 7:00 p.m., so it aligned better with the times there were parking management issues. During the budget process, Council had essentially extended enforcement by one hour as they had approved enforcement hours of 8:00 a.m. to 7:00 p.m. He understood the Downtown Community

Improvement District was not happy with the extension, and as a result, he wanted to set the enforcement hours to 9:00 a.m. to 7:00 p.m. as had been recommended by the parking task force. He noted this change had not been implemented as they had planned to implement it on January 1, 2015.

Mr. Matthes thought a new ordinance could be brought forward. Mr. Noce stated he would review it to determine the proper process.

Mr. Skala suggested they be provided background information with regard to how they got to the 8:00 a.m. to 7:00 p.m. time frame initially.

Mr. Thomas noted he had asked for a report regarding hostile streets for pedestrians that had pedestrian traffic, such as I-70 Drive Southwest and Clark Lane, and whether low-cost improvements could be made. He hoped the report could be provided soon in light of the recent pedestrian death.

Ms. Chadwick understood parking was allowed in the bike lanes along Ash Street, Worley Street, etc., and asked if they could restrict parking in bike lanes.

Mayor McDavid asked if she was requesting this change for all bike lanes or those only on certain streets. Ms. Hoppe suggested they only make this change for certain streets. Mayor McDavid was concerned about the impact of this on a street such as Windsor as residents parked on the street. Mr. Skala agreed this could create a problem for some residential neighborhoods. Ms. Chadwick asked if those streets had bike lanes on them. Mr. Skala replied yes.

Mr. Trapp suggested the issue be referred to the Bicycle/Pedestrian Commission.

Mr. Thomas stated he believed this had always been intended to be an interim measure until there was more bicycle traffic.

Ms. Hoppe asked that the Bicycle/Pedestrian Commission conduct on-street evaluations if it was referred to them.

Ms. Chadwick agreed she did not believe the intention was to continue to allow parking in the bike lane. Mr. Skala stated he recalled the issue differently, but was agreeable to a review by the Commission.

Ms. Chadwick made a motion directing the Bicycle/Pedestrian Commission to consider a restriction on parking in bike lanes based on a street-by-street evaluation. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

Ms. Chadwick commented that a constituent that had gone through the application process for CDBG funding for an air conditioning unit, and her application had been denied at the very end of the process because she had not been compliant with an unrelated issue during the final inspection. She asked about the process for CDBG funding, and whether it was clear compliance with all City ordinances was a requirement. Mr. Matthes stated he would look into the issue and get back to Ms. Chadwick.

The meeting adjourned at 1:11 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk