

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
SEPTEMBER 8, 2015**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, September 8, 2015, 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 PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS and NAUSER were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of August 17, 2015 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Thomas asked that PR136-15 and B245-15 be moved from the consent agenda to old business.

The agenda, including the consent agenda with PR136-15 and B245-15 being moved to old business, was approved unanimously by voice vote on a motion by Mr. Thomas and a second by Mr. Skala.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Tyree Byndom - CPOA and Dale Roberts, update on the Andersen report for CPD and the task force on community violence report, and demands of the Columbia Egalitarian Cooperative.

Mr. Byndom was not in attendance.

Traci Wilson-Kleekamp - Diversity, Inclusion and the Police, and follow up on the Community Violence Final Report and budget implications.

Ms. Wilson-Kleekamp, 2905 Greenbriar Drive, explained she was representing a group called Race Matters and noted they were interested in the recommendations of the Mayor's Task Force on Community Violence and the goals of the Strategic Plan. She stated they felt a cultural shift within the Police Department and with the Council in terms of how people were engaged and remarks made by Council were needed. She thought city-wide community engagement along with a re-engineering of the economic development policy, which she referred to as plantation politics, was also needed. She believed policies were made for those that had versus those with needs, and gave subsidies to IBM and people

utilizing public transit having to stand along busy roads without a bench or shelter as examples. She noted some referred to this as institutional racism because they tended to forget those that were poor, of color, or underserved. She felt policies for those people needed to come first, and pointed out many people did not understand what it was like to be a person of color. She explained she had provided the Council *The Case for Reparations* by Te-Nehisi Coates and *The Color of Fear* so they understood how she felt about the issues. She noted Race Matters and Bethel Church were trying to have a different type of engagement with the Police Department as they wanted to learn of their concerns as well. She believed financing for police should be included in infrastructure and was a priority, so she was not supportive of a sales tax, which she felt was regressive and unfair. She was happy the Police Department would be working with the Department of Justice on community policing and wanted to deconstruct the idea that police staffing and community policing were the same as community policing was a philosophy about how they treated and worked with citizens. She believed the public was being blamed for not supporting the police ballot measure, but thought it did not pass because it had not been earned. She suggested they re-engineer how they communicated with the public if they wanted support from the community.

Steve Bennett - Update on Mediacom broadband services in Columbia and Boone County.

Mr. Bennett stated he was the Director of Operations for Mediacom and explained they had been working on expanding their telecommunications network in order to provide more services. He pointed out they had established and tested a one-gigabyte high-speed data network across the entire footprint of Columbia, and this service would be available on September 15, 2015 to any customer that was along Mediacom's communication network. He stated this service would be provided in Columbia, Holt Summit, and Jefferson City, and wanted the Council to be aware of it. He noted they were proud of this accomplishment as they understood high-speed networks were key to communities in terms of attracting development, employees, and residents. He provided a handout of the press release issued on the subject.

PUBLIC HEARINGS

- (A) **FY 2016 Annual Budget for the City of Columbia.**
B220-15 **Adopting the FY 2016 Annual Budget for the City of Columbia.**
B221-15 **Amending Chapter 6 of the City Code as it relates to trade permit fees.**
B222-15 **Amending Chapter 12A of the City Code as it relates to stormwater utility charges.**
B223-15 **Amending Chapter 14 of the City Code as it relates to parking fees for unmetered off-street municipal parking lots and facilities and parking meter hoods.**
B224-15 **Amending Chapter 22 of the City Code as it relates to solid waste rates and services.**
B225-15 **Amending Chapter 22 of the City Code as it relates to sanitary sewer utility connection fees.**

Item A was read by the Clerk, and B220-15, B221-15, B222-15, B223-15, B224-15, and B225-15 were given third reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Skala understood there had been discussion with regard to focusing Strategic Plan efforts on three pilot areas, and asked for clarification. Mr. Matthes replied this was the first time they had discussed social equity as a City government in terms of the focus of the Strategic Plan, and explained they thought they should pick three areas based upon data in terms of crime, household income, age of housing, affordability of housing, etc. to determine where they might receive a maximum return on any investment.

Mr. Skala understood the Community Relations Director would be involved with the call center. Mr. Matthes stated that was correct, and explained that position would be Director of that service.

Mayor McDavid opened the public hearing.

Steve Hirt, 2912 Shingo Court, commented that it had been stated at the previous Council Meeting that Columbia was at a 30 year low for violent crime, but that was a comparison of the calendar year to prior years. When looking at the last twelve months, August through July, violent crime was up 69 percent and fire arm crime was up 93 percent, which he believed to be significant. He was not sure if Mr. Matthes had not been provided this information or if Mr. Matthes had chosen not to present it. He reiterated he felt those numbers were significant. He commented that he assumed he lived in a safe neighborhood, but 6-7 years ago a bullet had gone through the garage and interior wall of his home, and only five feet from his recliner. He thought the Council needed to review the priorities in the budget. He understood money had been set aside to add three police officers, but suggested money be found for more officers as he was concerned with the current crime trends.

Katie Essing, 11 S. Tenth Street, explained she was the Executive Director of the Downtown Community Improvement District (CID) and commented that they had a shared goal of making parking in the downtown easier. She noted the CID Board would provide feedback to the Council with regard to the proposed parking fee increases prior to the Council voting on that item.

There being no further comment, Mayor McDavid continued the public hearing to the September 21, 2015 Council Meeting.

Mayor McDavid explained there were some real challenges to the general fund, which was the fund that operated the public safety portion of the City's mission, as it was not keeping up with the cost of living and the population growth. In constant dollars per capita, it was down 12 percent during the last ten years, and the City had cut 22 police officers and 15 firefighters when one considered the number of police officers and firefighters in 2005 multiplied by the population increase. He was pleased seven additional public safety officers would be funded in the budget due to prudent financial management, even though the general fund was not expected to grow in the next year. He stated Columbia did not have enough money to adequately fund firefighters or police officers or to maintain streets even though citizens clearly placed public safety and streets as the top two priorities every time they were asked. He reiterated the general fund was not keeping up with population growth and inflation, and noted he planned to propose two amendments to the amendment sheet at the next Council Meeting in order to add \$150,000 to the Police Department budget for community policing. He pointed out police officers per capita was 30 percent below that of comparable cities, and citizen satisfaction with the Columbia Police Department remained

unacceptably low. He planned to propose providing the Columbia Police Department \$100,000 in surplus funds that had been suggested for strategic planning and \$50,000 from CAT-TV so the \$150,000 was used for community policing. He commented that in his opinion funding for CAT-TV should be vetted and managed by the Commission on Cultural Affairs. He explained CAT-TV had been provided subsidies of \$1.5 million over the years, and noted he had never seen a budget, pro-forma, balance sheet, or performance metrics from CAT-TV so he had no information regarding the number of people that watched it.

Mayor McDavid understood B225-15 would increase sewer connection fees, and noted he planned to vote against it. He did not believe there was any justification for Columbia to charge dramatically more than other Missouri cities for sewer connection fees. He felt the off-site analysis supporting the increase was flagrantly incorrect. He commented that homeowners would face an increased cost burden and it would lead to a difficult regulatory environment in Columbia, and believed these policies would drive first time homeowners to adjacent communities. He noted a new subdivision was being developed in Hallsville, and Ashland was growing three times as fast as Columbia. He did not believe this was a coincidence as he thought they had advocated policies that restricted home building in Columbia and drove affordable homes to adjacent communities. He thought it was ironic the City was planning to host a conference on affordable housing while simultaneously escalating the cost of homeownership. He reiterated he believed this increase in sewer utility connection fees was unnecessarily harmful to first time home buyers, and stated he would vote against it.

Mr. Skala commented that public safety was a priority for citizens, and noted the potential solution offered in November had been unsuccessful. He understood Mr. Hirt had indicated violent crime trends were rising, and asked staff for additional information so they were able to reconcile the numbers as he had thought those trends were down. He agreed they should continue to devote additional resources to public safety as those resources were found, and stated he was happy they were able to fund seven new public safety employees in the FY 2016 budget.

Mr. Skala noted he disagreed with Mayor McDavid in terms of the proposed increase in sewer connection fees and the statement indicating they were driving development out of Columbia. He thought they needed to consider the cost of service and the three-year plan that had been agreed to by the Council for connection fees as it had been a compromised and reasonable approach.

Mr. Thomas stated he supported the incremental increase in the sewer connection fee and believed it was justified as it cost \$300,000-\$350,000 per house to expand the sewer system to accommodate a new house in terms of pipes, capacity, staff to manage the system, etc. He noted the consultant, Burton and Associates, had recommended the connection fee increase per new house over five or six years, and this was the second of those increases. He thought it was invalid to indicate this would make it harder for low-income families to afford homes as there were a lot of low-income families that were currently paying more in sewer fees to subsidize new homes, which were rarely purchased by low-income homeowners. The unfair burden of paying for new public infrastructure for new residents was a large reason it was hard to own a home and live in Columbia.

Mr. Thomas noted he was interested in the proposal to fund an additional police officer with the \$100,000 they had planned to use for general strategic plan initiatives, but pointed out he would not support defunding CAT-TV. He commented that CAT-TV was part of a three-pronged communication strategy, which involved education, government, and the public, and the public portion, which was not controlled by an institution, was CAT-TV. Since it was not controlled by an institution, it struggled to fund itself. He noted funding by the City had been paired down over the years from \$200,000 per year to \$50,000 per year, and CAT-TV had created revenue streams to replace the loss in funding. He stated he had seen CAT-TV budgets and balance sheets, and reiterated he would support maintaining the \$50,000 for CAT-TV as previously agreed upon.

Ms. Nauser understood the \$100,000 in surplus funds Mayor McDavid was proposing to provide the Police Department for community policing would go towards overtime and other expenses, but not toward the cost of a new police officer since it was one-time funding. Mayor McDavid stated that was correct. Ms. Nauser commented that a couple of years ago, they had agreed they would stop funding CAT-TV, but had since continued to fund it, so she would support that proposed amendment by Mayor McDavid. She stated she would also support an increase in sewer connection fees, but noted she would not support an increase that would make the fee greater than the fee charged by Boone County, which she believed was \$1,200. She did not feel Columbia should have the highest connection fee in the State of Missouri.

Mr. Trapp reiterated the point of Ms. Nauser in that the strategic plan implementation funds were one-time funds so they would not be able to hire an additional police officer. He thought police overtime would fall under the general rubric of strategic plan implementation, and felt it might be better left general so it did not create further confusion between one-time funds and budgetary funds. He noted CAT-TV funding had decreased from \$200,000 to \$100,000 to \$50,000, and funding this year would come from council reserve funds. He commented that CAT-TV had come a long way in terms of carrying their own freight, and believed it was appropriate to fund them with council reserve funds this year because they were an important community institution. He pointed out Columbia did things other communities did not, such as Percent for Art, which made it special, and that sense of place was an economic driver. He reiterated a modest investment of one-time funds was appropriate to help CAT-TV on their path toward fiscal independence.

Mayor McDavid reiterate discussion on the budget would continue to the September 21, 2015 Council Meeting.

(B) Construction of a sidewalk along the north side of Clark Lane between Paris Road (Route B) and east of the U.S. Highway 63 Connector, construction of a trail connection on the west side of the Clark Lane bridge continuing south under Clark Lane and Interstate 70 and connecting to the east side of Mehl Road, and reconstruction of driveways to meet ADA requirements, more specifically described as the Clark Lane West Sidewalk and Hinkson Creek Trail Connection project.

Item B was read by the Clerk.

Mr. Nichols provided a staff report.

Mayor McDavid opened the public hearing.

Annette Triplett, 201 W. Broadway, stated she was the Executive Director of the PedNet Coalition and noted they supported this project wholeheartedly as it would make it easier for people to walk, bike, and use wheelchairs in the area. It would also provide critical connectivity to the future Hinkson Creek Trail. She commented that in general the Third Ward was lacking facilities for those walking, biking, and using wheelchairs, and this project would improve safety and connectivity. She reiterated their support for the project.

Mary Hussmann, 210 Ridgeway Avenue, commented that she supported this project as sidewalks were needed, and only wished a trail would have been included on the west side so sidewalks on that side would have been a part of the project as well.

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

Mr. Skala explained this project was a connector under I-70 to the northeast, and connected with The Links golf course and the Indian Hills subdivision. He was pleased they had made improvements on Clark Lane and agreed the sidewalk on the west side of Clark Lane was sorely needed, but there was simply no room for a trail on that side due to I-70 at this time. He noted he would endorse this project.

Mr. Thomas stated he also supported this project as it overcame many barriers in the area in terms of I-70 and Highway 63 and would connect with other components increasing the opportunity for people to walk, bike, or use a wheelchair. He thought it was a good example of social equity because people living in this area had not been given an equal opportunity to move around their neighborhood or area if they did not have a car. He understood 30 percent of Americans did not drive a car, which included the young, old, those with disabilities, or those with low-income, and those people had difficulty even getting to the bus stop in this area since the roads were narrow with no place to walk. He reiterated it was a great project that would be funded with non-motorized transportation pilot project money, which was specifically authorized by Congress in 2005 in order to make these kinds of connections and improve access for those that did not travel by car.

Mr. Trapp commented that he had walked this area a number of times, and there was hardly a place in Columbia that needed sidewalks more than this area as there were poor sight lines, speeding traffic, and no berm. This project would also provide another safe way to cross the highway, which was very much needed. He thought this was a great project and noted he was happy to see it moving forward.

Mr. Skala made a motion directing staff to proceed with plans and specifications for the Clark Lane West Sidewalk and Hinkson Creek Trail Connection project. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

OLD BUSINESS

PR136-15 Establishing a revised policy relating to the repair, maintenance and restoration of brick paved streets in the City of Columbia.

The policy resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas recalled the original policy resolution being quite controversial, and asked if the Disabilities Commission had been provided the opportunity to review these amendments. He suggested it be tabled if that had not occurred. Mr. Teddy replied he

thought the Disabilities Commission was aware of these changes, but was not sure if they had dedicated any time to it.

Ms. Peters understood this was the same policy the Disabilities Commission had agreed to except that three more streets would be added. Mr. Teddy stated that was correct, and explained the standards that would apply to a private contractor would mirror the standards that would apply to a city contractor or forces and that thought the outcome was the same with only a broadening of it.

Mr. Skala noted Section 4(i) indicated a percentage of property owners living on a portion of at least one block of a street would be established, and asked if that would be a part of a future ordinance change. Mr. Teddy replied it was a placeholder, and Council would determine that percentage in future legislation if it was not within the policy resolution. Mr. Skala understood that legislation had yet to be brought forward.

Mr. Thomas made a motion to table PR136-15 to the November 2, 2015 Council Meeting and to direct the Disabilities Commission to review the policy resolution changes and provide feedback. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

B238-15 Approving the Final Plat of Howell Subdivision, Plat No. 3 located on the northwest corner of Strawn Road (Route ZZ) and West Broadway; authorizing a performance contract; granting variances from the Subdivision Regulations relating to sidewalk construction and direct driveway access; setting forth conditions for approval.

The bill was given second reading by the Clerk.

Mayor McDavid understood there was a request for this item to be tabled. Mr. Trapp stated that was correct. He explained he had been in conversations with the legal representative and civil engineer of this project, and had agreed to request this item be tabled to the next meeting to allow time for them to meet with the Public Works Department staff to work out some driveway easement issues.

Mr. Trapp made a motion to table B238-15 to the September 21, 2015 Council Meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B239-15 Approving the Final Plat of Hasheider Subdivision, a Replat of Lot 11 and part of Lot 10 of R.B. Price's Subdivision, located on the east side of Melbourne Street and the north side of Windsor Street (204 Melbourne Street and 1403 Windsor Street); granting a variance from the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser understood that if this property were to be redeveloped, it would be redeveloped as an R-3 zoned property, and asked if they had any assurances a sidewalk would be built at that time. She agreed it did not make sense to require a sidewalk today, but felt it might be needed in the future if the structure were demolished and rebuilt. Mr. Teddy replied a condition would need to be added to the ordinance requiring it. He noted he could envision a possible regrading of the site on a larger scale that might allow a sidewalk to be included as part of the building plan.

Mr. Thomas thought the City had a general rule requiring developers to construct sidewalks or request variances for the redevelopment of any property that did not have a sidewalk along its frontage at the time. Mr. Teddy explained a variance would be granted in this situation if Council approved the ordinance as written. Mr. Thomas understood this variance would carry through to future situations. Mr. Teddy stated that was correct.

Mr. Thomas commented that he would want to preserve the ability to obtain a payment in lieu of the sidewalk in the future if a district-wide sidewalk policy was established so the money could be used for a sidewalk in the vicinity. He stated he also agreed with Ms. Nauser in terms of wanting the ability to require a sidewalk in the future when a new building was constructed. He noted he would be interested in adding a condition to the sidewalk variance.

Eugene Elkin, 3406 Range Line Street, understood a four-foot sidewalk, curb and gutter, and a retaining wall would be required, which would put that retaining wall at the front step. He suggested a sidewalk not be required in this situation.

Ms. Thompson commented that if the Council wanted to add a condition, she would suggest Section 3 read “Based on existing conditions, subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed along a portion of the east side of Melbourne Street adjacent to Lot 1 within the Final Plat of Hasheider Subdivision (204 Melbourne Street); provided however, if a new structure is constructed on such lot, a sidewalk shall be designed and constructed at the time of construction of the new structure.”

Mr. Thomas asked if they should condition it upon when a building permit was requested in case it was an expansion of an existing building. Ms. Thompson replied a building permit would be required for new construction. She noted the developer could come to Council to seek another variance or the removal of the condition in the future if they felt a sidewalk could still not be constructed when there was new construction.

Mr. Thomas asked if a payment in lieu of could be required if at that time they had a district concept in place for sidewalks. Ms. Thompson replied she could not respond to that question at this time since she did not know what that program would involve.

Mr. Thomas asked if the wording suggested by Ms. Thompson covered any situation where a building permit was requested. Ms. Thompson replied that was correct if a new structure was constructed on the lot. Mr. Thomas asked about an extension to an existing building. He wondered if that was considered a new structure on the lot. Ms. Thompson replied that would be new construction, but not a new structure, and asked which scenario the Council wanted the amendment to address. Mr. Thomas stated he thought an extension or new construction would trigger a sidewalk. Ms. Thompson replied the act of subdividing and platting was what typically triggered a review of whether a sidewalk was necessary. Mr. Teddy explained that if this was a vacant lot without any variance of record with regard to a sidewalk, staff would require the sidewalk to be built with the building. In this situation, if a variance were granted, it would apply to the existing structure and alterations to the existing structure. Ms. Thompson asked if Council wanted the amendment to address the expansion of an existing building or just a new structure. Mr. Thomas replied he wanted to be consistent with other comparable situations. Ms. Thompson stated she was not sure there was a comparable situation.

Ms. Nauser understood any new building construction would have to be placed further back on the lot because the existing layout did not meet current setback requirements. Mr. Teddy stated that was correct. Ms. Nauser believed there would be enough room to build the sidewalk if the existing building were razed for a new three-plex. She wondered if they could even add on to the existing structure since it was non-conforming. Mr. Teddy replied they could not add on to it, but they could remodel it. Ms. Nauser understood they could not add two units to the existing building, and noted she was viewing the need for a sidewalk in the situation the structure was demolished and another structure was constructed.

Mr. Thomas made a motion to amend B239-15 by changing Section 3 so it read “Based on existing conditions, subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed along a portion of the east side of Melbourne Street adjacent to Lot 1 within the Final Plat of Hasheider Subdivision (204 Melbourne Street); provided however, if a new structure is constructed on such lot, a sidewalk shall be designed and constructed at the time of construction of the new structure.” The motion was seconded by Ms. Peters.

Mr. Skala stated he thought it was reasonable to amend this to require sidewalks if a new structure was constructed on the lot.

The motion made by Mr. Thomas and seconded by Ms. Peters to amend B239-15 by changing Section 3 so it read “Based on existing conditions, subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed along a portion of the east side of Melbourne Street adjacent to Lot 1 within the Final Plat of Hasheider Subdivision (204 Melbourne Street); provided however, if a new structure is constructed on such lot, a sidewalk shall be designed and constructed at the time of construction of the new structure” was approved unanimously by voice vote.

Mr. Skala stated he was happy to support this amended ordinance. He explained the fourth building to the right of this was a rather larger R-3 building, and an intent to build another building behind it created controversy in terms of whether Liberty Street was a street or an alley. It was determined to be an alley, which meant the parking lot would not need to be enlarged and the property would not conform to the overlay in the Benton Stephens neighborhood. He believed this reconfiguration was an attempt to ensure the preservation of the overlay and to make it amenable to some of the existing affordable homes in the area without the development pressures of student housing. He reiterated he was happy to see this reconfiguration.

B239-15, as amended, was given third reading with the vote recorded as follows:
VOTING YES: PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B242-15 Authorizing construction of a solid waste administration and collection operations facilities building at the Columbia Sanitary Landfill; calling for bids through the Purchasing Division; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Nichols provided a staff report.

Deanna Walkenbach, 407 Pyranees Drive, commented that they were told during the ward meetings that were held regarding roll carts that the Environmental Protection Agency (EPA) might not approve any more land to be used in the landfill, and asked if anything had been approved or if approval was still up in the air. Mr. Glascock replied the City had 6-7 years of life left in the landfill, and staff believed permitting would be granted since there were only 14 landfills in the State of Missouri, but it had not been permitted at this time. Ms. Walkenbach explained she wanted to make that point since it might be a problem.

B242-15 was given third reading with the vote recorded as follows: VOTING YES: PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B245-15 Amending Chapter 14 of the City Code to revise the speed limit on portions of Providence Road and State Route K.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas understood the speed limit was 35 mph on north Providence Road and asked for the rationale in setting that speed limit in the past. Mr. Glascock replied that had been a new road so they had set it to be the same as the other portion of the road to the north. Today, there was not much to slow people down on that road except for the stop sign at Blue Ridge Road and a street light at Vandiver Drive so people were traveling faster. He noted they did not want pedestrians to feel vehicles were traveling at 35 miles per hour when they were not, which was another reason they were suggesting it be raised to 45 mph. Mr. Thomas asked if it was 35 mph to the north. Mr. Glascock replied he thought it was. Mr. Thomas asked if the perception was that people were closer to adhering to the speed limit further north. Mr. Glascock replied yes, and explained there was congestion in that area due to a subdivision that fed on to that roadway.

Mr. Thomas understood this was how speed limits were determined in that the speed of traffic was measured and the speed limit was then set to suit those speeds, and noted he felt there needed to be a different approach. He thought they should decide how fast traffic should go and then influence the parameters of the road in terms of lane width, sight lines, medians, etc. Mr. Glascock pointed out they wanted people to travel on the major roads, and did not want people to cut through subdivisions. Mr. Thomas stated that made sense, but thought they could leave the speed limit as it was and redesign the road with some traffic calming effects.

Mr. Thomas understood MoDOT had recommended the speed limit be reduced on Route K, and asked if the City had the speed study numbers from MoDOT. Mr. Glascock replied he did not, and explained MoDOT had conducted the speed study and had only provided a letter requesting the reduction in the speed limit. Mr. Thomas stated he would like to see a copy of the study as he wanted to understand their thinking process. Mr. Glascock explained shoulders had been added to the narrow road, which people bicycled on, and subdivisions had been added to the area creating more congestion and vehicles. Mr. Thomas wondered if anything would be accomplished by changing the speed limit from 45 mph to 35 mph. Mr. Glascock stated he assumed MoDOT had some crash history and had

reviewed the number of access points. He understood they had also mentioned actual vehicle speed, which he assumed meant they were going off the 85th percentile in terms of speed. Mr. Thomas asked to see the data.

Ms. Nauser stated she wanted to see the data also as she drove that road almost daily and believed most cars drove faster than 35 mph. She wondered how they would inform drivers of the speed limit change if this was approved as it was a fairly drastic reduction in the speed limit. Mr. Glascock stated he would ask MoDOT what they planned to do. He pointed out if the Council approved this ordinance tonight, it would go into effect quickly. Ms. Nauser reiterated she would like to see the data.

Ms. Nauser made a motion to table B245-15 to the October 5, 2015 Council Meeting. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

B249-15 Authorizing an easement release agreement with Missouri CVS Pharmacy, L.L.C. and the Mary M. Hackett Trust No. 1 relating to the vacation of sewer easements located on the southeast corner of Providence Road and Broadway conditioned upon construction of new sewer facilities within public rights-of-way and surface parking areas.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser asked when the first time was that this issue had been brought before the Council. Mr. Teddy replied he did not recall, but thought it had been a while ago. Ms. Nauser thought the previous sewer easement ordinance had been defeated about six months ago. Ms. Thompson stated the sewer easement agreement had been defeated on April 6, 2015. She understood the plat had been approved on February 3, 2014, and thought the other plans had been presented around that time. Ms. Nauser understood the C-2 zoning had been amended in August, 2014.

Ms. Nauser commented that the rendering made it seem as though the entire building except for one end was two stories, and asked for clarification. Mr. Teddy replied there was a two part height requirement. He explained the building had to be at least 24 feet, which it was in all locations. The building also had to be at least two stories, which it was not since there was a mezzanine on the east side of the building and it was a large open floor elsewhere in the building. Ms. Nauser thought the requirement was that the building height had to be two stories, but not that both stories had to be usable. Mr. Teddy commented that staff needed to know if it was not the intent of Council for the second story to equal the floor below as they would run into this situation in the future since this applied to all C-2 developments. Without direction from Council, staff did not want to pronounce this to be a two-story building. Mr. Matthes stated staff would love for Council to interpret this from a policy perspective. He explained the issue before Council was the sewer easement, but noted a building permit would not be issued based on these plans and the interpretation of the existing ordinance.

Mr. Ruffin understood there was not any language in the C-2 zoning code that would clarify the percentage of the building that would have to be constructed to be considered a second story. Mr. Teddy stated that was correct, and read the language from the Code of Ordinances, which indicated buildings shall have a minimum of two stories consisting of a

minimum of 24 feet. Mr. Ruffin asked how staff had come to the conclusion that the mezzanine did not qualify as a second story. Mr. Teddy replied there was not a definition of story in the zoning code, so they looked at the definitions of story and mezzanine in the International Building Code, which was the building code that would apply to this structure. Mezzanine was defined as an intermediate level or levels between the floor and ceiling of any story in accordance to some regulations, which indicated a mezzanine was not greater than one-third of the floor area of the room or space in which the mezzanine was located. The proposal by CVS included only about 15 percent of the floor below so it was far short of the 33 percent. He pointed out mezzanines were normally thought of as an open space, but there were exceptions to openness. If there were two or more means of egress from the space, it could be enclosed. The proposal by CVS included an enclosed area designed for a break room, two offices, and a storage area, which had a direct exit to the outside of the building. He commented that their interpretation was judgement-based, and Council could say it was good enough if the profile of the building appeared to be two stories or Council could say it had to be larger than 33 percent or something else. It was not defined as part of the zoning amendment.

Ms. Thompson commented that Council could give additional direction to staff on the interpretation of the two-story height in terms of C-2 zoning, but pointed out this issue before them was the release of a sewer easement that would enable them to construct this particular structure at this location. It was within the discretionary authority of the Council to determine whether or not they wanted to release the sewer easement. It was not mandated or required just because it was in front of them in the form of a sewer release agreement. She reiterated the Council was not under legal obligation to release the sewer easement.

Mr. Ruffin asked if CVS would have the authority to proceed with the building if the release of the sewer easement was approved, and whether they would have to come back before the Council again. Ms. Thompson replied they would not have to come back to the Council again, but they would have to request a building permit from staff. Discussion would then ensue as to whether the second story was in compliance with the building code and whether the building permit would be required to be issued.

Mr. Skala commented that his intent with the amendments to C-2 zoning was to establish mixed-use as a priority for second story buildings. He thought the amendments also required an access on Providence Road and certain other streets, and an elevator, etc., and asked for clarification. Mr. Teddy replied it did not refer to elevators, but there was a requirement for a functional exit and entry door to the street. He noted the CVS proposal had doors facing Broadway and the parking lot, which was south of the building, and there was a corridor that connected the two entrances. This would meet the Code requirement even though there had been some public comment with regard to it. Mr. Skala understood the street side first floor space had to include an entrance to either Broadway or Ninth Street, and might include a separate doorway, entry spaces, and stair or elevator shafts that provided access to dwelling units on an upper floor level or behind non-residential building spaces. He stated he also thought it was highly irregular to put building elevations in a sewer vacation easement agreement. Ms. Thompson replied not necessarily. She explained the applicant was asking the Council to do something special, so in return the Council had the ability to

look at what they wanted for the property and whether it was a project for which they would be willing to release the sewer easement. She noted the City's problems with downtown sewers had been well documented over the course of the last two years, and the Council needed to be comfortable that the right they would give up to construct sewers at that location were warranted since it would interrupt an existing sewer easement. Mr. Matthes pointed out one issue had been that the sewer would be under what would be constructed, and that would have created a huge liability for the City. He understood CVS had accommodated the request for the new sewer to go around the building, which was why the issue was again before Council, but noted there were still other concerns with regard to the project.

Mr. Skala asked if the Council would not be a participant of future discussion and study of the actual building plan beyond the elevations associated with this agreement. Mr. Matthes replied current ordinances would rule, so it would be a staff decision with regard to whether to grant the building permit once this easement was released. Mr. Skala understood it would not come to Council. Mr. Matthes stated that was correct, and noted the building permit would be issued if the applicant complied with the ordinances as interpreted by staff. Mr. Skala commented that the Council did not know what was really inside other than what staff had indicated. Mr. Matthes explained staff currently did not feel the proposed building would meet the building codes and ordinances so a permit would not be granted. Ms. Nauser understood that was based upon the definition of a story. Mr. Matthes stated this was considered a mezzanine per the building code. Ms. Nauser commented that the building was technically two stories tall and believed staff was being too restrictive with regard to whether a story was a floor or a mezzanine. Mr. Matthes noted that was the reason staff was open for clarification from the Council.

Ms. Nauser understood the elevations, etc. were provided because of the sewer easement, and typically plans were not provided to Council. Mr. Matthes stated that was correct, and explained that argument would have occurred at the administrative level.

Mr. Trapp asked if there had been public comment when the Council was considering amendments to the C-2 zoning with regard to the definition of a second floor. Mr. Teddy replied he thought it had come up toward the end of the process. He believed there had been public comment that there should be a minimum, but it had not been included in the draft that had been reviewed by the Planning and Zoning Commission. Mr. Trapp recalled it being an amendment after public comment was taken and had occurred at about 12:30 a.m.

Ms. Peters asked if the intention was known when the C-2 zoning ordinances had been amended by Council. She wondered if the intention had been for two functional floors. Mr. Thomas replied he was under the impression that they were discussing two floors of usable space because it would create the possibility for mixed-use buildings, which he believed relieved pressures on public infrastructure systems. He felt it would also increase the value of the space, number of jobs, number of residents, the amount of property tax generated, the amount of sales tax generated, etc. He believed that would make for a vibrant and successful downtown district.

Mayor McDavid asked how much money the City was spending for the services of Clarion. Mr. Teddy replied the contract had a not to exceed amount of \$150,000. Mayor

McDavid understood the City was spending \$150,000 to produce a form-based zoning code for downtown, and stated he did not doubt they would accept it since there was enthusiasm with hiring them. He noted that meant physical form would be considered over the use of the property for zoning decisions. He commented that the CVS proposal had the look of a two-story building in his opinion. Mr. Teddy agreed the profile of the building was at a two-story height. Mr. Matthes explained that was the reason clarification by Council would be appreciated.

Mr. Skala agreed the City had spent a lot of money on Clarion, but pointed out they had not voted on what Clarion had recommended, and some items could be tweaked. The current zoning code was what they had as the law at this time, and the intent of the amendments to the C-2 zoning code was to establish mixed-use facilities. He noted he agreed the proposed building was 24 feet tall, but he also agreed with staff in that it was not a two-story building with the second level being a mezzanine.

Robert Hollis, 1103 E. Broadway, provided a handout and explained he was an attorney representing CVS, and commented that he believed this was an atypical situation. He felt this would normally come to Council as a consent agenda item because it was essentially a ministerial decision. He stated the City would be assured the site was redeveloped beyond the standards required by the zoning codes per the agreement. The City would also be assured that the off-site sewer would be constructed by CVS. He noted once CVS redeveloped the site per the agreement, the existing sewer easement would be released. He commented that final building plans had been submitted and reviewed, and there was only one substantive comment, which was that Council could decide if the design shown met the interpretation of Code when it considered the easement release agreement. He provided a history, which included the denial of a rezoning in October, 2013, and explained the reasons for denial were the desire for two stories, pedestrian access off of Broadway, and architectural enhancements. Afterwards, new building plans were completed and the site was redesigned so it fit within the existing zoning, but those building plans had not been approved because the law changed in August, 2014 requiring two stories and an entrance off Broadway. In December, 2014, CVS redesigned the building plans so the building was two stories and had an entrance off of Broadway with the understanding the off-site sewer would not be constructed. This new redesign had been denied because off-site sewer had not been included and there was uncertainty with regard the second story and dumpster location. He believed those three issues had now been resolved. He commented that the documentation he had provided by outside experts confirmed the building plans included a second story.

Ms. Peters understood the CVS project had been denied in October, 2013 because the building plans lacked two stories, and questioned why that was still being discussed two years later. She asked why CVS was not willing to build a second floor. Mr. Hollis replied he did not agree with the statement that CVS was unwilling to build it. He explained the property had open zoning so they only had to obtain building permits, but they had been really concerned about the City's plans with regard to development for the northwest corner as those plans had not been solidified at that time. They decided the best way to deal with that situation was to rezone the site even though it was not necessary as it would provide more

flexibility, but there had not been a requirement for two stories at that time. The redesign in 2013 after the rezoning request was denied did not include two stories because it was still not required and Council approval was not necessary since it would be on a site with open zoning. The law changed in August, 2014, which then required two stories by law.

Fred Berry understood the City was claiming there was a revenue shortfall due to internet sales, and he did not agree with that statement because he felt that was a small percentage of purchases. He believed the real problem was the number of business service people that lived in surrounding towns because it was too expensive to live in Columbia. He felt the Council viewed the budget and strategies as a zero sum game in terms of how the money would be allocated, so they then became involved in nuance discussions that did not help the City. He noted the City needed a growth strategy instead of a strategy on how to allocate the money. He commented that it was very hard to do business in Columbia, especially if one was trying to start a business. He suggested they make it easy for people to do business if they wanted people to move to Columbia. He believed a lot of what had been discussed by Council today should be handled by the staff, and that the Council was wasting their own time and the public's time. He stated Columbia needed more police officers, and he did not feel that would happen with this strategy. He commented that it would only happen if they grew the economy of the City, and that meant making it easy for the private sector to do business.

Rosie Gerding, 101 S. Fifth Street, stated she resided in a building located immediately across from Flat Branch Park on Fourth Street. She commented that she and her husband were among many private citizens that had made donations to help ensure the park was nicely developed, and noted they cared about what happened to it, which was why they objected to the design proposed by CVS. She explained the ordinance the Council was considering tonight created a link between the sewer easement and the building design. Due to this link, she believed it was clear that there would not be any opportunity for further public or Council discussion regarding the design of the building if the Council voted in favor of vacating the sewer easement, and at that point, it would be solely up to staff to make the decision. She pointed out the Council had been shown great examples of what CVS could build in past meetings, so there was ample proof CVS would build what the community wanted if the community insisted. She felt the building design mattered because it sat next to Flat Branch Park. Regardless of the environmental regulations that might apply, the closing of an additional 157 linear feet of Flat Branch Creek and the excavation of the site so close to the Creek could only have an adverse impact, and was the reason a second story on the building mattered. A building with a full second story had adaptive reuses going forward that a building with a partial, fake second story or mezzanine did not. If they had to inflict injury on the Creek, she suggested they only do it once every 90-100 years instead of every 20-25 years because the building had grown obsolete. The proposed building was not technically two stories high. It was a 24 foot tall building with one story. She commented that she believed a true front door on Broadway mattered, and this design did not have an entrance on Broadway. The proposed beveled door facing Providence Road led to a corridor that led to the middle or back of the building, and did not promote the collective vision of a pedestrian-centered walkable downtown. She noted the Council had the power and obligation to

negotiate a better deal for the citizens of Columbia and the property owners that had invested in restoring downtown historic buildings.

Ms. Nauser understood Ms. Gerding's husband owned a business in the downtown and asked if he would approve of having a front door at the back of his building. Ms. Gerding replied her husband's business was an accounting firm and not a retail business. Ms. Nauser explained she was trying to understand why they would want to require a front door, which was essentially at the back of the building. Ms. Gerding stated she believed pedestrians would approach it from that side, and would not walk through the parking lot to get to the door that serviced automobiles. Ms. Nauser commented that since it was a retail establishment they would not want to provide access at a point where there was not a cashier in case someone tried to shoplift.

Geneva Moody, 1421 Torrey Pines Drive, commented that she believed it was time to make the decision to allow CVS to proceed with their store. She noted she fully supported the proposal as it would generate a lot of tax revenue, which was needed to fund police officers and other necessities. She was not aware of any detriment of this development.

Nick Peckham, 15 S. Tenth Street, stated he was representing the Downtown Columbia Leadership Council and explained they were opposed to this for several reasons to include the fact the sewer easement was tied to a set of building plans because it was essentially asking the Council to grant them a building permit. He thanked Mr. Teddy for providing the clear definition of a floor, which for better or worse was what the Council had passed. He understood City staff had contacted the International Code Council in Chicago, Illinois, and it was clearly stated a second floor went from wall to wall. It was not a mezzanine. He pointed out some buildings had more complex shapes, but this was a rectangular building with a mezzanine. He suggested the Council separate the sewer easement issue from the building permit issue if they felt the need to grant the easement. He stated he also felt the comments Ms. Gerding made with regard to Flat Brach Creek deserved some consideration because placing a parking lot across the Creek with a high retaining wall facing the Park did not seem to be a sound decision. He noted this was the western entrance to downtown Columbia, and a benefit of form based zoning was that it created buildings that had a form which was appropriate to the community. The proposed building did not appear to be congruent to the form of a historic structure or more recently constructed structure in downtown Columbia. It appeared to be a shopping center building. He urged the Council to either vote against this ordinance or to at least separate the building plan issue from the sewer issue.

Ann Peters, 3150 N. Route Z, explained she was a former member of the Planning and Zoning Commission and believed the intent with the interim C-2 zoning ordinance was for two stories to be two stories per the International Code Council. She felt CVS was trying to game the system. The City had been dealing with this issue for two years, and CVS was inching their way forward by trying to convince Council to grant them a sewer easement. The sewer easement was the leverage held by the City to get the plan that should have been submitted two years ago. She asked the Council to vote against this ordinance.

Deanna Walkenbach, 407 Pyranees Drive, commented that she believed the Council needed to acknowledge the interim C-2 zoning ordinance was in place and the law at this

time. She stated she did not believe the CVS proposal was a two-story building. She felt the Council should vote against this ordinance if CVS chose not to adhere to the current zoning codes, which included the requirement for a two-story building, and noted other communities that had done it had been successful. She believed CVS would come back with a better plan if they truly wanted to be good citizens of Columbia, and commented that they had not been a good neighbor over the last two years as they had refused to comply with most if not all of the requests made of them. She pointed out they had complied with the requests of other communities, to include North Kansas City. If the Council chose not act on the C-2 zoning requirement and did not respect the bargaining opportunity the applicant had provided by linking the release of the sewer easement to the building design, she thought they would further erode the citizens' trust of the City's processes. Allowing City staff to make the decision regarding interim C-2 zoning compliance was a bad idea as it was a legal zoning matter, and needed to be the decision of the Council. She asked the Council to make the right decision.

Pat Fowler, 606 N. Sixth Street, stated she was representing the Historic Preservation Commission (HPC) and displayed a few images of other CVS stores throughout the nation whereby CVS occupied the first floor of multi-story buildings. She noted the HPC had held a half-day retreat in which it spent most of its time discussing the CVS proposal in order to satisfy a request made by the Council on April 6, 2015, and had come up with some guidelines, which included brick with limestone accents, the elimination of spray-on insulation, the removal of oversized blocks and fake glass, etc. She commented that they liked the elevations one of the Council Members had discussed publicly in November, 2014. They felt a true entrance on Broadway was historically appropriate and was a pedestrian-friendly way to build. They believed the entrance needed to be more than a visual feature. In terms of the concern for two entrances, she pointed out the CVS building in North Kansas City had a two real entrances. One served pedestrians and the other served automobiles. She displayed a photo of a retaining wall, and asked the Council to require a decorative retaining wall so it looked like the retaining and decorative walls at Flat Brach Park. She also displayed photos of the CVS in North Kansas City and described the features of that building. She understood there had been a lot of back and forth between CVS and North Kansas City, and CVS had built the building nine years ago. She asked for that same consideration for Columbia, and for the Council to ask CVS to negotiate in good faith in order to construct a better building.

Dan Cullimore, 715 Lyon Street, commented that he did not believe the entrance from Providence Road met the C-2 zoning requirements, and was also concerned because that entrance opened on to the proposed gateway, which was anticipated to be a public space, much like a park. He did not believe any other business had been allowed to have a landmark entrance at the expense of the public, and felt CVS should not be allowed to appropriate the future gateway for their exclusive commercial benefit. He pointed out CVS had not been a good player in this process. On April 6, 2015, the Council had denied a prior sewer release agreement and had asked the applicant and the Historic Preservation Commission to work toward a design that would respect the architectural integrity of surrounding structures, but Mr. Hollis had been unable to tell them if there would be signage

in addition to that which had been shown in the packet Council had received or whether changes could be made to the exterior design and materials. He noted Mr. Hollis had only indicated CVS would be hiring a new design firm. He pointed out the drawings attached to this agreement tonight had the same architect stamp as previously, and wondered what happened to the new architect. If Council approved this ordinance tonight, the City would get what the agreement indicated, which were the minimum standards essential for compliance with the agreement. He reminded the Council that the entrances to the Second Missionary Baptist Church, the Blind Boone Home, and the entrance and dining patio for Shiloh would be across the corner from where they were proposing to locate the dumpsters.

John Clark, 403 N. Ninth Street, wondered why CVS would not just build an actual two-story building. The proposed ordinance could be best described as a sewer easement with approval of a site agreement purporting to address two violations of the zoning ordinance. If the Council approved the sewer release agreement, it was also approving the designs. He pointed out the building permit would likely be denied and appealed to the Board of Adjustment, so he felt the Council needed to be clear on the subject. He encouraged the Council to defeat this ordinance in its entirety to send a message to the applicant and staff that business would not be conducted in this manner. In addition to defeating this ordinance, he hoped the Council would direct staff to construe the current interim C-2 zoning ordinance to require two full functional stories. He agreed sales taxes would be collected from the development, but pointed out there would be more if the building was two or three stories, and it would not provide much of an increase initially since it would be siphoning sales taxes from other pharmacies in town. He commented that form based zoning did not only involve appearances, and noted it only placed more emphasis on appearances than uses. He explained it was very much about performance as well, which was why it should not be a one-story building.

Dan Moylan, 4607 Silverheel Street, Shawnee, Kansas, stated he was with CVS Health and explained they had worked on this project for many years to try to accommodate and become a part of the strong and vibrant community in Columbia. They had spent hundreds of thousands of dollars to get to the point they were at today, and had worked in good faith. They had worked to the best of their abilities to try to accommodate the requests and requirements of a process. He pointed out there were many opinions of what the building should look like, and they were one entity trying to listen and accommodate those opinions in designing a building that would be approved by the Council. He noted they had gone through great lengths to change their prototype so the store would face Broadway, but they had just heard someone say they did not want it to face Broadway. He commented that they had the potential to bring 2-3 stores to Columbia at about \$65,000 per store in additional sales taxes, and believed they would bring people from outside of the community to help generate sales taxes. He felt this was a clear request clouded by the intent to interpret a very straightforward Code of Ordinances, and believed the Code stated 24 feet in height was two stories. The Code did not indicate how large the second floor needed to be, and there was no way to tell what was above the first floor at any of the stores shown in the Kansas City area. He asked the Council to approve this easement vacation based upon the written Code.

Mr. Skala asked if those stores in Kansas City had full second stories. Mr. Moylan replied he could not say as he did not know what was on the second stories of those buildings, but noted the outsides of those buildings looked like they were two stories, similar to the proposed design for the Columbia store.

Mr. Skala understood CVS was already a presence in Columbia as a part of Target. Mr. Moylan stated that was not yet a completed deal.

Peter Yronwode, 203 Orchard Court, commented that he did not believe the proposed plans included a second story or met the intent of the C-2 zoning ordinances, and by accepting the sewer easement at this time, the Council would be capitulating to their cheap, money driven decisions to not accommodate the architectural necessities this site required. He urged the Council to not allow them to build a fake façade on one of the most important corners of Columbia, and to force them to do the right thing by rejecting the sewer easement.

David Barnett, 1109 Simmons Ridge Drive, Collierville, Tennessee, stated he was with Carlson Consulting Engineers, the civil engineer for this CVS project and noted the sewer relocation plans had been reviewed and approved by City staff with the only issue being the easement vacation. He explained the easement would be vacated upon completion of construction of this new public sewer main per City standards. He commented that the authority that had jurisdiction over the enclosure of the Flat Branch Creek was the Corps of Engineers, and they had reviewed and granted a permit based on the proposal. The section that would be enclosed was a highly disturbed portion of the Creek. It actually went under one of the existing buildings on the site, and was already enclosed by concrete on two sides. He pointed out a traffic study had been conducted a couple of years ago with regard to this site, which had been reviewed by City and MoDOT staff, and both entities had approved the proposed driveway locations. He noted they had a permit for the entrance on to Providence Road from MoDOT already.

Carol Stevenson, 3212 Shoreside Drive, pointed out the subject property had been purchased in 1979 by Mark Stevenson, who then began to accumulate historical artifacts associated with the Ice Plant. She explained that in 1981, Mr. Stevenson had co-published a report explaining how the building on the site was important to Columbia historically, and in 2006, he had held a celebration for the 100 anniversary of the building. At that time, the Historic Preservation Commission (HPC) had shown no interest in the building. In 2007, she noted she had submitted to a report to the HPC for application for the Most Notable Property recognition and did not receive a response. She resubmitted the report in 2008, and in 2009 an award was given to the bricks in the City, but they had neglected the Ice Plant. Today, they were working with David Sapp and Chris Campbell of the Boone County Historical Society, and planned to donate the Ice Plant artifacts to the Society. She noted the HPC had ignored the Ice Plant for years, and their sudden attention was unexplainable, very belated, and unfunded. She felt the actions of the HPC were unproductive and obstructive, and asked the Council to ignore them. She encouraged the Council to attend the upcoming *History of Downtown Columbia* exhibit at the Boone County Historical Society as many of the Ice Plant artifacts would be on display.

John John, 33 E. Broadway, explained he was realtor who walked down Broadway 2-3 times a week to go to lunch, and 40,000 vehicles traveled by that site. He did not understand

how people could walk through the parking lot to Walgreens, but could not walk halfway down an entryway into this proposed building. He stated he rarely passed anyone walking until he got up to about Eighth Street. He understood everyone wanted a second story and noted they had tried to lease the second stories in buildings in the area, but it was too far away from where people wanted second stories. He noted there were a lot of vacant second stories, and explained one a block away had been vacant for 15 years. He did not believe it would be productive to build more vacant second stories. He commented that he was concerned with the number of times the City had asked for changes. CVS had presented plans and had been ready to begin construction twice, but the Council had held up the project both times. He understood the plans that had been initially presented by CVS had met City Code, but the City staff did not like it, and this had allowed time for the Council to change the Code. He asked how many times CVS would be required to come back to Council due to people changing their minds with regard to what they wanted. This project would assist with jobs and create competition so there were better prices. In many college towns, CVS stores included walk-in doctor facilities, which he thought would be nice for the downtown. He believed this project would help downtown Columbia and the citizens of downtown Columbia, and turning the project down would only help Walgreens.

Roger Fries, 3512 Hedgewood Drive, commented that he had previously worked in site selections for a large fast food company and noted he would have walked away two years ago if this situation had occurred on one of his projects. He understood there was a sales tax lag and suggested the Council not ask for an increase in sales tax when they were scaring away businesses. He stated CVS did not want to be a landlord, and he did not understand why they should be forced to build a finished second floor as long as it fit architecturally from the outside as it was a waste of time and money.

Matt McCormick, 300 S. Providence Road, stated he was the President of the Columbia Chamber of Commerce and explained the Chamber did not get involved with individual zoning cases for individual companies, but thought the process associated with this CVS project had been asinine due to the changing of the rules arbitrarily. He felt the rules had arbitrarily changed since it happened 12:30 a.m. as that did not allow for due process. He commented that he felt the process associated with this project was an embarrassment and was not how business should be done in a community as great as Columbia.

Donn Fizer, 1200 Corporate Drive, Birmingham, Alabama, noted he was with Orange Development and explained that when the request of CVS to rezone the property had been denied in October, 2013, there was not a requirement for a two story building. The Council had just indicated that they would like to see two-story architecture and some levels of enhancements, and they had listened. He stated they had met individually with Council Members, met with staff, etc. He felt they had done everything possible, and it did not appear to be enough. He understood the sewer had always been an issue, but CVS did not feel it was their responsibility to be tasked with upgrading the sewer, and had put money into the architecture instead of the sewer. The City had indicated the sewer had to be addressed so they modified their budget to address the sewer. In terms of the two-story architecture situation, he pointed out he believed they were compliant. He referred to the letters provided by Mr. Hollis and stated this was not a mezzanine. He commented that a second story was

defined by use, and the upper level would house offices and include an elevator. In addition, there was ingress and egress capacity. He believed it was a second story. He noted the City sales tax would be \$65,000 per store. He explained they needed to demolish the existing structure and install the new sewer prior to the sewer easement being vacated, so they were making a large capital investment without knowing when a building permit would be issued. He stated he did not feel this was a bait and switch situation, and that it was a situation of assurances. They would deliver two-story architecture with a great looking architectural building.

Ms. Thompson commented that there had been a continued reference to the building code and the International Code Council (ICC) as it related to the definition of a second story by the public, and pointed out the letter provided by Mr. Hollis indicated the ICC did not provide direction and using definitions in the building code to address planning requirements was not the intent of the International Building Codes (IBC). She wanted to ensure this was understood by the Council as there was a difference between the zoning code and the building code.

Mayor McDavid stated he intended to support this ordinance, and noted he found the history of this project to be tedious and embarrassing. He thought, as a city, they needed to be predictable and consistent. He believed they needed to lay out a set of clear rules so anyone building a development knew what was needed and anyone selling a property knew how that property could be used. He pointed out he did not believe CVS was faultless due to the sewer issue, which was only recently resolved. He commented that even the staff was confused with regard to the two-story issue, and he believed the building looked like it was two stories. He noted the City was spending a lot of money on form based zoning because they felt form meant something, and if this failed tonight it would be due to government overregulation. He thought it was time to allow CVS to move forward with this project.

Ms. Nauser commented that she was concerned with Council legislating by project. In the past, it involved light fixtures, and today, it was the definition of two stories. The C-2 zoning ordinance indicated 24 feet in height, which this proposed project met. It also indicated there was not a minimum requirement for a floor area, which made her question the need for an entire second floor. She believed that the C-2 interim zoning ordinance was passed solely to thwart growth and development in the downtown, and felt that was supported by the legislative history on the CVS store. The interim C-2 zoning required street-side non-residential first floor space and for those spaces to include entrances on Broadway and Ninth Street even when the initial plans had delineated the entranceway facing south. She noted the two-story requirement had also been included after finding out the CVS design was only one story. She reiterated the interim C-2 zoning changes were in response to the Opus and CVS projects. The height restriction of 120 feet or ten stories was included due to a potential 19-story student housing project. She reiterated she felt the changes to C-2 zoning were in response to developments that were unpopular with some in the community. She understood some would argue the \$65,000 in sales tax that would be generated by CVS would come from other stores within Columbia, but noted some employers in Columbia had CVS as a preferred pharmacy, which would allow many people the option to obtain medications at a discounted price. She believed competition was good as it caused lower

prices and provided choices for consumers. She stated jobs were needed in the community, and CVS would provide jobs in the First Ward. She commented that the First Ward average median income was \$18,000 while the average median income of the Fourth Ward was \$85,000. The majority of those in the First Ward had a high school diploma while the majority of those in the Fourth Ward had a graduate degree or above. She noted the unemployment rate in the African-American community was at 15 percent, and only four percent for those that were white. She pointed out the City did not have architectural controls or standards like many other communities, and explained that she would not want that because everything looked the same in those communities. She stated she loved the eclectic nature of downtown. She believed they were holding up a project in the community that would bring jobs, sales taxes, property taxes, etc. She understood Walgreens paid approximately \$42,000 a year in property taxes to the Columbia Public Schools, and noted if the CVS property appraised at an amount near what the Walgreens property had appraised at, another \$42,000 or more would go to the Schools to help with the achievement gap and to provide the quality education they expected in the community without creating a burden on the Schools. She stated she would vote in favor of this project since it would provide more money for the Schools and create jobs, and because she felt the Council needed to be consistent in how they legislated. She commented that if the City wanted architectural controls, the City needed to pass the appropriate ordinances. She did not believe this development should be held up for architectural reasons.

Mr. Skala stated he would vote against this sewer easement vacation. He felt if they were going to legislate by ordinance, they needed to legislate with the interim C-2 zoning ordinance since it was currently law. He took offense to comments indicating the decision was made at 12:30 a.m. with no preparation or thought as he did not feel that was true. He noted they had discussed the H3 Charrette, gradients for building heights, etc. He agreed some of the changes were precipitated by the onslaught of student housing developments downtown that put pressure on the sewer exigency and electric exigency issues, and that was the reason an extra review process was needed for buildings over ten stories tall. He commented that he felt there had only been one change since the CVS project had come forward and that was the interim C-2 zoning ordinance, which was needed and in response to the community demanding that something be done to address the change in the character of the downtown. He believed building in the downtown should accommodate mixed-uses as those buildings would be around for a long time. He agreed with Mr. Thomas in that it was an investment, and did not agree with the comment that form based codes only considered how the development looked and did not consider uses as he did not feel that was true. He reiterated that the C-2 zoning ordinance was the law and should be followed, and he believed CVS would come back with concessions that were in the community interest.

Mr. Thomas recognized Mark and Carol Stevenson as they were locally focused business people who had worked hard and had given a tremendous amount back to the community, to include helping the Columbia Center for Urban Agriculture. He explained he hated voting against something that was in their better interest, but noted he had been elected to represent the community. He felt the Comprehensive Plan was the best documentation of community input they had, and the interim C-2 zoning was very consistent

that vision. He commented that this location deserved the kind of architectural and building design legislated in the zoning code at a minimum. He stated he was not opposed to CVS operating a pharmacy at that location, and would support it if the plan complied with the City's zoning code. He explained, today, he would vote against the vacation of the easement because it was clearly tied to the building design, which was not consistent with the vision of the community.

Mr. Trapp commented that the Council was currently considering a sewer vacation, which had a lower threshold or standard for approval. He explained he had voted against the CVS project when it had come forward for rezoning because it did not confirm with City plans. CVS then developed a plan utilizing the existing zoning, but it had issues with the routing of the sewers. Staff had now reached accommodation with CVS in terms of the sewer vacation. He agreed that when the City granted special privileges, it provided an opportunity for exactions or compromises that could improve the project for the overall benefit of the community. He pointed out he had voted against the interim C-2 zoning ordinance changes, but respected the will of the majority of the Council as that was how they ruled. He commented that he had reviewed the Planning and Zoning Commission minutes when they had discussed the interim C-2 zoning ordinance, and a second story minimum had not been discussed. He recalled that had not come forward in any form of public discussion or public input, and that it had been brought forth by former Council Member Ginny Chadwick as an amendment after public comment had been taken and that it was at about 12:30 a.m. He believed there was a lack of clarity in the ordinance because it had come up one time late at night, which was not the way to pass good law. He felt the law indicated two stories equaled 24 feet, and his vote was to instruct staff to interpret it as such. He commented that a lot of the architectural and design elements of the building were aspirational. The examples provided by Ms. Fowler were constructed in the architectural context of the surrounding area. The surrounding area of the CVS project in Columbia included the uninspiring Walgreen across the street and a strip mall with a payday loan. He believed the proposed CVS plan moved them in the right direction as it extended the feel of downtown since it was a taller building than the surrounding area, which had a lot of one-story buildings, especially the further they got from the center of downtown because there was less demand. He commented that he thought it was dangerous for government to overstep its bounds and to dictate the market. He did not feel a strict interpretation of the second floor guideline was appropriate or fair because CVS could have made a tactical decision that would have led to a different outcome if they would have tried to move forward with the existing zoning instead of requesting a rezoning of the property. He noted the City would get enhanced pedestrian infrastructure and a place people could walk, and pointed out walkability involved having a place to walk to in addition to pedestrian infrastructure. He thought it would be nice to have more shopping options for those living in the downtown. He commented that it had been entirely consistent and reasonable to have voted against this as a rezoning and to be supportive of it as a sewer vacation, and stated he would vote in favor of this tonight.

Ms. Peters stated she also appreciated the community involvement of Mark and Carol Stevenson, and would like to be able to approve this as she would like CVS to be in Columbia, but noted she felt a two-story building needed to have a second floor. She

believed the form needed to be appropriate to the area, and hoped CVS would come back with a building that would work in that location as she agreed with Ms. Nauser in that it would be helpful to collect more tax money.

Mr. Ruffin commented that he had spent a lot of time listening to both sides of this issue and explained he had been favorably impressed with the representatives of CVS in terms of their willingness to address concerns as he had heard them presented in the past. He stated he was in favor of CVS coming to Columbia as it would create jobs and opportunities and add to our tax revenues. He noted he had mixed feeling with regard to the process as it had been explained to him involving C-2 zoning and the history of the Flat Branch Creek. He pointed out he had a personal connection with the area and wanted to see the history of the area respected and honored in some way, and hoped CVS would continue to work to address some of these final issues. He commented that he felt he was caught between representing what he believed was best and representing what his constituents had indicated to him. Those who lived in the First Ward and had communicated with him had asked that he vote against this project. As a result, he was inclined to honor their opinions, and due to his limited knowledge, he was also inclined to respect the recommendations of staff. He noted he would vote against this ordinance.

B249-15 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, TRAPP, NAUSER. VOTING NO: PETERS, RUFFIN, SKALA, THOMAS. Bill declared defeated.

CONSENT AGENDA

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

- B240-15** Vacating a water and electric easement within Vesser's Subdivision Plat No. 2 located on the west side of Fourth Street and south of Conley Avenue.
- B241-15** Authorizing a consolidated grant agreement with the Missouri Highways and Transportation Commission for transportation planning services.
- B243-15** Authorizing a road improvement agreement with Boone County, Missouri relating to the Scott Boulevard Phase III project; appropriating funds.
- B244-15** Authorizing a first amended and restated development agreement with Jeffrey E. Smith Investment Co. relating to property located on the southeast corner of Nifong Boulevard and Bethel Street.
- B246-15** Authorizing a license agreement with Tripwire, Inc. to provide cybersecurity tools as part of the Energy Management System (EMS) implementation.
- B247-15** Accepting a conveyance for utility purposes.
- B248-15** Authorizing a program services contract with the Missouri Department of Health and Senior Services for the Teen Outreach Program (TOP).
- R137-15** Transferring funds to cover accrual payouts for employee retirements.
- R138-15** Transferring funds for the Columbia Financial Enterprise Resource System (COFERS) software project.

- R139-15 Approving the issuance of bonds by the Housing Authority of the City of Columbia, Missouri for a housing project.
- R140-15 Authorizing an agreement for professional engineering services with TREKK Design Group, LLC for post-rehabilitation flow data analysis for the Flat Branch-A, Flat Branch-B and Site 12 basin areas.
- R141-15 Authorizing an agreement for professional engineering services with TREKK Design Group, LLC for an Inflow and Infiltration (I/I) study of the County House Branch-D and Flat Branch-G basin areas.
- R142-15 Authorizing Amendment No. 2 to the agreement for professional engineering services with TranSystems Corporation for design of the MKT to Parkade Bike Boulevard project.
- R143-15 Authorizing the temporary closure of a portion of the sidewalk on the west side of Fifth Street between Stewart Road and Elm Street, near 413 S. Fifth Street, to facilitate the expansion of an electrical manhole.
- R144-15 Authorizing temporary closure of a portion of the vehicular lane and sidewalk on Fourth Street between Stewart Road and Conley Avenue, the sidewalk on the east side of Providence Road between Stewart Road and Turner Avenue, the sidewalk on the west side of Fifth Street between Conley Avenue and Turner Avenue, and a portion of the vehicular lane and sidewalk on Turner Avenue between Providence Road and Fifth Street to facilitate the construction of a student housing development at 604 S. Fourth Street.
- R145-15 Authorizing an operations agreement with Thumper Productions, L.L.C. for the 2015 Roots N Blues N BBQ Festival at Stephens Lake Park; authorizing an agreement with Adventure Tree, L.L.C. for an activity at the Roots N Blues N BBQ Festival.

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

NEW BUSINESS

- R146-15 Recognizing lieutenants of the Columbia Police Department as an appropriate representative unit of employees with a mutually acceptable community of interest separate from other Columbia Police Department employees.

The resolution was read by the Clerk.

Ms. Buckler provided a staff report.

The vote on R146-15 was recorded as follows: VOTING YES: PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R147-15 Adopting the City of Columbia, Missouri Strategic Plan – 2016-2019.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Ms. Nausser made a motion to amend R147-15 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Thomas stated he was very supportive of the Strategic Plan, to include the amendment that was just passed because implicit bias was an invisible negative force people did know they had. He thought being mindful of its existence and approaching everything with that in mind would go a long way in improving the community.

Mr. Skala commented that the Council and staff had spent an enormous amount of time on the Strategic Plan, and thought it had been wildly popular with the public. He also thought it served the community well. He noted he would proudly support it.

The vote on R147-15, as amended, was recorded as follows: VOTING YES: PETERS, MCDAVID, RUFFIN, TRAPP, SKALA, THOMAS, NAUSER. 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.

- B250-15** Amending Chapter 2 of the City Code to change the name of the city department of “Public Communications” to “Community Relations” and add a Utilities Department.
- B251-15** Amending Chapters 12A, 13, 17, 22, 25, 27 and 29 of the City Code as it relates to the creation of a utilities director and reorganization of the duties of the public works director.
- B252-15** Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.
- B253-15** Adopting the FY 2016 Classification and Pay Plan; providing FY 2016 salary adjustments relating to the Classification and Pay Plan; providing for a 2% salary increase for eligible employees; establishing an implementation date of September 27, 2015.
- B254-15** Rezoning property located on the north side of St. Charles Road and west of Elderbrook Drive (4515 St. Charles Road) from District A-1 to District R-1.
- B255-15** Approving the Final Replat of Landmark Subdivision – Plat 3 located on the south side of McAlester Street and the north side of Country Club Drive; authorizing a performance contract; granting a variance from the Subdivision Regulations relating to sidewalk construction.
- B256-15** Approving the Final Plat of Wyndham Ridge, Plat No. 3-A, a Replat of Lot D2 Wyndham Ridge Plat No. 3, located on the north side of Steinbrooke Terrace and east of Scott Boulevard.
- B257-15** Approving the Final Plat of Wyndham Ridge, Plat No. 3-B, a Replat of Lot D3 Wyndham Ridge Plat No. 3, located on the north side of Steinbrooke Terrace and east of Scott Boulevard; authorizing a performance contract.
- B258-15** Approving the Final Plat of Rock Bridge Christian Church Plat 3, a minor Replat of Lot 201 Rock Bridge Christian Church Plat 2 located on the north side of Green Meadows Road and east of Bethel Street.
- B259-15** Authorizing construction of street and sewer improvements along a portion of Discovery Drive, from the intersection of Discovery Drive and Discovery Parkway southeastward; calling for bids through the Purchasing Division.

- B260-15 Authorizing the acquisition of easements for construction of sanitary sewer improvements along the MKT Trail and Providence Road from Stadium Boulevard to Elm Street, more specifically described as the Flat Branch Watershed Relief Sewer Project No. 1.
- B261-15 Authorizing an STP-Urban Program supplemental agreement with the Missouri Highways and Transportation Commission for the Providence Road improvement project from Stadium Boulevard to Stewart Road.
- B262-15 Authorizing an agreement for conveyance of easements with Woodrail Home Owners Association No. 4 as it relates to the Forum Boulevard pedestrian bridge (GetAbout) project; vacating easements for sidewalk and drainage and temporary construction purposes.
- B263-15 Appropriating transit division funds to cover overages in personnel and fleet maintenance accounts.
- B264-15 Declaring the results of the election held in the City of Columbia, Missouri on August 4, 2015; reimposing a sales tax of one-fourth of one percent for funding capital improvements.
- B265-15 Authorizing amendments to PCS antenna agreements and memorandums of lease with T-Mobile Central LLC relating to the lease of property and space on the Shepard Water Tower (1160 Cinnamon Hill Lane) and the Walnut Street Water Tower (15 E. Walnut Street).
- B266-15 Authorizing a program services contract with the Missouri Department of Health and Senior Services for the Healthy Families America program.
- B267-15 Authorizing a memorandum of understanding with the Missouri Department of Health and Senior Services for the issuance of birth and death certificates and the associated technology resources.
- B268-15 Accepting a Walmart Community Grant to be used by the Fire Department for the purchase of physical training equipment for the Fire Training Academy; appropriating funds.
- B269-15 Appropriating funds to cover the costs of FY 2015 medical and prescription drug claims.
- B270-15 Appropriating funds to the Firefighters' Retirement Fund and Police Retirement Fund.
- B271-15 Appropriating FY 2014 General Fund savings to General Fund departments as part of the Incentive Based Budgeting Initiative.
- B272-15 Appropriating FY 2014 General Fund savings for projects identified by the City Council as part of the Incentive Based Budgeting Initiative.

REPORTS AND PETITIONS

- REP87-15 Zoning Text Amendment to Section 29-16(b) - Self-service storage facilities.

Mr. Trapp made a motion directing staff to draft a potential text amendment to Section 29-16(b) of the Columbia Code of Ordinances for consideration by the Planning and Zoning Commission with regard to the conditions applicable to self-service storage facilities in C-3. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP88-15 Columbia Imagined Implementation Report Card Update.

Mr. Thomas commented that he believed this was a really good strategy for any planning process that resulted in a report with recommendations in order to document exactly what those recommendations were and what strategies were envisioned to implement them with a timeline, who it involved, etc. He noted this would allow them to track whether the recommendations were implemented, and thought this should be extended to task force recommendations. It would allow people in the community to easily see what was recommended, what had been done so far, what had been planned, etc., and they could then lobby the Council to continue that momentum.

Mr. Skala stated he had viewed this on the website and noted it was comprehensive and detailed, and now that they had a template, he thought it was a good idea to apply this to other reports and plans. He recommended the public go to the City's website to view this information. He reiterated he hoped to broaden its scope if it did not take too much staff time.

REP89-15 Administrative Public Improvement Project: Remodeling Control Room at the Municipal Power Plant.

Mr. Matthes and Mr. Johnsen provided a staff report.

Mayor McDavid understood this qualified for the administrative process and opposition was not expected at any level. Mr. Johnsen stated that was correct.

Ms. Nauser understood this was mandated by NERC so they were required to do it. Mr. Johnsen stated that was correct, and explained a back-up center was needed somewhere.

Mayor McDavid stated it appeared staff had the consent of Council.

REP90-15 Hazardous Tree Removal - Stephens Lake Park.

Mr. Griggs provided a staff report.

Ms. Peters asked if the trees would be replaced. Mr. Griggs replied yes. Ms. Peters asked if they would be replaced with large shade trees. Mr. Griggs replied he thought they would be replaced with trees similar to what were there now. He pointed out the City had probably planted over 120 new trees since taking over the Stephens Lake Park property.

Mr. Skala asked if this had been referred to the Community Tree Task Force. Mr. Griggs replied he thought the emphasis of the Task Force was on private property. He noted the City Arborist, who attends the Task Force meetings, relays information back to them and other City departments. He explained they had shared their policies and procedures with the Task Force as well. Mr. Skala stated he would appreciate it if there was some contact with the Task Force in the future on items such as this. Mr. Griggs pointed out they did not remove trees quickly, and the City's foresters sometimes cringed with some of their time frames.

Mr. Thomas stated he had read that someone in Moberly had been hit on the head with a large limb from a dead or dying tree, and was badly injured and was now suing them. He believed this was a smart move.

REP91-15 Water and Light Advisory Board - 2014 Report to the People and Council.

Mayor McDavid noted this report showed a decline in water usage and stability in electric use over the last few years, even with an increasing population. He asked if this reflected moderate summers. Mr. Johnsen replied yes, and agreed those utilities very weather dependent.

Mayor McDavid stated he could not tell how much City customers paid for electricity because of Columbia's tiered system. In addition, he could not compare them to other communities.

Mr. Skala understood weather dependency was the significant variable, but asked if messages for conservation played a role as well. Mr. Johnsen replied he hoped it did since the City spent a lot of time, effort, and money on conservation programs.

Mr. Trapp commented that he did not believe the weather factor was as significant of a variable when looking at 10 years of data, and thought there was evidence that Columbians were doing better about conserving both water and electricity. In looking at the non-renewable energy sources, they were using less than they were in 2005, so they were moving in the right direction in spite of population growth.

Ms. Nauser understood the water level had been diminishing in alluvial aquifers due to more farm and residential uses, and hoped they promoted more water conservation in the future because she was concerned about diminishing groundwater supplies. Mr. Johnsen explained they were starting to put together an integrated resources plan for the water utility in preparation for their next bond issue, which would likely be in the 2017 and 2018 time frame, and would make a deliberate planning effort in that direction. Ms. Nauser understood the City had promoted rain gardens and native plantings in the past. Ms. Johnsen explained Columbia was lucky in that they had a good water supply, but that did not mean they should use it inappropriately.

REP92-15 Vision Commission Media Mention Report.

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

REP93-15 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, thanked the Council for backing the recommendations of staff in terms of the CVS project, and noted this was how they stood up for the Comprehensive Plan as a plan instead of just guidelines. He also thanked Ms. Peters and Mr. Ruffin, as new Council Members, for digesting the information and coming to a reasonable conclusion. He pointed out staff had asked the Council to direct them on how to construe the interim C-2 zoning code, and he believed the Council should do it. He stated he was unclear as to who drafted the ordinance, which he believed to be a disastrous conflation of two issues, and imagined it was likely Mr. Hollis, the attorney for CVS. He was also surprised by how it got to be on the agenda, and asked the Council to ask staff because he did not believe it should have gone to the Council in this manner. He noted he commiserated

with those that thought the City's processes were a disaster, but this was what happened when revisions to planning and financing were not made for 25-30 years.

Roger Fries, 3512 Hedgewood Avenue, thought the City needed to review its bus transfer points as he did not believe City buses should stop on four lane streets, such as Forum Boulevard, as it made a mess of traffic with people trying to get around the buses. The buses were not just stopped to drop off passengers as there were also times the buses were stopped for 10-15 minutes waiting for another bus to catch up to them. He suggested they speak with shopping center owners or apartment complex owners to see if transfer points could be moved off of the streets and on to parking lots as he believed it would make things safer.

Joe Alder, 511 Parkade Boulevard, commented that as a citizen he strongly supported the social equity issues presented as part of the Strategic Plan, and noted he was one citizen that would be willing to do the hard work in the long haul to implement that plan. He stated he also supported the work of the Mayor's Task Force on Pedestrian Safety, and thought it was unfortunate it took a number of incidents of injury and death to get it organized, but hoped good would come out of it. He explained he had been driving home from work on I-70 Drive Southwest a couple of weeks ago when he saw a stranded young black man with dark clothing in a manual wheelchair off to the side in the shadows. He noted the kid had lost his wallet, which had \$24 and his food stamp card, in a taxi cab and his cell phone was almost out of power. He stated the kid used his cell phone to call his 65 year old mother to pick him up, and luckily he had his wheelchair lift van so he was able to load him up to take him to a friend's house on Spencer Street to wait until his mom could pick him up. He thought they all needed to take a chance to connect with people they did not know to help ensure they had a safer and more equitable community. He believed this was also related to the shortage of police officers as people might feel more confident to reach out if they knew an officer might be by in 10-15 minutes if something were to go wrong. He commented that he had learned a lot from this experience, and asked the City to continue to keep up the good work with the Task Force and the social equity portion of the Strategic Plan.

Eugene Elkin, 3406 Range Line Street, stated he thought people should be more empathetic.

Mr. Elkin noted he appreciated the presentation of Ms. Nausser in which she presented wage information for different areas of the community and believed that needed to be repeated to the media.

Mr. Elkin commented that while traveling eastbound on Northland Drive, he nearly collided with a paratransit driver at 6:00 p.m. as the driver had taken over more than half of the road. He asked the City to look into this matter.

Mr. Elkin stated he delivered eight donated CC's pizzas to the Wilkes homeless shelter, and had provided sodas that he had purchased. He noted there were many others in the community that could do the same or more.

Ms. Peters asked for a status on the report they had requested with regard to ways to make Creasy Springs Road safer.

Ms. Peters noted she had received an e-mail regarding animals of people residing in the downtown peeing on concrete as it was permeating the concrete, and asked if staff could look into what other cities did and provide recommendations on how this situation could be improved.

Ms. Peters understood Eric Andersen and Associates had completed a review of the Police Department in 2012, and asked if the Council could receive an update as to how those recommendations were being implemented. Mr. Matthes stated a couple of updates had been provided in the past, which he could provide to her, and that he owed them another update.

Mr. Thomas stated he had received several calls on the same day from a constituent that had been very upset with regard to the standards of property management in the area he resided, which was along Walnut Street, and the City's enforcement of property codes. He noted the gentleman had not provided his name or number, and asked that this person call him again so they could discuss those issues.

Mr. Thomas thanked City staff for its work on the upcoming parking workshop. He understood the audit had been conducted and data had been collected. He explained the workshop would be held over two days. There was an evening presentation scheduled for 6:00 – 8:00 p.m. on September 22, and an all-day event on September 23 where the data would be analyzed and suggestions for policy recommendations would be made. He encouraged the Council to attend the evening event and observe the all-day event. He commented that he believed downtown parking was an important issue as the downtown became denser and more pedestrian-oriented, and he hoped this would result in a permanent downtown parking commission that would monitor the City's policies and plans.

Mr. Thomas asked staff to create a citizens handbook explaining the initiative petition and referendum petition processes.

Mr. Thomas understood the Code of Ordinance included rules in various locations on how to determine if sufficient infrastructure resources existed to serve a development, and asked if City staff could draft something that would pull all of that information together into one place.

Mr. Thomas asked for a report regarding downtown noise abatement late at night. He wanted to know what the laws stated and the City's enforcement strategy. He also wanted to know if there had been any violations or penalties in the past. He noted he had received a few complaints from downtown residents recently.

Mr. Skala explained he had provided the Council a handout at the Pre-Council Meeting regarding his thoughts on REDI and the Economic Development Director. It included three issues, and one was taxation with diminished representation as the taxpayer contribution had

tripled from 1988 to 2015. The other issues included an attempt to eliminate some conflicts of interest and improving within-government economic development coordination. He asked staff to find a strategy to incorporate these recommendations so Council could discuss it further at some point.

Mr. Skala stated he would like to recognize Mediacom for the new gigabyte internet service they would soon provide in Columbia.

Mr. Skala commented that a constituent had contacted him with regard to downtown parking in terms of the extended hours and the limitation of parking meters to only two hours. He understood merchants did not want people to stay in any one place for very long, but thought they might want to consider smart meters so people could extend time on a meter from their cell phones. He asked for a report on this issue to determine if they could resolve the issue of people having to leave meetings to extend meters.

Mr. Skala asked for a report with information regarding the ratio of rental properties to homeownership in areas contiguous to the Business Loop Community Improvement District (CID).

Mr. Skala asked for clarification regarding the differences in the crime data provided by a speaker tonight and the crime data provided to the Council by City staff. Ms. Nauser thanked Mr. Skala for asking for this information as she was interested in it as well. She wondered if the speaker might be referring to the recent shots fired incidents. She asked for information to be provided quarterly or every six months as it would be helpful. Mr. Matthes replied a report would be provided. He noted the definition of rape changed so those numbers increased nationwide. Ms. Nauser understood aggravated assaults and other incidents had gone up, but she did not feel a year's worth of data created a crime statistic. She pointed out she thought they were supposed to receive other information as well, to include the number of times the SWAT vehicle was used and the number police uses of force. She thought a report with all of this information would be beneficial.

Ms. Nauser stated she was currently gathering data with regard to the implementation of the Mayor's Task Force on Community Violence recommendations, and was hopeful City staff would continue that effort with a scorecard or dashboard.

Ms. Nauser understood the Columbia Police Department would be working on its strategic plan, and suggested they incorporate dialogue with the community by meeting with people in different areas of the community to obtain input as to what they felt that strategic plan should incorporate. She thought the money included in the budget for community policing could be used in that effort.

Ms. Nauser noted a recommendation of the Mayor's Task Force on Community Violence was for two City staff people to participate in the Boone County Offenders Transition Network, one of which would be a police officer. She explained this had not yet taken place to her knowledge and asked that it be done.

Mr. Trapp reiterated the comments of Ms. Nauser in that they hoped City staff would be assigned to create a dashboard for the recommendations of the Mayor's Task Force on Community Violence similar to the one created for the Comprehensive Plan so it was easier to reference.

Mr. Trapp noted the Boone County Offenders Transition Network had moved from general monthly meetings to quarterly meetings that were more like summits, and understood the next meeting would involve a presentation by social service agencies. He thought Steve Hollis might be a good person to help determine which City staff people should attend.

Mr. Trapp explained the MoDOT bridge replacement project had highlighted the connectivity issues between the north and south sides of Columbia, especially with regard to pedestrian facilities since they had temporarily lost the sidewalks on Range Line Street and Garth Avenues. It had really brought attention to the state of pedestrian infrastructure on Providence Road. He understood the sidewalks on the east side of Providence Road had been widened, but crosswalks were only placed on three of the legs at Vandiver Drive/Leslie Lane and Providence Road. He noted he would like to add the fourth pedestrian leg at that location because it was unreasonable for people to cross back to Leslie Lane/Vandiver Drive. He explained people tended to cross mid-block due to the destinations, and thought the fourth leg needed to be added. He asked for a report with the costs, traffic times, etc. to accomplish that fourth leg.

Mayor McDavid stated he did not understand where Mr. Skala was coming from with regard to REDI and felt he was the only Council Member to complain about REDI. He urged the Council to read the annual report of REDI as it was a robust organization that accomplished a lot. They were ranked number one in economic development in 2013. He thought it was the best collaboration he had been involved in among different governmental entities as it included Boone County, the University of Missouri, Hallsville, Centralia, and Ashland. He noted one of the four main goals of the University of Missouri was economic growth and economic development so they were very active partners in REDI and REDI had done a lot to help the University bring companies to Columbia.

Mr. Skala explained he was trying to make it a better organization that it was already, and suggested Mayor McDavid read the materials that were distributed.

The meeting adjourned at 11:32 p.m.

Respectfully submitted,

Sheela Amin
City Clerk