

MINUTES OF UNIVERSITY CITY COUNCIL
REGULAR SESSION
April 12, 2010

At the Regular Session of the City Council of University City held in the Chambers of the City Hall, on Monday, April 12, 2010, Mayor Joseph Adams called the meeting to order at 6:30 p.m. In addition to Mayor Adams, the following members of the Council were present:

Ms. Lynn Ricci
Mr. Terry Crow
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr.

Mr. Wagner and Mr. Price had accused absences.

Also in attendance were City Manager Julie Feier and City Attorney John Mulligan.

C. PROCLAMATION

1. Councilmember Robert (Bob) G. Wagner proclamation was introduced by Mr. Glickert and approved unanimously.
2. Mayor Joseph L. Adams proclamation was introduced by Mr. Glickert and approved unanimously.

Mayor Adams also had an unveiling of his portrait that will be hung in the Council Chambers on the fifth floor.

Mayor Adams thank all for giving him the honor for serving this great city of University City for many years. He gave recognition to his mentor Nathan Kaufman, to Joe Mooney and to Janet Majerus. Mayor Adams referenced Isabella Baumfree, an African-American in earlier history, who changed her name to Sojourner Truth because she wanted to be a traveler of truth. He said that too has been his goal in his service to University City.

D. APPROVAL OF MINUTES

1. March 22, 2010, Study Session minutes were moved for approval by Mr. Sharpe, and were approved unanimously.
2. March 22, 2010, Regular Session minutes were moved for approval by Mr., Sharpe and were approved unanimously.

E. APPOINTMENTS

1. Nova Felton was reappointed for a second term to the Plan Commission by Mr. Crow, seconded by Mr. Glickert and was approved unanimously.
2. Rory Ellinger was reappointed the the T.I.F. Commission by Mayor Adams, seconded by Mr. Sharpe and was approved unanimously. Mayor Adams stated that this T.I.F. Commission will end by end of 2011.
3. Stacy Clay and Gloria Nickerson were appointed to the Economic Development Retail Sales Tax Commission by Mayor Adams and seconded by Mr. Crow. Mr. Clay was to replace Ms. Bern from the School Board and Ms. Nickerson was to replace Gordon Meyers who was appointed as a representative from Ward One.

Ms. Ricci stated that there were no openings on the Economic Development Board. Mayor Adams said that as it was set up for some people to rotate off after two years. Ms. Ricci questioned the appointment as it was not listed on her agenda. She asked who was

rotating off and Mayor Adams stated it was Ellen Berns from the School Board and Gordon Meyers. Ms. Ricci stated that she did not have an application and Mayor Adams stated that Ms. Nickerson's application was placed on their desks on the dais. Ms. Ricci raised a Point of Order as it was not on the agenda.

Mr. Glickert asked how long he knew of the two vacancies and Mayor Adams noted he was told mid-week of the previous week. Mr. Glickert noted that Council has the right to look at all applications for appointment and he did not have any until right at the start of this meeting. Mr. Glickert moved to continue the appointments until the next Council meeting, May 3, 2010, and was seconded by Ms. Ricci. Ms. Ricci asked that Council and the community have a chance to review the applications to be sure they are qualified and for community transparency, so she would like the vote to be postponed until the next Council meeting.

Mr. Crow stated that he has the application in front of him and would like to harken back to a few months ago that the notice he received for a termination of the City Manager was less than eight hours. He said an appointment to a commission and he is quite comfortable with this.

Voice vote to postpone till May 3, 2010, was:
AYES from Mr. Glickert and Ms. Ricci
NAYS from Mr. Crow, Mr. Sharpe and Mayor Adams

Motion to postpone failed.

Mayor Adams moved for the appointments. Voice vote was:
AYES: from Mr. Crow, Mr. Sharpe and Mayor Adams
NAYS: from Mr. Glickert
ABSTAIN: Ms. Ricci due to the fact that she did not have time to review application.

Appointments of Mr. Clay and Ms. Nickerson to the Economic Development Commission had passed by a majority.

Mayor Adams said that according to the City Charter she could not abstain and Ms. Ricci said the vote to abstain according to the Charter only applied to the Ordinances.

F. SWEARING IN

1. Barbara Romero was sworn in to the Arts and Letters Commission in the City Clerk's office.
2. Melcine Henderson was sworn in to the Arts and Letters Commission.

G. PUBLIC HEARINGS

H. CONSENT AGENDA

1. Four marked police cars to be purchased through the State contract with Don Brown for \$20,131 each and
2. Approval of the yearly Forestry Plan
Ms. Feier pulled the consent calendar and placed both items under the City Manager's report at Ms. Ricci's request to discuss the Forestry Plan.

I. CITY MANAGER'S REPORT

1. Four marked police cars to be purchased through the State contract with Don Brown for \$20,131 each

Mr. Glickert moved for approval, was seconded by Mr. Sharpe.

Mr. Glickert asked to have the procedure in regards to a state contract explained. Ms. Feier stated that in certain instances we are able to go through the State's procurement program. With the State's process the City then did not have to go through the process of sending out bids.

The voice vote to accept the motion for approval passed unanimously.

2. Approval of the yearly Forestry Plan

Ms. Feier stated that this is the second Forestry Plan up for Council adoption since the ordinance was adopted several years ago. Ms. MacCartney was present for any questions.

Ms. MacCartney stated this annual report created by the City Forester Mr. James Crow in which he developed an annual plan and takes it in front of the Urban Forestry Commission for approval. The commission unanimously adopted it.

Mr. Glickert stated this was a good plan and commended the Forestry department for their hard work especially in the area of tree removals. He noted that not as many were scheduled for removal this year and asked if the City was where it should be on tree removals needed. Ms. MacCartney noted that the ultimate goal is to add more trees than what is removed.

Ms. Ricci thanked Ms. MacCartney for sending last year's plan but asked what the differences from that plan to this year's plan was. Ms. Ricci asked when the Council approved it last year, as she could not find it. Ms. MacCartney stated that she could not find it in her computer and the one she forward to Ms. Ricci was from two years ago. She did not know if Mr. Crow submitted it directly to the City Clerk's office or the City Manager's office last year.

Mr. Crow moved to accept the Forestry Plan, seconded by Mr. Sharpe and was approved by voice vote unanimously.

3. Susan J. Beeler with the State Auditor's office was present to provide an overview of the City's upcoming petition audit process.

Ms. Beeler an Audit Manager with the State Auditor's office, P O Box 869, Jefferson City, MO. 65109, phone number is 573-751-4213. She stated that they were petitioned to do a audit of the city and this meeting was to introduce themselves and explain the process and answer any questions. Under RSMO Section 29.230.2 explains the provision for a petition audit process and how it gets going. The number of signatures required is based on ten percent of the number of voters who voted in the last Governor election which would be 2,230 for University City and the petition had 2,881 signatures verified by the County Clerk. The estimate for the audit is \$60 to \$80 thousand dollars which is just the actual cost and if it comes in under they only bill for actual cost. Mr. Beeler said that in a few weeks they will

have a petitioner's meeting where they will talk to the chief petitioner and a few select people she wants to bring to the meeting to document their concerns, which remain confidential. Ms. Beeler said they will start the field work in two to three weeks. They are anticipating that it will take two to three months to complete the audit. Once the audit is done they will prepare a draft report and once it has been reviewed they will have a closed session meeting under RSMO 610.021 (17) with the Council. When they have their exit conference and discuss the concerns and findings, they will take questions and discuss anything Council will have and get their responses. The final report will then be made in a couple of weeks from the exit interview with the Council in private session. Ms. Beeler stated that the entire process will be several months. When finished with the process there will be a public report usually delivered by the State Auditor. She stated that the main thing they will be reviewing is FY10, although they will not limit themselves to that. The actual audit process will include several different areas in the City, including some financial areas but they will not be issuing an opinion on the financial statement as what the City's independent auditor does, so this is not a replacement for what that auditor does. Ms. Beeler stated they will not be duplicating the auditor's work but will review it to see what has been done. She said they also do general compliance work as looking at the handling of the Sunshine Law, general management practices as bidding, use of cell phones, vehicles, etc, and budget law. Ms. Beeler stated that they are required by law to audit all courts so when they are doing a petition request they will also do an audit of the courts. There is no charge to the City for this. This audit was done in March and should be ready in another month or two.

Mayor Adams stated that if he understood it correctly that their audit does not replace a regular City audit, so next year the City will have to do a regular audit.

4. Parks' Director Ms. MacCartney reviewed the proposed Park Fee Schedule carried from Council meeting of March 22, 2010.

Mr. Glickert asked to revisit the issue of the golf carts. He stated he was not in favor of a golf cart increase, single use or double use. Mr. Glickert said it appears that the City generates about \$90,000 a year in cart revenue and asked Ms. MacCartney if she agreed with that, which she said approximately. He said on expenses the lease for the cart is about \$15,000 which he asked Ms. MacCartney if she agreed and she said currently. Mr. Glickert said that gasoline is a big one and he agreed with Ms. MacCartney figure of \$22,000. He agreed with Ms. MacCartney on the figure of \$8,000 for accidents to the carts. Mr. Glickert stated that with the projected revenue minus the expenses, the golf course is generating \$40,000 to \$50,000. Ms. MacCartney stated that the profit made in one area needs to be compared to the whole golf budget not to just the cost in one individual line item and what the market can bear. She said the cart fee has not changed since 2003 and lease, fees and gasoline prices have gone up. Ms. MacCartney stated that the golf budget is exactly at 101 percent cost recovery for the FY 11 budget.

Ms. Ricci thanked Ms. MacCartney for the additional information she requested. She stated that she would like to talk to Ms. MacCartney about all the cost recovery programs under golf. She noted that the last time the Park's policy has not been considered since 2006 and thought that should be something to be considered. Ms. Ricci was also concerned that Mr. Price was not present to discuss his concerns. Ms. Ricci said her motion to the Council is to postpone vote on this until the May 3, 2010, meeting, at which time Mr. Price could weigh in and maybe at that time review our Park Policy but asked Mr. MacCartney if this was time sensitive.

Ms. MacCartney stated that as of 2 p.m. this day the recreation brochure had to be finalized for the summer and the ones in the brochure are the recommendations of the Parks' Commission. She said she would sit down with the Council in a Study Session to discuss Park Policies.

Mr. Sharpe asked if the scholarships that are offered are utilized by the citizens. Ms. MacCartney said they have assigned \$25,000 for scholarship and ones given out amounted to about \$20,000 a year with the majority of those going for day camps. They do get more requests for scholarships than what in turn are used. Residents are sent approvals but never hear from them again.

Mr. Glickert moved to keep the current cart fee schedule in place for one more year and was seconded by Ms. Ricci.

Voice vote to keep the cart fee at its current price failed with Mr. Glickert and Ms. Ricci voting AYE and Mr. Crow, Mr. Sharpe and Mayor Adams voting NAY.

Mr. Crow moved to accept the Park Fee schedule as submitted and was seconded by Mr. Sharpe. Voice vote to accept the schedule was approved by the majority with a Nay vote from Mr. Glickert.

5. Conditional Use Permit for restaurant on Delmar known as Snarf's (previously Soles and Blues location).

Mr. Crow moved for approval of the Conditional Use Permit, was seconded by Mr. Sharpe and was unanimously approved by voice vote.

6. Memorandum of Understanding (MOU) between the City of University City and International Association of Firefighters Local 2665, regarding compensation and related matters reflects compensation and related items currently in effect. The last agreement was signed September 2006. Ms. Feier noted the changes to the agreement conformed to internal policy and procedure updates since the last signed agreement.

Mr. Sharpe moved for approval of the MOU.

Mr. Glickert noted that this could be rescheduled receive the 2006 MOA for comparison. Mr. Glickert moved to postponed a vote on the MOU between the City of University City and the International Association of Firefighters Local 2665 until the Council meeting scheduled for May 3, 2010, and was seconded by Ms. Ricci.

Mr. Sharpe asked Ms. Feier is she was in favor of the MOU presented to them at this and that there was no hidden agendas based on the MOU of 2006. Ms. Feier stated it was a simplification, combing the two and the Union has agreed to it. If there are any changes it would need to go back to the Union. She stated she was comfortable with it.

The majority approved the continuation by voice vote with NAY votes from Mr. Sharpe and Mayor Adams.

J. UNFINISHED BUSINESS

BILLS

1. BILL 9063 - An ordinance amending Chapter 10.36 of the University City Municipal Code, relating to regulations for specific streets, by repealing Section 10.36.090 thereof, relating to stop intersections – vehicles to stop at certain intersections, and enacting in lieu thereof a new section to be known as “Section 10.36.090 stop intersections – vehicles to stop at certain intersections” thereby amending said section so as for traffic on Kingsland Ave. to stop at Washington Ave; containing a saving clause and providing a penalty.

Mr. Glickert moved for approval and was seconded by Mr. Sharpe.

Roll Call vote was:

AYES: Ms. Ricci, Mr. Crow, Mr. Glickert, Mr. Sharpe and Mayor Adams.

NAYS: none

Bill 9063 became Ordinance 6806.

2. BILL 9064 – An ordinance amending Chapter 10.44 of the University City Municipal Code, relating to parking restrictions for specific streets, by repealing Section 10.44.010 thereof, relating to parking prohibited on certain streets at all times, and enacting in lieu thereof a new section to be known as “Section 10.44.010 parking prohibited on certain streets at all times,” thereby amending said section so as to restrict parking at all times on the east side of Partridge Avenue, thereof from a point 75 feet of the south line of Willow Tree Lane to a point 40 feet south thereof; containing a saving clause and providing a penalty.

Mr. Sharpe moved for approval and was seconded by Mr. Crow.

Roll Call vote was:

AYES: Ms. Ricci, Mr. Crow, Mr. Glickert, Mr. Sharpe, and Mayor Adams.

NAYS: none

Bill 9064 became Ordinance 6807

3. BILL 9065 – An ordinance amending Chapter 10.44 of the University City Municipal Code, relating to parking restrictions on specific streets, by repealing Section 10.44.030 thereof, relating to two-hour parking zones., and enacting in lieu thereof a new section to be known as “Section 10.44.030 two-hour parking zones.” thereby amending said section so as to restrict parking to a period of time of two hours on the south side of Forsyth Blvd at any time thereof from a point 67 ft of the east line of Asbury Ave to a point 106 ft east thereof,, containing a saving clause and providing a penalty

Mr. Sharpe moved for approval and was seconded by Mr. Crow.

Roll Call vote was:

AYES: Ms. Ricci, Mr. Crow, Mr. Glickert, Mr. Sharpe, and Mayor Adams.

NAYS: none

Bill 9065 became ordinance 6808

4. BILL 9066 – An Ordinance amending Chapter 34 of the University City Municipal Code, relating to zoning, by enacting therein a new section to be known as “Division 34-89 Clifford Row Historic District”; containing a saving clause and providing a penalty.

Mr. Glickert moved for approval and was seconded by Mr. Crow.

Roll Call Vote was:

AYES: Mr. Crow, Mr. Glickert, Mr. Share, Ms. Ricci and Mayor Adams.

Bill 9066 became ordinance 6809.

5. BILL 9067 – An ordinance approving the first amendment to the redevelopment agreement for the Kingsland Walk Redevelopment area, and authorizing certain actions by City Officials. Second reading was read.

Ms. Ricci moved to postpone Bill 9067 until the May 3, 2010, City Council meeting, seconded by Mr. Sharpe and was unanimous to postpone to next regular Council meeting.

CITIZEN COMMENTS

Carol Mitchell, 844 Kingsland

Ms. Mitchell stated she has been in negotiation with the City for her business property since November 5, 2007. She noted she met with the Council in a closed session in January 2010. Ms. Mitchell has a letter stating that the City would be looking for a place for relocation of her day care. She stated she received an email from a man through her lawyer that he would be purchasing her building by June 30, 2010. The contract states that he is purchasing her property for \$400,000, which is \$12,000 under the St. Louis County's record. The potential buyer also stated that he will subtract \$9,260 off the \$400,000 for architectural work performed. Ms. Mitchell was upset that her lawyer was contacted and not her as now she was charge an additional \$200 for the email message sent to him. She was advised not to accept this agreement. Ms. Mitchell stated that since the negotiations began her lawyer was contacted instead of her resulting in a total of \$30,000 in lawyer fees. Ms. Mitchell stated that she was warned by the Mayor that eminent domain may be possible. She was asking the Council to build a fence between her place and Kingsland Walk, she would not be intimidated.

Third reading was read.

Ms. Ricci noted that Council just received the contract twelve days ago and has not had time to discuss. She moved to postpone vote on this bill till the May 3, 2010, Council meeting and was seconded by Mr. Glickert and was postponed by an unanimous vote. Ms. Ricci explained to Ms. Mitchell that once a person is represented by a lawyer, it is the proper procedure to contact your lawyer first.

K. NEW BUSINESS

BILLS

Mr. Sharpe introduced

1. BILL 9068 – An ordinance amending Chapter 9.20 of the University City Municipal Code, relating to offenses by or against minors, by enacting therein a new section to be known as "Section 9.20.015 parental responsibility"; containing a savings clause and providing a penalty.

Mr. Crow introduced

2. BILL 9069 – An ordinance amending Chapter 9.20 of the University City Municipal Code, relating to offenses by or against minors, by repealing Section 9.20.010 thereof, relating to endangering the welfare of a child, and enacting in lieu thereof a new section to be known as “Section 9.20.010 endangering the welfare of a child”, thereby amending said section so as to incorporate changes in state law; containing a savings clause and providing a penalty

Mr. Glickert introduced

3. BILL 9070 – An ordinance authorizing a ground lease by and between the City of University City, Missouri and the Washington University for real property at or near 6601 Vernon Avenue, on which a fire station will be constructed and operated.

Mr. Crow introduced

4. BILL 9071 – An ordinance amending Chapter 10.36 of the University City Municipal Code, relating to regulations for specific streets, by repealing section 10.36.090 thereof, relating to stop intersections – vehicles to stop at certain intersections, and enacting in lieu thereof a new section to be known as “Section 10.36.090 stop intersections – vehicles to stop at certain intersections” thereby amending said section so as for traffic on Braddock Avenue to stop at Laughlin Avenue and for traffic on Appleton Drive to stop at Laughlin Avenue and traffic on Teasdale Avenue to stop at Gay Avenue; containing a saving clause and providing a penalty.

RESOLUTIONS

L CITIZEN COMMENTS

Richard Chase, 6669 Kingsbury

Mr. Chase spoke on the long standing problem with noise from Washington University students cutting through Ames Place from the Loop. Residents have met with Washington University in the past to little avail. He complimented University City police for their responsiveness but they could only break up parties not issue any citations, so the problem continue. He complimented Mr. Wagner for converting the largest apartment dwelling to graduate students only. Mr. Chase said it came to a head this January when there were approximately 500 students at a party in a house on his block. He credited Mr. Crow for implementing a process of meetings between Washington University who also sent out letters to students advising them of the no tolerance policy.

Andrew Weisber, 6643 Kingsbury

Mr. Weisber represented Washington University students and noted the increased hostile relationship between the students and University City police because of the zero tolerance policy. He was requesting a mature and formal means for resolving this issue. Mr. Weisber stated that the students did not blame the police but rather the zero tolerance policy that tied the hands of the police to exercise proper discretion. He said the students want to keep an open channel of discussion between the UCPD, the Wash U students and other interested parties. Mr. Weisber asked the Council to approve a temporary committee between all parties until a permanent committee could be formed.

Aaron Bodansky, 6643 Kingsbury

Mr. Bodansky wanted to share what he experienced. He noted that they were stopped

at 10:00 p.m. on a Friday night and the U City Police detained them for over 30 minutes. Mr. Bodansky felt very threatened by the action and questioning of the police.

Adam Sadaka, 6021 University Dr

Mr. Sadaka spoke for a friend. He said his friend was questioned by police who came to his place of residence with accusation of him even though he explained that he was very ill and had not been out of his room. His friend stated that University City police officers do not respect the words or actions of Washington University students.

Emily Dunn, 6609 Washington Ave

Ms. Dunn talked of her experience at an outdoor barbeque she attended, with no alcohol being served, when four police cars showed up 4:30 in the afternoon. The police tied them up for more than a half hour with questions. They were told to move inside but now they can not enjoy good weather outside on the property where they reside.

Micah Kroeze, 6643 Kingsbury

Mr. Kroeze talked about his grilling outside with a few friends when police cars arrived questioning them about their wild party and said the parties responsible would receive summons. Mr. Kroeze told police that they live in an eighteen apartment unit and felt they should be able to gather and have a barbeque in their back yard. There were sixteen people present in the backyard.

Akssa Zucker, 6666 Washington Ave.

Mr. Zucker noted as she and a friend were walking home from Blueberry Hill when a police car stopped them and told them to keep their voices down, as they were disturbing a residential area. She thought the two of them walking down the street could not be as noisy as a resident having a birthday party for a child. Ms. Zucker asked that they be granted the same rights as all residents who live here permanently.

Thomas Crane, 6643 Kingsbury

Mr. Crane hoped that the stories conveyed tonight provided a glimpse for the need for this committee to be established. He noted that the students frequent and patronize the local businesses and make up a large part of the population. The current atmosphere is dissuading many people from living here.

Mondi Ghasedi, 6644 Kingsbury

Ms. Ghasedi noted that in the ten and a half years she has lived here she wanted to thank City Council, City Manager, Terry Crow specifically and the U City police department for enacting the zero tolerance policy. Ms. Ghasedi stated that since the policy has been in enforced this has been the first time she has been able to sleep through the night on Thursday, Friday and Saturday. She said the students don't realize the character of their subdivision: with babies, children and have to get up to go to work the next day. The brick buildings cause noise outside to echo and can be heard extremely well inside. Ms. Ghasedi asked the students to use the greenway as a means to get through the subdivision. She hoped that Wash U made a permanent move to make them all graduate student apartments.

Mayor Adams recommended that someone from the Council go to a committee with in the National League of Cities that deals with Town and Gown phenomenon, and discuss with this sort of thing.

Richard Dockett, 6844 Crest Ave.

Mr. Dockett noted all the good memories he had of Mayor Joe Adams and considers him a partner with Honorable Joe Adams. He wanted to thank him and honor him on this day.

M. COUNCIL COMMENTS

Ms. Ricci invited all the new faces of Wash U students to become part of the community. She invited them to apply to be on a Board or Commission.

Mr. Sharpe read a statement provided by Mr. Price. (It is attached at the end of the minutes) Mr. Sharpe congratulated all who won in the last election and wanted to thank Bob Wagner and Mayor Adams for their many years of services to the community. He agreed with Ms. Ricci that in the Town and Gown committee there, are students working in the City government. Mr. Sharpe would hope that the committee the students are asking for happens.

Mr. Crow thanked all for coming and participating in the process. He thanked the police force, the police chief and Washington University for enforcing the zero tolerance policy and hope that it applies to the full time residents as well. Mr. Crow stated that they are living in a community just like where they grew up with moms, dads and kids. He stated that they lived there before they came and will be living there after they leave. Mr. Crow stated that they truly appreciate their living here and noted it is a delicate balance. Mr. Crow thanked Bob Wagner and Mayor Adams for the services they provided the community. He noted that between the two of them they have over sixty years of services.

Mr. Glickert asked the Wash U students to raise their hands if they filled out the census for living in U City. He said we are U City right and lets keep it that way.

The meeting was adjourned at 8:30 p.m. Mr. Glickert moved to go into Executive Session for RSMO 610.021 (1) Legal and (2) Real Estate and (3) Personnel and was seconded by Mr. Sharpe.

Roll Call Vote was

AYES: Ms. Ricci, Mr. Crow, Mr. Glickert, Mr. Sharp and Mayor Adams

NAYS: none

Joyce Pumm

City Clerk

Destination U.City

I would like to thank the 3rd Ward and all U.City residents for allowing me serve another term on the U.City Council. I want you to know that I am thankful and appreciative for this honor once again.

I want you to know that I am hoping that the new council will move away from divisive rhetoric concerning gender, race, economic status, and sexual orientation.

I am committed to listening to the residents who have told me that they want us working on , maintaining current city services, lowering our refuse bills by recycling, developing Olive Street Road/Delmar 170 corridor/ Cunningham Park, growing the population by building new homes , and making our schools and neighborhoods safe.

In conclusion , we want to make University City the City of Destination for families to be entertained, live and send their children to school.