



Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Monday, December 2, 2019

Pledge of Allegiance

Roll Call

Approval of Minutes

Adjustment of Agenda

INTRODUCTORY ITEMS

(Recited as indicated.)

(Present: Treece, Trapp, Peters, Thomas, Ruffin, Pitzer)

(Absent: Skala.)

(Minutes from November 4 and November 18 meetings were submitted and approved.)

(No adjustments were made to the agenda.)

SPECIAL ITEMS

SI16-19 Presentation of Columbia STEM Alliance Progress Report.

(Action: The Columbia STEM Alliance (CSA) is a Non-Profit network of educators, business partners and volunteers that inspires interest in and provides direct support for Science, Technology, Engineering and Math education.

In May 2019 the City of Columbia awarded the CSA a \$35,000 agreement to provide a set of Science Technology Engineering and Math Programs that help improve STEM outcomes for students in grades K-12, with an emphasis on supporting girls and minorities interested in pursuing STEM. Over the past four months the CSA has provided STEM opportunities to more than 20 events plus three 1-week student summer camps and two 1-week teacher academies. These programs involved over 1,000 students and more than 25 teachers and instructors as well as parents and guardians.

The total cost for these programs over the past 10 months is \$92,876. City funds have made the programs viable and every dollar the city has invested in these programs has been matched at a rate of 2.7:1 by individuals, local businesses and organizations including: The 3M foundation, The VU Foundation, Central Bank, Shelter insurance, Schneider Electric, Boys and Girls Club, Columbia Cosmopolitan Luncheon Club.

In addition to financial support local businesses provided direct personal and material support for these CSA programs. Shelter IT staff work with students during the summer camp to help them program and trouble shoot their robots. Shelter management participated in the STEMette and summer camp programs. Central Bank hosted an employee STEAM Bus recognition in downtown Columbia. 3M employees have participated in STEAM bus activities where they worked directly with students and 3M

management participated in the STEMette and summer camp programs. The CSA partnered with the City Parks and Recreation, Public Works, Water and Light, Solid-Waste and Wastewater Treatment Plant staff to provide summer. Engineers from the City utilities provided lessons during the STEMette Girls summer camp. The City Public Outreach & Educational Programming coordinator participated in the Summer Steam Academy. The City Public works staff organized, coordinated and provided space for Snow Palooza. The parks and recreation department organized, coordinated and provided space for Family Fun Fests. MU's Department of Architectural Studies and School of Engineering hosted the STEMette program. Students worked in labs and workshops, with university professors and community instructors to conduct scientific experiments as well as design and build projects.

Columbia College and Jefferson Middle school hosted the Summer STEAM camps. Students attended morning classes at Columbia College and participated in robotic design, program and build activities at Jefferson middle school in the afternoon. The Boys and Girls Club of Columbia was instrumental in engaging minority students and students from underserved populations to help ensure a diverse group of students were included in each of these programs. The Columbia Public Schools, Moberly Area Community College, University of Missouri, Veterans United and Engineering Surveys and Services, William Woods University provide ongoing support via representation on the CSA board of directors, organizing events and creating programs.

Peters asked about total funding. The speaker indicated that they have an annual budget of about \$125,000, but some of it rolls over from year-to-year. Not all funds collected are expended in the year received. The Mayor asked about grants for teachers who could support these kinds of programs in their own classrooms. The speaker indicated that they DO have a mini-grant program designed for that. Ruffin asked about strategies for ongoing funding. The speaker said that they do outreach to local businesses and REDI and they have seen substantial interest.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

(None.)

SCHEDULED PUBLIC COMMENT

(None.)

PUBLIC HEARINGS

(None.)

OLD BUSINESS

B319-19 Rezoning property located on the northwest corner of the intersection of Green Meadows Road and Gray Oak Drive from District PD (Planned Development) to District MC (Mixed-use Corridor) (Case #200-2019).

(Tabled at the November 4, 2019 Council Meeting.)

(Applicant has requested this item be withdrawn.)

(Action: Peters asked why the item was withdrawn. Staff said there was no specific reason cited but the project did fail to get the support of staff.

The item was officially withdrawn from consideration.)

B348-19 Amending Chapter 29 of the City Code to establish use-specific standards governing the operation of short-term rentals (Case No. 31-2019).

(The City Council intends to table this item to the January 21, 2020 Council Meeting.)

Chap. 29-3.3(pp) Text Amendment

(The following report has been heavily excerpted from the written report provided by staff. Most of this information was NOT presented in the oral staff report, but is presented here for those who need more detailed information or who did not read the staff report in its entirety.)

(Action: Adoption of the proposed ordinance would create definitions and establish use-specific standards governing the operation of short-term rentals (STRs) within the City of Columbia as well as modify the Permitted Use Table of the Unified Development Code (UDC) establishing permissible districts in which an STR would be allowed as a permitted “accessory” or conditional use.

A series of public hearings and staff reviews have been conducted regarding this issue. Upon the conclusion of the second public hearing/listening session it became apparent that the issues of concern between those in favor of and opposed to the regulations had reached an impasse. Of the varied concerns expressed, those most frequently cited dealt with disrupting neighborhoods, introduction of a “commercial use” into a residential zoning district, allowing STRs of any kind in the R-1 district, permitting “un-hosted” (i.e., not owner-occupied) STRs, and requiring a conditional use permit as a requirement of gaining approval to operate an “un-hosted” STR.

Given the expressed concerns, the Commission voted to continue the public hearing/meeting process to evaluate what, if any, changes could be made to the proposed regulations which may resolve the apparent impasse. Staff was unable to identify any changes that would be satisfactory given its research and significantly divergent opinions regarding the topic. Since April of 2019, the P&Z Commission and staff have met in four dedicated work sessions (June 20, July 18, August 8, and September 5) to discuss revisions to the March 1, 2019 draft regulations known as Draft # 3. During these meetings, the Commission focused its attention on three overarching questions that appeared to be the greatest points of contention regarding the proposed regulations.

These questions were:

- (1) When should owner hosting be required and what should define an “owner hosted” STR
- (2) Should STRs be allowed in the R-1 district and if so how
- (3) Should STRs registration and inspection follow the proposed structure offered in Draft # 3 or just utilize the registration process currently used for long-term rental.

The attached regulations represent the outcome of the Commission’s discussion and were approved by the consensus of its members in attendance during each of its work sessions. The regulations are not without compromise on certain aspects of administration; they were developed in the spirit of cooperation and a desire to address all viewpoints expressed. The Commission debated at length inclusion of a conditional use permit process recognizing that such a procedure would create burdens upon staff, the Commission, and Council. However, the Commission and staff were unable to identify an alternative that would provide protections from non-owner hosted STRs repeatedly requested by those in the R-1 district. When the P&Z Commission held a formal public hearing on this issue, the vote ended in a 3 to 3 tie, meaning no formal recommendation could be made to the city council, however the most recent version of the ordinance still moves forward for final council consideration.

In addition to the attached ordinance, concurrent legislation addressing the administration, licensure, and taxation of this new land use is proposed. Revisions to the Rental Conversation Law, Business Licensing standards, and Lodging Tax requirements will complete the regulatory structure needed to

ensure an equal and level playing field is created for all those engaged in the transient lodging industry. Staff indicated that they will reveal those additional items at the January 6 council meeting.

During the P&Z hearings there were several points of view offered by the public. They include:

- 1) confusing and placed an unfair burden upon single-family homes in the R-MF district,
- 2) should be accompanied by refinements to the conditional use review criteria,
- 3) may “bleed-over” and impact the traditional long-term rental process,
- 4) are too restrictive as related to the number of transient guests permitted per zoning district and may cause families to have to make multiple reservations,
- 5) conditional use process too burdensome - should only be required when a complaint arises,
- 6) short-term rental certificates should be transferable upon sale of property,
- 7) may stifle economic opportunities and offering of varied lodging choices,
- 8) have failed to employ sufficient public engagement,
- 9) should look at other STR models (Tuscaloosa, Alabama mentioned) for requirement and regulatory guidance,
- 10) should require professional home inspections,
- 11) should require a business license if authorized,
- 12) permitting commercial uses in a neighborhood setting is inappropriate – STR is similar to B&B,
- 13) how will enforcement be paid for,
- 14) should include a maximum number of “minors” as part of transient guest occupancy limits to reduce potential conditional use applications.
- 15) STRs provide homeowners a way of off-setting housing costs,
- 16) should require posting of a “designation agent” for un-hosted STRs,
- 17) should include vehicle limits for all STRs,
- 18) exclude un-hosted STRs from residential neighborhoods,
- 19) un-hosted STRs reduced availability of affordable rental housing,
- 20) establish permitting limits on un-hosted STR within defined geographic areas (i.e. neighborhoods, block faces).

After hearing all of this, P&Z commissioners variously expressed support for the following ideas (but remember, the final vote on these ideas and issues resulted in a 3 – 3 tie:

- 1) a preference for “hosted” versus “un-hosted” STRs,
- 2) a shared concern with the conditional use process, but a belief if that was what it would take to get the regulations “right” the additional burdens of vetting each application needed to occur,
- 3) possible limits the number of STRs authorized to a single individual as well as within particular locations,
- 4) concern regarding the loss of affordable housing,
- 5) accommodation of families to stay within a single STR through adjustment of the transient guest occupancy limits,
- 6) looking at the Tuscaloosa model, but not following it for fear of becoming elitist,
- 7) balance the original “sharing economy” intent of STRs with that of a commercial business model,
- 8) utilize taxes and fees that will be collected to hire staff to administer the regulations,
- 9) concern regarding the addition of a “designated agent” and its possible creation of a loophole for “hosted” STRs especially in the R-1 district, and
- 10) support for guest occupancy limits and Administrative Approval for “hosted” STRs only.

Following the Planning Commission meeting, the Law Department informed staff of a technical error in the presented regulations. The error was identified within the first line of paragraph (A)(1)(iii) and consisted of the following double negative phrase “In the event the owner of record **cannot not** be present while the home...”. The highlighted double negative is proposed to be modified by the removal of the “not” from the sentence. The Law Department views this revision to be a substantive change to the advertised regulations. As such, Council approval of an amendment sheet will be needed to make the aforementioned correction.

Many council members have also expressed an interest in submitting alternatives and amendments of their own regarding other topics. To that end, and to gain more information regarding the issue, council has suggested holding a formal work session for council members before the first regular meeting in January; tabling the current proposal until January 21 for robust public comment and the informal adoption of new amendments; then holding the hearing open until the first meeting in February where a final debate and vote on the entire package can occur.

Pitzer asked when the “companion” legislation would be introduced. Staff indicated that they would be introduced formally at the January 21 meeting and then voted on at the first meeting in February. Thomas asked if anyone had suggested regulating owner-hosted short-term rentals the same way they currently regulate regular bed and breakfasts. Staff said that the proposed regulations would be similar in nature to those regulations, but are governed in a slightly different manner in terms of signage and some conditional use conditions. Some people have indicated they thought the rules should be the same.

A public hearing was opened to allow for speakers who did attend the meeting to add initial input.

The first speaker represented the West Ash Neighborhood. They support ONLY owner-hosted STRs in their neighborhood. They are concerned about the availability of affordable housing; losing the integrity of the neighborhood; limiting the number of STRs in any single neighborhood; adequate notification for applications for STRs. The speaker also suggested using national data bases to study the issue and suggested formal licensing for non-hosted STRs. The group does not believe that these types of lodging should be allowed at the expense of local neighborhoods, even if they bring in new money.

The next speaker said that she has followed this debate and is concerned about what this may mean to her neighborhood. She thinks it is a good idea to devote additional time to studying this. She thought that anecdotally it looks like people are opposed to STRs by a margin of 5 to 1. She does not trust conditional use restrictions. She thinks that only “hosted” STRs should be allowed in R-1, R-2 and R-MF. She thinks an empty home waiting to be rented is not really a home. She said she has had nuisance problems in the past and nobody responds to the problems. The speaker said she is a complainer, but some people are intimidated by that process of complaint and it doesn’t work.

The Mayor asked if some short-term rentals are preferable to long term rentals because there is less overall wear and tear, less occupancy and less traffic. The speaker thought that was incorrect and it would be hard to limit this once you allow this to occur on some initial level. Listen to the information about this occurring around the country.

The next speaker (MacMann, 607 Washington Avenue). He noted that he will be available at the next hearing to answer questions regarding local neighborhood perspectives and believes that some of those

complaints are not represented. He noted that both he and another member of the P&Z Commission think that the actual number of AirBnBs is currently undercounted by half. If we believe that on average we have 300 short term rentals operating in the city, the real number is probably more like 600. He noted that in New Orleans the door was opened too wide initially and that those rules were rescinded. He did think that it is important to pay attention to other communities. His concern is that he thinks some regulation is necessary and suggested further research.

Pitzer asked the speaker if he had found any other college communities that had regulated such programs in a way where everyone was happy with the rules? The speaker said that would be “fantasy land”, but, said some communities do it better than others. We have residential neighborhoods now that host mom and pop businesses, and some of those are fine, but we need to keep an eye on this. The Mayor asked about the difference between corporate-owned vs. LLC-owned properties. The speaker said it’s a mixed bag because some individual properties are not good actors and some multiple LLC properties are not good actors either. He suggested caution going forward. He noted that P&Z did deadlock on this issue, but he thought they were not that far apart.

The Mayor said it is his idea to aggregate all the amendments by the second meeting in January and wants any amendment ideas by then. He wants a decision tree. Should we allow them or ban them? If we allow them should they be licensed? If they are licensed should they be taxed? That is the way he expects to go forward. The speaker said this is a good way to proceed but said that there needs to be careful thought. He noted that the problem in the Grasslands didn’t get fixed until the wealthiest people in the city complain about it everyday for a long time, but he didn’t want to sound too Marxist about it. He said some people are intimidated by turning in neighbors in a complaint-driven system.

Peters said she would like questions regarding amendments to be allowed during the work session. The Mayor suggested that if we don’t post it as a public hearing at the work session, the council can still individually solicit reactions from people who attend. Peters asked if we can only have one public hearing? The Mayor said they are not limited. The Mayor said he is looking for robust input. **Peters said she would be OK with allowing comments at work sessions and the council seemed to concur, even if it is not publicized as a formal public hearing.**

A motion to table until January 21 was made and approved unanimously.)

CONSENT AGENDA

(All items approved as submitted.)

B349-19 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for maintenance responsibilities associated with the construction of intersection improvements at Sinclair Road, Route K and Old Plank Road.

B350-19 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for maintenance responsibilities associated with the construction of intersection improvements at Keene Street and I-70 Drive Southeast.

B351-19 Amending the FY 2020 Annual Budget by appropriating funds for upgrades to equipment and the elevator cars in the Eighth and Walnut (Plaza) and Tenth and Cherry municipal parking garages.

B352-19 Authorizing the acquisition of easements for construction of a storm drain replacement project on a portion of South Greenwood Avenue.

B353-19 Amending the FY 2020 Annual Budget by appropriating funds for certain private common collector elimination (PCCE) sewer improvement projects.

B354-19 Repealing Ordinance No. 024057 which authorized a sponsorship agreement with The Curators of the University of Missouri, on behalf of University of Missouri Health Care, for the use of its logo and signage in Court 3 within the Columbia Sports Fieldhouse located in A. Perry Philips Park; authorizing a revised agreement.

B355-19 Amending the FY 2020 Annual Budget by appropriating funds from the 2019 Celebration of the Arts event.

B356-19 Authorizing a program services contract with the Missouri Department of Health and Senior Services for childcare health consultation services.

B357-19 Authorizing an equitable sharing agreement and certification with the U.S. Department of Justice and U.S. Department of the Treasury detailing FY 2019 receipts and expenditures of shared funds by the Police Department.

B358-19 Amending the FY 2020 Annual Budget by appropriating funds in the Police Department to hire temporary part-time employees to assist with municipal warrant entries and evidence purging.

R168-19 Setting a public hearing: proposed construction of the Strawn Park Phase II improvement project to include the installation of a pre-cast concrete restroom and construction of a parking lot, practice disc golf putting ring and basket, and ADA walkways.

R169-19 Setting a public hearing: proposed street name change for a portion of "Rice Road" between Ballenger Lane (Route PP) and Lake of the Woods Road to "Geyser Boulevard" (Case No. 237-2019).

R170-19 Authorizing a memorandum of understanding and addendum with Learning for Life, an affiliate of the Boy Scouts of America, to establish an Explorer Post within the Police Department to provide an interactive, worksite-based career education program for those interested in law enforcement or the criminal justice system.

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING

(All items introduced and read as submitted.)

PR171-19 Establishing a revised Community Development Block Grant and HOME funding policy; establishing a revised review process for annual CDBG and HOME funding requests.

B359-19 Changing the name for a portion of "Rice Road" between Ballenger Lane (Route PP) and Lake of the Woods Road to "Geyser Boulevard" (Case No. 237-2019).

B360-19** Approving a major revision to the "Columbia Mall" PD Development Plan (Hotel Parcel) located on the southwest corner of Stadium Boulevard and Bernadette Drive; setting forth conditions for approval; granting a design adjustment to allow a lot line to bisect an existing parking lot (Case No. 225-2019).

B361-19* Approving the Final Plat of "Columbia Mall - Plat 4" located on the southwest corner of the intersection of Stadium Boulevard and Bernadette Drive (2300 Bernadette Drive) (Case No. 224-2019).

B362-19* Approving the Final Plat of "Gateway Plaza - Flat Branch Park Plat 1" located on the southeast corner of the intersection of Broadway and Providence Road (Case No. 59-2019).

B363-19* Approving the Final Plat of "Copperstone Plat 7D" located on the west side of Copperstone Court (4601 and 4605 Copperstone Court) and south of Copperstone Creek Drive (Case No. 240-2019).

B364-19* Approving the "Fourth Replat of Part of Lot 103 - The Meadows Phase 1" located on the south side of Huntridge Drive and east of Carter Lane (Case No. 232-2019).

B365-19* Vacating portions of drainage and utility easements on Lot 62A within Kitty Hawk Manor, Plat No. 7A located south of Gypsy Moth Drive and west of Stinson Avenue (Case No. 161-2019).

B366-19* Vacating a utility easement within Bergen’s Addition Subdivision located between Switzler Street and Providence Walkway; vacating a utility easement within Crouch’s Addition Subdivision located on Boone Drive; setting forth a condition for approval (Case No. 13-2020).

B367-19* Authorizing construction and installation of a “New Design” bus shelter on the south side of Broadway and west of Garth Avenue; calling for bids for a portion of the project through the Purchasing Division.

B368-19* Authorizing a sidewalk renovation agreement with First Presbyterian Church for reconstruction of a sidewalk along a portion of the east side of Hitt Street between Locust Street and the alley south of Cherry Street; amending the FY 2020 Annual Budget by appropriating funds.

B369-19* Authorizing a right of use license permit with The Pines Homes Association for construction, installation, maintenance and operation of neighborhood identification signs within portions of the Fall Ridge Drive and Ashwood Drive rights-of-way.

B370-19* Authorizing a landscape maintenance agreement with Wyndham Ridge Homeowners Association for the design, installation and maintenance of private landscaping and irrigation systems within a portion of City-owned property located on the east side of Scott Boulevard between Leighton Drive and Abbingtion Terrace.

B371-19* Accepting conveyances for street, utility and drainage purposes.

B372-19* Authorizing assignment of an agreement with MFA Oil Company to Arcade District Properties, LLC for use of a portion of railroad right-of-way located adjacent to Fay Street and Eugenia Avenue for roadway access.

B373-19* Authorizing a second amendment to the solar power purchase agreement with Truman Solar, LLC.

B374-19* Authorizing a consent to collateral assignment with Truman Solar, LLC and Fifth Third Bank relating to the development, construction, ownership, operation and maintenance of a solar generating facility located on the south side of I-70 Drive SE and approximately 2,000 feet east of St. Charles Road.

B375-19* Accepting Stormwater Management/BMP Facilities Covenants.

B376-19 Authorizing construction of the Strawn Park Phase II improvement project to include the installation of a pre-cast concrete restroom and construction of a parking lot, practice disc golf putting ring and basket, and ADA walkways; calling for bids for a portion of the project through the Purchasing Division.

B377-19* Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants.

B378-19* Amending the FY 2020 Annual Budget by appropriating funds received from the Community Foundation of Central Missouri to provide for reimbursement of the additional costs associated with temporary administrative assistance.

B379-19* Authorizing an agreement with The Curators of the University of Missouri for medical directorship services for employees of the City’s Fire Department.

B380-19* Adopting the City of Columbia, Missouri Choice Plus \$750 Plan, Choice Plus \$1,500 Plan and Choice Plus \$2,800 High Deductible Health Plan for 2020.

B381-19* Accepting a donation from United HealthCare for wellness promotion and programs for City employees; amending the FY 2020 Annual Budget by appropriating funds.

B382-19* Authorizing renewal of the agreement with Boone County, Missouri for Live Well Boone County program services in 2020.

B383-19* Amending Chapter 14 to repeal and re-enact in place thereof a new Section 14-391 relating to the assessment and payment of hourly parking fees in parking structures.

REPORTS

REP110-19 Sidewalk Cafes with Right of Use Agreements.

(Action: This report is a companion to the Council report on the recent Council bill to amend chapters 4 and 24 of the municipal code as they pertain to sidewalk cafes. Because there are selected cafes that have right-of-use permits approved through a separate process, this report reviews the standards and enforcement applicable to those cases. The ordinance has minimal direct impact on the existing right of use agreements. Council may review those agreements individually, however, and take appropriate action should issues be identified.

Sidewalk cafes are permitted downtown subject to compliance with standards for the placement and operation of those areas. Ordinarily fixed improvements are not permitted, however the Council may consider right of use permits for proposed encroachments on the public right of way. These may take several forms, including installation of steps, decorative planters, overhead walkways, and in the case of sidewalk cafes, fixed enclosures.

When in season, the downtown has approximately 29 sidewalk cafes in front of businesses. The majority of the cafes place movable tables and chairs and often a simple barrier; the latter is a requirement if alcoholic beverages are served. These are approved administratively. Several restaurant operators have taken the additional step of requesting a right-of-use permit and agreement from the City Council to place fixed improvements within the public right-of-way. The three “right-of-use” sidewalk cafés are:

- Room 38 (January 2017)
- Fuzzy’s Taco Shop (April 2018)
- Glenn’s Café/Tiger Hotel (May 2013)

The sidewalk café ordinance amendments do not change the status of the right-of-use agreements. Each operates according to its own agreement. Room 38 (S.B.J. Holdings L.L.C) entered two agreements as steps to approval of its café area. The first agreement authorized removal of a parking space on Walnut and associated redesign of the Avenue of the Columns streetscape on the southeast corner of Eighth & Walnut, to coordinate with the intersection redesign that included removal of a traffic signal, shorter crosswalks, and a pedestrian crossing signal – and accommodate the future café area. The second agreement granted the owner of Room 38 a right-of-use permit for “installation and maintenance of awning and fencing associated with an outdoor patio.”

What is described as an outdoor patio in the agreement operates in fact as a three-season room for the restaurant. The 60-inch clear path for sidewalk accessibility winds around the café and there is not visible accessibility (that is, the continuity of the sidewalk cannot be seen from either side of the cafe). This differs from the standard in the sidewalk café ordinance for ordinary sidewalk cafes Section 4.4 of the agreement allows the city, in the exercise of the public interest, to require that the Licensee relocate or reinstall any of the private facilities upon reasonable notice. The private use is subordinate to the public need for the sidewalk.

Fuzzy’s Taco Shop (Columbia Restaurant Investors #1 LLC) was granted a right-of-use agreement to allow installation and maintenance of a private railing, posts, and string lighting in the Locust Street right-of-way. This café was installed as the Rise on 9th sidewalk restoration was nearing completion. The barrier was originally specified as a floating (not fastened) fence. The fence required a change from the original plan dimensions to accommodate the 60-inch clear zone near the street intersection as a replacement signal pole was put in place. The sidewalk around the café has better visible continuity but occasionally the parking of bicycles outside the confines of a nearby bike rack cuts into the 60-inch clear area. The Fuzzy’s Taco Shop right of use agreement has the same relocation or removal of facilities provisions (Section 4.4) as the agreement with Room 38.

The outdoor café outside of Glenn's Café may be thought of as placement of unfixed seating and tables and chairs after the Tiger Hotel received authorization for a "heated sidewalk loop, architectural planters, and electrical service to four tree grates" in 2013 (with additional approval of the heated sidewalk system in 2016). The 60-inch clear pathway between this café and the restaurant is straight and generally clear of obstructions. Care must be taken entering the Eighth Street crosswalk on foot however because the café is close to the street corner. The enforcement provisions in the Tiger Hotel agreement are formatted differently but are similar to the other two agreements. City use of the right-of-way for public purposes remains the priority. The agreement is in effect until canceled by the City of Columbia, which must provide a minimum six-month notice in the event the City elects to terminate the agreement.

As staff has worked with the Downtown Community Improvement District on amendments to the sidewalk café ordinance, it has become apparent that the more intensive cafes with the right-of-use agreements have driven the desire to tighten up the sidewalk café standards. Since right-of-use agreements are by nature exceptions to the ordinance (for example allowing improvements to be fastened to the sidewalk), more detailed plan and elevation drawings should be made part of future agreements.

The Mayor asked if the staff had any additional comments. Staff replied that this report simply explains how other types of cafes are regulated. The Mayor asked about revocation of right-of-use agreements. Staff said they can be revoked with adequate notice. The Mayor noted that one of the cafes noted in the report seems to have gone beyond what was anticipated. That café is now a three-season establishment that regularly blocks the right-of-way.

The Mayor suggested referring that establishment to the Bicycle Pedestrian Commission and the Disabilities Commission for review and council agreed.)

REP111-19 Downtown Community Improvement District - End of Fiscal Year Report.

(Action: This is an annual report required to be filed by all Community Improvement Districts. It contains the financial statements of the organization as well as a compendium of all resolutions and actions taken by the board during the past year. Recent changes in the office include the promotion of Nickie Davis to the position of Executive Director and hiring Kathy Becker to serve as the Director of Operations. Nickie brings a strong knowledge of Downtown including years in retail, time on the board of the Downtown CID, and recent service as the Director of Outreach for The District.

The total budget for the Downtown CID was \$839,145 in 2019. Major projects for the CID included Program Management, Landscaping and Holiday Décor, Cleaning and Maintenance, Public Safety, Economic Development, Marketing, Beautification and Streetscape Improvements.

The Director of the CID appeared to answer questions. The Mayor asked how the CID viewed the sidewalk café issue. The director indicated that she agreed with previous council rulings.

No further action was taken.)

REP112-19 Citizens Police Review Board - Supplement to the 2018 Annual Report.

(Action: This supplemental report provides additional data from the year 2018 that was not available at the time the original report was filed. The data includes demographic details and complaint findings that compares changes from 2017 to 2018.

While the Board hesitates to make generalizations based on this material alone, they plan to take it into consideration as they complete further work whether it be outreach or complaint review. As the reporting of the Columbia Police Department becomes more robust, the Police Review Board expects to provide more granular analysis to the Council. Additionally, CPRB recognizes the new CPD annual analysis pertaining to Response to Resistance, Pursuit of Motor Vehicle, and Bias Policing CPD, but at this time has no responses to these reports.

Peters asked about the definition of external complaints and how the definition differs from sustained to exonerated. The chief indicated that if something is “unfounded”, there is nothing that matches the complaint. “Exonerated” means not guilty. “Unsustained” means insufficient evidence usually. Peters asked what kinds of complaints come forward. The chief said that they range from failure to investigate to errors in judgment or practice. Generally, we do not have many complaints and that’s a good thing. **No further action was taken.)**

REP113-19 Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.

(Action: Items in this category included the transfer of \$155,000 for the lease rather than purchase of a truck in the Solid Waste Division, and the transfer of approximately \$25,000 from capital expenditures to other budget line items for accounting purposes.

No formal action required.)

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

One speaker indicated that he had gone back through information that will be reviewed in January relating to water and light. He mentioned that an earlier cost-of-service study did not include the water storage facilities that the city maintains and that they should be since that is a true cost to the utility. He thinks that’s a mistake. Those costs should be included or the study should be considered invalid. The Mayor asked why that WAS NOT included? The speaker said that storage was SUPPOSED to be included, but it wasn’t. The Mayor asked if it had been included, would it have changed the need for an election to increase rates? The speaker said probably not, but it is inaccurate.

The speaker continued and noted that fire protection was not included in the cost-of-service study. He said that fire protection cost in the study was only \$20,000 out of \$18 million represented. This understates the true costs and is underutilized allocation. He also noted that since fire protection is figured into insurance rates, and because we have a robust and complex system, we have to account for the ability of the system to maintain pressure across the system, these estimates don’t include the cost of the water needed to generate high enough levels of pressure. This needs to be looked at again. This is not proportional. If you did a real study, the fire protection cost could cost more, but you could decrease the general rates.

Council

Thomas invited the council to a presentation by engineering students who are studying access to transit systems in Columbia and indicated he would forward details of the event to the members. The second item he noted was related to the CATSO Long Range proposal that will be voted on on Thursday of this week and asked for additional council comment.

Trapp noted that he thought the CATSO plan lays out easements that may be needed in the future. He thinks it’s a guidepost for where we are probably going to build out to, we just don’t know exactly when

– and he thinks it will look similar to what we do now even if more people drive electric cars in the future. He thought it was an iterative document and it can be harmonized with the climate plan in the future if needed. He thinks it serves a good purpose currently. No other members added comments. **There were no further comments by council members.)**

Staff

(None.)

ADJOURNMENT
(Time: 8:03 PM)
(Shortest meeting of the year.)

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