



Columbia City Council Meeting Recap

Council Chamber, Columbia City Hall

7:00 PM

Tuesday, January 21, 2020

INTRODUCTORY ITEMS

Pledge of Allegiance

(Recited as indicated. Mayor Pro Tem Karl Skala called the meeting to order.)

Roll Call

(Present: Trapp, Peters, Thomas, Pitzer, Skala)

(Absent: Treece, Ruffin.)

(The Mayor arrived later in the meeting.)

Approval of Minutes

(Minutes from January 6, 2020 were approved.)

Adjustment of Agenda

(Skala noted that the Mayor was currently absent but would join the meeting later and asked that appointments that are within the purview of the Mayor be moved to later in the agenda. No other changes were indicated.)

SPECIAL ITEMS

SI1-20 Swearing in of Andy Woody as Fire Chief of the City of Columbia.

(Action: Woody recited the oath of office and was sworn in by the City Clerk and was witnessed by the City Manager. The new chief made no formal comments.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

BC1-20 Board and Commission Applicants.

Columbia and Boone County Library District Board – Bradd Anderson

Finance Advisory and Audit Committee – Thomas Richards

Parking Advisory Commission – (2 vacancies) – Nick Knoth, William Moyes

Tree Board – (2 vacancies) – Jacob McMains, Esther Stroh

SCHEDULED PUBLIC COMMENT

SPC4-20 Katie Bowes - Show Me Hope Missouri.

(Action: The speaker noted that she represents the Show Me Missouri behavioral health program. She appeared with a person who was also associated with the program. They work with people who were relocated by recent floods and that they provide counseling and other behavioral health services. She believed that they are an untapped resource that few people seem to know about. Their services are free and anonymous if desired. The speaker appeared to make their existence known. They can be reached through Burrell Behavioral Health.

SPC5-20 Rev. Sarah Klaassen - Public Transit as a community value; the formation of a Transit Task Force.

(Action: The speaker indicated that she is a community in this pastor and has frequently spoken on the issue of public transit. She believes that public transit helps people access other services such as health care, employment and food. She believes that a robust public transit service helps express our shared community values, but our public transit system does not meet our needs. She suggested that one option to improve our local transportation could be improved by better support. As a pastor, she said that both time and treasure should be measured, so, since we have not appropriated the needed funds, she asked the council to tap the time aspect of that equation and asked for the formation of Transit Task Force. That will involve the community, and it won't solve all of our problems, but it is one way forward and will express our shared goals.)

Mayor Treece arrived and assumed the chair.

PUBLIC HEARINGS
(None.)

OLD BUSINESS

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).

(Tabled at the December 2, 2019 Council Meeting.)

(The City Council intends to table this item to the February 3, 2020 Council Meeting.)

[\(LINK TO ORDINANCE AS PROPOSED\)](#)

(Action: The Mayor asked the staff how long their presentation would be? Staff indicated that it should be 5 minutes or so. The Mayor counted 17 people who wished to speak, and the Mayor noted that he believes there could be as many as 14 amendments in play.

Skala said he would like to suggest that if you speak tonight, you cannot speak on February 3 since this time is intended to be tabled until that night. The Mayor said he thought this was the first time that the public had a chance to discuss the base ordinance, and that amendments might change what people want to discuss both now and then. Thomas thought he wanted to hear from the public tonight, then look at the amendments. Peters said she was not sure that she was prepared to vote on the whole bill on February 3. The Mayor asked her if she would be prepared to vote on amendments tonight. Peters said it depended on the amendments. The Mayor said he had compiled and combined many written comments already received and will propose many of those as amendments tonight. Without a final decision on how the next meeting would play out, the council asked for a staff report.

Staff presented a report that outlined the history and timeline of this legislation as has progressed through public meetings and hearings, including its consideration by the Planning & Zoning Commission where it received no recommendation due to a tie vote. The report indicated that the process began following a report from the Convention and Visitor's Bureau relating to the collection of taxes from individuals operating short-term rentals "as a means of leveling the playing field between all those engaged in the transient lodging industry".

Other comments, both for and against STRs included the following:

- 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 “designated 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)

Staff summarized these different concerns, most notably: 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. Based on these concerns, staff attempted to craft a bill that would address three primary questions.

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

The regulations presented tonight 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, even though the Commission could not agree on a final set of rules and regulations. 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 proposed regulations should be considered a single component of an overall regulatory structure that will guide the City in its management of what the staff calls “a new land use” moving forward. Staff also noted that in answer to a question involving downtown residential uses on the first-floor downtown, those could be done with some additional elevations to entrances or other requirements.

Thomas asked why short-term rentals are considered to be less intensive than regular BnBs? Staff said it is because of the general lack of food service and the less frequent use in general. The current regulations apply occupancy limits that are similar to long-term rentals. Owners can seek higher limits or the use of multiple units on a single lot through the conditional use permit process. In single family districts, un-hosted STRs can also be requested through the Conditional Use process.

Notification of adjacent properties would be required under the new rules. Long-term rental operators can have dual long-term/short term authorization, but the ability to run a short-term rental operation is not transferrable to a new owner. When we cross-reference the International Property Code, we find limits on occupancy standards depending both on number and size of bedrooms and other living space when we get to multiple bedroom scenarios.

In addition to the proposed main ordinance, concurrent legislation addressing the administration, licensure, and taxation of this new land use is proposed and is included in the Introduction and First Reading section of tonight's agenda. 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. Legal staff also identified a technical error involving the use of a double negative (cannot not) that is addressed in this bill.

Anticipated impacts may include hiring an outside vendor for STR canvassing and additional FTE to assist in administrative and enforcement activities. Impacts may be offset by revenue collections from registration fees and allocation of a portion of increased lodging taxes. This legislation could also require continued funding of added FTEs and outside vendor contracts as well as possible increased demands for regulation enforcement by ONS and Police.

This legislation is received by council with no recommendation for or against from P&Z.

Pitzer asked about Conditional Use Permits and if they expire? Staff said they would expire if the property were to be transferred or if the council wanted to impose a sunset on a Conditional Permit Use requirement. Non-use of a permit would not automatically invalidate a Conditional Use, but if the license were not renewed it could invalidate the underlying permission.

The Mayor then said that he would like to introduce several amendments, not all of which he agrees with. He then began noting the list of amendments

Should short-term rentals be banned altogether. Should they be taxed and inspected. Should they be treated like long-term rentals? Should they also be subject to inspection? Should they be subject to additional rules? Should they be limited to commercial or multi-use districts. Should single family neighborhoods be allowed to opt in. Should private covenants be recognized. Should host be required to be present except during work hours. Should there be an exemption for properties that rent for fewer than 95 nights per year if they only run one home. Should they make an exemption for families. Should they not treat this as a zoning issue?

Skala said he also had an idea about banning all STRs in R-1, and maybe that could be changed to banning "un-hosted" rental in R-1, but allowing "hosted" automatically. Thomas had another variation on that similar theme, allowing hosted STRs with the new regulations, but in the short-term, host all others like long-term rentals. Peters asked about the difference between long-term and short-term

rentals. She asked if this was simply a question of taxation? Staff said that short-term rentals would be taxed, would have to post rental certificates, and would have to be hosted without a CUP. Skala and Thomas both asked about hosting vs. hosting regulations. Skala said right now there are STRs. Thomas said he thought we should not apply the new rules to unhosted because they need more work, but go ahead and just do the hosted units with the new rules. Skala then said that they may want to send this back to P&Z.

The Mayor opened the public hearing.

The first speaker said he wanted five minutes since he represents several individuals. At the worksession, the Director of Planning said the intent of this is to lower the impact of corporate or investor owned STRs, but this fails, since all units are treated the same. The same occupancy limits apply, but we need to apply the existing occupancy permissions. They should be amended to recognize the actual bedroom occupancy limits. We also need to allow minor children to be exempted. This new rule would penalize people who cater to family rentals. This is an unfair trap for [people who are trying to comply. The new ordinance says that neighbors must be notified, but who exactly is notified is not specified. The timeframe for approval is at least 6 weeks which will almost certainly require the use of an attorney. That will hurt small operators, but not the large one. This will eliminate, not encourage small operators. He believes that we can simplify this by exempting owner-hosted STRs, limiting any other operator to operating no more than 2 units, and impose the other rules equally across the board. This is too small to pass this comprehensive set of regulations. Send it back to P&Z and respect the property rights. The Mayor asked about proposing limitations on multiple unit operators. The speaker said that might be alright, but at least it would be directed toward corporately owned units.

The next speaker said he thought this regulation was not ready for prime time. He thinks it does not provide protections for neighbors. The current regulations do not distinguish between long-term and short-term rentals. He thinks all rentals should be treated equally. He thinks regular rental rules are not well enforced currently. He also has a problem with a lot of this code. He does not like unhosted STRs in residential uses. He thinks other commercial uses are banned. He thinks that these new regulations will be impossible to enforce and will create a lot of animosity. He thinks we should take a pause. Kick it back down to P&Z. The Mayor said he would like to increase regulations for ALL rentals, not just short-term rentals. The speaker said that the word "rental" is not currently in the zoning code. The Mayor said it is still a use. The speaker said it is like a commercial hotel use, but it has elements of residential. He thinks that there is a very fine line between what is a commercial or residential use, and he thinks corporate entities are a little different. The speaker said he thinks that long term rentals are better since you often can meet the owners and users. The Mayor asked if complaints against long-term rentals were worse than complaints against short-term rentals? Staff said they didn't know.

Skala then related a story about Wellington Estates that had problems with unsold spec condos being used for short-term rentals. Staff said that there is some concern from that neighborhood and that they did have some complaints from that area. The original speaker said it's different everywhere. Peters said if this is complaint driven, the police don't always have time to respond. There may be no reason to complain since nothing will change. Maybe we really need to look at enforcement rather than a whole new set of unenforceable regulations.

The next speaker said he runs one STR and has served more than 100 people over the years. He favors some regulation but wants to make sure it is not overbearing. In particular, we are worried about the number of tenants who can occupy the space. Also, the unhosted hoops you have to jump through may

be an overreach. I don't want to minimize any complaints about bad actors, but we are a good actor and we should not be penalized. You need to hear about the successful users who you don't hear anything about, even the ones that are operating tonight. We currently host up to 6 people in our home. We have families in for medical procedures. We have families who are moving their parents to a new location. We have people who are remodeling their homes and stay with us together in this home. Maybe registration is OK. Taxes and fees might be OK. What has been proposed is too much. The Mayor asked if he was originally a long-term rental and switched? The speaker said they have a multi-unit property and they use one unit for short term. The Mayor asked if that would be permitted? Staff said that the applicant would have to be the property owner and that they would have to obtain Conditional Use permission.

The next speaker wanted to make two points. He noted that Peters came to the East Point Association meeting. He said in that some long-term rentals, people move cars every night, and that really there are 6 people living there, but they claim only 3 occupancy. We could not prove that he was in violation. The neighbors had to complain until he shaped up. I believe that there is a need for more rules on some level, but there are some AirBnBs that are right in front of you that you do not even know exist. They are good. We have a high-end place for scholars. We have one downtown next to some old dumpsters. We lost some college rentals, and I have a million-dollar building with no renters. So, we bought furniture and now it works. It's downtown, it's cool and people like it as part of downtown. My fear is that the government will go too far. I am not opposed to the tax. I think we will get swept up in this and we will be put out of business or be hurt. This will hurt what makes Columbia Columbia. It's a cool service. The Mayor asked if you should just say a rental is a rental regardless of length of stay and strengthen all regulations? The speaker said he is not for more regulation on any rentals. The Mayor asked if he provide off-street parking and the speaker said no, so that brings parking revenue to the city.

The next speaker said that he is FOR regulation on STRs. He thinks there is a proven track record of infractions with STRs. He renovates short-term rentals, so he thinks reasonable regulation is the right way to go. He is not a homeowner. He rents. If he wants to re-rent his room, can he? Staff said the owner of the property would have to apply, and in that case, it would be considered an unhosted. He asked for the ability of tenants to re-rent their rooms to other users.

Another speaker said he thinks the way this is written, it should be tabled. He thinks it is multi-layered. He thinks that anyone already in business, you should grandfather for at least one more cycle of business. On the commercial side of this, he thinks you are getting into some serious water. He thinks that a bunch of these LLCs could be bad players. Investors will buy cheap, sell high, and this can affect affordable housing. We have seen this happen in history. This will affect the schools. You have to think about the long-term. Don't cut off your nose despite your face. Use the old rules as a blueprint so you are not trying to juggle 12 balls in the air at one time. Don't get into the duplex, four-plex thing because not everyone will plain clean. Just start with the single homes. Do that. Then see how it works then move on to the bigger units. Then we will see how the hotels respond.

The next speaker asked for 5 minutes on behalf of the West Ash Neighborhood. She said that there are several neighbors from that area in the audience. She reached out to council members earlier. She noted that just because you spend a long time with something does not mean it has been perfected. We are OK with the hosted regulations. We are not comfortable with the unhosted units. We are asking you to put a hold on this. When you get into the debate between R-1 and R-2 neighborhoods, you can get into racial and political issues. We need more outreach to the neighborhoods. This could have a big impact on us, and we do not think this had been adequately vetted. We think this will have an impact on

affordability of housing stock. We need to be careful moving forward on this issue. This is an opportunity to get it right. We also have a problem with the city's current ability to enforce anything, particularly at night and on weekends. We need a staff that can be more responsive. We do think that things should be inspected and regulated. Maybe you should send it back to P&Z. The Mayor said if we do nothing, they can continue to operate. Do you want them to be regulated by Neighborhood services? How long do you want to pause this? The speaker said Neighborhood services should be involved but was not sure about how long a pause should be.

Thomas asked if the current proposal requires the current Rental Conservation rules to be applied to both long- and short-term rentals? Staff said yes. Staff said occupancy limits come into play as part of the inspection process and that is how that would be documented. The Mayor asked if the occupancy limits would apply? Staff said yes. Peters asked about duplexes? Staff said there are about 25,000 current rental units in 10,000 buildings.

The next speaker represented the Board of Realtors. She said they could accept some sort of tax. They support regulation through the rental conservation program. However, changing the zoning code is unnecessary and, in some jurisdictions, has been the subject of lawsuits. You should not define the user, you need to define the use. It seems that the occupancy limits and that sort of thing won't even address the problems that have been cited such as noise, parking etc. You don't need this change in zoning. The limitation of occupancy to just 3 guests is not what is allowed in long term rentals. The limitation on number of units is arbitrary. This is a residential use and you should characterize the use, not the user. The Mayor asked about the court rulings about residential use. The speaker said that's right, the courts say it is residential in nature despite the length of stay. We are OK with taxation, but do not believe it should be a part of the zoning code. A lot of people have talked about no enforcement of current rules. Putting this in the zoning code doesn't fix this. Fix that, don't put it in the zoning code.

Skala said that regardless of whether these are short or long-term users, they can be reflective of a commercial operation. He has trouble not calling these a commercial use. The speaker said you don't call long term rentals a commercial use. Why would you do that to short-term rentals. What's the difference? Skala said he is not trying to figure this out at this point, but he just thinks this doesn't quite fit. He particularly thinks some of the institutional players absolutely think this is a commercial operation. This is a small potatoes problem – just 300 units out of 28,000.

The next speaker said he has heard a lot of comments tonight. He wants to focus on one area. He is a short-term rental home. He does it in his home and he has had more than 100 visits. They enter through my back door. He has had up to five people He has had a lot of grandparents for a grandchild's birth. He has had people in for medical stays. He wants to focus on doing this quickly. He has reservations made up to 12 months in advance. If you regulate this now just because one thing doesn't meet your new standard, you are going to hurt these operators for a long time – and if you cancel reservations it hurts your online rating. You need to phase this in. the Mayor said he asked about this in the work session and he thought you would get a three-month phase in period. Staff said they would like to phase this in.

The next speaker asked to clarify one thing. She said that she wants to know if she can speak at the next meeting if she speaks tonight? Skala said that he thought people should forego speaking tonight if they want to speak at the next meeting. He said he will go with the will of the council. The Mayor said he thought you should be able to talk both times. She went ahead and offered remarks. She speaks for the Apartment Association. She is familiar with the argument that renters are less desirable as neighbors. More than half the people in this town are renters. The length of your rentals does not make you worse.

In fact, most people who live in single family homes have rented at one time in the past. We do not need these new rules. Why not enforce the existing rules that apply to all properties across the board. Do not create a subclass of properties. Is this a residential vs. commercial use? In many cases, this is a passive source of income. The impact of this is less than a hotel use that might have hundreds of people at a time.

The next speaker lives on Windsor Street. He operates a short-term rental that he lives in and has two other long-term rentals, but each apartment is its own. What would I be classified as? Staff said they would be limited to one unit being used. He thinks the Conditional Use permit would be burdensome. It would be expensive only has one short-term unit and he lives in the building. He agrees with the tax. As far as his guests go, they are regular people and we have never had any problems. If you didn't know we were an AirBnB, you would never know it.

The next speaker is a member of the P&Z commission. She had the task of reviewing this earlier. She said that during their discussion she thought a compelling argument said that short-term rentals could limit the availability of affordable housing. To mitigate this impact, you should limit the ability to move a long-term rental or home to a short-term use. I would rather see an expansion of what could fit in as owner hosting and allowing ONLY owner hosting. There are 17 other US cities that have gone this route and they did it in their zoning codes. If you look at AirBnBs, the vast majority are owner-hosted. This would limit the investor owned operations and would not hurt tourism or small-time operators. Skala ask about ONLY owner hosted? Any accommodation for SOME non-hosted. She believes that residential is residential and that all properties deserve equal protection, but she thinks that in areas that are zoned for multi-family use, she thinks that there can be an impact. The Mayor asked what P&Z would have done if everyone had been there. The Mayor asked if she would like to have this issue back? She said she didn't know. She is the newest member of the board. She felt they did not talk enough about affordable housing. She also thinks some other city commissions should look at this too, even though some people have said that this should go to P&Z. I wouldn't mind taking a second look at this.

The next speaker said she appreciated all the work on this. She focused on security concerns of the neighborhoods. As she researched this more, she found that there was wisdom in taking this long. Last time we looked at the Tuscaloosa model. They do require licenses, insurance, inspections, safety issues and limitations on the number of rentals in certain areas. She also looked at other places like New Orleans where they started out with weak regulations and then increased them. They are being sued by some owners. It was noted that this changed the character of neighborhoods and kicked out some longer-term renters. The new rules can help restrict corporate investors and limit the number of units in anyone building. New Orleans did this and they think they are on firm legal ground even though they are being sued. We can go stronger, then go weaker if we need to. She supports the amendments brought forward by the earlier attorney. Take as long as you need to make the best decision.

Another speaker lives on Greenwood and believes there will be an impact on affordable housing. In the central city, this is where people can buy properties cheaply. That is here we need longer term rental options. Shorter term rentals would supplant those.

The next speaker left her notes at home so she spoke off the cuff. She has hosted STRs for 3 years. She is now going to Rio and was invited by one of her clients who is returning the favor. She has 105 reviews. 2 were negative because the guests overstayed there check out time and other people were coming. People who run STRs and the Conditional Use Permit process is too much. She invested in upgrading her home. She has had people with little kids and small families. Don't do the limitations on occupancy. She

has worked in the public sector and in non-profits for much of her life. She has never had to defend what she does for a living. This is something she does now. She enjoys most of it. I think this adds to the city, not detracts from it. People like her art and her books. She has never had a party. People park in my driveway. The exterior of my home looks better since I have been doing this. There are big homes near Hulen Lake. I have had no complaints. I don't want parties in my neighborhood either, but just because I do this does not make me a party house. I would like to see public safety inspections, and I would be for putting institutional investors through Conditional Use. Skala asked about making distinctions between institutional and single entity owners. Maybe you need to study this further and maybe that is something that should go back to P&Z. I met someone at the bank who said he had more than 100 AirBnB units. Maybe he should have to go through the Conditional Use process, but not me and other hosted users. You should not ban them from R-1 neighborhoods.

The next speaker said that he appears on behalf of the Grasslands Neighborhood. Overall, he believes that Norgard hit the nail on the head. If you go to the Commercial use section of the R-1 permitted use table there would only be a short-term rental use. It looks out of place. One gentleman said he rents a unit and then sublets it. That is an example of taking long term out of use for short term use. An earlier speaker said this is an area where we should go cautiously. Don't go the wrong way. If you allow something, then make it harder later, that could be construed as a taking. In R-1, the only permitted use would be a short-term rental under this rule. Thomas asked about the difference between regular B&Bs and AirBnBs. The number of bookings does not justify a distinction. He would be willing to answer questions.

The Mayor asked about the difference between hosted and unhosted uses? The speaker said he did not. He thinks it is like a regular BnB. How then, does that compare to a long-term rental? The speaker said he thinks the duration of a stay can convert a place to commercial use. What about the Realtors' contrary opinion that the act of a rental does not change the nature of a residential property? He does not agree. He believes that hotels are commercial and that laying your head on a pillow doesn't make something residential. The speaker said he believed that if a property is in a trust, the staff would have to figure out who the real owner occupant is. He doesn't see how in the world the city can examine all the operating agreements of all LLCs to figure out multiple ownerships. Legal staff said that any LLC owned STR would be forced to disclose all owners or partners. Skala asked about residential users and a residential use. The speaker insisted that this is a commercial use. The Mayor asked about the possibility of an overlay. The speaker said if you use an overlay process, you get 50% of the local neighborhood to approve of the idea, then you petition the council to approve that. That then takes precedence over the existing zoning code. However, you should start with a ban, then let people opt in. This allows for a mechanism to allow something in a neighborhood.

Skala said only two overlays have really been successful. Isn't this just a straw man? The speaker said it is true that there are a limited number of overlays now. The Mayor said that this really puts the onus on a neighborhood. Do the covenants in a neighborhood apply to everyone? No, only those who have signed are subject to covenants. An overlay would apply to everyone if you have a majority.

The next speaker said if you want to really protect people in a neighborhood, the notification right now is a post card and an ad in the paper. Who reads the newspaper except me? Signs in yards are not requirement, but they should be. People living on one end of a block might be unaware of a new STR coming in at the other end of the block. Require a wider post card area, signs and neighborhood associations. There is a burden on small time operators with the conditional use permit process. But a

small time STR is a burden on hard working neighbors. She is not supportive of conditional use except for downtown, but know that it might not protect you that much the way this is written. She likes vacation rentals, until one moved in across the street from her. Then, here came a truckload of construction workers who sit on the porch drinking beer. People were in the back at 2 in the morning jumping in the pool. We had some big wedding parties. Let's do this right up front. Don't do this after the fact. I support hosted rentals, but no unhosted. I didn't know who to complain to. I'm not going to call the police. This is a missed opportunity for taxes. I live in a great neighborhood right across from 5 rentals. They used to be long term. Now, one went short-term and I fear that more will go that way. Proceed carefully. Skala asked about unhosted rentals under ANY circumstances. She said no. By and large, this has been a party venue. Skala asked about distinctions between R-1 and R-2. She said responsible owners in R-1 would be OK. She said that this short-term rental house bothers her more than the crack house down the street from her, and that is no joke.

The next speaker said she is focused on healthy neighborhoods and affordable housing. It depends on how much money you have. Retirement, employment, etc., all have a bearing on that. Long term residents have a vested interest in their neighbors. Your neighbor radar goes off when something is different, even for people who rent long term. STR will not be occupied full time and we see some of the same hostility that breaks out when neighbors approach people about violating rules. But, in this situation, there are no rules. We ask that you make hosted rentals file for business licenses now, agree to be inspected, limit occupancy to the number of bedrooms and make it simple. Pause on the rest of the ordinance. Then, talk about how to regulate unhosted rentals and see where you end up. Find a successful model and adopt it. We think the people who should hear from people who answer the calls after hours and find out what works and what doesn't. Neighborhood leaders know how this works and so do your front-line staff. Minimize the impacts by adopting successful models. The Mayor said if we adopt hosted rental regulations now, but push pause on unhosted, don't they continue to exist? The speaker said you do, but people have invested in this, and we need to get something that really works with better input because I don't think we have this figured out yet and how the impacts work. Skala said that the staff has proposed some restrictions, but he takes it that the speaker is not in favor of that. The speaker said she is not in favor of any separate rules for separate zoning classifications from R-1 to R-2 and that we all want the same thing regardless of the zoning. That doesn't matter. What about the unhosted rentals in commercial areas? I haven't heard any opposition to hosted rentals in residential or hosted in commercial. So, do that then figure out the rest. The Mayor then asked if they should not differentiate between zoning districts, should we not differentiate between hosted and unhosted? Shouldn't we strengthen the enforcement of parking, nuisance, noise and parking laws? The speaker said that they should look at that, but you will see challenges at the enforcement level.

Skala asked about the nuisance aspect of the earlier P&Z discussions. Staff said when they first started these discussions, city staff did participate in those meetings. The Mayor asked if Neighborhood Services ever works overtime? Staff said no, we work normal hours and we refer calls to the police. Parking on the grass is a violation and if we see such a violation during the normal day, we will act on that. But mostly we focus on structural issues of buildings.

The next speaker noted that his association believes that all rentals should be treated the same. The current Rental Conservation Program is what should be used as the basis. Neighborhood services can go to the police for enforcement. Short-term rentals should be subject to safety inspections. We also should be on a level playing field. Also, some people said they should put signs out in the front yard. That is simply an invitation for break-ins due to being vacant. The Mayor asked if they have ever revoked a rental certificate? Staff said no, because there are teeth in the ordinance. What if we had two

substantiated complaints within six months? Staff said you would have to define what that means to be able to prove it out.

The next speaker said he has heard a lot of talk about residential vs commercial uses. He noted that he has looked at the medical marijuana issue. He thinks this is a residential use. There are no employees, signage, marketing on the property, there are no monies exchanged, there are no regular housekeeping services, it is indistinguishable from the outside. It is way more like a long-term rental. In those, the owner doesn't live there usually, you can have signage, commercial loans are made to finance them, etc. These are all commercial transactions. This is all allowed because the end use is residential. Renting does not change the residential use. We also should not compare ourselves to larger cities like New Orleans.

Another speaker said he believes New Orleans has one staff person for every 600 STRs. They cannot keep up. He thinks we need at least two dedicated staff to administer this new program. Police don't want to get involved with this. We need more help to do this. None of us have any problems with mom and pop operations. You may kick this back to us on P&Z, and I don't care. That's fine. The speaker thinks that if you own a bunch of units, you have crossed the line. We need to distinguish between small and large operators. Please send us back to work. The Mayor asked how he could say that we would dedicate 2 full time people to short-term rentals when we have a small staff working on 28,000 long-term rentals? The speaker said he thought that some of the 5% lodging tax should be used for this. Skala said he thinks that some of the horror stories could be addressed with more staff. The problem is, when you have some people check on this, sometimes you run into belligerence, and you may have to have a police officer go along. The speaker said there will always be people who don't follow the rules. He thought maybe 5 to 10% of the time you will encounter that. And he does not want to take away from more serious police work.

The next speaker said he has operated a short-term rental for 3 years. It has gone well. He thinks the unhosted rental issue is interesting. He can accommodate 6 to 8 people in the lower level of his home. It's 700 feet of usable space, but now, he would have to go through conditional use, or he used to be able to do two bookings at a time which would now be prohibited. This new process would be onerous. I don't understand the connection between commercial, residential, hosted, unhosted. I am also a regular landlord. I have gone through that inspection process. We could manage a small number of these new kinds of properties through neighborhood services. But, let go back to issues of affordable housing, gentrification, wealthy people can acquire more properties – why not require those institutional owners to have someone on site and that would probably cut down on the number of units dedicated to this use? Don't put the same bad rules on me. I am a good operator. Nobody really knows that I have an AirBnB because I take care of the property, I monitor my guests and I don't allow parties.

At that point, public comment ended.

Peters asked for a five-minute break and then return and discuss amendments, general themes and what we are thinking. Skala thinks some of this is going to have to be written down on paper and is not sure that he will be prepared to vote up or down on all amendments tonight. Pitzer said we need to be prepared to compare all of these ideas since the adoption of some amendments could foreclose on others and we need to understand how they work together. Thomas suggested starting with hosted situations and go from there. The Mayor said that if we did that, the others would remain unregulated. Skala said that hosting is the key but that that needs to be better defined.

A five-minute break was agreed to.

The council reconvened. Trapp suggested that each member say where they stood. Trap started. He said he thinks all areas can be affected by short term rentals, not just in high tourist areas. The impact on affordable housing can be strong. He thinks CUP process is clumsy. He thinks owner-hosted is fine, because it doesn't subtract from the general housing stock. He thinks the occupancy limits are onerous because he wants to have access for families. He does not think this should be determined by zoning category. He could go for some definition of corporate business model, but he is not sure. He does think that this is an existential threat to affordable housing.

Thomas said he would like to suggest separating hosted and un-hosted. Find the consensus on hosted and set that up, including the tax. Then, evaluate all of the suggestions for regulating unhosted, send it back to P&Z possibly, do better outreach to some neighborhoods, and prohibited unhosted in residential areas at this time. I do think that all zoning should be treated the same. He does not want to rule on unhosted at this time. He would be interested in imposing the same regulations on unhosted STRs that we do on long term rentals at this time, then set up a new set of rules later.

Skala said he believes we don't make final decisions until the end and until we have heard all the testimony. He thinks this is a commercial issue in a residential area. His goal is to allow mom and pop operations but is not necessarily satisfied with the rules to qualify as a mom and pop. He thinks there should be a limit on occupancy. He leans toward allowing hosted only in residential areas. Can we disallow unhosted in residential areas? And what about R-MF? I am not sure. I don't think we run all institutional owners out of business, but I want to protect the neighbors. I do think there are some effects on affordable housing. He cited the New Orleans example and said that it really got bad down there. Some of our neighborhoods are sensitive about the culture in their areas. That is even true of some regular rentals. Some owners have even tried to encourage people to move on so they can cobble together more properties. I like the rules about inspections, increasing staffing and general regulation. My inclination is to put these on paper so we can consider these at the next meeting and get some input before we consider this at the next meeting. Let's resolve some of these issues before we vote.

Peters said she talked to the lawyers and said she thinks we should move forward on the hosted rentals and believe that all rentals should be inspected. I have the usual question about enforcement. I am not sure what we need to do to improve that or what teeth we need to put into these rules. Do we impose massive fines? Do we pull the certificate after a certain number of violations? Have we researched this in other cities? I have received some emails that looked like they all came from the same place. Staff said this is an original ordinance. It is not a knock off. We have not looked deeply at the enforcement side, but we have looked at other ordinances about number of day limits, etc. She then said rather than do a lot of amendments tonight, why don't we have staff reassemble this and bring it back on February 3?

Pitzer said he is not sure that with all the ideas expressed we are not in a good position to synthesize all of this tonight. He thinks that bringing it all under the Rental Conservations Program is good. He does not think this should be defined as a new use. If a rental is a rental is a rental, there are no other rentals currently in the zoning construct. In terms of the unhosted concept, he is not opposed to that, so he wants to preserve that concept. I have used that in other cities and I liked it. I have had great experiences. All the horror stories seem to be around enforcement, or lack thereof. I just don't know what the enforcement mechanism is. We have the laws. Do we create an escalating series of fines? I

don't know, but I think that is where we should go. Bring it under the rental code and use common sense. I would not require any offsite parking in the downtown area for short term rentals.

The Mayor said he has tried to synthesize what he has heard and he believes it is hard. Some stuff contradicts other points. Everyone thinks AirBnBs are good but not in their neighborhood. He thinks if we can strengthen neighborhood protections for people in all residential neighborhoods and strengthen neighborhood services so we can be responsive to all complaints would be best. He thinks this ordinance seems too elaborate. If we went down that road, he would like to amend the way we handle STRs in R-1. He is back and forth on the CUP process. Do we accelerate the process? Do we grant the CUP for all existing operations? Maybe the best stop gap would be to regulate all STRs under the rental conservation law, set an occupancy limit for all of them, and set a \$1,000 fine for all violations of any ordinance for both the host and guest. I don't know how to do that. Then, we could do the first set of things and refer the rest back to P&Z and set a firm timeframe for response when there are 9 commissioners present.

City legal staff said they cannot issue a certificate for transient guests, unless we start issuing without changing the zoning code. We need to change the zoning rule at the same time. The Mayor asked why you can't do that by adding the phrase short-term rental. The city lawyer said you could do that, but then you can't use that to enforce the code, and that is a conundrum. The city lawyer said if you do it piecemeal you have a lot of unintended consequences. Skala asked if you change the zoning use, could you limit yourself by geographic area? Legal staff said you would give up your right to limit what areas it goes into. Staff said you would not have the ability to differentiate for notification, etc. Staff said it would be a challenge to get this back to the council in time for the February 3 meeting. Staff said they would we could probably get something out for the second meeting in February.

Pitzer asked if they could come back with a possible framework for this. Staff asked if you want to go after just hosted and whether that is legal? The staff member responsible for this product is still wondering what standards he is supposed to include in the new memo. What is it that you want us to retain? Do you want the qualification portion retained? What about the 270 days? Do you want the designated agent? We need some guidelines. We listened to the public for a year and a half and we came up with this.

Trapp said we have come this far and he thought this was cumbersome. He is more impressed with this, though, than he originally thought. He does not think we can bifurcate this. He heard themes that occupancy limits should apply. He does not think we should ban them outright, but he is not a fan of unhosted. I think we should try to work with what we have and try to make it work with some amendments. Has staff heard enough?

The Mayor said he thought that occupancy levels need to match up with the taxation rules. Those statutes don't distinguish between minors and adults, so that's what's here. We can work on that. What about the CUP process? Do we make exceptions for properties next door? Do we require CUP for both hosted and unhosted? The Mayor said he is talking about the CUP process for unhosted for small operators or next-door properties. What about using the CUP for occupancy limits? Do we use the unrelated people definitions? Staff said that there is some occupancy language in the original staff presentation. If we start setting an occupancy limit but we have a 6-bedroom home and a family wants to stay there that could work but we would have to add back in the family relationship thing. We did not look at adjoining properties operating as hosted.

Skala said he may be too dense to understand this, but he is trying to figure out how to accommodate transient guests under the Rental Conservation Rule and still have the ability to tax? Legal staff said the definition of transient guest travels throughout the code and carries over to the lodging tax. I would like to be able to use that revenue to enhance Neighborhood Services. Can we do that? Currently that does not seem to be allowed. Does that mean that we would also have the obligation to promote these properties, not regulate them? Legal staff said there would also be some sales tax money involved. Can we make the distinction between hosted and unhosted? The Mayor said Kansas City used rules that said they could not exceed 95 nights a year, had a designated agent, and didn't own more than two properties.

Thomas said he understands why it is difficult to separate hosted and unhosted under the Rental Conservation Law, but asked if it would be theoretically possible to go ahead and regulate the unhosted STRs by banning them within different zoning districts except with a CUP process?

Pitzer then wanted to make sure that off-street parking is not required downtown. The Mayor asked the city manager to ask the office of neighborhood services to chime in on some of this particularly regarding the certificate of compliance for rental properties and enforcement.

The Mayor suggested tabling this to the February 3 meeting.

The motion carried with no further action and no votes on any amendments.)

B2-20 Granting the issuance of a conditional use permit to TKG St. Peters Shopping Center LLC to allow the establishment of a drive-up facility (restaurant) on property located at 201 S. Providence Road in the M-DT (Mixed-Use Downtown) zoning district; providing a severability clause (Case No. 06-2020). (Action: The structure to be built on this property is proposed to be a one-story, 3,316 square foot building with 25 parking stalls. It would be built on approximately 1/3 of the vacant property located south of the Lucky's Market parking lot and southwest of the Providence Road and Locust Street intersection. The proposed use is a Raising Cane's restaurant that specializes in chicken. Restaurants are a permitted use in the M-DT; however, a drive-up facility is only permitted upon approval of a conditional use permit subject to the provisions of Chapter 29- 6.4(m). When the new code was put in place, the downtown was generally thought of as a typical downtown block set-up. This part of downtown is a little different, but it is still within the M-DT. Therefore, this application is for a Conditional Use permit – not for a change in the underlying zoning.

The front of the building would be oriented toward Providence Road with parking located on the north side of the building. Access to the site would be from the rear of the proposed building via a shared access driveway connecting to Lucky's Market entrance driveway (at the signalized intersection of Providence and Elm) on the north and via future connection to the parking lot/driveway access for Custom Complete Automotive to the south. The applicant's plans propose building an ADA-accessible pedestrian approach from the existing Providence Road sidewalk as well as inclusion of outside seating areas on the north and east sides of the building. Given the proposed location of the drive-thru and its exit running parallel to the Providence frontage, the building as proposed does not meet the required building line (RBL) provisions of the UDC applicable to properties within the M-DT district which require buildings be built up to the sidewalk.

The applicant has indicated that an alternative drive-up facility circulation pattern is unworkable for them. As such, the applicant will need to seek Board of Adjustment approval for an additional variance from the Required Building Line requirement in order to build what is shown on the conceptual site

plan. One other variance is also anticipated to address design challenges related to topographical conditions, but both of those would be heard by the Board of Adjustment, not the council.

This request is limited to only the 1.13 acre portion the subject property proposed to be improved with the Raising Cane restaurant as depicted on the conceptual site plan. The site plan was provided for reference purposes only and has not undergone a full site plan review by city staff. The plan was submitted to assist in evaluating this request's compliance with the six conditional use criteria as well as to better understand the relationship of the drive-thru to the proposed building's location, circulation and access. It is anticipated that the plan will require minor revisions to ensure compliance with applicable city development regulations as well as possible Board of Adjustment variances relating to M-DT provisions.

The Planning and Zoning Commission's recommendation regarding this request did not offer any specific conditions associated with a potential approval of the CUP. Imposition of site-specific conditions such as restricting approval of the CUP to the construction of a Raising Cane's restaurant or in "substantial compliance" with the submitted conceptual site plan is possible pursuant to Section 29-6.3(e) of the UDC.

There are presently no redevelopment plans or tenants identified for the remaining 2/3 of the subject site which was platted in 2018 and referenced as the University Centre Subdivision Final Plat. Additional platting is not required as long as TKG St. Peters Shopping Center LLC retains ownership of the entirety of lot (3.26 acres) and the required cross-access easements to serve all developable portions of the lot are dedicated prior to the issuance of building permits.

The appropriateness of a CUP for a drive-up facility at this location was weighed against not only the CUP criteria of Chapter 29-6.4(m), but also the intent of the M-DT as promulgated by the UDC, the 2005 Providence Road Policy Resolution, the 2010 Downtown Charrette, and the 2013 City-wide Comprehensive Plan.

Following this analysis, staff was unable to find support for the Conditional Use Permit request. The Planning and Zoning Commission considered this request at their December 5, 2019 meeting. The Commission requested results of a traffic study conducted by the applicant and discussed concerns relating to pedestrian access to the site as well as inconsistencies with adopted City plans and policies. At the time, no traffic study was available. Now we have one, and after review, staff concurs with the impacts and would suggest some new ped-heads and turn lanes.

Following discussion at P&Z, a motion to deny the CUP for a drive-up facility passed (5-2), so this comes to council with a recommendation of DENIAL.

Peters asked why P&Z denied it. Staff said he believed there were several reasons including not quite fitting in with the existing character of the area; not adding to the pedestrian experience; and not having a traffic study available at the time. Peters also said she had heard that she wondered about what would happen at the Locust intersection that MO Dot controls and what about a sidewalk connection up to Lucky's? Glascock said he is not aware of a specific plan to address those concerns and that the approach to Lucky's is a driveway, not a street.

Pitzer asked if the west side of Providence was always considered to be part of downtown. Staff c=said it was a part of the original city and that there are some areas in that area that are NOT considered to be

downtown. Was there any discussion about NOT including it in the M-DT at the time that the new zoning code was adopted? Staff said yes, that's why there is the Urban West form that was adopted, but the underlying zoning is M-DT. It is an issue of character and place and that's why it has to adhere to this form. Pitzer asked if the surrounding sites were grandfathered in? Staff said they were. Pitzer asked about the old conditional Use Permit that was issued to this property. He thought the CUP ran with the land, not the owner necessarily. Staff said that CUP was for surface parking, not for a drive through. Now, we have reversed those rules and so the old conditional use permit gave permission for the parking part, but not for the drive through part. Pitzer then asked if all Conditional Use Permits had expired when we adopted the new code? City legal staff got into the discussion and said that CUPs do NOT run with the land, they allow a specific act under certain conditions. If those conditions are not met, or if the use is not ever established, then it goes away. If there are others that existed and were never established, then they should go away. Staff said they could not think of specific examples right off the bat, because these used to be handled through the Board of Adjustment.

Pitzer asked if the old CUP included standard language or was it specific? Legal staff said that there were some conditions in the old one, and the new one is based on ideas that would be useful for consideration by the council, but all of them are tied to the underlying rules, and not all must be adopted. The difference is, you could not revoke a CUP for a violation of the new standard.

The Mayor asked if when we did the new UDC, was there a requirement for four-sided architecture by the cemetery? Staff said they did not think that requirement exists here. The Mayor asked about the total acreage of 1.3 acres. Staff said that is one part of the site, and the entire site is 3-plus acres. This building would set the tone for the area, but right now there are not any other uses or buildings applied for. Staff believes that we are looking at the existing built environment, the public interest, the broader intent, etc. That's why we ask. The Mayor suggested that there would be no new curb cut on Providence for access. Staff concurred. The Mayor asked if the applicant provided a traffic study to P&Z. Staff said NO. The Mayor asked if it was required at that time. Staff said no, but it would be required later. The Mayor asked if where Locust crosses Providence, who is responsible for that? Staff said that is a shared parking lot and the street right-of-way was abandoned long ago. Staff further said that there would be a fairly long interval between where people come off the roadway and get into the stacking lane at the restaurant. The Mayor asked about pedestrian walkways to the Lucky's store. Staff said that was not a requirement but that there will be a change to the intersection where exiting traffic eventually hits Providence at Locust and that there will be some improvements required, like permissive lights, striping etc.

Skala said he was reminded that there was an original Policy planning document, a charette and that those went as far back as 2005 and that he participated in those discussions. He asked if the applicant had rejected suggestions to put the restaurant parking in the rear of the building. Staff said that was correct. The Mayor said he remembered when this was Skagg's.

The public hearing was opened.

An attorney appeared on behalf of the applicant. He noted that it seemed unusual that a Conditional Use Permit would be required on something that already exists in this entire area, including restaurants, drive throughs and front location parking. This property was already granted some form of Conditional Use in the past, but when the new zoning code was adopted, this use criteria changed. When that was happening, staff considered whether this area and this property could meet Standard A. It could. Could

it meet Standard B in the new plan? It could with conditions, and that would meet the standards of the code, not the Charette, and old Providence Road Study, the old code or other plan documents.

We have discussed the qualifications, and we would agree to them as long as we were able to define what a violation would be considered to be. Under the old suggestion, it was way too broad. Unfortunately, we did not come to any kind of agreement until way too late. We think we can address our differences, but we do not have that completely worked through. Pitzer asked the speaker what he suggested to city staff to match the requirement of Part F in the requirements? The speaker noted that within the proposed CUP, by stating that if we violate code, we lose our conditional use. Currently, the language says if we violate the public interest, that violates the code, and that is too broad and too undefined.

Skala asked about item D in the proposed conditions in the Conditional Use. The applicant had objected to Item D. The proposed condition identified the currently identified access from Providence and Elm as the ONLY access point. They did not want to agree to that since in the future there will be another access point when the other part of the property is improved.

We also had a problem with Point E. It said we could not violate the zoning code unless we had a variance. That sounds good, but you can violate the zoning code with a design adjustment, which we are going to ask for so we couldn't agree to that. Legal staff said they did talk about this, but that the requirements only apply to this part of the parcel and not the entire problem. Skala asked if variances are specifically different than design adjustments? Staff said that they would go to different decision-making bodies, and that they know they will have to get that. The Mayor asked if they would like time to go get that worked out. The lawyer said he would not. He wanted it deleted or this can't work. Staff said that would not be a real problem to just add the phrase "or design adjustment" to the rule.

The next speaker was a traffic engineer for the applicant, and she described the site and scope of her traffic study. They studied the Raising Canes stacking plans, traffic back-up, impact on traffic counts, levels of service at lighted intersections and the site passed in terms of usability. Recommendations that came from this study were to: provide a pedestrian pathway to Raising Cane's; additional striping to match existing striping on adjacent roadways; and other potential amendments to the lighted intersection like a change in the signalization. Both the City and MO Dot agreed with the study. The Mayor asked if this assumed build out of the additional part of this site. The engineer said that yes, this was a 10-year study and did assume additional development. The study did NOT anticipate any additional drive-through. The Mayor asked about a sidewalk up to Lucky's. The engineer said it was not a part of the plan but that it appeared that Lucky's would agree to something like that and it could be in a plan. Pitzer asked about the viability of changing a protected left-turn lane. The engineer indicated that a left turn lane already exists along Providence for the length of the area fronting this site, so no immediate changes would be needed but MO Dot continually reevaluates traffic patterns in this area.

The next speaker represented Raising Canes. She said that they focus on customer service; they have perfected their timing of food delivery in drive throughs; they have on-site parking managers for grand openings and special events; they are supportive of a sidewalk to Lucky's and they believe that it should be constructed. So why did we end up with the site plan we have here? We started with our standard plan, and when we saw the additional conditions unique to this city, we reconfigured our plans to try to fit yours. Our facility has bike racks, the ability of have open garage door facings; pedestrian access, etc. The mayor asked if there was a commitment to build the sidewalk to Lucky's. The speaker said yes. City legal staff said they could add that as a condition. Pitzer asked if they would meet the landscape

requirements. The speaker said their landscape package would cost in excess of \$100,000. Pitzer asked if they had considered any other sites that would have less hassle. The speaker said this was the best site on their list and they are committed to this site.

The next speaker indicated that he was a Realtor and that he has worked for Raising Cane's for many years. He said that they have a different way of doing business and that the original owner is a great, interesting, hardworking guy who treats his employees and his communities great. He knows that he's made it and he wants to treat other people well. He worked in Alaska to raise money and then invested it in his first restaurant. Now he has 500. It's all fresh chicken. There are no heat lamps in the store, it's all freshly cooked, never frozen. They serve fresh-squeezed lemonade. They have basic areas of focus including – Education, Pet Welfare, Entrepreneurship, etc. We are committed to giving back \$50 million to the communities we serve by 2025. The restaurants look great, but they all look slightly different due to local tastes and requirements. It's a great company. The location is across from the University and this company works with a lot of colleges. We looked at the site where Panera Bread is now going in, but we chose this one. We are also across from Washington University, Fontbonne and schools throughout the SEC.

The next speaker noted that the Mayor mentioned Skaggs. He wanted to know why this lot has always been vacant. It's next to a cemetery. But, what's the deal? You better check it out before you move in. Why are you saying this is a shopping center when it is clearly a restaurant? Peters said it is next door. The speaker disagreed and said it's a restaurant, but they called it a shopping center. Peters corrected him again then gave up.

The next speaker said he is a proponent of pedestrian friendly facilities and he is not necessarily an opponent of Raising Cane or development, but he likes what he sees in our downtown area and he does not think that a drive through in this area will fit in this environment. We already have enough of that in this area. Is that going to make our downtown better? Is this something we need? Could you not find a better location? I know you like being close to the University, but this is a place where we need to establish a long-term, pedestrian friendly area here. The Mayor asked if they added a sidewalk here would that help? The speaker said that if this goes through, it would be great to have a wider bike region here where the trail ends.

The next speaker said she is the local real estate agent and she has marketed this for 6 years. The only bites she has ever had on this site have been drive-through restaurants. No other type of use has shown this kind of interest. This company has shown a lot of commitment to this site and they are a good company. I just saw that Lucky's is closing stores throughout the country. Lucky's in Columbia is not one of them now, but let's help keep them here with neighbors and a sidewalk. We've had interest here from McDonald's. Some more localized operations can't afford to get into this site. This is a great end-user.

Peters asked if the plan included a disability sidewalk and thought that was a good feature. Trapp said he likes what he saw in the charette, but guess what? That has been shopped around and nobody ever wanted to do it. Also, if you want to have walkability, you have to have somewhere to go. This seems like a good destination. Some of the other things we do are aspirational. Here's a good one that we have in hand.

Thomas noted that he had had some discussions with the company and they do seem to be a good company. He thinks that the purpose of our zoning code is to guide our community vision and to expand

our walkability in our downtown area. There are currently too many cares, too many emissions, too many restaurants, etc. We have a code that requires a special permit to have a drive-through restaurant and they have not met the test. Thomas indicated he will vote no.

Skala said he came to the hearing thinking he would vote no. He is now convinced he is leaning toward this. He thinks it sounds like a good company. He does want to respect the P&Z commission. He wonders how much weight to give old planning documents. He does not support incremental commercialism. He wants to hear from the other council members.

Pitzer said he is uncomfortable with this project because even if we pass this, the Board of Adjustment can kill this deal, and I am not sure that is an appropriate way we should do it that way. I think there is not a problem with this proposal. I don't even know that this should have been included in the M-DT in the first place. This is a busy road. I will support this.

The Mayor said that he is not sure how he will vote yet, but he wants to add a requirement that they add a five-foot sidewalk on the north side of the property heading toward Providence Road. The amendment passed.

Skala said he would like to amend the language about the variances. City legal staff said they already looked that up and there is no conflict in the language in the existing requirement. The suggested amendment was withdrawn by Skala.

The applicant was asked that since there was one person absent, would they prefer that the vote occur? The applicant said yes.

A motion to approve the overall request as amended passed 5 to 1 with Thomas voting NO.)

B9-20 Amending Chapter 14 of the City Code as it relates to parking violations; repealing Section 14-616 and amending Chapter 15 to repeal and re-enact in place thereof a new Section 15-19 relating to Municipal Court costs.

(Action: This past year, the Missouri Supreme Court established a new set of court rules relating to uniform parking violation fines and fees. Those new rules could result in higher fines and court costs for infractions ranging from over time parking to parking in tow zones, parking in spaces reserved for handicapped drivers, etc. The rules also establish a schedule for court costs that can be imposed in addition to the actual fine. The current City Code sections relating to court costs were last revised in 1996. Since that time, the state laws have changed and there are erroneous statutory references contained within the existing Code. It is a best practice to have all costs and surcharges enumerated in a single location within the City Code for clarity.

Although the municipal court does retain some discretion in the imposition of minimum and maximum fines and court fees, best practice indicates that the city should amend its current code to better reflect the intent of the court. As an example, the current fine for regular overtime parking is \$15.00 if paid within 15 days and \$30.00 if paid after the 15-day grace period. The new rules would change the local fine to \$15.50 if paid by the court date that is now being listed on each ticket – and \$37.00 if you pay after the stated court date. There is also the possibility that the court could impose court costs on each such ticket, but the proposed legislation will change the underlying fine schedule and provide additional judicial discretion for minor parking infractions to keep the total cost near current levels.

This would permit the municipal judge to use the uniform fine schedule approved by the Missouri Supreme Court so that individuals may continue to pay their parking tickets without appearing in Court on a scheduled court date. In egregious cases, the city prosecutor would retain prosecutorial discretion to file a charge which would require the defendant to appear in court. In no instance can local parking fees result in a charge of more than \$225.00.

The proposed legislation goes through the entire schedule of municipal parking fees and fines and sets rules regarding the imposition of extra court fees if a person pays parking tickets without appearing in court. Other municipal cases, however, often have additional court fees imposed, and a schedule of those fees is enumerated in the new rules. Net financial impact of the new rules is expected to be generally revenue neutral.

Here is a link to the entire schedule of fees and fines as enumerated in the staff report:
[LINK TO PARKING FINES AND FEES REPORT](#)

The Mayor asked if it was too late to amend the bill as submitted. Legal staff said that council could make an amendment as it related to clarification of the rule on towing of cars in addition to the underlying fine associated.

The Municipal Judge clarified that there are minimum fines and maximum fines, and these set the base. He also indicated that there is a DWI recruitment average cost assignment referenced in this bill. He thinks if they change that and gives the judge more discretion, then someone can come in and argue it. He also mentioned that prosecutors still have discretion to ask for higher penalties. Skala asked if the judge prefers having set fees or more discretion. He is fine with the general set up and can go with the same thing until somebody doesn't like it.

A motion to add a new subsection 14.3104 to read that "except a fine may not be less than \$100.00". The amendment passed unanimously.

Pitzer wants to make sure that people understand the fine has now gone up. City legal staff said the language has already been changed and printed so new tickets will reflect the new fine schedule. Skala said he wanted to simplify this and asked if this simply provides a more flexible way for the court to adapt to changes made by the state court. The judge said that was correct and he is thankful that the council will go along with these changes.

The bill, as amended, passed unanimously.)

CONSENT AGENDA

(All items remaining on Consent Agenda approved unanimously.)

B1-20 Calling a municipal election for Council Members for Wards 1 and 5.

B3-20 Approving the Final Plat of "Ripley Street Subdivision" located on the northeast corner of the intersection of Ripley Street and Richardson Street (300 and 302 Ripley Street); authorizing a performance contract (Case No. 236-2019).

B4-20 Approving the Final Plat of "Liberty Square - Plat 5," located on the southwest corner of Penn Terrace and Creekwood Parkway (Case No. 11-2020).

B5-20 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.

B6-20 Amending the FY 2020 Annual Budget by appropriating funds for the Share the Light Program for the purchase of smoke alarms and carbon monoxide alarms to be distributed to low income residents.

B7-20 Accepting donated funds for the Parks and Recreation Department’s Holiday Toys for Columbia’s Youth Program; amending the FY 2020 Annual Budget by appropriating funds.

B8-20 Accepting donations for various Parks and Recreation Department programs; amending the FY 2020 Annual Budget by appropriating funds.

R2-20 Setting a public hearing: voluntary annexation of property located on the south side of I-70 Drive SE and east of Upland Creek Road (5300 I-70 Drive SE) (Case No. 51-2020).

R3-20 Authorizing various Adopt a Spot agreements.

R4-20 Authorizing a memorandum of understanding with Counter Tools for technical assistance, training and software tools to facilitate data collection on tobacco retailers in Columbia.

R5-20 Authorizing an agreement with the U.S. Committee for Refugees and Immigrants for medical screening services.

R6-20 Approving and adopting revisions to the Transportation Regulated Employee Drug and Alcohol Use Policy for City employees.

R7-20 Authorizing Amendment No. 1 to the agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for construction phase services for remediation of surface gradients at the intersection of Runway 13-31 and Runway 2-20 at the Columbia Regional Airport.

R8-20 Authorizing CDBG grant agreements with Independent Living Center of Mid-Missouri, Inc. (d/b/a Services for Independent Living), Job Point, The Food Bank of Central & Northeast Missouri Inc., and the Housing Authority of the City of Columbia.

R9-20 Accepting unused funds received from Columbia Access Television (CAT).

R10-20 Authorizing a special event operations agreement with Ragtag Film Society for the 2020 True False Film Fest.

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING

(All items introduced as presented.)

B10-20** Rezoning property located on the southwest corner of the Lakeview Avenue and Poplar Street intersection from District R-MF (Multiple-family Dwelling) to District M-C (Mixed-use Corridor) (Case No. 21-2020).

B11-20** Granting the issuance of a conditional use permit to Jonalyn Siemer to allow for the construction of an accessory dwelling unit on property located at 103 Anderson Avenue (Case No. 22-2020).

B12-20* Approving the Final Plat of “Arbor Falls, Plat No. 3A” located on the southeast corner of the Ranger Drive and Old Hawthorne Drive intersection (Case No. 35-2020).

B13-20* Accepting a donation from Central Bank of Boone County for the 2020 Affordable Housing Summit; amending the FY 2020 Annual Budget by appropriating funds.

B14-20* Authorizing Amendment No. 1 to the agreement for professional engineering services with Weaver Consultants Group, LLC for the Columbia Sanitary Landfill Horizontal Expansion Permitting Project - Phase II; amending the FY 2020 Annual Budget by appropriating funds.

B15-20* Authorizing the City Manager to execute an easement for highway purposes and a utility easement for fiber optic cable purposes to the Missouri Highways and Transportation Commission for property located along State Route B and adjacent to Columbia Terminal Railroad (COLT) right-of-way.

B16-20* Amending the FY 2020 Annual Budget by appropriating funds for the replacement of streetlights associated with the First Presbyterian Church sidewalk reconstruction project along a portion of the east side of Hitt Street between Locust Street and the alley south of Cherry Street.

B17-20* Accepting a conveyance for utility and drainage purposes; accepting Stormwater Management/BMP Facilities Covenants.

B18-20* Amending the FY 2020 Annual Budget by appropriating funds for outreach efforts related to the 2020 Census.

B19-20* Authorizing an agreement with Boone County, Missouri for public health services in 2020.

B20-20* Authorizing an agreement with Boone County, Missouri for animal control services in 2020.

B21-20* Amending Chapter 2 of the City Code as it relates to membership requirements and duties of the Downtown Columbia Leadership Council.

B22-20 Amending Chapter 13 and Chapter 26 of the City Code relating to bed and breakfast establishments and short-term rentals of residential dwelling units.

B23-20 Amending Chapter 22 of the City Code to add short-term rental provisions to the City's Rental Unit Conservation Law.

REPORTS

REP3-20 Citizens Police Review Board Member Removal.

(Action: On October 21, 2019 the city council appointed a new member to the Police Review Board. Unfortunately, that member has not participated in any available training and failed to attend each meeting since her appointment in November, December and January. The board has recommended that this person be removed from the board as is provided for in the City Code.

Council voted to remove the member from the board.)

REP4-20 Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.

(Action: **No further action was required, and none was taken.**)

Skala brought up the fact that he had reserved the option for the Mayor to appoint to the Library board. The Mayor appointed Bradd Anderson with the support of the council.

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

A speaker noted at the last meeting that he said, "What would Jesus do?" He was referring to the problem of homelessness and wanted to note that he only wished he had been heard on this topic ten years earlier.

Council

Skala would like to welcome the public to meet Andy Woody, the new fire chief, on January 22.

The Mayor indicated that he has been meeting with other mayors and the Governor on the topic of crime in cities. He wants to give our chief more authority. Areas of focus include protection of witnesses. He also wants better mental health interventions. He also wants to close the loophole on possession of firearms by teens, domestic violence perpetrators, etc. He does not know exactly when legislation will come forward, but he would like for the council to endorse the idea of the mayor testifying on this in the Missouri legislature. Council endorsed the idea of the Mayor continuing to work on this issue at the state level.

Staff

(None.)

ADJOURNMENT

(Time: 12:38 AM)

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