

**November 27, 2017**  
**Springfield, Missouri**

The City Council met in regular session November 27, 2017 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

**Roll Call** Present: Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Tom Prater, Craig Fishel, Jan Fisk, Craig Hosmer, Richard Ollis, and Ken McClure. Absent: None.

**Minutes** There being no additions, deletions or corrections, the minutes of the November 13, 2017 City Council Meeting; November 14, 2017 and November 21, 2017 Special City Council Meetings were approved as presented.

**Consent Agenda** The Consent Agenda was approved as presented.

Councilman Prater moved to add Substitute Council Bill 2017-261 to the City Council agenda as was posed in the Office of the City Clerk, as a possible addition to the agenda, on Friday, November 24, 2017. Councilman Fishel seconded the motion and it was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

Anita Cotter, City Clerk, noted Substitute Council Bill 2017-261 will be added to the agenda, and will become item number 6.5 under Second Reading Bills.

**CEREMONIAL MATTERS**

**Did Not Appear** Swear in Mindy Spitz to the Tree City USA Citizen Advisory Committee.

**City Managers Report** Greg Burris, City Manager noted a memo, from Environmental Services, was sent to City Council on November 20, 2017. He stated the memo included a map of unsewered parcels in the City of Springfield, and a list of future and potential sewer projects, as requested by Councilman Hosmer at the November 13, 2017 City Council Meeting.

Mr. Burris expressed appreciation to Jimm's Steakhouse & Pub for serving a prime rib dinner to approximately 250 homeless guests from the Victory Mission, The Salvation Army, Harmony House, and Safe to Sleep. He stated the event on November 19, 2017 was hosted by the Oasis Convention Center. Mr. Burris noted McDonalds supplied Happy Meals to children. He stated Jimm's is accepting reservations for Rare Breed clients, and their families, to enjoy a free dinner at the restaurant during the holiday season.

Mr. Burris noted the Community Partnership of the Ozarks hosted the annual Hope Connect event and, with the help of 350 volunteers and 65 agencies, served 790 individuals. He stated 79 people self-identified as Veterans and 110 people were under the age of 18. Mr. Burris noted agencies provided many services, including issuing state ID cards and Missouri birth certificates. Mr. Burris noted nursing students provided foot care services, and Walgreens provided free flu shots. He stated Missouri College of Cosmetology students and the Brentwood Barbershop provided free haircuts.

Mr. Burris congratulated the Springfield-Greene County Park Board for the successful Turkey Trot on Thursday, November 23, 2017. He stated 8,000 runners and walkers registered for Springfield's Thanksgiving Day tradition. Mr. Burris noted the Turkey Trot is Springfield's largest timed 5K race, and the largest Thanksgiving Day 5K in Missouri. He stated proceeds benefit the Developmental Center of the Ozarks and the Springfield-Greene County Park Board Scholarship Fund.

Mr. Burris noted the City of Springfield's November sales tax revenue check, from the Missouri Department of Revenue, was seven percent below the budgeted amount. He stated the sales tax revenue check reflects sales processed by the state in October 2017 from transactions made primarily in September 2017. Mr. Burris noted year-to-date sales tax revenues are two percent below budgeted amounts. He stated David Holtman, Director of Finance, has indicated significant delays continue in processing the City's largest vendor payments. Mr. Burris noted a copy of the sales tax revenue press release, and statistical analysis, has been provided to City Council.

Mr. Burris noted Police Chief, Paul Williams, has provided the November Police Staffing Report and the October Crime Report to City Council.

Mr. Burris congratulated Fire Chief, David Pennington, for being selected to the Fire Service Executive Development Institute. He stated this prestigious program only selects 20 fire chiefs from across the country and the scholarship will fund all of Chief Pennington's expenses for attending the Institute.

Mr. Burris noted the Give 5 inaugural class has been selected. He stated 45 applications were received for 25 available spots in the class. Mr. Burris noted the first class begins on Wednesday, December 6, 2017, and applicants not selected for the first class will be placed on a waiting list for the February 2018 class. He stated additional information on Give 5 can be found at [www.springfieldmo.gov/give5](http://www.springfieldmo.gov/give5).

Mr. Burris noted more than 2,000 people attended the Springfield Downtown Tree Lighting event at Park Central Square on Saturday, November 18, 2017. He stated the event combined multiple tree lighting ceremonies into one event. Mr. Burris introduced Cora Scott, Director of Public Information and Civic Engagement, who showed a brief video recap of the event.

Mayor McClure expressed his opinion the Tree Lighting was a terrific and congratulated City staff for coordinating the event.

Mayor McClure asked for clarification on the possible impacts due to the delay in processing sales tax revenue payments from vendors. Mr. Burris expressed his opinion the delay in processing sales tax revenue, over the past several months, may be attributed to the Department of Revenue's recent transition to a new software system. He stated other municipalities are also experiencing delays in receiving sales tax revenues.

Councilwoman Fulnecky asked for clarification on the estimated growth percentage for sales tax revenue in the Fiscal Year 2017-2018 Budget. Mr. Burris responded he will provide this information to City Council.

**The following bills appeared on the agenda under Second Reading Bills:**

**General Obligation  
Sewer Improvement  
Issuance of Bond  
Series 2017F**

Sponsor: Ollis. Substitute Council Bill 2017-261. A special ordinance authorizing and directing the issuance, sale and delivery of not to exceed \$2,430,000 principal amount of General Obligation Sewer Improvement Bonds, Series 2017F, of the City of Springfield, Missouri; prescribing the form and details of the bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; authorizing certain other documents and actions in connection therewith; and declaring an emergency.

Greg Burris, City Manager, gave a brief overview of the proposed, which provides minor amendments to the original Council Bill.

Frank Romines, City Attorney, noted Line 1442 of the proposed amends the true interest cost and includes an emergency provision allowing for this amendment.

Mayor McClure asked if the proposed is based on recommendations from Bond Council. Frank Romines responded in the affirmative.

An opportunity was given for citizens to express their views. There being no appearances, the public hearing was closed.

Substitute Council Bill 2017-261. Special Ordinance 26974 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

**General Obligation  
Sewer Improvement  
Issuance of Bond  
Series 2017F**

Sponsor: Ollis. Council Bill 2017-261. A special ordinance authorizing and directing the issuance, sale and delivery of not to exceed \$2,430,000 principal amount of General Obligation Sewer Improvement Bonds, Series 2017F, of the City of Springfield, Missouri; prescribing the form and details of the bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; authorizing certain other documents and actions in connection therewith; and declaring an emergency.

Anita Cotter, City Clerk, noted due to the approval of Substitute Council Bill 2017-261, Council Bill 2017-261 will fail and not be considered.

**Chapter 36-616,  
Section 202 –  
Definitions, and  
Section 301 -  
General**

Sponsor: Ferguson. Council Bill 2017-262. A general ordinance amending Springfield City Code, Chapter 36 known as the ‘Land Development Code,’ Section 36-616.- ‘Deletions, modifications, amendments and additions,’ Section 202 ‘Definitions,’ and Section 301 ‘General,’ Sections 301.3.1, 301.3.2 and 301.3.3.

Council Bill 2017-262. General Ordinance 6406 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

**City Code Chapter  
36 Article VII:  
Section 36-616:  
Administrative  
Enforcement**

Sponsor: Hosmer. Council Bill 2017-263. A general ordinance amending Springfield City Code, Chapter 36, ‘Land Development Code,’ Article VII.- ‘International Property Maintenance Code,’ Section 36-616. - ‘Deletions, modifications, amendments and additions,’ and Article X. – ‘Uniform Enforcement Procedures,’ Division 1. – ‘Administrative Enforcement,’ Section 36-1001. – ‘Purpose,’ to expand enforcement of the International Code Series and the National Electrical Code.

Council Bill 2017-263. General Ordinance 6407 was approved by the following vote:  
Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure.  
Nays: None. Absent: None. Abstain: None.

**City Code Chapter  
74, Article VII,  
Section 74-381  
Nuisance Properties**

Sponsor: Ferguson. Council Bill 2017-264. A general ordinance amending Springfield City Code, Chapter 74 – ‘Nuisance and Housing Code,’ Article VII – ‘Nuisance,’ Section 74-381. – ‘General prohibition,’ and repealing Springfield City Code, Section 74-382. – ‘Property owner’s responsibility for nuisance abatement,’ in its entirety and replacing it with a new Section 74-382.

Mayor Pro Tem Fisk stated she met with several citizens, who spoke at the November 13, 2017 City Council Meeting, and expressed her opinion Council Bill 2017-264 should be tabled for two weeks to allow City Council to receive additional information for addressing nuisance properties.

Councilman Fishel expressed his desire to gather additional information before voting on the proposed.

Councilwoman Fulnecky expressed her opinion the proposed should be referred to a City Council subcommittee for additional consideration and public input and stated she will support a motion to table Council Bill 2017-264 to the December 11, 2017 City Council Meeting.

Councilwoman Ferguson expressed her opinion the proposed clarifies language related to nuisance properties and stated she will not support a motion to table Council Bill 2017-264 to the December 11, 2017 City Council Meeting.

Councilman Fishel moved to table Council Bill 2017-264 to the December 11, 2017 City Council Meeting. Councilwoman Fulnecky seconded the motion and it failed by the following vote: Ayes: Fulnecky, Fishel, and Fisk. Nays: Ferguson, Schilling, Prater, Hosmer, Ollis, and McClure. Absent: None. Abstain: None.

Councilman Fishel expressed his opinion future amendments to the proposed may be necessary to ensure appropriate action is taken to address nuisance properties.

Councilman Ollis thanked those who spoke at the November 13, 2017 City Council Meeting. Councilman Ollis expressed his opinion addressing nuisance properties is a complex issue involving bad landlords and bad tenants and the proposed is a first step to address the aging and substandard housing in Springfield. Councilman Ollis stated he will be voting favor of the proposed, to provide every citizen to live in safe, clean housing in a stable neighborhood.

Mayor Pro Tem Fisk expressed her opinion the proposed is a step in the right direction to address nuisance properties, bad property owners, and bad tenants. Mayor Pro Tem Fisk stated she will be voting in favor of the proposed.

Councilwoman Fulnecky expressed her opinion the proposed should have been considered at the committee level, will punish law abiding property owners, and does not address bad tenant behavior. Councilwoman Fulnecky stated she will be voting in opposition to the proposed.

Councilwoman Ferguson expressed her opinion nuisance properties have been a significant problem in Springfield for several years and the proposed is necessary to start addressing the problem.

Councilman Hosmer expressed his opinion the problem of nuisance properties is complex involving both negligent tenants and negligent landlords and stated he will be voting in support of the proposed.

Council Bill 2017-264. General Ordinance 6408 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: Fulnecky. Absent: None. Abstain: None.

**City Code Chapter 74, Article VI, Rental Property Registration**

Sponsor: Ferguson. Council Bill 2017-265. A general ordinance amending Springfield City Code, Chapter 74 'Nuisance and Housing Code,' Article VI. – 'Rental Property Registration,' to provide for registration of single-family rental properties.

Mayor Pro Tem Fisk asked if the rental property registration requirement will apply to bank owned rental properties. Frank Romines, City Attorney, responded in the affirmative. He stated the proposed will apply to owners of any single-family rental property in the Springfield.

Mayor McClure noted the proposed, requires registration of single-family rental properties, and asked City Staff to study the concerns raised by Mayor Pro Tem Fisk and Councilman Fishel.

Council Bill 2017-265. General Ordinance 6409 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: Fulnecky. Absent: None. Abstain: None.

**City Code Chapter 10, Article II, Section 10-37. Alcoholic Beverages on premises near**

Sponsor: Fishel. Council Bill 2017-266. A general ordinance amending Springfield City Code, Chapter 10, 'Alcoholic Beverages,' Article II, 'Licenses,' Section 10-37, 'Premises near schools, parks or churches' in order to make it conform to state and federal law.

Councilman Hosmer asked if the proposed includes a notification requirement to schools, parks, and churches for liquor licenses within 200 feet of their premises. Frank Romines, City Attorney, responded in the affirmative.

Council Bill 2017-266. General Ordinance 6410 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

**The following bills appeared on the agenda under Resolutions:**

**Fair Employment Application**

Sponsor: Schilling, Fulnecky, Hosmer, and Ollis. Council Bill 2017-275. A resolution affirming the City's policy to not inquire about an employment applicant's criminal history until it has been determined that the applicant is otherwise qualified for the position and only after the applicant has been interviewed for the position, except for public safety positions, and to make final employment decisions based on all the information available to the City.

Darla Morrison, Director of Human Resources, gave a brief overview of the proposed. She stated the Human Resources Department reviews all applications and reference checks are initiated for applicants meeting the minimum requirements. Ms. Morrison noted employment offers are contingent on the results of a criminal background inquiry. She stated each applicant's criminal history is considered on a case-by-case basis relevant to potential job duties. Ms. Morrison noted public safety positions are excluded from the proposed.

Councilman Schilling asked if any current employees have benefited from the Fair Employment application process. Darla Morrison responded in the affirmative. She stated criminal history is considered on a case-by-case basis, giving qualified applicants the opportunity to explain the circumstances of any criminal history. Ms. Morrison noted several current employees have benefited from this process and continue to be successful.

An opportunity was given for citizens to express their views.

Susan Schmalzbauer, Congregational Coordinator for Faith Voices of Southwest Missouri, spoke in favor of the proposed. She expressed her opinion the proposed provides a second chance opportunity and prevents recidivism.

Isabelle Walker, Chair, NAACP Second Chance Offenders Task Force, spoke in favor of the proposed. She expressed her opinion poverty is a significant risk factor to reoffending, and the proposed provides a second chance opportunity.

Cheryl Clay spoke in favor of the proposed. She expressed her opinion the proposed gives the much needed second chance to those wanting to become productive citizens in Springfield.

There being no further appearances, the discussion was closed.

Councilwoman Fulnecky asked for clarification on excluded positions in the proposed. Darla Morrison responded public safety positions excluded from the proposed include sworn law enforcement, commissioned fire personnel, and 911 telecommunicators.

Council Bill 2017-275. Resolution 10345 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

**City of Springfield's  
2018 Legislative  
Priorities**

Sponsor: Fisk, Ferguson, Ollis, and Prater. Council Bill 2017-276. A resolution adopting the City of Springfield's Legislative Priorities for 2018. (Recommended for Council Action by the Community Involvement Committee.)

Greg Burris, City Manager, noted the proposed is the official adoption of the City Council's 2018 Legislative Priorities. He stated lobbyists, representing the City of Springfield, will promote these legislative priorities to state and congressional legislature. Mr. Burris noted the 2018 Legislative Priorities have been reviewed by the Community Involvement Committee.

An opportunity was given for citizens to express their views.

Susan Schmalzbauer, Congregational Coordinator for Faith Voices of Southwest Missouri, spoke in favor of the proposed. She expressed her opinion the 2018 Legislative Priorities focus on many of the concerns of Springfield residents.

There being no further appearances, the discussion was closed.

Councilwoman Fulnecky stated she will not be supporting the proposed and expressed her opinion a lobbyist is unnecessary to represent the City of Springfield.

Council Bill 2017-276. Resolution 10346 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: Fulnecky. Absent: None. Abstain: None.

**Liquor License –  
OMO Japanese Soul  
Food – 2101 W.  
Chesterfield Blvd,  
Suite B102**

Sponsor: Schilling. Council Bill 2017-285. A resolution granting a new liquor license to sell five (5) percent beer and light wine by the drink, including Sunday sales, to OMO Japanese Soul Food, LLC, d/b/a OMO Japanese Soul Food located at 2101 West Chesterfield Boulevard B102, Springfield, Missouri, such license to include a patio measuring 10 feet by 23 feet.

Greg Burris, City Manager, gave a brief overview of the proposed. He stated the location of the requested liquor license is within 200 feet of a school and the proposed includes Exhibit A, which is a letter from The Summit Preparatory School, indicating they have no objection to the issuance of a liquor license to the proposed.

Councilman Hosmer asked for clarification on the letter from The Summit Preparatory School. Greg Burris responded The Summit Preparatory school has indicated they are not opposed to the proposed.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

Council Bill 2017-285. Resolution 10347 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Ollis, and McClure. Nays: Hosmer. Absent: None. Abstain: None.

**EMERGENCY BILLS**

**PUBLIC IMPROVEMENTS**

**GRANTS**

**AMENDED BILLS**

**The following bills appeared on the agenda under Public Hearing Bills**

**Chapter 36 Land  
Development Code,  
Article III, Division  
4, Section 36-400, 36-  
420, 36-421, 36-422**

Sponsor: Fishel. Council Bill 2017-277. A general ordinance amending Chapter 36 of the Springfield, City Code, also known as the 'Land Development Code', Article III, – 'Zoning Regulations,' Division 4, – 'District Regulations,' Sections 36-400, 36-420, 36-421, and 36-422 relating to location of residential uses in the Office, Limited Business, General Retail, and Highway Commercial districts. (Planning and Zoning Commission and staff recommend approval).

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the proposed amendments will modify the current ordinance, which requires non-residential uses on the first-floor of only the highest classified street. Ms. Smith noted any other adjacent street frontages will be allowed to have residential uses without obtaining a conditional use permit. She stated the proposed allows flexibility for residential uses in mixed use developments with multiple street frontages.

Councilwoman Ferguson asked why the proposed is necessary. Mary Lilly Smith responded the need for this amendment was identified when reviewing a zoning case with multiple street frontages.

An opportunity was given for citizens to express their views. There being no appearances, the public hearing was closed.

**Rezoning – 1255 E. Chestnut Expressway**

Sponsor: Prater. Council Bill 2017-278. A general ordinance amending the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 1.62 acres of property, generally located at 1255 East Chestnut Expressway from GR, General Retail District, with Conditional Overlay District No. 10 to GR, General Retail District and establishing Conditional Overlay District No. 139; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval).

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the proposed will maintain the General Retail zoning and Conditional Overlay District 139 will replace Conditional Overlay District 10, which had a floor area ratio requirement. Ms. Smith noted the Growth Management and Land Use Plan identifies this area appropriate Low-Density housing. She stated floor area ratio requirements were removed from all zoning districts in 2014.

An opportunity was given for citizens to express their views. There being no appearances, the public hearing was closed.

**The following bills appeared on the agenda under First Reading Bills:**

**Salary Ordinance – Department of Environmental Services; Memorandum of Understanding – City Clerk**

Sponsor: Fisk. Council Bill 2017-267. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the ‘Salary Ordinance,’ relating to the salary rate and pay grade for twelve job titles primarily within the Department of Environmental Services, as contained in the Professional, Administrative and Technical Salary Schedule and the Crafts, Trade and Labor Salary Schedule, by adding twelve new job titles; and by establishing and approving a Memorandum of Understanding between the City and the City Clerk which approves a new salary and benefit schedule for the City Clerk.

Darla Morrison, Director of Human Resources, gave a brief overview of the proposed, which includes a reclassification of several job titles, within the Environmental Services Department. She stated these positions have evolved with increased responsibility and specialized job knowledge, requiring job title reclassification. Ms. Morrison noted the proposed also includes a Memorandum of Understanding to establish a new pay rate and benefits package for the City Clerk.

Councilwoman Fulnecky asked if the proposed positions are included in the Fiscal 2017-2018 Budget. Darla Morrison responded in the affirmative. She stated the proposed job reclassifications affect positions currently included in the Fiscal 2017-2018 Budget and does not add any new full-time equivalent positions.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Route 66 Streetscape  
Project – Plan No.  
2015PW0075TE**

Sponsor: Ferguson. Council Bill 2017-279. A special ordinance approving the plans and specifications for the Grant Avenue and Route 66 Streetscape project, generally referred to as Plan No. 2015PW0075TE; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$954,313.00 for said project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Andrew Flippin, Professional Engineer, Public Works, gave a brief overview of the proposed. He stated the proposed is for acceptance of the low bid from Hunter Chase & Associates for the streetscape improvements along Grant Avenue from Olive Street to Walnut Street. Mr. Flippin noted this project will include street improvements, construction of ADA compliant sidewalks, new storm sewer, gas, and water renewals, and signal improvements at the intersection of College Street and Grant Avenue and the intersection of Walnut Street and Grant Avenue. He stated multiple project funding sources include a federal Transportation Alternatives Program Grant of \$250,000.00, and utility improvements of approximately \$309,760.00, which will be reimbursed by City Utilities. Mr. Flippin noted the remaining \$394,553.00 will be funded by the one-quarter cent Capital Improvements sales tax.

Councilwoman Fulnecky asked for clarification on the bids received. Andrew Flippin responded two bids were received and only one bid was responsive. He stated the responsive bid was the lowest bid received.

Councilwoman Fulnecky asked how bid solicitations are advertised. Andrew Flippin responded project bid solicitations are advertised in the Daily Events newspaper, which is well recognized by the development community. He stated MoDOT also provided bid solicitation advertisements for this project.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**2017 Sidewalk  
Project – Plan No.  
2017PW0047T**

Sponsor: McClure. Council Bill 2017-280. A special ordinance approving the plans and specifications for the 2017 Sidewalk Project, generally referred to as Plan No. 2017PW0047T; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$137,798.00 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Andrew Flippin, Professional Engineer, Public Works, gave a brief overview of the proposed. He stated the proposed includes construction of new sidewalks in five locations in the City, chosen based on requests to fill sidewalk gaps outside the limits of the School Sidewalks Program. Mr. Flippin noted this project will be funded as part of the one-time reset of the City's Commercial Loan Program, as described in General Ordinance 6376, approved by City Council on June 12, 2017.

Mayor McClure asked if three bids were received on this project. Andrew Flippin responded in the affirmative.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Flood Control and  
Water Quality  
Protection Manual.**

Sponsor: Fishel. Council Bill 2017-281. A general ordinance amending the Springfield City Code, Chapter 96, 'Storm Water,' by adding thereto a new Article for the purpose of adopting the Flood Control and Water Quality Protection Manual.

Tim Smith, Deputy City Manager, gave a brief overview of the proposed. He stated approval of the proposed adopts the Flood Control and Water Quality Protection Manual, which contains the standards used to plan, design, build, and maintain stormwater infrastructure on both private development and City-owned facilities to control flooding and protect water quality. Mr. Smith noted the Environmental Protection Agency and Missouri Department of Natural Resources require the City of Springfield to maintain the Flood Control and Water Quality Protection Manual. He stated the manual has been used as guiding policy since being drafted in 2007, but has not been formally adopted by City Council. Mr. Smith noted the Flood Control and Water Quality Protection Manual was updated in 2016 and several meetings were held to allow the development community to give input and express their concerns. He stated those concerns have been addressed. Mr. Smith noted the manual was presented at the Plans and Policies Committee Meeting on August 17, 2017 and a motion to forward the Flood Control and Water Quality Protection Manual to City Council was approved at the October 31, 2017 Plans and Policies Committee Meeting.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Springfield City  
Code, Chapter 106 –  
Pedestrian Right of  
Way**

Sponsor: McClure, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, and Ollis. Council Bill 2017-282. A general ordinance amending Springfield City Code, Chapter 106 – 'Traffic and Vehicles,' Article VII. – 'Pedestrians,' by amending Section 106-450. – 'Right-of-way in crosswalks' and Section 106-452. – 'Rights and duties when crossing roadways' and by adding Section 106-455. – 'Arterial roadways and intersections' to better protect pedestrians and occupants of vehicles at intersections and along streets which have high volumes of traffic, high speed limits, or narrow medians.

Eric Claussen, Traffic Engineer, Public Works, gave a brief overview of the proposed. He stated 60 pedestrians, on average, are struck every year on Springfield streets. Mr. Claussen noted the City of Springfield has taken steps to address pedestrian safety with the "SGF Yields" campaign to focus on raising awareness for both driver and pedestrian safety. He stated a Street and Intersection Pedestrian Safety Study was conducted by CBB Transportation Engineers & Planners, which analyzed the characteristics of the City's streets and intersections for development of the proposed.

Shawn Leight, Vice President, CBB Transportation Engineers & Planners, gave a brief overview of the results of the Street and Intersection Pedestrian Safety Study. He stated 15.8 percent of fatal crashes in the City of Springfield in 2015 were pedestrian related. Mr. Leight commended the City of Springfield for implementing national design standards and guidelines, and for establishing strict enforcement standards for event permits, where pedestrians will be located outside of the typical pedestrian facilities. He stated the three primary contributing risk factors to pedestrians are traffic speed, traffic

volume, and median width. Mr. Leight noted the proposed will regulate the use of medians, roadway crossings, and islands for pedestrians at intersections with average daily traffic volumes of 15,000 vehicles per day or greater, median widths of less than 6 feet, and speeds of 35 miles per hour or greater.

Councilwoman Fulnecky asked if the proposed will impact street corner advertisers. Mr. Leight responded the proposed prohibits loitering in designated pedestrian access areas.

Frank Romines, City Attorney, noted the proposed does not affect private property on either side of public streets or roadways.

Councilman Hosmer asked for clarification on the language in Section 106-452(a) about crossing the roadway at locations other than crosswalks. Frank Romines responded new language in Section 106-452(a) is underlined and clarifies prohibitions for crossing at locations without a crosswalk during nighttime hours.

Councilman Hosmer expressed his opinion the language in Section 106-452(a) is confusing and should be reviewed for further clarification. Frank Romines responded City staff will review Section 106-452(a) for possible amendments to provide further clarification.

An opportunity was given for citizens to express their views.

Stephanie Bryant spoke in favor of the proposed. She expressed her opinion the proposed is a sound approach to keep pedestrians and motorists safe.

Sarah Reid spoke in opposition to the proposed. She expressed her opinion the proposed will not stop pedestrians from crossing the street outside of the crosswalk and will negatively impact low income residents in Springfield.

Eric Wood spoke in opposition to the proposed. He expressed his opinion the City of Springfield does not have adequate crosswalks on many streets to allow pedestrians to cross safely.

There being no further appearances, the discussion was closed.

**Center for Public  
Safety Excellence –  
Community Driven  
Strategic Plan**

Sponsor: Fulnecky. Corrected Council Bill 2017-283. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Center for Public Safety Excellence and the Commission on Fire Accreditation International for assistance in facilitating the Community Driven Strategic Plan and the Community Risk – Standards of Cover documents in the amount of \$31,050.00.

David Pennington, Fire Chief, gave a brief overview of the proposed. He stated the agreement with the Center for Public Safety Excellence and the Commission on Fire Accreditation International will facilitate the creation and completion of the Community Risk Assessment – Standards of Cover, which evaluates 244 performance indicators and 77 core competencies, and is required for reaccreditation. Chief Pennington noted this document must be completed, prior to a peer review, in March 2019.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Springfield City Code, Chapter 2, Mayor's Commission for Children**

Sponsor: McClure. Corrected Council Bill 2017-284. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article IV, 'Boards, Commissions and Committees,' by adding thereto a new Division relating to the Mayor's Commission for Children.

Frank Romines, City Attorney, gave a brief overview of the proposed. He stated the proposed restructures the current membership of the Mayor's Commission for Children to comply with the City Charter. Mr. Romines noted the commission will have nine voting members, and the proposed authorizes the Commission to appoint non-voting, advisory members and authorizes the Mayor to nominate a member of City Council to the Commission as an advisory member. He stated the School Board of Springfield Public Schools will also have the option to appointing an advisory member to the Mayor's Commission for Children.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**City Council Recessed at 8:00 p.m.**

**City Council reconvened at 8:19 p.m.**

**Council Bill 2017-286 and Council Bill 2017-287 were read and discussed simultaneously.**

**Repealing General Ordinance 6397 – Prohibition of Pit Bulls**

Sponsor: Referendum Petition. Council Bill 2017-286. A general ordinance repealing General Ordinance No. 6397, said ordinance being entitled, "Amending the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending Section 18-98, 'Additional Regulations,' through the addition of language to said section establishing a future ban upon the possession of new pit bull dogs within the City limits; and designating an effective date for said amendments."

**Calling an election on August 7, 2018 to consider General Ordinance 6397**

Sponsor: Referendum Petition. Council Bill 2017-287. A special ordinance calling an election on August 7, 2018, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether or not to approve General Ordinance No. 6397, passed by City Council on October 2, 2017, said ordinance being entitled, "Amending the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending Section 18-98, 'Additional Regulations,' through the addition of language to said section establishing a future ban upon the possession of new pit bull dogs within the City limits; and designating an effective date for said amendments"; and declaring an emergency.

Rhonda Lewsader, Assistant City Attorney, gave a brief overview of the proposed. She stated on October 2, 2017, City Council approved General Ordinance 6397 establishing a pit bull ban within the City of Springfield, effective January 1, 2018. Ms. Lewsader noted a referendum petition, requesting a repeal of General Ordinance 6397, was filed with the City Clerk on October 31, 2017 and the City Clerk certified the petition to be sufficient on November 20, 2017. She stated the City Charter requires City Council to vote on repealing General Ordinance 6397. Ms. Lewsader noted if Council Bill 2017-286 is not approved by City Council, Council Bill 2017-287 calls for a special election to submit approval of General Ordinance 6397 to a vote of the people, and sets the special election date of August 7, 2018. She stated the City Charter does not specify a required

time frame for calling a special election, but requires a special election to be set on the next lawful election date for an initiative petition. Ms. Lewsader noted enforcement of General Ordinance 6397 will remain suspended unless the ordinance is approved by a vote of the people.

Councilman Ollis asked why the special election date, referenced in Council Bill 2017-287, is not set for the April 3, 2018 election. Rhonda Lewsader responded the City Charter allows for the initiative to be included on the April 2018 or August 2018 ballot. Greg Burris, City Manager, noted City staff proposed including the initiative on the August 2018 ballot, since Ozark Technical Community College will have an initiative on the April 2018 ballot.

Councilwoman Fulnecky asked if any other initiatives will be on the August 2018 ballot. Greg Burris responded he is not aware of any other initiatives scheduled for the August 2018 ballot.

An opportunity was given for citizens to express their views.

Jeanna Callahan spoke in favor of the proposed. She expressed her opinion the pit bull ban is discriminatory against a specific breed and 23 states have passed legislation prohibiting municipalities from adopting breed specific legislation.

Councilwoman Fulnecky asked what other locations are doing to address vicious dogs. Ms. Callahan responded many other areas have mandatory dog and cat licensing registrations, which generates additional funding for animal control officers.

Catherine Barrard apologized to City Council and City staff for the recent harassment they received after the approval of General Ordinance 6397. Ms. Barrard expressed her opinion a special election should be scheduled within 90 days to submit approval of General Ordinance 6397 to a vote of the people.

Councilwoman Fulnecky asked if scheduling of special elections is defined in the City Charter. Frank Romines responded in the negative. He stated state law specifies certain days in a year when municipalities can hold an election and the April 2018 and August 2018 dates were evaluated by City staff.

Councilwoman Fulnecky expressed her opinion the Animal Issues Task Force would have been an expert resource to provide information pertaining to this issue if they had not been disbanded.

Councilman Ollis asked if current animal control staff can adequately enforce the proposed ban. Erica Little, Health Program Administrator, responded an email was sent to City Council comparing the City's current Animal Control staffing with national standards, which indicates Animal Control is understaffed by three officers for enforcement of current ordinances

Madison Weiler spoke in favor of the proposed. She expressed her opinion proposed legislation should address vicious animals of any breed and General Ordinance 6397 is government overreach.

Councilwoman Fulnecky asked for clarification on the recent dog show and the impact the pit bull ban may have on future shows.

Ms. Weiler responded an American Staffordshire Terrier won the terrier group at the recent Ozark Mountain Fall Classic dog show. She stated dog show organizers have indicated they will stop having dog shows in Springfield if the pit bull ban is not repealed.

Councilman Hosmer expressed his opinion City Council has adopted and implemented many of the recommendations from the Animal Issues Task Force. Mr. Hosmer added the task force recommended a universal registration requirement for all dog owners which he believed would be effective in addressing vicious animals.

The following additional speakers appeared and spoke in favor of the proposed citing the following reasons; the pit bull ban is discriminatory against a specific breed; the pit bull ban discourages people from moving into the City of Springfield; after the approval of the pit bull ban, pit bull dogs are being abandoned throughout the City, and if General Ordinance 6397 is not repealed it should be sent to a special election for a vote of the people. Julie Garipy, William Maxwell, Deborah Maxwell, Samuel Wood, Nicole Harrell, Tammy Shook, Amber McBride, Laura Jones, Howard Cavnar, Kenneth Hall, Kimberly McCoy, Jennifer Silverberg, Kathleen Larkin, Carla Notarianni, Richard Morrison, and Stephanie Montgomery

There being no further appearances, the discussion was closed.

#### **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

**Did Not Appear** Mr. Bob Mondy wishes to address City Council.

#### **NEW BUSINESS**

**Recommended** The Committee of the Whole recommends the following appointments to the Board of Public Utilities: Mark Millsap, Nancy Williams, and Donald Woody, with terms to expire December 1, 2020.

**Recommended** The Committee of the Whole recommends the following reappointment to the Board of Public Utilities: Joseph Reynolds with a term to expire December 1, 2020.

**Recommended** The City Manager recommends the following appointment to the Airport Board: Marteze "Tez" Ward to fill the unexpired term of Tom Babik. Mr. Ward's term will expire June 1, 2018.

**Referred** Refer the issue of Park Board Food & Beverage Enhancements to the Community Involvement Committee.

#### **UNFINISHED BUSINESS**

#### **MISCELLANEOUS**

#### **CONSENT AGENDA FIRST READING BILLS**

**Trunked Radio System Participation Agreement** Sponsor: Fisk. Council Bill 2017-288. (Fisk) A special ordinance authorizing the City Manager, or his designee, to enter into the ninth amendment to the 800 MHz Trunked Radio System Participation Agreement.

## CONSENT AGENDA ONE READING BILLS

### **Downtown Springfield Community Improvement District Board of Director Appointments**

Sponsor: Fisk. Council Bill 2017-289. A resolution confirming the appointments of Dylan Rauhoff, Charlie Rosenbury, and Andrew Wells to serve on the Downtown Springfield Community Improvement District Board of Directors. (Staff and the Downtown Springfield Community Improvement District Board of Directors recommend approval.)

Council Bill 2017-289. Resolution 10348 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

### **The following bills appeared on the agenda under Consent Agenda Second Reading Bills:**

### **Springfield City Code, Chapter 2 Administration, Chief of Police Authorization**

Sponsor: McClure. Council Bill 2017-268. A general ordinance amending the Springfield City Code, Chapter 2 'Administration,' Article 1 'Generally, Section 2-3 'Persons authorized to enter into agreements on behalf of city,' by adding language authorizing the Chief of Police to enter into contracts for the lease of real property for police operations, provided City Council previously appropriated the funds for such contracts.

Council Bill 2017-268. General Ordinance 6411 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

### **Springfield-Greene County Emergency Management – City of Battlefield Agreement**

Sponsor: Schilling. Council Bill 2017-270. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the City of Battlefield, Missouri, whereby the City of Springfield, Missouri, in association with the Springfield-Greene County Office of Emergency Management, will remotely operate Battlefield's emergency storm sirens.

Council Bill 2017-270. Special Ordinance 26975 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

### **Springfield-Greene County Emergency Management – City of Fair Grove Agreement**

Sponsor: Fisk. Council Bill 2017-271. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the City of Fair Grove, Missouri, whereby the City of Springfield, Missouri, in association with the Springfield-Greene County Office of Emergency Management, will remotely operate Fair Grove's emergency storm sirens.

Council Bill 2017-271. Special Ordinance 26976 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: None. Abstain: None.

### **Springfield-Greene County Emergency Management – City of Willard Agreement**

Sponsor: McClure. Council Bill 2017-272. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the City of Willard, Missouri, whereby the City of Springfield, Missouri, in association with the Springfield-Greene County Office of Emergency Management, will remotely operate Willard's emergency storm sirens.

Council Bill 2017-272. Special Ordinance 26977 was approved by the following vote:  
Ayes: Fulnecky, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure.  
Nays: None. Absent: None. Abstain: None.

**Confirmed** Confirm the following appointment to the Citizens Sales Tax Oversight Committee:  
Gene Hartley to fill the unexpired term of Summer Masterson. Mr. Hartley's term will  
expire May 1, 2018.

**Confirmed** Confirm the following appointment to the Personnel Board. Michael Ramos to fill the  
unexpired term of David Brown. Mr. Ramos' term will expire March 1, 2019.

**END OF CONSENT AGENDA.**

**Adjourn** There being no further business, the meeting adjourned at approximately 9:30 p.m.

Prepared by  
Kris Wright

Anita J. Cotter, CMC/MRCC  
City Clerk