

CITY OF SHREWSBURY
BOARD OF ALDERMEN
Work Session
June 13^h, 2017

A Board of Aldermen Work Session was held at 7:15 p.m. the 13th day of June, 2017 in the Aldermanic Conference Room of the Shrewsbury City Center.

There were present:

Mayor..... Felicity Buckley
Alderman..... Elmer Kauffmann
Alderwoman..... Chris Gorman
Alderman..... Sam Scherer
Alderman..... Ed Kopff
Alderman..... Mike Travaglini
Alderman..... Rick Steingrubby

There were also present:

Director of Administration Jonathan D. Greever
City Attorney Michael K. Daming
Police Chief..... Jeff Keller
Fire Chief..... Chris Amenn
Public Works Director Tony Wagner

Opening of the Work Session

Mayor Buckley noted that the Board of Aldermen conducted two meetings in a row, inclusive of the Public Hearing, given vacation and travel schedules.

Discussions

Airbnb

The Mayor opened the discussion with the topic of Airbnb. This subject had been previously introduced at the May 23, 2017 BoA Work Session. The Mayor reviewed the municipal examples provided to the Board and noted some municipalities ban Airbnb's entirely. She further clarified that some municipalities experienced court cases as a consequence of their regulation. The Mayor reminded the Board that there were no pressing problem, or issue, so they had the option of doing nothing, among several other regulatory possibilities.

Alderman Kauffman asked if the board wished to face challenges. The Mayor responded that the City Council should always do what is in the best interest of the community. The Mayor noted that her framework for thinking about the topic was similar to an individual renting a home in a residential neighborhood. She commented that the presence of a traveler in a neighborhood could potentially change the dynamics of the neighborhood, the Mayor further reflected. The Mayor went on to say that the zoning aspect of Airbnb's matters greatly to the development of any specific regulation, given the land use assignments assigned through zoning.

The Mayor then shared a local example. She stated that the Big Bend Corridor, that contains homes, in a busy commercial traffic area, such as Laclede Station Road, might serve as a location feasible for an Airbnb as contrasted to residential neighborhood settings. Mayor Buckley stated that the culture and values of residential

neighborhoods are most desirable for families. And, Airbnb's hold the potential for detracting from that ethos.

Alderwoman Gorman noted that, in the past, one individual had wanted to open a Bed and Breakfast (B and B) along the Big Bend Corridor. Alderman Travaglini clarified that the woman owned a business in that commercial district and the Mayor further stated that the individual also lived there so was familiar with the neighbors who populated that location; the surrounding businesses served as neighbors to one another.

Alderman Travaglini commented that the goal of the business owner was to provide lodging to individuals who were coming to the business owner's store. However, in the end, the business owner never further pursued the development of the B and B in the Big Bend Corridor because of a community meeting in which significant opposition was expressed by the residents of that local area, Alderman Kauffmann reflected.

The Mayor further indicated that most municipalities have codes and zoning ordinances about boarding houses and Airbnb is similar to a boarding house but repackaged for contemporary times. The term Airbnb can often refer to the rental of one room, or of an entire house or some portion thereof.

Alderman Travaglini asked which municipality required that the owner be present, at the property, if rentals were occurring. Director Greever reminded the Board that the City of Ellisville requires the permanent resident to reside at the property for at least 275 days during a one-year period of time. Alderman Scherer stated that many municipalities held similar ordinances. Director Greever also noted that, for many municipalities, there was a maximum limit to the number of days that a guest can stay at an Airbnb.

City Attorney Mike Daming then noted that the State of Missouri considered some legislation related to this topic. Director Greever clarified his understanding that the legislation had been considered but not passed, House Bill 608 and Senate Bill 1107. The Mayor inquired as to who supported the House and Senate Bills.

The Mayor further stated that she did not want to live in a neighborhood where travelers were coming and going for short periods of time which detracts from neighborhood cultures designed to promote the well-being of families. The Mayor noted that Airbnb's are essentially commercial entities and should not necessarily be mixed in with residential communities.

Alderman Travaglini recognized that Airbnb's need some regulation but, at the same time, the municipality needs to honor the private property rights of individuals and homeowners, so caution needs to be exercised in considering regulation. He further noted that it would be helpful to implement a survey that would collect feedback on the subject of Airbnb's. In addition, Alderman Travaglini noted surveys provide a good means for documenting good faith efforts in soliciting and documenting resident viewpoints on the topic.

Alderman Kopff indicated that some residents hold the view that the City cannot tell residents what they can and cannot do at their house. Alderman Steingrubby indicated that he knows many residents who are adamantly opposed to having Airbnb locations in their neighborhood. Alderman Gorman noted that Airbnb facilities are growing in popularity, in a general sense. And, the Mayor reminded the Board that municipal codes do pertain to individual homeowners and are common in local, city government, or neighborhood government, such as that represented by the Board of Shrewsbury Aldermen.

Alderman Kauffmann suggested that when a survey is conducted that it include the question "would you be willing to have an Airbnb next to your home?"

The Mayor closed the conversation saying that the City will conduct a survey of the residents and Director Greever promised to bring the results of the survey to the next Board of Alderman meeting.

Texting-Driving Ordinance

The Mayor introduced the topic of texting and driving. Alderman Steingrubby asked Chief Keller what police do when a resident is pulled over and says, "I was not texting. I was snapchatting or facebookking." The Alderman wanted to ensure that the language of any potential ordinance not be so specific as to be limiting to the police.

Chief Keller said it's a problem when an ordinance only addresses "texting" and it becomes extremely difficult to enforce any other activities or actions that drivers may be engaged in. The Mayor noted that the way that things are currently written, "Every person operating a motor vehicle in the State of Missouri shall drive in a careful and prudent manner." The Mayor went on to explain that when an ordinance is written in such a fashion that behaviors are listed, then, it is possible that a driver will say, "the list did not contain X." When ordinances are kept more open, it gives more leeway to address driving concerns.

The Mayor confirmed with Chief Keller that officers will pull drivers over if they are not driving prudently; they might be swerving, for instance, or speeding, or driving very slowly. Chief Keller noted that ordinances should clarify behavioral acts that are in violation of local rules and laws. If a person is holding a hand-held device, for instance, because he is distracted, the Chief could imagine that driver being pulled over if the ordinance were stated with the language noting "careless and imprudent driving" is not acceptable to the City of Shrewsbury.

The Board of Aldermen reviewed the ordinance from the City of O'Fallon and the Mayor noted that this was a positive way to begin as O'Fallon's regulation is the most restrictive and supports the Board in helping them define what they do not want to have included in future regulation. She commended Jonathan Greever on the selection. The Mayor also further stated that she is concerned about an ordinance that prohibits drivers from turning their heads, for instance.

The Mayor noted that she understands the Board of Aldermen wants to do something about handheld devices. But, she also noted that she wants to be careful about any regulation that will prohibit drivers from turning their head, since that is a more natural or common act in driving. There is a difference between purposeful driving and natural reactions as compared to careless driving.

The Mayor next stated that she wants to be cautious about using the word "distracted" in the ordinance, and is opposed to it, since "distracted" can mean many things and can imply many behaviors that cannot always be monitored effectively by Police Officers. Drivers should pull over, she further noted.

City Attorney Mike Daming had a concern about the State statute that regulates texting that is limited to people age 21 and under. The statute provides for a pre-emption that supercedes any local laws, ordinances, orders, rules, or regulations. The City Attorney indicated that the issue of regulating imprudent driving should be very carefully considered in light of the state statute.

The Mayor closed discussion on the topic and reminded the Board of Aldermen that they have examples of municipal ordinances to review and said that the Board should work toward narrowing the concern down.

Big Bend Corridor

The Mayor reminded the Board that the City will be meeting again with Garen Miller and review the "live-work" zoning concept that would put Bed and Breakfasts in context. The concept referred to individuals who wish to buy homes and also work from them.

Director Jonathan Greever reminded the Board that the corridor reflects several owners. The roadway is managed and maintained by St. Louis County. Half of the corridor belongs to the City of Shrewsbury, the other half belongs to the City of Webster Groves. Therefore, he noted, any potential, future municipal development or goals for the area would likely require the cooperation and support of the other owners.

Director Greever stated that in order to advance the development of the corridor, he advised that a needs assessment to define what need is being met as well as to clarify the goals for the future development of the area. When approached in this manner, then, the Board can also conduct an evaluation post-development to determine if the objectives were met.

Following that preliminary work, then, the City would be able to identify funding mechanisms such as TAP and determine which funding pool would reflect the development goals. The Mayor concluded the discussion by noting that TAP funding often addresses bicycle corridors and pedestrian walkways and may not be the best fit but that other funding options may also serve the project, once the development goals are identified.

The Mayor invited the Board of Aldermen to contemplate and share a name for the corridor. She encouraged the Board members to drive the area and reflect upon a name that would further enhance and promote the success of the corridor.

Active Shooter Training

The Mayor noted that when Active Shooter incident occur, no one waits for the Mayor to direct employees, colleagues, or associates. She further explained that the training encouraged individual thinking on the part of all persons who may find themselves in such circumstances. People might run to the nearest exit, throw something at the shooter, or barricade a room. She also noted that individuals might decide that they are going to confront the Active Shooter. She re-emphasized that Active Shooter Training really underscores the important point that no one person is going to be directing what each individual should do in reacting to the frightening and potentially harmful circumstance.

In barricading rooms, the Mayor reported that the training encouraged individuals to ensure that people cannot see through windows. The training also emphasized tying door handles so that they cannot be used or leveraged for access. She noted that in one role-play scenario the liner of a trash can was used to block an open window. The training did not offer absolutes in terms of what should occur for every person but, rather, it provided helpful ideas for the participants to encourage each person to think about their own safety.

If someone were to get a gun away from an active shooter, and the individual is safe, the trainers encouraged participants to dispose of the gun in a trash can and to then carry the trash can in front of them and surrender the container to the Police Department. This was described as a universal signal noting the person carrying the trash receptacle in front of them is not the shooter and not a threat to the authorities, since their hands and arms will be wrapped about the container and not perceived as threatening to safety officials.

Old Business

None

New Business

The agenda was amended to add the agenda item of citizen input. Alderman Scherer moved that a Hear the Citizens agenda item be added to the meeting. Alderman Kopff seconded the motion. The motion for the addition of the agenda item was unanimously approved.

Hear the Citizens

Ann Kennedy who lives at 7312 Nottingham.

She expressed a concern that the Board is crossing a line between Airbnb's and traditional Bed and Breakfast establishments. Her suggestion was not to cross the line and only focus on Airbnb if that is the true concern. She said traditional Bed and Breakfast establishments have multiple rooms that are usually rented. And, she noted, they are typically in hospitality areas of cities where many hotels are located. Traditionally, Bed and Breakfast patrons seek cheaper alternatives for lodging and often want to learn the culture of the community.

Ms. Kennedy emphasized that if the discussion is centered on Airbnb, then please, as a City, examine the website related to the subject which offers much explanation, rules, and facts.

The Mayor confirmed with Ms. Kennedy that the City does want to differentiate between the VRBO, Airbnb, and Bed and Breakfasts.

Beth Parker, 5001 Wilshusen

Ms. Parker expressed her support for Airbnb having a presence in Shrewsbury. She noted that the City of Kirkwood offers the closest hotel lodging, nearby, and many residential homes in Shrewsbury are very small and cannot accommodate large family gatherings. Ms. Parker went on to say that she is not offended by the presence of 1, 2 or even 3 cars in the neighborhood, if it means that families have a place for lodging that is near a Shrewsbury resident. Ms. Parker offered the example of many family members coming to Shrewsbury for a family reunion or celebration. She commented that having one or more Airbnb locations in Shrewsbury would help families stay together for important family events.

Following the resident's commentary, Alderman Travaglini emphasized that there need to be rules for Airbnb as well as a sensitivity to neighborhoods. Ms. Parker reflected that Airbnb promotes the community. Beth stated that she likes Airbnb and the only problem she has ever had with short term rentals was when a home was sold next door, but only college students (children of homeowners) were going to live in the home. That situation presented more of a problem, to Ms. Parker, than the possibility of the development of an Airbnb.

Alderman Travaglini noted that Ms. Parker's perspective again emphasized the importance of conducting a survey so the Board of Aldermen are aware of resident opinions. Ms. Parker stated that Airbnb helps save money for travelers. Alderman Gorman noted that her daughter was in Europe and had stayed at Airbnb in every city due to the more reasonable cost as well as the opportunity that it gave her to learn more about the culture.

Presley Barker, 5113 Deville

One suggestion for the Big Bend Corridor -- "the New Orchard"
Alderman Travaglini suggested -- "Big Bend at Shrewsbury"

Closed Session

Alderman Travaglini read the closing of the Work Session meeting to then open and begin the Closed Session. Alderman Scherer seconded the motion for Closed Session. A roll call commenced by the City Clerk. Alderman Kauffmann, "aye," Alderman Travaglini, "aye," Alderwoman Gorman, "aye," Alderman Scherer, "aye," Alderman Kopff, "aye," and Alderman Steingrubby, "aye."

Following the vote on the motion, the Mayor moved for closed session and indicated the Board may take a quick break before beginning.

Respectfully submitted,

Kathy Marlock
City Clerk

ATTEST:

Felicity Buckley,
Mayor