

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager
SESSION DATE: June 17, 2013
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room of City Hall

AGENDA:

- **HUMAN RIGHTS COMMISSION**
- **COMPLETE STREETS POLICY**
- **STREET LIGHT POLICY**
- **REVIEW NEWSLETTER – June 17, 2013**
- **REVIEW COUNCIL AGENDA**

HUMAN RIGHTS COMMISSION

On May 6 the City Council discussed whether or not to move forward with the implementation of a Human Rights Commission. There was no consensus and additional information was requested.

There was some discussion about whether or not an ordinance was necessary due to the United States Constitution and the protections it already affords all citizens. The City Attorney was asked to evaluate this. The question posed was whether or not someone in Kirksville could post a sign that says “gays need not apply?” The answer is that yes they can do so.

City Attorney Hickman has been asked to review the sample ordinance again and attend the Study Session to visit with the City Council about this matter.

In addition to Mr. Hickman, I did follow up with both Columbia and Kirkwood. The person I spoke with in Columbia was that city’s former staff person assigned to work with this Commission, Ms. Negar Rezvari and Betty Montano the City Clerk of Kirkwood. Negar noted that she worked 30 hours a week to staff the Commission. Ms. Montano was not the person who performed the work but provided a copy of her City’s 2012 Annual Report, which is attached. Both cities appear to spend time on outreach and education.

Columbia may get 8 to 12 cases each year and Kirkwood has not had any issues brought before the Commission since it was established. Columbia’s Commission has been in place since 1983 while Kirkwood’s is fairly new.

Kirkwood’s City Council is presently considering amending the ordinance including an enforcement provision. This would provide that the City Attorney’s Office to prosecute such claims. According to the City Clerk, the Kirkwood Code does not have an

enforcement provision or mechanism for sexual orientation or gender identity claims of discrimination.

The City of Columbia has an agreement with the University of Missouri Law School that the School will conduct mediation resolution between the parties of a complaint. This eliminates the City's involvement. According to the Kirkwood annual report, they are exploring this with Washington University.

Both Commissions are advisory. For Columbia if an individual comes in with a complaint they determine if the Human Rights Commission has jurisdiction and if they do then the individual is asked to fill out a form outlining the claim. If the matter goes to the City Prosecutor, and the person or persons are found guilty they can be fined up to \$1000 and potentially receive jail time.

Columbia also noted that if the complaint fell within the protections provided by the Federal Government or State of Missouri the matter would be sent to them.

Negar noted that the types of cases they could see in Columbia would be a public accommodation case where a gay couple might not be allowed the ability to show affection in a public place, let's say holding hands at a restaurant, or a couple of the same sex could be denied housing because the owner does not rent to gay people; or a person was not hired because the potential employer assumed she was gay. She also noted that they had not had any gender identity cases.

After talking with both cities, one concern that I have is the amount of time that would be expected to do education, outreach, etc. The ordinance would have to be modified to minimize this as we do not have the staff to dedicate to this unless we were to hire someone or eliminate work from an existing position.

Howard Hickman and Aaron Malin will both be in attendance at the City Council meeting on Monday.

COMPLETE STREETS POLICY

One of the goals of our Foundation for Health Grant project was the implementation of a Complete Street program. Public Works Director John Buckwalter has put together a summary report and a draft resolution for the Council to review and discuss. We will spend more time with this on Monday.

STREET LIGHT POLICY

The City Council discussed the City's Street Light Policy noting that you wanted the policy to provide for street lights at intersections. We want to review the entire policy and make sure that we understand the direction of the council. We will have more information on the electric costs attributed to this policy.

NEWSLETTER REVIEW – June 17, 2013

REVIEW COUNCIL AGENDA

Attachments

Sample Ordinance – Human Rights Commission

Kirkwood Annual Report

Livable Streets Staff Report

Street Lighting Staff Report

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE KIRKSVILLE CITY CODE BY ADDING A NEW CHAPTER ENTITLED HUMAN RELATIONS, TO INCLUDE THE HUMAN RIGHTS COMMISSION, FAIR HOUSING CODE AND PUBLIC ACCOMMODATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI.

Section 1. That Sections 13-18 and 13-19 Fair Housing of the Code of Ordinances of the City of Kirksville, Missouri, be moved to the new Chapter 10 – HUMAN RELATIONS, and renumbered as follows: Article III. Sec. 10-59 and Article V. Sec. 10-80.

Section 2. That a new Chapter, entitled HUMAN RELATIONS is established to be numbered as 10, to read as follows:

ARTICLE I. IN GENERAL

ARTICLE II. HUMAN RIGHTS COMMISSION

Sec. 10-31 Created; composition; appointment, qualification of members.

A Human Rights Commission “Commission” is hereby created and established which shall consist of nine (9) persons. The Commission members shall be residents of the City of Kirksville. Members, to the extent possible, broadly representative of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation. The Commission shall be appointed by the City Council based upon their interest, and an expressed commitment. Commission members shall serve without compensation.

Sec. 10-32. Purpose.

The Commission shall review and advise the council on ways to:

- (a) Promote community awareness and education on the value of diversity to the community.
- (b) Work to eliminate discrimination based on of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (c) Develop tools necessary to establish the Commission as an active servant and leader that is a transparent service to the community, including periodic review of this enabling ordinance.
- (d) Promote responsiveness of government to concerns of all minority groups and others in the community that may be subject to bias or discrimination.
- (e) Encourage the creation of community programs and activities that are available and accessible to all Kirksville residents.
- (f) Provide an open and inviting forum for Kirksville residents who believe they are facing discriminatory practices or acts so that residents can share those experiences with the Commission for advice and counsel.

Sec. 10-33. Terms of members; removal; vacancies.

In the original appointment of members to the Commission one-third (1/3) of those appointed shall be appointed for a term of one (1) year; one-third (1/3) of those appointed shall be appointed for a term of two (2) years and one-third (1/3) of those appointed shall be appointed for a term of three (3) years; and thereafter all appointments shall be for a three (3) year term. The council may remove any member of the Commission at any time without cause.

A member’s absence may be excused by the Chair or the Vice-Chair in the absence of the Chair upon request provided such request is made prior to the meeting. Any member who is absent, without being excused from three (3) consecutive meetings or 25% of the regular meetings within a calendar year shall be considered to have resigned. Such resignation shall be presented in writing as a recommendation to the City Council by the Chair through the City Clerk.

Each member of the Commission shall serve until a successor is duly qualified and appointed. In the event of the death, resignation, or removal of any member, a successor shall be appointed to serve the unexpired term for which such member had been appointed.

Sec. 10-34. Organization.

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson who shall be elected by the members of the commission. Such officers shall serve in their respective offices for a term of one year, or until their successors shall be elected, unless re-elected to such office.

Sec. 10-35. Rules of procedure; meetings; records.

- (a) The Commission shall make such rules and regulations as it deems necessary for the conduct of its affairs. Such rules and any subsequent amendments shall be filed with the City Clerk and subject to Council approval.
- (b) The Commission shall meet monthly at a fixed time, place and day of the week. Special meetings may be called by the Chairperson. Notice of all meetings shall be posted in accordance with State law.
- (c) All meetings shall essentially be conducted in conformity with Robert's Rules of Order.
- (d) The Commission shall keep a complete record of its activities and a journal of all of its meetings and proceedings.

Sec. 10-36. Powers and duties generally.

The Commission shall have the powers and duties to:

- (a) Formulate and conduct educational programs designed to minimize or eliminate discriminatory acts.
- (b) Provide a forum for individuals who believe they have been victims of discrimination.
- (c) Gather and maintain a list of referral agencies and organizations best capable of providing assistance for the purpose of aggressively obtaining a resolution of the issue.
- (d) Cooperate with other organizations and private and public educational institutions to seek ways to eliminate discrimination.
- (e) Advise the City Council on human rights issues.
- (f) Hold forums on the state of human rights and relations in the city and on general human rights issues.
- (g) Recommend that staff create new process(es) for placing matters of concern or service requests before the Commission and other areas of city government, which shall be periodically evaluated for effectiveness.
- (h) Accept comments and concerns of citizens given at Commission meetings.
- (i) Sponsor or initiate focused workshops and ongoing programs to improve human relations and foster understanding and acceptance of each other.
- (j) To present, upon request, informational programs and literature on human rights to schools, businesses, and other organizations.
- (k) To conduct an annual human rights symposium on such issues facing the community and society at large.
- (l) To develop a strategic plan for accomplishing the goals and responsibilities outlined in this ordinance, to be re-evaluated every three (3) years.
- (m) To prepare and publish a written annual report describing the activities of the prior twelve (12) months by December 31 of each year.
- (n) To recommend the creation, expansion and/or focus on specific Kirksville Police programs and joint programs administered by the Kirksville Police and specified community members.

Sec. 10-37. Administration and Assistance by the city attorney.

The City, through the office of the City Manager, shall assign to the Commission such office space and facilities and such necessary clerical help as shall be necessary for the fulfillment of its duties. The city attorney shall render such legal services as shall be necessary.

Sec. 10-38. Definitions.

- (a) Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context otherwise indicates:

Aggrieved person. Includes any person who is attempting to provide housing for himself/herself and/or his/her family in the city.

Chairman shall mean the chairman of the commission.

Code shall mean this article.

Commission shall mean the Human Rights Commission of the City of Kirksville, Missouri.

Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. However, a person may be considered to have a disability if that person:

- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
- (2) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
- (3) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Discriminate. Means distinctions in treatment because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of any person.

Discriminatory housing practice shall mean an act that is unlawful under section 10-59.

Dwelling shall mean any building, structure, or portion thereof located within the city, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Family includes a single individual.

Gender identity shall mean the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

Handicap means a physical or mental impairment resulting in a disability unrelated to a person's ability to acquire, rent or maintain property.

Person. Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

Sexual orientation shall mean an individual's real or perceived heterosexuality, homosexuality or bisexuality.

ARTICLE III. FAIR HOUSING CODE

Sec. 10-59 and 90.

That Sections 13-18 and 13-19 Fair Housing of the Code of Ordinances of the City of Kirksville, Missouri, be moved to the new Chapter 10 – HUMAN RELATIONS, and renumbered as follows: Article III. Sec. 10-59 and 10-90.

Sec. 10-59. - Fair housing.

The city council hereby declares it to be the public policy of the city to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation. This article shall be deemed an exercise of the police powers of the city for protection of the public welfare, prosperity, health and peace of the citizens of Kirksville.

(1) *Discriminatory practices.* It shall be a discriminatory practice and a violation of this article for any person to:

a. Refuse to sell or rent after the making of the bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of ancestry, color, disability,

economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of any person.

b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.

c. Make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation or an intention to make any such preference, limitation, or discrimination.

d. Represent to any person because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

e. For profit, to induce or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.

f. Bars discrimination in the sale or rental of dwellings on the basis of a handicap, and requires the design and construction of new multifamily with four (4) or more units to meet certain federal adaptability and accessibility requirements.

g. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g., section 202 Housing.

(2) *Discrimination in the financing of a house.* It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against a person in the fixing of the amount or conditions of such loan, because of the ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of such person or of any person associated with such person in connection with such financing.

(3) *Exemptions.* The provisions of this article, and particularly [section 10-90](#) hereof, shall not apply to the following:

a. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of the family reside in such a dwelling unit.

b. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner, if the owner or members of the family reside therein.

c. Any single-family house sold or rented by an owner, provided that such house is sold or rented:

1. Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwellings; and

2. Without the publication, posting or mailing of any advertisement in violation of [10-59\(1\)\(c\)](#) of this article; provided, however, that nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title, and that any such private individual owner does not own any interest in, nor is there owned or reserved on the person's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one (1) time.

d. For the purposes of [section 10-59\(3\)c.](#) a person shall be in the business of selling or renting dwellings if:

1. The person has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

2. The person has, within the preceding twelve (12) months, participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
3. The person is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

ARTICLE IV. PUBLIC ACCOMMODATIONS

Sec. 10-70. Discrimination in Public Accommodations Prohibited.

- (a) All persons within the City of Kirksville are free and equal and shall be entitled to the following equal use and enjoyment within the City at any place of public accommodation without discrimination or segregation on account of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (b) It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation as defined in § 213.010, R.S.Mo., or segregate or discriminate against any such person and the use thereof on the grounds of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (c) The provisions of this Section shall not apply to a private club, place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in § 213.010, R.S.Mo.

ARTICLE V. ADMINISTRATION

10.80. Administration.

- a. There is hereby created a compliance officer who shall be appointed by the city manager of the city.
- b. Every complaint of a violation of this article shall be referred to the compliance officer. The compliance officer shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at the time. If the compliance officer, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the fair housing officer finds that there is merit in the complaint, in their opinion, then and in that event, the fair housing officer will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the compliance officer is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the compliance officer shall forward said complaint to the human rights commission for handling. The human rights commission shall consist of all the members of the human rights commission.
- d. If the commission is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the human rights commission shall forward said complaint to the city attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the city attorney.

ARTICLE VI. ENFORCEMENT

Sec. 10-90. - Enforcement.

- (a) Any person convicted of a violation of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the city jail for not more than ninety (90) days, or by both such fine and imprisonment.
- (b) The city attorney, instead of filing a complaint in municipal court of said city, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate circuit court of the State of Missouri.

Section 3. This ordinance shall become effective upon its passage.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately re-numbered to conform to the uniform numbering system of the Code.

Passed by the City Council and signed by the Mayor of this _____ day of _____, 2013.

Richard L. Detweiler, Mayor

ATTEST:

Vickie Brumbaugh, City Clerk



(copied from Kirkwood website)

2012 ANNUAL REPORT KIRKWOOD HUMAN RIGHTS COMMISSION

The Kirkwood Human Rights Commission has had an eventful and successful 2012. As you know, we are charged to investigate, and to the extent possible, work to eliminate discrimination. The following is a list of the HRC's accomplishments for 2012.

LGBT ORDINANCE

The most significant effort and success for the HRC in 2012 is the unanimous passage of the Ordinance prohibiting discrimination in housing, employment and public accommodation based on one's sexual orientation and gender identity. Though the effort started in 2011 with a visit from Andrew Shaughnessy with PROMO, Chairperson Frost and Vice-Chairperson Duwe created and led a subcommittee to discuss and draft a new city ordinance.

The HRC reached out to City Attorney John Hessel to assess whether the City was interested in drafting and passing an LGBT anti-discrimination ordinance and how to implement and enforce it. One important practical concern Mr. Hessel raised was that neither the U.S. Supreme Court nor the State of Missouri has declared sexual orientation or gender identity as protected classes and therefore, there is a fear that the City may be opening itself up to suits in which it would otherwise not be involved.

To respond to the City's concern, the HRC contacted the City of Columbia, Missouri, which passed a sexual orientation ordinance in 1993 and amended it in 2012 to include gender identity. Rather than make discrimination a penal activity, Columbia developed a mediation 2 process in which the Complainant and Respondent would meet with a law professor and law students from the University of Missouri to mediate the dispute between the aggrieved and the alleged perpetrator.

The HRC liked the idea of mediation and in an effort to implement one, contacted C. J. Larkin with Washington University's School of Law Alternative Dispute Resolution Department. C. J. Larkin recommended a process whereby the parties are referred to her Department where they jointly and in good faith mediate their dispute in complete confidentiality. At this stage in the development of the ordinance the HRC and Mr. Hessel are working to develop what enforcement procedures can be implemented. This is a task for 2013.

The basic ordinance has been drafted and presented to the City Council in the November 15th work session. The ordinance's first read was unanimously passed during the December 6th council meeting. The Council will vote whether to enact the measure on December 20, 2012.

GREENBRIAR

An additional discriminatory issue is the Greenbriar Restrictive Covenant issue. When the Greenbriar neighborhood, also known as the Osage Hills subdivision, was first registered, its covenant contained a section prohibiting "Malay's and Negroes" from residing in any homes, unless they were household servants. The Commission obtained a copy of the restrictive covenant and reviewed Missouri Statutes for a possible solution. That research revealed that the Missouri Human Rights Act recently was amended to permit any neighborhood's governing board to remove an offending restrictive covenant without vote from the association's members.

Mayor McDonnell and Chief Administrator Mike Brown contacted and met with the leaders and advised them about the offensive discriminatory covenant and the Missouri Statute. Their contact apparently spurred the Board to act, because Mike Brown advised the HRC at the November meeting that the Greenbriar Trustees agreed to remove the restrictions. The HRC will continue to work with groups of people or individuals who believe they are being treated unequally. 3

NOVUS POST OFFICE

A disabled citizen contacted the HRC directly via the Citizen's Action center's complaint box to address an issue that affected not just her, but all people similarly situated. This individual has difficulty walking and uses a motorized wheelchair to move. She advised the HRC that the ramp leading from the parking lot to the Post Office on South Kirkwood Road and the door leading to the Post Office, presented a danger to the disabled. To reach the ramp from the designated "disabled" parking spot, the individual had to pass behind parked cars creating an issue of safety. Drivers pulling in and backing out of parking spaces, may not see the disabled person, especially one in a wheel chair. In addition, the door to the Post Office is very difficult for a wheel-chair bound individual to open. In response, the Commission contacted Jonathan Browne, representative of NOVUS, the building owner. Mr. Browne explained that the design and construction of the ramp and door comply with all applicable laws including the ADA and that the ramp and door to the Post Office are the responsibility of the Post Office. Mr. Browne graciously credited the Post Office with a certain sum of money to re-design and re-configure the ramp to permit easier and safer access to the Post Office. A contract to effect the changes was awarded in August, 2012, but construction has not yet begun.

ESSAY CONTEST

As in years past, the HRC promoted and judged its annual essay contest for the area high school juniors. 2012's essay question was What is the single most important human rights issue facing your generation today and what would you do to resolve it? Sixteen High School Juniors submitted essays and most of them said that some form of bullying was the most pressing issue. Meredith Bouchein's essay was judged the best and the Council acknowledged her work at its April 2012, session.

SYMPOSIUM

In 2011, the HRC hosted a symposium at Kirkwood High school on Diversity. In 2012, following up on the students' essays, the HRC decided to host a symposium on "bullying." The 4

HRC partnered with Anti-Defamation League's Tabari Coleman and developed and promoted a program to define Bullying and how to deal with it. On October 13, through the efforts of Commission member Romona Miller, at the Kirkwood High School, the HRC presented a movie on bullying and afterwards with the help of the Anti-Defamation League and CFUH, led small groups in discussions about the movie specifically and bullying in general. Attendance was lower than hoped, but the subject-matter and discussions exceeded expectations.

MEDIATION AGREEMENT

One vital issue that goes to the heart of the Charter of the HRC was whether the Advisory Committee, created by the DOJ's Mediation Agreement, would be extended for another year. Its scheduled termination date is 12/31/12.

Pursuant to the Mediation Agreement, the Advisory committee will consist of four members divided into two teams. A City Team made of the Mayor and Chief Administrative Officer and a Community Team made of two lay persons, unaffiliated with the Kirkwood City government. "The Advisory Committee shall serve as a resource as needed to review the goals and outcomes of this Agreement, and may review the HRC Annual Reports and other related projects to this Agreement."

The agreement also specifically stated that it did not create any rights to any third party or entity that existed independent of the Agreement.

With much back and forth through the year the Advisory Committee and an unidentified third party concerned citizens group expressed fear that the City Team had not met the agreed goals outlined in the Mediation Agreement, was stalling progress on meeting the goals, and was failing to describe adequately its progress.

As the HRC is tasked with following the progress of the Mediation Agreement and the efforts of the Advisory Committee, they agreed to look into the status of the City's compliance and if appropriate, request the Advisory Committee to agree to extend its commitment to the 5

Agreement. In response, the City drafted and distributed a comprehensive statement of its efforts and achievements to comply with the stated goals of the Agreement.

In addition, Representatives of the City met with members of the Community Team of the Advisory Committee and the publicly anonymous third party "concerned citizens" group and outlined their accomplishments and assured them that the City Team is committed to the principles and goals of the Mediation Agreement and that their efforts are based on what is good for the community and not necessarily what is required by the Agreement. The Advisory Committee will terminate December 31, 2012, as agreed in the Mediation agreement. The Mediation Agreement will continue in force.

ELEMENTARY ENROLLMENT

The HRC not only confronted discrimination head on, we worked with the parents of the Meacham park neighborhood and Robinson Elementary School. The intent was to help students from Meacham Park obtain start of school physicals and immunization shots in the late summer of 2012, so the children could enter Robinson School. The HRC through the efforts of Chairman Frost, Commission Member Moorhead, and BJC, sent a bus to Meacham Park so the children could be examined and immunized. Those who attended were examined, immunized and made eligible to attend school.

HOUSEKEEPING

Finally the HRC is pleased to report that Mayor McDonnell recommended, and the Council confirmed, Greta Moorhead as the newest member of the Commission, creating a full commission of a chairperson, vice-chairperson and seven additional members.

The HRC notes too that its direct and beneficial relationship with Iggy Yuan as Council liaison ended in 2012; and that Council member Bob Sears has been appointed as liaison and has been attending, participating and advising the HRC at its monthly meetings.

Finally, several members of the HRC attended the presentation titled "International Human Rights Day-Equality for All Missourians." On December 7, Chairperson Darnell Frost, Vice-Chairperson Margaret Duwe, and Commission member Tere Owens attended the event held in Jefferson City, MO. It was hosted by the Missouri Commission on Human Rights. They 6 enjoyed the presentation, learned much from the speakers, and made important contacts with members of other local Human Rights' Commissions throughout the state.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Complete Streets or “Livable Streets.” Policy

STUDY SESSION MEETING DATE: June 17, 2013

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, PE, Public Works Director

The City of Kirksville was selected by the Missouri Foundation for Health as a participant in the Healthy and Active Communities Program for the project “Get Active Kirksville”, and received grant funding of \$295,727. Under this program the City committed to develop a “Complete Streets Policy” by 2013. A proposed policy is attached for Council review and comment before being finalized by staff and supporting committees and returned to Council for approval.

“Complete Streets” are also referred to as “Livable Streets”. A complete street policy is based on the premise that streets must serve the entire population and community, not just cars and trucks. The most common elements of Complete or Livable Streets include: sidewalks and crosswalks, wheelchair ramps and curb cuts, bicycle lanes and mixed-use paths, bus stops and parking facilities for all vehicles, and of course driving lanes for cars, trucks, and buses.

A livable streets plan for the City of Kirksville will require the integration of the City’s street master plan as outlined in the Functional Classification map and report, the City’s 5-year street improvement plan, the master trail plan, and comprehensive sidewalk improvement plan. A comprehensive livable street program for the City will require development or improvement of four venues for non-vehicular traffic: Pedestrian Sidewalks, Multi-purpose Trails, Bicycle Lanes, and Bicycle Routes. Significant progress on constructing the first projects in the Get Active Kirksville program has been made in 2011 and 2012. The 2013 street improvement program includes bike lanes and bike routes on key arterial and collector streets.

It is recommended that Council establish a working or stakeholders group to refine the Complete Streets Policy for the City of Kirksville prior to final adoption by Council. Members of this planning group would be drawn from the Airport and Transportation Commission, the Lakes Park and Recreation Commission, and citizen groups such as KMOTION and KACHI. This group could then recommend projects and programs to implement the policy building on work completed under the Get Active Kirksville program.

RESOLUTION

A RESOLUTION ESTABLISHING THE LIVABLE STREETS POLICY FOR THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, the Missouri Livable Streets Design Guidelines document was received by the City of Kirksville to serve as a guideline to create Livable Streets to support a livable community where all Kirksville residents, visitors, and businesses can live, work, and play; and,

WHEREAS, the City of Kirksville strives to be a sustainable and vibrant city with a dynamic spirit of cooperation among its diverse citizens, businesses, organizations, educational systems and governments; and.

WHEREAS, through comprehensive community planning and regional collaboration, the City of Kirksville desires economic independence and a high quality of life as a recognized destination city: and,

WHEREAS, the City desires to promote public health by encouraging walking and bicycling as a part of active living; and.

WHEREAS, older citizens and citizens with disabilities often rely on transit mobility aids, and walking to meet basic transportation needs and benefit greatly from complete and well designed Livable Streets; and,

WHEREAS, the usual and customary users of the City's roads, streets and bridges include pedestrians, bicyclists and transit passengers of all ages and abilities, as well as drivers and passengers of automobiles, motorcycles, buses and trucks: and,

WHEREAS, the Kirksville residents envisioned transportation in the City of Kirksville as a planned, regionally integrated, multi-modal, accessible, and well-maintained system that facilitates movement about the city and encourages growth and economic development This system includes vehicular, bicycle, pedestrian, aeronautical, rail and mass transit components. The system provides safe, efficient, and sustainable transportation of people, goods. and services to and from places where people live, work, worship, shop, play, learn, and seek medical care; and,

WHEREAS, the terms 'Complete Streets' and "Comprehensive Street Design" are also used to identify the same concepts as Livable Streets.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKSVILLE AS FOLLOWS:

SECTION ONE. TITLE.

This policy shall be known as the “Livable Streets Policy.”

SECTION TWO. PURPOSE.

The Livable Streets Policy sets forth guiding principles and practices to be considered in transportation projects, so as to encourage walking, bicycling and transit use while promoting safe use and operation for all users.

SECTION THREE. DEFINITIONS.

“Livable Street” means a transportation corridor for all users including pedestrians, bicyclists, transit riders, cars, trucks, motorcycles and buses. ‘Livable Streets’ are designed and operated to safely facilitate movement of people of all ages and abilities from destination to destination along and across a continuous travel network.

Livable Street Elements” means transportation improvements, facilities and amenities that accommodate and/or promote multiple modes of travel, including pedestrian, bicycle and transit in addition to cars, trucks, motorcycles and buses. These elements are defined and recognized by the Institute of Transportation Engineers and the American Planning Association.

“Public Improvement Project” means new roads, trails, sidewalks and facilities or maintenance or reconstruction thereof, as well as private improvement projects constructed and/or maintained in whole or part with City funds, owned or leased by the City, and/or intended to be dedicated to the City.

SECTION FOUR. APPLICABILITY.

1. This Policy applies to the design, construction and maintenance (e.g. resurfacing and striping modification) of Public Improvement Projects.

2. The City shall consider public plans, standards, regulations and ordinances that further this Policy. For example, the City shall consider an ordinance that requires safe access for pedestrians, bicyclist and other forms of travel, in addition to motorists, in any new development or redeveloped areas. This ordinance should establish design standards for future development that incorporate Livable Streets Elements.

SECTION FIVE. GUIDING PRINCIPLES.

Guiding principles and practices of the “Livable Streets Policy” are as follows:

1. “Livable Streets” are designed to serve everyone - pedestrians, bicyclists, transit riders, and motorists - including persons of all ages and abilities.

2. The planning, design, construction and maintenance of all Public Improvement Projects should include Livable Streets Elements identified in and required by:

a. Public plans adopted by the Planning and Zoning Commission, Airport and Transportation Commission, and Lake Parks and Recreation Commission such as the Capital Improvement Plan, 5-year Street Improvement Plan, Parks and Trails master plan, and the City’s Comprehensive Plan: and

b. Development related ordinances, such as the Subdivision Regulations, Access Management Codes, and the Design and Construction Manuals.

3. Livable Streets Elements should be considered within the balance of mode and context of the community, including, but not limited to, environmental sensitivity, cost, budget, demand, probable use, space and area requirements and limitations, and legal requirements and limitations.

4. The City intends to incorporate Livable Streets principles into all public strategic plans, standards and regulations, including Zoning Ordinances, Subdivision Code, the Design and Construction Manuals, the City's Comprehensive Plan, the Traffic Codes, and other relevant ordinances, practices and policies, upon subsequent updates. The Livable Streets principles, where applicable and appropriate, should be incorporated into other City plans, manuals, rules, practices, policies, training, procedures, regulations and programs as directed by the City Manager.

5. It is a goal of the City to foster partnerships with the State of Missouri. Adair County Commission, Kirksville R-III School District, Truman State University, A.T. Still University of Health Science, citizens, businesses, Northeast Regional Planning Commission, neighboring communities, and neighborhoods in consideration of functional facilities and accommodations in furtherance of the City's Livable Streets Policy and the continuation of such facilities and accommodations beyond the City's borders or maintenance responsibility.

6. The City recognizes that Livable Streets may be achieved through elements incorporated into a single project or incrementally through a series of improvements or maintenance activities over time.

7. The City will consider all possible funding sources to plan and implement this policy and shall investigate grants that may be available to make Livable Streets Elements more economically feasible.

SECTION SIX. LIVABLE STREETS SUMMARY.

I. A summary or description of the Livable Streets Elements of all Public Improvement Projects shall be included in:

- Capital Improvements Plans including the 5-year Street Improvement Plan; and
- the development review report of any private development plan that requires City Council approval.

2. If a Livable Streets Element identified in and required by adopted public plans or development related ordinance is not incorporated in the project such omission shall be documented in the Livable Streets Summary that demonstrates:

- that the accommodation is not necessary because non-motorized use is prohibited such as interstate freeways; or
- that the cost of accommodation is excessively disproportionate to the need or probable future use; or

- a documented absence of current or future need.

a. The documentation shall be conducted by appropriate staff; or for private projects, the owner shall conduct the documentation.

b. The documentation shall be submitted to the Planning and Zoning Commission and/or the City Council, as appropriate, for consideration prior to approval of project design.

SECTION SEVEN.

This resolution shall be in full force and effect from the date of its passage, adoption, and approval by the Mayor.

PASSED by the City Council and APPROVED by the Mayor for the City of _____, Missouri, this _____ day of _____ 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Street Lighting Policy

STUDY SESSION MEETING DATE: June 17, 2013

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, PE, Public Works Director

It has been over 10 years since Council last discussed the Street Lighting Policy. City Council Policy #18 was last amended on December 4, 2000.

Council Policy 18 is a hybrid policy including both technical design guidelines based on American National Standard Practice for Roadway Lighting, IES RP-8 and simple distance standards for residential and local streets. ANSI/IESNA RP-8-00 was recertified in 2005, and is still the current design standard.

The council policy outlines five benefits of effective street lighting. These have been used as guidelines in determining if additional street lighting is appropriate:

- A. Reduction in accidents
- B. Aid to police protection
- C. Improvement of traffic flow
- D. Promotion of business and commerce during night hours
- E. Improved sense of community

The guidelines outlined in section III.C. of the council policy are the most frequently used standards, and are followed by developers for subdivision design. In residential areas, street light spacing will be:

- At each intersection for blocks 300 feet long or shorter
- At each intersection and at mid-block for blocks longer than 300 feet
- Street lights will be no closer together than 150 feet in residential areas

In commercial, industrial, and institutional areas lighting needs are calculated and designed based on IES standards.

There are 1245 street lights in Kirksville. The majority are owned and maintained by Ameren Missouri. Over 900 are 9500 lumen, 100 watt HPS lights. Approximately 160 lights are owned and maintained by the City. This includes the white globe lights in the downtown area and on Jefferson and Franklin, the coach lights which are still in place downtown, the cobra-head lights at each traffic signal on the City streets, and lights in City parking lots and along the multipurpose trails. The monthly bill for street lighting is \$15,500 for both Ameren and City owned lights. The cost to add a new street light is \$1000 or more. The monthly cost for each additional Ameren owned light is \$6.90 for the most common light. The energy cost for each city owned light varies from \$2.50 to \$4.40 per month depending on size and type. With the slowdown in subdivision development, most street lighting expenditures have been for individual citizen requests

in established subdivisions. The most frequently cited reason for wanting more light is for security. The 2013 budget includes \$10,000 for street lights.

Council may wish to consider changing the criteria for street lighting in residential areas. Many communities use a standard of 400, 500, or even 750 feet between 9500 lumen fixtures. If our standard was 400 feet, and no lights closer together than 200 feet we would have fewer areas below standard, and could reduce the addition of lights. Council may also wish to consider adding a policy to NOT install lights on dead end streets and cul de sacs.

STREET LIGHTING

The City of Kirksville, through its electric utility franchise holder, installs and maintains street lights to improve safety for drivers, pedestrians, and citizens of the Kirksville neighborhoods. This policy outlines the procedures for modification of the existing street lighting system, establishes standards for extension and improvement to the system, and delineates the responsibilities of the City and private developers.

I. EXISTING SYSTEM

The street lighting system in the City of Kirksville is provided under contract by AmerenUE, formerly Union Electric. The system includes 175 watt Mercury Vapor lights, 100 watt, 250 watt, and 400 watt High Pressure Sodium lights, and specialty lights. Street lighting on US Highway 63 (Baltimore) is installed and maintained by the Missouri Department of Transportation (MoDOT) at principal intersections.

II. BENEFITS OF EFFECTIVE STREET LIGHTING

- A. Reduction in accidents
- B. Aid to police protection
- C. Improvement of traffic flow
- D. Promotion of business and commerce during night hours
- E. Improved sense of community

III. STANDARDS

Extensions of the City of Kirksville street lighting system shall be designed in accordance with the most recent American National Standard Practice for Roadway Lighting, IES RP-8, published by the Illuminating Engineering Society of North America (IES).

- A. Recommended luminance values from this standard are:

Luminance in cd/ sq meter	Area Classification		
<u>Roadway Classification</u>	<u>Commercial</u>	<u>Intermediate</u>	<u>Residential</u>
Arterial	1.2	0.9	0.6
Collector	0.8	0.6	0.4
Local	0.6	0.5	0.3

* cd/sq meter = candelas per square meter, 1 cd/sq meter = approx. 10.76 foot-candles.

- B. The mounting height for light sources under 20,000 lumen will normally be 30 feet. Light sources over 20,000 lumen shall be mounted in accordance with IES design standards.
- C. Typical luminaire spacing in residential areas shall be at each street intersection for blocks 300 feet long or shorter, and at each street intersection and at mid-block for blocks longer than 300 feet. Street lights in residential areas will not be placed closer together than 150 feet. Spacing in commercial, industrial, and institutional areas will be based on IES design standards.
- D. Street lights will normally be installed on existing AmerenUE utility poles. In newer subdivisions, where utilities are located underground, street lights will be installed on a standard, wooden pole to be provided by AmerenUE. Decorative poles may be installed in place of standard, wooden poles at the developer's or adjoining property owner's expense, when approved by the City of Kirksville.
- E. Poles supporting street lights will normally be installed on the public right of way.

IV. REQUESTS FOR ADDITIONAL STREET LIGHTING IN ESTABLISHED AREAS

Requests for additional street lighting should be made to the Director of Public Works. Requests should include the location where additional lighting is requested (street address or general description), and the reason for the request.

- A. Upon receipt of a request for installation of an additional street light, the Public Works Director will initiate a citizen service request (CSR) and direct a representative of the Public Works Department to visit the site and evaluate the need for additional lighting. Evaluation will be based on the criteria and standards in Section III.
- B. If the request for additional street lighting is approved, the Public Works Director will contact AmerenUE and arrange for installation of a street light at the requested location. Installation of standard light fixtures on standard wooden poles shall be at the City's expense. Developers or adjoining property owners may install decorative poles supporting standard fixtures after approval by the Public Works Director. City reimbursement for decorative poles will be limited to a value equal to the cost of standard, wooden poles, with the developer or adjoining property owner responsible for all additional costs.
- C. If the Public Works Director determines that additional lighting is not warranted, the requesting citizen will be so notified within two weeks of their request, and a copy of the CSR will be forwarded to the City Manager.

V. ADDITIONS TO THE CITY STREET LIGHTING SYSTEM-NEW DEVELOPMENTS AND SUBDIVISIONS

Subdivision developers are to include street lighting in their development. All final plats of subdivisions are to indicate location and type of individual street lights. Street lighting plans will be reviewed by the City Engineer and Public Works Director during final plat approval.

- A. The City of Kirksville will reimburse subdivision developers for the cost of standard street light fixtures on standard wooden poles when installed in accordance with the standards above by the developer. City participation is limited to the cost of the pole, light and installation, and will be paid at the rate established in the current contract between AmerenUE and the City of Kirksville based on the City's minimum standard. The developer shall be responsible for providing electrical service to the base of the pole, and for incorporating electrical service for street lighting into the subdivision utility plan. Reimbursement will be made only after street lights are installed.
- B. Physical installation of street lights in new subdivisions shall be coordinated through the Public Works Director. Developers may install decorative poles and fixtures, but only if the power and maintenance costs are comparable to standard street lighting installations, and are approved in advance by the City.
- C. The developer shall install street lights at the time of street construction. After the acceptance of the subdivision streets, the City shall pay operations, maintenance, power and replacement costs for street lights.

VI. REPORTS OF DAMAGED OR NONOPERATIONAL STREET LIGHTS

Citizen reports of damaged street lights will be forwarded on a CSR form to the Public Works Director from the department receiving the service request. The Public Works Director will coordinate with AmerenUE, or the appropriate agency, for repair.