



CITY COUNCIL

HEARINGS AND APPEALS PROCEDURES COMMITTEE MEETING

Wildwood Municipal Building
Community Room
16860 Main Street, Wildwood, MO

Tuesday, May 30, 2017

6:30 PM.

AGENDA

- I. Call To Order – Chair Garritano
- II. Roll Call
- III. Approval Of Minutes – March 29, 2017 Meeting

Documents:

[3-29-17 DRAFT MINUTES HEARINGS AND PROCEDURES COMMITTEE.PDF](#)

- IV. Public Comment(S)
- V. Continuation Of Review Process

Documents:

[358413SUGGESTED REVISIONS TO ADMINISTRATIVE HEARINGS FLOW CHART.PDF](#)
[358414SUMMARY OF REVISIONS TO HEARINGS AND APPEALS.PDF](#)

- VI. Next Meeting Date – June 29, 2017
- VII. Other
- VIII. Adjournment

The City Council Hearings and Appeals Procedures Committee will consider and act upon the matters listed above and such others as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the City Council Hearings and Appeals Procedures Committee may hold a Closed Meeting for the purposes of dealing with matters relating to one or more of the following: Legal Actions, Causes of Action, Litigation or Privileged Communications Between the City's Representatives and its attorneys {RSMO 610.021(1)1994}; sealed bids and related documents, until the bids are opened and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected {RSMO 610.021 (12) 1994}

The City of Wildwood will provide reasonable accommodations for persons attending City Council meetings. Requests for reasonable accommodations should be made by contacting Amanda Foster, City Clerk at 636-458-0440 or email at afoster@cityofwildwood.com at least 48 hours prior to the start of the meeting.



**CITY COUNCIL
HEARINGS AND APPEALS PROCEDURES COMMITTEE MEETING
RECORD OF PROCEEDINGS**

**WILDWOOD CITY HALL
16860 Main Street
City of Wildwood, Missouri 63040**

**WEDNESDAY, MARCH 29, 2017
6:30 P.M.**

I. The meeting was called to order at 6:30 P.M.

II. A roll call was taken with the following results:

Present	Absent
Council Member McGowen	
Council Member Manton	
Council Member McCutchen	
Council Member Alexander	
Council Member Garritano	

Also present:

Mayor Jim Bowlin
Mr. John Young, City Attorney
Mr. Ryan Thomas, City Administrator
Mr. Joe Vujnich, Director of Planning and Parks
Ms. Amanda Foster, City Clerk

III. Selection of Committee Chairperson

A motion was made by Council Member Manton seconded by Council Member McCutchen to appoint Council Member Garritano as Committee Chairperson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

IV. Discussion and Commencement

Mayor Bowlin stated the mission of the committee was to recommend amendments to the city's hearings and appeals procedures which would allow for more streamlined and efficient practices.

City Attorney Young provided an overview of items required by state statute. Further, City Attorney Young discussed the difference between administrative hearings and public hearings.

Discussion was held regarding the following: which Board, Commission or Committee should matters be presented to; how many public hearings are necessary; subcommittees consist of City Council members; should the Board of Administrative Review be the final decision maker regarding certain hearings; how best to proceed in future meetings; repetitive processes; mailers are sent to residents during each step of the process; residents receive multiple mailers regarding the same matter; how best to streamline while still providing a platform for public input.

City Attorney Young stated he would provide updated flow charts at the next scheduled meeting based upon comments received.

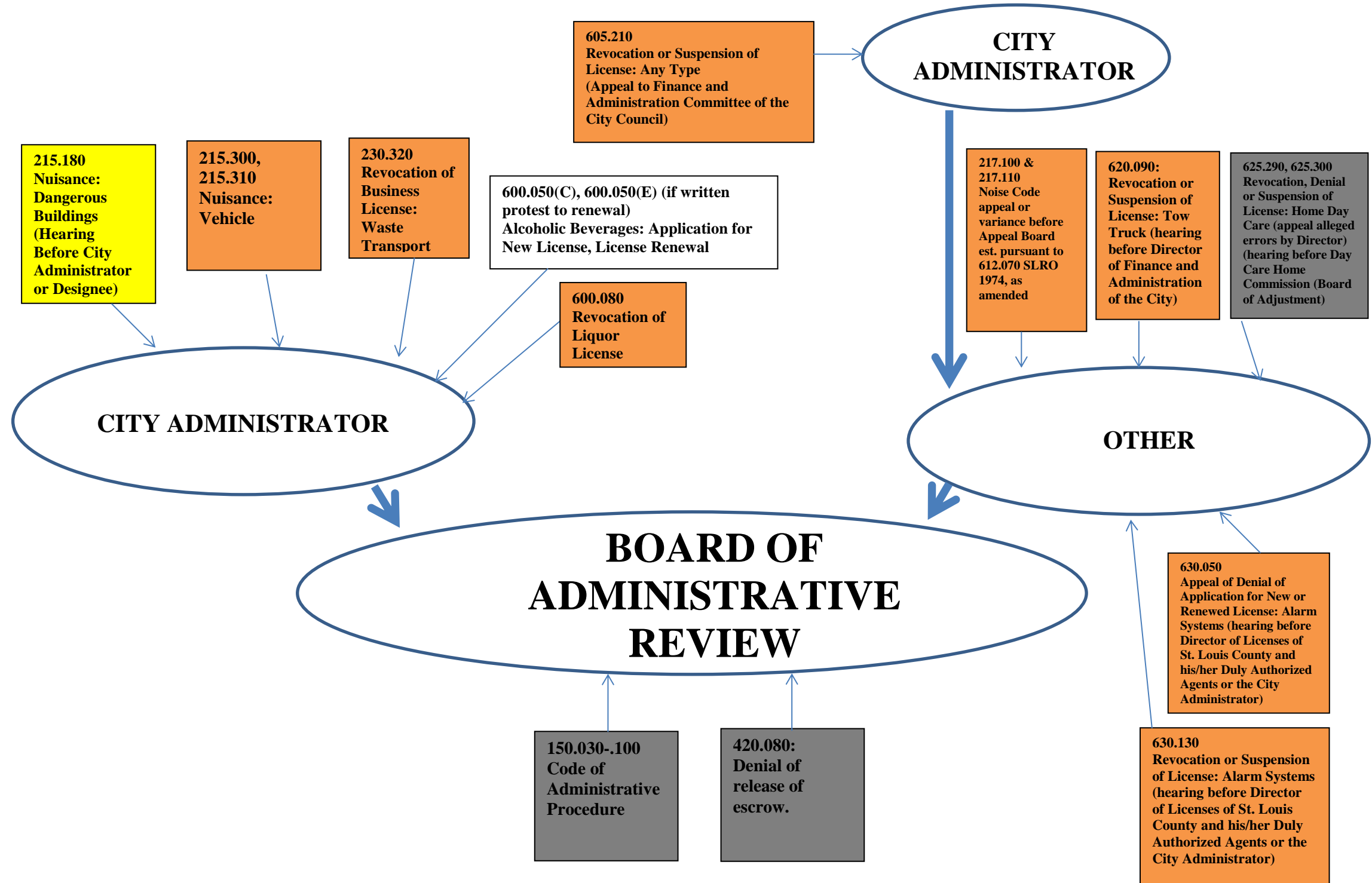
V. **Next Meeting Date**

Future meetings will be held on May 11, 2017 at 6:30 P.M. and June 29, 2017 at 6:30 P.M.

VI. **Other – None**

VII. **Adjournment**

A motion was made by Council Member Manton, seconded by Council Member McGowen, to adjourn the meeting. All members voted in favor and the motion was approved. The meeting concluded at 8:13 p.m.





HAMILTON
WEBER LLC

Memorandum

To: Hearing and Appeals Committee

From: John A. Young

Cc: Ryan Thomas &
Joe Vujnich

Date: May 25, 2017

Re: Summary of Revisions to Hearings and Appeals Procedures

Below is a summary of the impact the procedures set forth on the enclosed flow chart on Hearings and Appeals Procedures would have on the various provisions of the City Code.

- **Section: §§ 150.030-.100: Code of Administrative Procedure**
 - Category: Grey (hearing not required but recommended for reasons such as preserving “exhaustion of administrative remedies” defense)
 - Amend to eliminate City Council from the appeal procedure.
- **Section 215.180: Dangerous Building Abatement Hearing Procedure.**
 - Category: Yellow (hearing required by state statute)
 - No amendment necessary.
- **Section 215.300-310: Nuisance Vehicle Abatement Procedure.**
 - Category: Yellow (hearing required by Constitutional Due Process)
 - No amendment necessary.
- **Section 217.100-110: Appeal of Determination of Noise Violation.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - Appeals handled in conjunction with St. Louis County. Arguably appealable under Chapter 150.
- **Section 217.110: Variances.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - Appeals handled in conjunction with St. Louis County. Arguably appealable under Chapter 150.

- **Section 230.320: Revocation of Solid Waste Collection Business Licenses.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - No amendment necessary.

- **Section 420.080: Appeal of Denial of Release of Escrow.**
 - Category: Grey (hearing not required but recommended for reasons such as preserving “exhaustion of administrative remedies” defense)
 - No amendment necessary.
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- **Section 600.050: Application for Liquor License and Renewal.**
 - Category: White-H (identified as a hearing in City Code)
 - No hearing required.

- **Section 600.080-090: Liquor License Suspension.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - Amend to provide for appeal under Chapter 150. Hearing currently before City Council first.

- **Section 605.070: Grant of Noncompliant Business License Upon Condition of Council.**
 - Category: White-H (identified as a hearing in City Code)
 - Suggest removal.

- **Section 605.210: General Business License Revocation or Suspension.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - Remove appeal to Finance and Administration Committee and reference Chapter 150.

- **Section 620.090: Suspension or Revocation of Tow Truck License.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - No amendment necessary.

- **Section 625.290-300: Appeals re Day Care Home Licenses.**
 - Category: Grey (hearing not required but recommended for reasons such as preserving “exhaustion of administrative remedies” defense)
 - No amendment necessary (Decision of the Director is appealed to the Day Care Home Commission—aka Board of Adjustment—and implied appeal from that pursuant to Chapter 150).

- **Section 625.300: Procedure on Appeals.**
 - Category: Grey (hearing not required but recommended for reasons such as preserving “exhaustion of administrative remedies” defense)
 - No amendment necessary to eliminate City Council from the appeal procedure (the decision following the hearing before the Director is appealed to the Day Care Home Commission—aka Board of Adjustment—and implied appeal from that pursuant to Chapter 150, proposed amendment above).

- **Section 630.050: Application and Renewal for Alarm Business License.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - No. Amendment Necessary.

- **Section 630.130: Suspension or Revocation of Alarm Business License.**
 - Category: Orange (hearing required by Constitutional Due Process)
 - No amendment Necessary.