



**CITY OF SEDALIA, MISSOURI  
CITY COUNCIL WORK SESSION  
MARCH 15, 2023**

The City has an on-line broadcast of Council Meetings available both live and recorded by going to <https://global.gotomeeting.com/join/578973061>.

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The Council of the City of Sedalia, Missouri duly met on Wednesday, March 15, 2023 at 6:30 p.m. at the Municipal Building in the Council Chambers with Mayor Andrew Dawson presiding. Council Members present were Jack Robinson, Thomas Oldham, Chris Marshall, Tina Boggess, Bob Cross, Rhiannon Foster and Steve Bloess. Bob Hiller was absent.

City Attorney Joe Lauber stated that Council received a large amount of materials regarding the Transitional Services Ordinance and to help conceptualize how the Ordinance works, City staff developed a Practical Application Framework. The City has "permissive zoning" which means that the Zoning Code lists out all uses that are permitted, in which districts they are permitted, and under what circumstances they are permitted. What is not listed is considered prohibited. The information has been divided into Residential, Commercial, and Industrial and where Transitional Services would be permitted/prohibited.

**Where will transitional services allowed to be used "as of right" (no Special Use Permit required)?**

	Shelters	Emergency Housing	Transitional Housing	Permanent Supportive Housing	Support Services
<b>Residential</b>		R-1, R-2, R-3	R-1, R-2, R-3	R-1, R-2, R-3	
<b>Commercial</b>		C-O, C-1, C-3	C-3	C-3	C-O, C-1, C-3
<b>Industrial</b>			M-1	M-1	

**Where will transitional services be allowed, but subject to a Special Use Permit?**

	Shelters	Emergency Housing	Transitional Housing	Permanent Supportive Housing	Support Services
<b>Residential</b>					R-3
<b>Commercial</b>	C-O, C-1, C-3		C-O, C-1, C-2	C-O, C-1, C-2	
<b>Industrial</b>	M-1, M-2	M-1, M-2			M-1, M-2

**Where will transitional services be prohibited?**

	Shelters	Emergency Housing	Transitional Housing	Permanent Supportive Housing	Support Services
<b>Residential</b>	R-1, R-2, R-3				R-1, R-2
<b>Commercial</b>	C-2	C-2			C-2
<b>Industrial</b>			M-2	M-2	

**Shelter** – Temporary or permanent space to provide protection from the elements for periods of less than 24 hours; intended to regulate provision of shelter services on a frequent basis at the same location; shelter facilities provided as ancillary purpose to location's primary purpose are allowed to continue; four categories: Day Shelters (utilized between 6 a.m. and 9 p.m., not intended for overnight stays), Temporary Cooling Shelters (operating between 6 a.m. and 9 p.m. when outside temperatures are predicted to be 95 degrees or higher, not intended for overnight stays), Temporary Warming Shelters

(operating between 7 a.m. and 7 p.m. when outside temperatures are predicted to be 33 degrees or below, intended for overnight stays), and Emergency Shelters intended to provide overnight shelter for homeless persons.

**Emergency Housing** – Temporary indoor accommodations for individuals or families who are homeless or at the risk of becoming homeless; may be intended to address basic health, food, clothing and personal hygiene needs of individuals or families, which may or may not require occupants to enter into lease or occupancy agreement; intent is to provide short-term overnight housing and hygiene facilities to persons temporarily without housing.

**Transitional Housing** – Residential facilities designed to assist individuals and families experiencing homelessness to a permanent residence within 24 months; longer term than Emergency Housing, but shorter term than Permanent Supportive Housing; permits organization or facility to provide services to those in need with the understanding that if the person is able to do it on their own, they wouldn't fit the definition of homeless.

**Permanent Supportive Housing** – Subsidized residential facility that prioritizes people who need comprehensive support services to retain residency; longest term of service; pairs people with on or offsite voluntary services designed to support a person with complex and disabling behavioral health or physical condition, and who was experiencing homelessness or at risk of homelessness prior to moving into the facility. It was suggested by City Administrator Kelvin Shaw to add a section to the definition related to homelessness that clarifies those who experience homelessness.

**Support Services** – On or offsite assistance to individuals or families aimed at reducing or mitigating the effects of homelessness, including but not limited to social, legal advocacy, child care, employment, financial, health care or information and referral services; definition excludes provision of meals, bathing, laundry, and overnight shelter which has the effect of not allowing these services to be included at a facility designed to provide transitional services; intent is to provide a level of transitional services that falls between short-term and non-primary provision of shelter services and long-term transitional housing services.

### **Special Use Permits**

Certain definitions specify that a Special Use Permit is required, specifically the definitions of each shelter. Each zoning district provides uses that are permitted "as of right" or permitted with a Special Use Permit. The general list of uses that require a special use permit are in City Code Section 64-124 and lists all four types of shelters and the provision of support services in an R-3 District. Under Section 64-124, it states "any uses in this section may be located in any district by Special Use Permit on approval by City Council after Public Hearing and recommendation of Planning and Zoning under such conditions as to the operation and site development in order that such use will not seriously injure the appropriate use of neighboring property and will conform to the general purpose". The services need to fit the neighborhood feel and not be a nuisance. Articles were provided to Council outlining the importance of Transitional Services but depending on the intensity of services offered, could result in other issues associated with those services. The consequences seen nationally are mass migration for shelter, encampments, litter, and health safety issues related to human feces in public areas; many times, forcing residents and business owners to clean up. In the first hearing Council was informed about individuals defecating outside public buildings in Sedalia. Safeguards will need to be put in place when providing these services.

Councilwoman Boggess inquired if there is a cost for a Special Use Permit. Community Development Director Simmons stated that the cost is a one-time fee of \$350.00 and requires notification of individuals within 185 feet.

Requirements – Minimum Standards:

1. No facility shall be located within 1,000 feet of a public or private school or Licensed Daycare; distance shall be measured by a straight line from the nearest edges of the property lines.

Councilwoman Foster stated that those in the 4<sup>th</sup> Ward do not want a shelter in their neighborhood and added that she would like to see the distance increased to 2,000 feet.

Councilwoman Boggess stated that the 2<sup>nd</sup> Ward has the same concerns and she would have liked to have had suggestions from citizens on where to place these facilities. Motion was made by Foster to increase the distance to 2,000 feet. Motion died on lack of second.

Councilwoman Boggess inquired about changing the distance to 1,500 feet. Councilman Oldham asked if the 1,500-foot would apply just to shelters or would it also include support services. City Attorney Lauber stated that is just for shelters, however, it would also include support services. Motion by Boggess, seconded by Foster to create a 1,500-foot map and bring back to Council. Voting “Yes” were Marshall, Boggess, Cross and Foster. Voting “No” were Robinson, Oldham, and Bloess. All present in favor. Hiller was absent.

2. All facilities must comply with underlying zoning districts.
3. A business license is required for all Community Residential Facilities and Shelter Facilities.
4. For all facilities, the Director of Community Development shall, upon receipt of a permit application, report to the Planning and Zoning Commission and the City Council the neighborhood characteristics related to land use compatibility and physical character of the neighborhood in which the Special Use Permit is sought.

Space Requirements: Residential Facilities must comply with all applicable standards, including the International Building Code and International Residential Code. Confirmation by the Building Official that the residence complies based on the number of people who occupy the premises, is required prior to approval of any permit. Shelters must provide at least fifty square feet of space per person occupying the Shelter.

Councilman Bloess asked if someone provides a certain service that falls under the Special Use Permit and then wants to provide additional services, does that modify the Permit? Community Development Director Simmons stated that if they change any component not on the original Special Use Permit, it would need to be amended for the new use and brought forward to Council for approval.

Safety and Maintenance: All residential and shelter facilities must comply with property maintenance codes established for residential and commercial structures within the City.

Code of conduct: All facilities must provide and enforce a written code of conduct, which not only provides for the health, safety, and welfare of temporary residents, but also mitigates negative impacts to neighbors and the community.

Site Access: All facilities, except Permanent Supportive Housing and Transitional Housing, must maintain a

designated member to serve as a point of contact for the Sedalia Police Department. At least one member must always be on duty at the facility. The names of the on-duty members shall be posted at all times during operations.

All facilities, except Permanent Supportive Housing and Transitional Housing, must maintain a registry of individuals being sheltered on that date and registry shall be made available to public safety officials upon request.

Traffic: Traffic mitigation measures may be established for dwellings that are permitted as Emergency Housing or Transitional Housing for fifteen or more residents (adults and children) plus managers and other service providers. In R-1, R-2, and R-3, these types of housing are allowed “as of right” so it would not apply in that circumstance.

Managers and Other Service Providers: Any Residential or Shelter facility housing more than eight people must have an on premises manager or Sponsor at all times.

Council consensus is that a manager or sponsor should be present whether you have one person or multiple. Motion by Robinson, seconded by Bloess to change the language to read “any residential or shelter facility must have an on premises manager or sponsor at all times”. All present in favor. Hiller was absent.

The Director of Community Development may recommend to the Planning and Zoning Commission and City Council a limit for the number of service providers (including volunteers, paid employees, live-in managers and day workers) and require mitigation measures for Emergency Housing facilities and Transitional Housing facilities that use service providers to avoid impacts on the neighborhood and ensure that the facility is consistent with the intent of the zoning district in which it is located and the character of the neighborhood.

Emergency Housing and Transitional Housing in R-1, R-2, and R-3 districts are permitted “as of right”. This requirement is better protection for people in the residential district because where a Special Use Permit would apply for Emergency Housing are just the M-1 and M-2 districts which are industrial where traffic is not a concern. Transitional Housing is permitted by Special Use Permit in C-O, C-1, and C-2, that is commercial which may be better suited for additional traffic. It may not be necessary for the heavy traffic areas and industrial. If there is concern that this would be a term that would reduce traffic in certain areas where people are coming to provide services in Emergency or Transitional Housing, then it would be best to have staff amend the language that removes this section but adds protection in residential districts that would address increased traffic. Motion by Oldham, seconded by Marshall to modify the language by removing the traffic considerations under managers and other service providers and put it into residential requirements. All present in favor. Hiller was absent.

Drugs and Alcohol: Use of alcohol, recreational marijuana, and controlled substances, except by prescription, is strictly prohibited on facility premises.

Dispersal of Like Facilities: For all Emergency Housing facilities and Transitional Housing facilities permitted, the Director of Community Development shall upon receipt of an application, report to the Planning and Zoning Commission and the City Council the existence and locations of like facilities to avoid approval of permits for like facilities within a single neighborhood.

To avoid oversaturation in a zoning district, the City Council can say "no" in the event adequate services are being provided. Special Use Permits would apply if you did not want to have too many Emergency Housing in M-1 or M-2, or too much Transitional Housing in C-O, C-1, or C-2. A Special Use Permit is not needed in residential districts. That section may be moved from "as of right" to Special Use Permit. City Attorney Lauber stated that one option would be to move it to Special Permit for those uses. The motion Councilman Oldham made was to take it out of Special Use Permit and make it an additional requirement in residential. A similar motion for this would be "these uses in a residential district shall be subject to limitation". Motion by Marshall, seconded by Robinson to remove disbursal of like facilities provision for Emergency Housing and Transitional Housing from Special Use minimum requirements and move it into residential protection. All present in favor. Hiller was absent. Motion by Marshall, seconded by Robinson to amend the motion to add protection of disbursal of like facilities to residential facilities but retain it in minimum standards for Special Use Permits. All present in favor. Hiller was absent.

Additional Special Use Permit Requirements for Shelters: The facility shall have on-site supervision during hours the shelter is open; facilities shall provide exterior lighting on pedestrian pathways and parking lot areas and lighting shall reflect away from residential areas and public streets; facilities shall provide secure areas for personal property; shelters located in residential zoning districts shall not exceed forty beds provided they comply with underlying zoning districts.

This item conflicts with prior language and is recommended to be deleted. Mayor Dawson recommended that there needs to be a motion to strike the residential portion and move it to apply to all shelters. City Attorney Lauber stated that since the current phrase does not apply, it can be general consensus to remove and take out the phrase "in the city's residential zoning districts". Motion by Bloess, seconded by Robinson to strike the residential phrase and leave the limit at 40 beds. All present in favor. Hiller was absent.

The Shelter shall provide on-site parking at a rate of two spaces per facility for staff plus one space per six occupants allowed at maximum capacity.

A management plan is required for all Shelters upon submission of an application for a Special Use Permit to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and reviewed by the Community Development Department and a recommendation made to Planning and Zoning and City Council prior to approval of the Special Use Permit. The plan shall include a floor plan that demonstrates compliance with physical standards. Such operations plan shall become a part of any approved Special Use Permit, and the Permit shall stipulate that continued compliance with the operations plan is required for continued operations of the special use. The Community Development Department shall inspect at least annually each Emergency Shelter to ensure compliance. The City Council may establish a fee to cover the administrative cost of review of the required management plan.

Councilman Bloess stated that the City needs to know the principal people, officers, what type of partnership, how they are registered with Secretary of State, when they will be up and running as well as location, and how they will be funded. Councilman Oldham would like to see the Ordinance have a specific management plan versus identifying individuals and would like it to provide support

services without Council's involvement in running the Business. City Administrator Kelvin Shaw stated that the City does not contact the Secretary of State regarding who the Board members are so if that is a preferred requirement, you would need to add it to the language. The City checks "no tax due" which means they have to be in good standing with the State.

Motion by Bloess to require a Business License and to look at the Secretary of State filing to ensure they are legitimate. City Attorney Lauber stated that the requirement for the Business License already exists in the Ordinance. Councilman Bloess stated the second part would be that staff look at public information in regard to the Secretary of State to provide Business name to ensure they are legitimate. City Administrator Shaw reminded Council that if they want to require the names of officers, that would need a motion to add it to the Ordinance. Mayor Dawson stated that the information would come from the Business License application and added that individuals wishing to get approval for their Special Use Permit will be at a Hearing and any questions could be posed at that time. Motion by Bloess to have staff check with the Secretary of State to ensure the applicant is filed as an entity in the State of Missouri, filing as a Corporation or individual. Motion died for lack of Second.

The Ordinance will be amended as suggested and brought back with a map illustrating the 1,500 feet limitation. Mayor Dawson felt that the document could be brought back to a regular meeting. Consensus was to make the adjustments and bring back to the April 3, 2023 Council Meeting.

The Work Session adjourned at 8:55 p.m. on motion by Oldham, seconded by Marshall. All present in favor. Hiller was absent.

Respectfully Submitted: Jason S. Myers, City Clerk