

NOTE: THE BOARD OF ALDERMEN MEETING WILL BE HELD IN-PERSON AND VIRTUALLY VIA ZOOM (link is below).

Please note, individuals may attend in-person or virtually via Zoom. Doors will open 30 minutes prior to the start of each meeting. Due to the ongoing pandemic, occupancy will be limited to 30 attendees per meeting to accommodate social distancing. While masks are recommended, proof of vaccination will be required for individuals who wish not to wear a mask. Failure to provide proof of vaccination will require a mask to be worn while in City Hall.

Please click this URL to join. <https://us02web.zoom.us/j/86919359309> Webinar ID: **869 1935 9309**

via mobile: +13126266799, 86919359309# US (Chicago)

via phone: 312 626 6799

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at jfrazier@claytonmo.gov. All comments received will be distributed to the entire Board before the meeting.

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, MARCH 29, 2022
CITY HALL – 10 N. BEMISTON AVENUE
CLAYTON, MO 63105
7:00 P.M.**

ROLL CALL

MINUTES – March 10, 15, and 18, 2022

PUBLIC REQUESTS & PETITIONS

CITY MANAGER REPORT

1. Ordinance – To approve an amendment to the parking agreement for 227 S. Central Avenue. (Bill No. 6892)
2. Ordinance – To approve an amendment to Section 215.605, Failure to Supervise Minor. (Bill No. 6893)
3. Resolution – To approve a plan for allocation of funding received under the American Rescue Plan Act (ARPA) of 2021. (Res. No. 2022-10)
4. Motion – To approve the adoption of Juneteenth as a City holiday.
5. Motion – To approve an appointment to the Plan Commission/ARB.

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

THE CITY OF CLAYTON

Board of Aldermen Special Session
Virtual Zoom Meeting
March 10, 2022
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

The following individuals were in attendance:

Board of Aldermen:

Mayor Harris; Aldermen: Rich Lintz, Bridget McAndrew, Ira Berkowitz, Susan Buse, and Becky Patel.

Staff:

City Manager David Gipson, Assistant City Manager Andrea Muskopf, Toni Siering, Director of Parks & Recreation, and City Clerk June Frazier.

Parks & Recreation Commission:

Matt Durham, Karen Elbert, and Benjamin Beinfeld

Mayor Harris explained that a special meeting was called to discuss consideration to honor Patty DeForrest, former Director of Parks & Recreation, for her outstanding service during her 22 years with the City. If approved a plaque would be placed at the Shaw Park Pool-Lap Pool in her honor.

The Parks and Recreation Commission members, Matt Durham, Karen Elbert, and Benjamin Beinfeld were all in consensus in supporting the recognition of Patty DeForrest.

Motion made by Alderman Lintz to approve the recognition of Patty DeForrest and honor her with placing a plaque at the Shaw Park Pool – lap pool. Alderman Berkowitz seconded.

The motion passed unanimously by voice vote.

There being no further discussion the meeting adjourned at 7:26 p.m.

Respectfully submitted by June Frazier, City Clerk

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
March 15, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, Becky Patel, and Gary Feder.

Mayor Harris
City Manager Gipson
City Attorney Karr

Motion made by Alderman McAndrew to approve the February 8, 2022 and February 18, 2022 minutes. Alderman Berkowitz seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

FISCAL YEAR 2022 1ST QUARTER FINANCIAL REPORT

Karen Dilber, Director of Finance, addressed the Board providing a summary report on the 1st Quarter Financial Report for Fiscal Year 2022 (FY22) as provided in the Board packet.

AN ORDINANCE TO CONSIDER APPROVING THE 1ST QUARTER AMENDMENT TO THE FISCAL YEAR 2022 BUDGET

Karen Dilber, Director of Finance, reported that as part of the quarterly budget review, staff is presenting for your consideration the first amendment to the Fiscal Year 2022 (FY22) budget. The amendment consists of establishing funds for the 2021 and 2022 debt refundings and closing out the 2011 and 2014 debt funds. A significant amount of the remainder consists of projects or equipment that were budgeted last year but will now occur or be completed in FY22 and related revenue and expenses.

Alderman Lintz introduced Bill No. 6891, to approve the FY22 1st Quarter Budget amendment to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6891, first reading, an Ordinance Amending the Fiscal Year 2022 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6891 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6891, to approve the FY22 1st Quarter Budget amendment to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6891, first reading, an Ordinance Amending the Fiscal Year 2022 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6750 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING A FUND BALANCE POLICY

City Manager Gipson reported that on November 19, 2021, the Board of Aldermen discussed the City's current Fund Balance Policy. The unassigned fund balance is the amount remaining in a single fund at the end of a fiscal year, less commitments and restrictions. The City presently has a minimum unassigned General Fund fund balance of twenty-five percent (25%), with an operational target balance of thirty-three percent (33%). Following that discussion staff was directed to amend the General Fund unassigned fund balance policy for approval by the resolution as shown in the Board's packet.

Motion made by Alderman Lintz to approve Resolution No. 2022-07, the Fund Balance Policy. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER AUTHORIZING THE SUBMITTAL OF A HAZARDOUS MOVING VIOLATION ENFORCEMENT GRANT APPLICATION

City Manager Gipson reported that the proposed resolution would authorize the Clayton Police Department to apply to seek a MoDOT grant to assist the Department to address the issue of aggressive driving in a multifaceted approach.

Chief Mark Smith and Captain Al Thuet, Police Department, was in attendance to answer questions.

Motion made by Alderman Lintz to approve Resolution No. 2022-08, allowing the submittal of a Hazardous Moving Violation Enforcement Grant application. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER AUTHORIZING THE SUBMITTAL OF A DRIVING WHILE INTOXICATED ENFORCEMENT GRANT APPLICATION

City Manager Gipson reported that the proposed resolution would authorize the Clayton Police Department to apply to seek a MoDOT grant to assist the Department to address the issue of driving while intoxicated in a multifaceted approach.

Chief Mark Smith and Captain Al Thuet, Police Department, was in attendance to answer questions.

Motion made by Alderman Lintz to approve Resolution No. 2022-09, allowing the submittal of a Driving While Intoxicated Enforcement Grant application. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

OTHER

Alderman Lintz provided an update on the following:

- Sustainability Committee

Alderman Berkowitz provided an update on the following:

- Plan Commission/ARB

Alderman McAndrew provided an update on the following:

- CRSWC
- Maryland Walk annual meeting
- Attended Forsyth “curve” community meeting
- Parks & Recreation Commission
- Kudos to Toni Siering and staff in preparation for the basketball season

Alderman Buse provided an update on the following:

- Parks & Recreation Commission
- Clayton Equity Commission
- Attended the Fontbonne opening for the Center for Bosnian Studies

Alderman Patel provided an update on the following:

- DeMun mural was approved by Plan Commission/ARB

Alderman Feder provided an update on the following:

- Plan Commission/ARB housing issue
- Maryland Walk annual meeting

Mayor Harris provided an update on the following:

- St. Louis County propositions on the April ballot
- Metro Mayor's of St. Louis
- Landscape Task Force
- Article in St. Louis Post regarding development had inaccurate sales tax information

City Manager Gipson

- St. Louis County propositions on the April ballot
 - Charter amendments – (1) costs associated with employees appointed by the County Executive be covered under the County Executive's budget; (2) County Executive ability to have outside employment
 - Local use tax issue
 - Queeny Park lease agreement

Motion made by Alderman Feder that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman McAndrew seconded.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye.

The meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk

THE CITY OF CLAYTON

Board of Aldermen Strategic Discussion Session
Virtual Zoom Meeting
March 18, 2022
3:04 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

The following individuals were in attendance:

Board of Aldermen:

Mayor Harris; Aldermen: Rich Lintz, Bridget McAndrew, Ira Berkowitz, Susan Buse, Becky Patel, and Gary Feder.

Staff:

City Manager Gipson, Gary Carter, Director of Economic Development, Assistant City Manager Andrea Muskopf, Matt Malick, Director of Public Works, and City Clerk June Frazier.

SPECIAL EVENTS

Gary Carter, Director of Economic Development, provided a presentation and update on the 2022 Special Events. *(available in the City Clerk's office)*

SERVICE LEVELS – SNOW REMOVAL AND LEAF COLLECTION

Matt Malick, Director of Public Works, provided a presentation on the City's snow removal and leaf collection service levels. *(available in the City Clerk's office)*

Motion made by Alderman Feder that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Berkowitz seconded the motion.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 4:38 p.m.

Respectfully submitted by June Frazier, City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
GARY CARTER, DIRECTOR OF ECONOMIC DEVELOPMENT

DATE: MARCH 29, 2022

SUBJECT: ORDINANCE – SECOND AMENDMENT TO SUBLEASE AGREEMENT
RELATING TO THE REDEVELOPMENT OF 227 S. CENTRAL

The City and HB K Clayton Owner LLC (the “Developer”) entered into a Purchase and Sale Agreement dated October 5, 2017, relating to the redevelopment of the former Clayton Police Headquarters, located at 227 S. Central Avenue, into a hotel. The Purchase and Sale Agreement was first amended on October 11, 2018, and again on May 14, 2019.

The City and the Developer entered into a Sublease Agreement for Parking Spaces (“Parking Agreement”) on May 14, 2019. The Parking agreement was amended on January 11, 2022.

The January 11, 2022, amendment in addition to the original May 14, 2019 Parking Agreement omitted direct payment for leased spaces to St. Louis County as required by the City and County’s July 26, 2005 agreement for the Shaw Park Parking Garage. The attached amendment corrects this omission and requires the Developer to submit payment for leased spaces to the County.

Staff has negotiated the Assignment and Assumption with the other parties and supports their approval.

Recommendation: To approve the attached ordinance.

BILL NO. 6892

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF
SECOND AMENDMENT TO SUBLEASE AGREEMENT FOR PARKING SPACES RELATED
TO 227 S. CENTRAL AVENUE**

WHEREAS, St. Louis County (“County”) and the City of Clayton (“City”) entered into the Shaw Park Drive Parking Agreement, dated as of July 26, 2005, whereby the County granted and conveyed to the City 250 parking spaces within the Shaw Park Drive Garage (“Garage”); and

WHEREAS, On September 30, 2019, Old Concord HB K Clayton LLC, a Missouri limited liability company, purchased from the City a certain parcel of real estate known as 227 South Central Avenue, Clayton, Missouri, which is adjacent to the Garage, for development and operation of a hotel; and

WHEREAS, HB Clayton, LLC, a Missouri limited liability company and the City entered into a Sublease Agreement for Parking Spaces dated May 14, 2019 (“Sublease”) with regard to the use of Clayton Spaces in the Garage by HB Clayton; and

WHEREAS, Pursuant to the Assignment and First Amendment to Sublease For Parking Spaces, dated January 11, 2022, (“First Amended Sublease”) approved by Ordinance 6739:

- (i) HB Clayton assigned all of the rights, privileges, duties, obligations, liabilities, responsibilities and interests of HB Clayton, as Sublessee under the Sublease, to Old Concord;
- (ii) Old Concord assumed all of the Leasehold Rights and Obligations of HB Clayton, as Sublessee under the Sublease;
- (iii) Certain terms of the Sublease were amended including: (A) Notices to the parties thereof, (B) the commencement date of the Sublease, and (C) the Compensation, as such term is defined in the First Amendment; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is desirable for the City to enter into a Second Amendment To Sublease Agreement For Parking Spaces (“Second Amended Sublease”) as hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section One. The Board of Aldermen hereby approves and authorizes execution on behalf of the City of Clayton of a Second Amendment to Sublease Agreement for Parking Spaces in substantially the form attached hereto as **Exhibit A** and incorporated herein by this reference, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient, or prudent in order to carry out the intent of this legislation.

Section Two. This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 29th day of March 2022.

Mayor

Attest:

City Clerk

Exhibit A

Second Amendment To Sublease Agreement for Parking Spaces

**SECOND AMENDMENT TO
SUBLEASE AGREEMENT FOR PARKING SPACES**

THIS SECOND AMENDMENT TO SUBLEASE AGREEMENT FOR PARKING SPACES (“**Second Amendment**”) is made and entered into this ____ day of _____, 2022 (“**Effective Date**”), by and among the **CITY OF CLAYTON, MISSOURI** (the “**City**”), and **CONCORD HB K CLAYTON OWNER LLC**, a Delaware limited liability company (“**Concord Owner**”; collectively the “**Parties**”).

RECITALS

A. St. Louis County, Missouri (the “**County**”) is the owner of Shaw Park Drive Garage located at 232 South Meramec Avenue, Clayton, Missouri 63105 (the “**Garage**”).

B. The County and the City entered into the Shaw Park Drive Parking Agreement (the “**Parking Agreement**”), dated as of July 26, 2005, whereby the County granted and conveyed to the City 250 parking spaces within the Garage (the “**Clayton Spaces**”).

C. On September 30, 2019, Old Concord HB K Clayton LLC (f/k/a Concord HB Clayton LLC), a Missouri limited liability company (“**Old Concord**”) purchased from the City a certain parcel of real estate known as 227 South Central Avenue, Clayton, Missouri, which is adjacent to the Garage, for development and operation of a hotel (the “**Hotel Property**”).

D. HB Clayton, LLC, a Missouri limited liability company (“**HB Clayton**”) and the City entered into a Sublease Agreement for Parking Spaces dated May 14, 2019 (the “**Sublease**”) with regard to use of the Clayton Spaces by HB Clayton.

E. Pursuant to that certain Assignment and Assumption of Purchase and Sale, and Real Estate Transaction Rights, dated May 15, 2019, and approved by Ordinance 6602 (the “**HB Clayton Assignment**”): (i) HB Clayton assigned to Old Concord all of HB Clayton’s right, title and interest in and to the “**Real Estate Transaction Rights**” (as such term is defined in the HB Clayton Assignment); and (ii) Old Concord assumed and agreed to perform and observe all of the terms, covenants, conditions and agreements of HB Clayton with respect to the Real Estate Transaction Rights.

F. Pursuant to an Assignment and First Amendment to Sublease For Parking Spaces, dated January 11, 2022, approved by Ordinance 6739 (“**First Amended Sublease**”):

(i) HB Clayton assigned all of the rights, privileges, duties, obligations, liabilities, responsibilities and interests (collectively “**Leasehold Rights and Obligations**”) of HB Clayton, as Sublessee under the Sublease, to Old Concord;

(ii) Old Concord assumed all of the Leasehold Rights and Obligations of HB Clayton, as Sublessee under the Sublease;

(iii) Certain terms of the Sublease were amended including: (A) Notices to the parties thereof, (B) the commencement date of the Sublease, and (C) the Compensation, as such term is defined in the First Amendment.

G. Pursuant to an Assignment and Assumption of Real Estate Transaction Rights, dated February 28, 2022, and approved by Ordinance 6741 (the “**Old Concord Assignment**”), Old Concord assigned to Concord Owner all of Old Concord’s right, title and interests in and to the Real Estate Transaction Rights; and Concord Owner assumed and agreed to perform and observe all of the terms, covenants, conditions and agreements of Old Concord with respect to the Real Estate Transaction Rights; said assignment being effective March 7, 2022 (the “**Concord Owner Closing Date**”).

H. On the Concord Owner Closing Date, Old Concord sold and transferred to Concord Owner all of Old Concord’s interests in and to the Hotel Property. As of the Effective Date of this Second Amendment, Concord Owner is (i) the fee owner of the Hotel Property, (ii) the Sublessee under the Sublease and the First Amended Sublease, and (iii) both the obligor and the obligee of the Real Estate Transaction Rights, as the same relate to the original developer and named Purchaser under the Agreement of Purchase and Sale dated October 5, 2017, between the City and HB Clayton.

I. Concord Owner and City desire to further amend the Sublease.

NOW THEREFORE, for and in consideration of the foregoing, and the mutual covenants set forth below, it is agreed as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are incorporated herein by reference.

2. Termination of Sublease – Amended. Section 4(d) of the Sublease is hereby deleted in its entirety and is replaced with the following:

“by City upon written notice if Sublessee fails to make a monthly Compensation payment to County (as hereinafter defined) on the date due; provided however, such failure shall not give City the right to terminate this Sublease unless City shall have given Sublessee written notice of the missed payment and Sublessee shall have failed to make such payment within five (5) days thereafter; provided further, however, that City shall not be required to give Sublessee such written notice more than two (2) times during any twelve (12) month period hereunder; or”

3. Compensation – Amended. As of the Effective Date of this Second Amendment, Sublessee’s obligation with respect to the payment of the Compensation payable by Sublessee under Section 5 of the Sublease is amended as follows:

(i) Payment of the Compensation shall no longer be paid to the City; instead, payment of the Compensation shall be made to the County at 41 South Central Avenue, Clayton, Missouri 63105, or such other address as may be designated in writing from time to time by the County. Payment of the Compensation shall be made in advance on the first day of each month of the Term of the Sublease, after the Effective Date of this Second Amendment, in the amounts and on the dates set forth in the First Amendment.

4. Entire Agreement. Except as set forth herein, all other terms and conditions of the Sublease, and all other instruments constituting a Real Estate Transaction Right, shall remain unchanged and shall be in full force and effect as if again recited herein.

5. Recording. This Second Amended Sublease shall not be recorded.

WHEREFORE, the parties have executed this Assignment and Assumption of Real Estate Transaction Rights as of the above Effective Date.

**CONCORD HB K CLAYTON OWNER LLC,
a Delaware limited liability company**

By: Concord HB K Clayton Holding LLC,
a Delaware limited liability company, its Sole Member

By: Concord Clayton Investors LLC,
a North Carolina limited liability company, its Managing Member

By: Concord Manager, LLC,
a North Carolina limited liability company, its Manager

By: _____
Name: Julie L. Richter
Title: Vice President

CITY OF CLAYTON, MISSOURI

By: _____

Print Name: _____

Title: _____

CONSENT OF ST. LOUIS COUNTY

St. Louis County, Missouri (the "County"), in connection with (a) that certain Shaw Park Drive Parking Agreement (the "Parking Agreement"), dated as of July 26, 2005, whereby the County granted and conveyed to the City of Clayton, Missouri (the "City") 250 parking spaces within the Shaw Park Drive Garage (the "Clayton Spaces"), and (b) that certain Sublease Agreement For Parking Spaces ("Parking Space Sublease") dated May 14, 2019: hereby consents to the above Second Amendment to Sublease Agreement; provided, however, that this consent shall not operate to in any way release City from any of its obligations under the Parking Agreement and City shall remain bound thereunder pursuant to the terms thereof.

Executed this _____ day of _____, 2022.

Acknowledged and Agreed:

ST. LOUIS COUNTY, MISSOURI, the County

By: _____
_____, County Executive



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER (CSO)
MARK J. SMITH, CHIEF OF POLICE
DATE: MARCH 29, 2022
SUBJECT: ORDINANCE – AMEND SECTION 215.605 “FAILURE TO SUPERVISE MINORS”

The role of the *All In Clayton Coalition* is to achieve community level change by reducing and preventing youth substance abuse. The *Coalition* collaborates with the Clayton Police Department to educate the community on the dangers of social hosting. Social hosting occurs when underage drinking takes place at a property under the control of an adult.

The Clayton City Ordinance, Section 215.605, “Failure to Supervise Minors”, prohibits social hosting. The *All In Clayton Coalition* and the staff of the Clayton Police Department reviewed this ordinance and compared it to similar ordinances in other communities. The review revealed the current ordinance lacked a prohibition preventing an adult from leaving a property under their control when it is reasonably foreseeable that minors will consume alcohol on the property. Therefore, amending the ordinance by adding the following provision is recommended:

C. Duty To Supervise. It shall be unlawful for any person in control of a premises, or his or her adult designee, to leave a premises when it is reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in the possession of or consumed by minors.

RECOMMENDATION: To approve amending repealing Section 215.605 of the Clayton City Code.

BILL NO. 6893

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 215.605 OF THE CLAYTON CITY CODE RELATING TO THE OFFENSE OF FAILURE TO SUPERVISE MINORS WITH REGARD TO THE CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES.

WHEREAS, the Board of Aldermen finds adults responsible for under-age minors can and should be expected to exercise the highest degree of care to see to it that such minors are protected from the illegal use or possession of substances lawfully prohibited to them; and

WHEREAS, the Board of Aldermen wishes to update its regulations pertaining to the standard of care expected of responsible adults in such matters;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. Section 215.605 of Article XII of Chapter 215 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 215.605 is hereby enacted in lieu thereof to read as follows:

Chapter 215. Offenses

Article XI. Offenses Concerning Minors

Section 215.605 Failure To Supervise Minor.

A. Definitions. For the purpose of this Section, the following definitions shall apply:

ALCOHOLIC BEVERAGES

Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in Chapter **600** of the Municipal Code of the City of Clayton.

CONTROLLED SUBSTANCE

Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

The gift or exchange of an alcoholic beverage or controlled substance from one (1) person to another.

MINOR

Any person under the age of twenty-one (21) years.

PARENT

A natural or adoptive parent, or a guardian, or the adult designee of either of them.

PARTY, GATHERING OR EVENT

An assemblage or a group of persons for a social occasion or for a social activity.

PERSON IN CONTROL OF THE PREMISES

An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

PRACTITIONER

Any medical professional or other person as defined or described in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

- B. Use Of Premises For Consumption Of Alcoholic Beverages Or Controlled Substances. It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this Section shall not apply to the following:
1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
 2. The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.
 3. The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in control of the premises, provided that he or she has obtained the prior consent of that minor's parent.
- C. Duty To Supervise. It shall be unlawful for any person in control of a premises, or his or her adult designee, to leave a premises when it is reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in the possession of or consumed by minors.
- D. Rental Of A Premises. It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.
- E. Duty To Disperse — Police Services, Fees For Police Services.
1. Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so issued by a Peace Officer.
 2. When a party, gathering or event occurs on private property and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing Police services during a second (2nd) or follow-up response by the Police after a first (1st) warning to the person or persons responsible for the party, gathering or event. The second (2nd) or follow-up response may also result in the arrest

and/or citation of violators pursuant to State law or other provisions of this Code.

3. The Police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney's fees.

- F. Penalty. Any person or persons convicted of violating the provisions of this Section shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense; except that for third (3rd) and subsequent violations by the same person or persons, the fine shall not be less than one thousand dollars (\$1,000.00) for each offense.

Section 2. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 4. This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed this 29th day of March 2022.

Mayor

Attest:

City Clerk



City Manager
 10 N. Bemiston Avenue
 Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
 KAREN DILBER, FINANCE DIRECTOR
DATE: MARCH 29, 2022
SUBJECT: RESOLUTION - A PLAN FOR ALLOCATION OF FUNDING RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT OF 2021

The United States Congress adopted the American Rescue Plan Act (“ARPA”) in March 2021, which, in part, established the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) to provide financial support to state and local governments in responding to the economic and public health impacts of COVID-19.

Under the provisions of SLFRF, the City of Clayton has been allocated \$3,395,584.65 in funding to be received in installments. The first installment of \$1,689,651.48 was received in August of 2021, a supplemental payment of \$16,281.69 was received in March 2022, and the final installment of \$1,689,651.48 is expected to be received in August of 2022.

The U.S. Department of Treasury issued its Final Rule which goes into effect on April 1, 2022, which offers election of a standard minimum allowance of up to \$10 million for revenue loss, not to exceed a recipient’s SLFRF award amount. Under this provision, a city is allowed to use SLFRF funding for continued provision of government services, with certain exceptions noted in the Final Rule.

Staff recommends that the funds be used for general government services, including administrative services and solid waste services, including collection and disposal of solid waste, recycling, and yard waste disposal for fiscal years 2021 and 2022 to utilize the full amount of ARPA funding provided to the City.

	2021	2022
General Government	\$ 657,016.04	
Solid Waste	\$ 1,032,635.44	\$ 1,705,933.17
	\$ 1,689,651.48	\$ 1,705,933.17
Total SLFRF Allocation	\$ 1,689,651.48	\$ 1,705,933.17
Expenses	\$ 1,689,651.48	\$ 1,705,933.17
Balance	\$ -	\$ -

Recommended Action: Staff recommends adoption of the attached resolution approving a plan for allocating SLFRF funding.

RESOLUTION NO. 2022-10

RESOLUTION APPROVING A PLAN FOR ALLOCATION OF FUNDING RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 FOR 2021 AND 2022 FISCAL YEARS

WHEREAS, the United States Congress adopted the American Rescue Plan Act (“ARPA”) in March 2021 which, in part, established the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) to provide financial support to state and local governments in responding to the economic and public health impacts of COVID-19; and

WHEREAS, under the provisions of SLFRF, the City of Clayton has been allocated \$3,395,584.65 in funding to be received in installments in August 2021, March 2022 and August 2022 and use of such funds is limited to projects in broad categories which (1) respond to the COVID-19 health emergency or its negative economic impacts; (2) respond to workers performing essential work in their response to the COVID-19 public health emergency; (3) for the continued provision of government services to the extent of the reduction in revenues to the City due to COVID-19 public health emergency; and (4) to make necessary investments in water, sewer or broadband infrastructure; and

WHEREAS, SLFRF prohibits use of awarded funding (1) for depositing into a pension fund; (2) use of funds to offset reductions in net tax revenue caused by a City’s change in law, regulation or administrative rule; (3) as a non-federal match for federal grants; (4) to satisfy a judgement or settlement; and (5) as a contribution to a “Rainy Day Fund”; and

WHEREAS, during budget years 2020 and 2021 the City made significant budget amendments due to revenue losses related to the economic downturn resulting from the COVID pandemic, including but not limited to:

- (1) Reductions in operating budgets
- (2) Acknowledgment of reduced revenues
- (3) Deferral of planned capital projects

WHEREAS, the U.S. Department of the Treasury has issued and published its *Interim Final Rules* to further define and interpret eligible uses of SLFRF funding and compliance with and documentation of compliance remains the sole responsibility of the City subject to annual reporting and final federal audit and the penalty for failure to comply with all provisions of ARPA and federal reimbursement guidelines is repayment of ARPA funding; and

WHEREAS, use of SLFRF funding may be used only for eligible expenses incurred after the effective date of March 21, 2021, and limited to eligible projects approved prior to December 31, 2023 and fully expended by December 31, 2024; and

WHEREAS, SLFRF funding may be used for replacement of revenue loss, and cities can elect the standard allowance, of up to \$10 million dollars, in order to simplify accounting, and this funding can be used for general government services.

WHEREAS, the City has determined that its loss of revenue due to the negative economic impact of COVID-19 was \$3,754,020 in “general revenue” as defined by the U.S. Department of

the Treasury representing a 7.4% decrease in Fiscal Year 2020 and 5.3% decrease in Fiscal Year 2021; and

WHEREAS, the Board of Aldermen has determined that the best use of ARPA’s SLFRF funding when considering provisions of the ARPA and subsequent U.S. Treasury Guidelines for Reporting and Documentation is to use those funds for general government services, including administrative services and solid waste services, including collection and disposal of solid waste, recycling and yard waste disposal for fiscal years 2021 and 2022 to utilize the full amount of ARPA funding provided to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:

Section 1. By adoption of this Resolution the Board of Aldermen hereby use of SLFRF funding as follows, subject to final appropriations approved by the Board of Aldermen from time to time:

	2021	2022
General Government	\$ 657,016.04	
Solid Waste	\$ 1,032,635.44	\$ 1,705,933.17
	\$ 1,689,651.48	\$ 1,705,933.17
Total SLFRF Allocation	\$ 1,689,651.48	\$ 1,705,933.17
Expenses	\$ 1,689,651.48	\$ 1,705,933.17
Balance	\$ -	\$ -

Section 2. This Resolution shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 29th day of March 2022.

Mayor

Attest:

City Clerk



City Manager
 10 N. Bemiston Avenue
 Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: MARCH 29, 2022
SUBJECT: MOTION - ADOPTION OF JUNETEENTH AS A CITY HOLIDAY

On June 19, 1865, more than two years after the Emancipation Proclamation was signed by President Lincoln, enslaved Americans in Galveston, Texas, finally received word that they were free from bondage. This momentous occasion has been celebrated as Juneteenth — a combination of June and 19 — for over 150 years.

Juneteenth was recognized as a federal holiday last year. As such, staff is requesting the Board of Aldermen to consider whether it should be adopted as an official City holiday. The City currently observes ten (10) official holidays throughout the year, including:

Holiday	Date
New Year's Day	January 1 st
Martin Luther King's Birthday	3 rd Monday of January
Presidents' Day	3 rd Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25 th
Floating Holiday	Determined annually by City Manager

The Missouri Municipal League conducted an informal survey regarding which cities recognize Juneteenth as an official holiday. Among the 33 respondents, 64% of respondents recognize it as an official holiday.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: MARCH 29, 2021
SUBJECT: APPOINTMENT TO THE PLAN COMMISSION/ARB

Per the City's Charter, Article IX. Planning and Zoning, Section 1, "*There shall be a city plan commission consisting of seven members appointed by the board of aldermen, one of whom shall be the city manager or an administrative officer of the city designated by him, and another of whom shall be a member of the board of aldermen. The other five members shall be residents of the city qualified by knowledge or experience to act on questions pertaining to the development of a city plan, who shall be appointed for terms of three years, except that of the members first appointed, two shall be appointed to serve for one year, two for two years, and one for three years. The board of aldermen shall fill vacancies for any unexpired term...*"

Due to a recent vacancy on the City's Plan Commission/ARB the Board of Aldermen encouraged the Clayton residents to complete and submit an application of interest to serve.

By historical practice the Board of Aldermen has strived to appoint members with an architectural background and/or a related profession.

The City received several applications of well-qualified individuals. After careful consideration and review of all applications the Board has recommended the following individual to be appointed.

Mayor Harris has reviewed and agreed with the recommendation for appointment and, therefore, submits the following nomination for the Board's consideration.

Kami Waldman Ward 3 (appointment for unexpired term through June 30, 2022)-replaces G. Hettich

Recommendation: To consider the appointments.



APPLICATION TO SERVE ON AN ADVISORY BOARD, COMMISSION OR COMMITTEE

Name: Kami Waldman Date: 03/15/2022

Address: 631 E. Polo Drive

Phone (Home/Cell): 636-795-7695 (Work) _____

E-Mail kami.waldman@gmail.com

How long have you been a resident of Clayton? 17 years

Is there a specific Board, Commission, or Committee for which you would like to be considered? (roles and duties of the boards and commissions can be found at www.claytonmo.gov/commissions)

I would like to be considered for the Plan Commission/ARB.

Please provide a brief statement explaining why you are interested in this appointment and describe any relevant qualifications.

I have lived in Clayton for the last 17 years and I am interested in giving back to our community in a new way. I have worked in commercial design from 2005 to 2013 as a NCIDQ and LEED certified project manager with Gray Design Group. I've worked on ground up buildings and numerous interior projects. A partial list of my projects include; The Equity Bldg., Essex Industries, Renaissance Financial, Rawlings, CRB and Schneider Electric.

Please describe your educational background.

University of Missouri Columbia, BA Environmental Design, Minor Art History.
NCIDQ Certified 024145 (No longer active)
LEED AP Certified (Lapsed)

Please describe any past or current participation in professional, civic, charitable, or volunteer organizations.

Clayton Family Center PTO (Past)

Meramec Elementary School PTO (Current)

Clayton School District Wellness Committee (Current)

Are there any circumstances that could pose a conflict of interest if you are appointed?

No Yes (if yes, please explain) _____

Please identify any Board, Commission, or Committee on which you have served either in Clayton or another municipality.

None

Professional references available upon request.

Please feel free to attach a resume to this application and/or provide any other information which may assist the Board of Aldermen when making appointments.

Signature: K. W. W.

Date: 3/15/2022

IF YOU NEED TO REGISTER OR RE-REGISTER TO VOTE, CHECK THE BOX AND THE CITY CLERK WILL PROVIDE YOU WITH A VOTER REGISTRATION FORM.

IF YOU WOULD LIKE TO SIGN UP TO RECEIVE A WEEKLY E-NEWSLETTER, CHECK THE BOX.

WHEN COMPLETE, MAIL TO:

**JUNE FRAZIER, CITY CLERK
THE CITY OF CLAYTON
10 N. BEMISTON AVENUE
CLAYTON, MO 63105**

or E-Mail to : jfrazier@claytonmo.gov