

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.

Please click this URL to join. <https://us02web.zoom.us/j/85336688534>; Webinar ID: 853 3668 8534

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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
DISCUSSION SESSION – 6:00 P.M.
TUESDAY, OCTOBER 11, 2022
CLAYTON, MO 63105

1. Resident survey.

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.

CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, OCTOBER 11, 2022
CITY HALL, 10 N. BEMISTON AVENUE
CLAYTON, MO 63105
7:00 P.M.

ROLL CALL

MINUTES – September 27, 2022

PUBLIC REQUESTS & PETITIONS

PUBLIC HEARING

1. Resolution – Conditional Use Permit for 8131 Westmoreland Avenue. (Res. No. 2022-21)

CITY MANAGER REPORT

1. Motion - Liquor license for Midas Hospitality located at 8125 Forsyth Boulevard.
2. Ordinance – Amendment to the Special Development District Subdistrict Plan for 8126 Forsyth Boulevard. (Bill No. 6914) – *2nd Reading*
3. Ordinance – Contract for the FY2023 Compensation and Benefits study. (Bill No. 6918)

EXECUTIVE SESSION

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 (9)(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.

Agenda topics may be added or deleted at any time prior to the Board of Aldermen meeting without further notice. To inquire about the status of agenda topics, call 290.8469. Individuals who require an accommodation (i.e., sign language, interpreter, listening devices, etc.) to participate in the meeting should contact the City Clerk at 290.8469 or Relay Missouri at 1.800.735.2966 (TDD) at least two working days prior to the meeting.

THE CITY OF CLAYTON

Board of Aldermen
In-Person and Virtual Meeting
September 27, 2022
7:10 p.m.

Minutes

The meeting was open to individuals to attend in-person and/or virtually via Zoom.

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

In-person: Bridget McAndrew, Susan Buse, Becky Patel, Gary Feder, Mayor Harris, and City Attorney O'Keefe

Staff: City Manager Gipson, City Clerk Frazier, and Anna Krane, Director of Planning and Development

Virtually: Aldermen Berkowitz

Absent: Alderman Rich Lintz

Motion made by Alderman McAndrew to approve the September 13, 2022, minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

Mayor Harris announced that there was a change in the agenda and at the request of the Clayton Equity Commission (CEC) the motion for the CEC recommendation will not be heard during tonight's meeting.

A MOTION TO CONSIDER APPROVING A REINSTATEMENT OF A LIQUOR LICENSE FOR SEEDZ CAFE LOCATED AT 6344 S. ROSEBURY AVENUE

City Manager Gipson reported that Seedz Café is requesting reinstatement of their liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 6344 S. Rosebury Avenue.

Liquor license renewals for license year 2022-2023 were due on July 31, 2022. The renewal application for Seedz Café was submitted on August 17, 2022

Monty Groelner, owner, and partner Carol were in attendance to answer questions.

Motion made by Alderman Berkowitz to approve the reinstatement of a liquor license for Seedz Café located at 6344 S. Rosebury Avenue. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A SUBDIVISION PLAT (LOT CONSOLIDATION) 128-132 NORTH BRENTWOOD BOULEVARD

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of Lot 3 and Lot 4 of the Old Town West Subdivision of the City of Clayton to create one (1) lot. All lots have a zoning designation of R-4 Low Density Multiple-Family Dwelling District.

Mayor Harris closed the public hearing.

Alderman Berkowitz introduced Bill No. 6913, an ordinance to approve a lot consolidation and plat for 128-132 N. Brentwood Boulevard to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6913, first reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on North Brentwood Boulevard in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6913 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6913, an ordinance to approve a lot consolidation and plat for 128-132 N. Brentwood Boulevard to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6913, second reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on North Brentwood Boulevard in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6770 of the City of Clayton.

PUBLIC HEARING AND AN ORDINANCE TO CONSIDER AMENDING A SPECIAL DEVELOPMENT DISTRICT SUBDISTRICT PLAN FOR THE PROPERTY ADDRESSED 8125 FORSYTH BOULEVARD TO MODIFY THE STREETScape AND PLANTING PLAN

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that the 0.52-acre site is located on the north side of Forsyth Boulevard between Brentwood Boulevard and Maryland Avenue and has a zoning designation of Special Development District (SDD). On October 13, 2020, the Board of Aldermen approved the Subdistrict Development Plan for the subject property to allow for the hotel development currently under construction.

This is a request to amend the final development plan to revise the streetscape plan. The approved plan calls for nine trees to be planted as part of the City Standard Streetscape. The applicant is proposing to plant five street trees.

Section 405.1320 outlines the process for adjustments to an approved Special Development District or Subdistrict Development Plan. The proposed amendment is considered a major amendment to the streetscape plan and therefore requires a public hearing and review by the Board of Aldermen.

Matt Malik, Director of Public Works and Anna Krane were present to answer questions.

David Robert, CEO, Midas Hospitality, addressed the Board to answer questions.

Discussion was had to possibly consider the installation of flower baskets as additional greenery on the light posts as part of the replacement of the trees, therefore adding it as a condition of the ordinance. Mr. Robert stated that they were fine with that suggestion.

Mayor Harris closed the public hearing.

Alderman Berkowitz introduced Bill No. 6914, an ordinance to approve an amendment to the Special Development District Subdistrict Plan for 8126 Forsyth Boulevard and repealing Ord. No. 6667 and any other conflicting ordinances to be read for the first time. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6914, first reading, an Ordinance Approving an Amended Subdistrict Development Plan for Subdistrict/Phase 5 of The Forsyth Center Special Development District, Repealing Conflicting Ordinances, and Other Actions Related Thereto by title only.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER SETTING THE TAX YEAR 2022 PROPERTY TAX LEVIES FOR FISCAL YEAR 2023 BUDGET – 2nd READING

City Manager Gipson reported that as part of the property tax levy process, the Board held a public hearing to seek public input on the proposed tax rates at the September 13, 2022, meeting.

Karen Dilber, Director of Finance, was present to answer questions.

Alderman Berkowitz introduced Bill No. 6911, an ordinance to approve the Property Tax Levies for Tax Year 2022 (FY2023) to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6911, second reading, An Ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; General Obligation Debt Service; and Special Business District Purposes to be Collected by the City of Clayton, Missouri, for the Year 2022 by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6771 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2023 OPERATING AND CAPITAL IMPROVEMENTS BUDGET—2nd READING

City Manager Gipson reported that in July, the Board of Aldermen received the City Manager’s proposed Fiscal Year 2023 Capital Improvements Budget, and in August the Board received the proposed Fiscal Year 2023 Operating Budget. As part of the budget process, the Board is required to hold a public hearing to seek public input prior to formal budget adoption. The public hearing was held at the Board of Aldermen meeting on September 13, 2022.

As part of the budget process, the Board is required to hold a public hearing to seek public input prior to formal budget adoption.

City Manager Gipson added that Alderman Patel requested information on new construction and its estimated revenue. A spreadsheet containing all the current large projects with the estimated values, revenue, completion dates and costs (waste collection for residential) was provided to the Board prior to the meeting.

Karen Dilber, Director of Finance, was present to answer questions.

Alderman Patel commented that she is comfortable in approving the FY2023 budget. She stated that for next year they must identify service reductions and revenue increases in order to stop operating in the deficit and doing transfers. She is not okay with continuing to approve a budget that maintains the same consequences without first getting into those discussions.

Alderman Berkowitz introduced Bill No. 6912, an ordinance to approve the FY2023 Operating and Capital Improvement Budget to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6912, second reading, an Ordinance Adopting an Annual Budget for Fiscal Year 2023 Commencing on October 1, 2022, and Appropriating Funds Pursuant Thereto an Ordinance Adopting an Annual Budget for Fiscal Year 2023 Commencing on October 1, 2022, and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6772 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE, LODGE 15 FOR FY2023 WAGE INCREASES AND A REVISED HOLIDAY PROVISION

City Manager Gipson reported that Police (FOP) Lodge 15 previously agreed to meet and bargain Fiscal Year 2023 wages. Negotiations occurred during the summer and early fall of 2022. The City and FOP have tentatively agreed to the following wage increases and provisions for FY 2023:

- Employees will receive a 3 percent increase and the parties agree and understand a step increase will also be available to only the Employees that are eligible for a step increase as of October 1, 2022.
- On an annual basis, non-exempt sworn Police officers shall receive eighty-eight (88) hours of holiday leave in lieu of guaranteed time off on City holidays. At the Employee's option, eighty-eight (88) of the hours can be converted to cash based on the Employee's hourly rate and to be paid to the Employee the first pay period in December. Utilization of the leave hours will be arranged between the Employee and their supervisor. Officers who are not employed by the City for a full year will receive a prorated number of holiday leave hours based on the number of holidays during which they are employed in the shift position.

Staff recommends approval of the attached Ordinance approving a Memorandum of Understanding between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for FY 2023 wage increases and a revised holiday provision.

Rick Bliss, resident, 7515 Westmoreland, addressed the Board inquiring as to the one-year limit on the agreement and inquired about the agenda item that references a "DROP" program.

Alderman Berkowitz introduced Bill No. 6915, an ordinance to approve an MOU between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for FY2023 wage increases and revised holiday provision to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6915, first reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for FY2023 Wage Increases and a Revised Holiday Provision by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6915 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6915, an ordinance to approve an MOU between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of

Police, Lodge 15 for FY2023 wage increases and revised holiday provision to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6915, second reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for FY2023 Wage Increases and a Revised Holiday Provision by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6773 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE CITY OF CLAYTON AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2665 FOR FY2023 WAGE INCREASES AND A REVISED HOLIDAY PROVISION

City Manager Gipson reported that the City of Clayton and Fire Department employees represented by the International Association of Fire Fighters, Local 2665 previously agreed to meet and bargain Fiscal Year 2023 wages. Negotiations occurred during the summer and early fall of 2022. The City and Fire Union have tentatively agreed to the following wage increases and provisions for FY 2023:

- A 3 percent across the board adjustment shall be applied to all steps in the pay scales referenced in the collective bargaining agreement and the parties agree and understand a step increase will also be available to only the Employees that are eligible for a step increase as of October 1, 2022.

Staff recommends approval of the ordinance approving a Memorandum of Understanding between the City of Clayton and the International Association of Fire Fighters, Local 2665 for FY 2023 wage increases.

Alderman Berkowitz introduced Bill No. 6916, an ordinance to approve an MOU between the City of Clayton and the International Association of Fire Fighters, Local 2665 For FY2023 wage increases to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6916, first reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton and the International Association of Fire Fighters, Local 2665 for FY2023 Wage Increases by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6916 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6916, an ordinance to approve an MOU between the City of Clayton and the International Association of Fire Fighters, Local 2665 For FY2023 wage increases to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6916, second reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton and the International Association of Fire Fighters, Local 2665 for FY2023 Wage Increases by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6774 of the City of Clayton.

AN ORDINANCE TO CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2665 AND THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE LODGE 15 FOR SPECIFIED PENSION ENHANCEMENTS

City Manager Gipson reported that the City of Clayton, and Police Department employees represented by the Fraternal Order of Police Lodge 15, and Fire Department employees represented by the International Association of Fire Fighters, Local 2665, met and discussed possible pension enhancements. Negotiations occurred during the summer and early fall of 2022. The City and both Unions have tentatively agreed to the pension enhancements:

- Allowance of the purchase of military service credits.
- A forward DROP and a back DROP with a suggested 60 days’ notice requirement.

If approved, City staff will work with the pension plan managers and attorney to perform a final analysis and determine the process needed to implement the pension enhancements. It is anticipated that the proposed enhancements will result in reduced pension contributions from the City of Clayton.

Staff recommends approval of the ordinance approving a Memorandum of Understanding between the City of Clayton, the International Association of Firefighters, Local 2665 and the Eastern Missouri Coalition of Police, Fraternal Order of Police Lodge 15 for the specified pension enhancements.

City Manager Gipson explained to Mr. Bliss the definition of the DROP program.

Rick Bliss addressed the Board inquiring as to if the city received actuarial determination as related to the costs.

Alderman Berkowitz introduced Bill No. 6917, an ordinance to approve an MOU between the City of Clayton and the International Association of Fire Fighters, Local 2665 and the Eastern Missouri Coalition of Police, Fraternal Order of Police Lodge 15 for the Uniformed Employee Retirement Fund (UERF) enhancements to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6917, first reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton, the International Association of Firefighters, Local 2665 and the Eastern Missouri Coalition of Police, Fraternal Order of Police Lodge 15 for Specified Pension Enhancements by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6917 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6917, an ordinance to approve an MOU between the City of Clayton and the International Association of Fire Fighters, Local 2665 and the Eastern Missouri Coalition of Police, Fraternal Order of Police Lodge 15 for the Uniformed Employee Retirement Fund (UERF) enhancements to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6917, second reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Understanding Between the City of Clayton, the International Association of Firefighters, Local 2665 and the Eastern Missouri Coalition of Police, Fraternal Order of Police Lodge 15 for Specified Pension Enhancements by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6775 of the City of Clayton.

OTHER

Alderman Buse reported on the following:

- Chamber of Commerce Shred-Day event
- Thanks to Chief Smith and Captain Thuet for attending the Southmoor neighborhood event
- Municipal League of Metro St. Louis County event
 - Discussion on eliminating non-photo ID for elections
 - Discussion on telephone taxes
 - Discussion 2nd Amendment Preservation Act
- Clayton Equity Commission
 - Postponement of housing recommendation
- Musical Nights in Oak Knoll Park
- Jazz Festival

Alderman Patel reported on the following:

- Ward 1 coffees was held at Sasha’s
- Sustainability Committee
 - Recommendation to join the Midwest Climate Collaborative

- Potential partnership with a class from Washington University on an energy efficiency project
- Reporting to the Plan Commission on 10/17 regarding solar panels
- Hi-Pointe Neighborhood annual block party - thanks to Cpl. Schwartz and PD service dog, Jade for attending; residents from surrounding neighborhoods (St. Louis City) were in attendance

Alderman Feder reported on the following:

- Municipal League of Metro St. Louis County meeting was held 9/22
- Reinitiated the Ward 3 coffees at Starbucks
- Barclay House Resident’s meeting was held 9/22
- Park Tower Resident’s meeting is scheduled for 10/6
- Jazz Fest
- Shakespeare in the Street held in St. Louis City – Ben Hoffman, Clayton resident, is a playwright

Mayor Harris reported on the following:

- ZMD – 50th Anniversary
- Fontbonne University – 100th Anniversary
- Attending a CCBA meeting on 9/29
- Jazz Fest

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 Patel seconded.

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

The meeting adjourned at **8:10 p.m.**

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
ANNA KRANE, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: OCTOBER 11, 2022

SUBJECT: PUBLIC HEARING & A RESOLUTION - A CONDITIONAL USE PERMIT FOR A SECOND UNIT - 8131 WESTMORELAND AVENUE

This is a public hearing and subsequent resolution to consider granting a conditional use permit to Anthony and Sherri Webb, owners of 8131 Westmoreland Avenue, to allow for the construction of a 400 square foot detached second living unit. The property has a zoning designation of R-2 Single-Family Dwelling District and is located in the Clayton Gardens Urban Design District. The Plan Commission and Architectural Review Board considered the applications and associated architectural plans for the project on September 19, 2022, and recommended approval of the CUP and approved the architectural plans.

A second unit (carriage house/granny unit) is a type of accessory structure, either attached or detached, which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and is located on the same site as the principal residence.

Second units are permitted subject to the approval of a conditional use permit as per Article VII of Chapter 405, Land Use, and the following criteria contained in Section 405.330 of the City's Zoning Regulations:

1. Second (2nd) units are only permitted in the "R-1" and "R-2" Large Lot Single-Family Residential Dwelling Districts, respectively.
2. If a second (2nd) unit is to be occupied permanently, then the occupants must be related to the residents of the principal residence. The second (2nd) unit occupants must be related by blood, marriage or adoption or be employed by the principal residence and do work on the grounds.
3. A second (2nd) unit may not be rented, sold, transferred or assigned separately from the principal residence. The owner shall record a deed restriction to this effect as part of the conditional use permit process required for such second (2nd) unit.
4. Maximum living area for a second (2nd) unit in the "R-1" Large Lot Single-Family Dwelling District is two thousand (2,000) square feet, and in the "R-2" Single-Family Dwelling District is one thousand (1,000) square feet.

5. An accessory structure containing a second (2nd) unit may not exceed twenty (20) feet in height or occupy more than thirty-five percent (35%) of the area of a required rear yard, but no accessory structure shall be closer than ten (10) feet to the principal building nor closer than five (5) feet from any side or rear property line.
6. An accessory building that is not part of the principal structure shall be located not less than sixty (60) feet from the front property line.
7. Required parking facilities (i.e., garage) may not be demolished or converted in order to construct a second (2nd) unit, unless the required parking space(s) are replaced concomitantly on the site.
8. Each second (2nd) unit shall be provided with one (1) additional parking space in addition to the parking required for the principal residence.
9. The second (2nd) unit shall conform to the color, material, architectural style and detailing of the principal residence and shall meet all other applicable Building Code requirements, zoning regulations, developments standards and guidelines.
10. A landscape plan which provides for adequate screening of the second (2nd) unit from neighboring properties as determined by the landscape architect on contract with the City of Clayton.
11. Any waiver from the above-stated criteria will require approval of a variance from the Board of Adjustment.

The Plan Commission voted 5 – 0 to recommend approval of the CUP with the following conditions:

1. All conditions of Chapter 405, Article II, Section 405.330, shall be adhered to.
2. The applicant shall record a deed restriction pursuant to item three above and submit proof of the required deed restriction to City prior to the issuance of a Building Permit.

Recommendation: To conduct a public hearing and consider approving the resolution granting a conditional use permit for a 400 square foot detached second living unit for 8131 Westmoreland Avenue.

RESOLUTION NO. 2022-21

WHEREAS, the Board of Aldermen received an application dated June 21, 2022, and revised plans dated September 1, 2022, from Anthony and Sherri Webb, owners, requesting a conditional use permit for the use of a second unit/carriage house at 8131 Westmoreland Avenue.

WHEREAS, the City Plan Commission considered the request at its September 19, 2022, meeting and voted to recommend approval to the Board of Aldermen; and

WHEREAS, on October 11, 2022, after due notice as required by law, the Board of Aldermen held a public hearing regarding the application and issuance of the conditional use permit at which all were afforded an opportunity to be heard.

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

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article II, Section 405.330 (Second Units – Carriage Houses/Granny Units) and Article XII, Section 405.1950 (Permitted Uses in the R-2 Zoning District) of the Code of Ordinances of the City of Clayton, and subject to the conditions set forth in Section 2, below, the issuance of a conditional use permit to Anthony and Sherri Webb for the use of a 400 square foot detached second unit is hereby authorized for the property addressed as 8131 Westmoreland Avenue and more particularly described as follows:

LOT 8 BLOCK 4 OF THE CLAYTON GARDENS SUBDIVISION IN
THE CITY OF CLAYTON, MISSOURI

Section 2. The issuance of this conditional use permit and the operation and maintenance of the facilities provided for by this Resolution shall be subject to the following stipulations and conditions:

1. That the permit shall be granted to Anthony and Sherri Webb (the "Permittees") and shall not be transferred or assigned without the prior written approval of the Board of Aldermen of the City of Clayton.
2. That the property shall be improved, maintained, and operated substantially in accordance with an application dated June 21, 2022, and with the plans and specification filed with and approved by the City of Clayton.
3. That the second unit occupants must be related by blood, marriage or adoption to at least one Permittee or be employed by Permittees or work on the subject property. Any change in occupancy be approved by the City of Clayton, in writing, in advance.
4. That the second unit is not rented or sold, transferred or assigned separately from the primary unit and a deed restriction consistent with the limitations of this Permit and the City's ordinances, in a form approved by the Clayton city attorney, is recorded with the St. Louis County Recorder's office.
5. That, prior to the issuance of a Building Permit, the Permittees submit proof to the City of Clayton Planning Department that the required deed restriction was filed with St. Louis County within forty-five (45) days of approval of this Resolution.

6. That no additions to the unit be made which would exceed the approved square footage without prior written approval of the City.
7. That all requirements and conditions specified in Section 405.330 of the Zoning Ordinance be always adhered to.
8. That the Permittees shall, within thirty (30) days of the adoption of this Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit provided for in this Resolution is accepted and that the conditions set forth herein are understood and will be complied with.
9. That Permittees' failure to comply with any of the conditions provided for in this Resolution may cause immediate termination of the permit provided for by this Resolution.

Section 3. The City Manager of the City of Clayton is hereby authorized and directed to issue a conditional use permit in accordance with the provisions of this Resolution. Said permit shall contain all of the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 11th day of October 2021.

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, DIRECTOR OF FINANCE
DATE: OCTOBER 11, 2022
SUBJECT: MOTION - A LIQUOR LICENSE FOR MIDAS HOSPITALITY, LLC LOCATED
AT 8125 FORSYTH BOULEVARD

Midas Hospitality, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 8125 Forsyth Boulevard.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative attend the meeting.

Recommended Action: Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
ANNA KRANE, AICP, DIRECTOR OF PLANNING AND DEV. SERVICES

DATE: OCTOBER 11, 2022

SUBJECT: ORDINANCE - AMENDING A SPECIAL DEVELOPMENT DISTRICT
SUBDISTRICT PLAN FOR THE PROPERTY ADDRESSED 8125
FORSYTH BOULEVARD TO MODIFY THE STREETScape AND
PLANTING PLAN

UPDATE

The Board of Aldermen held a public hearing and a first reading of the ordinance on September 27, 2022. During the meeting, the Board requested that staff investigate the possibility of adding hanging planter baskets to the streetlight poles along the front of the development. Staff has reviewed the type and strength of the existing streetlight poles for this section of Forsyth Boulevard and determined that each pole could support a maximum of one hanging basket. Staff also notes that the addition of hanging baskets may limit the ability to also install banners on the poles. The streetscape for the subject property calls for six streetlights.

The remainder of this report provides the same information as originally presented on September 27, 2022.

BACKGROUND

The 0.52-acre site is located on the north side of Forsyth Boulevard between Brentwood Boulevard and Maryland Avenue and has a zoning designation of Special Development District (SDD). On October 13, 2020, the Board of Aldermen approved the Subdistrict Development Plan for the subject property to allow for the hotel development currently under construction.

This is a request to amend the final development plan to revise the streetscape plan. The approved plan calls for nine trees to be planted as part of the City Standard Streetscape. The applicant is proposing to plant five street trees.

CRITERIA FOR REVIEW

Section 405.1320 outlines the process for adjustments to an approved Special Development District or Subdistrict Development Plan. The proposed amendment is considered a major

amendment to the streetscape plan and therefore requires a public hearing and review by the Board of Aldermen.

Sheets L2.0 and L2.1 of the approved Subdistrict Development Plan, attached as Exhibit 1, depict the location and type of the street trees as originally approved. The proposed streetscape plan from the applicant, attached as Exhibit 2, shows the removal of the two eastern trees and the two western trees. The applicant has also noted the location of various utility lines located within the right-of-way. Due to the location of these utility lines, the applicant believes that there is not enough space to successfully install and maintain all of the street trees as originally approved. The Public Works Department has reviewed the plans and agrees that there are conflicts resulting from the placement of utility lines that would negatively impact the life of the trees.

The City's Tree and Landscape Regulations require replacement of trees removed as part of new development. When trees cannot be replaced as part of the new development, there is an option to pay a fee into the City's Forestry Fund to support planting of replacement trees at a different location in the City. This fee structure is intended to help maintain a minimum tree canopy in the City when direct replacement of trees is not possible. The applicant was proposing to plant four Elm trees at three-caliper-inches per tree. The replacement deficiency fee for non-residential projects is \$250 per caliper-inch, resulting in a deficiency fee for the subject property of \$3,000.

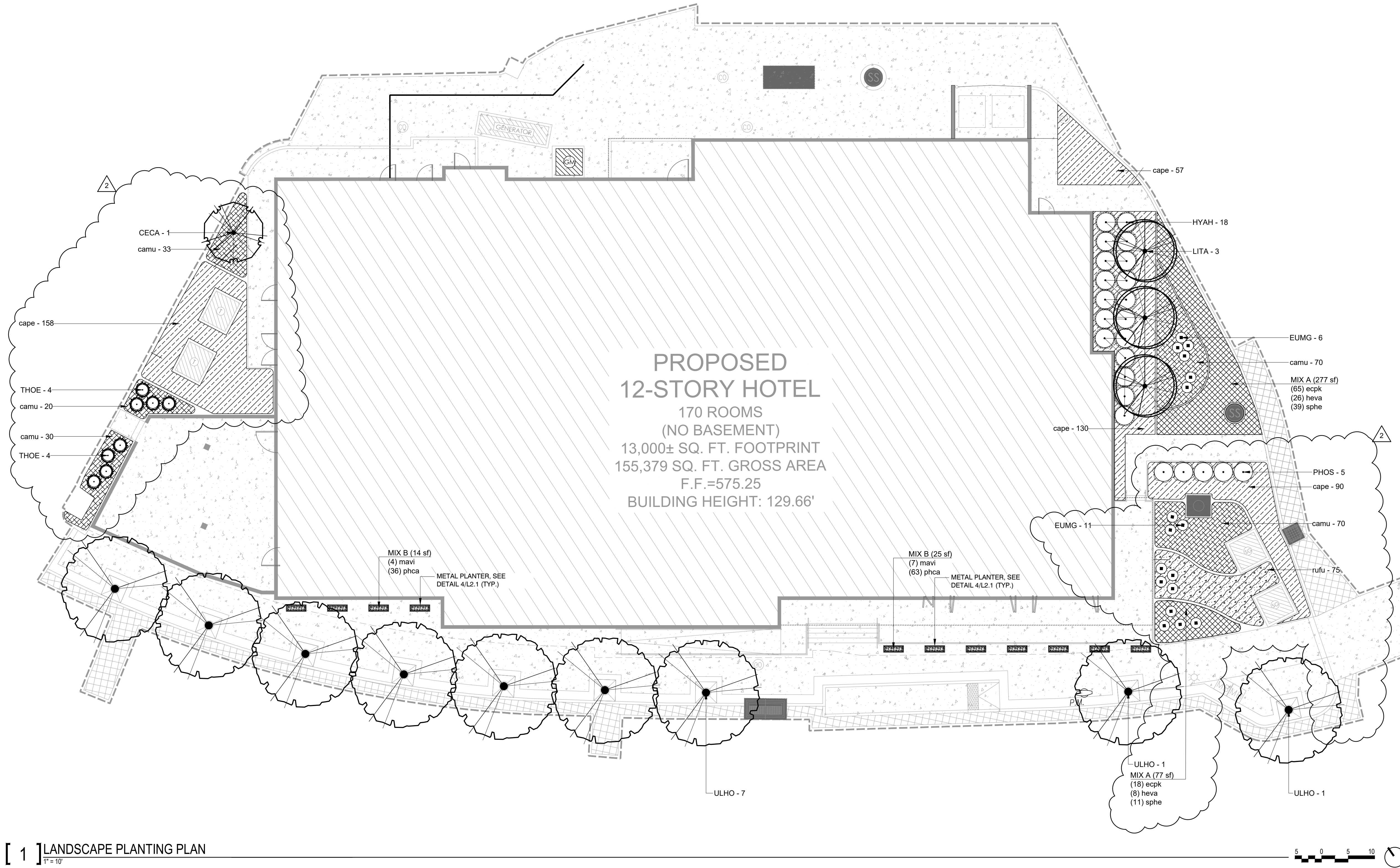
STAFF RECOMMENDATION

Staff recommends the Board of Aldermen approve this item with the condition that the applicant pays a tree replacement deficiency fee of \$3,000 into the City's Forestry Fund.



PLANTING NOTES

1. Verify all dimensions and site conditions prior to starting construction and immediately notify the landscape architect of any discrepancies.
2. Verify the location of all utilities including sanitary and storm sewer and roof drains prior to beginning construction. Obtain as-built plan of utilities and review with landscape architect before beginning planting.
3. All work performed shall be in compliance with the contract documents and with all applicable codes, standards and ordinances.
4. Coordinate locations of new plantings with utilities, waterproofing, site lighting, irrigation, and other proposed site improvements. Do not plant trees under overhead powerlines.
5. All plants shall be guaranteed for one full year from the substantial completion of the landscape contract at full replacement value including labor to replace plant materials.
6. All plant material shall be of specimen quality and of the size and type specified in the plant schedule.
7. All plants shall be of straight species (non-cultivar), unless otherwise specified in the plant schedule.
8. The site shall be finish graded by the grading contractor. The landscape contractor shall verify that finished grading meets the intent shown on the plans prior to starting installation and shall immediately notify the landscape architect of any discrepancies.
9. The landscape contractor shall be responsible to maintain finished grades and re-grade any areas disturbed by landscape operations.
10. Repair vegetative cover over utility trenches not shown on this drawing by (preparing planting soil and seeding/sodding/planting to match existing condition).
11. Any clean, excess soil from landscape operations shall be wasted on site at the discretion of the contractor or disposed of off site. All construction debris from landscape operations shall be disposed of off site.
12. All planting areas must be free of all weeds and debris before planting, sodding, and/or seeding.
13. Provide and install locally available leaf mulch around the base of all trees and shrubs. Refer to planting details. Mulch with shrub and perennial beds shall be continuous.
14. All trees and large shrubs to be pre-tagged by landscape architect prior to acquisition. Notify landscape architect a minimum of 1 week prior to tagging.
15. Keep tags on plants until substantial completion.
16. Plant locations are to be staked in the field prior to excavation for approval by the landscape architect. Notify landscape architect a minimum of 1 week prior to planting. No holes are to be dug until staked locations are approved.
17. The contractor shall provide plant material quantities to match the drawings and to provide total coverage at the specified spacing. If there is a discrepancy with the plant schedule, the quantities shown on the plans shall take precedence.
18. There shall be no substitutions of plant material without approval of the owner/architect. The owner/architect alone shall determine equality based upon complete information submitted by the contractor. Substitutions shall not be made unless drawings and/or written requests are submitted to the owner/architect for approval.
19. Plantings may not interfere with any traffic control signage, signals, utilities, or sight distance triangles. Maintain a clear line of sight from a height of 2'-8" up to 6'-0" in all sight triangles.
20. Refer to planting specifications for more details.



[1] LANDSCAPE PLANTING PLAN
1" = 10'

NOT FOR CONSTRUCTION

Residence Inn
8125 Forsyth Blvd.
Clayton, MO 63105

CITY RESUBMITTAL
September 14, 2020

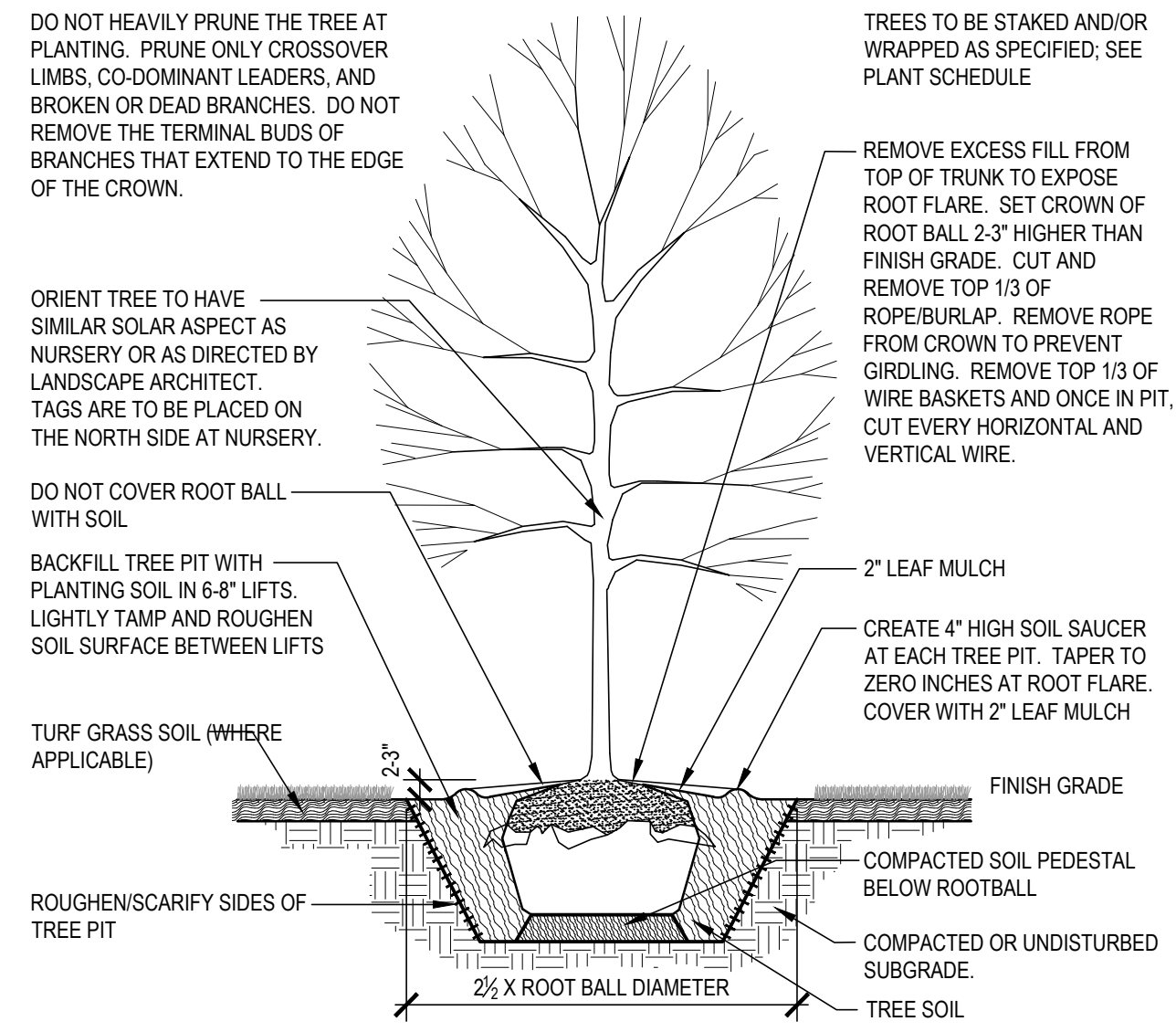
No.	Issue/Revision	Date
1	City Resubmittal	2020-08-10
2	City Resubmittal	2020-09-14
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Project No: 1530.02 Drawn by: GP
Checked by: SW

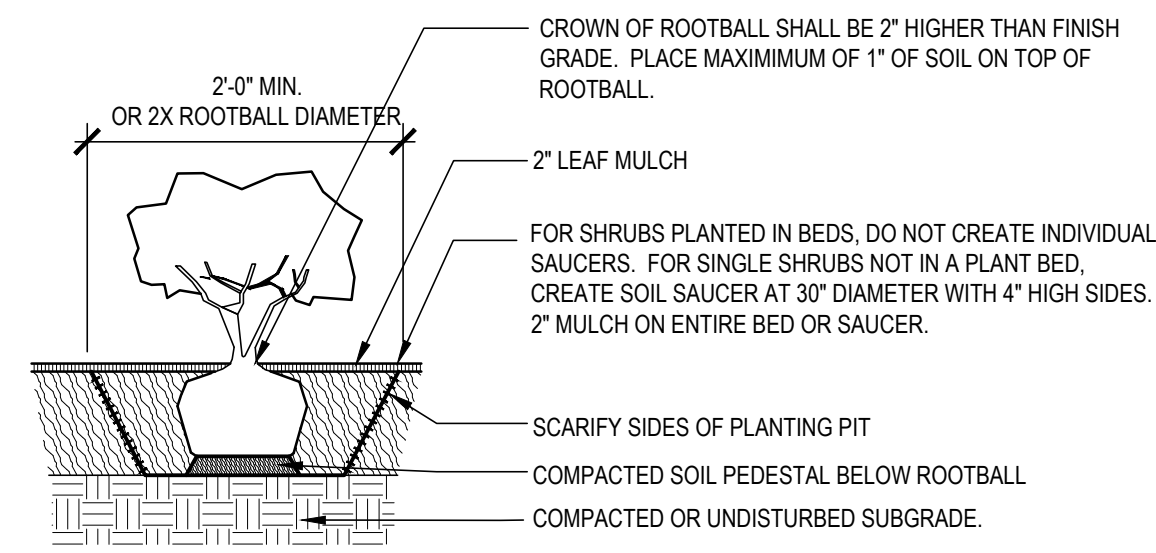
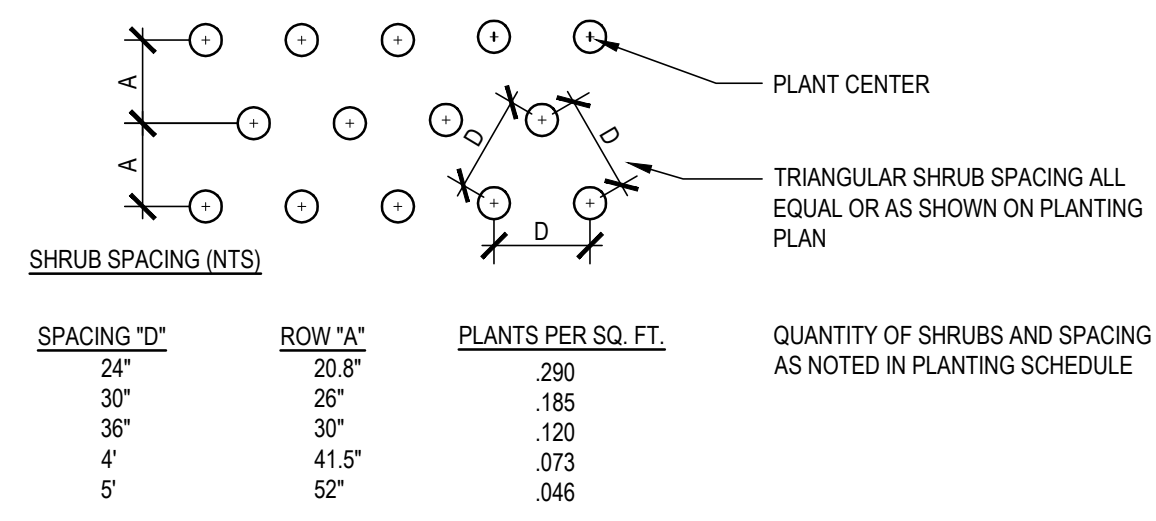
Sheet Name:
PLANTING
PLAN

Original sheet size is 36" x 36"
Sheet Number:

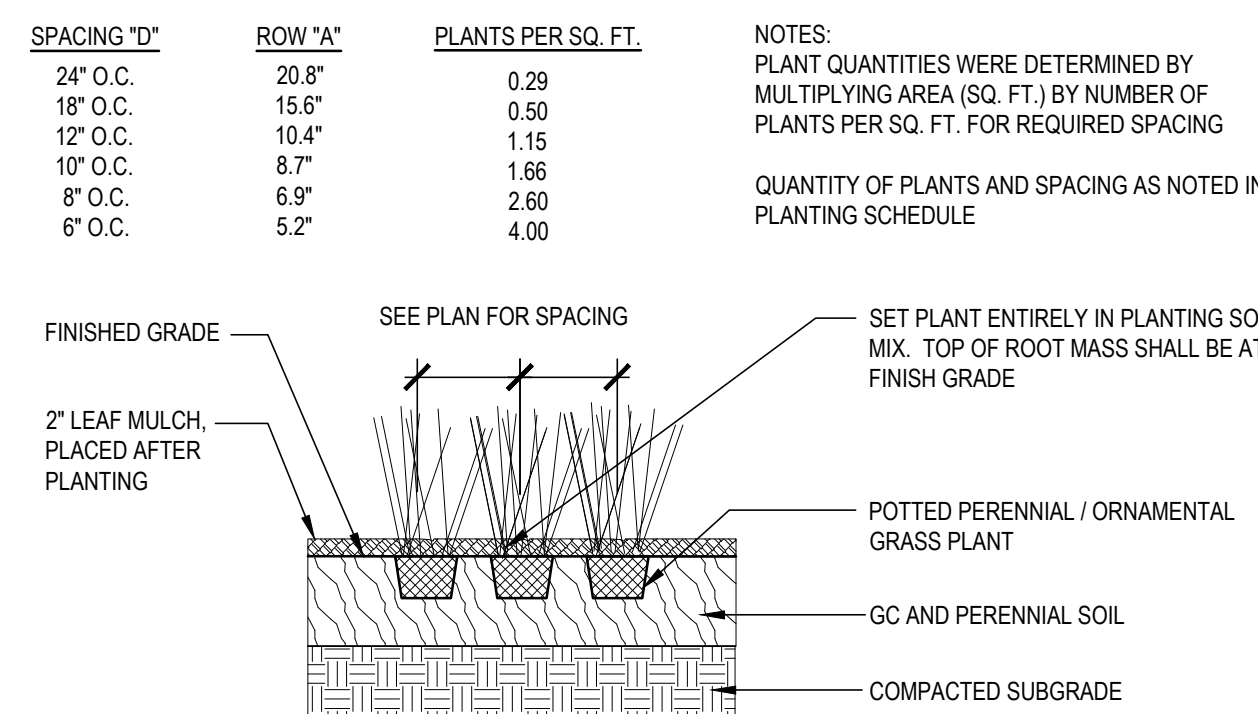
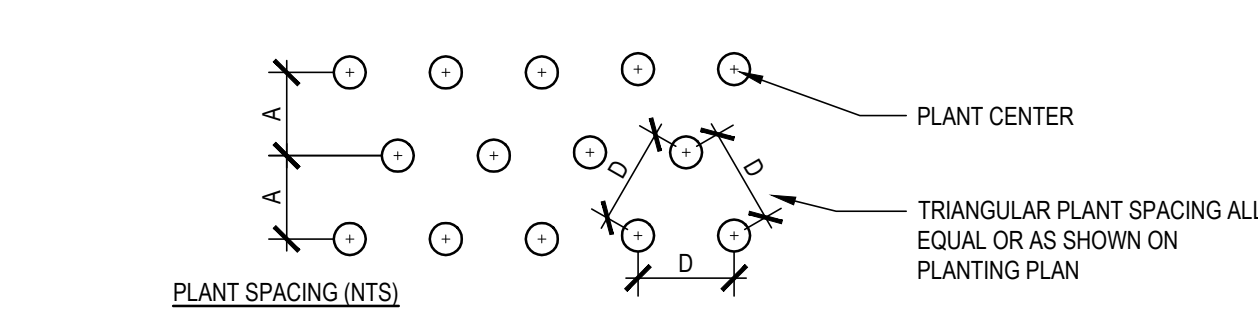
L2.0



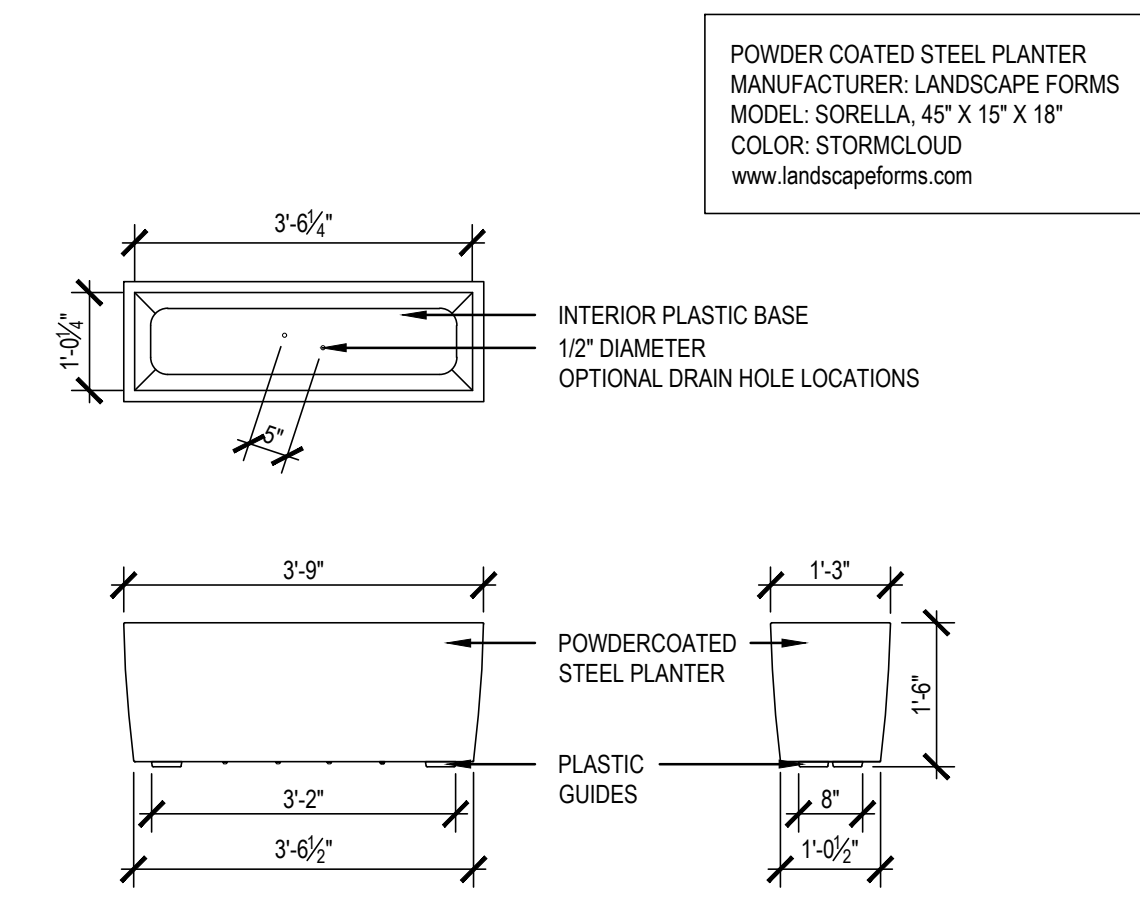
1 DECIDUOUS TREE PLANTING
1/4" = 1'-0"



2 SHRUB PLANTING
1/4" = 1'-0"



3 PERENNIAL PLANTING
1/4" = 1'-0"



NOTES

- FREESTANDING INSTALLATION. SET UNIT IN PLACE ON LEVEL SURFACE.
- DRAIN HOLES PRE-DRILLED AT FACTORY. IF NEED TO ADD ON SITE, BEFORE INSTALLATION, DRILL 1/2" DIAMETER HOLES IN LOCATIONS NOTED. DO NOT DRILL DRAIN HOLES IN ANY OF THE FOUR SQUARES SURROUNDING THE RAISED BOSSES.

4 POWDERCOATED STEEL PLANTER
1/2" = 1'-0"

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY	DETAIL	REMARKS	
	CECA	<i>Cercis canadensis</i> 'Alba'	White Eastern Red Bud	2" Cal.	B&B	1		Single Stem	
	LITA	<i>Liriodendron tulipifera</i> 'Arnold'	Arnold Tulip Poplar	2.5" Cal.	B&B	3			
	THOE	<i>Thuja occidentalis</i> 'Emerald'	Emerald Arborvitae	6' ht.	B&B	8			
	ULHO	<i>Ulmus</i> x 'Homestead'	Homestead Elm	3" Cal.	B&B	9			
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY	DETAIL	REMARKS	
	EUMG	<i>Eupatorium maculatum</i> 'Gateway'	Gateway Joe-Pye Weed	1 gal.	Cont.	17			
	HYAH	<i>Hydrangea arborescens</i> 'Haas' Halo'	Hass' Halo Smooth Hydrangea	3 gal.	Pot	18			
	PHOS	<i>Physocarpus opulifolius</i> 'Seward' TM	Summer Wine Seward Ninebark	5 gal.	Pot	5			
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	QTY	DETAIL	REMARKS
	MIX A						354 sf		
	ecpk	<i>Echinacea purpurea</i> 'Kim's Knee High'	Purple Coneflower	1 qt.	Cont.	18" o.c.	82		
	heva	<i>Heuchera villosa</i> 'Autumn Bride'	Autumn Bride Coral Bells	1 qt.	Cont.	18" o.c.	33		
	sph	<i>Sporobolus heterolepis</i>	Prairie Dropseed	1 gal.	Cont.	18" o.c.	50		
	MIX B						40 sf		
	mavi	<i>Manfreda virginica</i>	False Aloe	1 qt.	Cont.	15" o.c.	11		
	phca	<i>Phemeranthus calycinus</i>	Fameflower	1 qt.	Cont.	6" o.c.	99		
	camu	<i>Carex muskingumensis</i>	Palm Sedge	1 qt.	Cont.	18" o.c.	223		
	cape	<i>Carex pensylvanica</i>	Pennsylvania Sedge	1 qt.	Cont.	18" o.c.	435		
	rufu	<i>Rudbeckia fulgida umbrosa</i>	Orange Coneflower	1 qt.	Cont.	18" o.c.	75		



NOT FOR CONSTRUCTION

Residence Inn
8125 Forsyth Blvd.
Clayton, MO 63105

CITY RESUBMITTAL

September 14, 2020

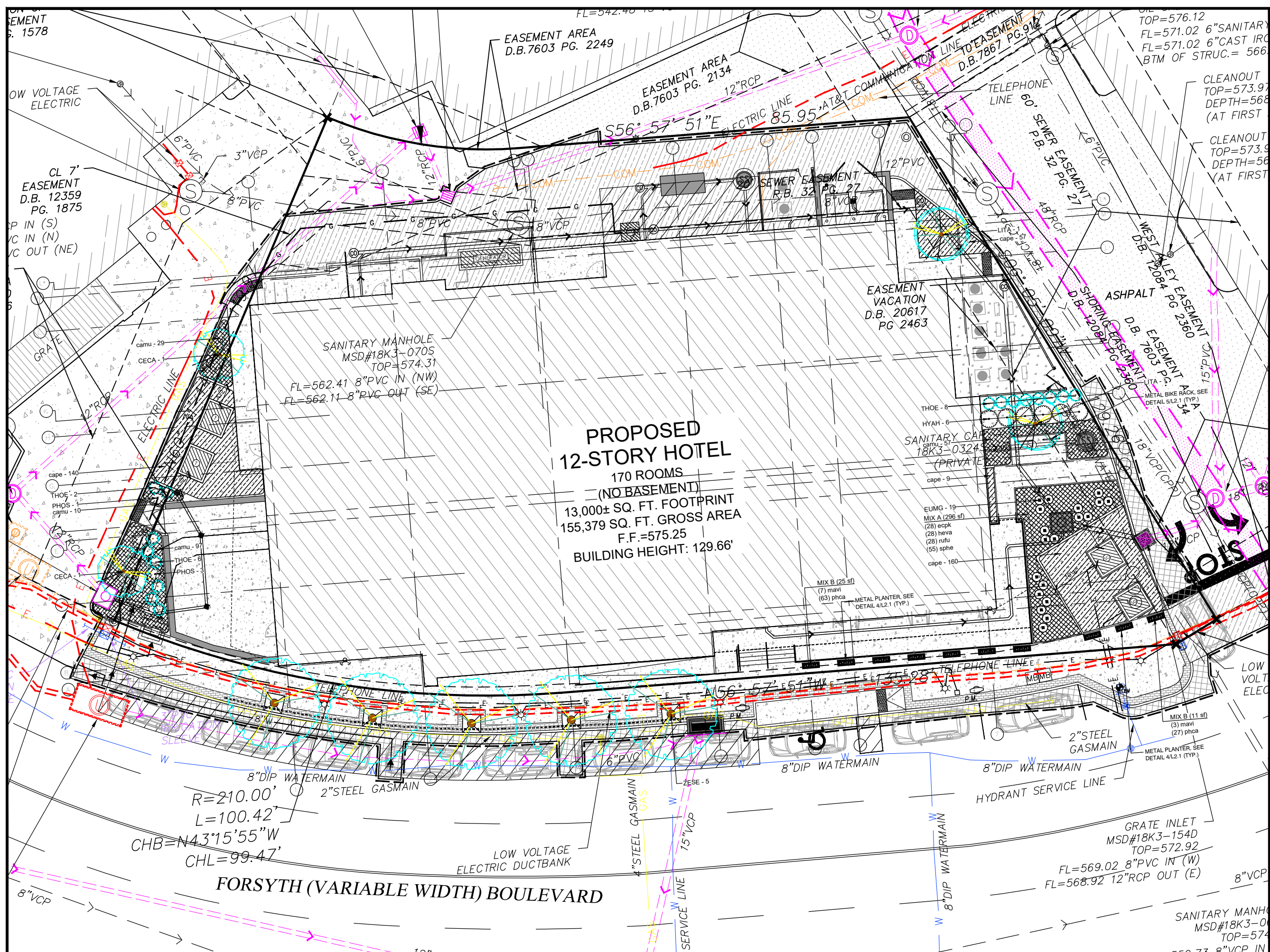
No.	Issue/Revision	Date
1	City Resubmittal	2020-08-10
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Project No: 1530.02 Drawn by: GP
Checked by: SW

Sheet Name: PLANTING DETAILS

Original sheet size is 24" x 36"
Sheet Number:

L2.1



**PROPOSED
12-STORY HOTEL**
170 ROOMS
(NO BASEMENT)
13,000± SQ. FT. FOOTPRINT
155,379 SQ. FT. GROSS AREA
F.F.=575.25
BUILDING HEIGHT: 129.66'

FORSYTH (VARIABLE WIDTH) BOULEVARD



CASTLE CONTRACTING, LLC
Design Build | Civil Construction
345 Marshall Avenue | Suite 302
Webster Groves, Missouri 63119
p: 314-421-0042 | f: 314-231-9157
http://www.digcastle.com
Missouri Engineering Corporation
Certificate of Authority No.: 2018041146
INTEGRITY • INTENSITY • INTELLIGENCE

PREPARED FOR:
MIDAS HOSPITALITY
DAVID ROBERT
8235 Forsyth Blvd., Suite 640
Clayton, MO 63105
314.817.5548

SIGNATURE _____
DATE
JAMES S. PARKS, JR., PE
MISSOURI LICENSE No. 2011000936

THE SEAL AND SIGNATURE APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED. THE SIGNER OF THIS DOCUMENT EXPRESSLY DISCLAIMS ANY AND ALL RESPONSIBILITY FOR DOCUMENTS THAT DO NOT BEAR HIS SEAL AND SIGNATURE INCLUDING, BUT NOT NECESSARILY LIMITED TO, DRAWINGS, SPECIFICATIONS, ESTIMATES, REPORTS AND OTHER SIMILAR INSTRUMENTS OF SERVICES INTENDED TO BE USED FOR THIS PROJECT.

Project No. 19035
Date 2022 09-07
Drawn By ALH
Checked By JSP

**TREE EXHIBIT
PROPOSED**

SHEET
T-001 21

BILL NO. 6914

ORDINANCE NO.

AN ORDINANCE APPROVING AN AMENDED SUBDISTRICT DEVELOPMENT PLAN FOR SUBDISTRICT/PHASE 5 OF THE FORSYTH CENTER SPECIAL DEVELOPMENT DISTRICT, REPEALING CONFLICTING ORDINANCES, AND OTHER ACTIONS RELATED THERETO

WHEREAS, on January 24, 1982, the Board of Aldermen approved Ordinance No. 4220 (the "Special Development District Ordinance") pursuant to what is now Article IX of Chapter 405 of the Code of Ordinances (the "Code") of the City of Clayton ("Clayton"), and established a Special Development District for the area bounded by Brentwood Boulevard on the east, Forsyth Boulevard on the south and west and Maryland Avenue on the north (the "Special Development District") and approved a "Final Preliminary Plan" therefor dated January 12, 1982; and,

WHEREAS, on October 13, 2020, the Board of Aldermen approved Ordinance No. 6667 amending the Special Development District (SDD) to allow for a hotel use in Subdistrict/Phase 5 on Parcel Number III located at 8125 Forsyth Blvd. ("Subject Property") as indicated on the land use plan sheet included in the Final Preliminary Plan; and

WHEREAS, a Special Development District is a distinct category of zoning and in approving any special development district plan, the Board of Aldermen has the authority to change, alter, modify or waive any provisions of the zoning regulations set forth in Chapter 405 of the Code in order to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, and encourage innovation in the planning and building of all types of development; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the approval of this amended Subdistrict Development Plan; and

WHEREAS, on October 13, 2020, the Board of Aldermen approved Ordinance No. 6667 for a Subdistrict Development Plan dated October 7, 2020, for use of the Subject Property for the development of a hotel development (the "Project"); and

WHEREAS, Midas Hospitality LLC (the "Developer") submitted an application for a Subdistrict Development Plan amendment dated September 9, 2022, to modify the streetscape plan for the Project; and

WHEREAS, all parties in interest and citizens present at this meeting have been given an opportunity to be heard before this Board with regard to the Project; and

WHEREAS, upon due consideration, this Board of Aldermen has determined that the approval of the Subdistrict Development Plan amendment would be in the best interest of the City and its citizens.

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

Section 1. Findings and Development Plan Approval

A. The Subdistrict Development Plan dated October 7, 2020, available in the Office of the City Clerk as prepared by Base4, architects on behalf of Midas Hospitality LLC (the "Developer") for the

Subject Property is hereby approved as the Subdistrict Development Plan ("Subdistrict Development Plan") for Subdistrict/Phase 5 of the Forsyth Center Special Development District, this Board having found and determined that the Project, as set forth in the aforesaid Subdistrict Development Plan, furthers the following objectives as specified in Article IX "Special Development District" of Chapter 405 of the Clayton Code of Ordinances:

1. Allow for a complex, large scale project to be phased in a manner advantageous to the City, developer and adjacent neighborhoods;
2. Development of a large tract of land which is vacant or underutilized in a coordinated manner;
3. Creation of a more desirable environment than would be possible through strict application of other City land use regulations designed for smaller projects;
4. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
5. Combination and coordination of architectural styles, building forms and building relationships covering different phases within a single development project;
6. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Use of design, landscape or architectural features to create a pleasing environment;
8. Inclusion of special features;
9. Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and,
10. Facilitate implementation of the recommendations of the Business Districts Master Plan, where applicable.

B. That the Subject Property is to be developed in accordance with the approved Subdistrict Development Plan and plans dated October 7, 2020, as amended on September 7, 2022, and in compliance with the following conditions:

1. The developer shall execute a Streetscape Easement Agreement with the City of Clayton for the installation of a public sidewalk on private property.
2. The applicant shall record the approved Subdistrict Development Plan and a copy of this Ordinance with St. Louis County and submit proof of recording to the City prior to submitting an application for a Building Permit:
3. The approval of this Subdistrict Development Plan is conditioned upon approval of amendments to the Special Development Plan to allow for a hotel land use, at the discretion of the Board of Aldermen.
4. The applicant shall be responsible for the cost associated with modifications to signal timing at nearby intersections.
5. The streetscape shall be designed and constructed per the City of Clayton standards and approved by the Public Works Department.
6. A mountable curb median in the southern entrance shall either be installed as part of the development, by the developer in accordance with City requirements, or an escrow agreement shall be executed for an estimated cost as determined by the City of Clayton.
7. Approval of this Subdistrict Development Plan is subject to the review and approval of an Architectural Plan by the Architectural Review Board.
8. The Developer shall pay \$3,000 to the City's Forestry Fund for tree replacement deficiency.

Section 2. Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Special Development Plan authorized by this Ordinance.

Section 3. Repeal of Prior and Conflicting Ordinances

Ordinance No. 6667 as enacted on October 13, 2020, is hereby repealed as of the effective date of this Ordinance.

Section 4. Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 11th day of September 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: OCTOBER 11, 2022
SUBJECT: ORDINANCE – CONTRACT FOR EMPLOYEE COMPENSATION AND CLASSIFICATION CONSULTING SERVICES

Every four to five years, the City of Clayton (City) contracts with a qualified consultant to assist the organization in evaluating its overall employee compensation, benefits and pay structure as compared to the market, perform a job audit and analysis for each full-time position to determine appropriate classification, and update job descriptions. The last compensation review and update was conducted in 2019 and the last comprehensive study was conducted in 2015.

In July 2022, the City issued a Request for Proposal for Compensation and Classification Consulting Services to be conducted during Fiscal Year 2023 with anticipated implementation in Fiscal Year 2024. The City received five proposals with costs ranging from \$42,650-\$117,500. After thorough review, McGrath Consulting Group, Inc. was selected as the successful proposal. The estimated cost of the project is \$42,650.

RECOMMENDATION: Staff recommends the Board of Aldermen adopt the ordinance approving the contract with McGrath Consulting, Inc. to perform an Employee Compensation and Classification Study for the City of Clayton.

BILL NO. 6918

ORDINANCE NO.

AN ORDINANCE APPROVING CONTRACT FOR EMPLOYEE COMPENSATION AND CLASSIFICATION CONSULTING SERVICES

WHEREAS, the City of Clayton issued a Request for Proposals for Employee Compensation and Classification Consulting Services in July 2022; and

WHEREAS, McGrath Consulting Group, Inc. submitted a proposal and was selected as the most qualified consultant to complete the study; and

WHEREAS, the Board of Aldermen believes it is reasonable and in the best interests of the City that compensation for city attorney services be adjusted as hereinafter provided;

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

Section 1.

The Agreement between the City of Clayton and McGrath Consulting Group, Inc., attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and adopted by the Board of Aldermen. The City Manager is hereby authorized to execute an agreement in substantial conformity with Exhibit A on behalf of the City.

Section 2.

This Ordinance 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 11th day of October 2022.

Mayor

Attest:

City Clerk

**AGREEMENT BETWEEN THE CITY OF CLAYTON
AND MCGRATH CONSULTING GROUP, INC. FOR A
COMPENSATION PLAN UPDATE**

THIS AGREEMENT made the by and between McGrath Consulting Group, Inc., a Tennessee corporation, hereinafter called the Consultant, and the City of Clayton, hereinafter called the City.

WHEREAS, the Consultant submitted a proposal, dated August 2022, to the City to conduct a compensation plan update; and

WHEREAS, the City selected the Consultant to perform this study.

NOW, THEREFORE, the parties (the City and the Consultant) do mutually agree to the following:

The City shall engage the Consultant to perform the work described in its proposal of August referred to as the PROJECT, which is incorporated herein by reference.

The PROJECT shall be undertaken and completed in such sequence as to assure the expeditious completion and best carry out the purposes of the agreement. The PROJECT will begin in November 2022.

The Consultant agrees to complete the PROJECT in an agreed upon timeline for a total compensation of \$42,560 in consultation fees and expenses. The City agrees to pay the Consultant for work on the PROJECT and expenses incurred, as the performance of such work is demonstrated by submission of an invoice for \$5,000 upon receipt of the signed contract; \$32,560 upon submission of the draft report; and the balance of \$5,000 upon submission of the final report. The City shall remit payment within 30 days of receipt of said billing. In consideration of this agreement, the City agrees to:

- Assure reasonable access to the members of the organization, i.e., City Managers, selected supervisors, and other appropriate employees.
- Afford prompt decisions on matters affecting the progress of the work.

GENERAL CONSIDERATIONS

1. **The City Ownership and Proprietary Information** - The parties expressly agree that all data, documents, records, studies, or other information generated, created, found or otherwise completed by Consultant in the performance of Consultant's duties under the terms of this contract shall at all times remain the proprietary information of and under the ownership of the City. All data, documents, records, studies, or other information generated, referred to above, with the exception of the raw market data, shall be provided to the City by Consultant upon request so long as the City is not in default under other terms of this agreement.
2. **Nondiscrimination** – In consideration of the signing of this Agreement, the parties hereto for themselves, their agents, officials, employees, and servants agree not to discriminate in any manner on the basis of race, color, creed, or national origin with reference to the performance of this Agreement.
3. **Termination and Suspension**

- a. This Agreement will continue in full force and effect until completion of the PROJECT as described in the proposal unless it is terminated for nonperformance as outlined below.
 - b. If either party fails to perform as required by this Agreement, the other party may terminate it by giving written notice of such failure to perform and the intent to terminate. If the party receiving such notice does not cure its failure to perform with 20 days of such notice, the party issuing such notice may then terminate the Agreement by giving written notice of termination to the other party.
 - c. In the event of termination, the Consultant will be paid by the City for all services actually, timely, and faithfully rendered up to the receipt of the notice of termination and thereafter until the date of termination. The Consultant will provide all work documents developed up to the time of termination after the City renders final payment for service.
4. **Successors and Assigns**- The City and the Consultant each bind the other and assigns, in all respects, to all of the terms, conditions, covenants, and provisions of this Agreement, and any assignment or transfer by the Consultant of it interest in this Agreement without the written consent of the City shall be void.
 5. **Compliance with Law** – The Consultant will comply with any and all applicable federal, state, and local laws (known to the Consultant) as the same exist and may be amended from time to time.
 6. **Amendment of Agreement** – This Agreement shall not be altered, changed or amended except by mutual written agreement of the parties.
7. **Confidentiality Clause** –Any confidential information provided to or developed by the Consultant in the performance of the agreement shall be kept confidential and not made available to any individual or organization by the Consultant without the prior written approval and consent of the City.
 8. **Whole Agreement** – This agreement constitutes the entire agreement between the City and the Consultant. Any modification must be in writing and approved by the City and the Consultant. The agreement incorporates all the agreements, covenants, and understanding between the parties concerning the subject matter hereof, and all such covenants, agreements, and understands have been merged into this written agreement.
 9. **Independent Contractors** – The Consultant and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. Nothing herein shall be construed as incurring for the City any liability for Worker’s Compensation, FICA, withholding tax, unemployment compensation, or any other payment, which would be required to be paid by the City if the City and the Consultant were standing in an employer/employee relationship, and the Consultant hereby agrees to assume and pay all such liabilities.
 10. **Subcontract** – The Consultant shall not subcontract any portion of the services to be performed under this agreement without the prior written prior approval of the City.
 11. Consultant will comply with and satisfy the requirements of Sec. 285.530.2, RSMo. 2016, which requires as a condition for the award of any contract or grant in excess of five thousand dollars by any political subdivision of the State of Missouri to a business entity, that the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted service, and requires every such business entity to also sign an affidavit affirming that it

does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

The parties have executed this Agreement, the day and year first above written.

Approved By:

By:

City of Clayton

Victoria J. McGrath
Victoria McGrath, CEO
McGrath Human Resources Group

Date

September 22, 2022
Date