

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/84000825450>; Webinar ID: 840 0082 5450

Or One tap mobile:

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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
EXECUTIVE SESSION – 6:00 P.M.
TUESDAY, FEBRUARY 28, 2023
CLAYTON, MO 63105

1. Real Estate and Negotiation of a Contract; Legal. RSMo 610.021 (1) (2) (3)

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, FEBRUARY 28, 2023 – 7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE

ROLL CALL

MINUTES – January 24, 2023

PUBLIC REQUESTS & PETITION

PRESENTATIONS

1. Presentation by Bi-State on Metrolink security efforts.
2. Presentation by Missouri American Water on lead service line replacements.

PUBLIC HEARING

1. Resolution – A Conditional Use Permit for 8027 Forsyth Boulevard for a health club/fitness studio d/b/a Stride Fitness (Res. No. 2023-06)
2. Ordinance – An amendment (text) to Article XIV of Chapter 405 (Zoning Regulations) related to the Williamsburg Shoppes. (Bill No. 6950)

CITY MANAGER REPORT

1. FY2022 4th Quarter Financial report.
2. Ordinance – To approve the FY2022 4th Quarter Budget amendment. (Bill No. 6951)
3. Ordinance – Intergovernmental Agreement revised small vehicle share (scooter) program (Bill No. 6952)
4. Ordinance – An amendment to Table III-E and Table III-H of the Parking Regulations in Title III of the City Code. (Bill No. 6953)
5. Ordinance – Amendment to the contract with Midwest Pool Management for hourly wages. (Bill No. 6954)
6. Ordinance – Amendment to Chapter Adopting Consent Agenda procedure. (Bill No. 6955)
7. Motion - Clayton Community Equity Commission member appointment.

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 (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
January 24, 2023
7:00 p.m.

Minutes

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

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

In-person: Bridget McAndrew, Susan Buse, Becky Patel, Mayor Pro Tempore Lintz, and City Attorney O'Keefe

Staff: City Manager Gipson, City Clerk Frazier, and Assistant City Manager Muskopf

Absent: Mayor Harris, Alderman Berkowitz, and Alderman Feder

Motion made by Alderman Buse to approve the January 10, 2023, minutes. Alderman Patel seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

RECOGNITIONS & AWARDS

Chief Smith presented a Commendation to Officer Derek Walker for his courageous actions in the line of duty.

PUBLIC HEARING AND AN ORDINANCE - TEXT AMENDMENTS TO CHAPTER 405 (ZONING REGULATIONS) RELATED TO ACCESSORY DWELLING UNITS

Mayor Pro Tempore Lintz opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to consider text amendments to Chapter 405 Zoning Regulations and Chapter 500 Building Codes and Building Regulations related to accessory dwelling units. The Clayton Community Equity Commission (CEC) has been reviewing policies and regulations related to various topics impacting the City. On November 8, 2022, the CEC presented recommendations to the Board of Aldermen as outlined in the Board packet.

This request is to consider amending sections to standardize the language used pertaining to the use of Accessory Dwelling Units (ADUs) as recommended by the CEC.

Mayor Pro Tempore Lintz closed the public hearing.

Alderman McAndrew introduced Bill No. 6943, to approve text amendments to Chapter 405, related to accessory dwelling units to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6943, first reading, an Ordinance Amending Chapter 405 (Zoning Regulations) and Chapter 500 (Building Codes and Building Regulations) Related to Accessory Dwelling Units by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6943 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6943, to approve text amendments to Chapter 405, related to accessory dwelling units to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6943, second reading, an Ordinance Amending Chapter 405 (Zoning Regulations) and Chapter 500 (Building Codes and Building Regulations) Related to Accessory Dwelling Units by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6802 of the City of Clayton.

A PUBLIC HEARING AND AN ORDINANCE FOR A TEXT AMENDMENT TO SECTION 405.1910 OF CHAPTER 405 (ZONING REGULATIONS) RELATED TO NON-CONFORMING DUPLEX UNITS

Mayor Pro Tempore Lintz opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to consider a text amendment to Chapter 405 Zoning Regulations, Section 405.1910 related to non-conforming duplex units. The Clayton Community Equity Commission (CEC) has been reviewing policies and regulations related to various topics impacting the City. On November 8, 2022, the CEC presented recommendations to the Board of Aldermen (BOA).

The proposed text amendment modifies Chapter 405, Article XIII “R-2” Single-Family Dwelling District to add protections and improvement options as recommended by the CEC for nonconforming duplex or attached single-family units that exist as of a certain date.

Anna Krane, Director of Planning, was present to answer questions.

Mayor Pro Tempore Lintz closed the public hearing.

Alderman McAndrew introduced Bill No. 6944, to approve text amendments to Chapter 405 related to non-conforming duplex units to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6944, first reading, an Ordinance Repealing and Replacing Section 405.1910 of Article XIII “R-2” Single-Family Dwelling District of Chapter 405 (Zoning Regulations) Related to Existing Non-Conforming Duplex and Attached Single-Family Units by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6944 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6944, to approve text amendments to Chapter 405 related to non-conforming duplex units to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6944, second reading, an Ordinance Repealing and Replacing Section 405.1910 of Article XIII “R-2” Single-Family Dwelling District of Chapter 405 (Zoning Regulations) Related to Existing Non-Conforming Duplex and Attached Single-Family Units by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6803 of the City of Clayton.

PUBLIC HEARING AND AN ORDINANCE TO CONSIDER A SUBDIVISION PLAT/LOT CONSOLIDATION FOR 6255 WYDOWN BOULEVARD, 6307 WYDOWN BOULEVARD AND 6244 FORSYTH BOULEVARD

Mayor Pro Tempore Lintz 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 consolidation of three existing lots. The subject properties are located on the north side of Wydown Boulevard with frontage on both Wydown Boulevard and Forsyth Boulevard. The properties currently reside on the St. Louis City and St Louis County/City of Clayton border. All lots are currently in use by Forsyth School. Forsyth School is proposing to consolidate the lots into one lot totaling 70,036 square feet to support the continued use and improvement of the campus.

Anna Krane, Director of Planning, was present to answer questions.

Elizabeth Green, #1 Brighton Way, addressed the Board inquiring about the location of the property.

Mayor Pro Tempore Lintz closed the public hearing.

Alderman McAndrew introduced Bill No. 6945, to approve a subdivision plat/lot consolidation for property located at 6255 Wydown Blvd, 6307 Wydown Blvd, and 6244

Forsyth Blvd (Forsyth School) to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6945, first reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6945 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6945, to approve a subdivision plat/lot consolidation for property located at 6255 Wydown Boulevard, 6307 Wydown Boulevard, and 6244 Forsyth Boulevard (Forsyth School) to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6945, second reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6804 of the City of Clayton.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER A CONDITIONAL USE PERMIT FOR 7525 AND 7527 FORSYTH BOULEVARD

Mayor Pro Tempore Lintz opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and resolutions approving applications for Conditional Use Permit(s) submitted by Monica Saleeby on behalf of 7525 Forsyth LLC, owner, existing buildings addressed at 7525 & 7527 Forsyth Boulevard; 7531 Forsyth Boulevard, and 7533 Forsyth Boulevard.

Anna Krane, Director of Planning, was present to answer questions.

Monica Saleeby, applicant, was present to answer questions.

Mayor Pro Tempore Lintz closed the public hearing.

Motion made by Alderman McAndrew to approve Resolution No. 2023-02, granting a Conditional Use Permit to 7525 Forsyth LLC for an existing building addressed 7525 and 7527 Forsyth Boulevard. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER A CONDITIONAL USE PERMIT FOR 7531 FORSYTH BOULEVARD

Motion made by Alderman McAndrew to approve Res. No. 2023-03, granting a Conditional Use Permit to 7531 Saleeby Forsyth LLC for property located at 7531 Forsyth Boulevard. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER A CONDITIONAL USE PERMIT FOR 7533 FORSYTH BOULEVARD

Motion made by Alderman McAndrew to approve Res. No. 2023-04, granting a Conditional Use Permit to 7533 Forsyth LLC for property located at 7533 Forsyth Boulevard. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR FONTBONNE UNIVERSITY LOCATED AT 6800 WYDOWN BOULEVARD

Mayor Pro Tempore Lintz opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and a resolution approving an application for a Conditional Use Permit amendment submitted by Fontbonne University for renovation of the top floor of the East Building on the campus located at 6800 Wydown Boulevard to convert office and classroom space into dormitory space.

Anna Krane, Director of Planning, was present to answer questions.

Adam Weyhaupt, agent to Fontbonne University, addressed the Board to answer questions.

Mayor Pro Tempore Lintz closed the public hearing.

Motion made by Alderman McAndrew to approve Resolution No. 2023-05, amending a Conditional Use Permit for Fontbonne University located at 6800 Wydown Boulevard. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER A USE AND MAINTENANCE AGREEMENT FOR PRIVATE IMPROVEMENTS WITHIN THE RIGHT OF WAY AT 222 S. MERAMEC AVENUE

City Manager Gipson reported that the owner of 222 S. Meramec Ave., V.A.D. Realty, LLC, has proposed exterior site improvements to their building which include an outdoor seating area surrounded by a fence. A portion of these improvements extends into the public right of way. The proposed improvements would occupy existing greenspace within the right of way, therefore there would be no impact or reduction to the existing sidewalk width.

Matt Malick, Director of Public Works was in attendance to answer questions.

Anna Krane, Director of Planning, was present to answer questions.

Charles DuFour, V.A.D. Realty, LLC, attorney representing the property owner, was present to answer questions.

Alderman McAndrew introduced Bill No. 6946, a Use and Maintenance Agreement for private improvements in the right-of-way at 222 S. Meramec Avenue to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6946, first reading, an Ordinance Approving a Use and Maintenance Agreement for Private Improvements Within the Right-of-Way at 222 S. Meramec Avenue by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6946 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6946, a Use and Maintenance Agreement for private improvements in the right-of-way at 222 S. Meramec Avenue to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6946, second reading, an Ordinance Approving a Use and Maintenance Agreement for Private Improvements Within the Right-of-Way at 222 S. Meramec Avenue by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6806 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING REQUIRED TO DESIGNATE CLAYTON POLICE OFFICERS AS TASK FORCE OFFICERS WITH HOMELAND SECURITY INVESTIGATIONS

City Manager Gipson reported that The Clayton Police Department has been offered the opportunity to designate a certain number of police officers as Task Force Officers (TFOs) with Homeland Security Investigations (HSI). TFOs in the HSI St. Louis Office are utilized to support the following types of federal investigations in this region: child exploitation, sex trafficking, smuggling of illicit drugs and bulk cash, money laundering, intellectual property rights, and organized crime/gangs.

Chief Mark Smith was present to answer questions.

Officers Tom Groenwald and Larry Porter, Homeland Security Investigations, were present to answer questions.

Alderman McAndrew introduced Bill No. 6947, to approve a Memorandum of Understanding with the U.S. Immigration and Customs Enforcement - Homeland Security Investigations Agency to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6947, first reading, an Ordinance Approving Agreements with U.S. Immigration and Customs Enforcement – Homeland Security

Investigations Agency for Joint Law Enforcement Cooperation and Reimbursement of Related City Expenses by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6947 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6947, to approve a Memorandum of Understanding with the U.S. Immigration and Customs Enforcement - Homeland Security Investigations Agency to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6947, second reading, an Ordinance Approving Agreements with U.S. Immigration and Customs Enforcement – Homeland Security Investigations Agency for Joint Law Enforcement Cooperation and Reimbursement of Related City Expenses by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6807 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A DESIGN CONTRACT WITH AGENCY LANDSCAPE AND PLANNING FOR THE LIVABLE COMMUNITY MASTER PLAN

City Manager Gipson reported that The Public Works and Parks & Recreation departments plan to combine efforts and jointly engage the public in updates to the 2007 Parks and Recreation Master Plan and the 2009 Bikeable - Walkable Communities Plan. This combined effort is referred to as the Livable Community Master Plan.

Toni Siering, Director of Parks and Recreation was present to answer questions.

Matt Malick, Director of Public Works, was in attendance to answer questions.

Rhiannon Sinclair, Agency LP, was present to answer questions.

Alderman McAndrew introduced Bill No. 6948, to approve a contract for the Livable Community Master Plan to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6948, first reading, an Ordinance Approving a Contract with Agency Landscape + Planning for Consulting Services to Develop the Livable Community Master Plan by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6948 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6948, to approve a contract for the Livable Community Master Plan to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6948, second reading, an Ordinance Approving a Contract with Agency Landscape + Planning for Consulting Services to Develop the Livable Community Master Plan by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6808 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH MACQUEEN EMERGENCY TO PURCHASE A LADDER TRUCK AND A PUMPER

City Manager Gipson reported that to follow the current fire apparatus replacement plan, the Fire Department is requesting approval to enter into an agreement with MacQueen Emergency using the Houston Galveston Area Council Buying Group (HGACBuy), a governmental buying cooperative, for the purchase of a new Ladder Truck and Pumper Truck. This is the FY25 and FY26 scheduled replacement of our 2009 Ladder Truck and Pumper. The Ladder Truck is projected to have 75,000 miles with over 9,300 hours of operation; its length of service is 15 years and is to be replaced in 2025. The Pumper is a 2016 model and is scheduled to be replaced in FY26 and has 56,000 miles with over 5,700 engine hours.

Chief Ernie Rhodes was present to answer questions.

Firefighter Brian Brielmaier addressed the Board on behalf of the Clayton Fire Department their thanks and appreciation to the Board for considering the request.

Elizabeth Green, resident inquired as to the sell of the old equipment.

Alderman McAndrew introduced Bill No. 6949, to approve a contract with MacQueen Emergency to purchase a ladder truck and a pumper to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6949, first reading, an Ordinance Approving an Agreement for the Purchase of a Ladder Truck and Pumper Truck for the Fire Department by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew that the Board give unanimous consent to consideration for adoption of Bill No. 6949 on the day of its introduction. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 6949, to approve a contract with MacQueen Emergency to purchase a ladder truck and a pumper to be read for the second time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 6949, second reading, an Ordinance Approving an Agreement for the Purchase of a Ladder Truck and Pumper Truck for the Fire Department by title only.

The motion passed on a roll call vote: Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Pro Tempore Lintz – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6809 of the City of Clayton.

A MOTION TO CONSIDER DISPOSAL OF RECORDS PER THE MISSOURI SECRETARY OF STATE GENERAL RECORDS RETENTION SCHEDULE

City Manager Gipson reported that the list of records for disposal are:

The following is the list of records for disposal:

Box 1 2019 closed PA files for minor traffic violations A-H

Box 2 2019 closed PA files for minor traffic violations I-R

Box 3 2019 closed PA files for minor traffic violations S-Z

Box 4 2017 closed PA files for major violations

Box 5 Memo Reports 2013-2015

Box 6 Memo Reports 2016-2018

Box 7 Memo Reports 2019-2020

Motion made by Alderman McAndrew to approve the disposal of records as listed. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

OTHER

Mayor Pro Tempore Lintz mentioned that he met with a friend who works for McCormack Baron Salazar and inquired as to what Clayton could do regarding affordable housing.

Motion made by Alderman McAndrew to adjourn the meeting. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:28 p.m.

Mayor Pro Tempore

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, PLANNING & DEV. SERVICES

DATE: FEBRUARY 28, 2023

SUBJECT: PUBLIC HEARING AND A RESOLUTION - A CONDITIONAL USE PERMIT – 8027 FORSYTH BOULEVARD FITNESS CENTER TO BE KNOWN AS STRIDE FITNESS

This is a public hearing to consider an application for a Conditional Use Permit submitted by Ryan Harbison of Willow Hill Holdings, LLC, d/b/a Stride Fitness, to allow for the operation of a 2,368 square foot class-based fitness studio.

Stride Fitness will be open weekdays from 5:00 a.m. until 7:00 p.m. and weekends from 7:00 a.m. to 3:00 p.m. The fitness studio provides treadmill-based classes throughout the day. Stride Fitness is located in a mixed-use building, known as Forsyth Pointe, which includes additional restaurant/retail spaces, office tenants, and a parking garage.

The subject property was developed with an on-site parking garage sized to provide enough parking to support the various uses on the site. The applicant has stated that employee parking has been secured.

The Plan Commission considered this request at its meeting on February 6, 2023, and voted unanimously to recommend approval as requested.

STAFF RECOMMENDATION: To approve a Conditional Use Permit for the operation of Stride Fitness located at 8027 Forsyth Boulevard per the conditions outlined in the Resolution.

RESOLUTION NO. 2023-06

WHEREAS, on January 18, 2023, the City received an application and letter from Ryan Harbison of Willow Hill Holdings, LLC, d/b/a Stride Fitness, requesting a Conditional Use Permit to allow for the operation of a 2,368 square foot fitness studio.

WHEREAS, the City Plan Commission considered this request at its February 6, 2023, meeting and voted to recommend approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen held a public hearing with regard to this Conditional Use Permit, after due notice as required by law, at their meeting of February 28, 2023;

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 Article VII (Conditional Use Permit) of Chapter 405 (Zoning Regulations), of the Code of Ordinances of the City of Clayton, and subject to the terms and conditions set forth in Section 2, below, the approval of a Conditional Use Permit to Willow Hill Holdings, LLC, to allow the operation of fitness studio to be known as "Stride Fitness" located at 8027 Forsyth Boulevard is hereby granted. Said property is more particularly described as follows:

Lots Pt 7 THRU 10 S 186 Ft 8.5 IN 18K310272 5 24 83
IN THE CITY OF CLAYTON, MISSOURI

Section 2. In addition to compliance with all Ordinances of the City of Clayton and Laws of the State of Missouri, the permitted uses shall be conducted so as to comply with the following stipulations and conditions at all times:

- (1) The permit shall be assigned to Willow Hill Holdings, LLC, d/b/a Stride Fitness (the "Permittee") and shall not be further transferred or assigned without the prior written approval of the City of Clayton.
- (2) The property shall be improved, maintained and operated substantially in accordance with an application for a Conditional Use Permit received by the City of Clayton on January 18, 2023, and with plans and specifications as filed with and approved by the City of Clayton.
- (3) Permitted hours of operation are up to seven (7) days a week from no earlier than 5:00 a.m. until no later than 7:00 p.m.
- (4) Any exterior revisions, including signage, shall be approved by the City prior to such change.
- (5) That the Permittee is responsible for keeping the area inside and outside the establishment clean and free from litter and debris.

(6) No outdoor music or similar audio shall be permitted without the prior written approval of the City.

(7) That the Permittee shall, within thirty (30) days of the adoption of the Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit provided for is accepted and that the conditions set forth herein are understood and will be complied with.

(8) That Permittee's failure to comply with any of the conditions provided for in the Resolution may cause immediate termination of the permit.

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 the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 28th day of February 2023.

Mayor

ATTEST:

City Clerk



City of Clayton
10 North Bemiston Avenue
Clayton, Missouri 63105
(314) 290-8452 FAX: (314) 863-0296

**CONDITIONAL USE PERMIT
APPLICATION-GENERAL**

(please type or print)

**ALL SECTIONS OF APPLICATION MUST BE COMPLETE.
APPLICATIONS MUST BE CONSISTENT WITH SUBMITTED MATERIALS.
ALL MATERIALS SUBMITTED MUST BE SIGNED/SEALED FOR REVIEW.
A \$235.00* APPLICATION FEE, ELEVEN (11) 11 X 17 PLAN SETS, A LETTER
ADDRESSED TO THE HONORABLE MAYOR AND MEMBERS OF THE BOARD
OF ALDERMEN REQUESTING THE CUP, AND AN ELECTRONIC COPY (emailed
to kaubuchon@claytonmo.gov) MUST ACCOMPANY THIS APPLICATION
(INCLUDES \$35 NON-REFUNDABLE PROCESSING FEE)**

Location of Project: NE Corner of Brentwood & Forsyth
Project Description: Forsyth Pointe Development.

PART A: PARTIES OF INTEREST

The full legal name of property owner (partnership, incorporation, etc.), applicant, agent, architect, landscape architect, planner, engineer and/or manager is required for review of this application.

Legal Name to which this Permit is to be issued: Willow Hill Holdings, LLC

Contact Person's Name: Ryan Harbison

Address: 30 Willow Hill Road STL MO 63124

Phone Number & E-Mail Address: 314. 882. 5222 ryan.harbison@runwithstride.com

Interest in Property (Tenant/Owner): Tenant (dba Stride Fitness)

Name of Property Owner(s) - if different from above: Brentwood-Forsyth Partners I, LLC

Address: 120 S. Central Ave, Suite 300
ST. LOUIS MO 63105

Updated July, 2021

Phone Number: 314.828.4200

Name of Architect, Landscape Architect, Planner or Engineer:

Name/Position: FM Group

Address: 15974 N. 77th Street, Suite 100 Scottsdale AZ 85266

Phone Number & E-Mail Address: 602.277.7877 gmcbride@FM

Name/Position: Gregg McBride Group.net

PART B: SITE DESCRIPTION

Subdivision _____ Current Zoning: _____

Current Use of Site: Mixed - USE Development

PART C: SITE DEVELOPMENT

Proposed Use of Site: Fitness Studio & retail/Fitness apparel

Estimated Cost of Construction: \$350,000 No. of Stories: 1 (street level)
Brentwood

Total Square Footage of Site: 2,368 SF +/-

Total Square Footage of Building(s): 224,071 SF +/- FORSYTH POINTE
(WEST TOWER)

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: _____

Building(s) Height(s): _____ Number of Floors: 14 floors

Total Number of Available Parking Spaces: 1250 spaces per PUD approval

Number of Parking Spaces as Required by the Zoning Ordinance: _____

*Proof that the Supplied Parking Will Meet the Demands of the Project: _____

Describe the Reason for Requesting a Conditional Use Permit: The fitness studio
use requires approval of CUP.

Briefly describe the disposal of refuse for operation: The dumpsters for Forsyth Pointe are located in the building truck dock area.

**Parking Study prepared by an impartial parking engineer must be submitted as part of the application if supplied parking is less than number required by the Zoning Ordinance.*

Architectural review is required for any exterior renovation, awning or signage. If any of these items are part of the project, complete an Architectural Review Board Application.

PART D: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: N/A

Please describe why the proposed amendment is necessary: _____

PART E: TRANSFERING AN EXISTING CONDITIONAL USE PERMIT

The full legal name of the individual or entity to which the existing conditional use permit is issued:

N/A

The full legal name of the individual or entity to which the conditional use permit is to be transferred:

Please describe any changes to the operation: _____

Please describe any changes to the hours of operation and decor:

SIGNATURES

Signature of Applicant (Required): RYH RYAN HARRISON Date: 1/17/23

Relation to the Property Owner: PROSPECTIVE TENANT

Signature of Property Owner (Required): [Signature] Date: 1/17/23
on behalf of Owner

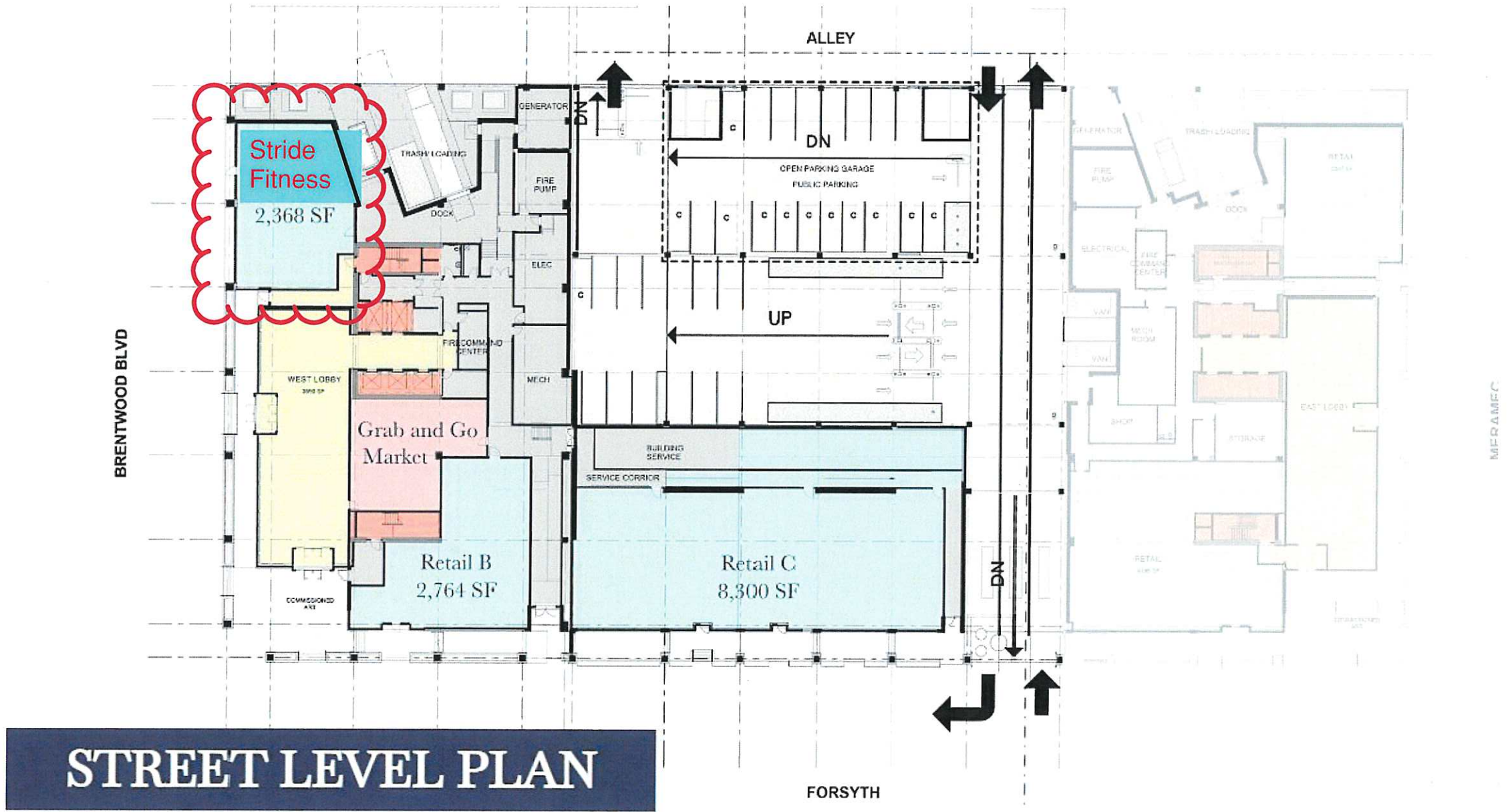
*includes \$35.00 non-refundable processing fee. Application fee for a transfer of/amendment to an existing CUP is \$100 IF Plan Commission and/or Board of Aldermen consideration is not necessary.

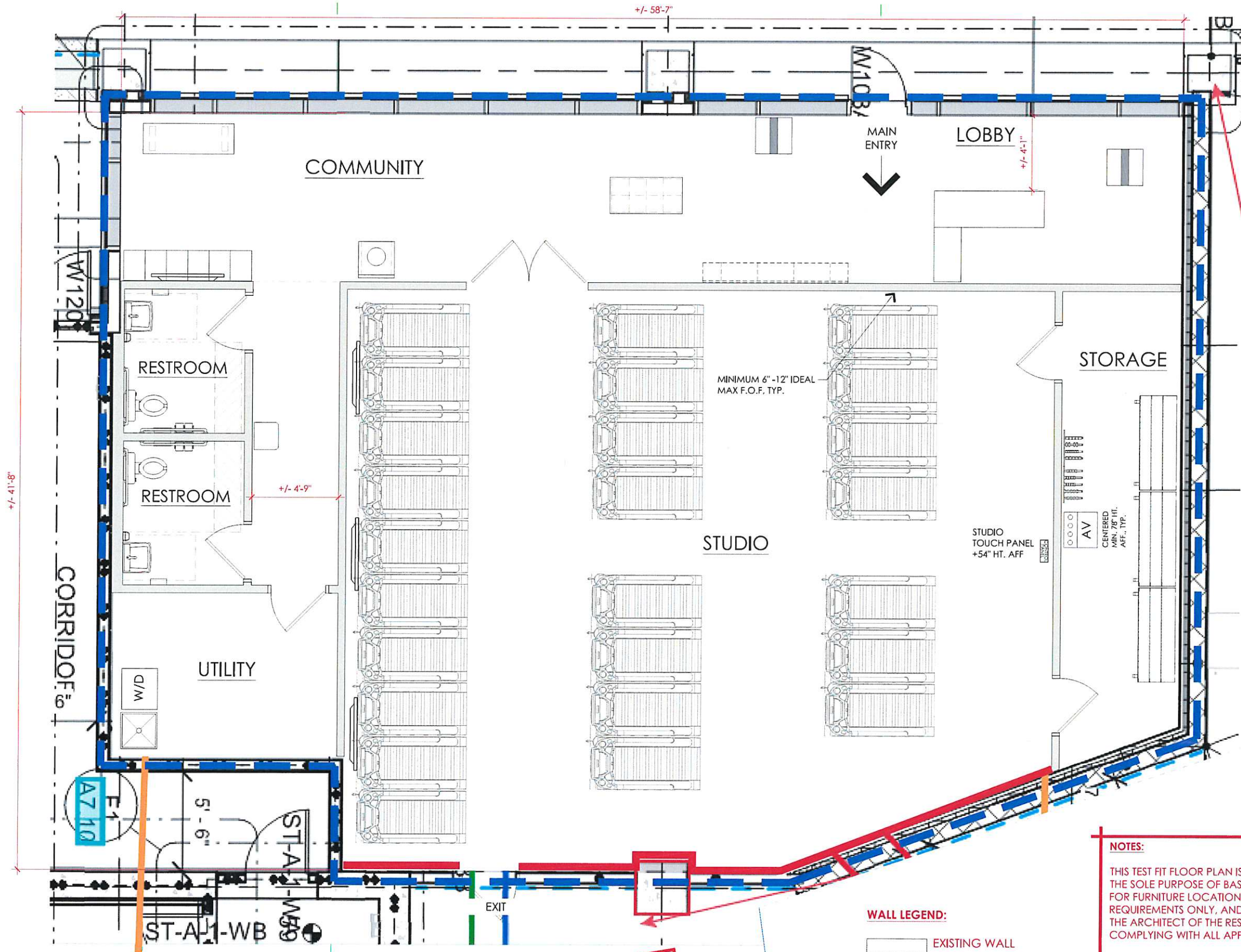
Signature of Applicant (Required): _____ Date: 1/17/23

Relation to the Property Owner: PROSPECTIVE TENANT

Signature of Property Owner (Required): [Signature] Date: 1/17/23
on behalf of Owner

*includes \$35.00 non-refundable processing fee. Application fee for a transfer of/amendment to an existing CUP is \$100 IF Plan Commission and/or Board of Aldermen consideration is not necessary.





NOT FOR CONSTRUCTION
 Preliminary Test Fit used for information purposes only.

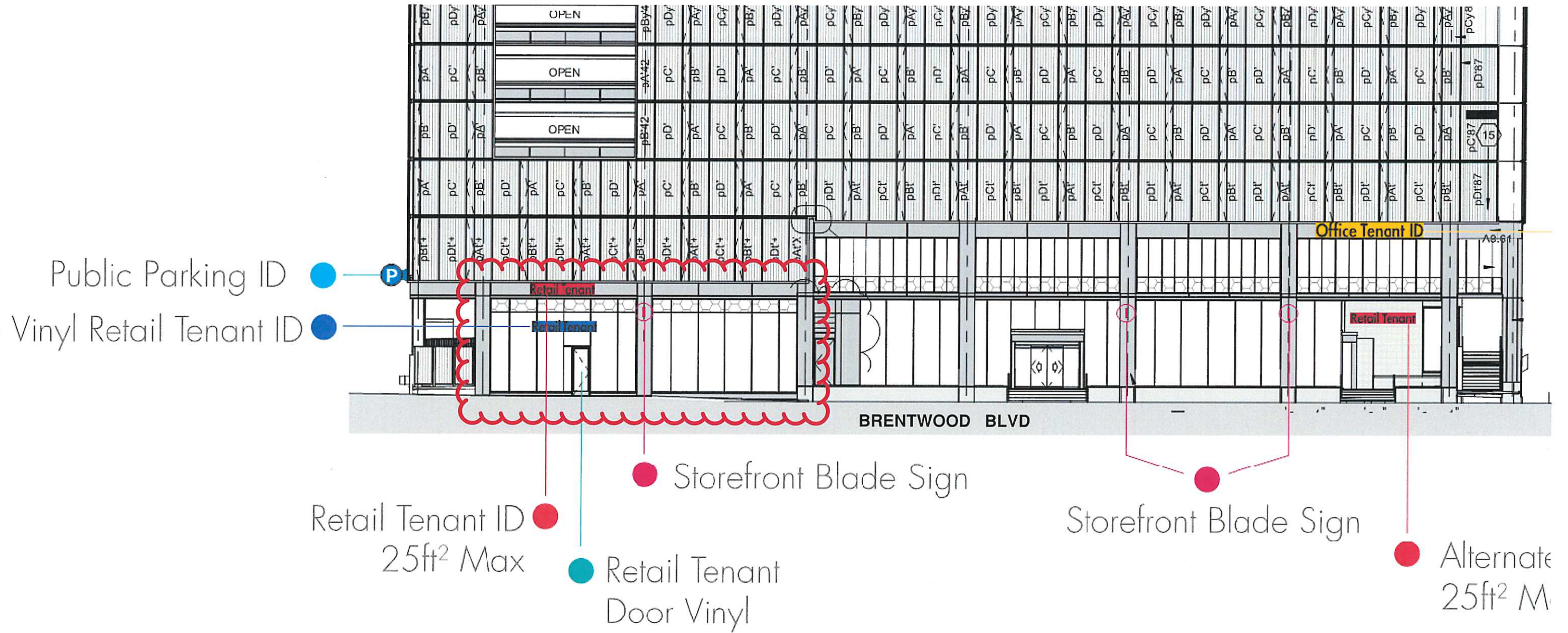
- WALL LEGEND:**
- EXISTING WALL
 - NEW WALL
 - WALL DENOTES SPACING FOR RECOMMENDED SOUND ATTENUATION AT DEMISING WALLS

NOTES:

THIS TEST FIT FLOOR PLAN IS PROVIDED FOR THE SOLE PURPOSE OF BASIC VALIDATION FOR FURNITURE LOCATIONS AND EQUIPMENT REQUIREMENTS ONLY, AND DO NOT RELIEVE THE ARCHITECT OF THE RESPONSIBILITY OF COMPLYING WITH ALL APPLICABLE CODES.

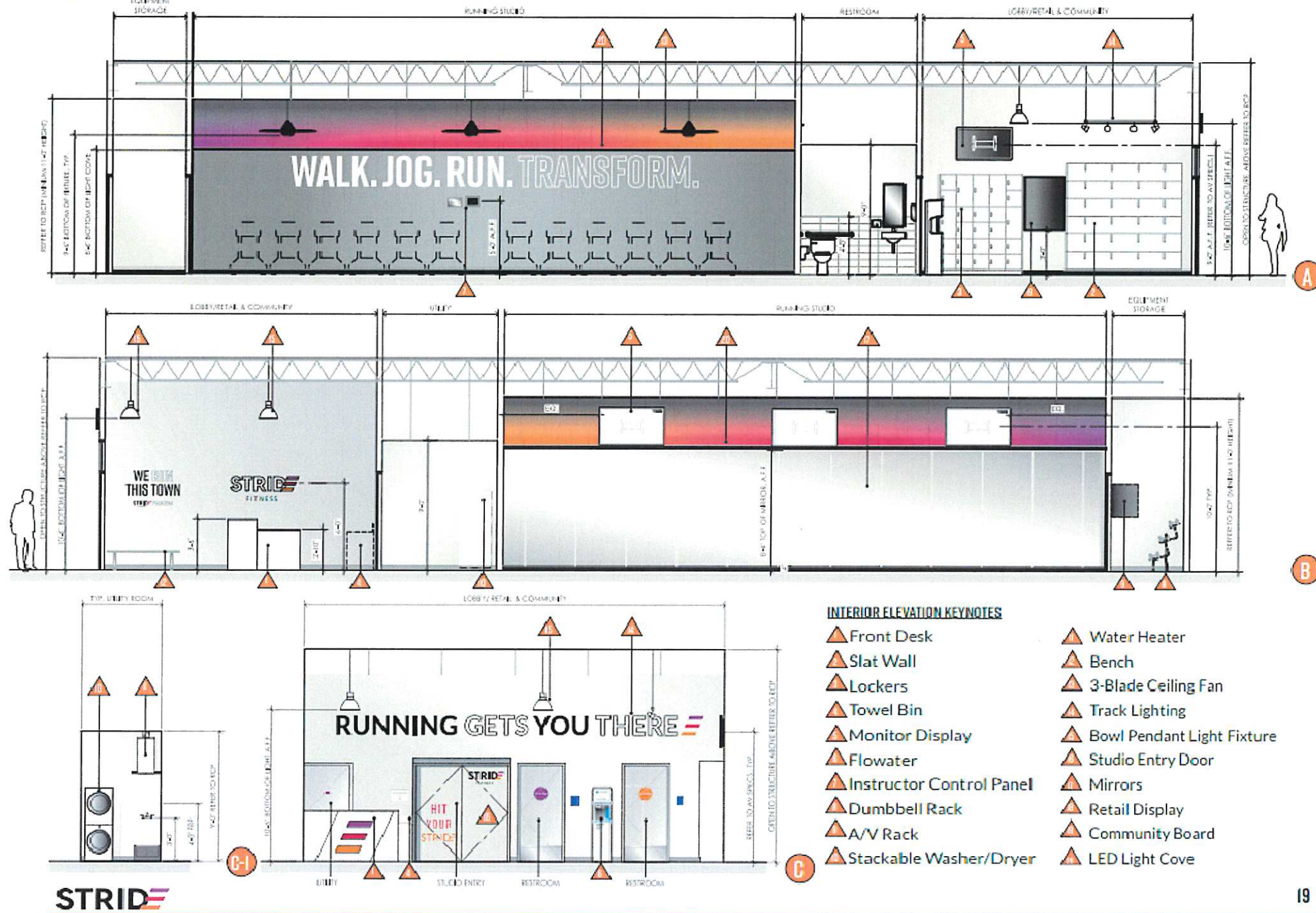
A QUALIFIED, LICENSED ARCHITECT FROM THE XPONENTIAL FITNESS PANEL MUST BE HIRED TO CREATE A DETAILED FINAL FLOOR PLAN THAT HAS BEEN FIELD VERIFIED, HAS SOUND AND/OR STRUCTURAL CONSULTANT RECOMMENDATIONS APPLIED WHERE APPLICABLE.





INTERIOR ELEVATION

The information below is the minimum studio standard for design and space planning. Additional design criteria may be required per local jurisdiction and will be reviewed and determined by the Architect.

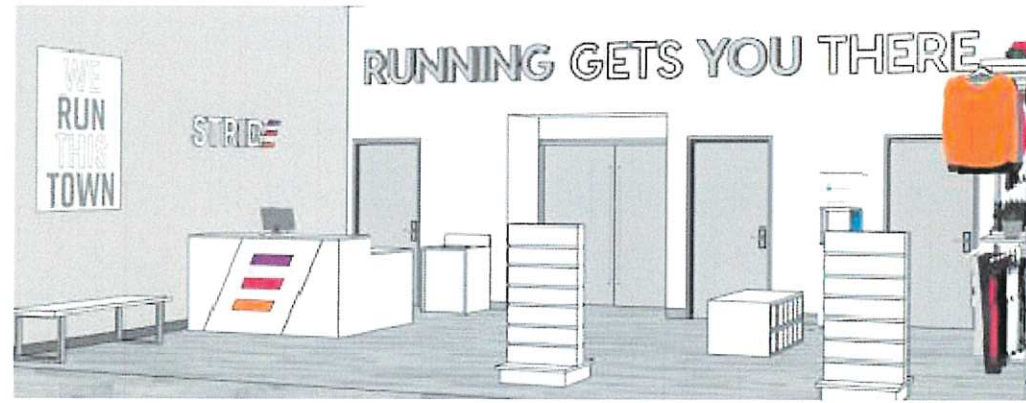


STRIDE

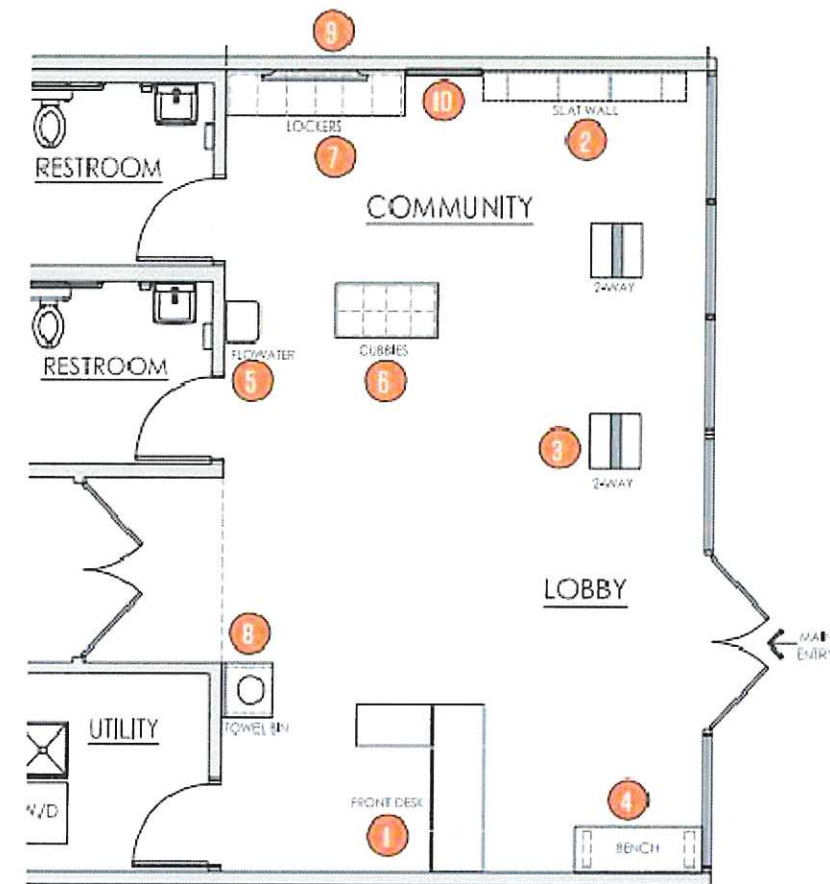
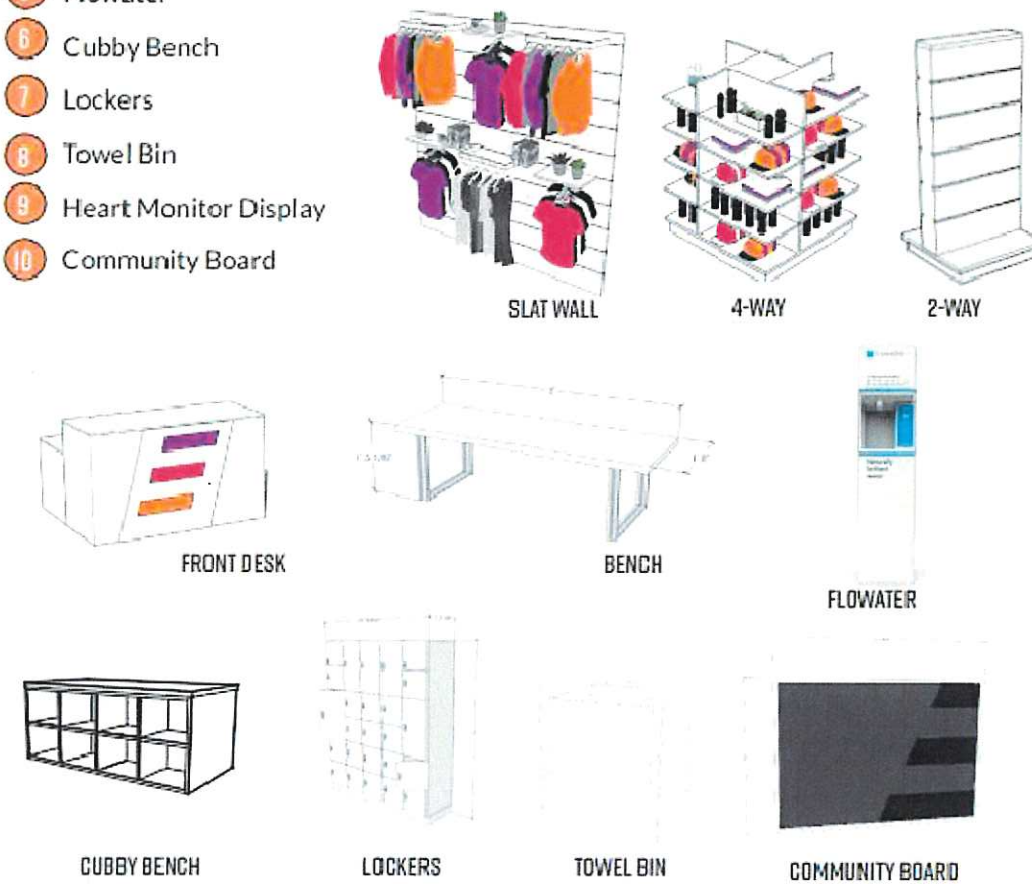
ENLARGED PLAN & DETAILS - LOBBY, RETAIL & COMMUNITY

LOBBY & RETAIL REQUIREMENTS

- 1 Front desk; installed facing Storefront Entrance
- 2 Slat Wall - 8'-0" tall x 8'-0" wide (wall mounted) Top at 8'-4" A.F.F. Please note: Slat Wall comes in four 4'-0" x 4'-0" sections
- 3 (2) 2-Way retail display 24"x"x53"H (optional 4-way display)
- 4 Bench
- 5 Flowater
- 6 Cubby Bench
- 7 Lockers
- 8 Towel Bin
- 9 Heart Monitor Display
- 10 Community Board



PERSPECTIVE FOR REFERENCE



PLAN NOT TO SCALE 25



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: FEBRUARY 28, 2023

SUBJECT: PUBLIC HEARING AND ORDINANCE - TEXT AMENDMENT TO ARTICLE XIV OF CHAPTER 405 (ZONING REGULATIONS) RELATED TO THE WILLIAMSBURG SHOPPES

This is a public hearing to consider a text amendment to Chapter 405 Zoning Regulations, Article XIV Maryland Gateway Overlay District related to a specific block known as the Williamsburg Shoppes. The Board of Aldermen (BOA) has held discussion sessions over the last year related to historic preservation and options for regulations related to specific buildings, neighborhoods, or districts with specific characteristics. On December 16, 2022, the BOA discussion was centered around the Williamsburg Shoppes, a block that fronts the north side of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard. This block of commercial buildings has a unique scale and architectural character that differs from much of the Downtown Clayton area. At one time, there were examples of this scale and style throughout Clayton, however, many of those areas have been replaced with larger buildings. The BOA discussed elements of the Williamsburg Shoppes that provide a desired character that would be worth preserving and protecting in the future. Based on this discussion and earlier sessions, staff summarized the BOA's goals to be the following:

1. Ensure future development or renovation matches the scale of existing structures.
2. Protect the historic character of the block.

On January 17, 2023, staff presented a summary of the BOA discussion and a potential route for implementation of the goals to the Plan Commission. The implementation plan included text amendments to the existing regulations for the Maryland Gateway Overlay District to address the specific concerns of future development of the block. On February 21, 2023, the Plan Commission held a public hearing to solicit public comment regarding the proposed revisions to Article XIV Maryland Gateway Overlay District. The Plan Commission voted unanimously to recommend approval of the proposed text amendment. A red-line version of the proposed amendment is attached.

The Plan Commission considered this request at its meeting on January 17, 2023, and voted unanimously to recommend approval.

STAFF RECOMMENDATION: To conduct a public hearing and approve the amendment as proposed.

BILL NO. 6950

ORDINANCE NO.

AN ORDINANCE AMENDING THE MARYLAND GATEWAY OVERLAY DISTRICT REGULATIONS IN ARTICLE XIV OF CHAPTER 405 (ZONING REGULATIONS) OF THE CLAYTON CITY CODE RELATING TO THE WILLIAMSBURG SHOPPES AREA ON THE NORTH SIDE OF MARYLAND AVENUE

WHEREAS, the City has a desire to protect, enhance, and promote the development scale and characteristics of a block of Maryland Avenue known as the Williamsburg Shoppes; and

WHEREAS, on February 21, 2023, the Plan Commission held a public hearing after due notice and, by a vote of 5–0, voted to recommend approval of the proposed amendments to the Board of Aldermen; and

WHEREAS, on February 28, the Board of Aldermen held a public hearing to consider the merits of this Ordinance, after satisfying all publication and notice requirements established by law, and all persons present at such hearings were given an opportunity to be heard and were heard.

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

Section 1: Article XIV of Chapter 405 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Article XIV hereby enacted in lieu thereof to read as follows:

Chapter 405 Zoning Regulations

Article XIV Maryland Gateway Overlay Zoning District (MDG)

Section 410.790 Purpose Statement

A. The Maryland Gateway Overlay Zoning District (hereinafter known in this Article as the "MD" Overlay District) applies to properties along the north and south sides of the Maryland Avenue corridor from the western City limits, east, to the centerline of Brentwood Boulevard, which are identified in the 2010 Master Plan Update and Retail Strategy. The area encompassed in the Maryland Gateway Overlay Zoning District is considered a gateway to downtown which gives the opportunity for creating a memorable and representative entry to the core of the City and is adjacent to the heart of commercial and service activities in the City of Clayton. The Maryland Gateway District is intended to maintain a walkable, pedestrian scale, human-focused corridor with changes to the streetscape to reflect the urban character of downtown. Much of this can be built upon the already strong presence of small retail establishments on the north side of the street, which help define the street edge and serve as a transition to adjacent residential areas. The purpose is to create a lower density mixed use district that provides an iconic gateway into downtown Clayton while respecting the northern residential neighborhood and the civic uses to the south. In order to maintain this area as "pedestrian friendly", structures must be

human in scale. Building mass, density and frontage variations should create a visually attractive and inviting streetscape within the urban context.

- B. The purpose of these regulations is to foster appropriate use of existing structures and enable compatible redevelopment, which serves the following goals:
 - 1. Support and enhance existing retail development along Maryland Avenue and promote structures that have sidewalk frontage suitable for smaller retail and personal service activities.
 - 2. Stimulate designs that minimize scale and mass as perceived from the sidewalk.
 - 3. Orient front doors and align buildings to address Maryland Avenue.
 - 4. Careful stepping of building height and regulation of uses to ensure that adjacencies are appropriate and not overly abrupt.
 - 5. Encourage mixed use development, with ground level commercial retail and upper level residential uses.
 - 6. Encourage a built environment that is friendly to the presence of people living, shopping, visiting, enjoying or spending time in the area.

Section 410.795 Location of Overlay Zone

The Maryland Gateway Overlay Zoning District generally includes those parcels fronting Maryland Avenue from the western City limit, east to the centerline of Brentwood Boulevard.

Section 410.800 Significance of Designation

The regulations of the overlay district shall supersede or supplement, as applicable, the regulations of the base zoning district. Where a conflict exists between the regulations of the overlay districts and the provisions of the base zoning district, the provisions of the overlay district shall control, except for those properties governed by the Special Development Zoning District (SDD), adopted by Ordinance Number 4220, in which case the provisions of that ordinance shall control.

Section 410.805 Uses Permitted

- A. The uses allowed are the same as in the base zoning district.
- B. For purposes of this Article, "Mixed Use" shall be defined as follows:

Retail land uses coupled with residential, office or personal service land uses inside a single structure or as part of a unified development.
- C. In addition to those uses allowed in the base zoning district, the following uses will be allowed and use restrictions shall be adhered to as follows:
 - 1. All ground floor uses shall be retail or restaurant uses, but may also include beauty salons, dry cleaning facilities and similar personal care services. Financial institutions (banks, savings and loans and credit unions) and other office uses are also permissible. In no case shall retail, restaurant or personal service uses constitute less than fifty percent (50%) of the total ground floor area of a structure, or in the case of a development project with multiple structures, less than fifty percent (50%) of the total gross ground floor area of all structures.
 - 2. Residential dwellings shall be located on the second (2nd) floor or higher.
 - 3. Drive-through facilities for financial institutions subject to conditional use permit approval. Drive-through facilities for financial institutions are limited to a maximum of two (2) drive-through lanes per site and shall be developed as part of a mixed use development. On larger sites in excess of two (2) acres in area, more than two (2) drive-through lanes per site may be considered, up to a maximum of three (3) drive-through lanes.

4. Financial institutions which incorporate drive-through facilities shall be subject to the site plan review process pursuant to the procedures and standards outlined in Chapter 405, Article VIII, and shall be developed in accordance with the design guidelines and requirements for drive-through facilities.

Section 410.810 Planned Unit Development

- A. A development proposal shall be eligible for consideration under the planned unit development option per the provisions of Chapter 405 if the development incorporates ground floor retail or a ground floor public restaurant and one (1) of the following four (4) categories of use:
 1. Office use;
 2. Residential use;
 3. Public parking (as defined in Article III. Definitions, Section 405.390);
 4. Hotel use.
- B. Limitations.
 1. No change, alteration, modification or waiver authorized by a "PUD" shall authorize a change in the uses permitted in any district or a modification with respect to any zoning district standard made specifically applicable to planned unit developments, unless such district regulations expressly authorize such a change, alteration, modification or waiver.
 2. The property fronting the north side of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard shall not be eligible for redevelopment under the planned unit development provisions.

Section 410.815 Maximum Building Height

- A. The maximum building height in the "MD" Overlay District is three (3) stories, not to exceed thirty-five (35) feet for properties in an underlying "C-1" zoning district, and seven (7) stories or ninety (90) feet, whichever is less, for properties in other underlying zoning districts.
 1. The maximum building height for properties north of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard is two (2) stories or thirty-five (35) feet, whichever is less and may not be modified through the planned unit development process.
 2. The maximum building height for properties south of Maryland Avenue may be modified subject to the provisions and requirements of the planned unit development process outlined in Chapter 405.
- B. For buildings permitted to exceed the maximum height through the planned unit development process, a fifteen (15) foot stepback (upper story building setback) shall be provided beginning at the third (3rd) story level or thirty (30) feet above grade, whichever is less. However, the Plan Commission shall have the authority to require a different stepback(s) for buildings dependent upon building height, lot size, nearby land uses and structures, and other relevant factors. Stepbacks shall be proportional to the amount of building height. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

Section 410.820 Maximum Floor Area

The maximum floor area ratio (FAR) is three (3.0). The maximum floor areas may be modified subject to the provisions and requirements of the planned unit development process outlined in Chapter 405. Exception: The FAR may not be modified subject to the provisions and requirements of a planned unit development for property fronting the

north side of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard.

Section 410.825 Setback/Stepback Requirements

A. The following are setback/stepback requirements in the Maryland Gateway Overlay Zoning District:

1. Front yard. There is no minimum front yard setback requirement in the Maryland Gateway Overlay District. All property lines which abut a street are considered frontages. Building up to the front property line is encouraged.
 - a. For properties fronting the north side of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard, the required front yard setback for enclosed structures shall be established by the average of existing setback of the block face. Awnings, pergolas, patios, or similar features may project into a required front yard setback.
2. Rear yard. The required rear yard setback in the Maryland Gateway Overlay District is a minimum of fifteen (15) feet. Modifications to the required rear yard setback are permitted/required under the following conditions:
 - a. Where a corner lot exists, the property line opposite to the front yard line with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard.
 - b. Where a property has three (3) or more street frontages, that portion of the property opposite the frontage on the street designed or classified for the highest traffic volume shall be considered the rear yard.
 - c. An accessory building not exceeding twenty (20) feet in height may occupy up to thirty percent (30%) of the area of a required rear yard. Accessory buildings may be attached to the principal building or not less than ten (10) feet from the principal building. In all cases, no accessory building shall be closer than five (5) feet to any rear property line or to any property line that abuts a residential zoning district, nor shall they be located along any street frontage.
3. Side yard setbacks.
 - a. The side yard setback requirements are zero (0), except where a lot abuts a residential district, a side yard of at least five (5) feet shall be provided.
 - b. Buildings shall be constructed from side lot line to side lot line, along the entire street frontage of streets designed or classified for the highest traffic volume. The developer shall have the option of excluding no more than twenty percent (20%) of the lots' frontage to create space for a public plaza or public green space area. This public space can be located no less than fifty (50) feet from any corner of the lot.

Section 410.830 Off-Street Parking and Loading Requirements

Every principal commercial structure must provide off-street parking in accordance with Chapter 405.

Section 410.835 Site Plan Review and Design

A. Site Plan Review. Site plan review, pursuant to the procedures and standards outlined in Chapter 405, is required for any development or redevelopment proposal over ten thousand (10,000) square feet in gross floor area and for financial institutions that are proposed to be developed with drive-through facilities.

B. Site Plan Review Design.

1. The following criteria shall be applied by the City's Plan Commission/Architectural Review Board for development proposals located in the Maryland Gateway Overlay Zoning District:
 - a. Footprint geometry should be square and true with the roadway to the extent possible. Odd shapes and building orientations which compete with the total urban setting should be avoided.
 - b. Parking should be located within the City block interior and deeper into parcels.
 - c. Surface parking, drive aisles or vehicular access ways should not abut any sidewalk.
 - d. Buildings and uses must incorporate expansive street front windows and shall be sited in a manner so as to achieve a pedestrian friendly scale, appearance and feel.
2. For projects located in an underlying "C-2" zoning district, an on-site sidewalk system shall be constructed along a project's internal drives (both public and private) and shall connect to the public sidewalk system on Maryland Avenue and abutting streets. For these purposes, parking lot drive aisles are not to be considered drives or streets. Sidewalks shall also be constructed to lead to pedestrian crossings at off-site full access median openings, trail crossings, and pedestrian signal crossings on abutting streets.
3. The Plan Commission shall have the discretion to consider alternatives and modifications to these site plan review criteria if their strict application will result in unusual or practical difficulties, or a particular hardship, or if the Plan Commission determines that such alternatives or modifications to these guidelines will improve the attractiveness or usefulness of the district as a whole and serve the best interests of the City.

Section 410.840 Architectural Review Board Standards

A. The standards applicable to the Architectural Review Board are as follows:

1. Buildings shall occupy the property frontage from property line to property line to ensure a continuous building facade.
2. Building skylines should provide interest through introduction of compatible shapes and roof forms. Long uninterrupted rooflines and cornices should be avoided.
3. Facade relief should be incorporated into all building elevations. Long uninterrupted elevations should be avoided.
4. Window openings should be incorporated into all building elevations. Blank walls, long horizontal openings, odd shapes and glass walls should be avoided.
5. Street level (ground floor) elevation facing the street should be storefront architecture with large show windows interrupted at regular intervals with building piers and generous entrances. Blank walls, long uninterrupted show windows, odd-shaped and small show windows should be avoided.
6. Parking structures visible from the street should be avoided. Parking structures should be of design material and color compatible with the urban setting.
7. Building renovations and improvements should incorporate green space, pedestrian connections, pedestrian gathering spaces, street furniture and other elements of active pedestrian areas.

8. Building design should integrate components that offer protection to pedestrians, such as overhangs, awnings and canopies, as a means to encourage pedestrian activity along the street.
9. Building design should maintain and be compatible with the architectural character of the City's nearby residential and existing commercial neighborhoods.
10. For properties fronting the north side of Maryland Avenue between North Forsyth Boulevard and North Brentwood Boulevard, all street facing facades shall be clad in a primary building material of brick. A secondary material shall not make up more than five percent (5%) of a façade. Window and door openings and awnings or similar features shall not be included in the façade material area calculations.

Section 2: Editorial Discretion

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 3: Severability

It is hereby declared to be the intention of the Clayton 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 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 4: Effective Date

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 28th day of February 2023

Attest:

Mayor

City Clerk

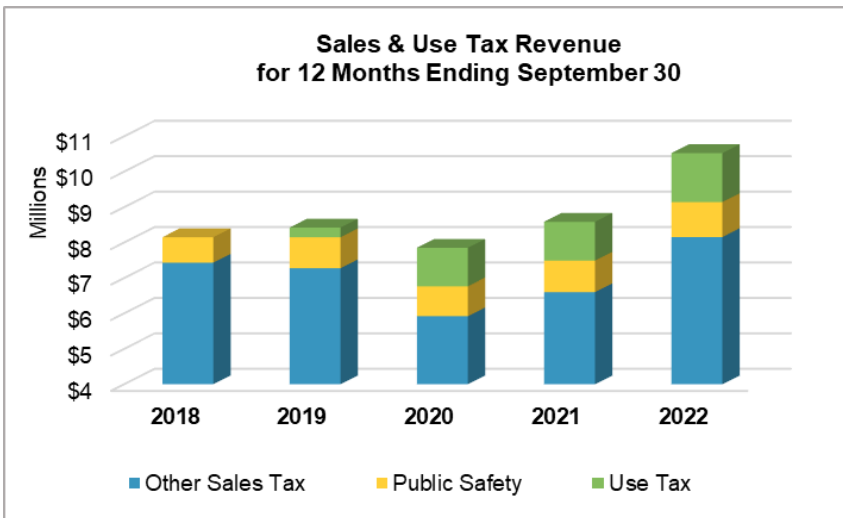
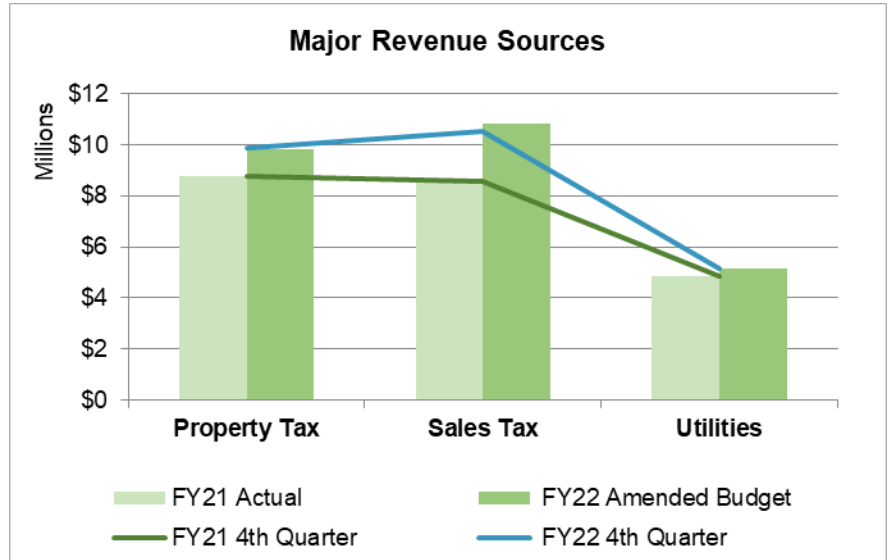


City of Clayton

Fiscal Year 2022 through 4th Quarter

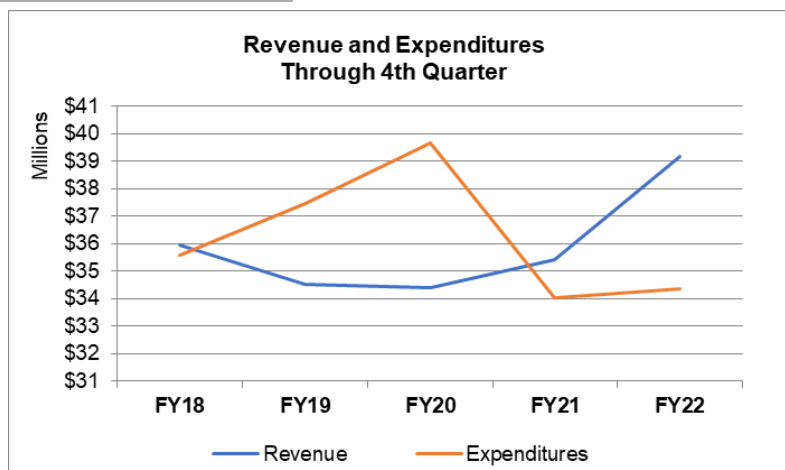
All Funds Report in Brief

Property tax revenue is collected in the General Fund, Special Business District Fund, and the debt service funds for the 2019 and 2022 bonds. Property tax receipts through the fourth quarter of Fiscal Year 2022 (FY22) are 12.3% higher than through the fourth quarter of Fiscal Year 2021 (FY21). Sales tax revenue in all funds is up 22.6% compared to the same period in FY21, and utility tax revenue is up 6.2%.



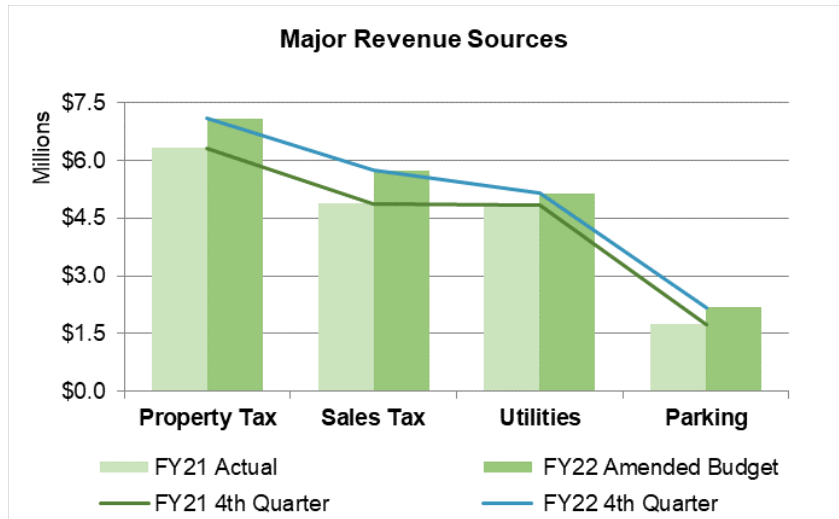
This bar graph provides a comparison of a rolling 12-month period ending June 30 of each year. For the 12 months ending in 2022, sales and use tax revenue is up 22.6% compared to the prior 12 month period.

This line graph provides a comparison of revenues and expenditures through the last five fiscal years. This graph excludes "Other Financing Sources and Uses" such as interfund transfers, bond proceeds, and the sale of assets.

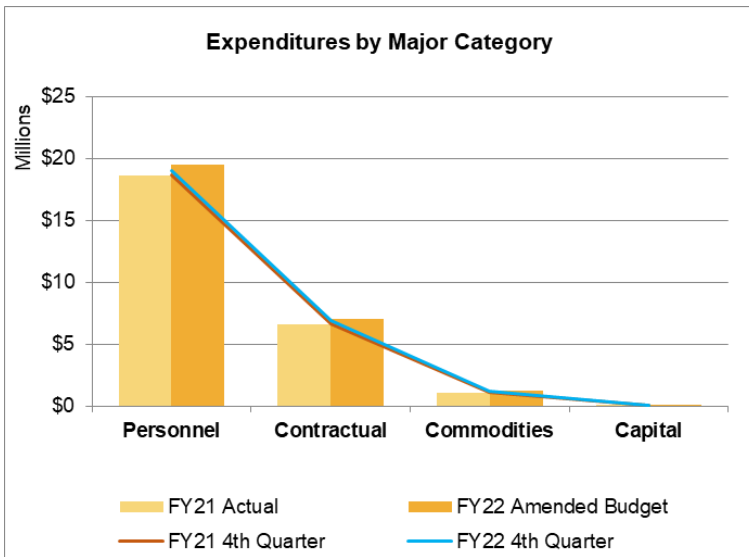


General Fund Report in Brief

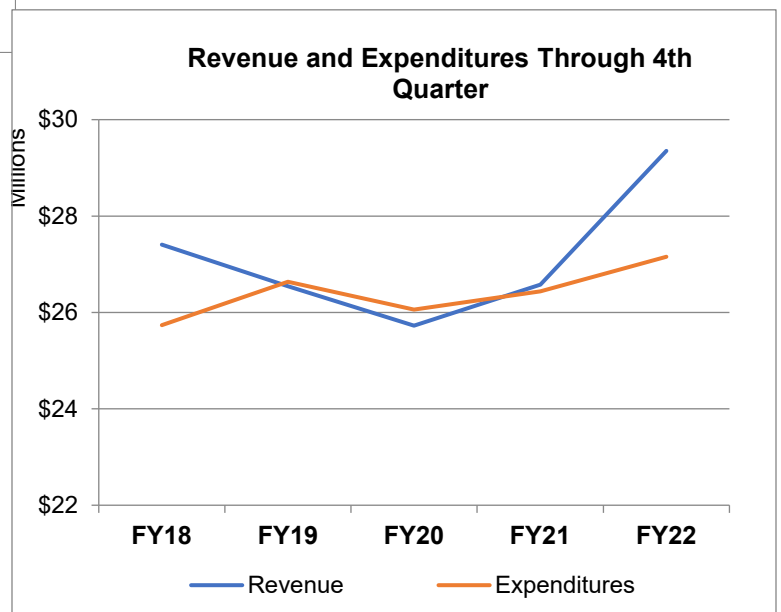
General Fund property tax revenue for FY22 is 12.16% higher than 4th quarter of FY21. Sales tax revenue includes a 1% general tax, a 0.25% local option tax, a 0.25% fire service tax, and a 0.50% public safety tax. Total General Fund sales tax revenue is 17.57% higher than this time last year. Utility tax revenue which includes electric, gas, water, telephone, and cable utilities is up 6.22% when compared to last year, while parking is up 25.19%.



This bar graph displays a comparison by category of the General Fund actual expenditures for the last two years. Personnel costs, consisting of salaries and benefits, comprise the largest category of expenditures in the General Fund. Personnel costs for FY22 were \$374,829 or 2.01% higher than in fourth quarter of the prior year. Contractual services are 3.95% higher and commodities are 9.3% higher when compared to this quarter in the prior year.



This line graph provides a comparison of General Fund revenue and expenditures for the last five fiscal years. This graph does not include "Other Financing Sources and Uses" such as sale of assets and interfund transfers.



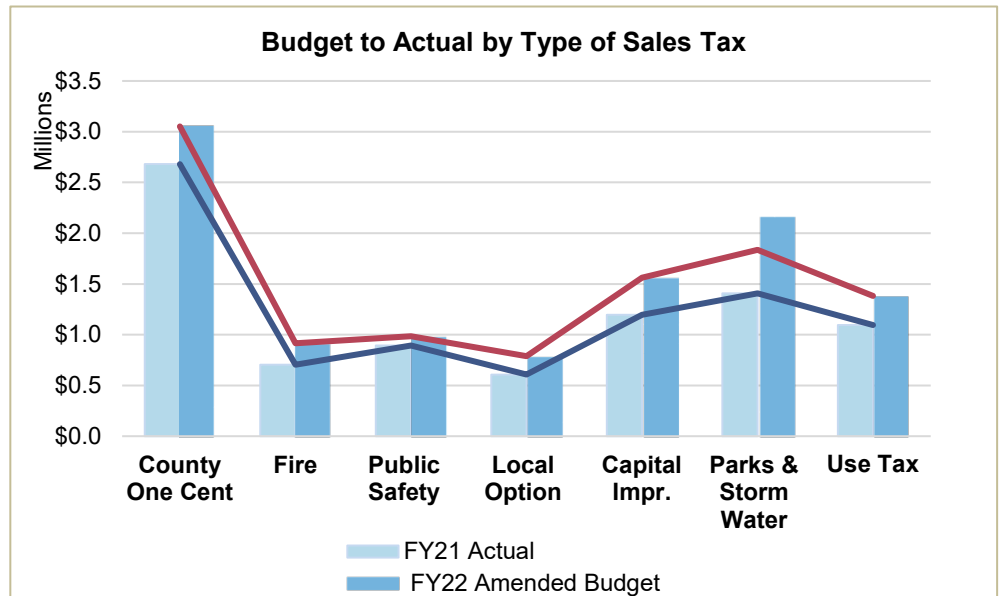
Sales Tax Revenue in Brief

Sales Tax Collections by Tax Type

The graph to the right shows the various types of sales tax collected through the first nine months of FY22 and FY21 compared to the annual budgeted amounts.

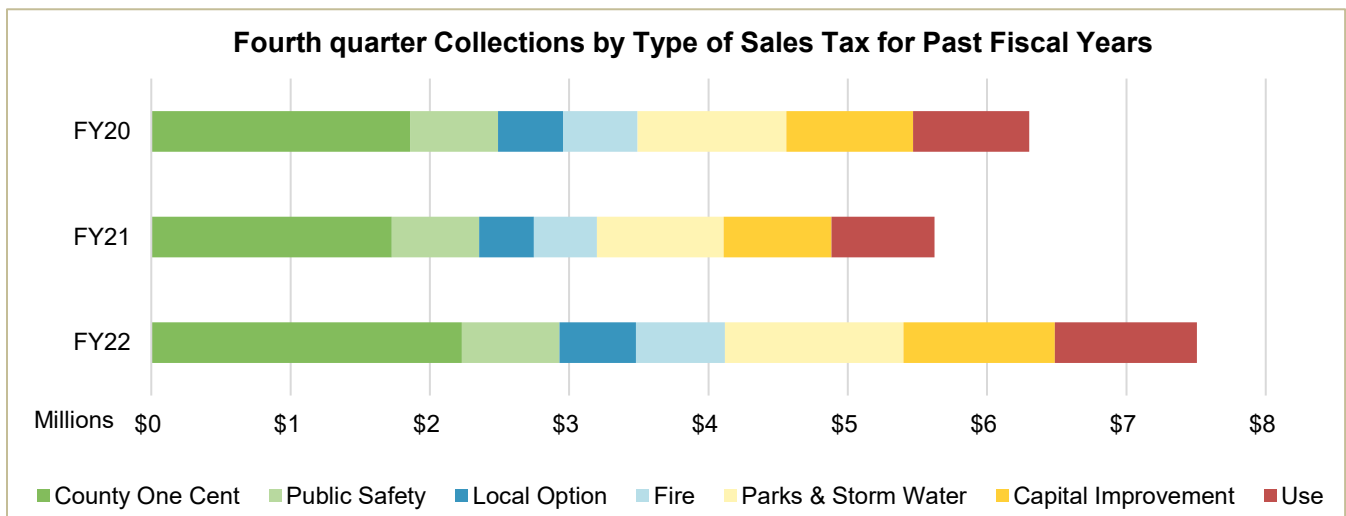
Sales tax collections, in total, have increased compared to FY20 by 34% and by 22.6% as compared to FY21. This increase has largely been driven by an increase in use tax collections.

See below for historical fourth quarter sales tax collections by type.



Fourth Quarter Sales Tax Collections by Type

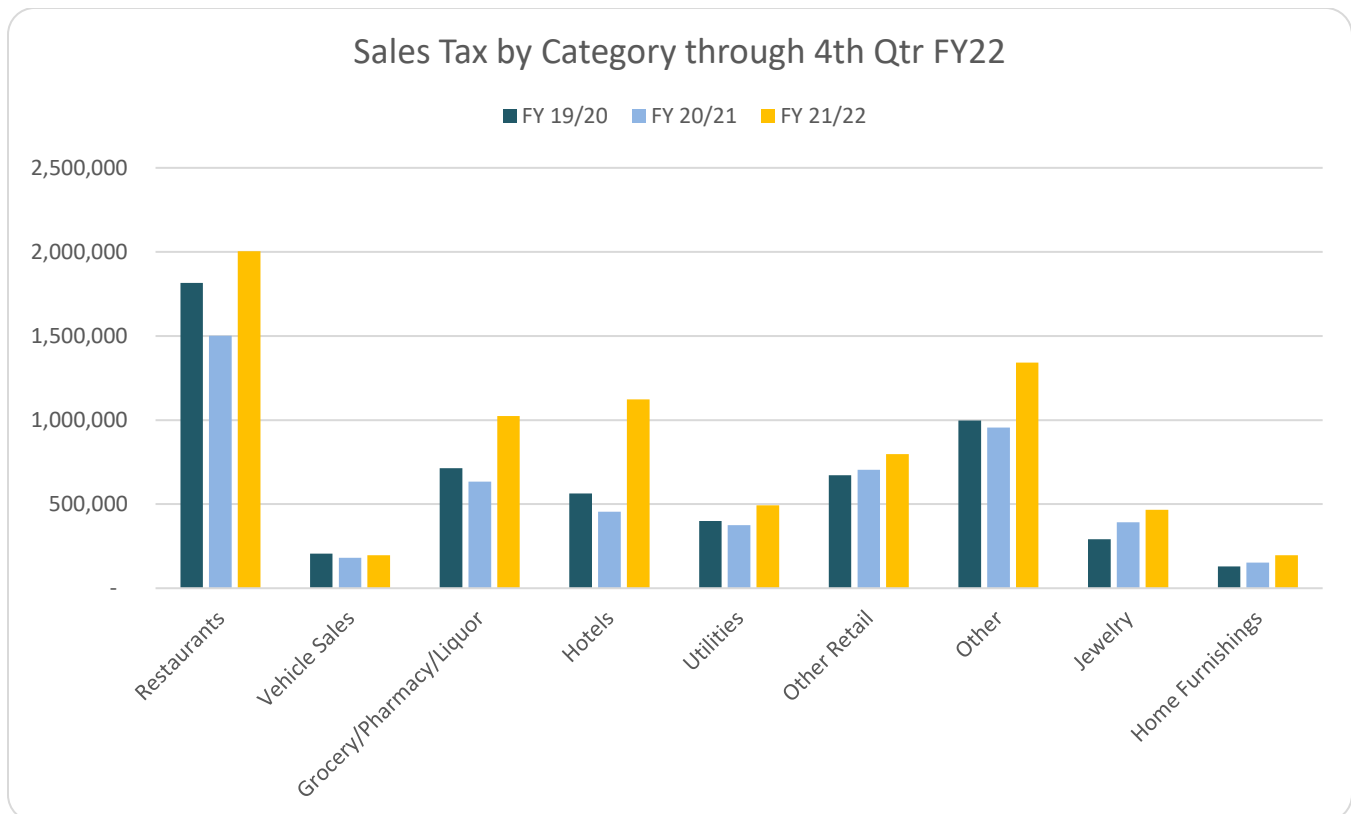
Tax	FY20	FY21	FY22	% Change FY20 - FY22
County One Cent	\$2,364,158	\$2,680,223	\$3,051,946	29.1%
Public Safety	843,266	892,048	985,954	16.9%
Local Option	557,019	607,673	788,463	41.6%
Fire	637,562	704,161	915,661	43.6%
Parks & Storm Water	1,276,220	1,407,989	1,836,863	43.9%
Capital Improvement	1,084,728	1,196,798	1,562,114	44.0%
Use	1,088,437	1,094,947	1,383,549	27.1%
Total	\$7,851,391	\$8,583,838	\$10,524,550	34.0%



Sales Tax Reported by Category

Historical fourth quarter sales tax reports indicate that sales taxes are increasing across all industries. Restaurants have increased 10.4% compared to two years ago in FY20 and 34% compared to this same time period a year ago in FY21. Sales taxes from hotels have increased 147% compared to last year in FY21 and are returning to similar levels at FY19 with a 99.6% increase in FY22 compared to two years ago.

Category	FY 19/20	FY 20/21	FY 21/22	% Change FY19/20-FY21/22
Restaurants	1,815,559	1,500,959	2,003,899	10.4%
Vehicle Sales	205,837	180,567	196,334	-4.6%
Grocery/Pharmacy/Liquor	713,077	632,966	1,024,766	43.7%
Hotels	563,104	454,827	1,123,694	99.6%
Utilities	399,096	374,478	493,382	23.6%
Other Retail	672,437	703,836	797,752	18.6%
Other	996,546	955,737	1,342,758	34.7%
Jewelry	292,221	392,142	466,677	59.7%
Home Furnishings	129,038	152,954	196,065	51.9%
Grant Total	5,786,915	5,348,466	7,645,327	32.1%



Analysis of Revenue and Expenditures

This financial report is for the first nine months of fiscal year 2022 ending September 30, 2022 (FY22). Significant highlights are summarized below.

Summary of All Funds

FY22 year-to-date activity shows a surplus of \$4.9 million in all governmental funds. Revenue and other financing sources total \$60.9 million at the end of this period and are \$17.05 million more than fourth quarter of last year. This increase is primarily due to the issuance of bonds to refund the 2011 Special Obligation bonds and 2014 General Obligation bonds.

Expenditures and other financing uses total \$56.05 million and are \$13.7 million more than the amount spent through the 4th quarter of 2021. This increase was primarily due to the refunding of the 2011 Special Obligation bonds and the 2014 General Obligation bonds.

All Funds Summary				
	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Revenue	\$35,460,451	\$35,412,879	\$39,457,235	\$39,156,660
Other Financing Sources	8,504,272	8,504,272	22,543,842	21,816,209
Revenue & OFS	43,964,723	43,917,151	62,001,077	60,972,870
Expenditures	34,026,358	34,026,358	34,445,911	34,359,326
Other Financing Uses	8,286,221	8,286,221	23,149,086	21,694,147
Expenditures & OFU	42,312,578	42,312,578	57,594,997	56,053,473
Surplus (Deficit)	\$1,652,145	\$1,604,572	\$4,406,080	\$4,919,397

General Fund

The General Fund shows a surplus of \$3.19 million for FY22 compared to last year's surplus of \$1.09 for the 4th quarter. FY21 ended with a surplus of \$1.1 million due to a \$1.7 million grant related to the pandemic.

Revenue: Revenue and transfers-in totals \$30.3 million which is \$2.8 million more than revenue received the 4th quarter of last year. Revenues for sales tax are \$857,919 higher than the 4th quarter of FY21, utility taxes are \$301,518 higher than the 4th quarter of FY21, property taxes are \$768,552 higher than the 4th quarter of FY21 and parking revenues are \$437,480 higher than the 4th quarter of FY21.

Expenditures: Expenditures for FY22 fourth quarter are \$27.1 million, which is \$718,413 more than expenditures for the same period last year. Personnel expenditures, the largest expenditure category, accounts for 70% of budgeted expenses.

General Fund Summary				
	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Revenue	\$26,574,361	\$26,574,361	\$29,385,279	\$29,351,800
Other Financing Sources	954,133	954,133	990,229	989,836
Revenue & OFS	27,528,494	27,528,494	30,375,508	30,341,636
Expenditures	26,436,540	26,436,540	27,884,514	27,154,953
Surplus (Deficit)	\$1,091,954	\$1,091,954	\$2,490,994	\$3,186,682

Special Revenue Funds

The Sewer Lateral Fund received revenue of \$95,605, but only \$65,117 in expenditures were incurred the 4th quarter of FY22. In the Special Business District (SBD) Fund, revenue of \$582,096 was received.

Special Revenue Funds	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Sewer Lateral Revenue	\$95,680	\$95,680	\$94,605	\$95,605
SBD Revenue	464,782	464,782	563,764	582,096
Total Revenue	560,462	560,462	658,369	677,702
Sewer Lateral Expenditures	74,083	74,083	65,117	65,117
SBD Other Financing Uses	535,556	535,556	514,329	514,329
Expenditures & OFU	609,639	609,639	579,446	579,446
Surplus (Deficit)	(\$49,177)	(\$49,177)	\$78,923	\$98,256

Equipment Replacement Fund

Revenue and other financing sources are \$2.47 million for the year which is \$9,591 higher than FY21. Expenditures are \$1,246,865 for the FY22 compared to \$1,004,269 in the prior year. In November 2021 (FY22), the City made the final payment on the ladder truck capital lease initiated in 2009. Expenditures vary based on the items budgeted to be purchased in a particular year.

Equipment Replacement Fund	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Revenue	\$161,094	\$113,522	\$310,115	\$345,074
Other Financing Sources	2,347,477	2,347,477	2,125,516	2,125,516
Revenue & OFS	2,508,571	2,460,999	2,435,631	2,470,590
Expenditures	1,004,269	1,004,269	1,317,972	1,246,865
Surplus (Deficit)	\$1,504,302	\$1,456,729	\$1,117,659	\$1,223,725

Capital Improvement Fund

Revenue and other financing sources are \$5.87 million compared to \$4.73 million for the same period last fiscal year. The quarter's expenditures and other financing uses are \$6.1 million compared to \$5.4 million in FY21.

Capital Improvement Fund	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Revenue	\$4,712,708	\$4,712,708	\$6,192,082	\$5,870,614
Other Financing Sources	14,050	14,050	0	0
Revenue & other financing sources	4,726,758	4,726,758	6,192,082	5,870,614
Expenditures	1,348,956	1,348,956	2,479,236	2,479,237
Other Financing Uses	4,020,004	4,020,004	3,636,362	3,634,544
Expenditures & Other Financing Uses	5,368,960	5,368,960	6,115,598	6,113,781
Surplus (Deficit)	(\$642,202)	(\$642,202)	\$76,484	(\$243,167)

Bond Construction Funds

This section combines three construction funds: 2014 bonds, Center renovations, and the Ice Rink project fund. There has been little revenue or expenditure activity in any of these funds this year as the Center project is complete, the Ice Rink project is on hold.

Bond Construction Funds	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
2014 Bond Revenue	\$773,059	\$773,059	\$219,664	\$218,033
Center Revenue	205,940	205,940	0	0
Ice Rink Revenue	0	0	500,000	500,000
Total Revenue	978,999	978,999	719,664	718,033
Other Financing Sources	4,539,724	4,539,724	517,045	517,045
Revenue & OFS	5,518,723	5,518,723	1,236,709	1,235,078
2014 Bond Expenditures	1,571,289	1,571,289	294,577	294,577
Center Expenditures	595,825	595,825	0	0
Ice Rink Expenditures	0	0	0	0
Total Expenditures	2,167,114	2,167,114	294,577	294,577
Surplus (Deficit)	\$3,351,609	\$3,351,609	\$942,132	\$940,501

Debt Service Funds

These funds show significantly more other financing sources and uses when compared to the prior year because this year includes two bond refunds. Both the 2011 Special Obligation bonds and the 2014 General Obligation bonds were refunded.

Debt Service Funds	FY21 Actual	FY21 Actual Through 4th Quarter	FY22 Amended Budget	FY22 Actual Through 4th Quarter
Revenue	\$2,472,827	\$2,472,827	\$2,691,726	\$2,693,438
Other Financing Sources	648,888	648,888	18,911,052	18,183,812
Revenue & other financing sources	3,121,715	3,121,715	21,602,778	20,877,250
Expenditures	2,995,395	2,995,395	2,404,495	3,118,576
Other Financing Uses	3,730,661	3,730,661	18,998,395	17,545,274
Expenditures & Other Financing Uses	6,726,056	6,726,056	21,402,890	20,663,850
Surplus (Deficit)	(\$3,604,341)	(\$3,604,341)	\$199,888	\$213,400



City Manager
 10 N. Bemiston Avenue
 Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER (DG)
 KAREN DILBER, DIRECTOR OF FINANCE
DATE: FEBRUARY 28, 2023
SUBJECT: ORDINANCE – 4TH QUARTER AMENDMENT TO THE FISCAL YEAR 2022 BUDGET

The City reviews and adjusts budgeted revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses and to update the Board regarding budgetary issues. As part of the quarterly budget review, staff is presenting for your consideration the fourth amendment to the Fiscal Year 2022 (FY22) budget. Most of this amendment consists of actual to budgeted revenues and expenditures and bringing them closer to each other. FY22 was our first full post-pandemic year, and revenues and expenditures were difficult to predict because of the pandemic’s effect on the economy and supply chain.

ALL FUNDS

	FY 2022 Amended Budget	3rd Quarter Amendment Requested	FY 2022 Budget After Amendment	% Change
Beginning Fund Balance	\$39,478,150		\$39,478,150	
Revenues	\$57,755,033	\$4,246,043	\$62,001,076	7.4%
Expenditures	<u>\$61,304,958</u>	<u>(\$3,709,962)</u>	<u>\$57,594,996</u>	-6.1%
Net Change		\$7,956,005		
Ending Fund Balance	\$35,928,225		\$43,884,230	

Below are further explanations, presented by fund, of the items included in this amendment.

General Fund

Revenue—Increase \$2,519,039

- Due to increased assessed valuation, real estate and property taxes saw a large increase in revenue collections.
- Inflation and a return to pre-pandemic activity increased the sales tax revenue.
- Building and construction permits increased significantly.

Expenditures—Net Decrease of \$(648,057)

- The majority of the expenditure decrease is for personnel and related expenditures. The City's staffing levels fluctuated throughout the year, and many departments had multiple vacancies at once.
- Some departments reclassified positions shifting them on the pay scale.
- The Fire Department overtime costs were significantly higher than budgeted due to sickness and injury.
- Fuel costs increased significantly during the fiscal year.
- The costs for services and commodities increased due to supply chain and workforce issues. Because of these issues, some projects were deferred to FY23.

Sewer Lateral Fund

Revenue—No change

Expenditures—Decrease \$(14,883)

- Fewer reimbursement requests in FY22.

Special Business District Fund

Revenue—Increase \$49,435

- Increase due to increased assess valuation and collection of delinquent accounts.....

Debt Service Funds

Revenue—Increase \$1,817,897

- The majority of the increase is due to the FY22 bond refunding.
- The remaining revenue increases are due to the increased assessed valuation and collection of delinquent accounts.

Expenditures—Increase \$1,649,038

- These expense increases are related to the FY22 bond refunding.

Equipment Replacement Fund

Revenue—Decrease \$(125,594)

- The major revenue reduction is due to the traffic signal project carrying over into FY23.

Expenditures—Decrease \$(1,394,847)

- The majority of the savings in this area is due to projects and purchases being delayed until FY23.

Capital Improvement Fund

Revenue—Increase \$1,002,284

- There was an increase in collection of capital improvement sales tax, parks and storm water sales tax, and use tax related to inflation and an increase in economic activity.

- The municipal grant for the playground project from FY21 was received.
- Road and Bridge tax collections increased due to an increase in assessed valuation.

Expenditures—Decrease \$(1,451,845)

- The majority of the savings is due to projects being delayed or carried over into FY23.

Bond Construction Funds

Revenue—Decrease \$(1,017,018)

- Revenues decreased due to the delay in federal projects.

Expenditures—Decrease \$(1,849,368)

- Expenditures decreased due to a delay in federal projects, correlating with the decrease in grant revenue.
- The City was unable to secure bids after multiple attempts for curb and sidewalk work.
- Non-federal projects were delayed or carried over to FY23.

An ordinance is attached incorporating the recommended amendments to the FY22 budget. Exhibit 1-1 provides a fund summary of the effect of the recommended amendments and the percentage effect of the accumulated amendment on each fund. Exhibit 1-2 lists the individual budget line items in this quarter's amendment.

Recommendation: To approve the attached ordinance adopting an amendment to the FY22 budget with a net effect on the City's fund balances of an increase of \$7,956,005.

BILL NO. 6951

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET
AND APPROPRIATING FUNDS PURSUANT THERETO**

WHEREAS, the Board of Aldermen on September 28, 2021, adopted the annual budget for Fiscal Year 2022 commencing October 1, 2021; and

WHEREAS, the Fiscal Year 2022 budget was amended on March 15, 2022, May 10, 2022, August 23, 2022, and is to be amended in the 4th quarter to account for significant changes in revenue and expenditures on a fund basis that may affect the budget by year end.

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

Section 1. The annual Fiscal Year 2022 (FY22) budget for the City of Clayton, Missouri, commencing on October 1, 2021, is hereby amended as reported in Exhibit 1-1, attached hereto and incorporated herein by this reference, and described in detail in the narrative portions of Exhibit 1-2, also attached hereto and incorporated herein by this reference, and summarized below:

	FY 2022 Original Budget	3rd Quarter Amendment Requested	FY 2022 Budget After Amendment
Revenues	\$57,755,033	\$4,246,043	\$62,001,076
Expenditures	\$61,304,958	(\$3,709,962)	\$57,594,996

Section 2. Funds are hereby appropriated as set forth in said Exhibits 1-1 and 1-2. The expenditure of the funds so appropriated shall be subject to the control of the City Manager.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 28th day of February 2023.

Mayor

ATTEST:

City Clerk

City of Clayton								EXHIBIT 1-1	
4th Quarter Fiscal Year (FY) 2022 Budget Amendment									
			FY 22 Original	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 22 Budget	
Fund	Fund Name	Type	Budget	Amendment	Amendment	Amendment	Amendment	After	%
								Amendment	Change
10	General	Beginning Fund Balance	19,914,948					19,914,948	
	Fund	Revenues	27,791,210	0	0	65,259	2,519,039	30,375,508	9.3%
		Expenditures	28,549,563	(38,140)	0	21,148	(648,057)	27,884,514	-2.3%
		Ending Fund Balance	19,156,595	38,140	0	44,111	3,167,096	22,405,942	17.0%
20	Sewer Lateral	Beginning Fund Balance	74,306					74,306	
	Fund	Revenues	94,605	0	0	0	0	94,605	0.0%
		Expenditures	80,000	0	14,333	0	(14,883)	79,450	-0.7%
		Ending Fund Balance	88,911	0	(14,333)	0	14,883	89,461	0.6%
21	Special	Beginning Fund Balance	24,202					24,202	
	Business	Revenues	514,329	0	24,959	0	49,435	588,723	14.5%
	District Fund	Expenditures	514,329	0	18,291	0	0	532,620	3.6%
		Ending Fund Balance	24,202	0	6,668	0	49,435	80,305	231.8%
50	Equipment	Beginning Fund Balance	7,828,678					7,828,678	
	Replacement	Revenues	2,200,316	360,909	0	0	(125,594)	2,435,631	10.7%
		Expenditures	2,188,458	664,498	(140,137)	0	(1,394,847)	1,317,972	-39.8%
		Ending Fund Balance	7,840,536	(303,589)	140,137	0	1,269,253	8,946,337	14.1%
51	Capital	Beginning Fund Balance	8,414,498					8,414,498	
	Improvement	Revenues	4,795,898	0	393,900	0	1,002,284	6,192,082	29.1%
	Fund	Expenditures	6,884,008	220,671	462,764	0	(1,451,845)	6,115,598	-11.2%
		Ending Fund Balance	6,326,388	(220,671)	(68,864)	0	2,454,129	8,490,982	34.2%
61	2014 Bond	Beginning Fund Balance	3,355,140					3,355,140	
	Construction	Revenues	969,864	283,863	0	0	(1,017,018)	236,709	-75.6%
	Fund	Expenditures	1,452,889	691,056	(14,714)	0	(1,849,368)	279,863	-80.7%
		Ending Fund Balance	2,872,115	(407,193)	14,714	0	832,350	3,311,987	15.3%
62	Center of Clayton	Beginning Fund Balance	0					0	
	Construction	Revenues	0	0	15,900	0	0	15,900	0.0%
	Fund	Expenditures	0	0	(33,789)	0	0	-33,789	0.0%
		Ending Fund Balance	0	0	49,689	0	0	49,689	0.0%
63	Ice Rink	Beginning Fund Balance	(1,814,543)					(1,814,543)	
	Construction	Revenues	500,000	0	81,825	0	0	581,825	0.0%
	Fund	Expenditures	0	0	(6,933)	0	0	-6,933	0.0%
		Ending Fund Balance	(1,314,543)	0	88,758	0	0	-1,225,785	-6.8%
All	Debt Service	Beginning Fund Balance	1,680,920					1,680,920	
	Funds	Revenues	3,154,497	16,630,384	0	0	1,817,897	21,602,778	584.8%
		Expenditures	3,090,188	16,663,664	0	0	1,649,038	21,402,890	592.6%
		Ending Fund Balance	1,745,229	(33,280)	0	0	168,859	1,880,808	7.8%
		Beginning Fund Balances	39,478,150					39,478,150	
		TOTAL REVENUES	40,020,719	17,275,155	516,584	65,259	4,246,043	62,123,760	55.2%
		TOTAL EXPENDITURES	42,759,435	18,201,748	299,815	21,148	(3,709,962)	57,572,184	34.6%
		Ending Fund Balances	36,739,434	(926,593)	216,769	44,111	7,956,005	36,073,721	-1.8%

**City of
Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendme nt	Description
Revenue			
General fund			
10.10-400.11	REAL PROPERTY TAXES-CURRENT	82,798	Increase In CPI Resulting in Increased AV
10.10-400.12	REAL PROPERTY TAXES-DELINQUENT	112,808	Collections Of Delinquent Taxes Higher Than Expected
10.10-401.11	PERSONAL PROPERTY TAXES-CURRENT	20,669	Increase In CPI Resulting in Increased AV
10.10-402	FINANCIAL INSTITUTION TAX	127,623	Collections Greater Than Anticipated
10.10-410.11	SALES-USE TAX CITY SALES TAX	260,476	Inflation And Increase in Economic Activity
10.10-410.12	SALES-USE TAX FIRE SALES TAX	210,434	Inflation And Increase in Economic Activity
10.10-410.13	SALES-USE TAX PUBLIC SAFETY SALES TAX	119,396	Inflation And Increase in Economic Activity
10.10-410.14	SALES-USE TAX LOCAL OPTION SALES TAX	178,409	Inflation And Increase in Economic Activity
10.10-411.11	UTILITY TAXES ELECTRIC	309,776	Inflation And Warm Weather
10.10-411.12	UTILITY TAXES GAS	75,021	Inflation And Weather
10.10-411.13	UTILITY TAXES WATER	41,018	Increase In Cost of Utilities
10.10-411.14	UTILITY TAXES TELEPHONE	(105,254)	Decrease In Landlines
10.10-412	CABLE FRANCHISE FEES	(33,542)	Reduction In Cable Services Usage
10.10-417.11	VEHICLE FEES CITY SALES TAX-AUTOS	16,072	Increase Due to Inflation
10.10-425.10	FEDERAL GRANTS GENERAL	53,156	Increase Due to Additional ARPA Funds
10.10-430.10	BUSINESS LICENSE GENERAL	40,716	More Licenses Issued Than Expected
10.10-450	PARKING FINES	109,399	Increase In Downtown Activity
10.10-451	MUNICIPAL COURT FINES	33,066.	Increase In Fine Collections

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
10.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	90,558	Higher Rates of Return
10.10-475.12	EVENT REVENUE EVENT SPONSORSHIP	(5,500)	Fewer Events Held This Year
10.10-480.11	OTHER MISCELLANEOUS COURT CONVENIENCE FEE (IPAY)	5,887	Increase In Collections
10.10-480.12	OTHER MISCELLANOUES PARKING CONVENIENCE FEE	5,682	Increase In Collections
10.20.10-432.10	OTHER LICENSES	85	More Licenses Issued Than Expected
10.20.10-433.11	BUILDING PERMITS BUILDING	311,526	More Construction Permits Issued Than Predicted
10.20.10-433.12	BUILDING PERMITS PLUMBING	3,801	More Construction Permits Issued Than Predicted
10.20.10-433.13	BUILDING PERMITS MECHANICAL	18,052	More Construction Permits Issued Than Predicted
10.25.25-421.12	STAFF REIMBURSEMENTS STL COUNTY POLICE ACADEMY	(16,812)	Staff No Longer Teaching at Academy
10.25.25-421.13	STAFF REIMBURSEMNTS RCCEEG	(47,816)	Detective No Longer Working For RCCEEG
10.25.25-453.11	FALSE ALARMS POLICE	(8,000)	New Cad System Doesn't Track False Alarms
10.30.30-421.17	STAFF REIMBURSEMENTS FIRE TRAINER	18,930	Addition Of a Fourth City
10.30.30-433.14	BUILDING PERMITS FIRE SAFETY	(7,059)	Fewer Permits Issued
10.30.30-438.18	SERVICE FEES-WASHINGTON UNIVERSITY	19,316	Fee Increase
10.30.30-438.20	SERVICE FEES FIRE PROTECTION- CONCORDIA	24,959	No Offsetting Deductions in FY22
10.30.30-438.22	SERVICE FEES FIRE AND EMS REPORT CHARGES	(90)	Fewer Reports Issued
10.30.30-453.12	FALSE ALARMS FIRE	(7,350)	Fewer False Alarms Than Anticipated
10.40.40-415	GAS TAX	16,858	Gas Tax Increase in July 2022 and Fuel Cost Increase
10.40.40-437.14	OTHER PERMITS VALET PARKING PERMITS	15,900	Increase Due to New Construction
10.40.44-460.10	PARKING METERS GENERAL	81,825	Increase In Downtown Activity
10.40.44-460.11	PARKING METERS BONHOMME GARAGE	176,543	Increase In Downtown Activity
10.40.44-460.12	PARKING METERS SHAW PARK	6,074	Increase In Downtown Activity

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

<u>Account #</u>	<u>Account Name</u>	<u>4th Quarter Amendment</u>	<u>Description</u>
10.40.44-462	PARKING AGREEMENTS	(30,474)	Stl Parking Revenue Down
10.40.44-463	PARKING SPACE RENTALS	202,490	Increase In Parking Space Rentals
10.50.10-421.16	STAFF REIMBURSEMENTS INCLUSION COORDINATOR	(9,135)	Only three outside cities participated in the inclusion coordinator program in FY22.
10.50.10-427.10	DONATIONS GENERAL	(5,881)	Reimbursement for Chapman Plaza Maintenance expenses was lower than previous years.
10.50.10-444.13.12	OTHER - RENTALS FIELDS	(8,820)	Social league sports companies we have rented to in the past are not conducting leagues post-pandemic and reduced corporate outings resulting in reduced rentals revenue.
10.50.10-444.13.13	OTHER - RENTALS SHELTERS	14,877	Continued to see high demand throughout FY22 for outdoor picnic reservations.
10.50.10-444.17	DOG PARK PASSES	(13,628)	Dog Park did not reopen until June 2022 and passes were prorated to one fourth of annual fee (renewal coincides with fiscal year).
10.50.10-476	PROPERTY LEASES	(8,000)	Missing payment for one month from CECC. Have reached out to inquire about missing payment.
10.50.60-440.13	AQUATICS RENTALS	14,332	CSP and Water Polo tournaments returned this summer
10.50.60-440.14	AQUATICS - PROGRAMS	18,291	Offered the first full season of swim lessons since pandemic; camp and private swim lesson participation was strong this summer.
10.50.62-442.12	TENNIS CENTER ADMISSIONS	(5,663)	More tennis players participated in instructional programming versus paying daily fees this summer.
10.50.62-442.14	TENNIS PROGRAMS	50,675	Strong enrollment in camps as well as private tennis instruction.

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
10.50.63-443.19	SPORTS PROGRAMS - ADULT	(14,714)	Fewer corporate softball teams participating since the pandemic.
10.50.63-443.20	SPORTS PROGRAMS - YOUTH	(33,789)	Part of FY22 revenue for soccer was realized in FY21 due to change in recreation software systems.
10.50.69-421.18	STAFF REIMBURSEMENTS CCF	(6,933)	Regular part time assistant not hired until mid-year.
Total General Fund Revenue Amendment		2,519,039	
Special Business District			
21.10-400.11	REAL PROPERTY TAXES CURRENT	20,723	Increase In CPI Resulting in Increased AV
21.10-400.12	REAL PROPERTY TAXES DELINQUENT	28,712.	Collections Of Delinquent Taxes Higher Than Expected
Total Special Business District		49,435	
Debt Service Funds			
32.10-400.11	REAL PROPERTY TAXES CURRENT	487,627	Increase In CPI Resulting in Increased AV
32.10-400.12	REAL PROPERTY TAXES DELINQUENT	5,648	Collections Of Delinquent Taxes Higher Than Expected
35.10-400.11	REAL PROPERTY TAXES CURRENT	34,893	Increase In CPI Resulting in Increased AV
35.10-400.12	REAL PROPERTY TAXES DELINQUENT	29,477	Collections Of Delinquent Taxes Higher Than Expected
35.10-401.11	PERSONAL PROPERTY TAXES CURRENT	9,879	Increase In CPI Resulting in Increased AV
35.10-401.12	PERSONAL PROPERTY TAXES DELINQUENT	456	Collections Of Delinquent Taxes Higher Than Expected
35.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	5,219	Higher Rates of Return
36.10-499.31	TRANSFERS FROM 2011 SO BOND FUND	561,569	New Bond Fund
37.10-400.11	REAL PROPERTY TAXES CURRENT	(405,615)	New Bond Fund
37.10-400.12	REAL PROPERTY TAXES DELINQUENT	10,900	New Bond Fund
37.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	7,420	New Bond Fund
37.10-499.32	TRANSFER FROM 2014 GO BONDS	1,070,424	FY22 Bond Refunding
Total Debt Service Funds		1,817,897	

City of Clayton
4th Quarter Budget Amendment - FY 2022

EXHIBIT 1-2

4th Quarter

Account # Account Name Amendment Description

Equipment Replacement Fund			
50.10-425.10	FEDERAL GRANTS GENERAL	(241,517)	Traffic signal project carried into FY23
50.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	41,339	Higher Rates of Return
50.10-480.10	OTHER MISCELLANEOUS GENERAL	42,859	Insurance Reimbursements
50.10-490.10	SALE OF ASSETS GENERAL	31,725	Sold Assets at A Higher Value Than Expected
Total Equipment Replacement Fund		(125,594)	
Capital Improvement Fund			
51.10-410.15	SALES-USE TAX CAPITAL IMPROVEMENT SALES TAX	321,865	Inflation And Increase in Economic Activity
51.10-410.16	SALES-USE TAX PARKS-STORM WATER SALES TAX	553,052	Inflation And Increase in Economic Activity
51.10-410.17	SALES-USE TAX USE TAX	403,189	Inflation And Increase in Economic Activity
51.10-425.11	FEDERAL GRANTS TRANSPORTATION	(20,000)	20k CDBG, funds not distributed in FY22
51.10-426.11	STATE AND LOCAL GRANTS STATE	(491,855)	\$267,615 - Municipal Grant for Playground Project (carryover from FY21) - should have been in 426.11 \$225,000 - Municipal Grant for MD Park (included in 427.11) - did not receive as project has not been started due to over budget bids
51.10-426.12	STATE AND LOCAL GRANTS LOCAL	267,615	\$267,615 - Municipal Grant for Playground Project (carryover from FY21)
51.10-427.11	DONATIONS PROJECT	(115,362)	Budget included \$200k for playground which should have been in Local Grants. Adjustment needs to be made which will result in total grants from CCF for these projects: \$38,470 - Maryland Park and \$109,015 - Oak Knoll Park
51.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	30,832	Higher Rates of Return
51.40.40-418	ST. LOUIS COUNTY ROAD & BRIDGE TAX	52,948	Increase In CPI Resulting in Increased AV
Total Capital Improvement Fund		1,002,284	
Bond Construction Funds			
61.10-425.10	FEDERAL GRANTS GENERAL	(971,823)	Design and property acquisition delayed construction start beyond FY22
61.10-470.11	INTEREST AND DIVIDENDS INTEREST ON INVESTMENTS	12,760	Higher Rates of Return
61.10-499.32	TRANSFERS IN FROM 2014 GO BOND FUND	17,045	Arbitrage Calculation
61.10-499.51	TRANSFER FROM CAPITAL IMPROVEMENT FUND	(75,000)	Citywide Lighting Project Did Not Occur
Total Bond Construction Funds		(1,017,018)	
Total Revenue Amendment		4,246,043	

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
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Expenditures

General Fund			
10.17.15-500	FULL TIME SALARIES	36,456	Position reclassifications
10.17.15-615	PRINTING & PHOTOGRAPHY	6,894	Position reclassifications
10.17.15-640.10	SERVICE CONTRACTS GENERAL	10,498	Position reclassifications
10.17.16-500	FULL TIME SALARIES	11,724	Position reclassifications
10.17.17-510	OVERTIME	(38,810)	2 Restaurant Week Events were not conducted, Wine & Music was temporarily shrunk, and the budget contains 1 to be determined event which did not take place.
10.17.17-675	Events	(56,251)	2 Restaurant Week Events were not conducted, Wine & Music was temporarily shrunk, and the budget contains 1 to be determined event which did not take place.
10.17.19-500	FULL TIME SALARIES	10,829	Position reclassifications
10.17.19-665	EDUCATION BENEFITS	(24,978)	Fewer staff members made use of tuition reimbursement program
10.17.19-676	EMPLOYEE RELATIONS	(15,035)	Some employee relations events did not take place, or were less than anticipated
10.17.20-500	FULL TIME SALARIES	(20,418)	Not fully staffed for fiscal year
10.17.20-570.11	MEDICAL INSURANCE PREMIUMS	(8,068)	Not fully staffed for fiscal year
10.17.20-605.11	UTILITIES TELEPHONE AND CABLE	(5,524)	Actual costs less than anticipated
10.17.20-610.10	TRAVEL & TRAINING GENERAL	(12,438)	Costs not incurred due to staff turnover
10.17.20-630.11	MAINTENANCE & REPAIR EQUIPMENT	(26,305)	Less equipment maintenance & repair than expected
10.17.20-640.10	SERVICE CONTRACTS GENERAL	33,358	End Point Detection System and PD Firearms Simulator Lease Payment
10.17.20-755.26	OTHER SUPPLIES & MATERIALS TECHNOLOGY	(13,450)	Fewer supplies required
10.17.21-505.10	PART-TIME GENERAL	(11,368)	PT staff resignation
10.17.21-510	OVERTIME	(8,255)	Fewer OT costs than expected
10.17.21-640.10	SERVICE CONTRACTS GENERAL	10,129	Passport fees higher due to more tickets, REJIS cost more than anticipated
10.20.10-500	FULL-TIME SALARIES	(87,895)	Vacant Positions
10.20.10-540	FICA-EMPLOYER PORTION	(7,017)	Vacant Positions
10.20.10-570.11	MEDICAL INSURANCE PREMIUMS	(19,898)	Vacant Positions
10.30.30-510	OVERTIME	248,467	Increase in overtime due to sickness and injuries in excess of adopted budget

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
10.40.40-500	FULL TIME SALARIES	(125,692)	Not fully staffed for fiscal year
10.40.40-505.10	PART-TIME GENERAL	(19,040)	Interns not hired for FY22
10.40.40-540	FICA-EMPLOYER PORTION	(12,147)	Not fully staffed for fiscal year
10.40.40-570.11	MEDICAL INSURANCE PREMIUMS	(18,509)	Not fully staffed for fiscal year
10.40.40-605.11	UTILITIES TELEPHONE AND CABLE	(6,106)	Reduction of devices and fewer employees during FY22
10.40.40-610.10	TRAVEL AND TRAINING GENERAL	(7,696)	Lower staff count, workload and other reasons did not permit attending all conferences
10.40.40-635.13	PROFESSIONAL SERVICES ARCHITECTS & ENGINEERS	(16,500)	Minimal design services outside of projects needed in FY22
10.40.40-670	WASTE & RECYCLING	(51,181)	Fine & projected new units came online part way into fiscal year
10.40.41-500	FULL-TIME SALARIES	(102,710)	Not fully staffed for fiscal year
10.40.41-505.10	PART-TIME GENERAL	(20,608)	Limited seasonal employees hired in FY22
10.40.41-510	OVERTIME	(9,977)	Not fully staffed for fiscal year
10.40.41-540	FICA-EMPLOYER PORTION	(12,062)	Not fully staffed for fiscal year
10.40.41-570.11	MEDICAL INSURANCE PREMIUMS	(37,141)	Not fully staffed for fiscal year
10.40.41-590	WORKERS COMPENSATION	(10,905)	Not fully staffed for fiscal year
10.40.41-605.12	UTILITIES WATER	12,236	4% increase over FY21, will need to adjust future budgets
10.40.41-630.11	MAINTENANCE & REPAIR EQUIPMENT	(5,500)	Radios not replaced in FY22
10.40.41-630.12	MAINTENANCE & REPAIR FACILITIES	(25,000)	Contractor issues and approved for repairs in FY 23 CIP
10.40.41-640.10	SERVICE CONTRACTS GENERAL	(3,323)	Multiple bid/quote projects that ended up 1.1% under budget on aggregate
10.40.41-725	SNOW & ICE CONTROL MATERIALS	(15,773)	Reduced salt purchase based on weather and to clean out dome before restocking in FY23
10.40.41-735.11	CONSTRUCTION MATERIALS CONCRETE	(5,753)	Available labor led to less concrete work than planned
10.40.42-505.10	PART-TIME GENERAL	(9,520)	Interns not hired for FY22
10.40.42-605.14	UTILITIES NATURAL GAS	(6,354)	Lower use than estimated superseded higher cost to yield savings
10.40.42-605.15	UTILITIES ELECTRICITY	(28,750)	Lower use than estimated superseded higher cost to yield savings
10.40.42-630.11	MAINTENANCE & REPAIR EQUIPMENT	31,191	~\$25k 10 S Brent HVAC Repair (approved budget \$2.5k)
10.40.42-630.12	MAINTENANCE & REPAIR FACILITIES	(12,445)	Fewer Building Component Corrective Repairs than forecasted
10.40.42-755.10	OTHER SUPPLIES & MATERIALS GENERAL	5,875	50% of overage for Water Bottle Fill Stations covered by Grant. Remaining overage due to July Flooding costs with possible FEMA reimbursement.
10.40.42-755.14	OTHER SUPPLIES & MATERIALS MAINTENANCE PARTS	9,998	~\$7k overage HVAC Corrective Repairs (~95% 10 S Brent)

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
10.40.42-850	FACILITY IMPROVEMENTS	(5,881)	10 S Bent Front Doors and Access Controls delayed. Fire Dept BC Training Office not in budget.
10.40.43-500	FULL-TIME SALARIES	(28,872)	Not fully staffed for fiscal year
10.40.43-505.10	PART-TIME GENERAL	14,204	Former FT used as PT to fill staffing gap
10.40.43-630.16	MAINTENANCE & REPAIR CERTIFICATIONS	(6,736)	All Certifications not completed in FY22
10.40.43-686.12	INSURANCE DEDUCTIBLES & LOSSES-PROP. VEHICLES	19,109	Auto Insurance Deductibles not budgeted
10.40.43-750	VEHICLE PARTS	9,689	Inflation on Auto Parts
10.40.43-751	FUEL & LUBRICANTS	25,632	Average cost of Diesel increased \$1.75/gal and Gasoline increased \$1/gal
10.40.44-505.10	PART-TIME GENERAL	(8,960)	Seasonal employee not hired in FY22
10.40.44-640.10	SERVICE CONTRACTS GENERAL	(33,662)	Parkeon fees lower than anticipated
10.40.44-640.13	SERVICE CONTRACTS PARKING	7,496	Overage due to July Flooding costs with possible FEMA reimbursement.
10.40.44-655	BANKING & CREDIT CARD FEES	(55,725)	Banking and Credit card fees less than anticipated
10.40.45-605.16	UTILITIES ELECTRICITY-STREET LIGHTING	14,560	Overage due to continuing to align lights in correct billing area.
10.40.45-640.10	SERVICE CONTRACTS GENERAL	(22,866)	Non-programmed traffic signal modifications not needed in FY22
10.40.45-740.11	TRAFFIC SUPPLIES TRAFFIC SIGNALS	(5,250)	Parts purchased as needed for repairs and stock, less required for FY22
10.50.10-500	FULL TIME SALARIES (ADMINISTRATION)	23,613	Payout for unused leave time for retiring director.
10.50.10-570.11	MEDICAL INSURANCE PREMIUMS	(9,830)	Changes in full time personnel from budgeted amount.
10.50.10-700.12	PUBLICATIONS	8,181	Parks & Rec Activity Guide now charged to this account

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
10.50.60-505.10	PART TIME GENERAL (SPAC)	6,573	Additional salaries incurred due to increase in group and private swim lesson instruction.
10.50.60-605.12	UTILITIES - WATER (SPAC)	21,455	Additional expense of refilling Baby Pool mid-summer and Competition pool in August due to glass.
10.50.60-605.13	UTILITES -SEWER (SPAC)	(16,890)	Timing of bills results in fluctuations in this account. Would expect to see larger expense on next bill, as the Competition Pool was drained and refilled in August.
10.50.60-630.11	MAINTENANCE & REPAIR - EQUIPMENT	(6,257)	Fewer equipment repairs than anticipated.
10.50.60-640.14	SERVICE CONTRACTS AQUATIC MANAGEMENT	(38,489)	Ongoing shortage of lifeguards, vacancies were filled by salaried management staff of contractual service provider.
10.50.60-755.10	OTHER SUPPLIES GENERAL	5,421	Replacement of speakers that were not functioning.
10.50.61-605.13	UTILITIES - SEWER (SPIR)	29,487	Could not terminate utilities until actual demolition began, which was delayed.
10.50.63-505.10	PART-TIME GENERAL (SPORTS)	(16,688)	Short staffed for soccer in fall; full-time staff and coaches filled in where there were shortages for officials. Also, under due to smaller adult leagues.
10.50.64-500	FULL-TIME SALARIES (PARKS)	(69,452)	Open full-time positions this year.
10.50.64-505.10	PART-TIME GENERAL (PARKS)	(16,860)	Open seasonal laborer positions this year.
10.50.64-510	OVERTIME	(6,074)	Fewer off season rentals than previous year.
10.50.64-540	FICA	(8,469)	Reduction due to open positions.
10.50.64-570.11	MEDICAL INSURANCE PREMIUMS	(17,566)	Reduction due to open full-time positions.
10.50.64-605.11	UTILITIES - TELEPHONE AND CABLE	(5,195)	Under original IT budget figures
10.50.64-605.13	UTILITIES - SEWER	(19,281)	Timing of bills results in fluctuations in this account.
10.50.64-630.11	MAINTENANCE & REPAIR - EQUIPMENT	(6,491)	Fewer repairs needed to park equipment.
10.50.64-630.12	MAINTENANCE & REPAIR - FACILITIES	16,968	Multiple unexpected repairs to backflow systems throughout parks; additional expense for remote locks at Shaw Park shelters.
10.50.64-640.10	SERVICE CONTRACTS GENERAL	26,108	Additional expenses due to extra application of top-dressing mulch twice per year. Issues with pond pumps at Chapman Plaza, which is reimbursed by donor.
10.50.64-755.10	OTHER SUPPLIES AND MATERIALS GENERAL	5,258	Over due to cost of replacement accessible swing for inclusion playground (\$5500)
10.60.80-685.11	INSURANCE PREMIUMS PROPERTY	5,707	Premiums were higher than expected
10.60.80-685.12	INSURANCE PREMIUMS GENERAL LIABILITY	8,723	Premiums were higher than expected
Total General Fund		(648,057)	

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
Sewer Lateral Fund			
20.40.40-680	SEWER LATERAL REIMBURSEMENTS	(14,883)	Fewer reimbursement requests in FY22 than 10-year average (31 vs 40)
Total Sewer Lateral Fund		(14,883)	
Debt Service Funds			
31.60.81-999.36	TRANSFER OUT TO 2021 BONDS	561,569	FY22 Bond Refunding
31.70.10-900.11	DEBT SERVICE PRINCIPAL	(470,000)	FY22 Bond Refunding
31.70.10-900.12	DEBT SERVICE INTEREST	(91,569)	FY22 Bond Refunding
32.60.81-999.37	TRANSFER TO 2022 GO REFUNDING BOND	1,070,424	F22 Bond Refunding
32.60.81-999.61	TRANSFER TO 2014 GO BOND CONSTRUCTION FUND	17,045	Arbitrage Calculation
32.70.10-900.12	DEBT SERVICE INTEREST	(163,669)	FY22 Bond Refunding
36.70.10-970	TRANSFER TO TRUSTEE	561,569	New Bond Fund
37.70.10-970	TRANSFER TO TRUSTEE	163,669	New Bond Fund
Total Debt Service Funds		1,649,038	
Equipment Replacement Fund			
50.17.20-815	TECHNOLOGY PROJECTS	(203,393)	Pd Firearms Lease Payment Moved to General Fund
50.40.40-800	VEHICLES	(33,327)	#222 SUV purchase on hold until Principal CE filled.
50.40.41-800	VEHICLES	(57,544)	#244 Pick-Up ordered and scheduled to receive in FY23. #282 Air Compressor purchase on hold.
50.40.41-805	EQUIPMENT	(8,089)	Tree Carrier attachment purchase delayed
50.40.42-805	EQUIPMENT	(30,000)	Manlift delayed until FY23
50.40.42-850	FACILITY IMPROVEMENTS	(447,355)	10 N Bem - Elevator Reno, Chilled Water Pumps, Carpet, Painting and Furniture for Council Chamber and Admin Conf Rm held over FY22.
50.40.44-805	EQUIPMENT	(60,464)	Parkeon replacements delayed until FY23
50.40.45-800	VEHICLES	(163,965)	#247 Ordered in FY22 anticipated delivery in FY23
50.40.45-805	EQUIPMENT	(321,972)	Contract maximum \$363,900 w/\$291,120 reimbursable, will capture recent change orders but likely will not expend all
50.50.64-800	VEHICLES	(68,738)	Delayed purchase of Toolcat while staff researched other options.
Total Equipment Replacement Fund		(1,394,847)	

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

**4th Quarter
Amendment**

Account # Account Name Description

Capital Improvement Fund			
51.40.40-635.11	PROFESSIONAL SERVICES CONSULTANT	(78,000)	Project delayed by BOA to FY23
51.40.41-820	CURBS & SIDEWALKS	(20,000)	CDBG Funding not available in FY22
51.40.41-840.10	ROADS & LOTS GENERAL	(3,761)	Rejuvenator application to be complete in FY23 due to areas of project impact by utility work
51.40.41-840.11	ROADS & LOTS RESURFACING	(140,000)	CBD Phase 1 design and right of way to complete in FY23. Construction FY23/24
51.40.41-840.12	ROADS & LOTS MICROSURFACING	(42,937)	Portions of project not complete as more extensive repairs are required. Move contingency and remaining funds to FY23 project to capture repairs (Westmoreland and Pershing repairs).
51.40.42-850.10	FACILITY IMPROVEMENTS GENERAL	(283,834)	10 N Bem AHU #4 Improvements (\$215k) not implemented. 10 S Brent PD Training Rm Designed FY22 and Construction in FY23.
51.50.10-645	CONTRIBUTION TO CRSWC	60,476	City's portion of final contribution for FY20 deficit was greater than anticipated by \$77,000. This account also includes an additional overage of \$93,447 for Natatorium roof repairs (City's portion).
51.50.64-870.10	PARK IMPROVEMENTS - GENERAL	(250,000)	Budget included \$250K for Maryland Park, which was moved to account 870.24; project delayed for additional funding as bids came in over budget.
51.50.64-870.11	FACILITIES IMPROVEMENTS - SHAW PARK	(526,656)	Rink demolition, electric relocation and service road repairs were delayed.
51.50.64-870.13	FACILITY IMPROVEMENTS OAK KNOLL PARK	(5,973)	Project expenses offset by donation; project was completed under budget.
51.50.64-870.16	FACILITY IMPROVEMENTS ANDERSON PARK	(63,900)	Project expenses offset by donation; due to the delayed reopening of the dog park, project to be completed in FY23.
51.50.64-870.24	FACILITY IMPROVEMENTS MARYLAND PARK	(22,260)	Project expenses offset by grant funding and donations. Due to the bids coming in over budget, project was delayed to secure additional funding and is expected to be completed in FY23.
51.60.81-999.61	TRANSFER TO 2014 GO BOND CONSTRUCTION FUND	(75,000)	Citywide Lighting Project Did Not Occur
Total Capital Improvement Fund		(1,451,845)	

**City of Clayton
4th Quarter Budget Amendment - FY 2022**

EXHIBIT 1-2

Account #	Account Name	4th Quarter Amendment	Description
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Bond Construction Funds			
61.40.40-635.10	PROFESSIONAL SERVICES GENERAL	(300,000)	Workload delayed design to FY23. (City wide preliminary plans for lighting)
61.40.41-820	CURBS & SIDEWALKS	(99,865)	No bids secured for FY22 work after multiple biddings
61.40.41-825	STREETSCAPES	(60,843)	Work load delayed RFP development until FY23 (Linden Ave. lighting)
61.40.41-840.11	ROADS & LOTS RESURFACING	(1,388,660)	Design and property acquisition delayed construction start beyond FY22
Total Bond Construction Funds		(1,849,368)	
Total Expenditure Amendment		(3,709,962)	



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: FEBRUARY 28, 2023
SUBJECT: ORDINANCE – AUTHORIZING A SMALL VEHICLE SHARING PROGRAM IN COOPERATION WITH OTHER MUNICIPALITIES

The Board of Aldermen approved an intergovernmental agreement with the cities of Brentwood, Maplewood and Richmond Heights for small vehicle (e-scooter) permitting on July 28, 2020. The City of Brentwood had been providing the permitting services for the partner cities. Brentwood has since pulled out of the partnership. The attached agreement removes Brentwood from the agreement and revises the program to make Clayton the permitting agency. No other changes are being proposed.

There is currently only one permitted small vehicle vendor in the partner cities (Bird). The administrative burden related to small vehicle permitting is minimal.

Staff recommends approval of the Intergovernmental Cooperation Agreement.

BILL NO. 6952

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SMALL VEHICLE SHARING PROGRAM IN THE CITY OF CLAYTON, MISSOURI, IN COOPERATION WITH OTHER MUNICIPALITIES AND APPROVING A FEE SCHEDULE IN CONNECTION THEREWITH

WHEREAS, the cities of Clayton, Maplewood, and Richmond Heights wish to cooperate with one another to provide a small vehicle sharing program throughout those municipalities and in cooperation with other municipalities who may adopt similar programs; and

WHEREAS, Section 70.220 RSMo authorizes cities to work in a cooperative manner; and

WHEREAS, cooperation among the cities will provide a more efficient and enhanced service for the City and result in a reduction of the costs incurred by the City for the provision of the program;

WHEREAS, the City of St. Louis has developed a bike and small vehicle sharing program upon which the Cities may similarly permit the use of bikes and other small vehicle sharing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. The SMALL VEHICLE SHARING PROGRAM, in cooperation with the Cities of Maplewood, and Richmond Heights, attached hereto and incorporated herein, as **Exhibit A** is hereby approved. The program documents as executed shall be in substantially the form of **Exhibit A**, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Manager and her designees are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement. The fee schedule set out in Exhibit A is hereby approved.

SECTION 2. In the event that the Cities of Maplewood, and Richmond Heights do not execute the Agreement in substantially the same form as executed by the City hereunder, this ordinance and any and all actions taken pursuant hereto may be revoked.

SECTION 3. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 28th day of February 2023.

Mayor

ATTEST:

City Clerk

EXHIBIT A

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement"), THAT OUTLINES THE PERMIT AND PERMIT APPLICATION FOR A SMALL VEHICLE SHARE PROGRAM, WHICH WILL OPERATE WITHIN THE CITY OF CLAYTON, CITY OF MAPLEWOOD AND THE CITY OF RICHMOND HEIGHTS, is entered into on the effective date hereinafter set forth, by and between the City of Clayton, Missouri ("Clayton"), City of Maplewood, Missouri ("Maplewood"), and the City of Richmond Heights, Missouri ("Richmond Heights") (collectively: "Cities"):

WITNESSETH

WHEREAS, a goal of Clayton, Maplewood and Richmond Heights is to provide safe and affordable multi-modal transportation options to all residents, reduce traffic congestion, and maximize carbon-free mobility; and

WHEREAS, the Cities wish to cooperate with one another to provide a small vehicle share program throughout their municipalities; and

WHEREAS, cooperation among the Cities will provide a more efficient and enhanced service to their respective communities; and

WHEREAS, Chapter 70 of the Revised Statutes of Missouri authorizes joint exercise by two or more local governments of any power common to them; and

WHEREAS, it is the desire of the Cities to enter into this Agreement to protect the health, safety and welfare of their citizens.

NOW, THEREFORE, for and in consideration of the promises, the mutual advantages to be derived therefrom and in consideration of the mutual covenants herein contained it is agreed by and between the parties hereto as follows:

1. Cooperative Agreement Established. Pursuant to the joint powers authorization of Chapter 70 of the Revised Statutes of Missouri, the undersigned Cities hereby enter into a cooperative agreement outlining responsibilities and reimbursement process for a Small Vehicle Share Program.

2. Description of Permit Requirements. The Small Vehicle Share Program consists of, but is not limited to the standards, procedures, requirements and terms described on and incorporated in the *Permit Requirement* document (Exhibit #1) and *Permit application/issuance form* (Exhibit #2) attached hereto and incorporated herein by this reference as if fully and completely set forth herein.
3. Clayton Action and Responsibility. Clayton will administer the permitting functions for the Small Vehicles Share Program on behalf of the three municipalities. In addition, Clayton will be responsible for collecting permit fees and distributing the proceeds thereof to the Cities equally.
4. Obligations of all Cities. The City Managers/Administrators, or their designees, of the Cities shall approve, by majority vote, the Permit Recommendation from the City of Clayton when an application is received.

The City Managers/Administrators, or their designees, of the Cities shall attend any hearing of any permit holder in regard to increase of fleet size or discipline of a permit.
5. Enforcement. Each City shall have the right to enforce this Agreement against another City. If in conjunction with enforcing this Agreement, legal action is necessary, the breaching or defaulting City shall pay reasonable attorney's fees as adjudicated by the Court. The laws of the State of Missouri shall apply to the interpretation and enforcement of this Agreement. The Cities consent to the exclusive jurisdiction of the Circuit Court of St. Louis County, Missouri, to resolve any and all conflicts that arise from this Agreement or are contemplated by this Agreement. The language used in this Agreement shall be deemed to be language chosen by all Cities to express their mutual intent, and no rule of strict construction against any City shall apply to any term or condition of this Agreement.
6. Entire Agreement. This constitutes the entire agreement between the Cities and supersedes all previous discussions and agreements and may not be modified by any City except in writing, executed by each City.
7. Voluntary Agreement. This Agreement is freely and voluntarily executed by the Parties hereto, without any duress or coercion, and after each Party has had the opportunity to consult with its counsel. Each Party has carefully and completely read all of the terms and provisions of this Agreement.

8. Termination of Prior Agreement; Effective Date and Duration. This Agreement modifies and replaces in its entirety the Agreement previously entered into by the Cities and the City of Brentwood, Missouri, in July 2020, and shall be effective upon the date of the latest signature, below. This Agreement shall continue in perpetuity unless terminated or renegotiated by the parties.

Any City may request renegotiation of this Agreement at any time.

Any City may terminate its participation in this Agreement, with or without cause and for its own convenience, upon 120 days written notice to the other Cities

9. Authorization. Prior to the execution of this Agreement, each City shall deliver to the others a certified copy of a suitable ordinance or resolution authorizing the execution of the execution of this Agreement.

IN WITNESS WHEREOF, the undersigned have set their signatures on the respective dates set forth below. This document may be signed in duplicate originals.

[Remainder of Page Intentionally Blank]

CITY OF CLAYTON, MISSOURI

By: _____
Name and Title Date

Attest:

By: _____
Name and Title

CITY OF MAPLEWOOD, MISSOURI

By: _____
Name and Title Date

Attest:

By: _____
Name and Title

CITY OF RICHMOND HEIGHTS, MISSOURI

By: _____
Name and Title Date

Attest:

By: _____
Name and Title

Permit Requirements



Small Vehicle Share Program
City of Clayton
City of Maplewood
City of Richmond Heights

Please submit applications to:

City of Clayton
Public Works Department
10 N. Bemiston
Clayton, MO 63105
Phone: 314.290.8540

1.0 General Information

Project Title and Location

Title: City of Clayton, Maplewood & Richmond Heights Small Vehicle Share Program

Location: The project is envisioned for phased implementation across the cities of Clayton, Maplewood and Richmond Heights.

Inquires and Project Management: All communications concerning this permit shall be directed to the permitting entity. The permitting entity is:

City of Clayton
Public Works Department
10 N. Bemiston
Clayton, MO 63105
Phone: 314.290.8540

2.0 Background

Vendors are required to read and understand all information contained within this entire *Permit Requirements* document and the *Permit* application/issuance form attached hereto. By applying for a Permit, the vendor agrees to read and comply with all terms, conditions, standards and requirements of the Program.

Purpose: A permit for the Small Vehicle Share Program is issued by the City of Clayton, Missouri, through the City of Clayton Public Works Department, on behalf of the cities of Clayton, Richmond Heights and Maplewood. The Cities of Clayton, Maplewood and Richmond Heights (hereinafter referred to as “the Cities”) are interested in implementing a multi-year Small Vehicle Share program. The goal of the program is focused on the 11 goals listed below for the citizens of their respective cities and for those who visit their cities. The Cities are open to applications from qualified vendors regarding small vehicle share solutions. Applications should be from vendors with previous experience implementing and supporting a vehicle share program.

The Goal of the Small Vehicle Share Program includes:

1. Enhance the public transit network
2. Promote travel to landmarks, parks, trails, and shopping districts
3. Improve the Cities’ image and attract new residents and businesses
4. Increase physical activity to benefit public health
5. Increase access to job opportunities and education
6. Expand mobility options for low-income neighborhoods
7. Create an equitable and accessible system for all races, income levels, cultures, and abilities
8. Use vehicle share to leverage more vehicle infrastructure
9. Serve visitors and tourists to maximize revenue
10. Connect neighborhoods across racial, cultural, and physical divides
11. Improve air quality and reduce motor vehicle traffic

The Cities are permitting qualified companies, organizations, vendors, or other entities to design, build, operate, maintain, manage, and market a modern small vehicle share system through a network of publicly-accessible small vehicles located throughout the city. Ideally, this system would enable the public to access shared small vehicles available in the public right-of-way or on public or publicly accessible private property as an extension of the public transportation system and as a new mobility option for residents and visitors to our cities. This system could be dockless, with free-standing vehicles that don't require racks or stations; station-based, where vehicles are checked out from a station and returned to another station; or a blend of the two system types. The system is anticipated to be available to the public 24- hours per day, 7 days per week. The system could be expanded in phases.

The St. Louis region benefits from the nationally-acclaimed "Metro" public transportation system run by Bi-State Development Agency. There are currently 46 miles of light rail tracks and 37 light rail stations in the City of St. Louis, St. Louis County, and St. Clair County in Illinois. Next year, the 38th station will begin operation in the Cortex District, responding to the demand generated by that new economic development engine. There are also 79 MetroBus routes and a paratransit service for the elderly and disabled. The City of St. Louis has built over 133 miles of bike facilities, and Great Rivers Greenway, a regional governmental agency voted into being through a sales tax in 2000, has built over 113 miles of bike and pedestrian greenways throughout the region. The City of St. Louis was awarded Silver Level Bike Friendly Community by the League of American Bicyclists in May 2017.

Small Vehicle Share programs are fast becoming an expected mobility option in American cities, complementing other mobility options, resulting in reduced car usage, increased rates of transit use, lower parking demand, increased sales for local small businesses, and improved public health, among other positive outcomes. In St. Louis, vehicle sharing will address first-mile/last-mile concerns related to public transportation, reduce unnecessary car traffic in congested areas, draw more visitors to the city, and help visitors travel between attractions.

3.0 Permit Requirements

A permit allows small shared vehicles and/or stations to be located primarily in the public right-of-way as well as on public property and publicly-accessible private property, in coordination with the City and station/system sponsors.

Term and Size:

- Permits must be renewed yearly. The Cities reserve the right to revise the Program and permit requirements from time to time to accommodating changing technology, needs, and priorities.
- The minimum fleet size upon launch is 100 vehicles, equally distributed amongst all three cities. The fleet may then expand to 250 vehicles in the first year of operation. If the company can demonstrate an upward trend in rides per vehicle per day and has implemented their education plan, then the Superintendent of Operations can approve an increase in fleet size. The Cities would like to see at least 2 rides per vehicle per day and/or other metrics analyzing vehicle usage to be considered for an increase in a fleet above 250 vehicles. Permitted operators shall notify the Cities if they plan to change their

fleet size two weeks before deployment; and include payment for the additional fee for the expanded fleet.

Maintenance and Safety:

The small shared vehicles and/or stations will be maintained to a high standard of function and cleanliness. The Vendor will be solely responsible for maintenance of the stations, the vehicles, technology, locking systems, advertising, and any other elements of the Vehicle Share system.

- All bicycles used in systems permitted under this permit Program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210
- Each vehicle must comply with all applicable State and local laws, including any required front and rear lights, bell, and reflectors
- Each vehicle must be equipped with a locking mechanism and/or smart technology equipment to prevent theft, as well as permanently affixed real-time GPS tracking device in order to track ridership data, owned and provided by the vehicle share operator
- Vehicles must have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay illuminated for at least 90 seconds after the vehicle has stopped
- All permitted systems shall have visible language that notifies the user that:
 - Helmet use is encouraged while riding a bicycles/ scooters.
 - Bicyclists shall yield to pedestrians.
 - When riding on-street, follow the rules of the road and follow all motor vehicle laws and ordinances of the Cities
- All Vehicles Share operators permitted shall have a 24-hour phone number clearly on each vehicle for customers to report safety and maintenance concerns, complaints, or ask questions. Vehicles will have a unique identifier that is visible to the user. Vehicles not safe to operate will be removed from the public way within 24 hours of notice and repaired before being put back into service. Vehicle Share operators must have a staffed operations center in the St. Louis Metropolitan Area with no fewer than 6 full time employees (or full-time equivalents) and must provide the Cities with a direct contact located in the Metro Area capable of ensuring the rebalancing and maintenance of the vehicles.

Right of Way:

The Vehicle Share operators will work to make sure the vehicles and/or stations do not impede the regular flow of travel in the public right of way and maintain an orderly appearance.

- Vehicles shall be upright when parked.
- Vehicles shall not be parked in a way that impedes the regular flow of travel in the public way, or in a way that impedes the 5 feet clearance on sidewalks reserved for ADA compliance. Legal parking locations include adjacent to landscape areas and in furniture zones and in any bicycle rack in the public right of way.
- Vehicles must be parked to maintain unimpeded access to entrances to private property or driveways.
- Vehicles must be parked to maintain vehicular travel area for any size vehicle.
- Vehicles must be parked outside of any protected tree planting or landscaped area.

- For station-based vendors, stations should be located primarily within the public right-of-way, along public streets and sidewalks. Stations may also be located on other public property, including parks, trails, parking lots/garages, events venues, etc., or be located on private property, provided that the public or private property owner agrees to allow 24/7 public access to the Vehicle Share station. The Cities must approve the location of every station in the system (within City limits) in writing and the Vehicle Share operator must work with the Cities to identify the desired area(s) and station spacing for each implementation phase, including ongoing system refinement.
- The Cities reserves the right to add designated parking areas or restrict vehicle parking within certain areas.
- The Cities retains the right to create geo-fenced stations within certain areas where vehicles shall be parked.
- Vehicle Share operators are responsible for informing customers how to park the vehicle correctly within public rights of way, city and national parks, and institutions. Vehicle Share operators will provide a plan on how they will incentivize customers to park safely and correctly.
- Vehicles parked in violation of a permit or other Federal, State or City Codes or are vandalized or inoperable shall be re-parked in a correct manner or removed in accordance to the following times:
 - 6am-6pm Mon-Fri (holidays excluded) – within 2 hours of receiving notice.
 - All other times – within 10 hours of receiving notice.
 - During Special Events vehicle share operators may ask permission from the Operations Superintendent for a variance to these time restrictions.
- Vehicle Share operators will rebalance vehicle deployment to improve usage and spread/social equity outcomes.
- Any free-floating vehicle that is parked in one location for more than seven (7) consecutive days without moving must be evaluated and/or moved by the vehicle share system provider. If the vehicle remains in one location after 7 days, it may be removed by the Cities and taken to a City facility for storage at the expense of the vehicle share operator. The vehicle share operator will be notified prior to the removal of their equipment unless it is an obstruction, interference or an emergency.
- If the Cities incur any costs addressing or abating any violations of these requirements or incur any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse City for such costs within thirty days.
- Vehicle Share Operators will attend an onsite meeting with the Cities' staff to discuss the program and show a demonstration vehicle that will be deployed prior to permit approval

Social Equity and Engagement:

Vehicle Share operators must be willing to meet quarterly and cooperate with the goals of the Cities and their partners regarding social equity and access to the vehicle share program. The Vendor should be willing to cooperate to ensure all residents have access to this program. Additional education, marketing, and engagement with low income, minority, non-English speaking, and zero-car populations is strongly preferred to ensure those who stand to benefit most from this tool for mobility and access have the opportunity to use the system.

- Vehicles will be available at rates that are clearly and understandably communicated to the customer prior to use.

- Vehicle Share operators are responsible for educating the public on the vehicle share program, and on how to use vehicles safely.
- Vehicle Share operators are required to have a non-smart phone option to use the vehicle share system.
- Vehicle Share operators are required to have a non-credit card option to use the vehicle share system.

Data:

Vehicle Share companies must be willing to share data with the Cities and their partners in a manner that does not endanger the privacy of citizens.

- A record of maintenance activities will be kept, including but not limited to vehicle identification number and maintenance performed. This information will be sent to the Cities monthly.
- A record of reported collisions will be kept and sent to the Cities monthly.
- A list of vehicles deployed, listed by unique identifier, will be sent to the Cities monthly.
- A report of lost, stolen and vandalized vehicles will be sent to the Cities monthly.
- A report on the implementation of the Vehicles Share operator’s education, marketing and engagement plan, will be sent to the Cities monthly.
- Vehicle Share operators must be willing to distribute a customer survey, to be provided to the Cities, to all users and non-users at a maximum frequency of yearly.
- Anonymized data regarding the number of vehicle share customers and trips will be provided to the Cities via an API including: daily and weekly rides, daily and weekly unique riders, hourly rides, daily and weekly app users, and trip information as follows:

Field Name	Format
Company Name	[company name]
Trip Record Number	0001, 0002,
Trip Duration	MM: SS
Trip Distance	Mile
Trip date	MM, DD, YYYY
Start Time	HH
Start Location	Census block
End Location	Census block

- The following vehicle availability data for oversight of parking compliance and vehicle distribution by minutes will be provided to the city:

Field Name	Format
GPS Coordinate	X, Y
Availability Duration	Minutes
Availability Start Date	MM, DD, YYYY
Availability Start Time	HH:MM:SS (00:00:00 – 23:59:59)

In recognition of the Cities’ commitment to protecting residents’ privacy, Vehicle Share companies may elect at any time to instead provide data to a designated research entity

conducting research on privacy protection in transportation data; such as the University of Washington's Transportation Data Collaborative.

Data sharing must follow the research entity's own Institutional Review Board (IRB) and information compliance requirements. The specifications for the dataset provided to the research entity are to be determined by a data sharing agreement between the Vehicle Share company and the research entity. Vehicle share companies electing this option recognize that the research entity will provide robust privacy protected data for use by the Cities, specified in a data use agreement, to which Vehicle Share companies and the Cities will have input.

Termination:

- The Cities have the right to amend the permit during the course of the permit term. The Cities will notify all permit owners of the change and the reasonable time period within which to comply. If compliance is not achieved within the time period, then the Cities have the right to terminate the permit. Reapplication once the new criteria is met is allowed at any time.
- The Cities reserves the right to terminate permits at any time and require that the entire fleet of vehicles be removed. The decommissioning shall be completed within thirty (30) days unless a different time period is determined by the Cities.
- Upon receiving notice of permit termination, the permit holder has the right to appeal the decision to the Operations Superintendent. A request for appeal must be provided in writing to the Operations Superintendent no less than seven (7) days after receiving the termination letter via certified mail.
- Any permit holder not satisfied with the Operation Superintendent's decision may request a final appeal hearing before a panel of the all three Cities' City Managers/City Administrators. Such hearing shall be set before the end of the thirty (30) day decommissioning period set by the Cities in the original notice provided via certified mail. The decision made by the City Managers/City Administrators panel shall be final.

Liability and Insurance:

- The Vehicle Share operator will be liable for, and shall indemnify, defend and hold the Cities and their officers, agents, and employees harmless from, any and all claims or damages to persons or property by reason of the design, installation, operation, maintenance or promotion of the System.
- The Vehicle Share operator will be required to procure and maintain, at its sole cost and expense, the following types of insurance from an insurance company acceptable to the Cities:
 - A. Commercial General Liability Insurance in the amount of three million, two hundred and fifty eight thousand, three hundred and sixty eight dollars (\$3,258,368) aggregate and three million dollars (\$3,258,368) per occurrence in the Company's name, and naming the Cities and their officers, agents and employees as additional insureds thereunder, and endorsed to cover the liability assumed by the Company
 - B. Workers' Compensation Insurance in accordance with applicable Missouri State law
 - C. Employers' Liability Insurance in accordance with applicable Missouri State law

- D. Automobile Liability Insurance in the amount of one million dollars (\$1,000,000) aggregate and one million dollars (\$1,000,000) per occurrence and naming the Cities and their officers, agents, and employees as additional insureds.
- Policies specified in A., B. and D. above shall name the City as an “additional insured” and shall contain a provision that such policy cannot be amended or terminated without fifteen (15) days prior written notice to the City.

Fees:

Annual Permit Fee	\$2,300/ year	Administration of the Permit
Annual Vehicle Fee	\$10 per unit/ yearly	Infrastructure changes: converting parking spaces to dedicated vehicle share parking, moving street furniture, and putting up signage

Permit application:

Permit applications must be succinct and all pages must be numbered. Boilerplate and glossy promotional materials are discouraged; any materials deemed necessary should be included as a separate appendix and may or may not be considered as part of the evaluation. All components of the permit application shall be on 8.5" x 11" pages with the exception of two to three pages depicting imagery, mapping, etc. which may be on 11" x 17" pages. Font size shall be limited to 10 point font or larger with single line spacing.

Required Attachments:

- Synopsis of Vehicle Share operator service model and qualifications, including images of the vehicle and mobile application
- Schedule for implementation and phases of expansion, including the size of fleet and service area at launch, and the size and service area of any planned fleet expansions
- Organizational structure for the vehicle share program, including title, and their specific responsibilities on the project.
- Screenshot illustrating how customers will be notified through a mobile and web application of the following:
 - People on Vehicles are encouraged to wear helmets
 - People on Vehicles must follow all traffic laws
- Plan for providing an equitable vehicle share service, including education, marketing, and engagement with the community as a whole, with an additional component for low income, minority, non-English speaking, and zero-car populations. This may cover such topics as How to Use Vehicle Share, Vehicle Safety and Vehicle Laws.
- Proof of general commercial liability insurance as specified herein
- Indemnity Agreement (attachment provided by city)
- Plan for educating users on proper vehicle parking
- Description of pricing structure, rates, and methods of communication to the customer illustrating how the vehicles will be available at rates that are clearly and understandably communicated to the customer prior to bicycle use

- Documentation of how users without a smartphone can use the vehicle share system
- Documentation of how users without a credit card can use the vehicle share system
- Documentation of how a sufficient number of vehicles will remain in the Vehicle Share Social Equity
- Permit application fee of \$2,300.



City of Clayton
 Department of Public Works
 10 N. Bemiston
 Clayton, MO 63105
 Phone: 314-727-8100
 Fax: 314-863-0295

Permit #: _____

Date Issued: _____

Shared Small Vehicle Permit

Operator Information	
Name of Share Operator Applicant	
Contact Name	
Address	
Phone Number	
Email Address	
Website	

Type of Application		
New	Renewal (no changes from prior application)	Amendment

Local Operations Information	
Contact Name	
Mailing Address	
Phone Number	
Email Address	

Certification: I (We), the undersigned, do hereby make an application for a Shared Small Vehicle Permit, and understand all the required information must be supplied for this application to be considered complete and valid. Additionally, the shared small vehicles will operate under the requirements outlined in the permit application.

Owner Signature

Date

-over-

Permit Requirements

Applicant certifies that all vehicles used in the proposed small vehicle share system do and meet the following criteria (please initial):

_____ All bicycles meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, as amended.

_____ All bicycles meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210, as amended.

_____ All vehicles meet the light requirements as described in *Missouri Statute 307.185 Lights and Reflectors, When Required – Standards To Be Met, Lamps on bicycles*, specifically that all vehicles have lighted lamps on the front and rear lamps or reflector visible from a distance of at least 300 feet under normal atmospheric conditions at night.

_____ Vehicles shall not be parked in a way that impedes the regular flow of travel in the public way.

_____ Vehicles parked in violation of the permit or the City Code of the Cities of Clayton, Maplewood or Richmond Heights shall be re-parked in a correct manner or removed in accordance with the time periods outlined in the Permit Requirements.

_____ Vehicles shall be upright when parked.

_____ Vehicles shall not be parked in one location for more than 7 consecutive days.

_____ Contact information of the vehicle share operator is on every vehicle include the website and phone number.

_____ Vehicles will be available at rates that are clearly and understandably communicated to the customer prior to use.

_____ Vehicles will have a unique identifier that is visible to the user.

_____ Distribution of vehicles will be rebalanced daily.

_____ Vehicles not safe to operate will be removed from the public way within 24 hours of notice and repaired before being put back into service.

Applicant certifies the proposed vehicle shared system meet the following operational criteria (please initial):

- _____ Customers will be notified of local traffic laws.
- _____ Customers will be educated on how to safely operate the specific vehicle in the city.
- _____ Communication will be sent to customers if the vehicles are left in non-permitted areas.
- _____ A staffed operations center will be established prior to permit issuance.
- _____ Customers without a smart phone are able to use the vehicle shared system.
- _____ Customers without a credit card are able to use the vehicle shared system.
- _____ The desired maximum fleet size is 250 vehicles, equally distributed amongst all three cities. It is understood that the fleet size will not exceed 100 vehicles during the first month of the permit.
- _____ Anonymized data regarding the number of vehicle share customers and trips will be provided to the Cities via an API including: daily and weekly rides, daily and weekly unique riders, hourly rides, daily and weekly app users, and trip information as follows:

Field Name	Format
Company Name	[company name]
Trip Record Number	0001, 0002,
Trip Duration	MM: SS
Trip Distance	Mile
Trip date	MM, DD, YYYY
Start Time	HH
Start Location	Census block
End Location	Census block

- _____ The following vehicle availability data for oversight of parking compliance and distribution by minutes will be provided to the city:

Field Name	Format
GPS Coordinate	X, Y
Availability Duration	Minutes
Availability Start Date	MM, DD, YYYY
Availability Start Time	HH:MM:SS (00:00:00 – 23:59:59)

_____ A record of maintenance activities will be kept, including but not limited to vehicle identification number and maintenance performed. This information will be sent to the Cities monthly.

_____ A record of reported collisions will be kept and sent to the Cities monthly.

_____ A list of vehicles deployed, listed by unique identifies

Office Use Only

Approved by:

Director of Public Works: _____

Approved: _____ **Denied:** _____ **Date:** _____

Comments: _____



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: FEBRUARY 28, 2023
SUBJECT: ORDINANCE – AMENDING TABLE III-E AND TABLE III-H OF THE PARKING REGULATIONS IN TITLE III OF THE CITY CODE

In late 2022, the City was contacted by Kol Rinah, a religious congregation and not-for-profit/benevolent corporation that owns and occupies the property at 7701 Maryland Avenue (on the north side of Maryland between N. Hanley Rd. on the east and Linden Ave. on the west), with a request to modify the parking restrictions along Linden Avenue.

The request cites the one-hour parking restriction on Linden Avenue as a limiting factor in their ability to have a program during the week without requiring attendees to pay for parking on Maryland Ave. or in a nearby lot. The request also states that many of the people that attend weekday programs are elderly and unable to walk long distances.

As part of the request, Kol Rinah suggested options involving dedicated parking spaces or parking tags for the sole use of its property. Staff rejected these options as they would not serve the area’s parking needs.

After reviewing the request, staff developed options for potential modifications to the parking restrictions that could serve the area per the “On Street Parking Modification Request Process” which was adopted 8/2022. Additionally, a survey was distributed to properties along the block to seek feedback on these options (map and results below).

Survey Choice	Description	Votes
Favor Option 1	Modify the parking restrictions for the full block to 2 HR	4
Favor Option 2	Modify the parking restrictions for only the portion of the block in front of the requesting property to 2 HR.	1
Oppose	Keep the existing 1 HR restriction for the block	5

Considering the survey, the surrounding area, and the proximity to the downtown area staff recommends extending the parking time with no residential permit from **1 HR** to **2HR** Residential Parking, 8am-5pm, Weekdays for the area of Linden Avenue along the Kol Rinah property. This would impact and extend parking time for 4-5 spaces along Linden Avenue.

The attached ordinance amends Schedule III of the Title III Traffic Code by revising sections of Linden Avenue in Table III-E and Table III-H of the Parking Restrictions.

STAFF RECOMMENDATION: To approve the ordinance to modify the parking restrictions for Linden Avenue.

LEGEND

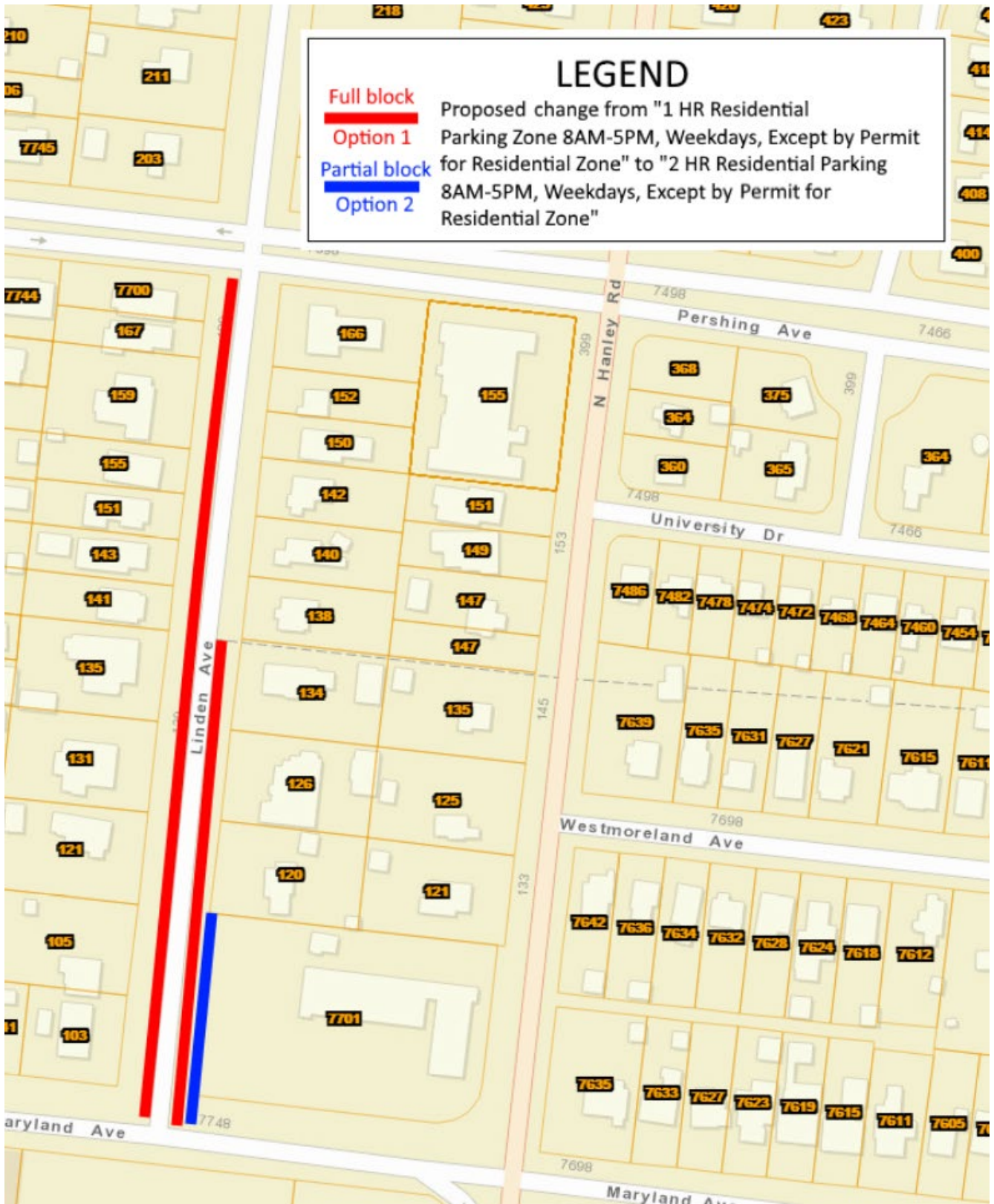
Full block

Option 1

Partial block

Option 2

Proposed change from "1 HR Residential Parking Zone 8AM-5PM, Weekdays, Except by Permit for Residential Zone" to "2 HR Residential Parking 8AM-5PM, Weekdays, Except by Permit for Residential Zone"



BILL NO. 6953

ORDINANCE NO. _____

AN ORDINANCE AMENDING TABLE III-E AND TABLE III-H OF SCHEDULE III OF TITLE III OF THE CLAYTON CITY CODE RELATING TO PARKING RESTRICTIONS ON LINDEN AVENUE

WHEREAS, the city has a procedure to receive requests to assess and potentially modify residential parking restrictions, which includes surveying surrounding residents and evaluating the request and existing conditions using criteria that include: 1) All entities have equal access to parking; 2) the entire area's parking needs are balanced; 3) the integrity and character of the area is maintained; and 4) parking is maximized for area interest; and

WHEREAS, the city received such a request with regard to the locations hereinafter referenced and staff conducted such an assessment and a survey of the surrounding properties as described above and found that the proposed modifications as hereinafter provided are consistent with the criteria described above and that such revised regulations will serve the public health, safety and welfare; and

WHEREAS, it is the intent of the Board of Alderman to revise parking restrictions on Linden Ave. as hereinafter provided;

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

Section 1. Section A of Table III-E of Schedule III of Title III of the Municipal Code of the City of Clayton, Missouri, is hereby amended by deleting the following locations where the specified restriction is currently applicable, to wit:

Schedule III. Parking Restrictions

Table III-E. One-Hour Residential Parking Zones, 8:00 A.M. To 5:00 P.M. Weekdays.

- A. [The following streets or parts of streets are designated as residential parking zones where parking is restricted to one (1) hour between 8:00 A.M. and 5:00 P.M. except on Saturdays, Sundays and holidays and further except by valid resident and visitor permit:]

Location

[**NOTE:** Other locations listed in Section A are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these locations are not set forth here in full.]

Linden Avenue: On the east side between Maryland Avenue and the north City limits.

Section 2. Section A of Table III-E of Schedule III of Title III of the Municipal Code of the City of Clayton, Missouri, is hereby amended by the addition of the following location where the specified restriction is to become applicable, to wit:

Schedule III. Parking Restrictions

Table III-E. One-Hour Residential Parking Zones, 8:00 A.M. To 5:00 P.M. Weekdays.

- A. [The following streets or parts of streets are designated as residential parking zones where parking is restricted to one (1) hour between 8:00 A.M. and 5:00 P.M. except on Saturdays, Sundays and holidays and further except by valid resident and visitor permit:]

Location

[NOTE: Other locations listed in Section A are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these locations are not set forth here in full.]

Linden Avenue: On the east side between a point two hundred and five (205) feet north of the north line of Maryland Avenue to the northern City limits.

Section 3. Section A of Table III-H of Schedule III of Title III of the Municipal Code of the City of Clayton, Missouri, is hereby amended by the addition of the following location where the specified restriction is to become applicable, to wit:.

Schedule III. Parking Restrictions

Table III-O. Two-Hour Residential Parking Zones 8:00 A.M. to 9:00 P.M. Monday through Saturday.

[The following streets or parts of streets are designated as residential parking zones where parking is restricted to two (2) hour between 8:00 A.M. and 9:00 P.M. except on Sundays and holidays and further except by valid resident and visitor permit.]

Location and Restriction

[NOTE: Other locations listed in Table III-H are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these locations are not set forth here in full.]

Linden Avenue: On the east side from the northern line of Maryland Avenue to a point two hundred and five (205) feet north of the north line of Maryland Avenue

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

Passed this 28th day of February 2023.

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
TONI SIERING, DIRECTOR OF PARKS AND RECREATION
DATE: FEBRUARY 28, 2023
SUBJECT: ORDINANCE - AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND MIDWEST POOL MANAGEMENT

The City of Clayton Parks and Recreation Department is currently under contract with Midwest Pool Management (MPM) through September 30, 2024 for Facility Management and Lifeguarding Services for the Center of Clayton and Shaw Park Aquatic Center (SPAC). Per the current contract, MPM employees currently earn a starting hourly wage of \$14 per hour. The contracted salary total for the Center of Clayton is not to exceed \$378,860 in FY23 and \$392,335 in FY24. The contracted salary total for Shaw Park Aquatic Center is not to exceed \$225,320 for in FY23 and \$232,070 in FY24.

With the current staffing challenges, vacant lifeguard positions have been particularly challenging to fill and this nationwide trend does not show signs of improving in the next several years. As indicated in the attached letter, MPM has notified the City of their desire to increase starting hourly wages to \$15 per hour at both the Center and SPAC. This would align with current market trends as well as salaries in the Clayton Parks & Recreation department, where all part-time positions were raised to \$15 per hour as of January 1, 2023.

Based on current staffing levels and updated facility schedules, the net impact to the Center of Clayton is projected to be approximately \$32,500 for a total of \$399,860 (approximately \$21,000 over the not to exceed contracted amount) in FY23 and \$37,500 for a total of \$418,085 (approximately \$25,750 over the not to exceed contracted amount) in FY24. For FY23, the bottom-line impact is projected to be less due to this salary increase going into effect on March 1 (five months into the fiscal year), staff vacancies throughout the current year and a reduction in recreation swim hours with low participation.

At Shaw Park Aquatic Center, the net impact is projected to be approximately \$49,000 over the not to exceed contracted amount for a total of \$274,320 in FY23 and \$281,070 in FY24. The bottom-line impact is projected to be higher at SPAC as there are significantly more staff that work at this facility during the seasonal operations, as well as fewer proposed reductions in recreation swim times.

The general terms of the contract, including the management fees have worked well, so no additional changes are being proposed at this time. City staff will continue to operate the swim lesson program, water fitness classes, camps, and other specialty programs.

As the Center of Clayton has an agreement with the City of Clayton for the provision of aquatic services, the contract addendum will be with the City of Clayton. The CRSWC did vote to approve this addendum at its February 17th meeting.

STAFF RECOMMENDATION: To approve the ordinance approving certain amendments to the contract for Aquatic Management and Lifeguard Services with Midwest Pool Management effective March 1, 2023.

BILL NO. 6954

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN AMENDMENT TO THE CONTRACT WITH MIDWEST POOL MANAGEMENT, LTD, FOR AQUATIC MANAGEMENT SERVICES FOR THE CITY OF CLAYTON

WHEREAS, The City of Clayton Board of Alderman is charged with the duty of planning for the recreational needs of residents and visitors, and how best to meet those needs; and

WHEREAS, the City operates the Center of Clayton Aquatic Center and Shaw Park Aquatic Center; and

WHEREAS, the City previously retained the Contractor to manage the operations of these Aquatic Centers; and

WHEREAS, market and economic forces since the Contract was entered into make certain financial aspects of the Contract impractical, unreasonable and an impediment to the City being able to operate its aquatic centers in a way which provides maximum benefit to the City's residents and customers; and

WHEREAS, the parties wish to adjust certain terms of the Contract as hereinafter provided to better accommodate the circumstances aforesaid;

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

Section 1. The Board of Aldermen hereby approves and authorizes execution, on behalf of the City of Clayton, of *Amendment NO. 1 To The CITY OF CLAYTON AQUATIC FACILITY MANAGEMENT SERVICES CONTRACT FOR THE CENTER OF CLAYTON AND SHAW PARK AQUATIC CENTER* with Midwest Pool Management, Ltd., said amendment to be in substantial conformity with the agreement attached hereto and incorporated herein by this reference. The Mayor, City Manager, and other appropriate City officials are hereby authorized to execute the Amendment 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 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 28th day of February 2023.

Mayor

Attest:

City Clerk

**AMENDMENT NO. 1
TO
CITY OF CLAYTON
AQUATIC FACILITY MANAGEMENT SERVICES CONTRACT
FOR
THE CENTER OF CLAYTON AND SHAW PARK AQUATIC CENTER**

This Amendment NO. 1 to the contract dated October 1, 2021, (“ the Contract”) by and between the City of City of Clayton (herein noted as “the City”), a municipality located in Clayton, Missouri, and Midwest Pool Management (herein noted as “the Contractor”), an Illinois corporation in good standing known as Midwest Pool Management Corporation and authorized to do business in Missouri as Midwest Pool Management, Ltd., located in Maryland Heights, Missouri, is entered into effective this ____ day of _____, 2023.

WHEREAS, the City operates the Center of Clayton Aquatic Center; and

WHEREAS, the City owns and operates the Shaw Park Aquatic Center; and

WHEREAS, pursuant to the Contract the City retained the Contractor to manage the operations of these Aquatic Centers; and

WHEREAS, the Contractor possesses the expertise and experience necessary to provide aquatic facility management services to the City; and

WHEREAS, market and economic forces since the Contract was entered into make certain financial aspects of the Contract impractical, unreasonable and an impediment to the City being able to operate its aquatic centers in a way which provides maximum benefit to the City’s residents and customers; and

WHEREAS, the parties wish to adjust certain terms of the Contract as hereinafter provided to better accommodate the circumstances aforesaid;

NOW THEREFORE, in consideration of mutual covenants herein contained, it is agreed as follows:

1. *Part II - Salary Budget – Shaw Park Aquatic Center* of Appendix A of the Contract is hereby amended by deleting the tables set forth therein and replacing them with the following:

PART II - SALARY BUDGET – SHAW PARK AQUATIC CENTER

.Maximum Base Salary for Season*		
FY22	FY23	FY24
\$210,770.00	\$274,320	\$281.070
* Base salary based upon 14,800 hours of operation.		

Hourly Wages: (Starting Wage – October 1, 2021)*			
Manager	\$17.00 per hour	Assistant Manager	\$16.50 per hour
Head Lifeguard	\$15.75 per hour	Lifeguard	\$15.00 per hr.
Cashier	\$14.00 per hr.		

***Hourly Wages increase annually due to mandated increases in minimum wage.**

Note: Staffing for private rentals will be negotiated on the number of staff needed depending on the list below:

- 1) The number of people in attendance for the rental.
- 2) Facilities that are rented.

2. *Part II - Salary Budget – The Center of Clayton Aquatic Center* of Appendix B of the Contract is hereby amended by deleting the tables set forth therein and replacing them with the following:

PART II - SALARY BUDGET – THE CENTER OF CLAYTON AQUATIC FACILITY

Maximum Base Salary for Season*		
FY22	FY23	FY24
\$356,240.00	\$399,860.00	\$418,085.00
* Base salary based upon 24,300 hours of operation.		

Hourly Wages: (Starting Wage – October 1, 2021*)			
Head Lifeguard	\$15.75 per hour	Lifeguard	\$15.00 per hour

***Hourly Wages increase annually due to mandated increases in minimum wage.**

Note: Staffing for private rentals will be negotiated on the number of staff needed depending on the list below:

- 1) The number of people in attendance for the rental.
- 2) Facilities that are rented.

3. The remainder of the Contract remains in full force and effect as originally executed.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment NO. 1.

CITY OF CLAYTON

By: _____
City Manager

(SEAL)

Attest:

City Clerk

DATE: _____

By: _____
Contractor

Title

(SEAL)

Attest:

DATE: _____

MIDWEST POOL MANAGEMENT

January 30, 2023

Toni Siering
Director of Parks and Recreation
City of Clayton
50 Gay Ave
Clayton, MO 63105

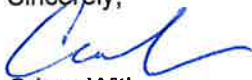
Dear Toni,

Over the past year, we have seen an unprecedented change in the economy that is directly affecting our staff wages. This coupled with the labor shortages all industries are experiencing had led us to evaluating operations at our facilities and how we can attract the workforce required to operate these facilities. Historically our pay scale for staff has closely mirrored the minimum wage rates and with the increases to the state minimum wage over the past few years, we believed, just as in years past, that our forecast for wages from our original bid in 2021 would follow the same pattern. This past year has shown that is not the case. We completed an evaluation at the end of the 2022 season of the number of applications we received to the number of staff that accepted positions. While the number of applications exceeded what we have experienced in the past couple of years, the percentage of staff that accepted positions was far below what we have ever experienced. The top reason that was documented for applicants not accepting the position was the pay rate. They were able to find higher pay at other jobs that were attracting front line workers. This included lifeguard jobs through other organizations.

This fall we met with several Directors in the St. Louis County area to discuss the labor shortages and how to move forward. After evaluating our experience this past year and researching pay rates for similar positions in our area, we feel that the best course of action is to raise our pay rates for the lifeguard staff. There are facilities within St. Louis County that are raising their lifeguard wages, as well as other seasonal positions, to a minimum of \$15 per hour. We feel that at the current rates in our contract, we will not be able to adequately staff the pools at the Center of Clayton or Shaw Park. We are respectfully requesting that Council approve an increase of \$86,715 to the Center of Clayton salary budget and \$54,575 to the Shaw Park salary budget for the 2023 season in order to stay competitive with wages and attract the staff required to operate your facility per the original contract specifications. We have also discussed reducing some hours of operation to lower the impact of this increase. One option would be to start Rec swim at 1:00pm at the Center of Clayton for winter, spring and summer breaks as well as beginning the school schedule at Shaw Park the first full week in August. These changes would reduce the increase to \$38,680 to the Center of Clayton and \$48,885 to Shaw Park. We are happy to put together any additional options if needed.

We understand and are very sympathetic to the impact this request has on the City budget. This is not a request that we take lightly. We truly value the relationship we have had with the City of Clayton for so many years and we would not make this request if we did not think it was the best course of action in moving forward. If you have any questions or need any additional information, please do not hesitate to contact me at any time.

Sincerely,



Crissy Withrow
President



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: FEBRUARY 28, 2023
SUBJECT: ORDINANCE – AMENDMENT TO SECTION 105.050 – AGENDAS FOR BOARD OF ALDERMEN MEETINGS

During the February 17, 2023 Board of Aldermen meeting staff presented discussion of the use of consent agendas. A consent agenda is a tool used to *streamline* meeting procedures by collecting routine, non-controversial items into a group whereby all are passed with a single motion and vote.

Many legislative bodies have utilized a consent agenda to approve uncontroversial and ministerial matters. The Board of Aldermen finds that a consent agenda would enable it to more expeditiously conduct the City's business and would protect the right of the citizens to have a voice in the City's government.

- Approval of minutes, liquor licenses, documents for destruction, appointments to Boards and Commissions
- Reports provided for information only (i.e., financial reports)
- Authorizing staff to approve contracts/agreements (i.e., on-call professional services, tree trimming, service repairs, painting, etc.)
- Authorizing staff to submit a grant application
- Authorizing purchases (i.e., city vehicles)

Consent agenda items and supporting documentation will be included as part of the agenda packet therefore providing enough time to be read by all members prior to the meeting.

Prior to using a consent agenda, it is required that the Board first adopt a rule of order allowing for the consent agenda process.

Recommended Actions: To approve the attached ordinance.

BILL NO. 6955

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 105.150 OF THE CLAYTON MUNICIPAL CODE RELATING TO AGENDAS FOR BOARD OF ALDERMEN MEETINGS

WHEREAS, the Clayton Board of Aldermen finds that valuable City resources would be preserved by the development of a simplified procedure for the approval of uncontroversial agenda items; and

WHEREAS, many legislative bodies have utilized a consent agenda to approve uncontroversial matters; and

WHEREAS, the Board of Aldermen finds that a consent agenda would enable it to more expeditiously conduct the City’s business and would protect the right of the citizens to have a voice in the City’s government.

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

SECTION ONE. Section 105.150 of Article II of Chapter 105 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 105.150 is hereby enacted in lieu thereof to read as follows:

Chapter 105. Board of Aldermen

Article II. Board of Aldermen Meetings

Section 105.150 Preparation of Agenda

_(1) The City Clerk shall prepare an agenda of matters to be presented to the Board at each meeting as directed by the Mayor and City Manager following guidelines established by the City Charter. Such agenda shall include any matter relevant to the administration of the City on which the City Manager or any member desires a report or discussion. Board members should make every effort to introduce and request future agenda items during the reporting period at the end of regular meetings. If that is not possible, a Board member may consult with the City Manager or Mayor to add an item to the agenda.

(2) Consent Agenda. At the time of establishing the agenda, the Mayor and City Manager may include one (1) or more of the following items of business on the agenda as part of a consent agenda:

- Approval of minutes, liquor licenses, documents for destruction,

- appointments to Boards and Commissions;
- Reports provided for information only (e.g. financial reports);
- Authorizing staff to approve contracts/agreements (e.g. on-call professional services, tree trimming, service repairs, painting, etc.);
- Authorizing staff to submit grant applications; and
- Other ministerial acts

(3) At the request of the Mayor or one (1) or more members of the Board of Aldermen any item of business shall be removed from the consent agenda and considered on the regular agenda under the City Manager’s report.

(4) The Board of Aldermen, by a majority vote of the members present, may approve, and adopt the consent agenda by a single motion. Upon approval of the consent agenda, each item thereon shall be deemed passed, approved, and adopted, as if considered individually.

SECTION TWO:

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 THREE:

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 FOUR:

This Ordinance shall be in full force and take effect from and after the date of its final passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS 28TH DAY OF FEBRUARY 2023.

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: FEBRUARY 28, 2023
SUBJECT: MOTION - CLAYTON COMMUNITY EQUITY COMMISSION EX-OFFICIO MEMBER APPOINTMENT

The Clayton Community Equity Commission (CEC) currently has four (4) ex-officio members, including representatives from Washington University - St. Louis, St. Louis County, the School District of Clayton and the Clayton Chamber of Commerce. The CEC previously had an ex-officio member from a faith-based institution.

On February 9, 2023, the CEC voted unanimously to recommend appointment of Tom Albinson, Rector at Church of St. Michael & St. George, as the faith community ex-officio.

Staff recommends that the Board of Aldermen appoint Tom Albinson to represent the faith community as an ex-officio member of the Community Equity Commission.