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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
TUESDAY, SEPTEMBER 12, 2023
NO DISCUSSION SESSION
CITY HALL COUNCIL CHAMBERS, 2ND. FL
10 N. BEMISTON AVENUE
CLAYTON MO 63105**

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 12, 2023 – 7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE
CLAYTON, MO 63105**

ROLL CALL

PUBLIC REQUESTS & PETITION

CITY MANAGER REPORT

1. Ordinance – Ordinance amending Article I Collection Service and Regulations and Article II Recycling of Chapter 235 Garbage and Trash of the Municipal Code – *1st Reading* (Bill No. 6986)
2. Ordinance – Collective Bargaining Agreement between the City of Clayton and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for FY2024 wage increases. (Bill No. 6987)
3. Ordinance – Collective Bargaining Agreement between the City of Clayton and the International Association of Fire Fighters, Local 2665 For FY2024 wage increases. (Bill No. 6988)

PUBLIC HEARING

1. Ordinance - Property Tax Levies - Tax Year 2023 (FY 2024) – *1st Reading* (Bill No. 6989)
 - *** General Municipal Purposes ***
 - *** Debt Levy General Obligation Bond Purposes***
 - *** Police Building Debt Service***
 - *** Special Business District ***
2. Ordinance – FY2024 Operating and Capital Improvement Budget – *1st Reading* (Bill No. 6990)
3. Ordinance – Rezoning for 500 South Brentwood Boulevard from R-5 District to C-1 District. (Bill No. 6991)
4. Ordinance - Rezoning and a Planned Unit Development (PUD) for 7814 Forsyth Boulevard, and 2, 10, 14, and 18 South Central Avenue. (Bill No. 6992)
5. Ordinance - A Lot Consolidation Plat for 7814 Forsyth Boulevard, and 2, 10, 14, and 18 South Central Avenue. (Bill No. 6993)
6. Ordinance – A text amendment to Article XV, Entertainment Overlay District. (Bill No. 6994)

CONSENT AGENDA

1. Minutes – August 22, 2023
2. Resolution - Agreement with MacQueen Emergency to provide maintenance for emergency equipment (Res. No. 2023-28)
3. Resolution – On Call Consultants for engineering and surveying services. (Res. No. 2023-29)
4. Resolution – Determining the intent of the City of Clayton to reimburse itself for certain Capital expenditures. (Res. No. 2023-30)
5. Motion – Liquor license upgrade for Bar Moro, LLC at 7610 Wydown Boulevard.
6. Motion – Liquor license for Carbon Members Club LLC at 7822 Bonhomme Avenue.
7. Motion – Appointment of an ex-officio member to the Clayton Community Equity Committee.
8. Motion - Boards and Commissions appointments.

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.



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: SEPTEMBER 12, 2023
SUBJECT: ORDINANCE - AMENDING ARTICLE I COLLECTION SERVICE AND REGULATIONS AND ARTICLE II RECYCLING OF CHAPTER 235 GARBAGE AND TRASH OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON

The City of Clayton's Municipal Code provisions related to solid waste and recycling were first adopted in 1947 and revised in 1970. Specific sections were later amended to reflect the waste collection practices and contracts in place at that time.

The City of Clayton has contracted with Republic Services for the collection and disposal of solid waste, recycling, yard waste and compost from all single-family and multi-family properties. The new contracts that go into effect on October 1, 2023, change waste collection service from City-funded to resident-billed.

The new waste collection agreements require certain provisions of the Municipal Code to align with the new practices. The proposed amendments will take effect on October 1, 2023, along with the new contract. The required changes include the elimination of a current provision that allows private disposal contracts for residential customers. The City is also taking this opportunity to update the Code sections to provide enhanced regulatory clarity and align the regulations with current practices.

Recommended Action: To approve an Ordinance amending Article I Collection Service and Regulations and Article II Recycling of Chapter 235 Garbage and Trash of the Municipal Code.

BILL NO. 6986

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE I COLLECTION SERVICE AND REGULATIONS AND ARTICLE II RECYCLING OF CHAPTER 235 GARBAGE AND TRASH OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON

WHEREAS, regulating the manner and means of storage, collection, transportation and disposal of waste materials throughout the community is a fundamental public health function of the City; and

WHEREAS, establishing uniformity of service standards, accountability of service providers, and coordination of service activities for all properties in the City is critical to the health and safety of each resident of the City; and

WHEREAS, the City has entered into agreements for the collection, handling and disposal of waste materials and recycling at single-family and multi-family properties that take effect on October 1, 2023; and

WHEREAS, the waste management program necessitates certain revisions to Chapter 235, the majority of which are over 50 years old and no longer reflect current standards for the storage, collection, transportation and disposal of waste materials.

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

Section 1. Sections 235.010 through 235.310 and Articles I and II of Chapter 235 of Title II of the Code of Ordinances of the City of Clayton, Missouri, are hereby repealed and eleven new Sections, initially to be designated as Sections 235.010 through 235.100, comprising Article I, and Section 235.310, comprising Article II, are hereby enacted in lieu thereof, to read as follows:

ARTICLE I Collection Service and Regulations

Section 235.010 Definitions.

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULK RUBBISH

Any solid waste which is of a size too large to be stored in the specified disposable solid waste container.

BUSINESS OR COMMERCIAL ESTABLISHMENT

Any premises, or portion thereof, occupied for purposes other than one or more dwelling units.

CITY REFUSE COLLECTOR

Any person under contract with the City for the collection, removal and final disposition of garbage or rubbish from all, multiple, single family and two family dwellings within the City under the direction and supervision of the Director of Public Works.

COLLECTION

Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

DEMOLITION OR CONSTRUCTION WASTE

Waste materials from the construction or destruction of residential, industrial or commercial structures.

DISPOSABLE SOLID WASTE CONTAINER

Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

DWELLING, MULTIPLE

A building or portion thereof designed and used for occupancy by three (3) or more families each in a separate dwelling unit (See: Sec. 405.390 of this Code of Ordinances).

DWELLING, SINGLE-FAMILY

A building designed and used for occupancy by one (1) family (See: Sec. 405.390 of this Code of Ordinances).

DWELLING, TWO-FAMILY

A building containing two (2) separate dwelling units designed and used for occupancy by two (2) families (See: Sec. 405.390 of this Code of Ordinances) .

DWELLING UNIT

A single unit providing complete, independent living facilities occupied by or intended to be occupied as separate living unit by a single family (as defined in Sec 405.390 of this Code of Ordinances), including permanent provisions for living, sleeping, eating, cooking and sanitation (See: Sec. 405.390 of this Code of Ordinances).

GARBAGE

All semi-solid and solid food wastes derived from and during the procurement, storage, processing, sale, cooking, serving and consumption of food materials of animal, vegetable or synthetic origin which are intended for and are used by householders, business establishments or public or private institutions for the refreshment or sustenance of human beings or animals. The term "garbage", as used in this Article, shall not include dead animals, liquid wastes or the wastes resulting from the operation of slaughterhouses and packing plants or from the processing of hides or other animal parts.

HAZARDOUS WASTE

Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a present or potential threat to the health of humans or other living organisms (Subsection 260.360(11) of the Missouri Hazardous Waste Management Law).

OCCUPANT

Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as tenant.

PROCESSING

Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

RECYCLABLE MATERIAL

Newsprint; brown, clear and green glass containers; aluminum and metal cans; plastic milk jugs and plastic soda bottles, all rinsed and reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the City and collector may hereafter mutually agree to collect as a recyclable. For the purpose of this Section, recyclables shall not include other solid waste or bulk rubbish as defined in this Chapter.

SOLID WASTE

All useless, rejected and cast off matter, except as herein provided, which is produced by or accumulated in households, including packaging, hard cover books, tin ware and other metallic items and materials, glassware, crockery, dishes and parts of furniture, fixtures and other household equipment of such weight (60 pounds or less), dimension, size and shape that they can be handled by one person, semi-solid and solid waste derived from and during the procurement, storage, processing, cooking, or consumption of food materials of animal, vegetable or synthetic origin which are intended for and are used by residents, for the refreshment or sustenance of human beings or animals.

Solid waste does not include dead animals or animal parts or, and all other household hazardous waste such as wet paint, pesticides, strong cleaning agents, tires, auto batteries, and combustibles of any kind. Solid waste shall not include: ashes stored in ash pits, parts of trees, bushes, and soil, mortar plaster, concrete, bricks, stone, gravel, sand and all wasted or leftover materials resulting from grading, excavation, construction, alteration, repair or wrecking of buildings, structure, walls roofs, roads streets, walks or other facilities and such items of rubbish whose weight, size dimension, and shape require more than one person for removal; provided however, that debris resulting from remodeling, repair or reconstruction of any building may be removed if properly placed in acceptable containers not heavier than 60 pounds.

SOLID WASTE CONTAINER

A receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL

The process of discarding or getting rid of unwanted material in a manner consistent with all applicable environmental and public health standards.

SOLID WASTE MANAGEMENT

The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE

The containment of solid wastes in individual containers at residential units or commercial establishments.

YARD WASTES

Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

Section 235.020 Solid Waste Storage.

A. Solid Waste Storage Containers. The owner and occupant of every dwelling unit and of every business or commercial establishment producing solid waste within the corporate limits of the City of Clayton shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and maintain such solid waste containers in good repair at all times.

B. Duty to Use Containers. The occupant of every dwelling unit and of every business or commercial establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

C. Single-Family and Two-Family Residential Containers. Residential solid waste at single-family and two-family dwelling units shall be stored in containers of not more than ninety-five (95) gallons in nominal capacity. Resident-supplied containers shall not be less than 20 gallons and not more than 32 gallons and not weigh more than 60 lbs. unless it is a wheeled container approved by the Director of Public Works. They shall be made of metal, hard plastic or a similar material. Containers shall be leak-proof, water-proof and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof.

D. Business, Commercial and Multi-Dwelling Containers. Business, commercial and multiple dwelling solid waste shall be stored in solid waste containers or dumpsters as approved by the Director of Public Works or the Director's designee. All containers, recycling containers, dumpsters or other containers of any description shall be waterproof, leakproof and shall be covered at all times except when depositing waste material therein or removing the contents thereof.

E. Location of Containers On All Residential Properties.

1. Location Generally. All solid waste, recyclable material, compost, and yard waste which is accumulated in the City and offered for disposal shall be collected from the rear of the premises. Waste containers and items of refuse which are too large for placement in containers shall be kept at all times at a point on the premises which is not visible from the street. The occupant of single family and two-family dwelling units, and the person who is responsible for the proper storage of refuse on the multiple dwelling facilities, and the collector serving them shall confer and shall designate a collection point at which prior to 7:00 A.M. on collection days all the containers and items of refuse which are to be removed from the premises shall be placed.

2. Location As To Alleys Or Building Where No Alley. If the premises do not abut an alley and the premises must be served from the street, the designated collection point shall be as close to the rear line of the building as possible and at a place which is easily accessible to the collector. If the premises are accessible from an alley, the designated collection point shall be at a point of the rear boundary of the premises which is easily accessible to the collector from the alley and which is agreeable to all concerned.

3. Placement On Collection Days—No Collection Inside Building. On collection days all refuse containers and items of refuse shall be placed at the designated collection point. The City refuse collector shall not be required to collect refuse from the inside of buildings.

4. Placing Ineligible Refuse. When waste containers contain both eligible solid waste and other items, the City refuse collector shall not be obligated to collect and remove their

contents. When such violation occurs, the City refuse collector shall report it to the person concerned and the Director of Public Works. In case of controversy as to the eligibility or ineligibility of refuse, the decision of the Director of Public Works shall be final.

F. Screening and Enclosures On All Properties. Solid waste containers, recycling containers or dumpsters and collection points for all waste materials shall be enclosed in accord with any applicable requirements of the City Code with the Architectural Review Guidelines adopted by the City.

G. Yard Wastes. The collection of residential yard waste in the City shall be provided by City Refuse Collector authorized and licensed by the City. Yard waste shall be collected in recyclable bags, containers, or reusable containers. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon any public right-of-way. Tree limbs and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and twenty-four (24) inches in diameter when not placed in storage containers.

H. Unapproved Containers. The Director of Public Works or their designee will issue a written warning to any occupant using an unapproved container for storing solid waste. The occupant will have seven (7) calendar days to discontinue the use of unapproved containers. Any use of unapproved containers after this seven (7) day period will constitute a violation of this Chapter and will be subject to the penalties as prescribed herein.

Section 235.030 Collection of Solid Waste.

A. The City shall provide for the collection of solid waste as follows:

1. Residential waste. The City shall provide for the collection of all residential solid waste in the City, and said collection service shall be provided by City Refuse Collectors authorized and licensed by the City. City-approved solid waste collection is mandatory for all dwellings.
2. Non-residential waste. It shall be the duty of any business or commercial establishment to provide for collection of all solid waste produced upon such premises.
3. Monitoring collection. The Director of Public Works or the Director's designee shall monitor performance of the solid waste management system. The City Refuse Collector shall notify the Director of Public Works, or the Director's designee, of any occupant that cancels service or has service suspended. The Director shall notify the owner and occupant, if different, in writing, that service must be resumed within seven (7) days or the owner and occupant will be in violation of this Chapter and subject to the penalties prescribed herein.

B. Collection Becomes Property Of City Refuse Collector. All solid waste collected shall, upon being loaded into collection equipment, become the property of the City Refuse Collector.

C. May Enter Private Property. City Refuse Collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. City Refuse Collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste except at the request of the property owner. Commercial solid waste may be removed from within commercial establishments with permission of the owner.

D. Collection Frequency. The following collection frequencies shall apply to collections of solid waste within the City:

1. Collection and removal of refuse by the City's refuse collection contractor shall be made not less than once weekly and such collections shall be made on the days designated by the Director of Public Works.
2. Collections and removal of refuse by private contractors for business, commercial and institutional establishments shall be made as often as deemed necessary by the Director of Public Works to prevent the development on the premises concerned of conditions which tend to create a sanitary nuisance or a hazard to the public health, welfare and safety.
3. No collections shall be made before 7:00 A.M. or after 5:00 P.M. except for the collection of City-owned refuse containers by the City's refuse collection contractor which shall be collected according to the time limitations established by the Director of Public Works. No collections shall be made from any types of premises on Sundays.

E. Commercial solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the City to use public property for such purposes.

Section 235.035 License — Required — Application — Certificate — Fee — Renewal

It shall be unlawful for any person to engage in business as a private refuse collector for commercial establishments within the City without first obtaining a license to engage in such business. Persons desiring a license to conduct such business shall apply to the Director of Public Works who, upon satisfactory proof of the qualifications and fitness of the applicant and of his/her ability to comply with all of the provisions of this Article, shall issue a certificate of qualification together with a fee of ten dollars (\$10.00) to the Director of Finance, the applicant shall be entitled to a license to engage in business as a private refuse collector; said license shall expire on December thirty-first (31st) of the calendar year of issuance and may be renewed thereafter annually upon payment of said fee of ten dollars (\$10.00) to the Director of Finance. The Director of Public Works shall have the right to direct the Director of Finance to refuse to renew any such license if he/she shall determine that the holder thereof no longer qualifies for a license under the provisions of this Section.

Section 235.040 Transportation of Solid Waste.

A. Collection Vehicles. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

B. Earth and Rock From Excavation. All such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section.

Section 235.050 Prohibited Practices.

A. It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than their own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such.
3. Burn solid waste.
4. Dispose of solid waste or hazardous waste at any facility or location which is not approved by the Missouri Department of Natural Resources.
5. Engage in the business of collecting, transporting, processing or disposing of residential solid waste without a City approved contract for City Refuse Collector services.

Section 235.060 Responsibility of Occupant.

The occupant or person in control of any private property shall at all times maintain the premises free of litter or rubbish and shall store litter or rubbish in clean, authorized private containers for collection.

Section 235.070 Collection and Removal Personnel

The City refuse collector shall conduct their operations with personnel who are capable of operating the required equipment in a safe, efficient and satisfactory manner. They must be courteous, neat and clean at all times.

Section 235.080 Disposal Methods and Sites — Compliance With Article

It shall be unlawful for any person or collector to dispose of refuse on his/her premises or on any other place within or beyond this City or County or in any other manner than as prescribed in this Article.

Section 235.090 Disposal Methods and Sites — Approval — Compliance With Law

The methods and the sites which the City refuse collector proposes to use or uses for the final disposition of refuse collected in this City shall be subject to the approval of the Board of Aldermen and shall be in full conformity with the provisions of this Article and the Statutes of the Federal or State Governments and the ordinances, rules and regulations which have been enacted by this City, the County or other Counties, Cities, Towns or Villages which may be affected by the refuse disposal operations of this City.

Section 235.100 Violation — By Recipient of Service A Misdemeanor

The violation of any provision of this Article shall be deemed an ordinance violation punishable as provided in Section 100.110 of this Code of Ordinances. Each day of such violation shall constitute a separate offense.

Article II Recycling

Section 235.310 Recycling Solid Waste

A. Definitions. As used in this Section, the following terms shall have the respective meanings ascribed to them:

COMPOSTABLES

Yard waste such as grass clippings, leaves, vines, hedge and shrub trimmings, tree trimming and tree limbs less than one (1) inch in diameter that will fit in a lidded trash can. Tree limbs larger than one (1) inch in diameter and larger than four (4) feet are considered bulk rubbish.

MAJOR APPLIANCES

Washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air conditioners, refrigerators, freezers, dehumidifiers and humidifiers.

RECYCLABLES

Newsprint; brown, clear and green glass containers; aluminum and metal cans; plastic milk jugs and plastic soda bottles, all rinsed and reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the City and collector may hereafter mutually agree to collect as a recyclable. For the purpose of this Section, recyclables shall not include other solid waste, bulk rubbish or special waste as defined in this Chapter.

RECYCLABLES CONTAINER

A container furnished by the residence or City Refuse Collector for storage of recyclables.

B. Purpose. The purpose of this Section is to require mandatory separation of recyclable items to aid and promote collection thereof and disposal by means other than deposit in a sanitary landfill or by burning.

C. Separation And Storage Of Recyclables.

1. Every resident of every premise shall separate the recyclables from their respective premises from all other refuse, garbage, rubbish, waste matter, and compostables and shall store the recyclables in a recyclable container. Owners or residents of dwelling units who need recyclables containers may rent the same from the City Refuse Collector. If in the opinion of the Director of Public Works adequate and sufficient recyclable containers for the storage of recyclables between the prescribed collection days are not provided, it shall be the responsibility of the property owner to arrange with the collector for adequate recyclable containers.

2. Recyclables shall be collected at the same locations on the premises as solid wastes.

3. The deposit of unauthorized materials into a recyclables container or bin, or removal of another person's recyclables from a recyclables container or bin, or conversion of a recyclables container, or removal of a recyclables container from another person's premises for the deposit of compostables into any container containing refuse, recyclables, garbage, rubbish or waste material, shall be deemed a violation of this Section.

4. All containers for recyclables and compostables stored out of doors shall be stored behind any building located on the tract of land.

D. Separation And Storage Of Compostables.

1. Every resident of every premises with yard waste service shall separate compostables from their respective premises from all other refuse, garbage, rubbish, waste matter and recyclables. Compostables to be collected by the City Refuse Collector shall be stored in containers which are either biodegradable paper bags or a metal or plastic container not exceeding ninety-five (95) gallons. Containers for compostables must be tightly sealed to prevent nuisance odors.

2. Plastic bag containers shall not be used for compostables collection.

3. All compostables may be placed together in the same compostables container. Small limbs (no longer than four (4) feet long and less than one (1) inch in diameter) and branches may also be placed in a compostable container.

4. Compostables shall be collected at the rear of the building or alley on the same collection day as recyclables.

E. Collection Of Recyclables/Compostables.

1. Collection of recyclables and compostables from dwellings shall be by a hauler selected by the City, which hauler shall be duly licensed by the City. Also, such collection shall be done in compliance with all other applicable ordinances of the City, now or hereafter in effect. The recyclables and compostables shall be collected from the premises covered by such contract by the collector under contract with the City and on terms and conditions set out in such contract.

2. The collection of recyclables and compostables from single family, two family or multiple dwellings by any private hauler not contracted by the City is expressly prohibited.

3. The contractor shall collect all recyclables and compostables on the same day once each week in accordance with schedules of and routes for collection as determined by the Director of Public Works.

4. Neither the foregoing provisions of this Section nor any other provisions of this Section shall prevent any resident from discarding that resident's recyclables by personally delivering them to a centralized recycling collection site, manufacturer, or other vendor, or donating the same to non-profit civic, charitable, or service organizations.

F. Disposal Of Recyclables/Compostables.

1. Recyclables shall not, in any event:

a. Be deposited in any landfill;

b. Be burned in any incinerator; or

c. Be deposited or distributed in any way or manner which is contrary to the then applicable law, Statute, ordinance, rule or regulation. Provided however, that the restrictions in (a) and (b) above shall not apply to any recyclables or compostables which are deposited in a landfill or burned pursuant to specific prior written approval granted by the City.

2. Residents shall take such action as is reasonable under the circumstances to determine that recyclables and compostables are not disposed of contrary to the provisions of this Section.

G. Ownership Of Recyclables/Compostables. All recyclable and compostable materials shall be owned by and be the responsibility of the residents of premises until they are collected by the collector. Upon collection of the recyclable and/or compostable materials by the collector, the recyclable and/or compostable materials, with the exception of recyclable containers and/or compostable containers which are reusable, become the property and responsibility of the contractor.

H. Care Of Recyclable Containers. Each resident shall be responsible for the cleanliness and proper care of each recyclable container in his/her possession..

I. Disposal Of Recyclables/Compostables. The contractor shall dispose of recyclables at a local recycling and/or composting facility, if available; otherwise, contractor may sell recyclables and/or compostables to any purchaser of contractor's choosing, unless otherwise directed by the City. Contractor shall be entitled to retain the proceeds of any sale thereof.

J. Major Appliance Collection. Major appliances as defined in this Section can be picked up by the collector, with prior notification, for a fee.

Section 2. The Ordinance shall be enacted from and after its passage by the Board of Aldermen and in full force and effect on and after October 1, 2023.

Passed by the Board of Aldermen this _____ day of September 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: SEPTEMBER 12, 2023
SUBJECT: ORDINANCE - PROVIDING FOR THE APPROVAL AND EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE LODGE 15

The bargaining representatives have met, discussed, and agreed upon the attached successor Collective Bargaining Agreement which contains a resolution of the issues that affect the wages and terms and conditions of the Union members' employment. The Police Union members have ratified this agreement and it is being presented for Board approval. The agreement has a term of 3 years, ending on September 30, 2026.

Key provisions of the CBA that were not the City's current practice:

- Stipend for Detectives was increased from \$1,621 annually to \$2,100 annually.
- Juneteenth was officially added to the Paid Holiday list.
- Corporal is now a position with an established pay grade rather than a stipend.
- Pay was increased commensurate with the City's compensation study. The pay scale will be increased by 2.5% in FY25 and FY26.
- Post-accident drug testing was revised to be made consistent with the current policy established for the Fire Department.

Recommended Action: To approve an Ordinance authorizing the City Manager to enter into a successor Collective Bargaining Agreement with the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15, and other required administrative actions as may be required to comply with the intent of this ordinance.

BILL NO. 6987

ORDINANCE NO. _____

AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE, LODGE 15

WHEREAS, the City of Clayton, Missouri, (the "City") recognizes the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 as the exclusive bargaining representative for the unit; and

WHEREAS, the City approved a collective bargaining agreement with the Union by Ordinance No. 6669, passed by the Board of Aldermen of the City of Clayton on October 13, 2020; and

WHEREAS, both the City and the Union desired changes to that agreement; and

WHEREAS, the City and the Union have met and conferred and worked cooperatively over many months and have now reached this agreement;

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

Section 1. The Board of Aldermen approves on behalf of the City Collective Bargaining Agreement with Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15, in substantial conformity with the terms shown on Exhibit A attached hereto and incorporated herein by this reference as if set out here in full, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient, or prudent in order to carry out the intent of this legislation.

Section 2. The 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 12th day of September 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: SEPTEMBER 12, 2023
SUBJECT: ORDINANCE - PROVIDING FOR THE APPROVAL AND EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2665

The bargaining representatives have met, discussed, and agreed upon the attached successor Collective Bargaining Agreement which contains a resolution of the issues that affect the wages and terms and conditions of the Union members' employment. The fire union members have ratified this agreement and it is being presented for Board approval. The agreement has a term of 3 years, ending on September 30, 2026.

Key provisions of the CBA that were not the City's current practice:

- The City will register and cover the cost of every member to be added to the Missouri Fire Fighters Critical Illness Pool.
- CBA was updated to include a 144-hour special event overtime cap that was approved in 2021.
- Juneteenth was officially added to the Paid Holiday list.
- Engineer is now a position with an established pay grade rather than a stipend.
- Pay was increased commensurate with the City's compensation study. The pay scale will be increased by 2.5% in FY25 and FY26.

Recommended Action: To approve an Ordinance authorizing the City Manager to enter into a successor Collective Bargaining Agreement with the International Association of Fire Fighters Local 2665 and other required administrative actions as may be required to comply with the intent of this ordinance.

BILL NO. 6988

ORDINANCE NO. _____

AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE CLAYTON FIRE DEPARTMENT SHOP OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2665

WHEREAS, the City of Clayton, Missouri, (the “City”) recognizes the International Association of Fire Fighters, Local 2665 (the “Union”) as the exclusive bargaining representative for the unit; and

WHEREAS, the City approved a collective bargaining agreement with the Union by Ordinance No. 6707, passed by the Board of Aldermen of the City of Clayton on June 22, 2021; and

WHEREAS, both the City and the Union desired changes to that agreement; and

WHEREAS, the City and the Union have met and conferred and worked cooperatively over many months and have now reached this agreement;

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

Section 1. The Board of Aldermen approves on behalf of the City Collective Bargaining Agreement with The Clayton Fire Department Shop of I.A.F.F. Local 2665 in substantial conformity with the terms shown on Exhibit A attached hereto and incorporated herein by this reference as if set out here in full, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient, or prudent in order to carry out the intent of this legislation.

Section 2. The 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 12TH day of September 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
KAREN DILBER, DIRECTOR OF FINANCE
DATE: SEPTEMBER 12, 2023
SUBJECT: PUBLIC HEARING - AN ORDINANCE SETTING THE TAX YEAR 2023
PROPERTY TAX LEVIES FOR FISCAL YEAR 2024 BUDGET - *1ST*
READING

Each year the City must approve property tax levies which are then submitted to St. Louis County for billing. Calendar year 2023 is a reassessment year and there were significant changes in residential and commercial assessed values. The City experienced significant new construction growth, increasing residential assessed values by over \$1.7 million and commercial assessed values by over \$33 million¹. Subject to the maximum voter-approved rate of tax levy, the City is allowed to receive additional revenue up to the lower of 5% or the Consumer Price Index (CPI) which was 6.5% for this year, and for the value of the new construction. Per the Fiscal Year 2024 proposed budget plan, we are submitting the maximum allowable rates for your review.

As part of the property tax levy process, the Board will hold a public hearing to seek public input on the proposed tax rates on September 12, 2023. Below, please find the proposed calendar year 2023 property tax levy recommendations for Budget Year 2024.

The property tax levy process is somewhat complex in that as assessments increase the City is not allowed to gain any more revenue. Therefore, the maximum tax rates we are allowed to levy actually go down, or “roll back,” to generate no more revenue than the past year. The only ability to gain revenue is through growth in the CPI and new construction as mentioned above, and sometimes a small amount through recoupment of taxes explained below.

We have added small amounts of additional tax revenue in recent years through a recoupment process due to the revenue the City lost through successful property assessment protests over the past few years, but which were resolved in the last twelve months. In each year, the City is allowed to “recoup” the lost revenue which was due to assessed valuation reduction through protests adjudicated by the Missouri State Tax Commission after the City’s higher (pre-protest) assessed value had been used to calculate the permissible tax rate in prior years. The City is allowed to perform rate calculations in an effort to increase our levies to generate the revenue lost from having used a now incorrect total assessed value. This recoupment process is the only method for the City to attempt to receive the revenue it should have received had prior rates been calculated on the basis of the correct total assessed value.

¹ New construction amounts above are preliminary amounts and are subject to change.

This availability of recoupment fluctuates from year to year and this year has no effect on tax rates. Thus, the City’s maximum levies this year are projected to generate the amount of revenue from the previous year, plus CPI (capped at 5%) and revenue related to the new construction.

The calculation of assessment changes, growth, cost of living adjustments, etc. results in an annually re-calculated tax rate ceiling for various rate categories. This ceiling can only be at or below the voter-approved maximum authorized levy for each rate. The 2023 ceiling for Special Business District residential increased by 0.003. There were no changes to the tax rate ceiling for other tax levies.

A recent court decision, not involving the City of Clayton, caused the Police Building debt service levies to decrease slightly beginning with 2021 rates.

The levies as presented are still subject to change due to the county Board of Equalization process and the Missouri State Auditor’s certification process, therefore there is the potential for the rates to still change slightly. If this occurs, staff will inform you of our options at that time.

City General Fund and Debt Service

The assessments on which the General Fund, Police Building Debt Service and General Obligation Debt Service levies are applied increased 8.5% for residential property and 27.4% for commercial property due to reassessment and new construction and decreased 1% for personal property. The 2023 proposed tax rates for these levies are at the tax ceilings. The General Fund tax levy, which may be used for any general purpose, is projected to generate approximately \$7.5 million, or approximately \$530,000 more than last year.

The City has two levies to support debt service. The first levy supports debt service of the police building. The second levy supports a general obligation bond approved by the voters in 2014 and refinanced earlier this year which was used for neighborhood street resurfacing, street lighting and alley improvements. These levies will generate approximately \$1.2 million and \$850,000, respectively.

Historical rates and the rates proposed to be levied for the 2023 calendar year (Fiscal Year 2024 budget year) are presented below. All rates are per \$100 of assessed valuation.

Property Category	2020 Tax Rate	2021 Tax Rate	2022 Tax Rate	2023 Tax Rate First Reading	2023 Rate Compared to 2022 Rate
General Revenue					
Residential	\$0.520	\$0.497	\$0.498	\$0.488	\$0.010 Decrease
Commercial	\$0.610	\$0.610	\$0.622	\$0.545	\$0.077 Decrease
Personal	\$0.707	\$0.707	\$0.707	\$0.707	No Change
General Obligation Debt Service					
Residential	\$0.077	\$0.080	\$0.068	\$0.065	\$0.003 Decrease
Commercial	\$0.077	\$0.080	\$0.068	\$0.065	\$0.003 Decrease
Personal	\$0.077	\$0.080	\$0.068	\$0.065	\$0.003 Decrease

Property Category	2020 Tax Rate	2021 Tax Rate	2022 Tax Rate	2023 Tax Rate First Reading	2023 Rate Compared to 2022 Rate
Police Building Debt Service					
Residential	\$0.102	\$0.091	\$0.091	\$0.089	\$0.002 Decrease
Commercial	\$0.107	\$0.100	\$0.102	\$0.090	\$0.012 Decrease
Personal	\$0.122	\$0.120	\$0.120	\$0.120	No Change

The schedule below provides the total rate, including the debt levies, for residential, commercial and personal property.

Property Category	2020 Tax Rate	2021 Tax Rate	2022 Tax Rate	2023 Tax Rate First Reading	2023 Rate Compared to 2022 Rate
Residential	\$0.699	\$0.668	\$0.657	\$0.642	\$0.015 Decrease
Commercial	\$0.794	\$0.790	\$0.792	\$0.700	\$0.092 Decrease
Personal	\$0.906	\$0.907	\$0.895	\$0.892	\$0.003 Decrease

For a home valued at \$700,000, it is expected that the homeowner would pay approximately \$854 in property taxes for the City of Clayton portion only. Based on last year's rate, the same homeowner would pay \$20 less than last year to the City, assuming the assessed value remained the same.

Special Business District

The assessments on properties on which the Special Business District levies a tax increased 0.7% for residential and 29.4% for commercial properties due to reassessment and a large amount of commercial new construction. The 2023 proposed tax rates are at the tax ceiling. The 2023 Special Business District tax levy for the Fiscal Year 2024 budget is projected to generate nearly \$589,000 which is approximately \$61,500 more than last year. Historical rates and the rates proposed to be levied for the 2023 calendar year (Fiscal Year 2024 budget year) are shown below and are per \$100 of assessed valuation:

Property Category	2020 Tax Rate	2021 Tax Rate	2022 Tax Rate	2023 Tax Rate First Reading	2023 Rate Compared to 2022 Rate
Residential	\$0.084	\$0.079	\$0.082	\$0.085	\$0.003 Increase
Commercial	\$0.115	\$0.116	\$0.117	\$0.102	\$0.015 Decrease

A commercial property located in the Special Business District assessed at \$2 million would pay approximately \$653 in property taxes for the Special Business District portion only. Based on last year's rate, the same commercial property would pay \$96 less than last year, assuming the assessed value of the property remained the same.

The following table lists the total tax rates from the City and the Special Business District for properties in the Special Business District only.

Property Category	2020 Tax Rate	2021 Tax Rate	2022 Tax Rate	2023 Tax Rate First Reading	2023 Rate Compared to 2022 Rate
Residential	\$0.783	\$0.747	\$0.739	\$0.727	\$0.012 Decrease
Commercial	\$0.909	\$0.906	\$0.909	\$0.802	\$0.107 Decrease

Recommended Action: To conduct a public hearing and have a first reading of an ordinance setting the annual property tax rates for calendar year 2023 (Fiscal Year 2024) at the rates referenced in this memorandum.

City of Clayton Public Hearing Notice

The Board of Aldermen of the City of Clayton will hold a public hearing at 7:00 p.m. on September 12, 2023, at City Hall, 10 N. Bemiston Avenue, Clayton, Missouri, on proposed property tax rates. The public hearing will also be available via Zoom, and the link and instructions to access the meeting virtually will be available on September 8, 2023 on the City's website (www.claytonmo.gov) with the meeting agenda. The tax rates shall be set to produce substantially the revenue required to be provided from property tax as set forth in the annual adopted budget. This levy is subject to change pending action of the Board of Aldermen, the Board of Equalization and/or the tax rate certification by the Missouri State Auditor.

Assessed Valuation	<u>Current Tax Year</u>	<u>Prior Tax Year</u>
City of Clayton		
Residential	\$748,843,510	\$689,963,450
Commercial	\$564,561,109	\$443,289,367
Personal Property	\$108,747,173	\$109,860,367
<u>General Obligation Debt Service</u>		
Residential	\$748,843,510	\$689,963,450
Commercial	\$564,561,109	\$443,289,367
Personal Property	\$108,747,173	\$109,860,367
<u>Police Building Debt Service</u>		
Residential	\$748,843,510	\$689,963,450
Commercial	\$564,561,109	\$443,289,367
Personal Property	\$108,747,173	\$109,860,367
<u>Clayton Special Business District</u>		
Residential	\$90,922,440	\$90,322,820
Commercial	\$501,582,680	\$387,498,950

	<u>Proposed Tax Rates</u>			<u>Proposed Revenue 2023-2024</u>
	<u>Residential</u>	<u>Commercial</u>	<u>Personal</u>	
City – General Revenue	\$0.488	\$0.545	\$0.707	\$ 7,500,000
City – Police Bldg. Debt Service	\$0.089	\$0.090	\$0.120	\$1,305,073
General Obligation Debt Service	\$0.065	\$0.065	\$0.065	\$922,000
Clayton Special Business District	\$0.085	\$0.102	\$0.000	\$580,000

If you are a person with a disability or have special needs in order to participate in this public hearing, please contact June Frazier at (314) 290-8469 prior to the hearing.

BY ORDER OF THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI
June Frazier, City Clerk
August 21, 2023

BILL NO. 6989

ORDINANCE NO.

AN ORDINANCE LEVYING AND ESTABLISHING THE RATE OF ANNUAL TAXES FOR GENERAL MUNICIPAL PURPOSES; POLICE BUILDING DEBT SERVICE; GENERAL OBLIGATION DEBT SERVICE; AND SPECIAL BUSINESS DISTRICT PURPOSES TO BE COLLECTED BY THE CITY OF CLAYTON, MISSOURI, FOR THE YEAR 2023

WHEREAS, on September 12, 2023, in accord with the provisions of Sections 67.110 and 137.073.5(3) and (4), RSMo 2016, after due notice as required by law and prior to adoption of any tax rate, the Board of Aldermen conducted a public hearing regarding the rates hereinafter adopted at which all citizens were afforded an opportunity to be heard, and

WHEREAS, in accord with the provisions of Section 137.073.5(3) and (4), RSMo. 2016, the Board of Aldermen has conducted a public hearing and, prior to setting and certifying its tax rate, in a public meeting adopts this ordinance.

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

Section 1. There is hereby levied for the year 2023 upon all real and personal property, subject to taxation, in the City of Clayton, Missouri, the following ad valorem taxes for the following purposes, to wit:

A. For general revenue purposes a tax levy of \$0.488 on residential property, a tax levy of \$0.545 on commercial property and a tax levy of \$0.707 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

B. For police building debt service purposes a tax levy of \$0.089 on residential property, a tax levy of \$0.090 on commercial property and a tax levy of \$0.120 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

C. For general obligation debt service purposes a tax levy of \$0.065 on residential property, a tax levy of \$0.065 on commercial property and a tax levy of \$0.065 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

Section 2. There is hereby levied for the year 2023 upon all real property, subject to taxation, in the Special Business District in the City of Clayton, Missouri, which are all commercially zoned properties designated C-1, C-2, C-3 and C-4, on the zoning map of the City of Clayton, as of August 11, 1981, lying north of the Forest Park Expressway in the City of Clayton, Missouri, the following ad valorem taxes, for Special Business District purposes a tax levy of \$0.085 on residential property and a tax levy of \$0.102 on commercial property, on each one hundred dollars (\$100.00) of assessed valuation.

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

Passed this _____ day of September 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
KAREN DILBER, DIRECTOR OF FINANCE
DATE: SEPTEMBER 12, 2023
SUBJECT: PUBLIC HEARING & AN ORDINANCE - FISCAL YEAR 2024 OPERATING AND CAPITAL IMPROVEMENTS BUDGET—*1ST READING*

In August, the Board of Aldermen received the City Manager's proposed Fiscal Year 2024 Operating and Capital Improvements Budgets. As part of the budget process, the Board is required to hold a public hearing to seek public input prior to formal budget adoption. The public hearing will occur at the Board of Aldermen meeting on September 12, 2023.

The Board reviewed the proposed budget during a public meeting on August 18, 2023.

The Board of Aldermen has studied this proposed budget and the public has had opportunity for reviewing the budget document. The attached ordinance approving the Fiscal Year 2024 Operating and Capital Improvements Budget is presented for first reading. A summary of the budget is attached, that includes a reconciliation of changes since the proposed budget.

Recommended Actions: To conduct a public hearing and have the first reading of the Fiscal Year 2023 Operating and Capital Improvements Budget as presented in the proposed budget.

BILL NO. 6990

ORDINANCE NO.

**AN ORDINANCE ADOPTING AN ANNUAL BUDGET
FOR FISCAL YEAR 2024 COMMENCING ON OCTOBER 1, 2023
AND APPROPRIATING FUNDS PURSUANT THERETO**

WHEREAS, the City Manager has presented to the Board of Aldermen an annual budget for the Fiscal Year 2024 commencing on October 1, 2023; and

WHEREAS, a public hearing on the budget was conducted on September 12, 2023, pursuant to notice as provided by law, at which hearing interested persons were given an opportunity to be heard;

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

Section 1. The annual budget for the City of Clayton, Missouri, for the Fiscal Year 2024 commencing on October 1, 2024, a copy of which is attached hereto and made a part hereof as fully set forth herein, having been submitted by the City Manager, is hereby adopted.

Section 2. Funds are hereby appropriated for the objects and purposes of expenditures set forth in said budget. The expenditures 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 _____ day of September 2023.

Mayor

ATTEST:

City Clerk

CITY OF CLAYTON
Reconciliation of Proposed to Final FY24 Budget

Fund	FY 2023	FY 2024
<u>General Fund</u>		
Beginning Fund Balance	23,466,758	23,160,324
Initial Revenues & Other Financing Sources	29,182,889	30,899,345
Change		66,000
Revised Revenues & Other Finance Sources	29,182,889	30,965,345
Initial Expenditures & Other Financing Uses	29,489,323	30,246,415
Change	-	27,137
Revised Expenditures & Other Finance Uses	29,489,323	30,273,552
Ending Fund Balance	23,160,324	23,852,117
<u>Sewer Lateral Fund - No Change</u>		
Beginning Fund Balance	104,794	123,671
Revenues & Other Financing Sources (No Change)	97,877	97,817
Expenditures & Other Financing Uses (No Change)	79,000	80,000
Ending Fund Balance	123,671	141,488
<u>Special Business District Fund - No Change</u>		
Beginning Fund Balance	91,970	99,517
Initial Revenues & Other Financing Sources	545,246	588,544
Change	-	-
Revised Revenues & Other Finance Sources	545,246	588,544
Expenditures & Other Financing Uses (No Change)	537,699	589,166
Ending Fund Balance	99,517	98,895
<u>Equipment Replacement Fund</u>		
Beginning Fund Balance	9,293,680	9,419,161
Revenues & Other Financing Sources (No Change)	2,546,677	2,568,431
Expenditures & Other Financing Uses (No Change)	2,421,196	2,490,828
Ending Fund Balance	9,419,161	9,496,764
<u>Capital Improvement Fund</u>		
Beginning Fund Balance	8,171,331	6,876,149
Initial Revenues & Other Financing Sources	5,827,888	5,698,036
Change	-	1,214,800
Revised Revenues & Other Finance Sources	2,546,677	6,912,836
Initial Expenditures & Other Financing Uses	7,123,070	10,662,073
Change	-	(164,444)
Revised Expenditures & Other Finance Uses	2,421,196	10,497,629
Ending Fund Balance	6,876,149	3,291,356
<u>Bond Construction Funds</u>		
Beginning Fund Balance	1,981,098	369,574
Revenues & Other Financing Sources (No Change)	534,789	1,475,535
Expenditures & Other Financing Uses (No Change)	2,146,313	2,159,652
Ending Fund Balance	369,574	(314,543)
<u>Debt Service Funds</u>		
Beginning Fund Balance	1,894,319	2,279,843
Initial Revenues & Other Financing Sources	3,317,374	3,386,917
Change	-	-
Revised Revenues & Other Finance Sources	3,317,374	3,386,917
Expenditures & Other Financing Uses (No Change)	2,931,850	2,965,100
Ending Fund Balance	2,279,843	2,701,660
<u>Total of All Funds After Revisions</u>		
Total Beginning Fund Balances	45,003,950	42,328,239
Revised Revenues & Other Financing Sources	42,052,740	45,995,425
Revised Expenditures & Other Financing Uses	44,728,451	49,055,927
Total Ending Fund Balances	42,328,239	39,267,737

City of Clayton - FY 2024 Budget Detailed Reconciliation Items

General Fund

REVENUE	FY23	FY24
<i>Increase in transfers in from SBD</i>		\$55,000
<i>Increase due to reimbursement from other cities for fire training lease</i>		\$11,000
Total Revenue Changes	\$0	\$66,000
EXPENDITURES	FY23	FY24
<i>Increase in event expenditures</i>		\$55,000
<i>Reduction in personnel expenditures</i>		(\$17,530)
		(\$10,333)
Total Expenditure Changes	\$0	\$27,137
Net Change	\$0	\$38,863

Special Business District Fund

REVENUE	FY23	FY24
<i>Transfers Out to General Fund</i>		\$55,000
<i>Transfers Out to Capital Improvement Fund</i>		(\$55,000)
Total Revenue Changes	\$0	\$0
EXPENDITURES	FY23	FY24
<i>No changes</i>	\$0	\$0
Net Change	\$0	\$0

Capital Improvements Fund

REVENUE	FY23	FY24
<i>Remove transfer in from Spec. Bus. District</i>		(\$55,000)
Total Revenue Changes	\$0	(\$55,000)
EXPENDITURES	FY23	FY24
<i>Decrease related to financing decision for municipal garage</i>		(\$164,444)
Total Expenditure Changes	\$0	(\$164,444)
Net Change	\$0	\$109,444



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: SEPTEMBER 12, 2023

SUBJECT: ORDINANCE – REZONING FOR 500 SOUTH BRENTWOOD BOULEVARD FROM R-5 DISTRICT TO C-1 DISTRICT

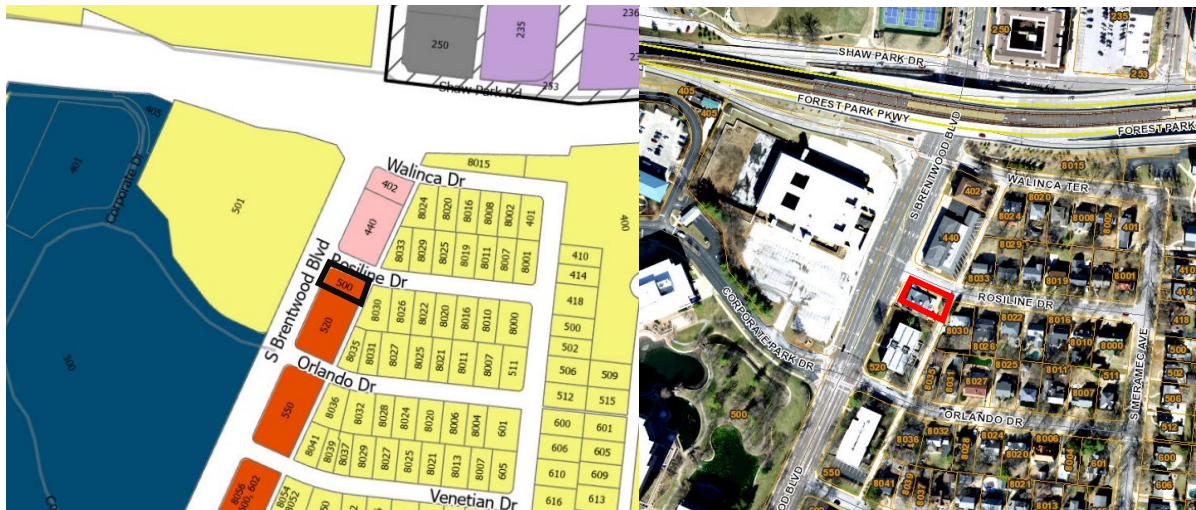
BACKGROUND AND PROJECT DESCRIPTION

This request is for a Public Hearing for review and consideration of the rezoning of certain property from R-5 Medium-Low Density Multiple-Family Dwelling District to C-1 Neighborhood Commercial District. The subject property is located at the southeast corner of the intersection of South Brentwood Boulevard and Rosiline Drive. The 7,900 square foot site is developed with a one-story commercial building that is currently vacant. The request was recommended for approval by the Plan Commission on August 21, 2023.

CRITERIA FOR REVIEW

Compatibility

The subject property is developed with a single-story commercial structure that previously housed a dry cleaner. The front of the property contains parking, and the rear contains a service point that connects to Rosiline Drive. Properties to the north are zoned C-1 and contain commercial uses. These structures are primarily two stories and contain parking fronting the street. Properties to the south are developed with three-story multi-family structures, are zoned R-5, and include below-grade parking. Properties to the east contain single-family homes zoned R-2 Single Family Dwelling District (R-2). To the west is South Brentwood Boulevard, a north-south arterial connecting Downtown Clayton to the City of Richmond Heights. Across the street, there is a Special Development District containing offices and greenspace.



 R-2 Single-Family Dwelling District	 R-5 Medium-Low Density Multiple-Family Dwelling District
 R-7 High Density Multiple-Family Dwelling District	 C-1 Neighborhood Commercial District
 HDC High Density Commercial District	 SDD Special Development District

The applicant is proposing to rezone the property to C-1. This zoning district is described in Section 405.2840 as the most restrictive commercial district intended to provide a variety of goods and services within a pedestrian friendly commercial environment, compatible to adjacent residential areas, thereby maintaining the quality of life in established neighborhoods. The table on the following page identifies permitted and conditional uses in the C-1 District.

The permitted and conditional uses of the C-1 District are intended to provide local neighborhood services that complement adjacent residential areas and do not attract a high volume of traffic. The existing structure on the subject property is intended for small-scale commercial use and contains limited parking. The site is adjacent to single-family and multi-family residential uses that would be served by the uses permitted in the C-1 District. Although parking is limited, those uses most likely to generate parking demand are conditional and would be required to obtain approval of the Plan Commission and Board of Alderman prior to operation. Staff are of the opinion that the uses permitted in the C-1 District are complementary to the existing property and surrounding area.

Examples of C-1 in Clayton include properties on the north side of Maryland Avenue between North Brentwood Boulevard and Gay Avenue, on the north side of Clayton Road between South Hanley Road and Oleta Drive, on the east side of DeMun Avenue between Northwood Avenue and Southwood Avenue and surrounding the intersection of Hanley Road and Wydown Boulevard. These commercial areas are commonly along higher trafficked corridors and adjacent to a combination of residential, office, and commercial uses. Staff are of the opinion that the existing and proposed use of commercial space on the subject property is compatible with the surrounding area due to its existing commercial configurate, location along a highly trafficked street, and its adjacency to other commercial and office uses.

Permitted (P) and Conditional (C) uses in the C-1 District	
Accessory uses and buildings incidental to permitted uses.	P
Amateur radio, home antennas and associated equipment (subject to Article XXVI).	P
Art gallery or studio.	P
Bakeries limited to the processing of bakery goods for sale only on the premises and consumption off the premises.	P
Banks, savings and loans, credit unions and other financial institutions.	P
Commercial antennas (subject to Article XXVI).	P
Kiosk (subject to the provisions of Article II, Section 405.310).	P
Medical or dental clinic.	P
Messenger and telephone exchange building.	P
Offices--Business or professional.	P
Package liquor store.	C
Parking lots and multi-level parking structures.	P
Personal care services.	P
Pharmacies.	P
Places of religious worship. Places of religious worship may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least 1 foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.	P
Retail establishments.	P
Academy (including dancing, painting, theater, karate and similar disciplines).	C
Automobile agencies.	C
Catering establishment.	C

Church spires, belfries, monuments, ornamental towers and spires and chimneys exceeding the maximum height in the zoning district may be erected to such height authorized by the Board of Aldermen of the City by conditional use permit or general ordinance.	C
Day care, nursery, pre-kindergarten, play and special schools and kindergarten.	C
Facilities (subject to Article <u>XXVII</u>).	P
Grocery stores.	C
Public buildings erected or used by any department of the City, County, State or Federal Government. Public buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 110 feet if the building is set back from each yard line at least 1 foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.	C
Restaurants, including carry-out, self-seating, full-service, and wine bars (subject to the cumulative numeric limitation on wine bars found in Section <u>600.035</u> of this Code of Ordinances), and prepared food dispensing uses.	C
Solar energy systems, building-mounted (subject to the provisions of Article <u>XXVIII</u>).	P
Solar energy systems, ground-mounted (subject to the provisions of Article <u>XXVIII</u>).	C
Utility, utility station or substation.	C
Veterinary Hospital/Clinic	C
Wind energy systems, building-mounted (subject to the provisions of Article <u>XXVIII</u>).	C

Note: Uses not appearing in this table are prohibited.

Conformity

The subject property’s existing conditions include a single-story commercial structure developed for non-residential uses. The future land use map identifies the subject property as mid-density multifamily housing serving 25 to 45 units per acre. The property is currently zoned R-5 and is intended to allow single-family, two-family, and low to mid-level density multi-family dwellings. Some non-residential uses are permitted, but are limited to churches, childcare services, educational institutions, public service buildings, and recreation facilities.

The subject property’s existing conditions do not conform with either the future land use map or the existing R-5 zoning district. The property is approximately 7,900 square feet in area. Under the existing R-5 zoning, a maximum of five multi-family units could be constructed on the property. With the maximum building height of three-stories or 45 feet, the required setbacks, and the required parking, the unit sizes would likely be restricted so as not to be feasible resulting in an even lower density of residential units. The existing lot is smaller than most lots in the surrounding area, including the residential and commercial lots. Without combination with the adjacent lot to the south, the subject property is not likely to support the residential density identified in the future land use map.

The subject property is legal, non-conforming with many provisions of the existing R-5 regulations. There are certain protections and standards applicable to non-conforming structures and uses outlined in Chapter 405, Article IV. Generally, non-conformities may be maintained but not enlarged, structurally altered, modified or repaired in a way that increases the degree or extent of the existing non-conformity. In the case of a non-conforming use, if the use is moved to another location or discontinued for a period of one year, any subsequent use must conform to the provision of the zoning district. The former dry cleaner has ceased operation for more than a year, which means that use could not be re-established under the existing R-5 regulations. The property also does not comply with the impervious coverage, rear yard, and side yard requirements of the R-5 District.

The proposed zoning district, C-1, is described in Section 405.2840 as the most restrictive commercial district intended to provide a variety of goods and services within a pedestrian friendly commercial environment, compatible to adjacent residential areas, thereby maintaining the quality of life in established neighborhoods. The existing conditions of the subject property are not in conformance with existing zoning but would be closer

to conformance with the proposed C-1 District. For example, the existing conditions of the site would likely comply with impervious coverage and rear yard setback requirements. Any redevelopment of the property under the C-1 regulations would result in a compatible development in terms of scale with the surrounding area. The C-1 District limits height to three-stories or 35 feet, which is less than in the R-5.

CONCLUSION

The subject property contains a commercial structure that previously contained a commercial use. The applicant is seeking to maintain commercial use of the property and is proposing that it be rezoned from R-5 to C-1. The property resides on a highly trafficked street and is surrounded by single-family, multi-family, commercial, and office uses. The existing conditions of the property are not in conformance with the future land use map or existing zoning. Although the rezoning would not conform to the future land use map, staff are of the opinion that the proposed rezoning would be compatible with the existing property and surrounding area due to the existing commercial structure, surrounding uses, and the conformity of the existing use with the C-1 district.

STAFF RECOMMENDATION

Staff recommends that the Board of Alderman approve the rezoning request with the conditions set forth in the ordinance for adoption.

BILL NO. 6991

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY LOCATED AT 500 SOUTH BRENTWOOD BOULEVARD FROM THE R-5 DISTRICT TO THE C-1 DISTRICT AND OTHER ACTIONS RELATED THERETO

WHEREAS, on July 25, 2023, a request, attached hereto and incorporated herein by reference as Exhibit A, for the rezoning of property addressed 500 South Brentwood Boulevard from R-5 Medium-Low Density Multi-Family Dwelling District to C-1 Neighborhood Commercial District was received from Bob Hagen of Hagen Properties, (the “Applicant”); and

WHEREAS, on August 21, 2023, the Plan Commission recommended that the proposed rezoning be approved by the Board of Aldermen; and

WHEREAS, after notice required by law and ordinance, a Public Hearing was held before the Board of Aldermen of the City of Clayton on September 12, 2023, to consider the request and recommendation; and

WHEREAS, upon due consideration, this Board of Aldermen finds and determines that good planning practice, those elements of the City’s comprehensive plan applicable to the area in question, and the public health, safety, morals, and general welfare would be best served if the subject Site is rezoned as hereinafter provided.

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

Section 1. The zoning classification of the property located at 500 South Brentwood Boulevard, and more fully described in Exhibit B Legal Description, attached hereto and incorporated herein by reference, is hereby changed from the R-5 Medium-Low Density Multi-Family Dwelling District to the C-1 Neighborhood Commercial District.

Section 2. The zoning map described in Chapter 405, Section 405.060, “Zoning Map”, of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in Section 1 of this Ordinance.

Section 3. Findings

The requested zoning classification the proposed zoning classification is in harmony with general purposes and intent of Chapter 405 of the Municipal Code, conforms with requirements of Chapter 405, Article XI, is of sound planning practice, and is compatible with and implements the planning goals and objectives of the City.

Section 4. Implementation

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

Section 5. Effective Date

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

Adopted this ____ day of _____ 2023.

Mayor

ATTEST:

City Clerk

Exhibit B Legal Description

A tract of land being Lot 1 in Block 14 of Davis Place, according to the plat thereof as recorded in plat book 21 pages 14 and 15 of the St. Louis County Records, City of Clayton, St. Louis County, Missouri.

July 25, 2023

Mr. Hobie Kropp
Planning Technician
City of Clayton
10 N Brentwood Blvd.
Clayton, MO 63105

hkropp@claytonmo.gov

RE: 500 S Brentwood Blvd
Rezoning Application
(REZ23-000003)
Via: City Clayton Portal

Dear Mr. Kropp.

We would like to rezone the aforementioned property from “R5” Medium-Low Density Multiple-Family Dwelling District (Article XVI) to “C1” Neighborhood Commercial District (Article XIX). The property tenant has operated dry cleaners, Banner Cleaners, for the past 60 plus years, the seller has indicated that they are the original owner/tenant after it was built. We intend to redevelop the existing structure and to use the original footprint of the building as it was initially designed. Currently, we are in the process of identifying possible tenants for the building for an office/retail user.

We would like the City of Clayton to consider the following when determining if the property warrants rezoning.

- 1) The property has occupied the building as a cleaner for many years which is a commercial use (non-residential) and could be considered “Personal care services” which is a permitted use.
- 2) The building cannot be converted/adapted to residential use; therefore, the highest & best use would be commercial use.

- 3) The building must be re-use and not torn down due to the lot small size 65x120 (7800 SF), construction of new building would trigger several issues Section 405.2380 Imperious Coverage, Section 405.2390 Setback Requirements (Corner Lot) addition to others which would not make the project not feasible.

- 4) The property located at 440 S Brentwood Blvd., Medical West, is zoned for "C1" and like the subject property it fronts Brentwood Blvd, and the alley separates it from the residence area. The property across Brentwood Blvd., 500 Corporate Park Drive is zoned for "SDD" which is a commercial use.

Should you have any questions please reach me at Cell 314-650-6690 or rhagen@hagenproperties.net. I'm looking forward to working with you.

Sincerely,

Robert M Hagen
Hagen Properties
34 N Brentwood Blvd.
Suite 208
Saint Louis MO 63105





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: SEPTEMBER 12, 2023

SUBJECT: ORDINANCES – REZONING, A PLANNED UNIT DEVELOPMENT & A MAJOR SUBDIVISION PLAT FOR 7814 FORSYTH BOULEVARD AND 2, 10, 14 & 18 SOUTH CENTRAL AVENUE

BACKGROUND

This request is for a Public Hearing for review and consideration of the rezoning and related Planned Unit Development for a proposed mixed-use development. The rezoning, Planned Unit Development, and Subdivision Plat are being addressed together in this report, though the plat and the land use elements entail separate ordinances on the Board's agenda. The project received Architectural Review Board approval and the Plan Commission recommended approval of the Site Plan, Lot Consolidation, Rezoning and Development Plan on August 21, 2023.

The 29,759 square foot site includes five parcels located at the southeast corner of the intersection between South Central Avenue and Forsyth Boulevard. The site is currently improved with one and two-story buildings that have housed a variety of retail, restaurant, and office uses. The majority of the tenant spaces are currently vacant.

PROJECT DESCRIPTION

The project consists of the demolition of all structures on the subject properties, the rezoning of the six lots to PUD, the consolidation of the six lots, and the construction of a mixed-use commercial development on the site. The proposed development measures 20 stories and a total height of 239 feet. The structure would contain 245 hotel rooms, a ground floor restaurant with outdoor dining, a seventh-floor bar and terrace, ballroom space, a ground level jazz club, and an attached 235 space parking garage.

Access to the parking garage is proposed off of South Central Avenue, at the southwestern corner of the site. Pedestrian access to the restaurant and hotel is provided at the intersection and along South Central Avenue. Access to the jazz club is proposed on Forsyth Boulevard. A loading dock is proposed along the alley to the east. City standard streetscape will be installed along the project limits on Forsyth Boulevard and South Central Avenue. Additionally, the project proposes to close the existing northern access drive to the adjacent surface parking lot along South Central Avenue. This closure will be improved with the City standard streetscape and two street parking spots. A

drop off/valet zone is proposed on South Central Avenue from the intersection to the entrance of the parking garage.

ZONING AND MASTER PLAN

Planned Unit Developments are a distinct zoning district and therefore, an application to rezone the subject properties from HDC High Density Commercial District and Northeast Downtown Overlay District was filed by the developer. Rezoning to a mixed-use PUD is allowed only in areas where the existing zoning designation is non-residential, the proposed building(s) totals fifty thousand (50,000) gross square feet or more or properties are located in overlay districts requiring PUD designation.

A mixed-use PUD must contain a reasonable ratio of areas devoted to distinct land use categories as determined by the Board of Aldermen in the exercise of its legislative discretion. In determining the reasonableness of the areas devoted to distinct uses, the Board of Aldermen may take into account the general character of the area within which the project site is located; the overall size of the project; the configuration of the proposed building(s) and the site layout; the need for residential or non-residential services; and other factors which the Board finds relevant to such an analysis in a given case. The first floor of any mixed-use building shall include commercial land uses with public entrances to these uses from an adjoining street; non-residential uses are also allowed on other floors of a mixed-use building.

The subject properties and proposed development meet the minimum requirements for a mixed-use PUD. Staff is of the opinion that the development contains a reasonable ratio of commercial and residential uses.

PLANNED UNIT DEVELOPMENT & PUBLIC BENEFITS

A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions of the original zoning district. The Board of Aldermen may approve alternatives to the zoning regulations, subdivision regulations, or design standards applicable to the property proposed to be rezoned to a PUD in exchange for developer provided public benefits, as authorized in Section 405.1380.

The number of requested modifications to the development standards drive the number of public benefits that the developer is required to provide in terms of a point scale that is set forth in Section 405.1380 of the Zoning Regulations. All PUDs shall provide at least one public benefit or combination of public benefits that total at least ten points beyond those additional points required for any desired code alternatives, even if no code alternative is requested. After the minimum ten points are achieved, the developer shall provide a public benefit or combination of public benefits totaling at least five points for each code alternative requested. For multiple requests for the same alternative (i.e. side yard setback alternatives on two sides) only one public benefit totaling five points is required. The project seeks relief from certain development standards that are set forth in the current C-2 zoning district. The total number of public benefits points required to be achieved as a result of the requested modifications for this project is 35 (see *Table 1, on page 3*).

TABLE 1: REQUIRED CODE ALTERNATIVES				
DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	WAIVER REQUIRED	POINTS
Required for all PUD projects				10
Building setback Central 410.105.E.1	40 ft on floors above floor 6	none	Yes	5
Building stepabck Forsyth 410.105.E.2	50 ft on floors above for 6			
Surface parking location 410.135.A.1.a	Setback 60 ft from street	none	Yes	5
Access 410.140.A.1.a; 410.150.A.1.F.1.b	Parking and service accessed from alley	Access from Central Avenue	Yes	5
Parking design 410.150.A.1.d.1.d	Parking access drive maximum 18 ft wide	Parking access drive 23 ft wide	Yes	5
On-site parking – parking study	Minimum 245 spaces	235 spaces	Yes	5
TOTAL POINTS REQUIRED				35

Section 405.1380(B)(1-15) characterizes public benefits that are considered approximate examples of benefits and Table 405.1390.1 assigns each listed benefit a maximum point value. Public benefits are not limited to those outlined in Section 405.1380(B)(1-15), and a developer may proposed different public benefits in their application for PUD rezoning per 405.1380(B)(16) to be measured by the Board of Aldermen.

As outlined in *Table 1*, above, the total number of points required for this project is 35. *Table 2: Review of Proposed Public Benefits*, on the following pages, outlines the public benefits identified by the applicant. Staff analysis of the proposed benefits is included in *Table 2* along with a recommended point value. While each PUD in the City is different and should be reviewed individually, there should also be some level of consistency in how similar features are reviewed and scored. Features or elements of new projects that are similar to previous projects may be valued differently as the individual project, site, conditions, community, and goals may change. As part of the analysis of the proposed project and benefits, staff reviewed how other PUD projects were scored in addition to the specific context of this project. The Plan Commission voted to recommend awarding 38 points to the Board of Aldermen.

TABLE 2: REVIEW OF PROPOSED PUBLIC BENEFITS

CODE SECTION	CODE STANDARD	POSSIBLE PTS SCALE	APPLICANT'S PUBLIC BENEFIT DESCRIPTION	REQUESTED PTS	PC PTS	STAFF ANALYSIS
405.1380(B)(1)	Constructing buildings exhibiting Architectural distinction and significance that would make the development unique.	0-5	Portions of the ground floor façade have been significantly recessed to provide enhanced public sidewalks and terraces for outdoor dining.	5	4	The proposed building creates interest and distinction with the use of varying window color, distinct ground and 7th floor architecture, high quality materials, and a combination of plantings and artwork to avoid blank walls.
405.1380(B)(3)	Provision of new or enhanced public infrastructure, greater than the minimum code requirements, including, but not limited to, the establishment of on-site common areas (exclusive of yards as defined herein), streets, curbs, sidewalks, sanitary sewers, stormwater sewers, landscape buffers, lighting.	0-2 per enhancement	The development concedes approximately 215 sf of it's ground floor footprint to allow for a widening of the north sidewalk beyond the City's standard width. The City's sidewalk will extend 1'-6" onto private property.	2	2	The applicant is recessing portions of the ground floor façade. This creates additional pedestrian and outdoor dining space.
			Space for outdoor dining is provided at the street level and recessed into the building massing so as to not impose on the functional sidewalk widths.	2	2	In addition to wider sidewalks, there is a recessed outdoor dining area to support active restaurant uses at the street.
			Planters are provided along Forsyth (approximately 100 linear feet) to soften the building exposure as the existing grade falls significantly across the site.	2	2	The northern façade along Forsyth includes plantings of various elevations to create interest and eliminate blank walls. The proposed façade contributes to an enhanced streetscape and pedestrian experience.
			Removal of curb cut on adjacent property/ROW to the south to improve traffic flow and provide additional street and lot parking. Requesting 1 point.	1	2	Removal of the existing parking lot access will condense vehicle traffic access points along the block of South Central Avenue and reduce the number of conflict points for pedestrians. The modification also allows for restoration of two on-street parking spaces that will be removed for the new garage access and the extension of City standard streetscape where none is currently present.
405.1380(B)(5)(a — h)	Sustainable Building Design and Construction.	0-1 per standard	Efficient heating and cooling systems: Heating & Cooling systems will meet or exceed LEED Silver criteria.	1	1	Different methods will be deployed for the various systems and use areas to maximize the efficiency of mechanical equipment.
			Appropriate building siting.	1	1	The orientation and location of the structure supports goals of the City and LEED guidelines.
			Re-used or recycled building materials.	1	1	Two of the main building materials for the structure, concrete and steel, will incorporate recycled components.
			Use of renewable resources for construction materials.	1	1	A priority of material selection for the developer is incorporation of renewable and recyclable materials.
			Inclusion of publicly accessible vehicle charging stations.	1	4	A minimum of 4 EV charging stations will be located inside of the parking garage.
			Significant use of natural light.	1	1	Extensive natural light within the building will enhance the physical environment and efficiency of the building.
			The development will comply with LEED silver requirements.	1	1	
405.1380(B)(7)	Dedication of land to the City for the purposes of widening or improving the adjoining right-of-way (when otherwise not required) or for other public purposes, over and above City requirements.	0-10	Development dedicates 4' of property to the adjacent alley to the east.	5	0	This is a requirement of the PUD per the Subdivision Regulations

TABLE 2, CONT.

CODE SECTION	CODE STANDARD	POSSIBLE PTS SCALE	APPLICANT'S PUBLIC BENEFIT DESCRIPTION	REQUESTED PTS	PC PTS	STAFF ANALYSIS
405.1380(B)(9)	Inclusion of parking spaces specifically available and designated for public parking.	0-5	The entire parking garage is open for public use.	5	0	The applicant has stated that all spaces in the proposed parking garage will be available to the public. However, the proposed 235 spaces fall below the recommendation from the parking study. There is not public parking proposed above the minimum requirement for parking to support the proposed uses.
405.1380(B)(12)	A significant form of public art in any media that has been planned and executed with the intention of being staged on private property, outside and which is accessible to the public.	0-5	Owner will submit final art selections and locations to Clayton Public Art Council. In particular, a large scale art installation is planned along the south interior lot line to help beautify the neighborhood until additional development occurs on the adjacent site(s).	5	4	The development proposed two murals to cover blank spaces of prominent walls on the south and east façade. In addition, there is a statement piece proposed for the feature corner at Forsyth and Central that will either be a statue or art piece along the ceiling of the overhanging roof.
405.1380(B)(13)	An appropriate amount of open space is provided and available for active or passive use by the public such as courtyards, grassed areas, patios, landscaped spaces	0-5	Level 07 has an outdoor terrace that is open to the public (approximately 4,300 sf). It is open to the sky and to the west offering unique views of the city from an elevated perspective.	5	5	The public terrace space on the seventh floor and the expanded outdoor dining areas will provide enhanced opportunities for the public to interact with the development. The public space on an upper floor will also offer options for a different experience and views of the City than the typical street level public spaces. The applicant has stated that the terrace will be open to the public every day without restrictions, which will be a feature not available elsewhere in the City. The public terrace and upper-level bar essentially double the public space and restaurant space available on the site.
405.1380(B)(16)	Any other public benefit which is determined by the Board of Aldermen to meet the purpose and objectives set forth in Section 405.1360.	Determined by BOA	In an effort to assist Clayton in providing attractive options for night-life and live entertainment, the development proposes an approximately 4,500 sqft public space in pursuit of a jazz club tenant. There are significant costs associated with creating this space which is at the property line and extends below grade along the sloping streetscape.	10	7	The unique use will bring additional economic activity and street activation to a prominent corner in Downtown Clayton. The proposed jazz club is a use that has been discussed and desired by the community. Ground floor commercial space is a requirement of PUDs and commercial space should be incorporated on Forsyth Boulevard. The PUD ordinance should specify use requirements for the space if the benefit is specifically targeted towards a music and/or nightlife venue.
<u>TOTAL</u>				49	38	<i>Minimum of 30 required</i>

CRITERIA FOR APPROVAL

The approval criteria are set forth in Section 405.1410 and are designed to achieve the objectives as set forth in Section 405.1360 of the Zoning Code. The Plan Commission may recommend, and the Board of Aldermen may adopt modifications to the requirements contained in Chapter 405.010 et. seq. titled Zoning Regulations as amended and Chapter 415.010 et. seq. titled Subdivision Regulations as amended, as part of its consideration and approval of a PUD. In considering and acting upon development plans, landscape plans, and other applicable plans, the Board of Aldermen shall take the following objectives into consideration through the PUD process:

Downtown Master Plan

- 1) *The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City as set forth in the City's Master Plans:*

The site is located in the North Central District as identified in the Downtown Master Plan. This district is described as the heart of Downtown, home to much of the area's retail and food scene. This area is described as having high pedestrian activity at multiple times of the day. The Downtown Master Plan states that development in this area should leverage existing strengths by retaining and enhancing the character of pedestrian experience, restaurant scene, civic and gathering spaces, and sense of community identity. The plan recommends wide sidewalks, landscaping, outdoor dining, and the removal of parking and service points from street view. The proposed design incorporates goals of the North Central District with the inclusion of widened sidewalks, additional plantings, and outdoor dining on both South Central Avenue and Forsyth Boulevard. Staff are of the opinion that the proposal meets goals identified in the Downtown Master Plan.

Compatibility

- 2) *A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area.*

The proposed uses are compatible with surrounding land uses, which include office, hotel, commercial, and multi-family uses.

- 3) *The location and screening of a project's air-conditioning units and other associated equipment.*
- 4) *The location, adequacy, and screening for trash.*

Mechanical equipment will be located on the roof, screened by a parapet wall. Utility connections are located along the alley. The trash room is accessed via the loading dock from the alley.

- 5) *A project's impact will not overtax public utilities, services, or other municipal facilities.*

At this time, Staff does not anticipate adverse impacts regarding public utilities, services, or municipal facilities.

Stormwater Drainage

- 6) *Provisions for storm surface drainage shall be in accordance with the City's design standards. Stormwater drainage shall be connected to a storm sewer whenever one is available as determined*

by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way.

The existing site coverage is 100 percent impervious material and is proposed to be reduced to 97 percent impervious. Existing MSD 15-year 20-minute stormwater runoff calculations currently measure 2.77 cubic feet per second (CFS). The proposed runoff would increase by 0.02 CFS to 2.79 CFS. The applicant has proposed detention and channel protection as required by MSD. The proposed plan has been reviewed by the City's contracted engineer and deemed acceptable.

Open Space and Landscaping

- 7) *The quality and quantity of public and common open space and landscaping provided are consistent with higher standards of design and amenities expected of a PUD. Common spaces are adequate in size and design to accommodate public use:*
- 8) *The applicant is required to submit a separate landscape plan showing existing trees, trees to be removed and trees to be replaced by caliper, species and condition. Such plans must reflect City of Clayton preservation standards.*
- 9) *The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements.*

The development proposes streetscape enhancements and publicly accessible outdoor spaces. The ground level façade is proposed to be recessed to allow for outdoor seating and gathering. A publicly accessible terrace is proposed on the seventh floor along South Central Avenue. The space will feature a combination of seating and plantings. The City standard streetscape is proposed along both Forsyth Boulevard and South Central Avenue, including the site of the proposed parking lot access closure.

Terraced planters are proposed along Forsyth Boulevard to soften the exposed building foundation created as the grade changes and to provide some screening of the outdoor dining. Trees and landscape are also proposed along the south side of the building to screen the garage wall.

Driveways, Sidewalks, Curbs and Gutters

- 10) *The site plan must state that all driveways, sidewalks, curbs and gutters are to be installed in accordance with the standards prescribed by the Public Works Department (PWD).*

The developer has stated they intend on complying with all City standards and specifications regarding the construction of adjacent streetscapes. The City standard Downtown streetscape would be installed on both South Central Avenue and Forsyth Boulevard. All streetscape plans shall be approved by the Public Works Department prior to installation activities, including the placement and selection of street trees and streetlights.

Utilities

- 11) *Provision of hookups to public utilities connections shall be installed in accordance with the standards of the Public Works Department. All connections shall be shown on the site plan.*
- 12) *Existing or proposed utility services are adequate for the proposed development.*

Adequate utility services are available for the proposed development.

Lighting

- 13) *All developments shall provide adequate lighting to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded and there shall be no spillover onto adjacent properties*

The applicant is not proposing the use of architectural lighting. All exterior lighting is located adjacent to access points. Should architectural lighting be added to the plan in the future, a lighting plan and photometric plan would be required in compliance with Section 405.360 Outdoor Lighting Standards.

External Circulation

- 14) *Streets, sidewalks, pedestrian ways, bike paths, off-street parking and loading as appropriate to the planned land uses are provided and meet the City of Clayton standards. They will not unduly interfere with the safety and capacity of adjacent streets, or other means of access to the site.*

The City's contracted traffic engineer completed a Traffic Impact Study (TIS) for the proposed development. The proposed development should generate similar levels of traffic to existing mix of uses and should have limited net impacts on adjacent public streets and intersections. The development has received approval from St. Louis County to close the northwest entrance to the adjacent surface parking lot to remove potential turning conflicts with the new garage access.

The proposed Subdivision Plat includes widening the north-south alley along the eastern project boundary to 24 feet wide. The widened alley will meet City standards to support the access and movement of larger vehicles providing trash and back of house services to the property and adjacent properties.

Internal Circulation

- 15) *The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians and provides public access to green areas and open space preserved on site which are designated for public use.*

Access to the garage is located on South Central Avenue, while access to the loading dock and other service areas is provided off of the alley. This separation of uses will remove potential conflicts of various vehicle types.

Parking, Bicycle Racks, & Traffic Circulation

- 16) *The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians.*

The development provides pedestrian access for all uses directly from the public sidewalk. Internal and external circulation is designed to support safe and convenient movements of vehicles and pedestrians.

- 17) *The type and location of parking provisions.*

A Parking Study was conducted and approved for a previously approved PUD on the site. Although the projects have some similarities, the new proposed PUD has resulted in a decrease of the ratio of parking spaces to hotel rooms from 1.53 to 0.95. The proposed parking garage will have 235 parking spaces accessible for guests and the public. The garage would be accessed via an entrance at the southwest corner of the property from South Central Avenue. A revised parking study recommended a minimum of 245 spaces, ten spaces more than proposed. At the Plan Commission meeting, the applicant presented the ability to obtain an agreement for access to ten

additional parking spaces in an adjacent building for valet use but requested a waiver of the ten spaces. The applicant cited the parking supply and demand of other hotels under their management as support that the additional ten spaces are not necessary. The applicant maintains that if the project does not have sufficient parking, they will be the first to know and will take action to obtain additional off-site parking. The Plan Commission voted to recommend approval of the parking waiver.

18) Parking should be located within the City block interior and deeper into parcels.

The proposed parking will be located in a parking garage on the south portion of the site. The garage will front South Central Avenue, clad with masonry on the ground level and glass on the upper levels. The PUD is located in the NDO District which includes setbacks for parking structures. The applicant is seeking relief from the required parking setback as part of the PUD. The use of a glazing system to screen the west façade of the garage will make the garage appear as an extension of the tower portion of the building. The proposed design will not result in the same level of screening as the NDO requirements, however, it will provide some mitigation of the visual impact of the garage.

19) Per Section 405.3670 Bicycle Parking Regulations are required when the City has to approve a site plan.

Per Section 405.3670(B)(1), one bicycle rack is required per 3,000 square feet of retail and one bicycle rack is required per 20 parking spaces for other uses. Based on the configuration of uses, the PUD requires approximately 15 bicycle racks. The plan proposes five bicycle racks adjacent to the entrance on South Central Avenue. The majority of the required parking for the development is to support the hotel use. Hotel visitors are less likely to have personal bicycles that would be parked in public areas during their stay. The bicycle parking requirements are intended to support local active transit with sufficient locations for people to safely park bicycles while visiting businesses and shops. Removing the hotel parking demand from the bicycle parking analysis results in a requirement for six bicycle racks. Staff is of the opinion that six bicycle racks are appropriate for the proposed development. The additional required rack may be located adjacent to the other proposed racks or a secondary location in proximity to the site including within the City standard streetscape. The final location of all required bicycle racks will be determined prior to issuing of construction permits.

Design

20) The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations.

The PUD process allows for the necessary flexibility to support a design that meets goals of the Downtown Master Plan. The proposed project is compatible with surrounding developments in terms of intensity of land use and by providing a mix of uses and density in the Downtown core. The building rises to twenty stories in height along the northern portion of the site, comparable to other towers in the Central Business District. The height is reduced to seven stories on the southern portion of the site as the parking garage is topped with a terrace overlooking South Central Avenue. The Architectural Review Board approved the design and materials of the project on August 21, 2023.

Buffering

21) *Appropriate buffering is provided to protect adjacent land uses from light, noise, and visual impacts.*

Surrounding land uses are similar in nature and scale, with commercial uses to all sides. The existing buildings surrounding the site are smaller in scale, however, the combination of proposed uses and provides opportunity for street activation at a prominent Downtown corner. The alley also provides some separation between the existing and proposed structures.

Natural Features

22) *The design of the project is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, or other areas of sensitive or valuable environment character. The topography of the property is preserved to the greatest extent possible.*

The existing site is currently developed with two-story commercial structures and has an impervious coverage of 100 percent. The applicant is proposing a reduction in imperious coverage to 97 percent and is proposing the installation of plantings on the north, west, and south sides of the property.

Site Layout and Land Use

23) *The proposed site layout and uses are compatible with the neighborhood surrounding the proposed development and the City as a whole.*

The proposed layout of the site and the overall land uses are compatible with the neighborhood and the proposed development and the City as a whole.

Compliance with all other applicable codes and ordinances:

24) The proposed development complies with all other codes and ordinances.

Staff is of the opinion that the proposed design complies with all other codes and ordinances.

Points

25) *The proposed development provides the required number of points to the extent outlined in Section 405.1380.*

See analysis above. Staff is of the opinion that the proposed PUD has incorporated enough public benefits.

Public Welfare

26) *The PUD will not be detrimental to the public health, safety, or general welfare.*

Provided the development is built in accordance with the zoning ordinance, the PUD ordinance, the approved site plan, and all applicable building and safety codes, the PUD should not be detrimental to the public health, safety, or general welfare.

CONCLUSION

The proposed project will provide a desired mixed-use development at a prominent corner in Downtown. The development aligns with the vision of the Downtown Master Plan and includes a variety of uses that

will help generate visitors and pedestrian traffic throughout the day. The development is providing several public benefits outlined in *Table 2*. Staff are of the opinion that the proposed plan conforms to the requirements of a PUD and provides an appropriate number of public benefits.

STAFF RECOMMENDATION

Staff recommends the Board of Aldermen approve the rezoning and Planned Unit Development per the required development commitments set forth in the Ordinance Exhibit C, Forsyth-Central PUD Document.

Staff recommends the Board of Aldermen approve the subdivision plat with the conditions set forth in the ordinance for adoption.

BILL NO. 6992

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY LOCATED AT 7814 FORSYTH BOULEVARD AND 2, 10, 14 & 18 SOUTH CENTRAL AVENUE TO A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS THE FORSYTH-CENTRAL PLANNED UNIT DISTRICT; PROVIDING FOR THE CHANGE IN THE ZONING MAP OF THE CITY OF CLAYTON, MISSOURI; APPROVING A PLANNED UNIT DEVELOPMENT FOR THE SUBJECT PROPERTY; AND OTHER ACTIONS RELATED THERETO

WHEREAS, Chapter 405, Article X “Planned Unit Development”, Section 405.1360 “Purpose Statement” of the City’s Land Use Code states that “Planned Unit Developments are a distinct zoning district”; and

WHEREAS, on June 30, 2023, a request for the rezoning of properties addressed 7814 Forsyth Boulevard and 2, 10, 14 & 18 South Central Avenue from HDC High Density Commercial District to PUD Planned Unit Development District was received from Jerod Thornton of Lamar Johnson Collaborative on behalf of Midas Development, (the “Developer”); and

WHEREAS, The Developer submitted an application for approval of a mixed-use development plan on June 30, 2023, which was revised on July 27, 2023, (the “Development Plan”) for use of the Site for development of a mixed-use structure. The structure will contain a mix of uses consisting of retail, entertainment, hotel, and parking. The mixed-use structure contains 245 hotel rooms, a ground floor restaurant with outdoor dining, a seventh-floor bar and terrace, ballroom space, a ground level jazz club, and an attached 235 space parking garage. A separate delivery and loading area are also provided on Site; and

WHEREAS, on August 21, 2023, the Plan Commission recommended that the proposed rezoning and development plan be approved by the Board of Aldermen; and

WHEREAS, after notice required by law and ordinance, a Public Hearing was held before the Board of Aldermen of the City of Clayton on September 12, 2023, to consider the request and recommendation; and


WHEREAS, upon due consideration, this Board of Aldermen finds and determines that good planning practice, those elements of the City’s comprehensive plan applicable to the area in question, and the public health, safety, morals, and general welfare would be best served if the subject Site is rezoned as hereinafter provided and if the development plan referenced below is adopted as hereinafter provided.

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

Section 1. The zoning classification of the property located at 7814 Forsyth Boulevard and 2, 10, 14 & 18 South Central Avenue, more fully described in Exhibit A, attached hereto and incorporated herein by reference, is hereby changed from HDC High Density Commercial District to a Planned Unit Development District.

Section 2. The zoning map described in Chapter 405, Section 405.060, “Zoning Map”, of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in Section 1 of this Ordinance.

Section 3. Findings and Development Plan Approval

The Development Plan dated July 27, 2023, Exhibit B ( [here](#)) attached hereto and incorporated herein by reference and made part of this Ordinance, as submitted by the Developer, and the Planned Unit Development Document, Exhibit C attached hereto and incorporated herein by reference, are hereby approved, this Board having found and determined that the Development, as set forth in the aforesaid Development Plan and Document, furthers the following objectives as specified in Section 405.1410:

- The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City;
- Streets or other means of access to the proposed development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets;
- The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians;
- Existing or proposed utility services are adequate for the proposed development;
- Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- Architecture and building materials are consistent with the design of the development and compatible with the adjacent neighborhood;
- Landscaping is appropriate with the scale of the development and consistent with any applicable City codes, ordinances, and standards.
- The proposed materials, design and uses are compatible with the neighborhood surrounding the proposed development or the City as a whole.
- The proposed development complies with all other applicable codes and ordinances.

In addition, the Board of Aldermen hereby finds and determines that the Developer has satisfied the requirements of Section 405.1380 to provide sufficient public benefits to (a) warrant approval of a planned development and (b) allow alternative standards in lieu of the four following zoning requirements which would otherwise be applicable to the subject property, to wit: the building setbacks, parking location, parking design and access, and minimum number of parking spaces of the Northeast Downtown Overlay District and HDC District. The Board's finding as to satisfaction of the requirements of Section 405.1380 is based on the Board's determination that the Plan is entitled to the points for public benefits as outlined in Table 1: Public Benefits Points, on the following page.

Table 1: Public Benefits Points			
Code Section	Public Benefit	Pts	Comments
405.1380(B)(1)	Architectural Distinction and Significance	4	The proposed building creates interest and distinction with the use of varying window color, distinct ground and 7th floor architecture, high quality materials, and a combination of plantings and artwork to avoid blank walls.
405.1380(B)(3)	Public Infrastructure	2	The applicant is recessing portions of the ground floor façade. This creates additional pedestrian and outdoor dining space.
		2	In addition to wider sidewalks, there is a recessed outdoor dining area to support active restaurant uses at the street.
		2	The northern façade along Forsyth includes plantings of various elevations to create interest and eliminate blank walls. The proposed façade contributes to an enhanced streetscape and pedestrian experience.
		2	Removal of the existing parking lot access will condense vehicle traffic access points along the block of South Central Avenue and reduce the number of conflict points for pedestrians. The modification also allows for restoration of two on-street parking spaces that will be removed for the new garage access and the extension of City standard streetscape where none is currently present.
405.1380(B)(5)(a-h)	Sustainable Building Design and Construction	1	Efficient HVAC Systems: Different methods will be deployed for the various systems and use areas to maximize the efficiency of mechanical equipment.
		1	Appropriate Building Siting: The orientation and location of the structure supports goals of the City and LEED guidelines.
		1	Recycled Building Materials: Two of the main building materials for the structure, concrete and steel, will incorporate recycled components.
		1	Renewable Resources for Construction: A priority of material selection for the developer is incorporation of renewable and recyclable materials.
		1	Significant Natural Light: Extensive natural light within the building will enhance the physical environment and efficiency of the building.
		1	Comply or exceed LEED silver requirements.
405.1380(B)(12)	Public Art	4	Provision of public art to include at minimum one focal point installation at the corner of Central and Forsyth, one mural on the south façade, and one mural on the east façade or equivalent as determined by the Board of Aldermen and reviewed by Public Art Advisory Committee.
405.1380(B)(13)	Open Space	5	The Level 07 outdoor terrace and lounge will be open to the public and not restricted other than when rented for private functions.
405.1380(B)(16)	Implementation of Downtown Master Plan	7	The development will include a 4,500 square foot live performance venue in pursuit of a jazz club or similar business.
	Sustainability and EV	4	Provision of four publicly accessible EV charging stations, above the minimum requirement for single points under Section 405.1380(B)(5)(h).

Section 4. The approval of the Development Plan by this Board of Aldermen is hereby subject to the development commitments and conditions set forth in Exhibit C, attached hereto and incorporated herein by this reference.

Section 5. Implementation

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

Section 6. Effective Date

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

Adopted this ____ day of _____ 2023.

Mayor

ATTEST:

City Clerk

Exhibit A Legal Description

Lot A

A Tract of land being of part of Lot 6 and Lots 7 - 11 in Block 10 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 11 (now 7), located In US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a the intersection of the east right of way line of South Central Avenue, 80 feet wide, and the south right of way line of Forsyth Boulevard, 80 feet wide, being the northwest corner of Lot 11 of above said Subdivision, thence along said south right of way line, South 84 degrees 31 minutes 30 seconds East, 146.24 feet; thence leaving said right of way line; South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records; thence along said north line North 84 degrees 29 minutes 09 seconds West, 146.28 feet to the east right-of-way line of above said South Central Avenue; thence along said right-of-way line, North 05 degrees 30 minutes 14 seconds East, 198.00 feet to the POINT OF BEGINNING.

Containing 28,967 square feet or 0.665 acres, more or less.

4' Wide Alley Dedication

A Tract of land being of part of Lot 6 and Lots 7 - 11 in Block 10 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 11 (now 7), located In US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the intersection of the south right of way line of Forsyth Boulevard, 80 feet wide, with the west right-of-way line of a 20 feet wide alley, said point also being the northeast corner of above said Lot 11; thence along said west right-of-way line; thence along said west right-of-way line, South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records,; thence along said north line; North 84 degrees 29 minutes 09 seconds West, 4.00 feet; thence departing said north line on a line being 4.00 feet west of and parallel to the west right-of-way line of said 20 feet wide alley, North 05 degrees 29 minutes 41 seconds East, 198.10 feet to its intersection with the south right of way line of above said Forsyth Boulevard; thence along said right-of-way line, South 05 degrees 29 minutes 41 seconds West, 4.00 feet to the POINT OF BEGINNING.

Containing 792 square feet or 0.018 acres more or less.

**FORSYTH - CENTRAL
A
PLANNED UNIT DEVELOPMENT (PUD)**

**REGULATIONS AND SUPPORTING MASTER PLAN GOVERNING FORSYTH-CENTRAL, A
PLANNED UNIT DEVELOPMENT PURSUANT TO THE PROVISIONS OF THE CITY OF
CLAYTON LAND USE REGULATIONS.**

DATE REVIEWED BY PLAN COMMISSION *August 21, 2023*

DATE APPROVED BY BOARD OF ALDERMEN _____

ORDINANCE NUMBER _____

LIST OF SECTIONS

SECTION A	PERMITTED AND ACCESSORY USES
SECTION B	DEVELOPMENT STANDARDS
SECTION C	LEGAL DESCRIPTION (AT TIME OF APPLICATION FOR PUD)
SECTION D	PUBLIC BENEFITS
SECTION E	DEVELOPMENT COMMITMENTS
SECTION F	PUD MASTER DEVELOPMENT PLAN
SECTION G	BOUNDARY SURVEY

SECTION A PERMITTED AND ACCESSORY USES

Consistency Statement:

The property is located in the North Central District as identified in the Downtown Clayton Master Plan. The vision of the North Central District is to “grow at a human scale along key pedestrian streets, with fine-grained development, active streets and walkable commercial areas.” The proposed uses include retail, music entertainment venue, and hotel rooms. The design will contribute to a walkable environment, consistent with the Downtown Master Plan.

Development of Meramec-Pershing Planned Unit Development (PUD) shall be in accordance with the contents of this ordinance and applicable sections of the Land Use Code and City Master Plan in effect at the time of issuance of any development order, such as but not limited to, Subdivision Plat, Site Plan, Demolition Permit, Building Permit, to which such regulations relate. Where these regulations fail to provide developmental standards, then the provisions of the most similar district shall apply.

Permitted Uses Identified in the PUD Plans:

A. Principal Uses and structures:

1. Pursuant to Section 405.3290 of the City of Clayton Zoning Code, all uses identified as Permitted Uses by right or by Conditional Use Permit for the “HDC” District in effect at the time of building permit application, listed on page 3 and 4.
2. Live Performance Venue
3. Hotel
4. Ballroom

B. Permitted Accessory Buildings or Uses:

1. Any subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use, subordinate in area, extent and purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building.

PERMITTED USES FOR THE "HDC" ZONING DISTRICT	"HDC"
Academy (including dancing, painting, theater, karate and similar disciplines).	C
Accessory uses and buildings incidental to permitted uses.	P
Amateur radio, home antennas and associated equipment (subject to Article <u>XXVI</u>).	P
Art gallery or studio.	P
Automobile agencies.	C
Bakeries limited to the processing of bakery goods for sale only on the premises and consumption off the premises.	P
Banks, savings and loans, credit unions and other financial institutions.	P
Banquet facilities.	C
Car wash establishments.	C
Catering establishment.	C
Church spires, belfries, monuments, ornamental towers and spires and chimneys exceeding the maximum height in the zoning district may be erected to such height authorized by the Board of Aldermen of the City by conditional use permit or general ordinance.	C

PERMITTED USES FOR THE "HDC" ZONING DISTRICT	"HDC"
Commercial antennas.	P
Day care, nursery, pre-kindergarten, play and special schools and kindergarten.	C
Drive-through establishments for financial institutions.	C
Facilities (subject to Article <u>XXVII</u>).	P
Funeral homes, mortuaries and undertaking establishments.	C
Gasoline and oil service stations.	C
Grocery stores.	C
Health clubs.	C
Hospital.	C
Hotel.	C
Institution.	C
Kiosk (subject to the provisions of Article <u>II</u> , Section <u>405.310</u>).	P
Lodge hall or club.	C
Marijuana cultivation facility entirely within an enclosed building (subject to performance standards set forth in Section <u>405.350</u>).	C
Marijuana dispensary facility (subject to the performance standards set forth in Section <u>405.350</u>).	C
Marijuana-infused products manufacturing facility (subject to performance standards set forth in Section <u>405.350</u>).	C
Marijuana testing facility (subject to the performance standards set forth in Section <u>405.350</u>).	C
Medical or dental clinic.	P
Messenger or telegraph service station and telephone exchange building.	P
Microbreweries.	C
Mixed use buildings including the use of a portion of the building for residential occupancy providing that each residential unit contain a floor area no less than 750 square feet.	C
Nursing and convalescent home.	C
Package liquor store.	C
Offices — Business or professional.	P
Paintless dent removal (automotive).	C
Personal care services.	P
Parking lots and multi-level parking structures.	P
Pharmacies.	P
Place of religious worship.	P
Public buildings erected or used by any department of the City, County, State or Federal Government.	C
Public interest signs.	C
Radio and broadcast stations.	C
Recreation building or structure or grounds.	P
Restaurants, including carry-out, self-seating, full-service, and wine bars (subject to the cumulative numeric limitation on wine bars found in Section <u>600.035</u> of this Code of Ordinances), and prepared food dispensing uses.	C
Retail establishments.	P
Schools for business, professional and technical training, but not including outdoor areas for driving or heavy equipment training.	C
Solar energy systems, building-mounted (subject to the provisions of Article <u>XXVIII</u>).	P
Solar energy systems, ground-mounted (subject to the provisions of Article <u>XXVIII</u>).	C
Theaters, both live performance and movies.	C
Utility, utility station or substation.	C
Veterinary Hospital/Clinic	C
Wind energy systems, building-mounted (subject to the provisions of Article <u>XXVIII</u>).	C
P = Permitted by right; C = Permitted with conditional use permit; Note: Uses not appearing in this table are prohibited.	

SECTION B DEVELOPMENT STANDARDS

All facilities shall be constructed in accordance with the approved Site Plan, Architectural Plans, Subdivision Plat and all applicable State and local laws, codes and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of the City of Clayton Zoning Regulations and Subdivisions Regulations shall apply to this project. The developer and developer's successors and assigns to title of the subject property shall be responsible for the commitments outlined in this document.

Development Standard	Requirement
Height (maximum)	239 feet from average grade to top of flat roof
Setback (rear)	0 feet
Setback (front) North Meramec Avenue	0 feet
Setback (front) Forsyth Boulevard	1.5 feet at ground floor, 0 feet above
Setback (side)	0 feet
Parking Minimum (automobile)	235 spaces on-site
Loading (minimum)	1 space
Parking (bicycle)	6 racks
Commercial Space	3,000 square feet on ground floor
Public Terrace	4,311 square feet on Level 07
Live Performance Venue	Minimum of 4,500 square feet
Hotel Rooms	245 rooms

SECTION C LEGAL DESCRIPTION (AT TIME OF APPLICATION FOR PUD)

Lot A

A Tract of land being of part of Lot 6 and Lots 7 - 11 in Block 10 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 11 (now 7), located In US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a the intersection of the east right of way line of South Central Avenue, 80 feet wide, and the south right of way line of Forsyth Boulevard, 80 feet wide, being the northwest corner of Lot 11 of above said Subdivision, thence along said south right of way line, South 84 degrees 31 minutes 30 seconds East, 146.24 feet; thence leaving said right of way line; South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records; thence along said north line North 84 degrees 29 minutes 09 seconds West, 146.28 feet to the east right-of-way line of above said South Central Avenue; thence along said right-of-way line, North 05 degrees 30 minutes 14 seconds East, 198.00 feet to the POINT OF BEGINNING.

Containing 28,967 square feet or 0.665 acres, more or less.

SECTION D PUBLIC BENEFITS

A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The Developer and any successor property owners have committed to providing the following public benefits:

Code Section	Public Benefit	Pts	Comments
405.1380(B)(1)	Architectural Distinction and Significance	4	The proposed building creates interest and distinction with the use of varying window color, distinct ground and 7th floor architecture, high quality materials, and a combination of plantings and artwork to avoid blank walls.
405.1380(B)(3)	Public Infrastructure	2	The applicant is recessing portions of the ground floor façade. This creates additional pedestrian and outdoor dining space.
		2	In addition to wider sidewalks, there is a recessed outdoor dining area to support active restaurant uses at the street.
		2	The northern façade along Forsyth includes plantings of various elevations to create interest and eliminate blank walls. The proposed façade contributes to an enhanced streetscape and pedestrian experience.
		2	Removal of the existing parking lot access will condense vehicle traffic access points along the block of South Central Avenue and reduce the number of conflict points for pedestrians. The modification also allows for restoration of two on-street parking spaces that will be removed for the new garage access and the extension of City standard streetscape where none is currently present.
405.1380(B)(5)(a-h)	Sustainable Building Design and Construction	1	Efficient HVAC Systems: Different methods will be deployed for the various systems and use areas to maximize the efficiency of mechanical equipment.
		1	Appropriate Building Siting: The orientation and location of the structure supports goals of the City and LEED guidelines.
		1	Recycled Building Materials: Two of the main building materials for the structure, concrete and steel, will incorporate recycled components.
		1	Renewable Resources for Construction: A priority of material selection for the developer is incorporation of renewable and recyclable materials.
		1	Significant Natural Light: Extensive natural light within the building will enhance the physical environment and efficiency of the building.
		1	Comply or exceed LEED silver requirements.
405.1380(B)(12)	Public Art	4	Provision of public art to include at minimum one focal point installation at the corner of Central and Forsyth, one mural on the south façade, and one mural on the east façade or equivalent as determined by the Board of Aldermen and reviewed by Public Art Advisory Committee.
405.1380(B)(13)	Open Space	5	The Level 07 outdoor terrace and lounge will be open to the public and not restricted other than when rented for private functions.
405.1380(B)(16)	Implementation of Downtown Master Plan	7	The development will include a 4,500 square foot live performance venue in pursuit of a jazz club or similar business.
	Sustainability and EV	4	Provision of four publicly accessible EV charging stations, above the minimum requirement for single points under Section 405.1380(B)(5)(h).

SECTION E DEVELOPMENT COMMITMENTS

The development of this PUD shall be subject to and governed by the following conditions:

1. TRANSPORTATION/PUBLIC WORKS

- A. A minimum of six publicly accessible bicycle racks shall be located on or directly adjacent to the development.
- B. A final streetscape plan shall be reviewed and approved by the Public Works Department prior to commencing installation activities.
- C. Impacts of sidewalk closures and temporary pedestrian path requirements shall be evaluated by Public Works prior issuing a Demolition Permit and again prior to issuing a Building Permit

2. ENVIRONMENTAL/LANDSCAPE/PUBLIC WORKS

- A. The public terrace with seating and plantings shall be maintained for the life of the development.
- B. Educational signage shall be installed adjacent to the rain garden and swale at the public sidewalk providing information on rain gardens and stormwater management for the public.

3. PLANNING/ZONING

- A. All signage shall comply with Chapter 425. Signage, unless a separate sign district specifically for this project is developed and approved by the Architectural Review Board.
- B. Lighting facilities shall comply with applicable City codes and shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.
- C. Public art on the property shall include at a minimum two murals as depicted on sheet A2-01 and a feature piece as the northwest corner as presented during the public hearing. A specific plan or rendering of the public art shall be submitted to the Public Art Advisory Committee and the Board of Aldermen for approval. In the event such artwork does not merit 3 points and the applicant does not make timely changes, the PUD development plan shall be reconsidered by the Board of Aldermen.
- D. The space labeled "jazz club" on Level 00 as shown on sheet A1-01 shall be maintained for an entertainment use or live performance venue for the live of the development.

4. MISCELLANEOUS

- A. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a local, state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicants fails to obtain requisite approval or fulfill the obligations imposed by a local, state or federal agency or undertakes actions that result in a violation of local, state or federal law.

- C. All other applicable local, state or federal permits must be obtained before commencement of the development.
- D. The project shall be constructed substantially in accordance with the approved Site Plan and Architectural Plans approved by the Plan Commission and Architectural Review Board, Plan set dated July 27, 2023.
- E. The approved development plan and Planned Unit Development Ordinance shall be recorded with St. Louis County and proof of recording submitted to the City prior to the issuance of a Building Permit.

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A PLAT TO CONSOLIDATE CERTAIN PROPERTY KNOWN AS 7814 FORSYTH BOULEVARD AND 2, 10, 14 & 18 SOUTH CENTRAL AVENUE AND WIDEN AN ADJACENT ALLEY IN THE CITY OF CLAYTON, MISSOURI

WHEREAS, there presently exists in the City of Clayton five lots addressed 7814 Forsyth Boulevard, and 2, 10, 14, and 18 South Central Avenue, more particularly described as follows:

A tract of land being part of Lot 6 and Lots 7-11 of Block 10 of the Town (now City) of Clayton Recorded in Plat Book 1, Page 11 (Now 7) Located in U.S. Survey 1918, Township 45 North, Range 6 East of the 5th Principal Meridian, City of Clayton, St. Louis County, Missouri.

WHEREAS, the owner of the subject property desires to consolidate those lots into one lot and to widen the adjacent north-south alley, in accordance with the City of Clayton Subdivision Ordinance, and has submitted the plat of the subject property to the Board of Aldermen of the City of Clayton for approval, which plat is attached hereto, marked "Exhibit A", and made part of this Ordinance.

WHEREAS, the City Plan Commission has considered the plat and recommended approval.

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

Section 1. The consolidation and boundary adjustment plat of the above-described property in accordance with the plat attached hereto and marked "Exhibit A" and made part of this ordinance is hereby approved and the plat is authorized to be filed in the office of the Recorder of Deeds.

Section 2. The City Clerk of the City of Clayton is authorized and directed on behalf of the City to sign the original plat of consolidation of the subject property. The owner (applicant) must provide a mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements.

Section 3. Approval of this Plat is concurrent with and intended solely to facilitate redevelopment of the subject properties as authorized by the Rezoning and Planned Unit Development Approval Ordinance (Ordinance No __) adopted concurrently herewith, which rezoning and PUD approval is subject to lapse and to the time limit specified in the City's Land Use Regulations, Section 405.1460. Accordingly, if the Plat approved hereby is not filed with the St. Louis County Recorder of Deeds prior to the deadline and the time limit applicable to the Rezoning and PUD Ordinance aforesaid the approval and authorization for filing of the Plat shall lapse and this Ordinance shall be of no further force and effect.

Section 4. The owner (applicant) must submit to the City Clerk proof of filing showing the book and page from the St. Louis County Recorder of Deeds Office prior to application for construction or demolition permits for the subject property as approved under the Rezoning and Planned Unit Development Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 12th day of September 2023

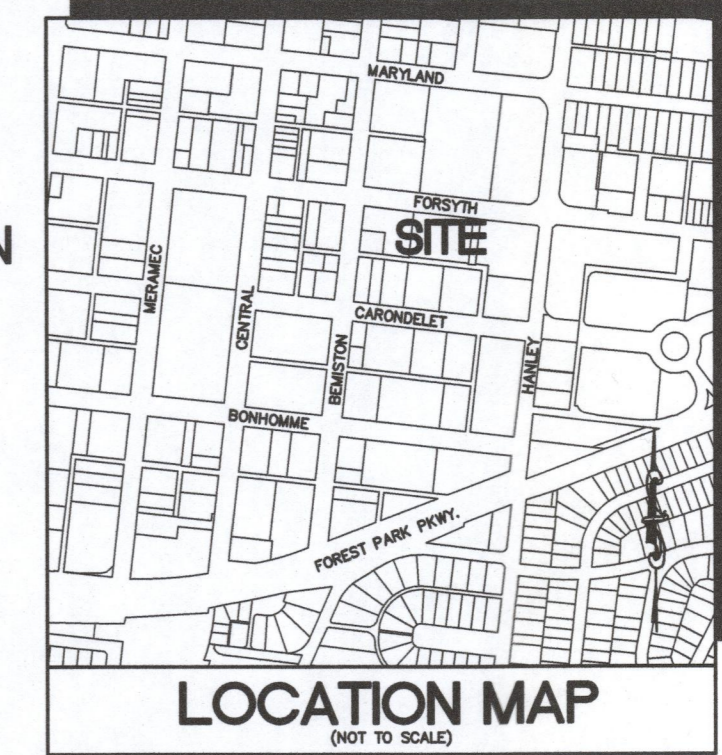
Mayor

ATTEST:

City Clerk

MIXED USE AT FORSYTH AND CENTRAL

TRACTS OF LAND BEING PART OF LOT 6 AND LOTS 7-11 OF BLOCK 10
OF THE TOWN (NOW CITY) OF CLAYTON RECORDED IN PLAT BOOK 1, PAGE 11 (NOW 7) LOCATED IN
U.S. SURVEY 1918, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI



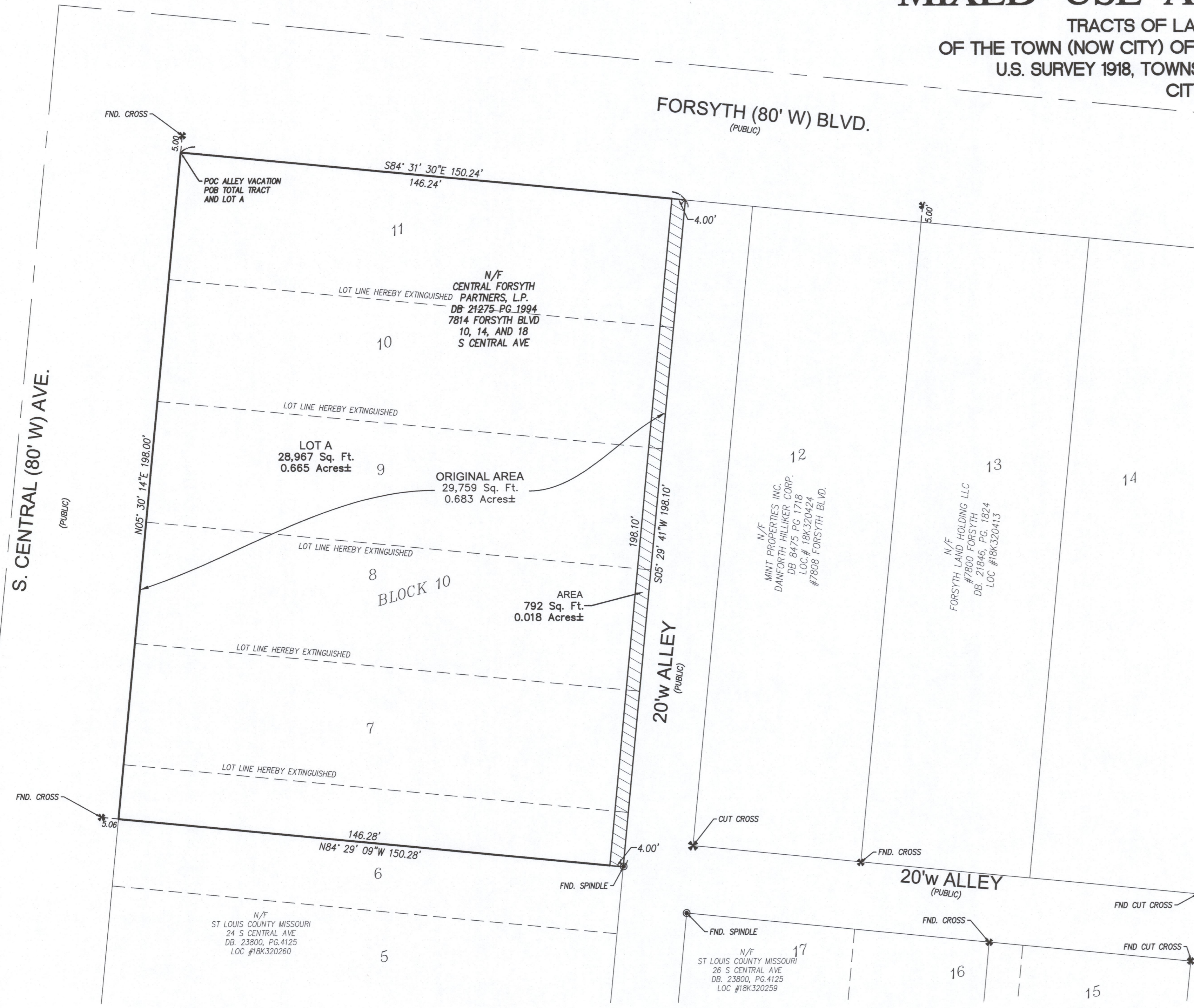
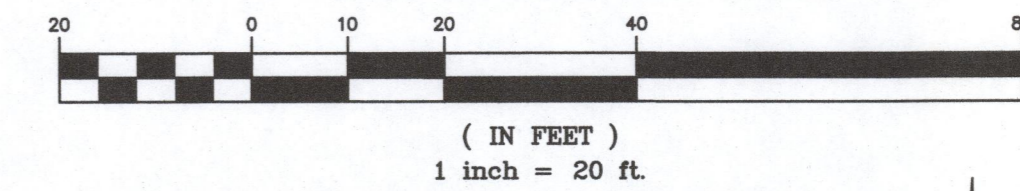
SITE BENCHMARK

CUT CROSS ON CONC. ISLAND; 3' SOUTH OF ALLEY R.O.W.
AND 1' WEST OF WEST R.O.W. OF BEMISTON; 190' NORTH
OF NORTH R.O.W. OF CARONDELET.
ELEV=585.57 (NAVD88)

ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 14531
NAVD88 (SLC2011a) Elev=588.08
Cut "L" on the top southeast corner of a several foot tall
and 12" thick concrete wall for a 7"x18.5" air shaft,
topped by a metal grate, apparently for ventilation of
underground parking beneath a surface parking lot;
immediately west of the sidewalk near the southeast
corner of property addressed as #17 South Bemiston
Avenue, roughly 40 feet west of the centerline of
Bemiston Avenue and 170 feet north of the centerline of
Carondelet Avenue.

GRAPHIC SCALE



CITY CERTIFICATION:

I, _____, City Clerk for the City of Clayton,
Missouri, do hereby certify the plat of "MIXED USE AT FORSYTH AND
CENTRAL"
was approved by the Board of Alderman of the City of Clayton, Missouri by
Ordinance Number _____ on this ____ day of
_____, 20__.

By: _____
City Clerk
Print Name _____

EXISTING PROPERTY DESCRIPTIONS

A tract of land being part of Lot 6 and all of Lots 7 through 11, Block 10 of the Town (Now City) of Clayton, St. Louis County, Missouri, located in U.S. Survey 1918, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Clayton, St. Louis County, Missouri being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of Central Avenue, 80 feet wide, with the south right-of-way line of Forsyth Boulevard, 80 feet wide, said point also being the northwest corner of above said Lot 11, thence along said south right-of-way line forming an interior angle of 89 degrees 59 minutes 23 seconds, a distance of 150.24 (150.00) feet to the northeast corner of said Lot 11, said point also being located on the west line of a 20 feet wide Alley; thence south along said west right-of-way line forming an interior angle of 90 degrees 00 minutes 37 seconds, a distance of 198.10 (198.00) feet to a found spindle, thence departing said right-of-way line forming an interior angle of 89 degrees 59 minutes 23 seconds, a distance of 150.28 (150.00) feet to the east right-of-way line of above said Central Avenue, thence along said right-of-way line forming an interior angle of 90 degrees 00 minutes 37 seconds, a distance of 198.00 feet to the Point of Beginning and containing 29,759 square feet or 0.683 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on October 29, 2014.

TOTAL TRACT

A tract of land being part of Lot 6 and all of Lots 7 through 11, Block 10 of the Town (Now City) of Clayton, St. Louis County, Missouri, located in U.S. Survey 1918, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Clayton, St. Louis County, Missouri being more particularly described as follows:

Beginning at the intersection of the east right of way line of South Central Avenue, 80 feet wide, and the south right of way line of Forsyth Boulevard, 80 feet wide, being the northwest corner of Lot 11 of above said Subdivision, thence South 84 degrees 31 minutes 30 seconds East, along said south right of way line, 150.24 feet to its intersection with the west right-of-way line of a 20 feet wide alley; thence along said west right-of-way line, South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records; thence along said north line; North 84 degrees 29 minutes 09 seconds West, 150.28 feet to its intersection with the east right-of-way line of above said South Central Avenue; thence along said right-of-way line, North 05 degrees 30 minutes 14 seconds East, 198.00 feet to the POINT OF BEGINNING.
Containing 29,759 square feet or 0.683 acres, more or less.

Lot A

A Tract of land being part of Lot 6 and Lots 7 - 11 in Block 10 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 11 (now 7), located in US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the intersection of the east right of way line of South Central Avenue, 80 feet wide, and the south right of way line of Forsyth Boulevard, 80 feet wide, being the northwest corner of Lot 11 of above said Subdivision, thence along said south right of way line, South 84 degrees 31 minutes 30 seconds East, 146.24 feet; thence leaving said right of way line; South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records; thence along said north line North 84 degrees 29 minutes 09 seconds West, 146.28 feet to the east right-of-way line of above said South Central Avenue; thence along said right-of-way line, North 05 degrees 30 minutes 14 seconds East, 198.00 feet to the POINT OF BEGINNING.
Containing 28,967 square feet or 0.665 acres, more or less.

4' Wide Alley Dedication

A Tract of land being part of Lot 6 and Lots 7 - 11 in Block 10 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 11 (now 7), located in US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

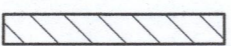
Beginning at the intersection of the south right of way line of Forsyth Boulevard, 80 feet wide, with the west right-of-way line of a 20 feet wide alley, said point also being the northeast corner of above said Lot 11; thence along said west right-of-way line, South 05 degrees 29 minutes 41 seconds West, 198.10 feet to the north line of a tract of land as conveyed to St. Louis County by instrument recorded in Book 23800, Page 4125 of the St. Louis County records; thence along said north line; North 84 degrees 29 minutes 09 seconds West, 4.00 feet; thence departing said north line on a line being 4.00 feet west of and parallel to the west right-of-way line of said 20 feet wide alley, North 05 degrees 29 minutes 41 seconds East, 198.10 feet to its intersection with the south right of way line of above said Forsyth Boulevard; thence along said right-of-way line, South 05 degrees 29 minutes 41 seconds West, 4.00 feet to the POINT OF BEGINNING.
Containing 792 square feet or 0.018 acres more or less.

OWNER'S CERTIFICATION

The undersigned owners of the tracts of land platted and further described in the foregoing Surveyor's Certification, have caused the same to be surveyed and subdivided in the manner shown on this subdivision plat, which subdivision shall hereinafter be known as:

"MIXED USE AT FORSYTH AND CENTRAL"

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

The 4 feet wide Alley dedication, which for better identification is shown  cross hatched on this plat, is hereby dedicated to City of Clayton, St. Louis County, Missouri for public use forever.

Two (2) Permanent monuments for each block are created and semi-permanent monuments at all lot corners will be set, that will aid in later recovery within twelve months after the recording of this subdivision plat, in accordance with 10 CSR 30-2.090 of the Missouri Department of Natural Resources and 4 CSR 30-16.090 of the Missouri Department of Economic Development. In addition, other survey monuments indicated on this subdivision plat required by the subdivision ordinance of the City of Clayton, Missouri will be set.

All taxes which are due and payable against this property have been paid in full.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____, 20__.

By: _____

PRINT NAME: _____

PRINT TITLE: _____

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) S.S.

On this ____ day of _____, 20__, before me personally appeared _____, the _____ of _____, Missouri limited liability company, known to me to be the person who executed the within plat in behalf of said _____ and acknowledged to me that he/she executed the same for the purposes therein stated

IN TESTIMONY WHEREOF, I have herewith set my hand and affixed my official seal the day and year first above written.

By: _____

Name: _____

My Commission Expires: _____

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) S.S.

On this ____ day of _____, 20__, before me personally appeared _____, the _____ of _____, Missouri limited liability company, known to me to be the person who executed the within plat in behalf of said limited liability company and acknowledged to me that he/she executed the same for the purposes therein stated

IN TESTIMONY WHEREOF, I have herewith set my hand and affixed my official seal the day and year first above written.

By: _____







Name: _____

My Commission Expires: _____

ABBREVIATIONS

DB - DEED BOOK
FT - FEET
FND. - FOUND
N/F - NOW OR FORMERLY
PB - PLAT BOOK
PG. - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
SQ. - SQUARE
(86'W) - RIGHT-OF-WAY WIDTH
TBY - TO BE VACATED

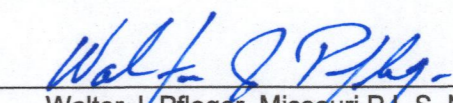
LEGEND

 BENCH MARK
 FOUND IRON ROD
 FOUND IRON PIPE
 RIGHT OF WAY MARKER
 FOUND IRON CROSS
 FOUND IRON CROSS

SURVEYOR'S CERTIFICATION:

This is to certify that Stock & Associates Consulting Engineers, Inc. have, during May 2023, by order of and for the use of MG CLAYTON ACQUISITION, LLC, executed a Property Boundary Survey and Subdivision Plat of a tract of land being Part Of Lot 6 and Lots 7- 11 of Block 10 of the "Town of Clayton" City of Clayton, St. Louis County, Missouri, and that the results of said survey and consolidation are shown hereon. We further certify that said survey meets or exceeds the current standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Land Surveying 20 CSR 2030-16.090 of the Missouri Standards for Property Boundary Surveys, and adopted by The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK & ASSOCIATES CONSULTING ENGINEERS, INC.
LC No. 222-D

By: 
Walter J. Pfeleger, Missouri P.L.S. No. 2008-000728

NOTES:

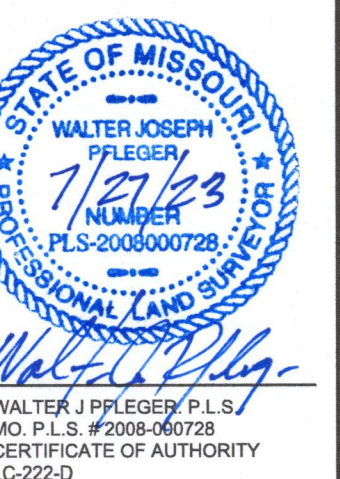
- (1) Stock and Associates Consulting Engineers, Inc. used exclusively First American Title Insurance Company, Commitment No. NCS-1072728-STLO, and St. Louis Title, LLC, agent for Old Republic National Title Insurance Company, Policy No. 17989STL for research and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.
- (2) Subject property lies within Flood Zone X (Area of Minimal Flood Hazard) according to the National Flood Insurance Rate Map Number 29189C0214K with and effective date of 02/04/2015.
- (3) Present Zoning - "HDC" High Density Commercial District
Note: The above zoning provided by the City of Clayton and to verify the client should obtain a zoning endorsement from their title company.

PREPARED FOR:
MG CLAYTON ACQUISITION, LLC
1804 BORMAN CIRCLE DRIVE #100
ST. LOUIS, MISSOURI 63146

PREPARED BY:

LOT CONSOLIDATION PLAT
MIXED USE AT FORSYTH AND CENTRAL

CITY OF CLAYTON, MISSOURI



- REVISIONS:
1. PUD, RZ, LC, SPR, ARB
2023.06.30
 2. REVISIONS 1
2023.07.27

DRAWN BY: J.K.
CHECKED BY: W.J.P.
DATE: 3/28/2022 JOB NO: 214-5326.3
M.S.D. P. #: P-XXXXXX-XX BASE MAP #: 18K
S.L.C. H&T #: XXXX H&T SURV. #: XX-XXXX-XX
M.D.N.R. #: MO-XXXXXXX

SHEET TITLE:
LOT CONSOLIDATION PLAT
SHEET NO.:
SHEET #1

257 Chesterfield Business Parkway
St. Louis, MO 63025 Pht. (636)
530-9100 FAX (636) 500-9150
e-mail: general@stockassoc.com
Web: www.stockassoc.com

Stock & Associates
Consulting Engineers, Inc.



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: SEPTEMBER 12, 2023

SUBJECT: PUBLIC HEARING & AN ORDINANCE - AMENDING ARTICLE XV,
ENTERTAINMENT OVERLAY DISTRICT

BACKGROUND

This is a public hearing to solicit input regarding proposed amendments to Chapter 410 (Overlay and Urban Design Zoning Districts) to modify definitions, use regulations, and the boundary of the district of the existing Entertainment Overlay District (EO). The existing overlay district was adopted by the Board of Aldermen on May 28, 2019, and modified in 2021.

The Board of Aldermen has continued to discuss the goals and vision of the EO as the City has not seen a business utilize the options of the EO. During their retreat on May 19, 2023, the Board of Aldermen and staff discussed alternative definitions and use types that may be more appealing and feasible than the current restrictions. In addition, staff highlighted the available rental spaces within the existing boundary compared to available space located outside of the current boundary. The Board of Aldermen directed staff to further refine definitions for live performance venues as a subset of an entertainment venue as it related to liquor licenses and use operations. During a discussion session on June 16, 2023, staff presented additional information to the Board of Aldermen including proposed definition changes and additional operational regulations. The Board of Aldermen provided some feedback on the proposed changes and recommended that staff prepare a text amendment for review and consideration by the Plan Commission.

On August 21, 2023, the Plan Commission held a public hearing to solicit input regarding the proposed amendments. The Plan Commission discussed a shared desire for supporting vibrancy and entertainment uses in Downtown. Members supported the amendment as a step in the necessary direction and many felt that additional actions may be necessary in the future including removing more barriers and procedural requirements. The Plan Commission voted 6-1 to recommend approval of the proposed amendments.

PROPOSED AMENDMENTS

1. Boundary
Entertainment uses and live performance venues have more specific requirements for spaces than a typical retail or restaurant tenant. Review of potential spaces for these uses

revealed that there are ideal locations within the Central Business District that are not captured by the existing EO boundary. The proposed expansion includes the majority of the Central Business District located south of Maryland Avenue, north of Shaw Park Drive, west of Hanley Road, and east of Brentwood Boulevard. This boundary captures many of the centralized parking garages in Downtown, some of the larger retail spaces, and still provides separation from the denser residential districts.



2. Definitions

The proposed amendment includes adding a definition for a live performance venue. This use is more specific than the entertainment use definition and includes qualifying criteria for the operation. Feedback received from owners and operators of desirable uses such as jazz clubs and small music halls along with research into operation of such uses showed that the requirement for revenue specifically from prepared food is restrictive. By adding a more specific definition for a use type that include requirements related to the operation, staff is able to modify other liquor license requirements for a focused set of uses. The proposed definition also requires performances on 50 percent of the operational days or a minimum of six performance days per month, whichever is greater.

3. Uses Permitted

With the addition of a new use definition, the permitted uses section is amended to include the new use. This section is further amended to remove the modification of liquor licenses.

A new section has been added to the EO to regulate the operation of uses and the liquor license regulations were relocated to this section.

4. Use Regulations

A primary function of the EO is to allow for modifications to the liquor license requirements for specific uses within the boundaries of the EO. The current EO allows for entertainment uses to obtain a liquor license provided that no more than 75 percent of gross sales may be derived from sale of alcohol with 25 percent from food sales required. The proposed amendment maintains the current entertainment use provision and adds another for a live performance venue. The proposed amendment would allow a live performance venue to obtain a liquor license provided a minimum of 20 percent of annual gross income or a minimum of \$200,000 is derived from sales and activities other than sale of alcohol, which could include ticket sales, admission fees, food sales, etc. The existing liquor license regulations focus on a balance of food to alcohol sales, which is appropriate for a restaurant or hotel service use where consumption of food is common. Based on the function and operation of many small live performance venues, full kitchens are not always feasible or desired and therefore it becomes difficult for that specific use to meet the requirements. The proposed amendment allows other primary functions of a performance venue, such as ticket sales, to become part of the equation.

As entertainment uses and live performance venues may be associated with undesirable impacts such as traffic, parking demands, and noise, these uses require a Conditional Use Permit (CUP). The CUP will allow staff and the Board of Aldermen to evaluate the specific use in a specific location to identify potential impacts and mitigation strategies. To further strengthen the analysis of a CUP, staff proposes adding submission requirements for these uses. There are general submission requirements for CUPs, however, the proposed amendments address specific operational characteristics of EO uses. The proposed amendment would require entertainment uses and live performance venues to provide noise abatement plans and operations plans that will help staff evaluate the function of the use in a proposed space. These will also be important tools for enforcement of CUPs when a use is operational.

CONCLUSION

The intent of the proposed overlay district is to attract new businesses that would otherwise have difficulty locating within the Central Business District. Most of the desired businesses discussed as contributing to a vibrant downtown would have less food revenue than restaurants and would likely still have a desire to serve alcohol. The proposed expansion of the overlay would allow staff, the Plan Commission and the Board of Aldermen, through the CUP process, to evaluate the entertainment component of proposed businesses and approve a reduction in requirements of a liquor license. This would allow venues such as a jazz club, which would likely not get at least 50 percent of its revenue from food sales, to locate in Clayton. Staff is of the opinion that the proposed regulations and the CUP process will provide sufficient mitigations of any potential negative impacts based on the specific business proposal.

STAFF RECOMMENDATION

To hold a public hearing and approve the Ordinance.

BILL NO. 6994

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE XV “ENTERTAINMENT OVERLAY DISTRICT” OF CHAPTER 610 (OVERLAY AND URBAN DESIGN ZONING DISTRICTS) OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON, MISSOURI.

WHEREAS, the Mayor and Board of Aldermen set a long-term initiative to enhance the vibrancy of the Central Business District; and

WHEREAS, on May 28, 2019, the Board of Aldermen adopted Ordinance No. 6596 thereby adding an Entertainment Overlay District to Title IV, Chapter 410 of the Municipal Code of the City of Clayton, Missouri; and

WHEREAS, on August 21, 2023, the Plan Commission held a public hearing, after due notice as provided by law, to solicit input regarding amendments to the City’s Land Use regulations to expand the Entertainment Overlay District and, by vote of 6-1 recommended approval of the proposed amendments to the Board of Aldermen; and

WHEREAS, On September 12, 2023, after due notice as provided by law, the Board of Aldermen held a public hearing for the purpose of receiving public comment on the question of the adoption of the provision hereinafter set forth; and

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the City of Clayton to adopt the amendments hereinafter set forth and that such amendments best serve the public health, safety and welfare of the City and its residents;

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

Section 1.

Sections 410.845 through 410.880 of Article XV (Entertainment Overlay Zoning District) of Chapter 410 (Overlay and Urban Design Districts) of Title IV (Land Use) of the Code of Ordinances of the City of Clayton, Missouri, are hereby repealed and eight new Sections, initially to be designated as Sections 610.845 through 610.880, are hereby enacted in lieu thereof, to read as follows:

Chapter 610. Overlay and Urban Design Districts

Article XV. Entertainment Overlay Zoning District

Section 410.845 Purpose Statement.

The Entertainment Overlay District is intended to allow for entertainment uses to establish a more vibrant and active downtown area. The overlay district applies to select downtown Clayton blocks generally located between the boundaries of Maryland Avenue, Carondelet Avenue, Bemiston Avenue and North Brentwood Boulevard. The purpose of these regulations is to expand entertainment opportunities in the pedestrian-focused commercial and service node of

downtown, allowing for more destination venues. The Entertainment Overlay District modifies the underlying zoning district regulations and any other overlay districts only to the extent specifically set forth in this Article. If not specifically modified in this Article, all the regulations in effect in the underlying zoning districts and other overlay districts will remain in full force and effect.

Section 410.850 Location Of Overlay Zone.



- A. The Entertainment Overlay District consists of property within the following boundaries:
1. The northern boundary consists of those properties having frontage on the south side of Maryland Avenue;
 2. The eastern boundary consists of those properties having frontage on the west side of Hanely Road;
 3. The southern boundary consists of those properties having frontage on the north side of Shaw Park Drive; and
 4. The western boundary consists of those properties having frontage on the east side of North Brentwood Boulevard, north of Bonhomme Avenue;

All as generally shown shaded on the diagram above; provided, however, that for any venue/use to be used pursuant to this overlay district it must have its primary entrance within the overlay boundaries established by this Section and provided further that the primary entrance to the venue/use may not be located along Maryland Avenue.

Section 410.855 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ENTERTAINMENT USE

Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independently or in conjunction with a non-entertainment-related use such as a restaurant. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, acting, games, or other activities. This definition does not include private clubs, health clubs, country clubs, golf courses, adult uses, casinos, or performing arts studios where the primary purpose is teaching or training students.

LIVE PERFORMANCE VENUE

A specific entertainment use providing patrons with live performance entertainment during which performers appear in person and perform for or interact with the audience verbally or otherwise including, but not limited to, musical acts, plays, comedy, magic, and dance. Live performance shall be the principal use of the venue or business as indicated by the presence of all of the following elements:

1. Defined performance and audience spaces;
2. Mixing desk, sound amplification and distribution system, lighting rig, and a backline;
3. Employment of at least two (2) of the following: a sound engineer, booker, promoter, stage manager, and security personnel;
4. Marketing of specific acts through show listing in printed and/or electronic publications; and
5. Programs for live performance on a minimum of fifty percent (50%) of the days the venue is open and operating per month or a minimum of six days per month, whichever is greater.

Section 410.860 Significance Of Designation.

The regulations of the overlay district shall supersede or supplement, as applicable, the regulations of the base zoning district and any other overlay district. Where conflict results between the regulations of the overlay districts and the provisions of the base zoning district, the provisions of this overlay district shall control.

Section 410.865 Uses Permitted.

- A. The uses permitted by right and by conditional use permit are listed in the Table of Permitted Uses found in the base zoning district.
- B. The overlay district shall allow for the following principal uses with the approval of a conditional use permit:
 1. Entertainment use.
 2. Live performance venue.
- C. The overlay district shall allow for an entertainment use and/or a live performance venue as an accessory use to the following principal uses with the approval of a conditional use permit:
 1. Restaurant.

2. Hotel.
3. Retail.

Section 410.870 Provisions Applicable To All Uses.

- A. Outdoor entertainment, including recorded or live music or sound that is electronically amplified, is permitted at any establishment with an approved outdoor dining permit which allows for dedicated outdoor seating areas for food and beverage service.
- B. Establishments shall comply with the noise regulations set forth in Chapter 215, Offenses.

Section 410.875 Planned Unit Development.

The boundaries of the Entertainment District shall not be removed or otherwise relocated through the rezoning of any properties within the overlay district to Planned Unit Development (PUD) or Special Development District (SDD).

Section 410.880 Off-Street Parking And Loading Requirements

Off-street parking and loading shall be provided in accordance with Chapter 405 based on the requirements of the most similar use listed as determined by the Director of Planning and Development Services.

Section 410.890 Use Regulations.

- A. Liquor Licenses.
 1. A restaurant or hotel may offer an entertainment use pursuant to a conditional use permit as provided that not more than seventy-five percent (75%) of the gross sales for such hotel or restaurant may be derived from the sale of alcoholic beverages.
 2. A live performance venue may obtain a liquor license for the sale of alcoholic beverages pursuant to Chapter 400 of the City Code with or without operating as an accessory use to a restaurant or hotel provided that the following conditions are met:
 - a. A minimum of twenty percent (20%) of the annual gross income of the venue is derived from sales and activities other than the sale of alcohol including but not limited to sale of tickets, admission fees and the sale of prepared food or meals; or, an annual gross income of at least two-hundred thousand dollars (\$200,000) is derived from sales and activities other than sale of alcohol including but not limited to sale of tickets, admission fees and the sale of prepared food or meals.
 - b. A maximum of twelve (12) liquor licenses may be in force for live performance venues within the EO District.
- B. Conditional Use Permits. All entertainment uses shall submit the following as part of a Conditional Use Permit application:
 1. A noise abatement plan identifying the intended use and form of amplification, noise levels, soundproofing mechanisms, and other information as requested by the Director of Planning and Development Services.
 2. An operations plan including the maximum capacity and audience seating or standing layouts.

Section 2.

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 intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

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

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

Passed by the Board of Aldermen on this 12th day of September 2023.

Mayor

Attest:

City Clerk

THE CITY OF CLAYTON

Board of Aldermen
In-Person and Virtual Meeting
August 22, 2023
7:00 p.m.

Mayor Harris acknowledged William Ferguson, member of the Mayor's Youth Advisory Committee (MYAC) who was in the audience.

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

In-person: Ira Berkowitz, Bridget McAndrew, Susan Buse, Becky Patel, Rick Hummell, and Mayor Michelle Harris.

Staff: City Manager Gipson, City Attorney O'Keefe, City Clerk Frazier, and Assistant City Manager Andrea Muskopf

Absent: Gary Feder

PUBLIC REQUESTS AND PETITIONS

Rick Bliss, 7515 Westmoreland, addressed the Board reading a statement (*available in the City Clerk's office*) with comments and concerns on the Comprehensive Plan – *EngageClayton*.

CONSENT AGENDA

1. Minutes – August 8, 2023
2. Resolution – Submittal of a Municipal Parks grant application for improvements to Fields
3. Motion – To set the public hearing date for the proposed Tax Year 2023 (FY2024) property tax levies and the proposed Fiscal Year 2024 Operating and Capital Improvement Budget.
4. Motion – Acceptance of the Central Core Fire Training Center Commission's By-Laws and Ground Lease Agreement.

Motion made by Alderman Berkowitz to approve the Consent Agenda. Alderman McAndrew seconded.

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

Other

Alderman McAndrew reported on the following:

- CRSWC Finance Committee
- Comprehensive Plan Steering Committee met last week presenting more data (available on the City's website)
- Plan Commission

- MYAC students, Gavin Wickenhauser and Story Kummer attended.
- The Commission approved the hotel project for the World News site.
- The Commission approved a text amendment to the Entertainment Overlay District.

Alderman Buse reported on the following:

- Attended the Art Fair kickoff reception.

Alderman Hummell reported on the following:

- Non-Uniformed Employees' Retirement Fund Board
 - Welcomed two new members to the Board
 - Received a report that the financials are doing well

Mayor Harris reported on the following:

- Uniformed Employees' Retirement Fund Board
 - Received a report that the financials are doing well
- Along with City Manager Gipson and Chief Smith they met with members of the Social Work Department of Fontbonne University regarding working on help with the unhoused citizens.
- Municipal League of St. Louis County has invited area mayors to work together on issues regarding the State Legislation.

Motion made by Alderman Hummell that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO for preparation per Section 610.021(9) for labor negotiations. Alderman Buse seconded.

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

The meeting was adjourned at 7:14 p.m.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
ERNIE RHODES, FIRE CHIEF

DATE: SEPTEMBER 12, 2023

SUBJECT: RESOLUTION - AGREEMENT WITH MACQUEEN EMERGENCY TO PROVIDE MAINTENANCE FOR EMERGENCY EQUIPMENT

In November 2022 the fire department posted an Invitation for Bid to secure a company with the qualifications needed to provide the necessary repairs to the equipment. MacQueen Emergency was chosen out of the three vendors that submitted bids. The labor fees for service from all three vendors were similar in price ranging from \$125 to \$130 per hour.

We chose MacQueen based on these considerations:

- **Proximity and Resources:** It's important to note that one bidder's garage is located 50 miles away from our facilities. Given the critical nature of fire apparatus maintenance and the need for both scheduled and unscheduled repairs, we had concerns about the practicality of accessing their services in a timely manner, especially for emergency situations.
- **Depth of Expertise and Resources:** MacQueen boasts a team of multiple mechanics, which provides the advantage of having a greater depth of expertise readily available. This is essential for swift response and efficient service during both planned and unexpected maintenance needs.
- **Immediate Crisis and Need for Support:** At the time of vendor selection, we were faced with a pressing crisis - the absence of mechanics in our own garage. This urgency necessitated a swift and dependable solution, leading us to choose a vendor that could promptly address our needs.
- **Local Fire Chiefs' Recommendations:** The recommendations from local fire chiefs hold significant weight in our decision-making process. Their experience and positive endorsement of MacQueen's performance and maintenance capabilities, coupled with their quick response times, played a pivotal role in our selection.
- **Significant concern for firefighter safety and apparatus reliability**

Recommendation: Staff recommends approval of MacQueen Emergency for maintenance and repair of fire department front-line emergency equipment.

RESOLUTION NO. 2023-28

A RESOLUTION APPROVING AN AGREEMENT FOR THE MAINTENANCE AND REPAIR OF FIRE DEPARTMENT FRONT-LINE EMERGENCY RESPONSE EQUIPMENT

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

WHEREAS, The City desires to have qualified fire department fleet maintenance on an on-call basis; and

WHEREAS, Upon request and advertisement for qualifications, three consultants responded with submittals in various areas of expertise; and

WHEREAS, Staff has reviewed the bidders' qualifications and selected a company in this area of expertise;

WHEREAS, The City Manager is hereby authorized to execute the Agreement and such additional documents and take all actions necessary, desirable, convenient, or prudent to carry out the intent of this legislation.

WHEREAS, This Resolution shall be in full force and effect from and after its passage by the Board of Aldermen

Passed by the Board of Aldermen this 12th day of September 2023.

Mayor

Attest:

City Clerk

**AGREEMENT FOR
FIRE DEPARTMENT EMERGENCY EQUIPMENT MAINTENANCE
ON-CALL SERVICES**

The City of Clayton has selected MACQUEEN EMERGENCY, hereafter known as the CONSULTANT, to perform maintenance and repair services to assist City staff with Fire Department Equipment Maintenance, as required.

CITY and CONSULTANT hereby agree as follows:

ARTICLE 1- SCOPE OF SERVICES – FIRE DEPARTMENT EMERGENCY EQUIPMENT

The scope of services for projects under this agreement may include but is not limited to the following:

- Maintenance and Repair of front-line response vehicles

The City shall request services specific to these items on a project-by-project basis and request a detailed scope of service, schedule, and cost for services for each project.

ARTICLE 2 - FEES AND PAYMENT

- A) For the services described in Article 1 - Scope of Services, the CITY will pay, and the CONSULTANT will accept as full compensation the cost for services as described in each project's Scope of Services. Additional services not outlined in the proposal submitted to the CITY by the CONSULTANT will be billed on a time and materials basis according to the attached fee schedule.
- B) Progress payments for services rendered shall be made monthly upon submission of a detailed invoice, in a form reasonably satisfactory to the City representative (as defined in Article 16 below) for work performed during the previous month. The CITY will make progress payments not later than forty days after receipt of acceptable invoices with appropriate documentation.
- C) The associated fees subject to this agreement are effective from the date of execution to September 30, 2025. The fee rate schedule will be relative to charges initiated with initial bid submission plus economic adjustment. Any fees outside of the noted hourly rates shall be negotiated between the CITY and CONSULTANT.

ARTICLE 3 - SUBCONTRACTING

No part of the services to be performed by CONSULTANT hereunder shall be subcontracted without the prior written consent of the CITY. The subcontracting of the work shall in no way relieve the CONSULTANT of the CONSULTANT's primary responsibility for the quality and performance of the work. The CONSULTANT shall assure that any subcontractor, as provided for herein, is in full compliance with all laws, rules, regulations, ordinances, provisions of this Agreement, and, without limiting the generality of the foregoing, compliance with all federal laws applicable to contracts of this type.

ARTICLE 4 - RESPONSIBILITY OF CONSULTANT

Documents shall be prepared in accordance with the general instructions provided by the City Representative.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and the coordination of all professional services furnished under this contract. The CONSULTANT shall, without additional compensation, correct or revise any errors or deficiencies.

The CONSULTANT shall defend suits or claims for infringement of any copyright or patent rights arising out of use or adoption of any document furnished by the CONSULTANT and shall indemnify the CITY or other agency of government from loss or damage on account thereof.

Neither the CITY's review, approval, or acceptance of, nor payment for, any of the services required under this agreement shall be construed to operate as a waiver of any rights under this agreement or any cause of action arising out of the performance of this contract, and the CONSULTANT shall be and remain liable to the CITY in accordance with applicable City codes and Ordinances and State and Federal laws for all damages to the CITY caused by the CONSULTANT's negligent performance of any of the services furnished under this agreement.

CONSULTANT shall not be responsible for any delay in or failure to perform or for any loss, penalty, damage or delay caused in whole or in part by wars, riots, strikes, labor conditions or restrictions, sabotage, accidents, weather conditions, fire, Acts of God, governmental decrees, rules practices, actions or order, the act or neglect of the client or by any other cause beyond the control of CONSULTANT.

CONSULTANT shall not be held responsible for any delays in completion due to unreasonable delay by the CITY in giving the necessary approvals or direction.

ARTICLE 5 - TIME OF COMPLETION

The amount of time to complete each project will vary depending on the scope of the project.

ARTICLE 6 - INFORMATION BY THE CITY

The CITY will provide, upon request, available information of record to the CONSULTANT. The CITY will not be responsible for the accuracy of the information provided.

The CITY will provide representatives to attend meetings with interested parties, upon request of the CONSULTANT.

ARTICLE 7 - INSURANCE REQUIREMENTS

The CONSULTANT shall procure and maintain during the life of this agreement insurance of the types and minimum amounts as follows:

Comprehensive General Liability and Bodily Injury, including Death:	\$ 500,000.00 each person \$1,000,000.00 each occurrence
Property Damage:	\$1,000,000.00 each occurrence \$1,000,000 aggregate
Professional Liability:	\$1,000,000.00 aggregate

The Comprehensive General Liability policy shall be endorsed to cover the liability assumed by the CONSULTANT hereunder. To the extent permitted by law, the CONSULTANT shall name the CITY as an additional insured on all insurance policies required by the AGREEMENT. Said insurance shall be written by a company or companies licensed to do business in the State of Missouri and satisfactory to the City Representative.

Certificates evidencing such insurance shall be furnished the CITY prior to CONSULTANT commencing the work. The insurance evidenced by the certificate shall indicate that it will not be canceled or altered, except that it may be canceled or altered upon twenty days prior written notice thereof to the CITY. The certificate(s) must state the CITY as an additional insured on those policies applicable.

ARTICLE 8 - INDEMNIFICATION

The CONSULTANT shall indemnify and save harmless the CITY against injury, loss or damage and costs and expenses (including reasonable attorney fees) suffered or incurred by the CITY for personal injuries including death, or property damages sustained, caused by negligent or willful acts, errors or omissions of the CONSULTANT, any subcontractors of CONSULTANT their respective agents, employees or contractors arising out of the Work of this Contract.

CONSULTANT's obligation, if any, to indemnify the CITY is limited to losses incurred by the CITY as a direct result of CONSULTANT's act(s) or omission(s) and does not extend to losses sustained in whole or in part because of the CITY's act(s) or omission(s).

ARTICLE 9 - CANCELLATION OF AGREEMENT

This Agreement may be terminated by the CITY at any time, with or without cause, effective upon delivery of Notice thereof to the CONSULTANT.

Should the Agreement be so terminated, all drawings and documents in connection with the project shall become the property of the CITY who shall, in that event, make reasonable allowance for expenses incurred and services satisfactorily performed by the CONSULTANT to the date of termination.

ARTICLE 10 - OWNERSHIP OF DOCUMENTS

All original documents, graphic material, drawings, photographs, or plans prepared by the CONSULTANT for the project shall be deemed the property of the CITY and the CITY shall be entitled to physical possession of said documents whether complete or in progress.

A record copy of all original written instruments and/or drawings created by the CONSULTANT in accordance with the contract shall be retained by the CONSULTANT. Any unauthorized alteration of the information provided by the CONSULTANT except as provided for in this contract shall be deemed the CONSULTANT not responsible for any said alterations and changes.

ARTICLE 11 - DECISIONS UNDER THIS AGREEMENT

The City Representative will determine the acceptability of the repairs and estimates to be furnished and will decide all questions that may arise relative to the proper performance of this contract, and his decision shall be final and conclusive.

ARTICLE 12 - EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the basis of race, color, religion, sex, national origin or disability in the selection and retention of subcontractors. The contractor will comply with Title VI of the Civil Rights Act of 1964, as the same has been or may be amended from time to time. In all solicitation either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color religion, sex, national origin or disability.

The contractor will take action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited to the employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor agrees to post notices pertaining to the foregoing in conspicuous places available to employees and applicants for employment.

The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or disability.

The contractor will comply with all provisions of federal, state and local codes, ordinances and regulations governing the regulation of Equal Employment Opportunity and Non-Discrimination.

During performance of the obligations set forth in this Agreement, each party agrees that it shall not discriminate against any employee or applicant for employment in the terms or conditions of employment including but not limited to recruitment, selection, training, upgrading, promotion, demotion, transfer, layoff, or termination due to said person's race, religion, creed, color, sex, age, national origin, handicap, or disability.

In the event that any or all of the provision(s) of the foregoing paragraphs (a) or (b) conflict with federal, state or other local laws, ordinances or regulations, then the requirements of such federal, state or local laws, ordinances, or regulations shall prevail. Compliance with the foregoing provisions shall not relieve the contractor from adherence

to any and all additional requirements regarding equal employment or non-discrimination set forth in such federal, state or other local laws, ordinances or regulations.

ARTICLE 13 - CONFLICTS OF INTEREST

The parties agree to abide by all applicable federal, state, and local laws, ordinances and regulations relating to conflicts of interest. Additionally, but not in limitation of the foregoing, no elected official or other official of Clayton having any power of review or approval of any of the undertakings contemplated by this Agreement, shall knowingly participate in any decision(s) relating thereto which affect his or her personal interests or those of his/her immediate family, or those of any corporation or partnership in which he or she or a member of his/her immediate family is directly or indirectly interested.

Clayton shall not knowingly, after due inquiry, employ or contract with any person if a member of his or her immediate family is a member of the Clayton Board of Aldermen, or is employed by Clayton in an administrative capacity (i.e., those who have selection, hiring or supervisory or operational responsibility for the work to be performed pursuant to this Agreement); provided, however, that the foregoing shall not apply to temporary or seasonal employment. Clayton shall not knowingly, after due inquiry, employ or contract with any corporation or partnership if an elected official of Clayton or a person employed by Clayton in an administrative capacity (as defined in the foregoing sentence), or a member of the immediate family of such elected official or person employed in an administrative capacity shall have an interest, directly or indirectly, therein.

For the purposes of this section "immediate family" includes husband, wife, son, daughter, father, mother, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, uncle, aunt, nephew, niece, stepparent and stepchild.

For purposes of this section, a person shall be deemed to have an interest in a corporation or partnership if he or she, or any member of his/her immediate family shall own, whether singularly or collectively, directly or indirectly, ten percent (10%) more of any corporation or partnership, or shall own an interest having a value of ten thousand dollars (\$10,000) or more therein, or an individual or a member of his/her immediate family shall receive, whether singularly or collectively, directly or indirectly, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000) or, per year there from. In the event that any or all of the foregoing provision(s) shall conflict with federal, state or other local laws, ordinances or regulations, then the requirements of such federal, state or local laws, ordinances, or regulations shall prevail. Compliance with the foregoing provisions shall not relieve parties contracting with the City of Clayton from adherence to any and all additional requirements regarding conflicts of interest set forth in such federal, state or other local laws, ordinances or regulations.

ARTICLE 14 - SUCCESSORS AND ASSIGNS

The CITY and the CONSULTANT agree that this contract and all contracts entered into under the provisions of this contract shall be binding upon the parties hereto and their successors and assigns.

ARTICLE 15 - CHANGES

The CITY may make changes within the general scope of services of the Agreement. However, no changes will be made in the Scope of Service, the Time of Performance, the fees to be paid or other provisions which may affect the cost of the project without prior written order of the CITY and the execution of a suitable Amendment to this Agreement. Neither the CITY staff nor the CONSULTANT may authorize any substantive change in this Agreement by oral or other directions intended to substitute for a written contract Amendment.

This AGREEMENT may be amended or supplemented only by an instrument in writing executed by the parties hereto.

ARTICLE 16 - CITY REPRESENTATIVE

For purposes of this Agreement, the City Representative will be the Logistics Battalion Chief of the CITY's Fire Department. The City Manager, at his sole discretion, may designate another City Representative from time to time. In such an event, the CONSULTANT shall be notified by the CITY, in writing.

ARTICLE 17 - NOTICE

Any notice required or permitted to be delivered under this Agreement shall be in writing and shall be deemed to have been delivered on the earliest to occur of (a) actual receipt; or (b) three business days after having been deposited with the U.S. Postal Service, postage prepaid, certified mail, return receipt requested; or (c) one business day after having been deposited with a reputable overnight express mail service that provides tracking and proof of receipt of items mailed. All notices shall be addressed to the parties at the addresses set forth as follows:

CONSULTANT: MacQueen Emergency
 1125 7TH Street East
 St. Paul, MN 55106

 Attn: Steve Toninato
 Director Of Operations

CITY: City of Clayton
Fire Department
10 N. Bemiston Ave.
Clayton, MO 63105

Attn: Bret Walsh, Battalion Chief

ARTICLE 18 - CHOICE OF LAW; VENUE

This Agreement, and all work and other activities governed hereby, shall be governed by the laws of the State of Missouri. Any action arising out of, or concerning, this contract shall be brought only in the Circuit Court of St. Louis County, Missouri. All parties to this contract consent to the jurisdiction and venue of that court.

ARTICLE 19 - CONFLICTS

In the event of any conflict or discrepancy between the terms of this Agreement and those set forth in other documents, it is expressly understood and agreed that the terms and provisions of this Agreement shall govern.

ARTICLE 20 - SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable. In such event, this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain in full force and effect, and shall not be affected by the illegal, invalid, or unenforceable provision.

ARTICLE 21 – CONSTRUCTION MEANS AND METHODS

CONSULTANT shall not be responsible for the means and methods of construction, job site safety, or appropriateness of installation methods undertaken on any property within the City of Clayton by the CITY, developer and or contractor hired to perform services related to this contract.

ARTICLE 22 – EMPLOYEE VERIFICATION

CONTRACTOR will comply with and satisfy the requirements of Sec. 285.530.2, RSMo. Supp. 2009, which requires as a condition for the award of any contract or grant in excess of five thousand dollars by any political subdivision of the State of Missouri to a business entity, that the business entity shall, by sworn affidavit and provision of

documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted service, and requires every such business entity to also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

IN WITNESS WHEREOF, the duly authorized parties hereto have set their hands and seals as of the day and year first above written.

CITY OF CLAYTON

MACQUEEN EMERGENCY

Signature

Signature

David Gipson, City Manager
Name, Title

Name, Title

ATTEST:

ATTEST:

June Frazier, City Clerk

(SEAL)

(SEAL)

Attachment A

FEE SCHEDULE
(Thru 12/31/2023)

Classification	Rate per Hour
Field Labor Rate	\$143.00
Shop Labor Rate	\$137.50
Service Call Fee (drive time)	\$143.00
Aerial, Pumper or Rescue 4-6 month 3,000 miles/200 hr. service.....	\$286 + parts
Aerial, Pumper or Rescue annual Service	\$550 + parts
Freightliner, Navistar/International, Chevy or Ford Ambulance 3, 4, 6-month service	\$214.50 +parts
Freightliner, Navistar/International, Chevy or Ford Ambulance annual service.....	\$420 +parts
CAFS, Foam Pro, Hale, Husky, Waterous Svc.....	\$286 + parts
Amps, Harrison & Onan Hydraulic Generator Svc.....	\$143 + parts
Smart Power Hydraulic or Diesel Generator Svc.....	\$185 + parts



ON-CALL SERVICES – TASK ORDER

FIRE DEPARTMENT

10 N. Bemiston Ave. • Clayton, MO 63105 • Phone (314) 290-8485 •
 Fax (314) 863-0296

Consultant	MacQueen Emergency
Task Order #	1
Category	
Project	
Scope	See Scope of Services
Fee	\$X (see attached for add. details)

This Task Order is for services to be performed in accordance with the previously executed Engineering On-Call Service Contract (“Agreement”) dated December 6, 2022, between the City of Clayton, MO (“City”) and MacQueen Emergency (“Consultant”). The services to be included in this Task Order are generally described as:

- Maintenance and Repair of front-line response vehicles

Consultant shall perform services for the project described above as detailed in the attached Attachment A which is incorporated herein as though more fully set out herein and in the Agreement. This Task Order shall not be binding until it has been fully executed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described above.

This Task Order is executed this _____ day of _____, 20 ____.

Submitted By:

Approved By:

Consultant

City of Clayton, Missouri

 Name and Title

 David Gipson, City Manager

 Signature

 Signature

 Date

 Date



City Manager
 10 N. Bemiston Avenue
 Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
 MATT MALICK, P.E., DIRECTOR OF PUBLIC WORKS
DATE: SEPTEMBER 12, 2023
RE: ORDINANCE - ON-CALL CONTRACTS WITH ENGINEERING, ARCHITECTURE, AND SURVEYING CONSULTANTS

City staff recently completed evaluation of qualifications for consulting firms for open-ended on-call contracts. This process last took place in 2019. Forty-three (43) consultants were invited to submit proposals in any of the eight categories in the table below.

Using qualification-based criteria established by state statute, Public Works Engineering staff reviewed and scored each submittal. Staff then discussed their evaluations and ultimately selected three consultants in each area of expertise to serve as on-call consultants. Three consultants have been selected in order to provide flexibility to meet project schedules and to ensure the best fit between the proposed project and the design consultant. Below is a table of the consultants selected in each category, and attached is a sample on-call contract.

Firm	Streetscape, Lighting, and Landscape Architecture	Roadway/Alley Rehab and Reconst (Inc. Sidewalks & ADA)	Traffic, Signals, and Intersections	Public Facilities	Stormwater Management and Low Impact Development	Geotechnical Engineering and Materials Testing	Surveying, Mapping, and GIS	Project Management
JugoPlus Architects, LLC								
Geotechnology								
Shannon Wilson								
Intuition & Logic								
Lochmueller Group								
TWM								
GBA								
CDG								
CBB								
Oates Associates								
Cole								
Homer & Shifrin								
Terracon								
HR Green								

STAFF RECOMMENDATION: To approve the ordinance authorizing on-call contracts with the consultants listed above. Scopes and fees will be developed on a project-by-project basis.

RESOLUTION NO. 2023-29

ON-CALL CONTRACTS WITH ENGINEERING, ARCHITECTURE, AND SURVEYING CONSULTANTS

WHEREAS, the City desires to have qualified engineering consultants under contract on an on-call basis; and

WHEREAS, upon request and advertisement for qualifications, eighteen consultants responded with submittals in various areas of expertise; and

WHEREAS, City Public Works Engineering Staff has reviewed the consultants' qualifications and selected consultants in each area of expertise;

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

Section 1. The Board of Aldermen approves on behalf of the City contracts with the following firms:

- CBB
- CDG Engineers
- Cole
- Geotechnology
- Horner & Shifrin
- HR Green
- GBA
- Intuition & Logic, Inc.
- JugoPlus Architects
- Lochmueller Group
- Oates Associates
- Shannon & Wilson
- Terracon Consultants
- TWM

for on-call consulting services in substantial conformity with the terms shown on the model agreement as Exhibit A attached hereto and incorporated herein by this reference as if set out here in full, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the contracts 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 resolution shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 12th day of September 2023

Mayor

ATTEST:

City Clerk

AGREEMENT FOR ON-CALL ENGINEERING SERVICES

The City of Clayton has selected LOCHMUELLER GROUP, INC., hereafter known as the CONSULTANT, to perform professional services to assist City staff with TRAFFIC, SIGNALS, AND INTERSECTIONS, and other engineering services, as required.

CITY and CONSULTANT hereby agree as follows:

ARTICLE 1- SCOPE OF SERVICES – TRAFFIC, SIGNALS, AND INTERSECTIONS

The scope of services for projects under this agreement may include but is not limited to the following:

- Traffic studies
- Parking studies
- Signal timing and programming
- Development of conceptual plans, alternatives and/or cost estimates
- Preparation of plans, estimates and specifications for construction
- Development of right of way plans or easements
- Right of way acquisition
- Grant writing and procurement
- Attend City meetings as needed
- Public engagement
- Grant Applications

The City shall request services specific to these items on a project-by-project basis and request a detailed scope of service, schedule, and cost for services for each project.

ARTICLE 2 - FEES AND PAYMENT

- A) For the services described in Article 1 - Scope of Services, the CITY will pay and the CONSULTANT will accept as full compensation the cost for services as described in each project's Scope of Services. Additional services not outlined in the proposal submitted to the CITY by the CONSULTANT will be billed on a time and materials basis according to the attached fee schedule (Attachment 1).
- B) Progress payments for services rendered shall be made monthly upon submission of a detailed invoice, in form reasonably satisfactory to the City representative (as defined in Article 16 below) for work performed during the previous month. The CITY will make progress payments not later than forty days after receipt of acceptable invoices with appropriate documentation.
- C) The associated fees subject to this agreement are effective from the date of execution to September 30, 2024. The fee rate schedule may be updated once per year to reflect changes in hourly rates for the next City Fiscal Year, which runs October 1 to September 30. Any fees outside of the noted hourly rates shall be negotiated between the CITY and CONSULTANT.

ARTICLE 3 - SUBCONTRACTING

No part of the services to be performed by CONSULTANT hereunder shall be subcontracted without the prior written consent of the CITY. The subcontracting of the work shall in no way relieve the CONSULTANT of the CONSULTANT's primary responsibility for the quality and performance of the work. The CONSULTANT shall assure that any subcontractor, as provided for herein, is in full compliance with all laws, rules, regulations, ordinances, provisions of this Agreement, and, without limiting the generality of the foregoing, compliance with all federal laws applicable to contracts of this type.

ARTICLE 4 - RESPONSIBILITY OF CONSULTANT

Documents shall be prepared in accordance with the general instructions provided by the City Representative.

Services provided by the CONSULTANT under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing at the same time and in the same or similar locality.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of the CONSULTANT's professional services furnished under this contract. The CONSULTANT shall, without additional compensation, correct or revise any errors or deficiencies.

The CONSULTANT shall defend suits or claims for infringement of any copyright or patent rights arising out of use or adoption of any document furnished by the CONSULTANT and shall indemnify the CITY or other agency of government from loss or damage on account thereof.

Neither the CITY's review, approval, or acceptance of, nor payment for, any of the services required under this agreement shall be construed to operate as a waiver of any rights under this agreement or any cause of action arising out of the performance of this contract, and the CONSULTANT shall be and remain liable to the CITY in accordance with applicable City codes and Ordinances and State and Federal laws for all damages to the CITY caused by the CONSULTANT's negligent performance of any of the services furnished under this agreement.

CONSULTANT shall not be responsible for any delay in or failure to perform or for any loss, penalty, damage or delay caused in whole or in part by wars, riots, strikes, labor conditions or restrictions, sabotage, accidents, weather conditions, fire, Acts of God, governmental decrees, rules practices, actions or order, the act or neglect of the client or by any other cause beyond the control of CONSULTANT.

CONSULTANT shall not be held responsible for any delays in completion due to unreasonable delay by the CITY in giving the necessary approvals or direction.

ARTICLE 5 - TIME OF COMPLETION

Work will be completed on as-needed basis. The amount of time to complete each project will vary depending on the scope of the project.

ARTICLE 6 - INFORMATION BY THE CITY

The CITY will provide, upon request, available information of record to the CONSULTANT. The CITY will not be responsible for the accuracy of the information provided.

The CITY will provide representatives to attend meetings with interested property owners and public utilities, upon request of the CONSULTANT.

ARTICLE 7 - INSURANCE REQUIREMENTS

The CONSULTANT shall procure and maintain during the life of this agreement insurance of the types and minimum amounts as follows:

Comprehensive General Liability and	\$3,000,000.00 each occurrence
Bodily Injury, including Death:	\$3,000,000.00 aggregate
Automobile Liability:	\$3,000,000.00 each occurrence
	\$3,000,000.00 aggregate

Professional Liability: \$3,000,000.00 each occurrence
\$3,000,000.00 aggregate

Workers Compensation: Per State Statutory Requirements

The Commercial General Liability policy shall be endorsed to cover the liability assumed by the CONSULTANT hereunder. To the extent permitted by law, the CONSULTANT shall name the CITY as an additional insured on all insurance policies, except Professional Liability, required by the AGREEMENT. Said insurance shall be written by a company or companies licensed to do business in the State of Missouri.

Certificates evidencing such insurance, including Professional Liability, shall be furnished the CITY prior to CONSULTANT commencing the work. The insurance evidenced by the certificate shall indicate that it will not be canceled or altered, except that it may be canceled or altered upon twenty days prior written notice thereof to the CITY. The certificate(s) must state the CITY as an additional insured on those policies applicable.

ARTICLE 8 - INDEMNIFICATION

The CONSULTANT shall indemnify and hold harmless the CITY against liabilities, damage and costs and expenses (including reasonable attorney fees) suffered or incurred by the CITY for personal injuries including death, or property damages sustained, caused by negligent or willful acts, errors or omissions of the CONSULTANT, any subcontractors of CONSULTANT their respective agents, employees or contractors arising out of the Work of this Contract.

CONSULTANT's obligation, if any, to indemnify the CITY is limited to damages incurred by the CITY as a direct result of CONSULTANT's act(s) or omission(s) and does not extend to losses sustained in whole or in part as a result of the CITY's act(s) or omission(s).

ARTICLE 9 - CANCELLATION OF AGREEMENT

This Agreement may be terminated by the CITY at any time, with or without cause, effective following seven (7) days' written Notice thereof to the CONSULTANT.

CONSULTANT may terminate the Agreement for cause, following seven (7) days' written notice to City and the subsequent failure of the City to cure the breach within thirty (30) days.

Should the Agreement be so terminated, all drawings and documents in connection with the project shall become the property of the CITY who shall, in that event, make reasonable allowance for expenses incurred and services performed in a manner consistent with professional standard of care by the CONSULTANT to the date of termination.

ARTICLE 10 - OWNERSHIP OF DOCUMENTS

All original documents, graphic material, drawings, photographs, or plans prepared by the CONSULTANT for the project shall be deemed the property of the CITY and the CITY shall be entitled to physical possession of said documents whether complete or in progress.

A record copy of all original written instruments and/or drawings created by the CONSULTANT in accordance with the contract shall be retained by the CONSULTANT. Any unauthorized alteration of the information provided by the CONSULTANT except as provided for in this contract shall deem the CONSULTANT not responsible for any said alterations and changes.

ARTICLE 11 - DECISIONS UNDER THIS AGREEMENT

The City Representative will determine the acceptability of the drawings, specifications, and estimates to be furnished, and will decide all questions that may arise relative to the proper performance of this contract, and his decision shall be final and conclusive.

ARTICLE 12 - EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The CONSULTANT, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the basis of race, color, religion, sex, national origin or disability in the selection and retention of subcontractors. The CONSULTANT will comply with Title VI of the Civil Rights Act of 1964, as the same has been or may be amended from time to time. In all solicitation either by competitive bidding or negotiations made by the CONSULTANT for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified of the CONSULTANT's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color religion, sex, national origin, or disability.

The CONSULTANT will take action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin, or disability. Such action shall include, but not be limited to the employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The CONSULTANT agrees to post notices pertaining to the foregoing in conspicuous places available to employees and applicants for employment.

The CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of the CONSULTANT, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or disability.

The CONSULTANT will comply with all provisions of federal, state, and local codes, ordinances and regulations governing the regulation of Equal Employment Opportunity and Non-Discrimination.

During performance of the obligations set forth in this Agreement, each party agrees that it shall not discriminate against any employee or applicant for employment in the terms or conditions of employment including but not limited to: recruitment, selection, training, upgrading, promotion, demotion, transfer, layoff, or termination due to said person's race, religion, creed, color, sex, age, national origin, handicap, or disability.

In the event that any or all of the provision(s) of the foregoing paragraphs (a) or (b) conflict with federal, state or other local laws, ordinances or regulations, then the requirements of such federal, state or local laws, ordinances, or regulations shall prevail. Compliance with the foregoing provisions shall not relieve the CONSULTANT from adherence to any and all additional requirements regarding equal employment or non-discrimination set forth in such federal, state, or other local laws, ordinances or regulations.

ARTICLE 13 - CONFLICTS OF INTEREST

The parties agree to abide by all applicable federal, state, and local laws, ordinances and regulations relating to conflicts of interest. Additionally, but not in limitation of the foregoing, no elected official or other official of Clayton having any power of review or approval of any of the undertakings contemplated by this Agreement, shall knowingly participate in any decision(s) relating thereto which affect his or her personal interests or those of his/her immediate family, or those of any corporation or partnership in which he or she or a member of his/her immediate family is directly or indirectly interested.

Clayton shall not knowingly, after due inquiry, employ or contract with any person if a member of his or her immediate family is a member of the Clayton Board of Aldermen, or is employed by Clayton in an administrative capacity (i.e., those who have selection, hiring or supervisory or operational responsibility for the work to be performed pursuant to this Agreement); provided, however, that the foregoing shall not apply to temporary or seasonal employment. Clayton shall not knowingly, after due inquiry, employ or contract with any corporation or partnership if an elected official of Clayton or a person employed by Clayton in an administrative capacity (as defined in the foregoing sentence), or a member of the immediate family of such elected official or person employed in an administrative capacity shall have an interest, directly or indirectly, therein.

For the purposes of this section "immediate family" includes: husband, wife, son, daughter, father, mother, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, uncle, aunt, nephew, niece, step-parent and stepchild.

For purposes of this section, a person shall be deemed to have an interest in a corporation or partnership if he or she, or any member of his/her immediate family shall own, whether singularly or collectively, directly or indirectly, ten percent (10%) more of any corporation

or partnership, or shall own an interest having a value of ten thousand dollars (\$10,000) or more therein, or an individual or a member of his/her immediate family shall receive, whether singularly or collectively, directly or indirectly, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000) or, per year there from. In the event that any or all of the foregoing provision(s) shall conflict with federal, state, or other local laws, ordinances, or regulations, then the requirements of such federal, state, or local laws, ordinances, or regulations shall prevail. Compliance with the foregoing provisions shall not relieve parties contracting with the City of Clayton from adherence to any and all additional requirements regarding conflicts of interest set forth in such federal, state or other local laws, ordinances or regulations.

ARTICLE 14 - SUCCESSORS AND ASSIGNS

The CITY and the CONSULTANT agree that this contract and all contracts entered into under the provisions of this contract shall be binding upon the parties hereto and their successors and assigns.

ARTICLE 15 - CHANGES

No changes will be made in the Scope of Service, the Time of Performance, the fees to be paid or other provisions without prior written agreement of the parties and the execution of a suitable Amendment to this Agreement. Neither the CITY staff nor the CONSULTANT may authorize any substantive change in this Agreement by oral or other directions intended to substitute for a written contract Amendment.

This AGREEMENT may be amended or supplemented only by an instrument in writing executed by the parties hereto.

ARTICLE 16 - CITY REPRESENTATIVE

For purposes of this Agreement, the City Representative will be the Director of Public Works/City Engineer of the CITY. The City Manager, in his sole discretion, may designate another City Representative from time to time. In such event, CONSULTANT shall be notified by the CITY, in writing.

ARTICLE 17 - NOTICE

Any notice required or permitted to be delivered under this Agreement shall be in writing and shall be deemed to have been delivered on the earliest to occur of (a) actual receipt; or (b) three business days after having been deposited with the U.S. Postal Service, postage prepaid, certified mail, return receipt requested; or (c) one business day after having been deposited with a reputable overnight express mail service that provides tracking and proof of receipt of items mailed. All notices shall be addressed to the parties at the addresses set forth as follows:

CONSULTANT: Lochmueller Group, Inc.
411 N. 10th Street
St. Louis, MO 63101

Attn: Scott J. Smith, PE

CITY: City of Clayton
10 N. Bemiston Ave.
Clayton, MO 63105

Attn: David Gipson, City Manager

ARTICLE 18 - CHOICE OF LAW; VENUE

This Agreement, and all work and other activities governed hereby, shall be governed by the laws of the State of Missouri. Any action arising out of, or concerning, this contract shall be brought only in the Circuit Court of St. Louis County, Missouri. All parties to this contract consent to the jurisdiction and venue of that court.

ARTICLE 19 - CONFLICTS

In the event of any conflict or discrepancy between the terms of this Agreement and those set forth in other documents, it is expressly understood and agreed that the terms and provisions of this Agreement and all subsequent Amendments shall govern.

ARTICLE 20 - SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable. In such event, this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain in full force and effect, and shall not be affected by the illegal, invalid, or unenforceable provision.

ARTICLE 21 – CONSTRUCTION MEANS AND METHODS

CONSULTANT shall not be responsible for the means and methods of construction, job site safety, or appropriateness of installation methods undertaken on any property within the City of Clayton by the CITY, developer and or contractor hired to perform services related to this contract.

ARTICLE 22 – EMPLOYEE VERIFICATION

CONTRACTOR will comply with and satisfy the requirements of Sec. 285.530.2, RSMo. Supp. 2009, which requires as a condition for the award of any contract or grant in excess of five thousand dollars by any political subdivision of the State of Missouri to a business entity, that the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted service, and requires every such business entity to also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

IN WITNESS WHEREOF, the duly authorized parties hereto have set their hands and seals as of the day and year first above written.

CITY OF CLAYTON

LOCHMUELLER GROUP, INC.

Signature

Signature

David Gipson, City Manager
Print Name, Title

Print Name, Title

ATTEST:

ATTEST:

Signature

Signature

June Frazier, City Clerk
Print Name, Title

Print Name, Title

(SEAL)

(NOTARY SEAL)

Attachment 1FEE SCHEDULE*
(Through 9/30/2024)

Classification	Rate per Hour
Principal	\$
Sr. Engineer/Planner II	\$
Sr. Engineer/Planner I	\$
Engineer III	\$
Engineer II	\$
Engineer I	\$
Sr. Engineering Technician II	\$
Sr. Engineering Technician I	\$
CADD Technician II	\$
CADD Technician I	\$
Engineering Tech II	\$
Engineering Tech I	\$
Field Technician	\$
Clerical	\$

Other Direct Costs (ODC)

Mileage	\$ /Mile
Xerox Copies	\$ /Copy
Plan Sheets	\$ /Sheet
Long Distance Phone	Actual Cost
Overnight Mail/Express	Actual Cost
Miscellaneous	Actual Cost

*Fee schedule containing above items and date may be attached and labeled "Attachment 1" in place of this sheet.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
KAREN DILBER, DIRECTOR OF FINANCE
DATE: SEPTEMBER 12, 2023
SUBJECT: RESOLUTION – DETERMINING THE INTENT OF THE CITY OF CLAYTON, MISSOURI, TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES

The proposed FY2024-2028 Capital Improvement budget includes debt financing for improvements to the municipal garage. In FY2024, we have budgeted \$250,000 in construction design services, and \$1,000,000 in preliminary construction costs.

The City has engaged the services of Navigate Building Solutions as an on-call construction manager to determine the scope of the project. Construction manager costs are considered a reimbursable expense under this resolution only if 1) They are paid no sooner than 60 days prior to the adoption of the reimbursement resolution; or 2) They fall within the “de minimis” exception, meaning we can reimburse ourselves for the lesser of \$100,000 of construction manager costs or 5% of the proceeds of the bonds.

The attached resolution will allow the most flexibility in covering the project costs. The debt, if needed and issued, will have no property tax impact, and will be funded with capital improvement sales tax funds.

RECOMMENDATION: Staff recommends approval of the resolution.

RESOLUTION NO. 2023-30

A RESOLUTION DETERMINING THE INTENT OF THE CITY OF CLAYTON, MISSOURI, TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE RENOVATION OF ITS MUNICIPAL GARAGE

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

Section 1. The City of Clayton, Missouri (the "City") has incurred capital expenditures in connection with the renovation of its municipal garage (the "Project") and may incur additional capital expenditures in connection with the Project on and after the date hereof. The City intends to reimburse itself for such expenditures with the proceeds of bonds or other obligations to be issued by the City (the "Obligations"). The maximum net proceeds of Obligations expected to be issued for the Project will be \$12,600,000.

Section 2. This Resolution shall be in full force and effect from and after its passage.

Passed by the Board of Aldermen of the City of Clayton, Missouri, this 12th day of September 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
KAREN DILBER, DIRECTOR OF FINANCE
DATE: SEPTEMBER 12, 2023
SUBJECT: MOTION – A LIQUOR LICENSE UPGRADE FOR BAR MORO, LLC AT 7610 WYDOWN BOULEVARD

Bar Moro, LLC is requesting to upgrade their current liquor license (All Kinds of intoxicating liquor at retail by the drink, except Sunday) to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7610 Wydown Boulevard

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

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

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



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
KAREN DILBER, DIRECTOR OF FINANCE
DATE: SEPTEMBER 12, 2023
SUBJECT: MOTION - A LIQUOR LICENSE FOR CARBON MEMBERS CLUB LLC AT
7822 BONHOMME AVENUE

Carbon Member's Club LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7822 Bonhomme Avenue.

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

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

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



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: SEPTEMBER 12, 2023
SUBJECT: 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, a faith-based institution, and the Clayton Chamber of Commerce.

Tom Albinson recently resigned his position as the faith-based ex-officio. On August 10, 2023, the CEC voted unanimously to recommend appointment of Sarah Rugenstone, Site Pastor at The Gathering UMC, as the faith community ex-officio.

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

Sarah Rugenstone
Clayton Site Pastor | she/her
The Gathering UMC

BIO

Sarah Rugenstone is a Local Licensed Pastor in the United Methodist Church. She currently serves at The Gathering, as the Site Pastor of the Clayton Site. Sarah graduated from Duke Divinity in May of 2022 with her M.Div. She went to Greenville University for her undergraduate education where she received her BA in Religion. Sarah is a Missouri native from Springfield, MO. She's recently married to her husband, Zack Rugenstone, who also has his MDiv. She is passionate about sitting with people in all walks of life, in their questions, in their joys and in their grief. She also loves all living creatures, and has three pets of her own. A dog and two cats!



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: SEPTEMBER 12, 2023
SUBJECT: APPOINTMENT TO THE BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

Board of Adjustment

Rich Lintz *Ward 1 (term runs through June 30, 2028 – alternate member)*

Clayton Equity Commission

Karen Schute *Ward 1 (completing an unexpired term through June 30, 2025)*

Economic Development Advisory Committee

Jim Gallagher *Ward 2 (term runs through June 30, 2025; replacing P. Rapponotti whose term ended in 2022)*

Public Art Advisory Committee

Christopher Brennan *Ward 3 (term runs through June 30, 2024; replacing R. Greenberg whose term ended in 2018.)*

Recommendation: To consider the appointments.