

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

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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
JOINT BOARD OF ALDERMEN and PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 14, 2023
6:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND. FL
10 N. BEMISTON AVENUE
CLAYTON MO 63105

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1. Update on Clayton Tomorrow 2040.
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CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, NOVEMBER 14, 2023 – 7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE
CLAYTON, MO 63105

ROLL CALL

PUBLIC REQUESTS & PETITION

PUBLIC HEARING

1. Resolution – A Conditional Use Permit for 7827 Davis Drive to allow for an attached accessory dwelling unit. (Res. No. 2023 - 34)

CITY MANAGER REPORT

1. Ordinance – Missouri Firefighters' Critical Illness Trust and Pool. (Bill No. 6998)

CONSENT AGENDA

1. Minutes – October 24, 2023

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

DATE: NOVEMBER 14, 2023

SUBJECT: PUBLIC HEARING & A RESOLUTION - A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR 7827 DAVIS DRIVE

This is a public hearing and subsequent resolution to consider granting a conditional use permit to Thomas and Emily Guignon, owners of 7827 Davis Drive, to allow for the construction of an addition to a single-family home containing a 741 square foot attached accessory dwelling unit. The property has a zoning designation of R-2 Single-Family Dwelling District. The Plan Commission and Architectural Review Board considered the application and associated architectural plans for the project on November 6, 2023, and recommended approval of the CUP and approved the architectural plans.

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

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

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

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

The proposed ADU is located on the first floor of the single-family house. The area is connected to the main living space but can also be accessed directly from an exterior door. The owners have stated that any occupant of the space will be related by blood, marriage or adoption to, or be employed by, the occupants of the principal residence.

The Plan Commission voted 7 – 0 to recommend approval of the CUP with the following conditions:

1. All conditions of Chapter 405, Article II, Section 405.330, shall be adhered to.
2. The applicant shall record a deed restriction pursuant to item 3 under “Criteria for Review” with the St. Louis County Recorder of Deeds office and submit proof of the required deed restriction to the City prior to the issuance of a Building Permit.

Recommendation: To conduct a public hearing and consider approving the resolution granting a conditional use permit for a 741 square foot attached ADU for 7827 Davis Drive.

RESOLUTION NO. 2023 - 34

WHEREAS, the Board of Aldermen received an application and plans dated October 17, 2023, from Thomas Guignon, owner, requesting a conditional use permit for the construction and use of an accessory dwelling unit at 7827 Davis Drive.

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

WHEREAS, on November 14, 2023, after due notice as required by law, the Board of Aldermen held a public hearing regarding the application and issuance of the conditional use permit at which all were afforded an opportunity to be heard.

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

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article II, Section 405.330 (Accessory Dwelling Units) and Article XII, Section 405.19500 (Permitted Uses in the R-2 Zoning District) of the Code of Ordinances of the City of Clayton, and subject to the conditions set forth in Section 2, below, the issuance of a conditional use permit to Thomas and Emily Guignon for the use of a 741 square foot attached accessory dwelling unit is hereby authorized for the property addressed as 7827 Davis Drive and more particularly described as follows:

LOT 17, BLOCK 5 OF DAVIS PLACE, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI,
ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 14 AND 15 OF THE
ST. LOUIS COUNTY RECORDS

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

1. That the permit shall be granted to Thomas and Emily Guignon (the "Permittees") and shall not be transferred or assigned without the prior written approval of the Board of Aldermen of the City of Clayton.
2. That the property shall be improved, maintained, and operated substantially in accordance with an application dated October 17, 2023, and with the plans and specification filed with and approved by the City of Clayton.
3. Accessory dwelling unit occupants must be related by blood, marriage, or adoption to at least one Permittee or be employed by Permittees or work on the subject property. Any change in occupancy must be approved by the City of Clayton, in writing, in advance.
4. The accessory dwelling unit shall not be rented or sold, transferred, or assigned separately from the primary unit and a deed restriction, in a form approved by the Clayton city attorney, is recorded with the St. Louis County Recorder's office to that effect.
5. Prior to the issuance of a Building Permit, the Permittees shall submit proof to the City of Clayton Planning Department that the required deed restriction was filed with St. Louis County within forty-five (45) days of approval of this Resolution.

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

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

Adopted this 14th day of November 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
ANDREA MUSKOPF, ASSISTANT CITY MANAGER
DATE: NOVEMBER 14, 2023
SUBJECT: ORDINANCE - PARTICIPATION IN THE MISSOURI FIREFIGHTERS' CRITICAL ILLNESS TRUST AND POOL, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY FOR THE CITY'S PARTICIPATION THEREIN

The Board of Aldermen approved the Fiscal Year FY2024-2026 Collective Bargaining Agreement (CBA) with the International Association of Fire Fighters, Local 2665, in September 2023. One key provision in the CBA is the City of Clayton's commitment to registering and covering the cost for every member to join the Missouri Fire Fighters Critical Illness Pool (MFFCIP). This pool was established to provide cancer benefits for the state's firefighters, helping to alleviate the physical and financial challenges associated with serious health issues.

Eligibility for this coverage is determined based on years of service, with a FY2024 cost of \$4,788.50 to cover eligible members. This expense was included in the FY2024 Operating Budget.

RECOMMENDATION: To approve an Ordinance allowing participation in the Missouri Firefighters' Critical Illness Trust and Pool and authorize the City Manager to execute any necessary documents for plan administration.

BILL NO. 6998

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CLAYTON, MISSOURI, TO PARTICIPATE IN THE MISSOURI FIREFIGHTERS' CRITICAL ILLNESS TRUST AND POOL, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY FOR THE CITY'S PARTICIPATION THEREIN

WHEREAS, Missouri Firefighters' Critical Illness Trust and Pool (herein "MFFCIP") has created a critical illness pool as authorized by Section 320.400 and 537.620 RSMo, to create an alternative for public sector agencies seeking to control rising costs due to critical illnesses, including cancers, in firefighters; and

WHEREAS, Missouri statutes require such an entity to be formed by agreement of at least three public sector agencies; and

WHEREAS, upon a proper application, a new entity has been created and approved by the Director of the Division of Commerce and Insurance and Missouri Secretary of State; and

WHEREAS, the new entity, called "Missouri Fire Fighter Critical Illness Trust and Pool" (MFFCIP) is a separate body corporate and trust, under the oversight of a Board of Trustees and the participating agencies; and

WHEREAS, MFFCIP will safeguard, manage, and provide for administrative services for MFFCIP, and

WHEREAS, by agreeing to be one of the agencies participating in MFFCIP, this City is not forever bound to participate in MFFCIP, but does so by agreement;

WHEREAS, upon proper consideration the City believes that participating in the MFFCIP risk pool is in the best interests of the City,

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

Section 1: In fulfilment of the Fiscal Year (FY) 2024 Collective Bargaining Agreement between the City of Clayton and the International Association of Fire Fighters, Local 2665, the City hereby declares its intent to become a member of MFFCIP and to participate therein upon approval of Board of Trustees of MFFCIP.

Section 2: The City will participate in the MFFCIP pool at the \$300,000 coverage limit for all eligible firefighters, at a cost which is currently \$165 per person and estimated to be a total of \$4,788.50 in FY 2024.

Section 3: The City Manager is hereby authorized to sign all documents necessary or expedient

for the City to participate in the MFFCIP, including Trust/Pool Agreement and Bylaws, agreeing to adhere to the rules of said documents, and to be bound together with other members thereby.

Section 4: City staff are hereby authorized to provide such assistance as may be necessary to carry out the intent of this ordinance.

Section 5: This ordinance shall be effective immediately upon its approval and execution.

Passed by the Board of Aldermen this 14TH day of November 2023.

Mayor

ATTEST:

City Clerk

THE CITY OF CLAYTON

Board of Aldermen
In-Person and Virtual Meeting
October 24, 2023
7:00 p.m.

MINUTES

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, Gary Feder, Rick Hummell, and Mayor Michelle Harris.

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

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER A CONTRACT EXTENSION WITH *BUILDINGSTARS* FOR THE CUSTODIAL SERVICES CONTRACT FOR CITY OWNED FACILITIES AT 10 S BRENTWOOD BOULEVARD, 10 N BEMISTON AVENUE, AND 8300 SHAW PARK DRIVE

City Manager Gipson reported that the Public Works Department is requesting approval of a three-year custodial services contract extension to clean the Police Station & Municipal Building(s) at 10 S. Brentwood Boulevard, City Hall at 10 N. Bemiston Avenue, and the Municipal Garage at 8300 Shaw Park Drive. The contract approved in March 2021 with *Buildingstars* expired at the end of September 2023.

Alderman Berkowitz introduced Bill No. 6997, to approve an extension of the contract with *BuildingStars* for custodial services to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6997, first reading, an Ordinance approving a Contract Extension with *Buildingstars* for the Custodial Services Contract for City Owned Facilities at 10 S. Brentwood Boulevard, 10 N. Bemiston Avenue, and 8300 Shaw Park Drive by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6997 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6997, to approve an extension of the contract with *BuildingStars* for custodial services to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6997, second reading, an Ordinance approving a Contract Extension with *Buildingstars* for the Custodial Services Contract for City Owned Facilities at 10 S. Brentwood Boulevard, 10 N. Bemiston Avenue, and 8300 Shaw Park Drive by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; Alderman Feder – Aye; Alderman Hummell – Aye; and Mayor Harris – Aye. The bill, having received majority approval, was adopted, and became Ordinance No. 6858 of the City of Clayton.

CONSENT AGENDA

1. Minutes – October 10, 2023

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 Feder – Aye; Alderman Hummell – Aye; and Mayor Harris – Aye.

CLAYTON SPECIAL EVENTS UPDATE

Gary Carter, Director of Development provided a PowerPoint© presentation to the Board on the Clayton Special Events. (*presentation available in the City Clerk’s office*)

OTHER

Alderman Berkowitz reported on the following:

- Parks & Recreation
 - Staff provided a report on the day camps (summer).
 - The Center is preparing for proposed roof work.
- Jazz Festival event – great event!
- Blues Home Opener – great event – thanks to staff!
- St. Louis City Emergency Dispatch Center – continued interest into looking at bringing communities together to help.

Alderman McAndrew reported on the following:

- Plan Commission/ARB
 - Reviewed plans for a large addition to a home on Polo Drive
- Party in the Patch event – thanks to Toni Siering and staff for a great event!
- Clayton High School Homecoming Parade – great event!
- Davis Place annual meeting
- Steering Committee meeting re: Comprehensive Plan – reminded everyone about the scheduled Ward meetings; encourage people to attend.

Alderman Buse reported on the following:

- St. Louis City Dispatch Center – very supportive of Alderman Berkowitz’ suggestion
- Sustainability Committee – provided a presentation on Clayton Tomorrow 2040.
- Best of Clayton event.
- Encouraging the City to look at a policy on eliminating the use of plastic bottles in city facilities.

Alderman Patel reported on the following:

- Clayton Equity Commission – Pastor Sarah Rugenstone, The Gathering, is a new ex-officio member.

Alderman Feder reported on the following:

- Best of Clayton event.
- Davis Place annual meeting.
- Polo Subdivision meeting will be held on November 2nd.
- Ward 3 Coffee at Starbucks will begin again in November.

Alderman Hummell reported on the following:

- Best of Clayton
- CHS Homecoming Parade – great time!
- Jazz Festival – great event and very well done!
- Clayton Community Foundation Executive Board meeting will be held on October 25th.
- Clayton Tomorrow 2040 – great communications/notifications are getting out to the citizens.
- Meeting with staff to continue conversations regarding the Washington University and Concordia Seminary project.

Mayor Harris reported on the following:

- Davis Place Annual meeting.
- Landscape Task Force – working on commemoration in recognition of the Osage Nation; attended a commemoration in Tower Grove Park.
- Continuing to work with staff and various agencies in discussion regarding the issue with the “unhoused.”

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

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:44 p.m.

Mayor

ATTEST:

City Clerk