

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
November 9, 2021
7:03 p.m.

Minutes

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

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

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

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

**Motion made by Alderman McAndrew to approve the October 26, 2021 minutes.
Alderman Berkowitz seconded.**

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

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE PLAT OF THE PEARL CONDOMINIUM TO ADD THE BUILDING LOCATED AT 47 TOPTON WAY

City Manager Gipson reported that On March 9, 2021, the Board of Aldermen approved a condominium plat submitted by Topton Way Condominiums, LLC for the building addressed 51 Topton Way, to be known as The Pearl Condominium.

On October 28, 2021, the City of Clayton received an application, plat and supporting documents from Topton Way Condominiums, LLC, owner of both 51 Topton Way and 47 Topton Way (adjacent to 51 Topton Way to the east), for an amendment to the previously approved condominium plat. The owner seeks to include the newly constructed building at 47 Topton Way in the condominium plat. In addition, the application depicts a 10-foot-wide easement between 47 Topton Way and 51 Topton Way, to be dedicated to the city by separate document in the near future for a streetlight electric line.

The subject 3 ½ story building shown on the plat application (located at 47 Topton Way) contains eight (8) units.

The proposed easement and the plat application have been reviewed by staff.

Mark Mehlman, Scott Mehlman, and Blair Mehlman, owners, were in attendance (virtually) to address questions from the Board.

Alderman Lintz introduced Bill No. 6869, to approve an amendment to the plat for the Pearl Condominium to add a building located at 47 Topton Way to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6869, first reading, an Ordinance Providing for the Approval of an Amendment to the Plat of the Pearl Condominium Which Adds the Building Located at 47 Topton Way in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6869 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6869, to approve an amendment to the plat for the Pearl Condominium to add a building located at 47 Topton Way to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6869, second reading, an Ordinance Providing for the Approval of an Amendment to the Plat of the Pearl Condominium Which Adds the Building Located at 47 Topton Way in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6728 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT FOR THE REPLACEMENT OF THE CORE NETWORK SWITCHES IN THE CITY

City Manager Gipson reported that the City’s fiber network switching has surpassed its useful life of 10+ years. To stay supported by the manufacturer and ensure we are utilizing best practice network protocols, we must upgrade and replace all the equipment. Funds have been set aside for these purposes in the Equipment Replacement Fund.

Staff has analyzed our options and have decided on a platform through HPE Aruba that will utilize network protocols to provide better insight, redundancy, and predictability over the City’s fiber network. The proposal includes network switching equipment, management software, and professional services for the implementation of the network. The professional services are at a reduced amount as staff plans to assist and learn along the way. This project is within budget in the Equipment Replacement Fund.

These components are available on state or other cooperative purchasing contracts. Staff will be purchasing this under the NASPO ValuePoint pre-bid purchasing contract through Technology Group Solutions at a cost of \$267,759.00.

Larry Cawvey, Director of Technology Information, was in attendance (virtually) to address questions from the Board.

Alderman Lintz introduced Bill No. 6870, to approve a contract with Technology Group Solutions for the replacement of the core network switches to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6870, first reading, an Ordinance Approving a Contract with Technology Group Solutions for Replacement of the City’s Core Network Switching Equipment and Related Services by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6870 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6870, to approve a contract with Technology Group Solutions for the replacement of the core network switches to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe noted a typo in the draft ordinance; “Cities” should be corrected to “City’s.”

City Attorney O’Keefe reads Bill No. 6870, second reading, an Ordinance Approving a Contract with Technology Group Solutions for Replacement of the City’s Core Network Switching Equipment and Related Services by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6729 of the City of Clayton.

A MOTION TO CONSIDER APPROVING THE APPOINTMENT OF A PROVISIONAL JUDGE

City Manager Gipson reported that the provisions for judge are found in the City’s Charter. The judge is appointed and approved by the Board to a two-year term. On June 22 the Board approved the appointment of Cynthia Garnholz as Municipal Judge which left a vacancy for a provisional judge. Per the City’s Charter *“Whenever the municipal judge is temporarily absent or unable to act, the mayor shall appoint an eligible person to act during such absence or disability.”*

In following the same procedure for the municipal judge, the City advertised for a provisional judge in the Missouri Lawyers Media publication on September 8 and September 30 with a deadline of October 11. We received four applications: Angela Gabel, Amber Kempf, Brian

Sanger, and Thomas Glick. Mayor Harris convened a panel of three, herself, Municipal Judge Cynthia Garnholz, and Professor Peter Joy of Washington University and they met on November 2 to review the applications.

Upon the panel's review Mayor Harris presents to the Board of Aldermen recommendation to appoint Angela Gabel as the Provisional Judge.

Mayor Harris explained the selection process to the Board.

Aldermen Berkowitz and Feder recommended for future selection to include an interview with all potential applicants.

Alderman Buse commented that the Clayton Equity Community continues to have discussions regarding the judge selection procedures which they will present their recommendations to the Board at a future meeting.

Motion made by Alderman Lintz to approve the appointment of Angela Gabel as the provisional judge. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

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

City Manager Gipson reported that as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date.

Records to be disposed are Municipal Court Records and Finance Department records as listed in the Board memo and available in the City Clerk's office.

Motion made by Alderman Lintz to approve the destruction of records as listed in the Board memo. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

COMMUNITY EQUITY COMMISSION (CEC) RECOMMENDATION ST. LOUIS COUNTY HISTORICAL MARKER

City Manager Gipson reported that On October 14, 2021, the Clayton Community Equity Commission (CEC) recommended that "Clayton's Board of Aldermen request that St. Louis County remove or amend the historical marker located at the County Police Headquarters to align with the values we share as a proud member of St. Louis County."

The CEC recommendation along with images and a transcription of the historical marker are included in the Board's packet for review.

The Board expressed support for moving forward in supporting the CEC recommendations and prior to sending a letter they would like to first reach out to St. Louis County to find the best way to accomplish a solution to "remove" or "reword" the monument.

Motion made by Alderman Lintz to accept the CEC recommendations. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Lintz reported on the following:

- Sustainability Committee – discussion to create ideas and to develop committees; Bill Chamberlain, Chairman, will be putting together a summary report to send to the Board
- Clayton Community Foundation (CCF) Executive Committee
- NUERF and UERF – discussion regarding the interest rates; actuary report

Alderman Berkowitz reported on the following:

- Plan Commission/ARB – raised concerns that they are seeing projects that come before the Commission that have started and/or completed prior to receiving approvals and/or permits.

Alderman McAndrew reported on the following:

- Parks & Recreation
 - Youth Sports report presented by David Wiley; Soccer - Patrick McGee; Summer camps, highest grossing this year; RFPs due for the Livable Community master Plan are due November 18
 - Maryland Park site plan review to go to the Plan Commission
 - Membership report presented by Patty DeForrest
 - Equipment Replacement Fund
 - Minimum wage
 - Membership as it relates to the Center and the School
- Polo Neighborhood meeting

Alderman Buse reported on the following:

- Parks & Recreation
 - Summer Quest – Parks working with School District to continue support of program

Alderman Patel reported on the following:

- Halloween Neighborhood parade (led by a camel) on DeMun

Alderman Feder reported on the following:

- NUERF
- Davis Place neighborhood event
- Polo Neighborhood meeting
- CEC meeting scheduled for November 11

Mayor Harris reported on the following:

- Davis Place Friends Giving event
- Chamber of Commerce – Leadership Clayton met this week
- Mayor's Youth Advisory Council meeting – working on project for three little libraries

- Maryland Avenue bike lanes – encourage promoting the use

City Manager Gipson reminded the Board that the November 23rd Board meeting is canceled and inquired as to the December 28 meeting which there are no items to discuss and asked if the Board would desire to cancel or keep the scheduled December 28 meeting.

Motion made by Alderman Berkowitz to cancel the December 28, 2021, Board meeting. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

In response to Alderman Feder's question regarding in-person meetings, City Manager Gipson reported that the equipment piece for the Council Chambers has arrived, and the Technology Services staff is anticipating installation as early as next month.

In response to Alderman Berkowitz' question regarding vaccination requirements for anyone attending an in-person Board, City Manager Gipson stated that he will research the information and report back to the Board on the (legal) requirements.

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

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk