

THE CITY OF CLAYTON

Board of Aldermen Strategic Discussion Session
Virtual Zoom Meeting
December 14, 2021
7:00 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 November 9 and 17, 2021 minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING LIQUOR LICENSES FOR 1 TABLESPOON SALT, LLC DBA BILLIE JEAN LOCATED AT 7610 WYDOWN BOULEVARD; 4 LARGE EGGS, LLC DBA I FRATELLINI AT 7624 WYDOWN BOULEVARD; AND 6 TABLESPOONS BUTTER, LLC DBA BAR LES FRERES AT 7637 WYDOWN BOULEVARD

City Manager Gipson reported that 1 Tablespoon Salt, LLC *dba* Billie Jean is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays, at 7610 Wydown Boulevard.

4 Large Eggs, LLC *dba* I Fratellini is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays, at 7624 Wydown Boulevard.

6 Tablespoons Butter, LLC *dba* Bar Les Freres is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays, at 7637 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 has also approved the application with no objections.

Susan Barrett, owner, was in attendance (virtually) to answer questions.

Motion made by Alderman Lintz to approve a liquor license for 1 Tablespoon Salt, LLC, d/b/a Billie Jean located at 7610 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz to approve a liquor license for 2 Large Eggs d/b/a I Fratellini located at 7624 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz to approve a liquor license for 6 Tablespoons Butter d/b/a Bar Les Freres located at 7637 Wydown Boulevard. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

RECOMMENDATIONS FROM THE CLAYTON COMMUNITY EQUITY COMMISSION

City Manager Gipson reported that The Clayton Community Equity Commission (CEC) held a discussion regarding the selection process and Charter provisions related to the Municipal Judge. The CEC voted unanimously to forward the following recommendations to the Board of Aldermen for consideration:

The following Nos. 1-5 can be and should be implemented immediately:

1. A 3-member panel should be appointed by the BOA and Mayor to interview and make its reasoned recommendation(s) to the BOA and Mayor. It should be comprised of an elected official and 2 others who have no direct or indirect conflicts of interest and a demonstrated interest in equity issues (lawyers preferred but not required), such as public law interest, administration of justice, pro bono, non-profit or similar experience. In sum, the panel members should have some expertise in criminal justice with an equity lens.
2. The panel's selection process should be transparent throughout. All interviews should be open to the public.
3. The Municipal Judge selection process, consistent with these recommendations, should be reduced to a written policy.
4. It should be acceptable that the panel recommend more than one person to the Mayor and BOA for its judicial selection.
5. The current RFQ recently used (see attached) is acceptable.

The following Nos. 6-8 would, as discussed below, require changes in the Charter. They are independent of the foregoing, and we recommend the following be included in any future revision of the Charter.

6. The Charter provision has a residency requirement that requires that the judge reside in Clayton. We believe that this Charter requirement unduly restricts the pool of possible candidates. The Charter also limits the Judges term to two years which we believe is too short.
7. We recommend that (a) the residency requirement be deleted and (b) the term be extended to 3 years as part of any general revising of the Charter.
8. If the above changes are made to the Charter we also recommend the definition of conflicts of interest be broad enough to include work in other municipalities as possible conflicts of interest. Likewise, that the RFQ be reviewed and appropriately revised.

City Attorney O'Keefe reminded the Board that per the City Charter, Article 6, Section 2, "...*the judge is appointed by the Board of Aldermen...*" He explained the role of the advisory panel versus the Charter provisions that the Board of Aldermen are required to exercise.

Upon discussion, City Manager Gipson recommended that a draft policy is created and distributed to the Board for review to be discussed and presented for approval at a later time.

No action was taken.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTIONS 300.010, 350.020, AND 350.240, OF THE PARKING REGULATIONS IN THE CITY CODE OF ORDINANCES

City Manager Gipson reported that this is an ordinance to amend Clayton parking regulations by adding:

- I. A definition of "designated bicycle lane" to Chapter 300, Traffic Code, General Provisions
- II. Amending Chapter 350, Parking Regulations, to prohibiting stopping, standing, or parking vehicles within a designated bicycle lane.
- III. Adding a penalty for violation of the above in Section 350.240, Established Fines for Parking Violations. The proposed fine is \$40 due in 14 days, \$80 due in 15-21 days and \$120 due over 22 days.

The proposed changes will allow the Police Department and Parking Ambassadors to properly enforce Clayton bike lanes

Alderman Lintz introduced Bill No. 6871, to approve an amendment to Chapter 350, Parking Regulations to prohibit parking of motor vehicles in designated bicycle lanes to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6871, first reading, an Ordinance Prohibiting the Parking of Motor Vehicles in Designated Bicycle Lanes 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. 6871 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6871, to approve an amendment to Chapter 350, Parking Regulations to prohibit parking of motor vehicles in designated bicycle lanes to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6871, second reading, an Ordinance Prohibiting the Parking of Motor Vehicles in Designated Bicycle Lanes by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6730 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE REPEAL OF SECTION 215.770, ARTICLE ZVII, CHAPTER 215 TITLED “BEGGING”

City Manager Gipson reported that while reviewing our ordinances in light of the ruling in the St. Louis County panhandling case staff came across a provision in the City Code that prohibits begging. In line with the District Court’s judgment in the St. Louis County case and general First Amendment jurisprudence staff believes the anti-begging provision, which, to the best of anyone’s knowledge has never been enforced, is vague, antiquated, and potentially an infringement of the free speech rights.

Alderman Lintz introduced Bill No. 6872, to repeal Section 215.770, of Article XVII, of Chapter 215, entitled “Begging” to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6872, first reading, an Ordinance Repealing Section 215.770 of the Clayton City Code 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. 6872 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6872, to repeal Section 215.770, of Article XVII, of Chapter 215, entitled “Begging” to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6872, second reading, an Ordinance Repealing Section 215.770 of the Clayton City Code by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6731 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO CHAPTER 345 – PEDESTRIANS’ RIGHTS AND DUTIES

City Manager Gipson reported that on May 11, 2021, the United States District Court in the Eastern District of Missouri entered a judgement against St. Louis County, and invalidated County ordinances that regulated pedestrians who stand in a roadway and solicit contributions or business from motorists. The County's ordinance was invalidated on First Amendment grounds. While the court didn't find fault with the idea that the County had valid safety and traffic considerations about pedestrians in roadways, the County's regulations only focused on people who were panhandling from motorists-thus discriminating against them based on what they were soliciting from motorists.

The City of Clayton has a provision in the City Code that is like the invalidated County regulation.

The proposed ordinance would repeal the City's existing regulations on roadway soliciting and replace them with straightforward prohibitions against any pedestrian being in a roadway and impeding traffic or conducting any transaction with a stopped vehicle occupant,

Alderman Lintz introduced Bill No. 6873, to approve an amendment to Chapter 345, Pedestrians' Rights & Duties, repealing Section 345.020 and the enactment of a new Section 345.020, and to include an addition of Section 345.030 to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6873, first reading, an Ordinance Pertaining to the Safe Conduct of Pedestrians 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. 6873 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6873, to approve an amendment to Chapter 345, Pedestrians' Rights & Duties, repealing Section 345.020 and the enactment of a new Section 345.020, and to include an addition of Section 345.030 to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6873, second reading, an Ordinance Pertaining to the Safe Conduct of Pedestrians by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6732 of the City of Clayton.

A RESOLUTION TO CONSIDER AUTHORIZING THE OFFERING FOR SALE OF SPECIAL OBLIGATION REFUNDING BONDS

City Manager Gipson reported that the City will be issuing bonds for the purpose of refunding, similar to refinancing, an outstanding bond issue where the City can experience savings over

the lifetime of the bonds. The total estimated funds needed from the sale of the bonds to be issued is approximately \$10,785,000.

Mark Grimm, Gilmore & Bell and Todd Goffoy, Public Finance Investment Banking (bond counsel), was in attendance (virtually) to answer questions.

Motion made by Alderman Lintz to approve Resolution No. 2021-21, the sale of the General Obligation Refunding Bonds. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER AUTHORIZING EXECUTION OF NATIONAL OPIOID SETTLEMENT AGREEMENTS

City Manager Gipson reported that the proposed resolution authorizes the City to participate in a nationwide settlement with Johnson & Johnson and three pharmaceutical distributors to compensate states and cities for the harm caused by fraudulent marketing and licit and illicit opioid use and distribution. Missouri will receive between \$243 million and \$457 million in total compensation, with 15% being allocated to local governments. Annual payments from Johnson & Johnson will commence in July 2022 and continue for 10 years. Annual payments from the distributors will begin in April 2022 and continue for 17 years.

Motion made by Alderman Lintz to approve Resolution No. 2021-22, authorizing participation in the opioid settlement. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER AN APPOINTMENT TO THE PUBLIC ART ADVISORY COMMITTEE (PAAC)

City Manager Gipson reported that Jeff Vines, Ward 1 resident, has expressed interest in being appointed to the Public Art Advisory Committee of the City. Mayor Harris has reviewed the application and recommends his appointment for the Board's consideration.

Jeff Vines was in attendance (virtually) to answer questions.

Motion made by Alderman Lintz moves to approve the appointment of Jeff Vines to the Public Art Advisory Commission. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Other

City manager Gipson reported that the audio-visual upgrade will be installed soon and anticipates having an in-person meeting on January 25.

Alderman Lintz reported on the following:

- Ward 1 coffee – Jeff Vines provided a presentation on the DeMun mural; discussed finances, trash, and speeding

Alderman Berkowitz reported on the following:

- Plan Commission/ARB
 - approved St. Louis County’s request to install three large (TV) screens on the outside of its government building
- Maryland Park – extend the bike path; naming of the park

Alderman McAndrew reported on the following:

- Parks & Recreation Commission
 - Discussion on the naming process for Maryland Park
 - Presentation on the aquatic center by Karen Herbig
 - Presentation on the tennis center by Patrick McGee
- All-In Coalition Subcommittee – Officers Jenny Schwartz and Al Thuet provided an update

Alderman Buse reported on the following:

- Parks & Recreation Commission
 - Pickleball courts
- Clayton Community Equity Commission (CEC)
 - St. Louis County signage

Alderman Patel reported on the following:

- Sustainability Committee
 - working on organizing committees
 - outreach with neighboring communities

Alderman Feder reported on the following:

- provided an update on the review of the Davis Place deed restrictions
- Ward 3 Coffee at Starbucks
- Sterling Bank Community hearing
- Forsyth “curve” project for conceptual hearing on December 20

Mayor Harris reported on the following:

- Attended the swearing in of the new provisional judge, Angela Gable
- Met with the City of St. Louis’ new treasurer, Adam Layne.
- Met with property owners, Apex, Gershman, Midas)
- Attended the Toys 4 Tots finale
- Thanks to Matt Malick, John Wulf, Patty DeForrest for their work in helping the City achieve the Green Business Challenge.

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

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:55 p.m.

Mayor

ATTEST:

City Clerk