## THE CITY OF CLAYTON

Board of Aldermen Strategic Discussion Session Virtual Zoom Meeting January 11, 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 December 14 and 17, 2021 minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

### **AWARDS & RECOGNITIONS**

Chief Rhodes announced that the Greater St. Louis Area Fire Chief's Association will be honoring the City of Clayton's Battalion Chief Jason Hildebrandt, Firefighters Ryan Harrell, Joshua Barnaby (former), Craig Kneale, and Steve Wood for their quick and professional actions on May 18, 2021, in the technical vehicle rescue of a victim trapped in a tractor trailer on Eastbound I-44, Shrewsbury, Missouri.

A PUBLIC HEARING AND AN ORDINANCE - AMENDING SECTIONS 410.845 AND 410.850 OF ARTICLE XV, ENTERTAINMENT OVERLAY DISTRICT, BY EXPANDING THE BOUNDARIES OF THE ENTERTAINMENT OVERLAY DISTRICT

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to solicit input regarding a proposed amendment to Chapter 410 (Overlay and Urban Design Zoning Districts) Article XV

(Entertainment Overlay District) related to an expansion of the district. The proposed amendment is to expand the existing District to the west and to the south.

Peter Smith, resident, was in attendance (virtually) and addressed the Board stating that no developer has submitted a request for the expansion and questioned why the amendment is being proposed. He added that he is not in favor of the proposed amendment with regard to moving closer to the residential areas.

Alderman Lintz commented that the proposed amendment for expansion shows that it is moving away from the residential (Old Town) area and that there remain strict perimeters in place to protect the residential areas.

Alderman Berkowitz commented that he is in favor of the expansion which is needed to encourage businesses and he thanked Gary Carter, Director of Economic Development for initiating.

Alderman McAndrew commented that she is in favor of the expansion to the south which moves it away from the Old Town neighborhoods. She noted that she would not like for it to cross to the westside of Brentwood Boulevard, but instead stay to the east and is in favor of modifying the proposed ordinance.

Alderman Buse agreed with Alderman McAndrew and supports the expansion.

Alderman Patel acknowledged with Mr. Smith that no businesses have taken advantage of the proposed amendment, but she supports the expansion which is a reason to attract that right development opportunities.

Alderman Feder commented that he supports the expansion and being cautious about Brentwood Boulevard he is in favor of Alderman McAndrew's suggestions.

Alderman Lintz added that due to the concerns raised he supports removing the west side of Brentwood Boulevard.

Mayor Harris closed the public hearing.

Alderman Lintz introduced Bill No. 6874 amending Section 410.850: Location of Overlay Zone to reflect removing the west (area) as shown in the graphic; and (d) text should read, "The western boundary consists of those properties having frontage on the east side of North Brentwood Boulevard,", to approve an amendment to Sections 410.845 and 410.850 of Article XV, Entertainment Overlay District to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6874, first reading as amended, an Ordinance Amending Article XV "Entertainment Overlay District" of Title IV "Land Use", Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, and Other Actions Related Thereto 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. 6874 as amended on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6874 as amended, to approve an amendment to Sections 410.845 and 410.850 of Article XV, Entertainment Overlay District to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6874 as amended, second reading, an Ordinance Amending Article XV "Entertainment Overlay District" of Title IV "Land Use", Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, and Other Actions Related Thereto 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. 6733 of the City of Clayton.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING AMENDMENTS TO REPEAL AND REPLACE THE CENTRAL BUSINESS DISTRICT (CBD) CORE OVERLAY DISTRICT STANDARDS AND THE DOWNTOWN DISTRICT STANDARDS WITH THE NEW NORTHEAST DOWNTOWN OVERLAY ZONING DISTRICT AND TO CONSIDER DESIGN GUIDELINES ASSOCIATED THEREWITH

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to consider proposed code amendments to Chapter 410, Overlay District Standards, to repeal Articles III and IV and adopt a new overlay district and new development standards for the proposed Northeast Downtown Overlay Zoning District. The new overlay boundaries retain the current boundaries of the CBD and Downtown Core Overlays located within Downtown Clayton, with the following changes: the existing western half of the southeastern boundary of the CBD Overlay is extended south to Carondelet Avenue; the two existing Planned Unit Developments (Forsyth Pointe and Ceylon), within the Downtown Core Overlay are now included in the new overlay. Therefore, the existing CBD and Downtown Core Overlays are eliminated and replaced with a single overlay zoning district and associated new development standards.

Susan Istenes, Director of Planning, was in attendance (virtually) to answer questions.

Tim Breihan, H3 Design, was in attendance (virtually) to answer questions.

Alderman Buse disconnected (virtually) from the meeting at 8:01 p.m.

Alderman Buse reconnected (virtually w/o video) to the meeting at 8:04 p.m.

Mayor Harris closed the public hearing.

Alderman Lintz introduced Bill No. 6875, to approve amendments to repeal and replace the Central Business District Core Overlay District Standards and the Downtown District

Standards with the new Northeast downtown Overlay Zoning District and to consider Design Guidelines to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6875, first reading, an Ordinance Amending Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, Repealing Article III and Replacing Article III with a New District Titled "Northeast Downtown Overlay Zoning District" and Repealing Article IV, Changing References to Articles III and IV in Various Sections of the Code and Other Actions Related Thereto by title only.

The motion passed on a voice vote, 6 - Ayes; Alderman Buse was not present to vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6875 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed on a voice vote, 6 - Ayes; Alderman Buse was not present to vote.

Alderman Lintz introduced Bill No. 6875, to approve amendments to repeal and replace the Central Business District Core Overlay District Standards and the Downtown District Standards with the new Northeast downtown Overlay Zoning District and to consider Design Guidelines to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6875, second reading, an Ordinance Amending Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, Repealing Article III and Replacing Article III with a New District Titled "Northeast Downtown Overlay Zoning District" and Repealing Article IV, Changing References to Articles III and IV in Various Sections of the Code and Other Actions Related Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – 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. 6734 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE SALE OF GENERAL OBLIGATION REFUNDING BONDS – SERIES 2022 – 1<sup>ST</sup> READING

City Manager Gipson reported that the proposed ordinance provides for issuing bonds for the purpose of refunding the 2014 outstanding General Obligation bond issue so the City can achieve approximately \$1,139,585 in savings over the lifetime of the bonds. The total estimated amount of bonds to be issued is approximately \$10,785,000. The current interest rate averages 3.14% and we expect this to be lowered to around 1.5% through the refunding. The refunded bonds will mature in 2034, and the debt service is funded by a tax levy.

Karen Dilber, Director of Finance, was in attendance (virtually) to answer questions.

Mark Grimm, Gilmore & Bill, was in attendance (virtually) to answer questions

Alderman Lintz introduced Bill No. 6876, to approve the sale of the General Obligation Refunding Bonds Series 2022 to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6876, first reading, an Ordinance Authorizing and Directing the Issuance, Sale and Delivery of General Obligation Refunding Bonds, Series 2022, of the Clty of Clayton, Missouri; and Approving Certain Documents and Authorizing Certain Other Actions in Connection Therewith by title only.

The motion passed on a voice vote, 6 - Ayes; Alderman Buse was not present to vote.

# AN ORDINANCE TO CONSIDER APPROVING A LEASE AGREEMENT FOR #1 OAK KNOLL PARK WITH THE CLAYTON EARLY CHILDHOOD CENTER

City Manager Gipson reported that in 2013, the City of Clayton (City) entered into a lease with the Clayton Early Childhood Center (CECC). As a successor to the original tenant, the CECC Board of Directors and the City were cautious and entered into a relatively short-term (five years) lease which had one renewal option. CECC exercised their option in 2018 thereby extending the lease through December 31, 2022. Negotiations began last year to get a lease in place this year.

The proposed lease will become effective January 1, 2023 and extend through December 3, 2032.

Toni Siering, Interim Director of Parks & Recreation and Patty DeForrest, were in attendance to answer questions.

Alderman Lintz introduced Bill No. 6877, to approve a lease agreement with the Clayton Early Childhood Center for #1 Oak Knoll Park to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6877, first reading, an Ordinance Providing for the Execution of a Lease for the Property Located at #1 Oak Knoll Park with the Clayton Early Childhood Center by title only.

The motion passed on a voice vote, 6 - Ayes; Alderman Buse was not present to vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6877 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6877, to approve a lease agreement with the Clayton Early Childhood Center for #1 Oak Knoll Park to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6877, second reading, an Ordinance Providing for the Execution of a Lease for the Property Located at #1 Oak Knoll Park with the Clayton Early Childhood Center by title only.

Alderman Buse rejoined the meeting (virtually w/video) at 8:19 p.m.

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. 6735 of the City of Clayton.

## AN ORDINANCE TO CONSIDER ADOPTING A REVISED PARKLET POLICY

City Manager Gipson reported that per previous discussions by the Board the proposed ordinance would extend the parklet season and allow for broader parklet design options.

Gary Carter, Director of Economic Development, was in attendance (virtually) to answer questions.

Alderman Lintz introduced Bill No. 6878, to approve a revised Parklet Policy to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6878, first reading, an Ordinance Adopting a Revised On-Street Dining Policy for the City of Clayton 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. 6878 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6878, to approve a revised Parklet Policy to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6878, second reading, an Ordinance Adopting a Revised On-Street Dining Policy for the City of Clayton 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. 6736 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE 4TH QUARTER AMENDMENT TO THE FISCAL YEAR 2021 BUDGET

Karen Dilber, Director of Finance provided the Board with a summary of the report provided in the Board packet.

Alderman Lintz introduced Bill No. 6879, to approve the FY2021 4<sup>th</sup> Quarter Budget amendment to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6879, first reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto 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. 6879 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6879, to approve the FY2021 4<sup>th</sup> Quarter Budget amendment to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6879, second reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto 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. 6737 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVAL TO WAIVE CERTAIN REQUIREMENTS AND GRANTING AN EXTENSION TO COMMENCE CONSTRUCTION – 227 SOUTH CENTRAL AVENUE

City Manager Gipson reported that the developer has requested to waive the time limit within which an extension request is to be filed and for an extension of the Planned Unit Development Permit deadline to commence construction under Section 405.1460 through June 30, 2022.

Gary Carter, Director of Economic Development and Susan Istenes, Director of Planning were in attendance (virtually) to answer questions.

Sam Koplar, Attorney and partner of the development, and Daniel Burke, Developer, were in attendance (virtually) to answer questions.

Alderman Lintz introduced Bill No. 6880, to approve a waiver of certain requirements and granting an extension to commence construction for 227 S. Central Avenue to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6880, first reading, an Ordinance Providing for an Extension of the Planned Unit Development Permit for 227 South Central Avenue as Authorized by Ordinance 6586 through June 30, 2022, and Other Actions Related Thereto 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. 6880 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6880, to approve a waiver of certain requirements and granting an extension to commence construction for 227 S. Central Avenue to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6880, first reading, an Ordinance Providing for an Extension of the Planned Unit Development Permit for 227 South Central Avenue as Authorized by Ordinance 6586 through June 30, 2022, and Other Actions Related Thereto 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. 6738 of the City of Clayton.

# AN ORDINANCE TO CONSIDER APPROVING AN AMENDED SUBLEASE (PARKING) AGREEMENT FOR 227 SOUTH CENTRAL AVENUE

City Manager Gipson reported that upon the 2019 Board approval of the assignment and assumption from HB Clayton, LLC to Concord HB K Clayton, LLC the developer now proposes to amend the Parking Sublease. Regarding the Police Lot, the term of the Parking Sublease shall begin January 15, 2022; and with respect to the general lot, the term of the Parking Sublease shall begin on the date the City issues the occupancy permit for the proposed hotel. The term of the Parking Sublease shall expire for both the Police Lot and the General Lot on July 26, 2055.

Gary Carter, Director of Economic Development and Susan Istenes, Director of Planning were in attendance (virtually) to answer questions.

Sam Koplar, Developer, and Daniel Burke, Attorney, were in attendance (virtually) to answer questions.

Alderman Lintz introduced Bill No. 6881, to approve an amendment to the sublease parking agreement for 227 S. Central Avenue to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6881, first reading, an Ordinance Approving and Authorizing Execution of the First Amendment to the Parking Sublease for the 227 South Central Avenue Development 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. 6881 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6881, to approve an amendment to the sublease parking agreement for 227 S. Central Avenue to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6881, first reading, an Ordinance Approving and Authorizing Execution of the First Amendment to the Parking Sublease for the 227 South Central Avenue Development 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. 6739 of the City of Clayton.

# A RESOLUTION TO CONSIDER APPROVING A REVISED PROJECT LIST FOR THE CLAYTON COMMUNITY FOUNDATION TO USE AS FUNDRAISING TARGETS

City Manager Gipson reported that the Clayton Community Foundation (CCF) has requested that the Board of Aldermen confirm the approved project list for the purpose of fundraising. Since the first list was approved by the Board in 2010, over \$10 million has been raised by CCF to help fund projects that have been placed on the list. The list has been updated by the Board several times, most recently on January 28, 2020.

Kathleen Gund addressed the Board inquired as to fundraising for administration and noted it was not on the project list, but it is included in the City's budget.

City Manager Gipson noted that this has been reduced over time and will continue to do so, the city still contributes toward the executive director. The accounting structures have been turned over to CCF to which that process is still underway.

Patty DeForrest added that CCF has raised funds for the administration and operations, but those are not considered projects and therefore are not listed.

Motion made by Alderman Lintz to approve Resolution No. 2022-01, the updated projects list for CCF. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

# A RESOLUTION TO CONSIDER ADOPTING THE BOARD OF ALDERMEN NORMS AND PROCEDURES

City Manager Gipson reported that the current Board of Aldermen discussed and suggested revisions to the previously adopted norms and procedures at the Retreat held on September 22, 2021, and the Board of Aldermen meetings on October 12, 2021 and December 17, 2021. The final version of the document is presented and recommended for adoption.

Motion made by Alderman Lintz to approve Resolution No. 2022-02, approving the Board Norms and procedures. 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 the list of records staff is proposing to dispose is:

The Fire Department – \*2019 documents

Ambulance narcotic logs

Narcotic safe logs

Received narcotic forms from pharmacy purchases

\*Per the Drug Enforcement Administration (DEA) and the Missouri Bureau of Narcotics and Dangerous Drugs (MBNDD) the Fire Department is required to store documents on file from the last two years; currently 2019-2020.

## Planning (Building) Department

Building plans and drawings dated January 2016 through December 2016 for single family and 2 family and January 2011 thru December 2011 for Multi-family and Commercial All permit documents for multi-family and commercial buildings no longer in existence

Plumbing Permits – Single Family Residential – All Multi Family - Repair, alteration, addition Commercial - Repair, alteration, addition

Mechanical Permits – Single Family Residential – All Multi Family - Repair, alteration, addition Commercial - Repair, alteration, addition

#### Building Permits –

Single Family Residential – Repair, alteration, addition (Single and 2 Family) Multi Family - Repair, alteration, addition (January 2011 thru December 2011) Commercial - Repair, alteration, addition (January 2011 thru December 2011)

All permits for new construction of multi-family and commercial buildings will be kept for the existence of the building per City of Clayton Policy (Missouri Records Retention Schedule requires a minimum retention of 10 years for commercial and 5 years for residential.)

All permit applications and issued permit copies are retained in permanent files, separate from plans/drawings, and are not included in this request.

In following the Board's request that a method of disposal be procured that assures maximum security/confidentiality of the records, the City has arranged for a company to come to City Hall and shred the records on-site. This will occur in a timely manner upon approval of the motion by the Board of Aldermen.

Motion made by Alderman Lintz to approve the disposal of records for the Fire Department and the Building Department as listed in the Board memo. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

#### Other

City Manager Gipson reported on the following:

• Parks & Recreation Director interviews are scheduled for January 14.

• Congratulations to Susan Istenes on her new position at the City of Springfield.

Alderman Berkowitz reported on the following:

Plan Commission/ARB

Alderman McAndrew reported on the following:

- CRSWC District and City employee membership; minimum wage
- Basketball leagues have been cancelled for the next two weeks

## Alderman Buse reported on the following:

- Parks & Recreation Commission
  - minimum wage
  - memberships
  - o fitness classes have had record enrollment
  - basketball leagues
  - shortage of staff
  - o Fitness on Demand program
  - o dog park
  - Maryland park
  - Living Community master plan
- CEC status of contacting neighborhood trustees regarding restricted covenants

# Alderman Patel reported on the following:

• Maryland Avenue protected bike lane – great experience

# Alderman Feder reported on the following:

 Community Equity Commission – approved that a letter is sent from Clayton to St. Louis County expressing concern regarding the signage in front of the County Police Department

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

The motion passed unanimously on a voice vote.

The meeting adjourned at 9:12 p.m.		
A.T.T.F.O.T.	Mayor	
ATTEST:		
City Clerk		