

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
April 11, 2006
8:00 p.m.

Minutes

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

Aldermen: Jill S. Belsky, Linda Goldstein, Beverly A. Wagner, Alex Berger III,
Steven E. Lichtenfeld, Judy R. Goodman
Mayor Benjamin Uchitelle
City Manager Michael A. Schoedel
City Attorney Kevin O'Keefe

Mayor Uchitelle asked for any questions or comments relating to the March 28, 2006 meeting minutes, which were previously provided to the Board.

Alderman Goldstein moved to approve the March 28, 2006 meeting minutes. Alderman Belsky seconded the motion. The motion passed unanimously on a voice vote.

Mayor Uchitelle introduced the second annual Crème de la Clayton award program, this program was established to recognize an actively engaged citizen, local group or business that has gone beyond the call of duty, besides serving on a City Board or Commission, to enhance the quality of life for Clayton residents, workers and visitors.

Mayor Uchitelle stated that the Crème de la Clayton awards are well represented in each of the City's Wards, and asked that the Aldermen present the award to these deserving individuals.

Ward I - Aldermen Wagner and Goodman:

- To Lori Cohen, who is Chairman of the environmental program "Roots & Shoots" at Captain School. The program was launched in 2004 with the playground renovation, converting a section of asphalt into an attractive organic garden for multiple learning opportunities.

- To Lou D'Agrosa, who for several years has donated plant materials from the Garden Heights Nursery for the organic gardens at Captain School for the "Roots & Shoots" program.

Ward II Aldermen Belsky and Goldstein:

- Hanley House Gardner Robert Vander Linden, who has donated his time while he toils for hours in the Spring and Summer at the Hanley House, mulching and planting. He does this alone without asking for anything, except for mulch for the Parks Department.

- Glenridge School Inclusive Playground - Susan Casteel, Flora Dulle, and Stacey Zeid. These women worked on the grant proposal and now are "spearheading" the fundraising efforts to make this a reality.

Ward III Aldermen Berger and Lichtenfeld:

- To Diane Dubois who has worked tirelessly in establishing beautiful Whitburn Park

- To Faith Berger who worked effortlessly in enhancing the marketing and viability of the business area at the Clayton Triangle.

PUBLIC REQUESTS AND PETITIONS

Ms. Mary Burrows, 6633 San Bonita, addressed the Board stating that she is the one of the many signors on the prior petition on the referendum on eminent domain. She strongly recommends that the City not waste the tax payer's money on having the City's referendum noting several reasons.

Mr. Nicholas Andriole, 15 Broadview, addressed the Board suggesting that the City establish a Central Business District advocacy or committee to attract more people to Clayton.

City Manager Schoedel responded by stating that Mr. Andriole made a good suggestion and the City's Economic Development Advisory Committee is the entity responsible for the Special Business District. The EDAC has expanded its role in the last two years to actively discuss potential economic development projects and has taken a more active role in marketing and special events.

Alderman Goodman stated to Mr. Andriole that she appreciates his comments because he has identified some of the challenges that the City faces.

PUBLIC HEARING FOR CONSIDERATION OF AN ORDINANCE APPROVING A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A CARRIAGE HOUSE/SECOND UNIT AT 26 CARRSWOLD DRIVE

City Manager Schoedel reported that this is a public hearing and subsequent resolution to consider granting a conditional use permit to Craig and Tracy Schnuck, owners, for the construction of a 1-story detached pool house/second unit at the subject site. Second units are allowed by conditional use permit in the R-1 and R-2 Zoning Districts if the unit is occupied by a family member or employee. The second unit cannot be rented or sold separately and must be compatible with the primary residence. The proposed project is a second unit because the structure provides a kitchen, bath and living space as designated by the Zoning Ordinance. The current owners anticipate the use of the second unit for an employee.

The subject property is located in the R-1 Zoning District which allows second units up to 2,000 square feet subject to the issuance of a conditional use permit as contained in Article 2, Section 2.21 of the Zoning Ordinance, which reads as follows:

Section 2.21 - Second Units (Carriage Houses / Granny Units). A second unit 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. Second units are permitted subject to approval of a Conditional Use Permit, and the following criteria:

- Second units are only permitted in the R-1 and R-2 Large Lot and Single Family Residential Dwelling Districts, respectively.
- If a second unit is to be occupied permanently, then the occupants must be related to the residents of the principle residence. The second unit occupants must be related by blood, marriage or adoption, or be employed by the principle residence and do work on the grounds.
- A second unit may not be rented, sold, transferred, or assigned separately from the principle residence. The owner shall record a deed restriction to this effect as part of the Conditional Use Permit process required for such second unit.
- Maximum living area for a second unit in the R-1 Large Lot Single Family Dwelling District is 2,000 square feet.
- An accessory structure containing a second unit may not exceed twenty (20) feet in height or occupy more than thirty (30%) percent of the area of a required rear yard, but no accessory structure shall be closer than ten (10) feet to the principle building nor closer than five (5) feet from any side or rear property line.
- An accessory building that is not part of the principle structure shall be located not less than sixty (60) feet from the front property line.
- Required parking facilities (i.e. garage) may not be demolished or converted in order to construct a second unit, unless the required parking space(s) are replaced concomitantly on the site.
- Each second unit shall be provided with one (1) additional parking space in addition to the parking required for the principle residence.
- The second unit shall conform to the color, material, architectural style, and detailing of the principle residence and shall meet all other applicable building code requirements, zoning regulations, developments standards, and guidelines.
- A landscape plan, which provides for adequate screening of the second unit from neighboring properties, as determined by the Landscape Architect on contract with the City of Clayton.
- Any waiver from the above stated criteria will require approval of a variance from the Board of Adjustment.

The project includes the construction of a 1-story, 1,103 square foot pool house, of which 464 square feet (lower level excluding storage space) will comprise the second unit. The garage will be constructed of brick to match the primary residence.

The Plan Commission considered the request for a conditional use permit and the site plan at its March 20, 2006 meeting and voted 6 to 0 to recommend approval subject to the stipulations contained in Article 2, Section 2.21 (outlined above). The Architectural Review Board also considered the design and materials and approved those unanimously.

Alderman Goldstein moved that the Board open the public hearing on the request by Charles Schagrin, on behalf of Craig and Tracy Schnuck, owner, requesting a Conditional Use Permit for a carriage house/second unit at 26 Carrswold Drive and requested proof of publication. Alderman Lichtenfeld seconded the motion. The motion passed unanimously on a voice vote.

Mr. Charles Schagrin on behalf of Craig and Tracy Schnuck, came before the Board to address any questions.

Alderman Lichtenfeld noted that the Plan Commission approved this project and all of the materials were reviewed and found to be high quality and in context with the neighborhood and the house.

In response to Alderman Goodman's question regarding a one-car requirement Catherine Powers stated that the space is not located next to the building and there is no requirement that the space should be next to the building, but it is required to be on the property.

Alderman Goldstein moved that the Board close the public hearing and Alderman Wagner seconded the motion. The motion passed unanimously on a voice vote.

Alderman Goldstein moved to approve Resolution No. 06-06. Alderman Wagner seconded the motion. The motion passed unanimously on a voice vote.

PUBLIC HEARING FOR CONSIDERATION OF AN ORDINANCE REVISING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN CONRAD PROPERTIES AND THE CITY OF CLAYTON – 8025 BONHOMME AVENUE (CLAYTON ON THE PARK)

City Manager Schoedel reported that this is an ordinance revising the Amended & Restated Development Agreement between the City of Clayton and Conrad Properties Corporation. On August 1, 1997, the City of Clayton entered into an Amended and Restated Development Agreement with Conrad Properties Corporation governing the terms and conditions of the construction of Clayton on the Park, a twenty-three story mixed-use building located at the northeast corner of Brentwood Boulevard and Bonhomme Avenue.

The Clayton on the Park development is constructed on a piece of property originally owned by St. Louis County. St. Louis County swapped this property with the City for the City lot on South Central Avenue, where the County erected its parking garage. The City then sold the property at Brentwood and Bonhomme to Conrad Properties and entered into a public/private arrangement to provide parking for the mixed-use building and the general public.

As part of this and related agreements, Conrad Properties agreed to certain stipulations regarding the conversion of apartments to condominium units and rent restrictions for approximately 5% of the total number of units for a period of 7 years after completion of construction.

These stipulations, found on Page 8 & 9 of the Amended and Restated Agreement, are as follows:

2.1 Mixed Use Building. On the Completion Date, and for the first twelve months thereafter (except as otherwise provided below), the Mixed Use Building will consist of a minimum of one hundred eighteen (118) and a maximum of one hundred twenty-eight (128) apartment units (the "Initial Apartment Units"), a minimum of eighty-nine (89) and a maximum of ninety-nine (99) extended stay units; a maximum of thirty-six (36) condominium units; and approximately five thousand eight hundred (5,800) square feet of retail/commercial and accessory uses on the ground floor. The Mixed Use Building shall not exceed twenty-three (23) stories on the east and south sides of the Mixed Use Building and twenty-two (22) stories on the north and west sides of the Mixed Use Building. CPC further agrees that at least five percent (5%) of the total number of the Initial Apartment Units shall be leased for an amount not greater than One Thousand and 00/100 Dollars (\$1,000.00) per month (the "Base Rent") during the first lease term for each such unit shall be not less than twelve (12) months; provided, however, that such restriction on that amount of rent that can be charged on such units shall terminate after the expiration of the first lease term for such units and, in no event shall extend beyond the date which is seven (7) years after the Completion Date or shall apply to any units which are not leased prior to the Completion Date. If and to the extent that the said 5% of the Initial Apartment Units, or any of them, are not leased during the first twelve months following the Completion Date, the Base Rent which may be charged as an initial rental rate for any such apartment unit shall increase for each year after such first year by an amount equal to the percentage increase (if any) in the Consumer Price Index for all Urban Consumers for the St. Louis Metropolitan Area (All Items Figures) published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"), published immediately prior to the termination of the then expiring year over the CPI published immediately prior to the commencement of the then expiring year. The parties agree that the said 5% of the Initial Apartment Units shall not be located on floors 19 through 22, inclusive, of the Mixed Use Building.

2.1.1 The residential units in the Mixed Use Building will initially be leased as a rental units except those located on floors 19 through 22, inclusive, which, subject to compliance by CPC with all applicable laws, ordinances and regulations, may, at CPC's discretion to be exercised at any time, be sold as condominium units (the "Initial Condominium Units"). CPC agrees that none of the Initial Condominium Units shall be sold during the first twelve months following the Completion Date for an initial total sale price in excess of Six Hundred Thousand and 00/100 Dollars (\$600,000) (the "Base Price"). If and to the extent that the Initial Condominium Units, or any of them, are not sold during the first twelve months following the Completion Date, the Base Price which may be charged as an initial total sale price for any such unit shall increase for each year after such first year by an amount equal to the percentage increase (if any) in the

Consumer Price Index for all Urban Consumers for the St. Louis Metropolitan Area (All Items Figures) published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"), published immediately prior to the termination of the then expiring year over the CPI published immediately prior to the commencement of the then expiring year. CPC further agrees that it will not convert any of the Initial Apartment Units to condominium units for at least seven (7) years from the Completion Date of the Mixed Use Building.

The building received final approval on September 9, 2000, making the effective date for removal of the above stipulations September 9, 2007.

Recently, Conrad Properties Corporation has requested that Section 2.1 and 2.1.1 (referenced above) be removed to allow for better refinancing conditions for Clayton on the Park. Copies of the letters from Conrad Properties requesting these changes are included in your packet.

The elimination of these sections requires an ordinance and would not impact the remainder of the agreement as written on August 1, 1997. Many of the stipulations contained in the agreement have already been satisfied by the completion of the project.

This request was previously provided to you several months ago – staff has been reviewing the agreement to determine impacts, if any – again, we do not feel this request is an impact to the City since most of the requirements have already been fulfilled.

Alderman Belsky introduced Bill No. 6034 to be considered for the first time and read by title only. Alderman Goldstein seconded the motion.

Mr. Bob Saur addressed the Board by stating that approximately six years ago when they entered into the agreement there were some stipulations negotiated into the development agreement. These stipulations were confusing and have made it difficult to take Clayton on the Park to national lenders because it looks like a restriction on the quality and flexibility of the project. As the market becomes more competitive it's important to remove these stipulations in order to move into a much larger financial market. His intention at this time is not to convert all the units to condominiums, but he needs that flexibility – especially with the lenders.

Mayor Uchitelle asked if the provisions were to make units more affordable.

Mr. Saur stated that it is confusing because of the way the agreement was written and that is what prompted them to make the changes.

Alderman Belsky introduced Bill No. 6034 to be considered for the second time and read by title only. Alderman Wagner seconded the motion.

The motion passed unanimously on a voice vote. Bill No. 6034 was then read by title only and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Belsky - Aye; Alderman Goldstein – Aye; Alderman Wagner - Aye; Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman -

Aye; Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5921.

CONSIDERATION OF AN ORDINANCE AMENDING THE FY 2006 BUDGET

City Manager Schoedel reported that this is an ordinance that incorporates the following amendments to the FY 2006 Budget:

1. Adopts a new pay plan for the remainder of FY 2006.
2. Ambulance fee changes.
3. Additional FY 2006 mid-year budget amendments.

1. **NEW PAY PLAN** We recently discussed the CBIZ compensation and benefits study with you at the March 28, 2006 discussion session. Staff is recommending that the new pay plan be adopted as part of the mid-year budget amendment. The revised pay plan as shown in Attachment 1 is in basic agreement with the methodology and salary structure proposed by CBIZ with the exception of the Maintenance Worker I, Laborer and Police Officer positions.

Staff recommends maintaining the Maintenance Worker I position at its approximate current pay range and would be comparable to Grade 9, \$22,187 - \$32,171. The Laborer is also recommended to be maintained at its approximate current pay range and would be comparable to Grade 10, \$28,080 - \$40,717. The Police Officer starting pay of \$39,182 proposed by CBIZ is recommended to be the starting pay for "Police Officers-in-Training"—meaning, those who have yet to complete the academy. The starting pay for a police academy graduate would be \$41,569. It is further recommended that the \$41,569 figure be established as the pay for "Firefighter/Paramedics-in-Training", those paramedics hired who have yet to complete the fire academy.

Staff is recommending that anyone falling below the minimum for their salary range be immediately brought up to the minimum. This affects five employees at a cost of \$4,929 for the remainder of the fiscal year and is included in the mid-year budget amendment. However, midpoint step increases would continue to be based on the current pay plan (in effect on October 1, 2005) through the remainder of this fiscal year.

Staff also recommends purchasing the merit matrix tool from CBIZ. This tool pertains to moving employees to midpoint more quickly which allows performance to be factored in as well. This is an additional cost of \$2,000 and is included in the mid-year budget amendment.

2. **AMBULANCE FEE CHANGES** Effective on January 1, 2006, Medicare reimbursement policies from the United States Department of Health and Human Services for Ambulance Fee Schedule and Medical Conditions List rules were changed. After January 1, 2006, the City is not able to invoice Medicare/Medicaid separately for medications administered during an ambulance transport. In addition, Medicare approved new base fees for ambulance transport services.

Ambulance transport fees typically are established by ordinance as part of the budget process. We are recommending, as part of the mid-year budget amendment, the following amended ambulance transport fees:

Fee	Medicare Rate	Current fee	Proposed Fee
Basic Life Support (BLS)	299.03	325.00	325.00
Advanced Life Support Level 1 (ALS-1)	355.09	425.00	450.00
Advanced Life Support Level 2 (ALS-2)	513.95	600.00	650.00

The fees are slightly higher than the Medicare rates but are based on the cost to provide the service to the community. The proposed fees will also recoup the lost medication reimbursement.

3. **MID-YEAR FY 2006 BUDGET AMENDMENT**

Brief summary of the proposed amendments:

REVENUES

Fund	Description	Amount
General	Verizon wireless settlement	200,000
Parking	Sale of Carondelet Parking Garage	4,274,700
401(k)	Board of Aldermen approved elimination of 401(k)	(146,058)
Recreation and Storm Water	Contribution for inclusion park	183,000
	Revenues – All Funds – Grand Total	4,511,642

EXPENDITURES

Fund	Description	Amount
General	CBIZ merit matrix tool and moving employees up to the minimum of the new pay plan	6,929
Parking	Contract with St. Louis Parking for managing the Carondelet parking facility ended upon the sale	(40,000)
401(k)	Transfer all funds out of 401(k)	1,089,776
Special Business District	Recommended changes by the EDAC- decrease advertising, miscellaneous and community event expenses	(40,000)
Revolving Public Improvement Fund	Alley Improvements started in FY 05 but not completed as of 9-30-05.	220,000
	Street resurfacing (General) started in FY 05 but not completed as of 9-30-05	197,000
	City share of intersection improvement costs paid for by Metro at Brentwood and Forest Park Parkway. Estimated to be paid in FY 05 but was not.	1,100,000
	Revolving Public Improvement Fund Total	1,517,000
Recreation and Stormwater Fund	Inclusion park- must account for entire cost	198,000
	Expenditures – All Funds – Grand Total	2,731,705

Alderman Goldstein introduced Bill No. 6035 to be considered for the first time and read by title only. Alderman Wagner seconded the motion.

Alderman Berger commented on the excellent presentation and he appreciates the way the report was put together. Alderman Berger stated, with regard to receiving \$4.2 million from the sale of the garage, if the sale had not occurred there would be a significant issue with the budget and if we could get a better control on projects within the twelve month budget period.

City Manager Schoedel stated that because several of the projects did not get finished in the prior fiscal year there is a better ending fund balance in the prior year. We have a better handle on the future projects as we plan ahead for the next several years specifically Public Works projects. The additional funds received this year has helped lessen that load and as we look into the future there are several different projects, continued ongoing maintenance programs and the desire to building a new police station. As we get closer to October 1st some of these issues will be closely looked at. Clearly, we need further analysis of all these impacts.

In response to Alderman Lichtenfeld’s question, City Manager Schoedel stated that CBIZ used the data from the 13 entities along with two additional entities and established a market medium for each addition for what we have in the City, which is an accumulation of all of the data.

In response to Alderman Goodman's question, Don Yucuis stated that the City is currently averaging approximately \$9,000 per month from the Verizon settlement.

Alderman Goldstein introduced Bill No. 6035 to be considered for the second time and read by title only. Alderman Wagner seconded the motion.

The motion passed unanimously on a voice vote. Bill No. 6035 was then read by title only and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Belsky - Aye; Alderman Goldstein – Aye; Alderman Wagner - Aye; Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5922.

CONSIDERATION OF AN ORDINANCE AMENDING THE ELECTION DATE FROM JUNE 6TH TO AUGUST 8TH FOR PLACEMENT OF LANGUAGE REGARDING USE OF EMINENT DOMAIN

City Manager Schoedel reported that on the ballot for the June election the language asking voters to determine if eminent domain should be significantly limited in future economic development projects. Unfortunately, the language on the ballot with the understanding that the state legislature would be finished with their discussions on the topic. At this time, it is not expected that the new state legislation will be adopted until at least May, if any at all. The City has until 5:00 pm on April 25th to be able to remove this language from the June 6th election by court order. After April 25th, not even a court order can remove the ballot language.

Recommendation is that the Board direct the City Attorney to file the necessary court documents to remove this language from the June 6th ballot. Recommending that the proposed ordinance be adopted to place similar language on the August 8th ballot. providing additional time to review any proposed state legislation and share it with our residents.

This change is also important because we are now aware that there are few ballot items for the June election. As such, our typical cost for the election would increase dramatically – from approximately \$8,000 to approximately \$20,000. However, I should add that this cost may be higher because the County will be using electronic voting devices for the first time.

Alderman Goldstein introduced Bill No. 6036 to be considered for the first time and read by title only. Alderman Wagner seconded the motion.

In response to Alderman Goldstein's question, City Manager Schoedel and City Attorney O'Keefe stated that the ordinance would authorize the City to place the current language on the ballot for August. The certification deadline date would be May 30th for the August election.

Alderman Goodman pointed out that by doing this the Board can then review what the State legislation has decided or adopted.

Alderman Goldstein introduced Bill No. 6036 to be considered for the second time and read by title only. Alderman Wagner seconded the motion.

The motion passed unanimously on a voice vote. Bill No. 6036 was then read by title only and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Belsky - Aye; Alderman Goldstein – Aye; Alderman Wagner - Aye; Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5923.

Other

Alderman Belsky wanted to take the opportunity to thank the City Staff for all that they have done during her seven and a half years. The staff is so exceptional and it clearly exemplifies all that has been accomplished from negotiations with Metro, Carondelet development, The Plaza, The Crescent, Maryland Walk, Clayton on the Park, Shaw Park Place, City Hall renovation and even those projects that did not happen. It is truly incredible how much the staff contributes and as a community it is important that we never take that for granted. She has really enjoyed working with the staff and all of the Board members, the citizens in the community and a fun experience to be Alderman. She will look back favorably on this part of her life. She will look forward to keeping in touch from the citizen's side of the fence.

Alderman Goldstein stated that she has so many good things to say about Alderman Belsky it would take two weeks. To Jill's family – Jill is an incredible person to work with, very smart, very committed to her duties to the City and it has been great working with Jill.

Alderman Wagner stated that she saw Jill's family in the audience and noted that the last time she saw them here was when Jill was Acting Mayor and was the first woman to sit in the Mayor's seat. She has admired Jill's professionalism and her level of expertise and thanked her for calling to the Board's attention the protection to the property owners in the Centene development and this was an enormous contribution.

Alderman Berger publicly indicated that there had been many times when Jill has led a position statement on a position that either ran counter or challenged all of the Board in ways that he admired and respected. It is very rare that seven people can work together, get along, disagree, argue, challenge and still come out and smile and say you're my friend. Jill, you are my friend and I respect you.

Alderman Lichtenfeld stated, Jill, thank you for all of your thoughtful statements especially during the heated arguments between citizens and Board members. We have always resolved them and he appreciated the efforts that you put forth.

Alderman Goodman stated that it has been a pleasure to work with Jill and one of the things that really stood out in her mind was Jill's tribute to the City of Clayton when the

discussions started regarding entering into a study with Richmond Heights. Jill really captured a lot of thoughts and feelings that many of us have about the community.

Mayor Uchitelle stated that he is not saying goodbye, because he hopes that Jill will continue to serve on the Joint Study Committee. He also agreed with Alderman Wagner's comments on Jill's very good ideas to further protect the property owners on the Centene redevelopment agreement.

Mayor Uchitelle also noted that David Crane will be the replacement on the JSC Organizational Structure Subcommittee.

Mayor Uchitelle adjourned the meeting at 9:09 p.m.

Mayor

ATTEST:

Assistant City Clerk