

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
April 25, 2006 – **2nd Meeting**
8:15 p.m.

Minutes

Assistant City Clerk June Waters swore into office Aldermen Judy Goodman, Michelle Harris and Steve Lichtenfeld.

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

Aldermen: Beverly A. Wagner, Steven E. Lichtenfeld, Judy R. Goodman,
Michelle Harris
Mayor Benjamin Uchitelle
City Manager Michael A. Schoedel
City Attorney Kevin O'Keefe

PUBLIC REQUESTS AND PETITIONS

On behalf of the Professional Firefighters of Eastern Missouri, Firefighter/Paramedic Jeff Counts presented Jill Belsky with a token of appreciation thanking her for the dedication to the citizens of Clayton and its employees through her support of additional Fire personnel and construction of the new fire house.

CONSIDERATION OF AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR 7739-49 KINGSBURY

City Manager Schoedel reported that on March 24, 2006, the City of Clayton received an application, plat and supporting documents from The Kemp Company I, L.L.C., owner under contract, for the approval of a condominium plat at that address to be known as Oryan Place Condominium. The current owner, Tobias Rafael, has also signed the application to assure complete ownership control of the property.

The subject 3-story building contains thirty-three (33) units. There are no current housing code violations on the property.

Alderman Wagner introduced Bill No. 6037 to be considered for the first time and read by title only. Alderman Lichtenfeld seconded the motion.

In response to the Board's questions, Mark Teitelbaum of the Kemp Company, L.L.C., stated that the plan is to take the 33 current units and combine six of those units to make 27 units; 12 one-bedroom units and 15 two-bedroom units which the existing tenants will be given first offer to purchase the units at an amount of \$285,000 - \$565,000. The current rental is \$1,500 - \$2,800 per month which will run its course and as tenants vacate, renovations will occur. There will be underground parking provided for each unit.

City Attorney O'Keefe read Bill No. 6037 by title only for the first time. The motion passed unanimously on a voice vote.

Alderman Wagner introduced Bill No. 6037 to be considered for the second time and read by title only. Alderman Goodman seconded the motion. Bill No. 6037 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 Wagner - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Alderman Harris – Aye. Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5924 of the City of Clayton.

CONSIDERATION OF AN ORDINANCE ADOPTING THE MUNICIPAL TELECOMMUNICATIONS BUSINESS LICENSE TAX SIMPLIFICATION ACT

City Manager Schoedel reported that during the 2005 Legislative session, HB 209 amended section 92.086 of the Revised Statutes of Missouri. This bill has generated a significant amount of dialogue by municipalities, both in the press and in the courts. The overall impact of the bill is limiting the amount of utility tax that municipalities can charge telecommunication companies; specifically with regards to new technology, like cell phones. Essentially the bill will provide that:

1. Lawsuits filed by cities against telecom providers for delinquent taxes will be dismissed without prejudice and back taxes forgiven;
2. Tax rates in 2006 will be rolled back to produce an amount equal to the previous year from land lines, with a slight increase;
3. The new lower rate will be applied to both land lines and cell phones and will be capped at 5 percent, with a phased in decrease in rates for those cities with rates above 5% through the year 2010.

The new tax rate will be set by the city from data supplied by the Missouri Department of Revenue and the new tax rate will be certified by the State Auditor.

The City of Clayton preempted this bill by having voters approve an amendment to the City Charter in 2003 – this amendment clarified that the same business license fee imposed on the landline telephone companies is applicable to telecommunication providers doing business in the City. Therefore, we are not limited to the lower rates as imposed by this new legislation. However, our City Code still needs to conform to the new State legislation.

Alderman Wagner introduced Bill No. 6038 to be considered for the first time and read by title only. Alderman Goodman seconded the motion.

In response to Alderman Goodman's question, City Attorney O'Keefe summarized that the voters approved an amendment to the City Charter in 2003 which specifically clarified that the business license fee applies to telecommunication providers. The City of Clayton is exempt from a rollback to the lower rates that will affect a majority of other municipalities. Effective July 1, 2006 the Director of the Department of Revenue for the State of Missouri shall collect, administer, and distribute telecommunications business license tax revenues in accordance with the provisions specified in the ordinance. He

noted that payments made to the State will be at the City's current percentage rate and the State will collect a one percent collection fee and then disburse the payment to the City.

Don Yucuis, Finance Director, explained to the Board that the State will possibly distribute the collected funds on a quarterly basis and as to be expected, during the first few months the disbursements may be late, but thereafter the disbursements should arrive electronically on a timely basis and the City will not earn interest.

City Attorney O'Keefe read Bill No. 6038 by title only for the first time. The motion passed unanimously on a voice vote.

Alderman Wagner introduced Bill No. 6038 to be considered for the second time and read by title only. Alderman Goodman seconded the motion. Bill No. 6038 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 Wagner - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Alderman Harris – Aye. Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5925 of the City of Clayton.

CONSIDERATION OF AN ORDINANCE APPROVING RELOCATION OF A FIRE HYDRANT / 7701 COUNTRY CLUB COURT

City Manager Schoedel reported that in order to provide adequate fire protection in the City of Clayton, fire hydrants are required at specific locations along roadways.

Chapter 10 Section 508.1.1 Public Water Supply. The fire prevention code official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire prevention code official.

The existing fire hydrant along Hanley Road, adjacent to 7701 Country Club Court, is located on the west side of the retaining wall adjacent to the sidewalk. This location is problematic in that access to the valve of this hydrant is directly over the wall and is an impediment to Fire Department personnel operating the valve at this location. Therefore, the Fire Chief has requested relocation of this hydrant to provide appropriate access.

The location of the proposed relocated fire hydrant is on the north side of Country Club Court, west of Hanley Road.

The Missouri-American Water Company requires the passage of an ordinance to authorize the relocation of this fire hydrant.

Additionally, as part of the water main reconstruction, Missouri American Water Company has requested the relocation of a fire hydrant on Hanley Road north of Shirley Drive. This fire hydrant is next to a retaining wall and essentially unusable by the Fire

Department in its current location. The Fire Chief has administratively approved the relocation of this fire hydrant to the north side of Shirley Drive west of Hanley Road. This relocation does not require Board approval as it is being requested by the Water Company.

Alderman Wagner introduced Bill No. 6039 to be considered for the first time and read by title only. Alderman Lichtenfeld seconded the motion.

City Manager Schoedel explained that when the water company requests the relocation of a fire hydrant the Fire Chief can approve that request administratively, but if the City requests the relocation of a fire hydrant it is required to be done by an ordinance approved by the Board. The relocation will provide better accessibility in conjunction with all of the water main work currently being done on Hanley.

City Attorney O’Keefe read Bill No. 6039 by title only for the first time. The motion passed unanimously on a voice vote.

Alderman Wagner introduced Bill No. 6039 to be considered for the second time and read by title only. Alderman Goodman seconded the motion. Bill No. 6039 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 Wagner - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Alderman Harris – Aye. Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5926 of the City of Clayton.

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADOPTING THE 2005 NATIONAL ELECTRICAL CODE

City Manager Schoedel reported that this is an ordinance amending Chapter 5 of the Code of Ordinances to repeal the 2002 National Electric Code and adopt the 2005 National Electrical Code, as amended by St. Louis County.

St. Louis County administers the Electrical Code under contract with the City of Clayton. This administration includes permit issuance, contractor licensing, inspections and enforcement of both residential and commercial properties within the City of Clayton. St. Louis County retains all permit fees as payment for these services. This arrangement has been in effect for at least 30 years and has proven beneficial to both the City and County. The adoption of the 2005 National Electrical Code is required for all municipalities contracting with the County for administration of the Electrical Code.

The adoption of the 2005 National Electrical Code will have little or no impact on owners or contractors. The majority of the revisions are editorial in nature or are changes that take into account new materials and technology.

Alderman Wagner introduced Bill No. 6040 to be considered for the first time and read by title only. Alderman Lichtenfeld seconded the motion.

Steve Askins explained to the Board that the City is updating to St. Louis County’s electrical code and that it will not change any of the procedures for staff. St. Louis County provides all of the work for electrical inspections.

City Attorney O’Keefe read Bill No. 6040 by title only for the first time. The motion passed unanimously on a voice vote.

Alderman Wagner introduced Bill No. 6040 to be considered for the second time and read by title only. Alderman Goodman seconded the motion. Bill No. 6040 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 Wagner - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman - Aye; Alderman Harris – Aye. Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5927 of the City of Clayton.

CONSIDERATION OF A RESOLUTION APPROVING THE CONTRACT FOR CONSULTANT TO COMPLETE A PARKS AND RECREATION MASTER PLAN

City Manager Schoedel reported that on February 13, 2006 the Parks and Recreation Department solicited Requests for Qualifications (RFQ) from firms interested in working with the City of Clayton to complete a Master Plan for Parks and Recreation. Funding to begin this project was included in the FY 2006 budget with \$35,000 allocated in the Recreation and Stormwater Fund (Fund 70).

The City received seven submittals in response to this RFQ. A selection team comprised of Parks and Recreation Commission members Jill Indivino and Rich Yawitz, the Parks and Recreation Director, Parks Superintendent, and the Events Specialist, interviewed the top three candidates. Firms interviewed were SWT Design, Terraspec and The Planning Design Studio. While all three firms were qualified to perform this service, the selection committee felt that the team from The Planning Design Studio presented the most comprehensive and well-developed plan. The Planning Design Studio’s previous experience, understanding of the needs of the City, and ability to coordinate this project with staff and the Parks and Recreation Commission, were key factors in the determination to make this recommendation.

The proposed contract divides the project into three phases. The first two phases would be completed by the end of FY 2006 and the third stage would be scheduled for completion by the end of the calendar year (FY 2007). These phases will be as follows:

- Phase 1:** Project Start-up, Data Collection, and Needs Assessment: May 1 to June 30, 2006 – Cost: \$19,222
- Phase 2:** Preliminary Master Plan to include Plan Analysis and Conceptual Development: July 1 to September 30, 2006 – Cost: \$16,410
- Phase 3:** Final Master Plan to include final plan map, support graphics, Citywide greenway map, cost estimates, priority plan, phasing/sequencing plan, review meeting with City staff and working committee, public presentation of the plan, web site coordination, and document preparation: October 1 to December 31, 2006 – Cost: \$9,490

The total cost for the entire project will be \$45,122 plus reimbursable expenses for travel, printing and materials of up to \$5,000. While this is more than was included in the current fiscal year’s budget, additional requests have been made which have increased

the cost of the project. This plan will be used to guide the efforts of the Department over the next ten to fifteen years, so staff feels it is important to undertake the full scope of the planning process as proposed by the consultants. The phased approach will allow us to utilize the funds allocated this year and we plan on including additional funds to complete the Master Plan in the FY 2007 budget.

Alderman Wagner moved to approve Resolution No. 06-07 “Approving the Contract for Consultant to Complete a Parks and Recreation Master Plan.” Alderman Lichtenfeld seconded the motion.

City Manager Schoedel explained to the Board that this is the company that the design team recommended. The \$45,000 cost is approximately \$10,000 higher than what was budgeted, but after careful review what has been proposed is appropriate for what the City would like out of the process.

Patty DeForrest explained to the Board that this is the master plan for all of the City's parks summarizing that the last master plan was done in 1992 and has been completed. This master plan will show what the community is interested in and how the community feels about the services currently provided and services the community may be interested in. The facilities and programs are in great shape and the focus will be primarily on the parks.

City Manager Schoedel clarified that there is \$35,000 budgeted for this year which is what will be spent this fiscal year. The additional funds, per the contract, will be requested from the Board in the new budget year process.

The motion passed unanimously on a voice vote.

MOTION TO APPROVE ISSUANCE OF LIQUOR LICENSE FOR A NEW RESTAURANT, MIRA, LOCATED AT 12 NORTH MERAMEC

City Manager Schoedel stated that Mira, a new restaurant in the former location of August's, is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sunday, at 12 North Meramec Avenue, under the name of Mira.

The Planning and Development Department has administratively approved the transfer of the conditional use permit. The record check has also been completed and the Police Department supports the issuance of the requested license.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Aldermen in order to be approved. Staff had requested that a representative be in attendance at the meeting.

Mr. Johnson addressed the Board saying that this is a great location and he is also part owner of Barcelona restaurant.

Alderman Goodman noted that he is a new resident in her neighborhood.

Alderman Wagner moved to approve the liquor license for Mira, a new restaurant at 12 North Meramec. Alderman Lichtenfeld seconded the motion. The motion passed unanimously on a voice vote.

MOTION TO APPOINT TO THE LANDSCAPE COMMITTEE AND THE HOUSING TASK FORCE

City Manager Schoedel reported that Ward II has nominated Ms. Janet Jump, #5 Southmoor Drive, to serve as a member of the Landscape Committee.

Ward I has nominated Ms. Joanne Boulton, 6416 Cecil Avenue and Mr. George Hettich, 6431 Alamo Avenue, #2E, to serve as a member of the Housing Task Force.

Alderman Goodman also noted that Mrs. Andrea Maddox-Dallas has submitted an application, copies of which were submitted to Board tonight, to be recommended to serve as a member on the Housing Task Force. This recommendation would fill the Ward I appointments.

Upon Board recommendation Mayor Uchitelle appointed Ms. Janet Jump to the Landscape Committee, and Ms. Joanne Boulton, Mr. George Hettich and Ms. Andrea Maddox-Dallas to the Housing Task Force.

Mayor Uchitelle recommended that the Aldermen review the current aldermanic appointments to the City's Boards and Commissions and request which board or commission they would like to represent.

There being no further business, Alderman Wagner moved that the Board adjourn. Alderman Goodman seconded the motion. The motion passed unanimously on a voice vote.

Other

Alderman Goodman stated that it is a pleasure to be on the Board and welcomed Alderman Harris.

Alderman Harris stated that she is thrilled to be a part of the City's Board of Aldermen.

City Manager Schoedel noted that the Police Department has recently gone through a Commission on Accreditation for Law Enforcement Agencies (CALEA) exercise for their re-accreditation. He feels confident that the City and the Police Department will be re-accredited for CALEA. This is a testament to the professionalism of the Department on the leadership and the three individuals here from across the country were very impressed with what we do here.

Mayor Uchitelle adjourned the meeting at 9:00 p.m.

Mayor

ATTEST:

Assistant City Clerk