

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
April 8, 2008  
7:00 p.m.  
Minutes

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

Aldermen: Alex Berger, Steve Lichtenfeld, Judy R. Goodman, Michelle Harris, Andrea Maddox-Dallas and Cynthia Garnholz

Mayor Goldstein  
Acting City Manager Lenore Toser-Aldaz  
City Attorney Kevin O'Keefe

Mayor Goldstein asked for any questions or comments relating to the March 25, 2008 minutes, which were previously provided to the Board.

**Alderman Lichtenfeld moved to approve the March 25, 2008 minutes. Alderman Goodman seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

None

Mayor Goldstein introduced the fourth 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 Goldstein stated that the Crème de la Clayton is well represented in each of the City's Wards and asked a representative of each Ward to present the award to the deserving individuals.

#### **Ward I - Aldermen Goodman and Maddox-Dallas:**

Dan and Shannon Schlafley, who was not able to attend tonight's meeting, renovated and restored the home at 105 Aberdeen Place when many thought that it would be torn down due to its disrepair.

Risa Zwerling-Wrighton started the "Home Plate" program to connect neighbors with Wash. U. students to build a personal connection. Students have the opportunity to visit with community families and learn more about the surrounding communities.

#### **Ward II Aldermen Harris and Garnholz:**

Judy Bolian, Marie Saunders, James Schwab and Garret Hagen, Neighborhood Gardening Project, has for several years donated their time and energy toiling away for hours in the spring, summer and fall, mulching and planting to provide a beautiful landscape setting to the neighborhood.

#### **Ward III Alderman Berger and Lichtenfeld**

Laura, LaGesse, Laura Ackerburg, and Jackson Sieber, Davis Place Trustees, are all pro active in initiating communication throughout the neighborhood. They created a new website, hold regularly scheduled meetings and connect individual households with the neighborhood.

Maggie McNamara, Randy Speck, Jody Robbins, and Karen Polishuk, Clayshire Neighborhood Trustees, started a new organization of citizen communication and neighborhood identity working to build synergy and camaraderie among the neighborhood.

Dan Human, Joint Study Committee, dedicated many hours and energy as the Co-Chair of the Clayton-Richmond Heights Joint Study Committee.

Ken Goldman, Parks Foundation, dedicated many endless hours and energy as a member of the Parks Foundation.

Cindy Berger, Hanley House, stepped back in time as "Aunt Cal", bringing the stories of the Martin Franklin Hanley family to life.

## **PUBLIC HEARING**

### **PUBLIC HEARING AND ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT – 7454 FORSYTH BOULEVARD (TRIANON PROJECT)**

**Alderman Berger moved that the Board open the Public Hearing with regard to Bill No. 6127, to consider an amendment to the PUD for the construction of the Trianon project located at 7453 Forsyth Boulevard and request proof of publication. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

Acting City Manager Toser-Aldaz reported that this is a public hearing and subsequent ordinance to consider amending the Planned Unit Development (PUD) at 7454 Forsyth Boulevard, Trianon (Orchard) Project, located on the north and east side of the Plaza in Clayton opposite Washington University's West Campus. On October 24, 2006, the Board of Aldermen approved rezoning and a Planned Unit Development for the Clayton City Condominiums, a mixed-use project. At that time, the project consisted of three separate buildings, a Tower Building, 26 stories that included office, residential condominiums, retail and parking. A Terrace Building of 6 stories which included retail and residential condominium units. A Loft Building that measured 7-stories and included retail and residential condominiums. The project also provided 618 on-site parking spaces.

The amended project consists of two buildings; a Condo Tower Building, the tower building, located at the rear of the site remains largely unchanged except for interior changes to the building including the elimination of the office space on the 8<sup>th</sup> and 9<sup>th</sup> floors and an increase in first floor retail space from 1,600 to 8,200 square feet. The office space has been replaced with additional condominium units.

The second building is an Apartment Building, the building fronting Forsyth and the Forest Park Parkway measures approximately 6 stories (or 79-feet in height along Forsyth) and contains 25,300 square feet of street level retail and 175 apartment units.

The entire project consists of approximately 350 residential units and 33,500 square feet of retail use. Total square footage of the project including parking and mechanical uses is 760,000.

The project has maintained the wide sidewalks along Forsyth Boulevard to support City streetscape and outdoor dining. A plaza at the corner of Forsyth and Carondelet will provide a public gathering area and an opportunity for public art.

Also proposed is a change in parking ratio. The 175 apartment units would be provided parking at 1 space per unit, the 175 condominium units at 1.5 spaces per unit and the retail at 1 space per 300 gross square feet. The total proposed parking spaces associated with this amendment is 559 off street spaces. As presented, the Zoning Ordinance would require a total of 812 spaces at 2 spaces per residential unit and 1 space for every 300 gross square feet of retail space. The applicant has presented a parking study, prepared by Woolpert, Inc., which provides justification for a parking reduction. The project meets the criteria for a Planned Unit Development and the amendment does not expect a public benefit to be derived from the project including the tract that will be recertified.

The City Plan Commission considered the amended site plan at their March 17, 2008 meeting and voted unanimously to approve with the conditions set forth in the Amended Planned Unit Development Ordinance. The Architectural Review Board considered the design and materials of the amended project and voted unanimously to approve with the following conditions:

- 1) That a more visible and inviting linkage be provided between Carondelet and Forsyth and the parking structure, and
- 2) That the metal squares below the windows be replaced with a spandrel glass per staff review and approval.

The staff recommendation is to accept the Public Hearing and consider approving the ordinance granting an amended Planned Unit Development.

Mr. Jay Case, President of Orchard Development, gave a presentation to the Board by showing a PowerPoint presentation. He explained that the project has changed from the original. He showed the site plan where they had moved the public plaza component from the corner of the alley of the private roadway on Forsyth to the corner of Carondelet and Forsyth. He pointed out a significant change in apartment units, now 175 from the original 250 leaving the height of the building approximately the same as the original. He briefly explained the use as TOD, referring to several other projects across the country, noting the large retail use access from his project to The Crescent and the Carondelet Village projects.

Alderman Lichtenfeld stated that the Planning Commission/ARB was looking for a more visible and inviting linkage between Carondelet, Forsyth and the parking structure which was discussed previously. Part of this is the accessibility for people, for those who cannot handle the stairway would have an elevator or some other conveyor. They also had concern about metal panels below windows, the windows that do not go all the way down to the floor line, and he hopes that this will show up when Mr. Case comes back to ARB. Alderman Lichtenfeld also inquired about the timing of the project.

Mr. Case confirmed with Alderman Lichtenfeld that these issues would be addressed. Mr. Case also stated that they will be ready to go with construction by possibly by this summer, but could not commit to a timeline for completion of the project.

In response to Alderman Goodman's question, Catherine Powers stated that the retail square footage now is approximately 28,000, the original square footage was 22,000.

Mr. Case stated that they are hoping to attract a national restaurant chain noting that the current retail space is better designed than the original. He stated that right now they are not aggressively began to market the retail as yet.

In response to Alderman Garnholz' question, Mr. Case stated that all of the parking is underground.

**Alderman Berger moved that the Board close the Public Hearing with regard to Bill No. 6127, to consider an ordinance to amend the PUD for the construction of the Trianon project located at 7453 Forsyth Boulevard. Alderman Lichtenfeld seconded.**

The motion passed unanimously on a voice vote.

**Alderman Berger introduced Bill No. 6127, an ordinance to consider an amendment to the PUD for the construction of the Trianon project located at 7453 Forsyth Boulevard to be considered for the first time and read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O'Keefe reads Bill No. 6127, an ordinance to amend the PUD for the construction of the Trianon project located at 7453 Forsyth Boulevard for the first time by title only.**

The motion passed unanimously on a voice vote.

**Alderman Berger introduced Bill No. 6127, an ordinance to amend the planned unit development for the construction of the Trianon project located at 7453 Forsyth Boulevard to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O'Keefe read Bill No. 6127 for the second time. Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Mayor Goldstein – Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 6013 of the City of Clayton.**

Mayor Goldstein commented that she is delighted to finally see an addition to the east end of the City and is looking forward to the project.

**AN ORDINANCE TO AMEND CHAPTER 21 OF THE CLAYTON CITY CODE RELATING TO PARKING METER REGULATIONS**

Mayor Goldstein informed the Board that this agenda item will be tabled until the next Board meeting.

**A RESOLUTION AMENDING CONDITIONAL USE PERMIT ARAKA RESTAURANT – 131 CARONDELET PLAZA**

Acting City Manager Toser-Aldaz reported that this is a resolution to amend the Conditional Use Permit for Araka Restaurant. On March 27, 2007, the Board of Aldermen approved a Conditional Use Permit for the operation of an 8,373 square foot fine dining restaurant featuring Southern European fare at 131 Carondelet Plaza in The Crescent building. Brad Beracha, President of Beracha Concepts, LLC, owner, is now requesting an amendment to the Conditional Use Permit to allow the kitchen area to be expanded by 371 square feet. The expansion results in a 371 square foot reduction in adjacent tenant space which is currently unoccupied, and does not affect the footprint of the building.

The owner indicates that the expansion will allow the restaurant to better accommodate the volume of patrons. Hours of operation remain from 11:00 a.m. until 1:00 a.m. seven days a week. Deliveries to the restaurant are made to the rear loading dock.

Staff recommendation is to approve an amendment to the Conditional Use Permit.

**Alderman Berger moved to approve Res. 08-14, to approve an amendment to the conditional use permit for Araka Restaurant at 131 Carondelet Plaza. Alderman Lichtenfeld seconded.**

In response to Alderman Goodman's question, Mr. Brad Baracha, owner, stated that they will begin the outdoor dining as soon as the weather cooperates.

**The motion passed unanimously on a voice vote.**

**RESOLUTION - APPROVING A CONTRACT WITH PARSONS BRINCKERHOFF FOR DESIGN OF THE CLAYTON PEDESTRIAN ENHANCEMENT PROJECT – FY 2008 AND 2009 PROJECT**

Acting City Manager Toser-Aldaz reported that as the Board is aware, the City has received a grant for streetscape improvements on Bonhomme Avenue, South Meramec Avenue and a section of Shaw Park Drive, in the amount of \$2,061,695. The total project cost is estimated to be \$2,663,000.

The next step in the process is the selection of a design consultant for preparing design plans for this project. The City of Clayton utilizes hourly rate consultant contracts for a variety of projects, including streetscape design. A master agreement is executed for each project type and when a consultant is needed, a detailed contract is developed. Staff is recommending that Parsons Brinckerhoff be used for the project design based on its qualifications, experience and expertise for this specific type of project, as well as its ability to complete the design this year.

The cost of the work would be \$278,095, to be funded out of the FY 2008 Revolving Public Improvements Fund. Included in this contract amount are survey costs that will utilize another hourly rate consultant the City utilizes on a regular basis, Ferguson Surveying LLC. The selection process has already been reviewed by the Missouri Department of Transportation (MoDOT), which finds it acceptable. The consultant contract is also in a form approved by MoDOT.

Staff recommendation is to approve the resolution authorizing a contract with Parsons Brinckerhoff in the amount of \$278,095.

**Alderman Berger moved to approve Res. No. 08-15, to approve a contract with Parsons Brinckerhoff for the design of the Clayton Pedestrian Enhancement Project, FY 2008-2009 Project. Alderman Lichtenfeld seconded.**

In response to Alderman Goodman's question, Paul Wojciechowski stated that he would provide the Board with a copy of the streetscape design for the Central Business District.

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO APPROVE AN AGREEMENT WITH DHR INTERNATIONAL REGARDING PUBLIC PARKING SPACES**

Acting City Manager Lenore Toser-Aldaz reported that the agreement presented to the Board of Aldermen involves DHR International, an executive search firm which is relocating its world headquarters to the City of Clayton at 8000 Maryland Ave. The City previously entered into an agreement concerning parking spaces associated with the 8000 Maryland property. Under those pre-existing terms, the City operated the public parking spaces located on the upper deck of the parking facility for the 8000 Maryland building. DHR has entered into an agreement with the St. Louis County Economic Council for Chapter 100 incentives over a 10-year period. As an additional inducement to the company, and in order to allow the company to maximize "Quality Jobs" benefits from the State of Missouri, the City pledged to allow DHR to operate the City parking spaces at the 8000 Maryland site and collect the revenue from public use of those spaces. Public parking availability will not be diminished. In return, DHR is promising to maintain at least 150 full-time equivalent positions on this site in Clayton throughout the 10 year Chapter 100 tax abatement period (allowing a two-year "ramp

up" period under the same terms as provided in the County agreement). If DHR fails to fulfill its employment obligations, then the City can reclaim the parking spaces and operate them as it does now.

Recommendation is to approve the agreement.

**Alderman Berger moved to approve Resolution No. 08-16, to approve an agreement with DHR International for public parking spaces. Alderman Lichtenfeld seconded.**

In response to Alderman Lichtenfeld's question, Acting City Manger Toser-Aldaz stated that the City will be giving up approximately \$17,000 in revenue.

In response to Mayor Goldstein's question, Paul Wojciechowski explained that the cost for snow removal was approximately \$17,000 annually. Maintenance costs for the property were very minimal.

**The motion passed by six votes; Alderman Harris abstained from voting.**

#### MOTION TO APPOINT KIMBERLY WHITTLE AS MUNICIPAL JUDGE

Acting City Manager Toser-Aldaz reported that per the City Charter, the Municipal Court is presided over by a Municipal Judge appointed by the Board of Aldermen for a term of two years. Kimberly Whittle has previously served as an Assistant Prosecuting Attorney for the St. Louis County Prosecuting Attorney's Office and has had a number of years of experience as litigation counsel and senior associate with several law firms. The Board had previously received Ms. Whittle's complete resume for review. The term of appointment would run from May 1, 2008 to April 30, 2010 and this position receives \$300 per court night. Recommendation is to consider the appointment of Kimberly Whittle as Municipal Judge.

**Alderman Berger moved to approve a motion to appoint Kim Whittle as Municipal Judge. Alderman Lichtenfeld seconded.**

Ms. Kim Whittle approached the Board stating that prior to becoming a lawyer she worked as a court reporter for a judge and became very familiar and very passionate about the court process procedures. She stated that also since being appointed as a provisional judge last year she has participated in several training and orientation seminars presented by and she has become a member of the Missouri Municipal Associate Circuit Judges Association. She welcomes the opportunity to preside over the City of Clayton's Municipal Court.

Alderman Garnholz added that today is "Be Kind To Lawyers Day". She also commented that she knows that Ms. Whittle is highly qualified to fulfill the position of Municipal Judge. The City has been fortunate to have several excellent judges and Ms. Whittle is the next in line; the City is very fortunate to have her.

**The motion passed unanimously on a voice vote.**

Mayor Goldstein congratulated Ms. Whittle as being the City's first female municipal judge. Mayor Goldstein also stated that correspondence has been sent to the School District regarding updating the list for provisional judges and traditionally assignments are made by ward. She asked that the Board begin thinking about individuals. Kim Whittle will be sworn in at the first court session in May and asked that the Board have information available by the second Board meeting in May.

#### Other

Alderman Berger commented that the annual Crème de la Clayton award presentations are significant to everyone. We learn a lot about what citizens are doing and it is absolutely 100% fantastic.

Alderman Lichtenfeld gave a brief update on the St. Louis County Blue Ribbon Commission that he is a member. The Commission is studying the facilities that the County owns and today they toured the Family Court Center, 111 and 121 S. Meramec buildings, and the court building. What was noticed is that all of the buildings are in need of major repair. The County plans to renovate the courts and get rid of the Meramec buildings and will replace them by a new family courts building west of the court building. There will be an approximately 4 – 5 month study with the Commission looking throughout the County, but right now focusing in the City.

Mayor Goldstein thanked Alderman Lichtenfeld for volunteering to be on this committee.

Alderman Goodman gave a brief update on the Clayton History Society stating that they have some wonderful volunteer history buffs throughout the community. They have been meeting and brainstorming several activities that are being considered. She encouraged the Board to spread the word.

Alderman Harris congratulated Aldermen Berger, Maddox-Dallas and Garnholz on their win today, Election Day.

Alderman Maddox-Dallas stated that she can't believe that it's been a year and she has become so familiar with the Mayor, Board and great City Staff and feels like she has known them a lot longer. She enjoyed that last year and is looking forward to the next three years with working with everyone.

Alderman Garnholz announced that Ward II has been holding their Sunday meetings at Starbucks and encourages people to come.

There being no further business, **Alderman Garnholz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Goodman seconded the motion. The motion passed unanimously on a roll call vote cast as follows: Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Mayor Goldstein – Aye.**

There being no further business, Mayor Goldstein adjourned the meeting at 8:15 p.m.

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Mayor

ATTEST:

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City Clerk