

In light of the current public health crisis and the Federal, State and County Emergency Declarations, and in accord with the provisions of Sec. 610.020, RSMo., the Board of Aldermen recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance in person. The meeting will be accessible by the public in real time ONLY by following the instructions in the box below.

You are invited to a Zoom webinar.
When: August 11, 2020; 7:00 P.M. Meeting
Topic: 08/11/2020 Board of Aldermen Meeting.

Please click this URL to join:
<https://us02web.zoom.us/j/82875408547>

Dial (for higher quality, dial a number based on your current location):
US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799
Webinar ID: 828 7540 8547

International numbers available: <https://us02web.zoom.us/j/82875408547>

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at jfrazier@claytonmo.gov. All comments received will be distributed to the entire Board before the meeting.

Thank you for your understanding and patience as we all try to get through these difficult and dangerous times.

CITY OF CLAYTON BOARD OF ALDERMEN
DISCUSSION SESSION
TUESDAY, AUGUST 25, 2020
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105
6:30 P.M.

1. Discussion Relative to Branding
-

CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, AUGUST 25, 2020
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105
7:00 P.M.

ROLL CALL

MINUTES – August 11, 2020

PUBLIC REQUESTS & PETITIONS

CITY MANAGER REPORT

1. Resolution – To approve Readopting Procedure to Disclose Potential Conflicts of Interest (Res. No. 2020-11)
2. Motion – To approve Forsyth Pointe Lane Configuration.
3. Motion – To approve Boards and Commission appointment.

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
August 11, 2020
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 of large gatherings 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:

The following individuals were in attendance at the meeting by videoconferencing at all times unless otherwise noted.

Aldermen: Joanne Boulton, Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, Dan Sokol, and Mayor Michelle Harris

City Manager David Gipson
City Attorney Kevin O'Keefe
City Clerk June Frazier

The following members were absent: None

Motion made by Alderman Lintz to approve the July 28, 2020 minutes. Alderman Berkowitz seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A RIGHT-OF-WAY VACATION

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

City Manager Gipson reported this is a public hearing to solicit input regarding the approval of a right-of-way vacation and subsequent Ordinance to vacate property which is located south of 7827 Davis Drive (Lot 17 of the Davis Place Subdivision) and is a strip of undeveloped and unused right-of-way.

The Board raised questions regarding future use of the property and the possibility of subdividing, also if the City could vacate only a portion of the requested property. City Attorney O'Keefe explained that the City has the option to vacate the right-of-way. The City has a maintenance responsibility and a liability exposure for anyone who is injured on the property. Usually these types of subject rights-of-ways that are adjacent from properties are frequented by kids playing, etc. which he assumes heightens the chances of potential liability to the City.

Mayor Harris closed the public hearing.

City Manager Gipson stated that staff will research the questions and provide answers to the Board.

Motion made by Alderman Boulton to table Bill No. 6803. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING THE SUBMITTAL OF A MUNICIPAL PARKS GRANT APPLICATION FOR REPLACEMENT OF PLAYGROUNDS IN SHAW PARK

City Manager Gipson reported that included in the City's FY19 Capital Improvement Budget is funding for the replacement of the south playground in Shaw Park with the intent to apply for a St. Louis County Municipal Park Grant of \$420,000. In addition, staff has reached out to the School District and the Clayton Community Foundation for contributions. Regardless of their commitment, the maximum the City will need to contribute is \$22,500, slightly less than what was included in the approved Capital Plan. If successful in receiving the grant, the project will begin in the spring with completion by late summer of 2021.

Motion made by Alderman Boulton to approve the submittal of a Municipal Parks Grant application for the replacement of playgrounds in Shaw Park. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

A MOTION SETTING THE PUBLIC HEARINGS FOR CONSIDERATION OF THE PROPOSED PROPERTY TAX LEVIES FOR TAX YEAR 2020 (FISCAL YEAR 2021) AND THE FISCAL YEAR 2021 OPERATING AND CAPITAL IMPROVEMENT BUDGET

City Manager Gipson reported that the Board of Aldermen recently received the City Manager's proposed Fiscal Year 2021 (FY 21) Operating and Capital Improvement Budget. The City has also recently received assessed valuation information from St. Louis County for calculating the 2020 (FY 21) property taxes. As part of the property tax and budget process, the Board is required to hold a public hearing to seek public input prior to formal adoption.

Staff is recommending that a public hearing be scheduled for September 8, 2020, at 7:00 p.m. at the regular Board of Aldermen meeting for both the property tax levy hearing, and the Fiscal Year 2021 budget hearing.

Motion made by Alderman Boulton to set September 8, 2020 to hold a public hearing on the proposed Tax Levies for tax year 2020 and the FY2021 Budget. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

vote.

A MOTION TO APPOINT MEMBERS TO THE BOARDS AND COMMISSIONS

City Manager Gipson reported that individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

Economic Development Advisory Committee

Rick Forshaw, Jr. Ward 2 (new appointment for a 3-yr term through June 30, 2023)-*replaces B. Edwards*

Norton Hoffman Chairman

Provisional Municipal Judge

Cynthia Garnholz Ward 2 (reappointment for a 2-yr term through June 30, 2022)

Non-Uniformed Employees Retirement Fund

Amelia Bond Ward 1 (reappointment for a 3-yr term through June 30, 2023)

Steve Singer Ward 3 (reappointment for a 3-yr term through June 30, 2023)

Sustainability Committee

Susannah Fuchs Ward 1 (reappointment for 3-yr term through June 30, 2023)

Angela Flotken Ward 2 (reappointment for a 3-yr term through June 30, 2023)

Motion made by Alderman Boulton to approve the appointments. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

FINDINGS - APPEAL OF THE ARCHITECTURAL REVIEW BOARD'S DECISION TO APPROVE A GARAGE ADDITION AT 8155 STRATFORD DRIVE

City Attorney O'Keefe reported that the Board received a draft of the proposed findings and order for dispositions of the appeal involving the property of 8155 Stratford Drive. In summary the proposed findings for the appeal of Leigh Szilagyi with regard to ARB conditional approval of a landscape plan for the property at 8155 Stafford Drive is SUSTAINED. The revised landscape plan submitted by Appellant on June 23, 2020, as prepared by Douglas A. DeLong of DeLong Landscape Architecture, LLC. is hereby APPROVED on condition that Appellant complete installation of all required new plantings shown thereon no later than May 1, 2021. (copy of Findings attached)

Motion made by Alderman Boulton to accept the Findings. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Boulton reported:

- Uniformed Employees' Retirement Fund (UERF) met on August 10th; provided an update on the market and the City is doing well.

Alderman Lintz reported:

- Plan Commission/ARB met August 3rd; reviewed various renovations/alterations.

Alderman Berkowitz reported:

- Parks & Recreation Commission met on August 3rd; discussion of grant for the replacement of Shaw Park playgrounds' equipment. Alderman McAndrew commented that the kids will be excited to get the new equipment.

Alderman Sokol reported:

- UERF and NUERF met August 10th; his first meetings which he found interesting and enjoyable adding that the funds are professionally managed; both funds are doing well in these challenging times.

Mayor Harris reported:

- Meeting with the St. Louis County Municipal League Executive Board; they will be discussing the planning and working with the County on COVID funding.
- The Commemorative Landscape Task Force – first meeting scheduled next week.
- City planters – very nice; people are noticing.

City Manager Gipson updated the Board on the outdoor dining barriers; currently there are several restaurants who have taken advantage of placing these outside; some are creatively decorated and are very well received by patrons.

There being no further regular business the meeting adjourned at 7:46 p.m.

Mayor

ATTEST:

City Clerk

BOARD OF ALDERMEN
CITY OF CLAYTON, MISSOURI

In Re: 8155 Stratford Drive)
Appeal of Decision of Architectural Review Board)

Findings and Decision on Appeal

This is an appeal submitted by Leigh Szilagyi ("Appellant"), 8155 Stratford Drive ("Subject Property"), of a decision by the Architectural Review Board ("ARB") on April 6, 2020, conditioning approval exterior alterations and landscaping plan on removal of two existing Bradford Pear trees in the rear yard of the Subject Property.

Pursuant to Section 400.230 of the Municipal Code, an aggrieved party may, within 15 days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error.

The City Clerk received this appeal on April 21, 2020, and the Board of Aldermen finds such filing to be timely.

Standing

Pursuant to Sec. 400.230 of the Clayton City Code appeals from decisions of the ARB can be taken only by an "aggrieved party."

As specified in Sec. 405.390 an "aggrieved party" is either:

1. The applicant, or
2. One who:
 - a. Suffers a demonstrable and material adverse effect from the decision at issue, and
 - b. Is the owner or occupant of property within two hundred (200) feet of the subject property as measured from all boundaries of the subject property.

Since Appellant was one of the applicants¹ for the ARB approval at issue she has standing to pursue this appeal.

¹ Ms. Szilagyi and her husband, Todd Szilagyi, were both applicants for the ARB approval. Only Ms. Szilagyi signed the instant appeal and is treated her as the sole Appellant. We do

Merits of the Appeal

On February 5, 2018, the Plan Commission and ARB voted unanimously to approve a site plan, landscape plans and architectural plans for construction of a new single-family home on the Subject Property. The approved landscape plan met the City's tree and landscape ordinance and called for the removal of three Bradford Pear trees on the property. Shortly thereafter the existing structure on site was demolished and construction began on the new single-family home.

After completion of construction and landscape installation, a City Inspector performing a final inspection of the property noted that the landscaping had not been installed in accordance with the approved landscape plan. On September 20, 2019, a letter was sent from the City to the developer indicating that the landscaping had not been installed in accordance with the ARB approved landscape plan. The City requested that the developer provide a revised landscape plan to the City for review reflecting the newly installed plantings. Staff review of the revised plan resulted in a determination that the plan changes reduced the native tree component of the landscaping below the regulatory minimum and the design and reduction of species were so significant the revised plan could not be administratively approved.

The approved 2018 landscape plan called for the removal of three existing Bradford Pear trees and installation of additional trees such as: Sugar Maples, Weeping Japanese Maples, three Eastern Redbuds, two Blue Spruces, a Red Maple, and two White Dogwoods. In total, approximately thirteen different plant species that were approved to be installed were not installed and the total number of species was reduced to five. Two of the three Bradford Pear trees that were slated to be removed remained, and the lack of tree planting resulted in a deficiency in the native tree planting requirement.

The property owners asked the ARB to approve a revised plan that included, among other elements, retention of the two remaining Bradford Pear trees. On April 6, 2020, the ARB reviewed the revised landscape plan and voted to 5-2 to approve the revised landscape plan with the following conditions:

1. The applicant shall remove the two Bradford Pears and plant the Red Maple in the northwest corner of the property.

not see this circumstance as in any way having an effect on Appellant's standing or the Board's authority to hear and decide the appeal.

2. The applicant shall plant trees that are listed as Missouri native and shall meet the 33 percent native requirement.

The Board of Aldermen heard Appellant's appeal and received evidence offered by Appellant on May 12, 2020, and took the matter under submission.

Shortly thereafter, through the city attorney, the Board advised Appellant that the evidence before the Board of Aldermen did not establish whether the property can reasonably be landscaped in such a way as to fulfill the maple tree and minimum native planting requirements in a healthy and appropriate manner that affords all plantings the space, light and other resources need to grow and be properly maintained while preserving the Bradford Pear trees at issue. The Board offered Appellant an opportunity to prepare and submit a complete landscape plan by a qualified professional satisfying the maple tree and minimum native planting requirements for review by the City's consulting landscape/arboreal professionals and City staff.

Appellant has now submitted such a plan and city staff and consultants have found the revised plan to satisfy all relevant landscaping standards while preserving the two Bradford Pear trees at issue in an appropriate circumstance.

The Board notes that the current situation is unique in many respects. The new construction and related original landscape plan were designed for a different owner. The current property owners acquired the property after the construction was started and, not altogether unreasonably, sought to deviate from the approved landscape plan to suit their own tastes and circumstances (primarily by elimination of a pool that was originally to have been installed in the rear yard near the Bradford Pear trees at issue here).

The Board also agrees with the ARB that Bradford Pear trees are an invasive species and should not be newly planted and that their retention should be discouraged when substantial landscaping revisions are being reviewed by that body. But our review of the city's ordinances also informs us that retention of existing Bradford Pear trees is not specifically prohibited by ordinance. In addition, the facts as to the condition of the Bradford Pear trees is an issue in substantial dispute, and new evidence on that point was presented to this Board by the Appellant.

We do not view the appeal process as a vehicle by which this Board should substitute its judgment for that of the ARB. But Section 400.240 of the City Code authorizes this Board to "approve, modify or disapprove the application" which is the subject of the appeal. Clearly this code provision instructs the

Board that we are to conclude the regulatory review process based on the evidence before us on appeal.

The review and appeal process for this landscaping has been protracted and time-consuming for all concerned. And we are sensitive to the fact that installing landscaping is seasonally sensitive. For these reasons we believe it is appropriate for us to modify the conditional approval previously granted by the ARB by approving the revised landscape plan recently submitted to this Board.

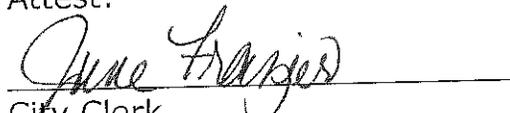
WHEREFORE, the appeal of Leigh Szilagyi with regard to ARB conditional approval of a landscape plan for the property at 8155 Stratford Drive is **SUSTAINED**. The revised landscape plan submitted by Appellant on June 23, 2020, as prepared by Douglas A. DeLong of DeLong Landscape Architecture, LLC. is hereby **APPROVED** on condition that Appellant complete installation of all required new plantings shown thereon no later than May 1, 2021.

Adopted by the Board of Aldermen of the City of Clayton this 11th Day of August 2020.



Mayor

Attest:



City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: AUGUST 25, 2020
SUBJECT: RESOLUTION – READOPTING PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

In 1991, the Missouri General Assembly adopted the ethics/personal financial disclosure law, which affects municipalities with an annual operating budget in excess of \$1 million. The ethics legislation allowed political subdivisions to establish their own method of disclosing potential conflicts of interest and substantial interests. Accordingly, pursuant to Section 105.485 of the Missouri Revised Statutes, on August 13, 1991, the City adopted by ordinance its own simplified personal financial disclosure requirements.

In order to continue with the City's own standards for disclosing interests Section 105.485.4, RSMo., requires the City to adopt an ordinance, order or resolution at an open meeting by September fifteenth biennially which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests. The attached Resolution is intended to satisfy that requirement.

Recommended Action: To approve the resolution readopting the City of Clayton's procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

RESOLUTION NO. 2020-11

A RESOLUTION READOPTING AND REAFFIRMING THE CITY'S METHOD OF DISCLOSING POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS

WHEREAS, Section 105.485.4, RSMo. 2016, requires certain employees, officials and candidates of certain political subdivisions of the State of Missouri (the "State"), to file financial interest statements with the Missouri Ethics Commission (the "Commission"), unless said political subdivision adopts an ordinance, order or resolution which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests; and,

WHEREAS, the City of Clayton (the "City") previously adopted such regulations now codified as Sections 120.010 through 120.070 of the Code of Ordinances of the City of Clayton, Missouri, which, *inter alia*, established and made public the City's chosen method of disclosing potential conflicts of interest and substantial interests in accordance with the requirements of Section 105.485.4, aforesaid; and,

WHEREAS, Section 105.485.4, requires political subdivisions that wish to establish their own method of disclosing potential conflicts of interest and substantial interests to adopt an ordinance, order or resolution at an open meeting by September 15th biennially;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

1. The Board of Aldermen hereby readopts and reaffirms the requirements and policies of Sections 120.010 through 120.070 of the Code of Ordinances of the City of Clayton, Missouri, attached as Exhibit A, as the City's chosen method of disclosing potential conflicts of interest and substantial interests in accordance with the requirements of Section 105.485.4, RSMo. 2016; and,

2. The City Clerk of the City of Clayton is hereby authorized and directed to file with the Commission a copy of this Resolution, including Exhibit A, within 10 days of the date of its adoption by the Board.

Passed by the Board of Aldermen this 25th day of August 2020.

Mayor

Attest:

City Clerk

Chapter 120. Conflicts of Interest

Section 120.010. Declaration of Policy

[Ord. No. 5886 §1, 8-9-2005; Ord. No. 5947 §1, 8-22-2006; Ord. No. 5982 §1, 7-10-2007; Ord. No. 6023 §1, 7-8-2008; Ord. No. 6083 §1, 7-14-2009]

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 120.020. Conflicts of Interest

[Ord. No. 5886 §2, 8-9-2005; Ord. No. 5947 §2, 8-22-2006; Ord. No. 5982 §2, 7-10-2007; Ord. No. 6023 §2, 7-8-2008; Ord. No. 6083 §2, 7-14-2009]

All elected and appointed officials as well as employees of the City of Clayton shall comply with Section 105.454, RSMo., on conflicts of interests as well as any other State law governing official conduct. The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any measure, bill, order or ordinance proposed or pending before the Board of Aldermen shall disclose that interest to the City Clerk and such disclosure shall be recorded in the records of the Board of Aldermen and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 120.030. Disclosure Reports

[Ord. No. 5886 §3, 8-9-2005; Ord. No. 5947 §3, 8-22-2006; Ord. No. 5982 §3, 7-10-2007; Ord. No. 6023 §3, 7-8-2008; Ord. No. 6083 §3, 7-14-2009]

A.

Each elected official, the City Manager as Chief Administrative Officer, the City Manager or someone appointed by him as provided in Article VII, Section 3 of the Clayton Charter as the Chief Purchasing Officer and the full-time general counsel, if any, shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1.

For such person and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

2.

The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3.

The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May first (1st) for the previous calendar year the following information:

a.

The names and addresses of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

b.

The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a

partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

C.

The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 120.040. Filing of Reports

[Ord. No. 5886 §4, 8-9-2005; Ord. No. 5947 §4, 8-22-2006; Ord. No. 5982 §4, 7-10-2007; Ord. No. 6023 §4, 7-8-2008; Ord. No. 6083 §4, 7-14-2009]

The reports, in a form acceptable to the Missouri Ethics Commission, shall be filed with the City Clerk and with the Missouri Ethics Commission in accordance with the Commission's requirements. The reports shall be available for public inspection and copying during normal business hours.

Section 120.050. When Filed

[Ord. No. 5886 §5, 8-9-2005; Ord. No. 5947 §5, 8-22-2006; Ord. No. 5982 §5, 7-10-2007; Ord. No. 6023 §5, 7-8-2008; Ord. No. 6083 §5, 7-14-2009]

A.

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1.

Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;

2.

Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

Section 120.060. Conflicts of Interest — Contracts and Agreements

[CC 1970 §17-118; Ord. No. 5391 §3, 10-28-1997]

A.

The following provisions, in substantially the form set forth below, shall be incorporated in all contracts and agreements with governmental bodies, governmental entities and private parties and corporations wherein the City's public powers, obligations, consents or funds or other financial obligation are involved:

1.

The parties agree to abide by all applicable Federal, State and local laws, ordinances and regulations relating to conflicts of interest. Additionally, but not in limitation of the foregoing, no elected official or other official of the City having any power of review or approval of any of the undertakings contemplated by the agreement shall knowingly participate in any decision(s) relating thereto which affect his/her personal interests or those of his/her immediate family or those of any corporation or partnership in which he/she or a member of his/her immediate family is directly or indirectly interested.

2.

The City shall not knowingly, after due inquiry, employ or contract with any person if a member of his/her immediate family is a member of the Board of Aldermen or is employed by the City in an administrative capacity (i.e., those who have selection, hiring or supervisory or operational responsibility for the work to be performed pursuant to this agreement); provided however, that the

foregoing shall not apply to temporary or seasonal employment. The City shall not knowingly, after due inquiry, employ or contract with any corporation or partnership if an elected official of the City or a person employed by the City in an administrative capacity (as defined in the foregoing sentence) or a member of the immediate family of such elected official or person employed in an administrative capacity shall have an interest, directly or indirectly, therein.

3.

For the purposes of this Section, "*immediate family*" includes: husband, wife, son, daughter, father, mother, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, uncle, aunt, nephew, niece, stepparent and stepchild.

4.

For purposes of this Section, a person shall be deemed to have an interest in a corporation or partnership if he/she or any member of his/her immediate family shall own, whether singularly or collectively, directly or indirectly, ten percent (10%) more of any corporation or partnership or shall own an interest having a value of ten thousand dollars (\$10,000.00) or more therein or an individual or a member of his/her immediate family shall receive, whether singularly or collectively, directly or indirectly, of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or, per year therefrom.

5.

In the event that any or all of the foregoing provision(s) shall conflict with Federal, State or other local laws, ordinances or regulations, then the requirements of such Federal, State or local laws, ordinances or regulations shall prevail. Compliance with the foregoing provisions shall not relieve parties contracting with the City from adherence to any and all additional requirements regarding conflicts of interest set forth in such Federal, State or other local laws, ordinances or regulations.

Section 120.070. Penalty

[Ord. No. 6114 §1, 8-10-2010]

Any person violating any part of this Chapter shall be prosecuted under the general penalty ordinance of the City of Clayton as set forth at Section [100.110](#) of the Code of Ordinances.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
MATT MALICK, P.E., DIRECTOR OF PUBLIC WORKS
DATE: AUGUST 25, 2020
SUBJECT: FORSYTH BOULEVARD LANE CONFIGURATION ASSOCIATED WITH
FORSYTH POINTE DEVELOPMENT

As a condition of the zoning approval of the Forsyth Pointe project, the developer and city have been working to finalize site plans which would include improvements to the existing right of way.

At the June 23rd Board of Alderman meeting, staff presented information from the traffic study and options for the lane configuration of Forsyth Boulevard. These options included preferred options and comments from developer and staff. The developer recommended option was to retain the existing lane configuration on Forsyth, while the staff recommended option was to remove the parking along the north side of the block to create space to install the turn lane recommended by the traffic study.

At the June 23rd meeting, the Board of Alderman requested staff explore additional options based on comments/questions generated during the discussion. The attached presentation will look at: 1) potential to remove the southern parking lane (instead of the northern parking lane); 2) evaluate a combination through/turn lane on the north side; and 3) the option of escrowing the funds for the changes to the street and traffic signals to meet the traffic study recommendations.

This presentation was shared with the developer and they have provided response in the attached letter.

STAFF RECOMMENDATION: To consider the above information and select a configuration for the subject area on Forsyth Boulevard.



Developing Real Estate, Delivering Value.

August 21, 2020

Matt Malik

Public Works Director

City of Clayton

RE: Roadway Design of Forsyth Blvd. between Brentwood Blvd & Meramec Ave.

Dear Matt:

8027 Forsyth Acquisitions, LLC & Commerce Bank would like to respond to the lane configuration options received 8/12/2020 from Matt Malick that also includes additional information regarding questions from our 5/12/2020 BOA meeting.

Both property owners overwhelmingly recommend Option A and have communicated with the City of Clayton and CBB that we believe it is beneficial to the success of the development for reasons listed below:

1. Increases the safety of pedestrians by slowing vehicles speeds.
2. Maintaining the corner bump outs at the corner of Forsyth and Meramec reduces pedestrian crossing distances, improving safety.
3. Vital to the success of Forsyth Pointe retail and the surrounding retail that exists within blocks. Users of downtown retail consistently select the on-street option before seeking off-street parking.
4. Increases existing nearby merchant sales by providing welcoming pedestrian experience.
5. On-street parking provides a critical buffer between moving vehicles and the pedestrians.
6. Relief from traffic noise.
7. Enhances the sidewalk and patio dining experience which is critical in the near-term and most likely the foreseeable future.
8. Creates a neighborhood vitality ideal for quick trip purchases, grab and go coffee/sandwiches and more.
9. City metered regulate parking and creates additional city revenue.
10. Opportunities for "ride share" (i.e., Uber, Lyft) for pick-up and drop-off.

In contrast to Option B, the potential need for a left turn lane that will cause the north on-street parking to be removed is based on future speculation. In the data provided the only scenario wherein the westbound approach may reach its capacity is when traffic is forecasted 20 years into the future. It is very difficult to forecast 20 years especially with the emergence of alternative means of transportation, online shopping and alternating work shifts. Furthermore, all trends and projections point to reliance on individual personal vehicles will continue to decrease over the next 10-20 years.

In regard to the south on-street parking becoming the drive lane it appears there are difficult turns that cause vehicles to go beyond their lanes in several instances. It also appears the lanes would not be co-linear causing a major shift in the roadway.

The combination “parking / through lane” appears to have significantly more cons than pros. The existence of this parking/through lane will be problematic for a whole host reasons:

- **Enforcement.** This will be extremely difficult for the City and resource intense for the City. In addition, the impact and disruption to the actual vehicle owners, as well the restaurant patrons or visitors/meeting attendees in surrounding office building and/or businesses, etc. will be exhausting.
- **Management.** The street level restaurants and businesses that fully rely on the on-street parking, given that current valet hours begin around 5:00 p.m.
 - How do restaurant operators, or visitors to Forsyth Pointe (or for any businesses within a couple blocks for that matter) manage this requirement?
- **Safety.** Changing the “operations” of the “Combination Parking/Through Lane” will certainly create more incidents, conflicts and accidents in this block.

Escrowing funds. As it relates to the acceptance and approval of Option A, the ownership will agree to \$100,000 escrow, as we have discussed with Public Works. Commerce Bank/8027 Forsyth Acquisitions, LLC will commit to escrow agreement, however, a sunset date of June 30, 2025 must be incorporated into such agreement.

Marketing and Leasing.

We are in direct conversations with a handful of restaurant, retail and entertainment users in an effort to attract them to the Forsyth Pointe development. In each and every case, the demand and assurance of on-street parking is always at the top of their list.

Attracting and retaining quality retailers and restaurants in Clayton is difficult enough, why make it more difficult by eliminating one of the main requirements for these users. Locating in “urban” setting, like Clayton, is a different mindset than developing a standalone restaurant on a 2-acre parcel in a suburban market.

The City of Clayton’s Master Plan specifically calls for an active and vibrant pedestrian node in this part of downtown – and the proposed lane reconfiguration will eliminate the ability for pedestrians to easily park and interact with the businesses and park located nearby.

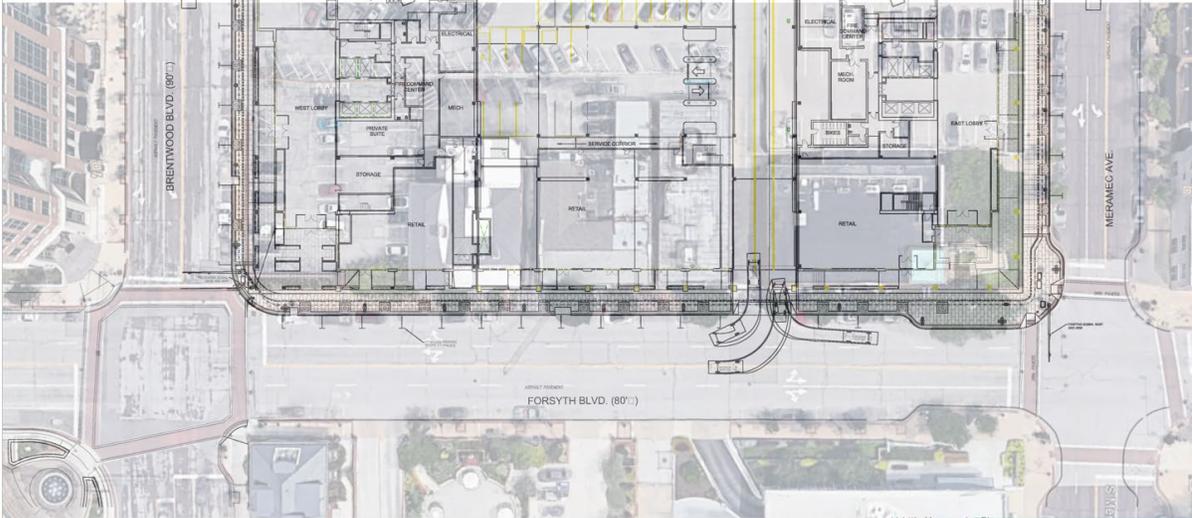
To reiterate, both property owners (of the Forsyth Pointe development), overwhelmingly recommend Option A and believe it is beneficial to the success of the development.

Sincerely,

Scott Haley
Managing Director of Development,
US Capital Development

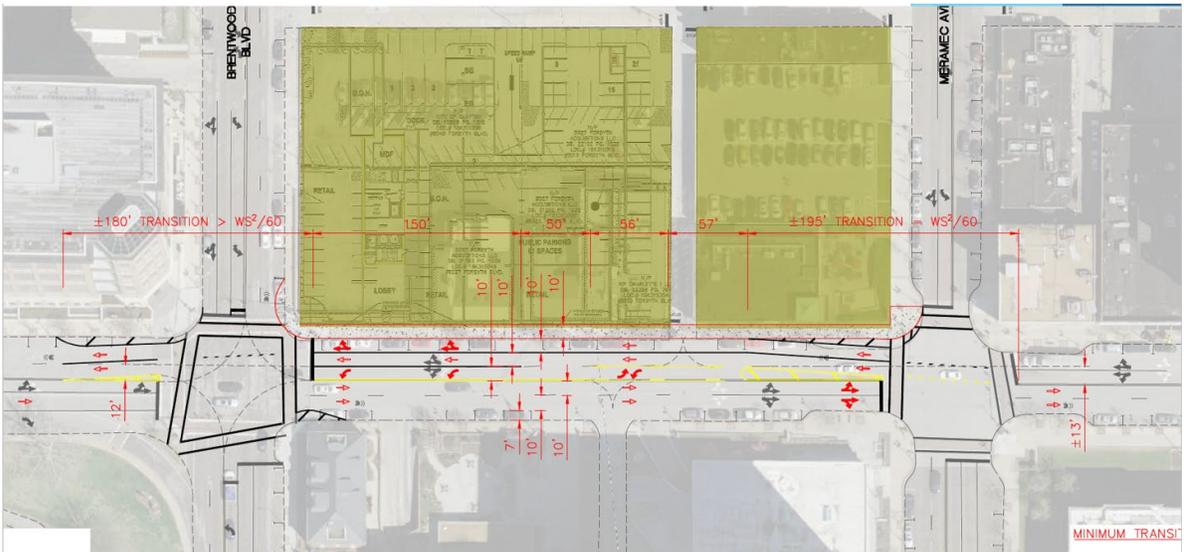
Dennis Hoelzer
VP – Corp. Real Estate Design & Construction,
Commerce Bank

CC:
David Gipson, City Manager
Gary Carter, Economic Development



Option A

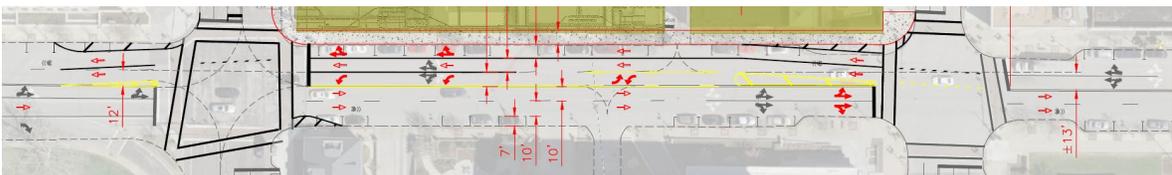
Developer preferred - keep existing lane configuration



Option B

(remove parking on north, install LT turn lane)

Combination Parking/Through Lane



Forsyth Pointe Lane Configuration Options

8049 Forsyth

August 25, 2020

Agenda

- Review of previously presented options
- Board of Alderman feedback/questions
- Review of alternatives
- Summary

Table 2: Traffic Operating Conditions – Base Traffic Volumes (Continued)

Intersection/Approach	AM Peak Hour	PM Peak Hour
<i>Forsyth Boulevard and Brentwood Boulevard – Signalized</i>		
Eastbound Forsyth Boulevard	B (15.0) 125' TH	B (14.0) 315' RT
Westbound Forsyth Boulevard	C (29.4) 135' TH	C (33.4) 315' TH
Northbound Brentwood Boulevard	C (25.6) 525' LT	C (28.8) 300' LT
Southbound Brentwood Boulevard	D (46.2) 80' TH	D (44.2) 245' TH
Overall Intersection	C (24.7)	C (28.2)

Table 5: Traffic Operating Conditions – Build Traffic Volumes Phase 1&2 (Continued)

Intersection/Approach	AM Peak Hour		PM Peak Hour	
	Phase 1	Phase 1 & 2	Phase 1	Phase 1 & 2
<i>Forsyth Boulevard and Brentwood Boulevard – Signalized</i>				
Eastbound Forsyth Boulevard	B (15.6) 135' TH	B (16.1) 145' TH	B (14.9) 330' RT	B (16.1) 330' RT
Westbound Forsyth Boulevard	C (29.1) 155' TH	C (28.1) 155' TH	C (34.5) 340' TH	D (39.4) 390' TH
Northbound Brentwood Boulevard	C (29.8) 525' LT	C (29.8) 525' LT	C (33.6) 335' LT	C (35.2) 355' LT
Southbound Brentwood Boulevard	D (44.6) 85' TH	D (41.2) 85' TH	D (47.9) 275' TH	D (50.7) 310' TH
Overall Intersection	C (26.8)	C (26.8)	C (31.1)	C (33.9)

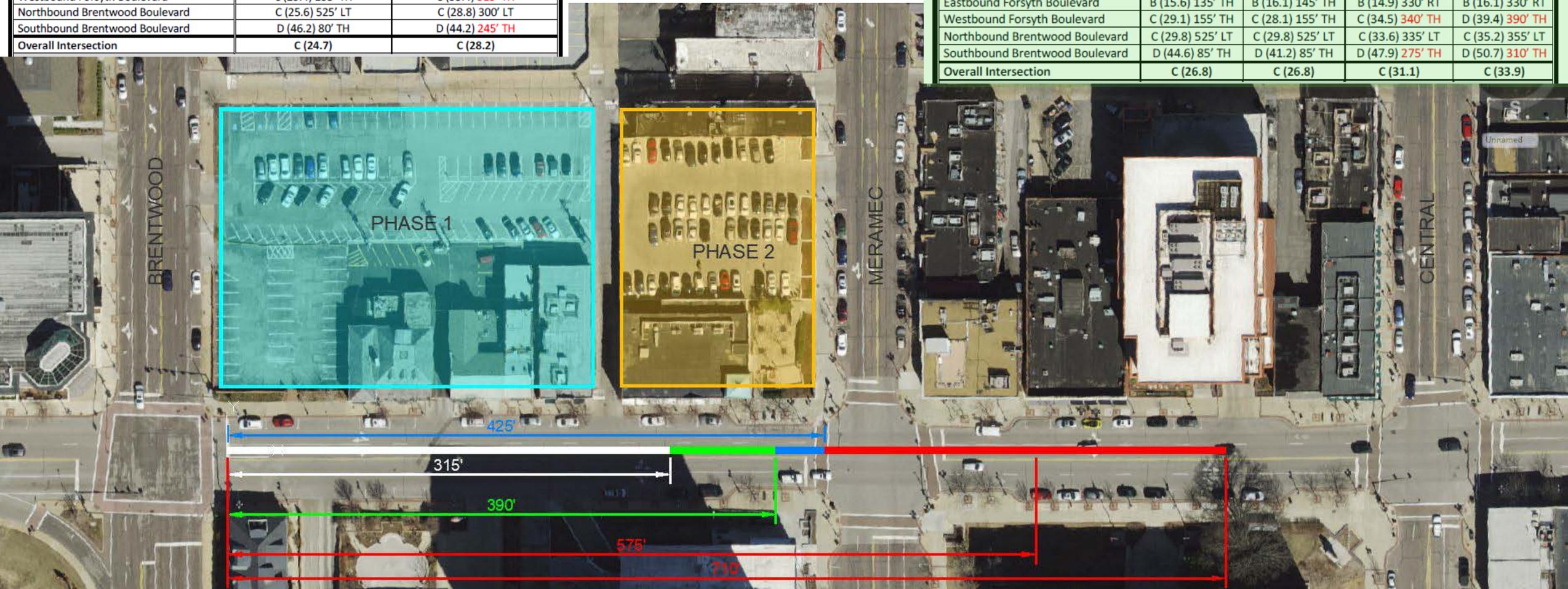
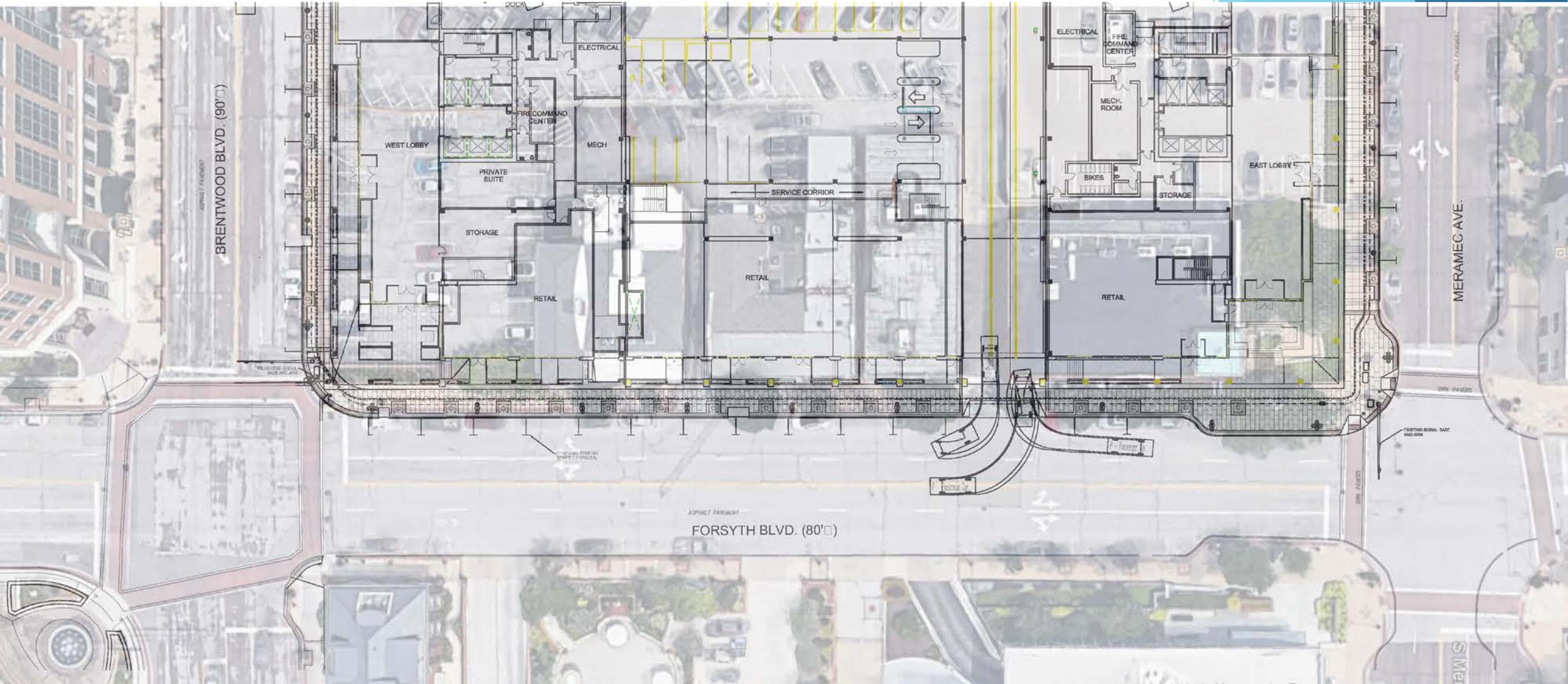


Table 5: Traffic Operating Conditions – 20-Year No-Build and 20-Year Build Traffic Volumes (Continued)

Intersection/Approach	AM Peak Hour			PM Peak Hour		
	20-Year No-Build	20-Year Build – Phase 1	20-Year Build – Phase 1 & 2	20-Year No-Build	20-Year Build – Phase 1	20-Year Build – Phase 1 & 2
<i>Forsyth Boulevard and Brentwood Boulevard – Signalized</i>						
Eastbound Forsyth Boulevard	C (20.2) 230' TH	C (20.9) 245' TH	C (21.9) 270' TH	B (15.5) 365' RT	B (17.6) 385' RT	B (18.7) 405' RT
Westbound Forsyth Boulevard	C (27.1) 160' TH	C (29.9) 160' TH	C (30.5) 165' TH	D (54.4) 575' TH v/c= 0.97	E (67.4) 615' TH v/c= 1.02	F (101.8) 710' TH v/c= 1.13
Northbound Brentwood Boulevard	C (25.6) 525' LT	C (29.7) 525' LT	C (30.5) 525' LT	D (39.6) 380' LT v/c=0.97	D (48.1) 410' LT v/c=1.01	D (53.2) 430' LT v/c=1.06
Southbound Brentwood Boulevard	D (45.3) 80' TH	D (43.6) 85' TH	D (43.6) 85' TH	D (48.0) 250' TH	D (52.4) 285' TH	E (58.3) 330' TH
Overall Intersection	C (25.2)	C (27.6)	C (28.4)	D (38.5)	D (46.2)	E (60.3)

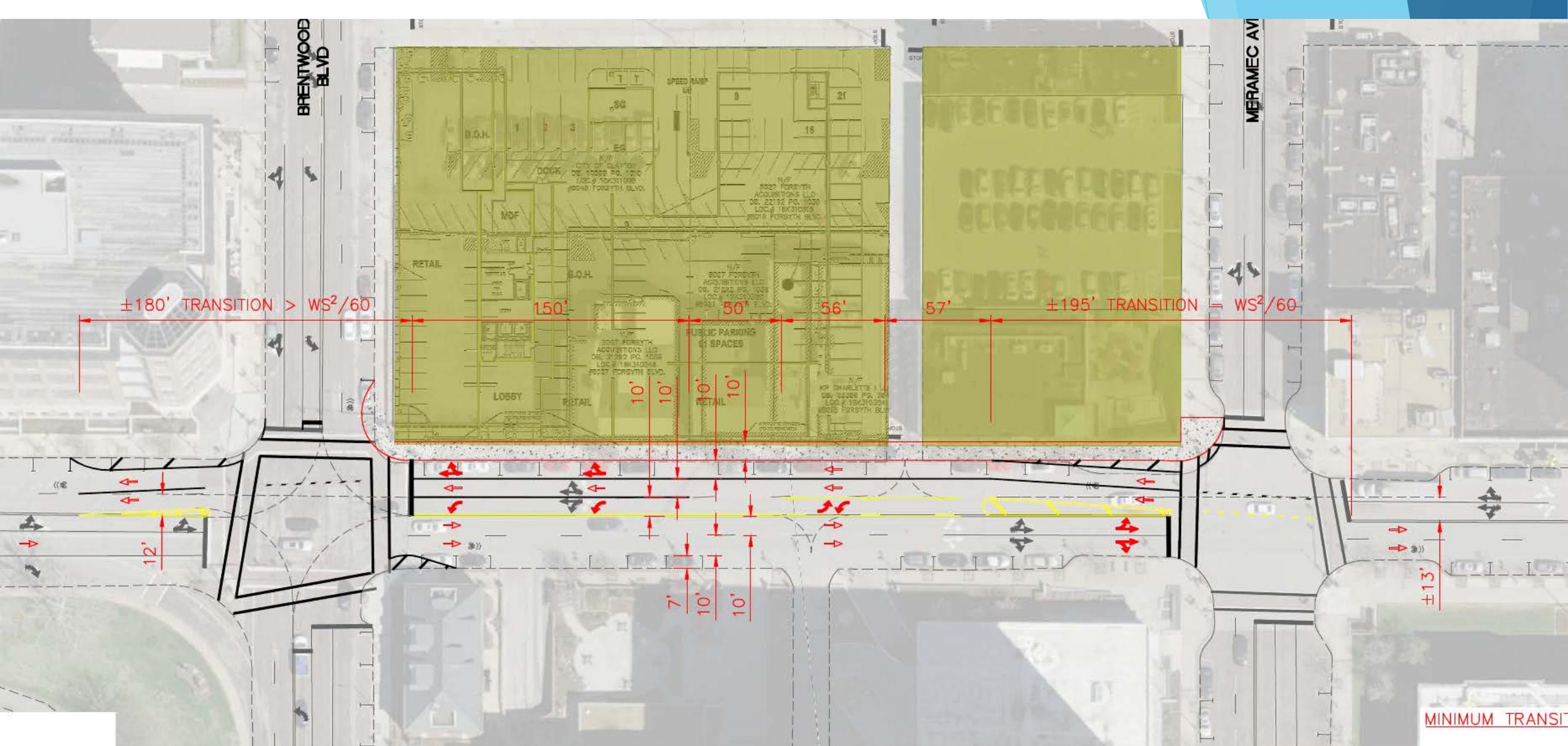
Table 8: Traffic Operating Conditions – 20-Year Build Traffic Volumes with Improvements

Intersection/Approach	AM Peak Hour		PM Peak Hour	
	20-Year Build Phase 1 Improved	20-Year Build Phase 1 & 2 Improved	20-Year Build Phase 1 Improved	20-Year Build Phase 1 & 2 Improved
<i>Forsyth Boulevard and Brentwood Boulevard – Signalized</i>				
Eastbound Forsyth	C (21.2) 260' TH	C (21.1) 260' TH	C (30.7) 435' RT	D (40.2) 475' RT
Westbound Forsyth	C (24.4) 125' TH	C (24.4) 125' TH	C (24.3) 295' LT v/c= 0.86	C (33.6) 425' LT v/c= 0.98
Northbound Brentwood	C (24.0) 345' LT	C (21.7) 345' LT	D (43.5) 375' LT v/c=0.85	D (46.1) 400' LT v/c=0.92
Southbound Brentwood	D (28.8) 90' TH	D (28.8) 90' TH	D (47.0) 275' TH	D (52.8) 330' TH
Overall Intersection	C (23.4)	C (22.3)	C (34.6)	D (41.6)



Option A

Developer preferred - keep existing lane configuration



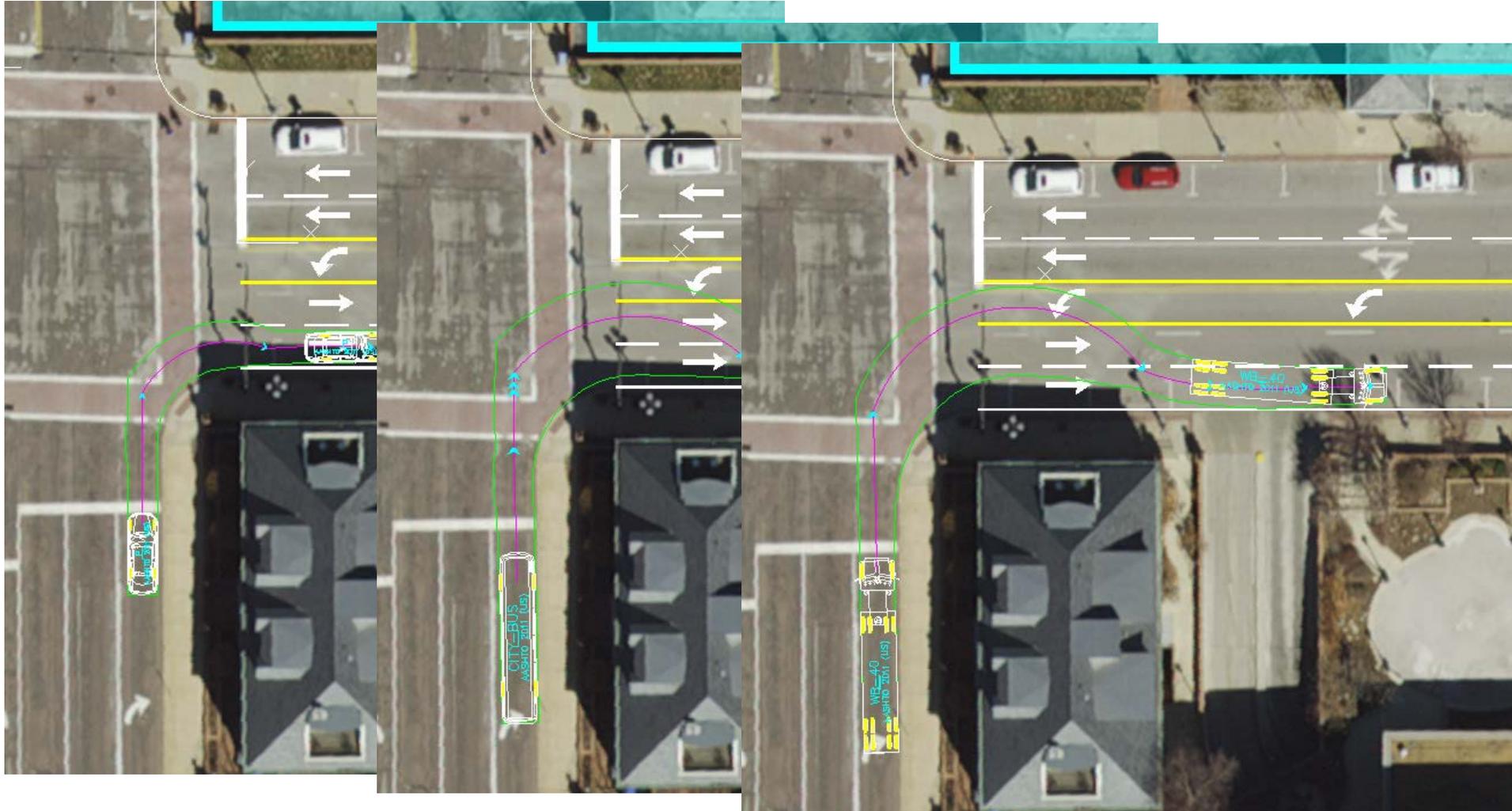
MINIMUM TRANSIT

Option B
 (remove parking on north, install LT turn lane)

BOA Feedback/Questions...

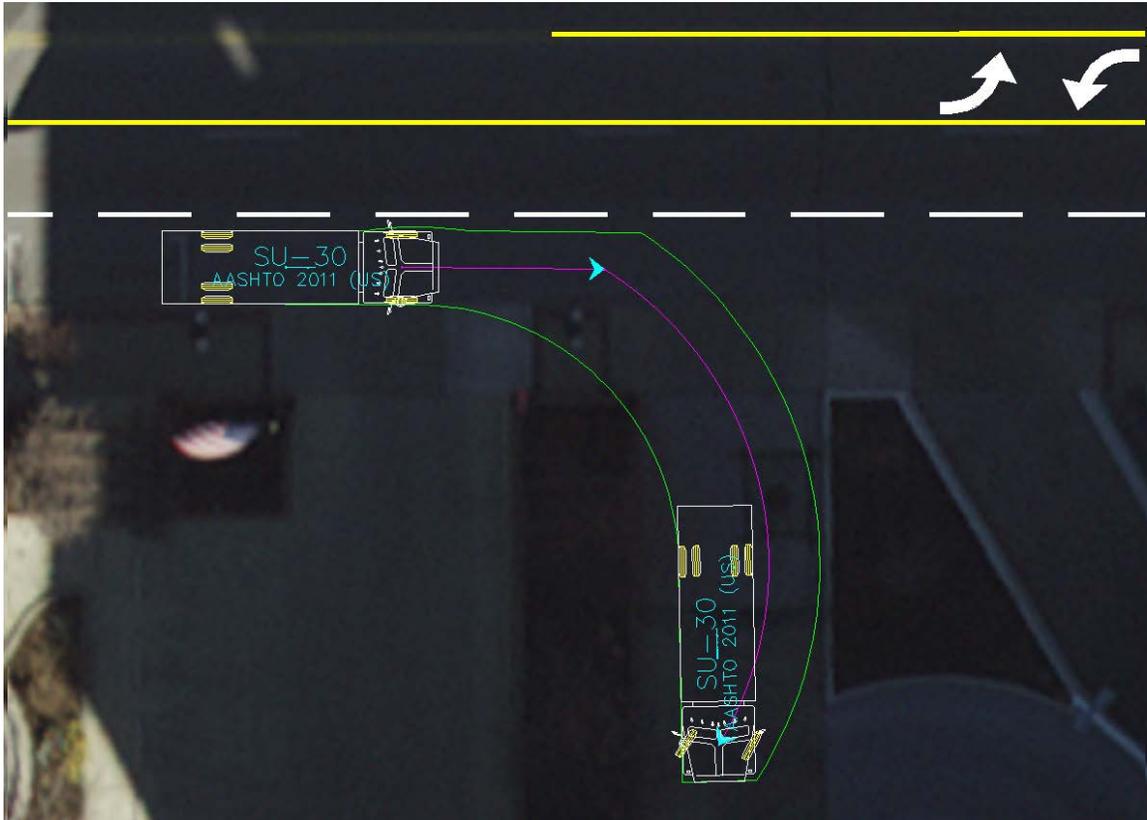
1. Can the parking on the south be removed instead of on the north?
2. Does a combination parking/through lane work on the north side?
3. Could we escrow funds for future road improvements?

1. Can the parking on the south be removed instead of on the north?

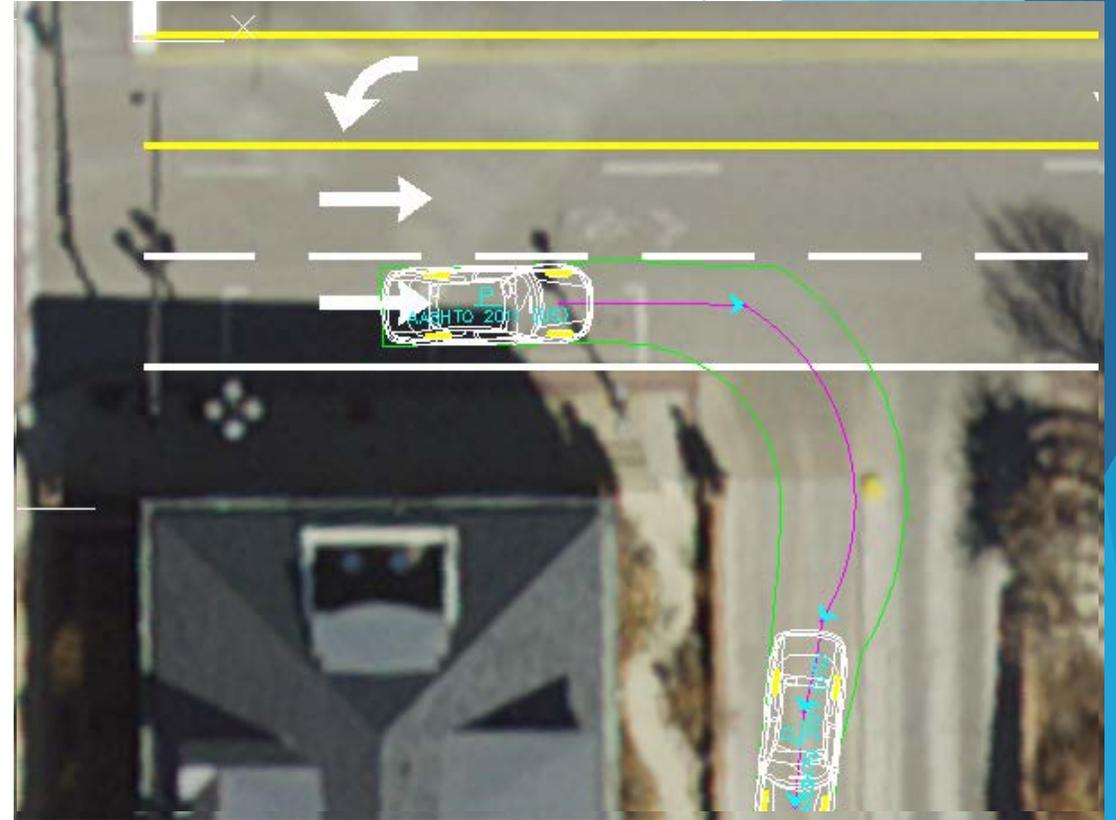


Brentwood/Forsyth

1. Can the parking on the south be removed instead of on the north?



Alley



Barry Wehmiller/Midwest Bank

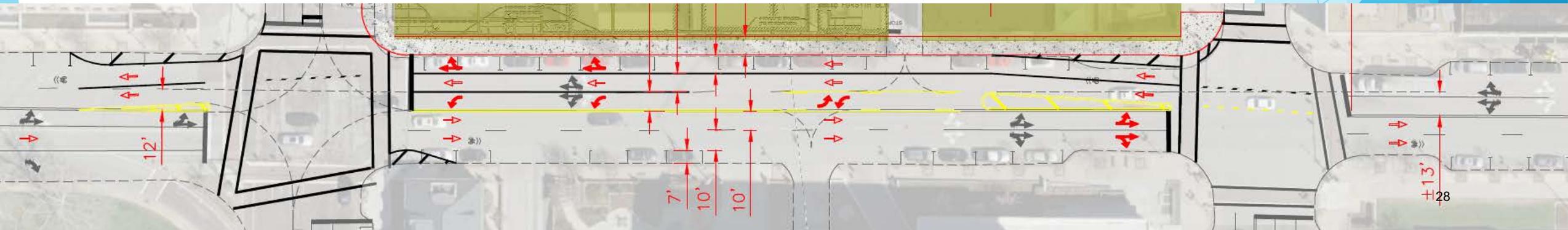
2. What about a combination parking/through lane on the north side with restricted parking during peak hours?

Pros

- Allows for ability to maintain parking in front of proposed retail during non-peak hours
- Useable as traffic lane during peak hours
- Allows for recommended LT turn lane at Brentwood and LT turn into development from Forsyth

Cons

- Enforcement/towing
- One illegally parked car will reduce WB Forsyth to one lane during peak hours
- Will reduce WB Forsyth to one through lane during non-peak hours, impacts capacity and operation
- Safety
 - Rear ending parked cars
 - Merge condition from two lanes to one (will impact layout of east end of block as well, Option B)



2. What about a combination parking/through lane on the north side with restricted parking during peak hours?



2. What about a combination parking/through lane on the north side with restricted parking during peak hours?



Clayton - SB Hanley north of Davis

3. Could we escrow funds for future road improvements?

Pros

- Allows for “wait and see” approach

Cons

- Traffic study indicates improvements will be needed, just a matter of time.
- Will require future disturbance when traffic levels are projected to be higher and building occupied.
- Will have to determine how traffic for this site is considered when evaluating “base” conditions for future developments.

Summary

1. Can the parking on the south be removed instead of the north?
 - Turning movements from NB Brentwood to EB Forsyth, as well as into the alley and Barry Wehmiller/Midwest Bank, are issues for this configuration.
2. Does a combination parking/through lane work on the north side?
 - There are pros and cons to this alternative, primary concern is enforcement. This alternative would require the installation of improvements similar to Option B and require bump out removal at Meramec.
3. Could we escrow funds for future road improvements?
 - Based on the findings from the traffic study, we believe it is not a matter of if, but when, road/signal improvements will be needed. This option would delay those improvements to another time, when traffic levels are projected to be greater and the city would likely be experiencing the project impacts to traffic.

Staff feels the original Options A & B remain the primary options.

Questions?



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: AUGUST 25, 2020
SUBJECT: APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individual(s) have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendation for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nomination for the Board's consideration.

Public Art Advisory Committee

Joan Gallagher Ward 3 (new appointment for a 3-yr term through June 30, 2023)-*Alternate Member*

Recommendation: To consider the appointment.