

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: September 22, 2020; 7:00 P.M. Meeting
Topic: 09/22/2020 Board of Aldermen Meeting.

Please click this URL to join:
<https://us02web.zoom.us/j/88068995912>

Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
Webinar ID: 880 6899 5912

International numbers available: <https://us02web.zoom.us/j/k4APsagj0>

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
EXECUTIVE SESSION – 6:00 P.M.
TUESDAY, SEPTEMBER 22, 2020
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105

1. Legal (Pursuant to RSMo 610.021(1)).
-

CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 22, 2020
VIRTUAL ZOOM MEETING
CLAYTON, MO 63105
7:00 P.M.

ROLL CALL

MINUTES – September 8, 2020

PUBLIC REQUESTS & PETITIONS

RECOGNITIONS

1. Introduction of the 2020-2021 Mayor’s Youth Advisory Council

PUBLIC HEARING

1. Resolution – To approve a Conditional Use Permit for Le Meridien Hotel located at 7730 Bonhomme Avenue. (Res. No. 2020-13)
 - *A public hearing to consider an application submitted by Andrew Hargis of Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, to allow the operation of a 300,320 square-foot hotel.*
2. Resolution – To approve a Conditional Use Permit for Café la Vie Restaurant at 7730 Bonhomme Avenue (Res. No. 2020-14)
 - *A public hearing to consider an application submitted by Andrew Hargis of Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, to allow for the operation of a 4,000 square foot restaurant within the Le Meridien Hotel.*

CITY MANAGER REPORT

1. Ordinance - Property Tax Levies - Tax Year 2020 (FY 2021) – *2nd Reading* (Bill No. 6804)
2. Ordinance - To adopt the FY2021 Operating and Capital Improvement Budget – *2nd Reading* (Bill No. 6805)
 - *To consider approving the FY2021 Operating and Capital Improvements Budget as presented.*
3. Resolution – To accept the CARES Act Funding from St. Louis County and to indemnify the County regarding this distribution. (Res. No. 2020-15)
 - *To consider approving the resolution.*
4. Motion – To approve a liquor license for Crescent Hotels & Resorts, LLC d.b.a. Le Meridien Clayton – St. Louis located at 7730 Bonhomme Avenue.

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
*September 8, 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 attended the meeting by videoconferencing at all times unless otherwise noted.

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

City Manager David Gipson
City Attorney Stephanie Karr
City Clerk June Frazier

The following members were absent: Ira Berkowitz.

Motion made by Alderman Lintz to approve the August 25, 2020 minutes. Alderman Boulton seconded.

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

PUBLIC REQUESTS AND PETITIONS

Mayor Harris announced that the St. Louis Art Fair will be presented virtually, September 11-13 and encouraged everyone to “attend.”

A PUBLIC HEARING TO CONSIDER AN ORDINANCE SETTING THE TAX YEAR 2020 PROPERTY TAX LEVIES FOR FISCAL YEAR 2021 BUDGET – 1ST READING

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

Janet Watson, Director of Finance and Administrative Services, addressed the Board reporting that each year the City must approve property tax levies which are then submitted to St. Louis County for billing. Calendar year 2020 was not a reassessment year therefore there was little change in continuing assessments. The City experienced significant commercial new construction growth, which increases assessed values, related to the remainder of the Centene development among other smaller projects. The City is allowed to receive additional revenue

up to the Consumer Price Index (CPI) which was 2.3% for this year, and for the value of the new construction. Per the Fiscal Year 2021 proposed budget plan, we are submitting the maximum allowable rates for your review.

As part of the property tax levy process, the Board will hold a public hearing to seek public input on the proposed tax rates.

Mayor Harris closed the public hearing.

Alderman Boulton introduced Bill No. 6804, an ordinance Setting the Property Tax Levies for Tax Year 2020 to be read for the first time by title only. Alderman Lintz seconded.

City Attorney Karr reads Bill No. 6804, first reading, an ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; General Obligation Debt Service; and Special Business District Purposes to be Collected by the City of Clayton, Missouri, for the Year 2020, Including Resetting Certain Tax Rates to the Voter-Approved Tax Rate Ceiling and Articulating Reasons for Doing So by title only.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING FOR AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2021 OPERATING AND CAPITAL IMPROVEMENTS BUDGET

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

City Manager Gipson reported that in August the Board of Aldermen received the City Manager's proposed FY2021 Operating and Capital Improvements Budget. As part of the budget process, the Board is required to hold a public hearing to seek public input prior to formal budget adoption.

The Board reviewed the proposed budget during a public meeting on August 21, 2020 and no changes were made to the budget submitted.

Staff believes the proposed budget maintains the level of services that have been expected by our residents and traditionally provided by the City. The Board has studied this proposed budget and the public has had opportunity for reviewing the budget document. The ordinance approving the Fiscal Year 2021 Operating and Capital Improvements Budget is presented for first reading.

In response to the Board's questions, City Manager Gipson stated that staff will make the budget presentation available on the City's website.

Mayor Harris closed the public hearing.

Alderman Boulton introduced Bill No. 6805, an ordinance to adopt the FY2021 Operating and Capital Improvement Budget to be read for the first time by title only. Alderman Lintz seconded.

City Attorney Karr reads Bill No. 6805, first reading, first reading, an ordinance Adopting an Annual Budget for Fiscal Year 2021 Commencing on October 1, 2020.

The motion passed unanimously on a voice vote.

MOTION TO CONSIDER SELECTING AN OPTION FOR THE FORSYTH POINT LANE CONFIGURATION

Matt Malick, Director of Public Works, reported that during the June 23rd and August 25th, 2020 Board of Alderman meetings, staff presented information from the project's traffic study, options for the lane configuration of Forsyth Blvd, as well as comments from the Developer.

Following the discussion on August 25th, staff revised the proposed plan and estimated the cost to restripe the roadway at a future date.

City staff proposes that the development construction establish the northern curb line and traffic signal infrastructure in a manner to allow future lane reconfiguration to be accomplished simply by restriping and avoiding the need for costly relocations of infrastructure. The roadway striping would currently remain in its current configuration and preserve parking on the north side at this time. The location of this northern curb line shall provide sufficient width on Forsyth to allow for future proposed lane reconfiguration improvements by restriping the roadway.

In addition, city staff proposes the establishment of an escrow to cover the restriping of the roadway, adjustment of traffic signal heads, and up to two future traffic health analyses to assist the city in determining if circumstances warrant the proposed lane reconfiguration and the elimination of on-street parking. The length of the escrow will be eight years from the date of occupancy.

The goal of the city's pavement management plan is to install a new surface treatment (mill and overlay or microsurfacing) on Forsyth every seven years. During any repaving, the roadway would be restriped and present an opportunity for revisions. Forsyth is currently scheduled to be repaved this year (2020) and the next proposed repaving would be in 2027. An eight-year escrow (from occupancy) would provide for an opportunity to revise the lanes approximately halfway to the following surface treatment scheduled for 2034. Considering current prices and a 1.5% annual inflation (2020 vs. 2030), we recommend escrowing \$56,000.

This escrow could be utilized by the City to make the roadway changes required to add the dedicated westbound Forsyth left turn lane at Brentwood and the eastbound Forsyth left turn lane in to the development. That change would also almost certainly require removal of the parking on the north side of this block at that time. Since this is city right-of-way, the determination to reconfigure the traffic/parking lanes shall be at the sole judgment and discretion of the city. The sorts of issues and criteria city staff anticipates considering when circumstances are reassessed and lane reconfiguration is being considered include:

1. Traffic Queues – If traffic queues are observed with some frequency to impact adjacent signalized intersections, data collection and analysis would be initiated. Escrowed funds could be used to conduct the analysis and, if warranted, make the proposed lane reconfiguration improvements.

2. Accidents – If reported traffic accidents increase in the block or signalized intersections at each end, the city could utilize the escrow funds to make the proposed lane reconfiguration improvements. In some cases this will require interpretation of the crash data, but staff anticipates that rear end crashes be generally, not be as significant as other collisions as they tend not to be indicative of

a traffic capacity issue.

3. Capacity issues observed on the traffic network by changes in patterns, future development, etc. that would require the lane reconfiguration improvements. Future developments in this area may need to be analyzed with and without the dedicated left turn lane on WB Forsyth at Brentwood. If it is found that the presence of the WB Forsyth left turn lane at Brentwood would result improved traffic flow and public safety, the city could utilize the escrow funds to make the proposed lane reconfiguration improvements.

Since existing traffic configuration will be in essentially the same state as current day, but experience heavier traffic flows, staff would recommend the developer fund a traffic signal optimization of the adjacent intersections upon 50% or greater occupancy. This would ensure the traffic generated by the development is accounted for in the signal timing. This estimated cost is \$4,000 and would be separate from the escrow mentioned above.

The final site plans and escrow agreement would be finalized between staff and the developer if this approach is acceptable to the Board.

Alderman Buse expressed, with regard to the traffic associated with this development, the importance of maintaining a pedestrian friendly and welcoming streets criteria.

Motion made by Alderman Boulton to accept the option for the Forsyth Pointe Lane Configuration as presented tonight. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING THE FY2021 BUDGET FOR THE CENTER OF CLAYTON

Patty DeForrest, Director of Parks and Recreation, addressed the Board providing a PowerPoint presentation of the CRSWC FY2021 Budget.

Motion made by Alderman Boulton to approve Resolution No. 2020-12, adopting the FY2021 CRSWC Budget. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING THE 3RD QUARTER AMENDMENT TO THE FY2020 BUDGET

City Manager Gipson reported that as part of the quarterly budget review, staff is presenting for your consideration the third amendment to the Fiscal Year 2020 (FY20) budget. Previously the budget was amended for changes in revenue projections related to the pandemic and a list of reduction in expenditures was also approved at that time. This majority of this amendment adds the sale of the Forsyth/Brentwood parking lot and amends the budget to take out the planned bond issue for the ice rink in this fiscal year due to the delay in the project

Alderman Boulton introduced Bill No. 6806, to approve the FY2020 3rd Quarter Budget amendment to be read for the first time by title only. Alderman Lintz seconded.

City Attorney Karr reads Bill No. 6806, first reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Boulton that the Board give unanimous consent to consideration for adoption of Bill No. 6806 on the day of its introduction. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Alderman Boulton introduced Bill No. 6806, to approve the FY2020 3rd Quarter Budget amendment to be read for the second time by title only. Alderman Lintz seconded.

City Attorney Karr reads Bill No. 6806, second reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto by title only.

FY2020 3RD QUARTER FINANCIAL REPORT

Janet Watson, Director of Finance and Administration, provided the Board with a summary of the report that was provided in the Board meeting packet.

DISCUSSION ON THE CLAYTON COMMUNITY FOUNDATION (CCF) REPRESENTATION ON THE COMMUNITY EQUITY COMMISSION (CEC)

City Manager Gipson provided a brief background stating that the discussion request came by way of a Board liaison to the CCF where it had been discussed.

Becky Patel, CCF member, addressed the Board stating that she had been attending the virtual CEC meetings and the CCF also discussed how the CEC is an important priority of the City and that they want to be supportive. The CCF raised the question if it should be a more formalized representation. She commented that the CEC is very transparent and open to public attendance.

Alderman Boulton added that Becky has been a CCF liaison for the Parks & Recreation Commission under the CCF “pillar” and recommended that the Board formalize (maintain) a CCF liaison on that Commission. Alderman McAndrew echoed the recommendation.

Mayor Harris commented that Parks & Recreation falls under CCF’s four pillars of its mission and it is a great idea to have them as an “ex-officio” representative on that Commission. However, the CEC does not fall under the CCF four pillars, therefore she feels that she does not want to “cross the line.”

The Board was in consensus to accept a CCF ex-officio for the Parks & Recreation Commission, but not for the CEC.

Other

Alderman Lintz reported:

- Plan Commission/ARB

- o discussion with the PAAC on the murals; soon to come before the Board of Aldermen.

Alderman McAndrew expressed appreciation to the Parks & Recreation staff for the great work on handling visitors to the Shaw Park Aquatic Center – very well ran during the current COVID pandemic.

Alderman Buse reported:

- Sustainability Committee
- Maryland Park future
- CCF fundraising

Mayor Harris reported:

Motion made by Alderman Sokol 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), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman McAndrew seconded the motion.

The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 8:35 p.m.

Mayor

ATTEST:

City Clerk

**Notice for this meeting was given as required by law at 9:53 p.m. on Friday, September 4, 2020. Monday, September 7, was a holiday. When notice of this meeting was posted staff inadvertently forgot that Monday was a holiday. In accord with the provisions of Sec. 610.020.4, RSMo., there was good cause for holding the meeting on less than 24 hour notice exclusive of weekends and holidays when city hall was closed because two public hearings relating to setting the City's ad valorem tax rates and adopting the City's budget had been advertised and duly noticed well in advance of the meeting and it would have been a disservice to those who wished to be heard on those matters to cancel the meeting.*



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

DATE: SEPTEMBER 22, 2020

SUBJECT: PUBLIC HEARING & RESOLUTION - A CONDITIONAL USE PERMIT FOR THE CONTINUED OPERATION OF A HOTEL TO BE KNOWN AS SILVERWEST-I CLAYTON, LLC, D/B/A LE MERIDIEN ST. LOUIS CLAYTON, LOCATED AT 7730 BONHOMME AVENUE

This is an application submitted by Andrew Hargis, owner, Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, for a Conditional Use Permit to allow the operation of a 300,320 square-foot hotel.

Board of Aldermen consideration of this request is necessary because a hotel has been operating at this location for many years, beginning prior to the City's requirement for Conditional Use Permits for hotels. The facility has now come under new ownership and that has triggered the need to bring the existing hotel into conformance with the Zoning Regulations.

The hotel has 300,320 square feet and contains 268 guest rooms, meeting room space and a restaurant. The restaurant operates under a separate Conditional Use Permit. Currently, the owner is not planning any major changes to the function or operation of the hotel.

The hotel and restaurant are in a building addressed as 7730 Bonhomme Avenue. The restaurant is not required to have off-street parking because it is located within the hotel. The hotel is required to have at least 260 spaces and 290 are provided. On-site parking is connected to the hotel building on the east side.

The Plan Commission considered this request at their meeting of September 21, 2020 and recommended unanimous approval.

STAFF RECOMMENDATION: To approve the Conditional Use Permit, per the conditions outlined in the Resolution.

RESOLUTION NO. 2020-13

WHEREAS, on September 2, 2020, the City received an application and letter from Andrew Hargis, owner of Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, requesting a Conditional Use Permit to allow the continued operation of a hotel at 7730 Bonhomme Avenue; and

WHEREAS, pursuant to Article VII “Conditional Use Permit” Section 405.890 (Special Use Permits and Existing Uses) of the City’s Land Use Code, a new Conditional Use Permit is required and subject to review and approval by the Board of Aldermen; and

WHEREAS, the Board of Aldermen considered this matter at their meeting of September 22, 2020; and

WHEREAS, the Board of Aldermen finds and determines that the applicant has clearly established that the criteria for approval of a Conditional Use Permit set out in Article VII of Clayton’s Zoning Regulations are met.

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

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article VII (Conditional Use Permit), Section 405.890 (Special Use Permits and Existing Uses) of the Code of Ordinances of the City of Clayton, and subject to the terms and conditions set forth in Section 2, below, approval of a Conditional Use Permit to SILVERWEST-I CLAYTON, LLC, D/B/A LE MERIDIEN ST. LOUIS CLAYTON, for the continued operation of a hotel at 7730 Bonhomme Avenue, is hereby granted. Said property is more particularly described as follows:

LOT 6 THROUGH 11, INCLUSIVE, AND PART OF LOT 12 IN BLOCK 15
OF TOWN OF CLAYTON RECORDED IN PLAT BOOK 1, PAGE 7
IN THE ST. LOUIS COUNTY RECORDER’S OFFICE

Section 2. In addition to compliance with all Ordinances of the City of Clayton and Laws of the State of Missouri, the permitted uses shall be conducted so as to comply with the following stipulations and conditions at all times:

- (1) The permit shall be granted to SILVERWEST-I CLAYTON, LLC, D/B/A LE MERIDIEN ST. LOUIS CLAYTON (the “Permittee”) and shall not be transferred or assigned without the prior written approval of the City of Clayton.
- (2) The property shall be maintained and operated substantially in accordance with an application and letter received by the City on September 2, 2020.
- (3) The Permittee must maintain a minimum of 260 off-street parking spaces in the existing parking structure.

(4) All work shall conform to the plans submitted to and approved by the City of Clayton.

(5) Any future exterior alterations/renovations must be approved by the City prior to such change. Any exterior signage shall conform to the City's Sign Ordinance and be approved by the City prior to installation.

(6) Outdoor seating shall only be allowed with the issuance of an Outdoor Dining Permit as issued by the City's Planning Department.

(7) Outdoor music or speakers that amplify music or similar audio are not permitted.

(8) That the Permittee shall, within thirty (30) days of the adoption of the Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit provided for is accepted and that the conditions set forth herein are understood and will be complied with.

(9) That Permittee's failure to comply with any of the conditions provided for in the Resolution may cause immediate termination of the permit.

Section 3. The City Manager of the City of Clayton is hereby authorized and directed to issue a conditional use permit in accordance with the provisions of this Resolution. Said permit shall contain all the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 22nd day of September 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
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

DATE: SETPEMBER 22, 2020

SUBJECT: PUBLIC HEARING & RESOLUTION - A CONDITIONAL USE PERMIT FOR A RESTAURANT AT 7730 BONHOMME AVENUE D/B/A CAFÉ LA VIE LOCATED WITHIN THE LE MERIDIEN HOTEL

This is a public hearing to consider an application for a Conditional Use Permit submitted by Andrew Hargis of Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, hotel owner, to allow for the operation of a 4,000 square foot restaurant within the Le Meridien Hotel.

Café la Vie restaurant will be open seven (7) days a week from 5:00 a.m. until 2:00 a.m. The restaurant will provide seating for 120 patrons and will feature a three-meal full course menu servicing the hotel guests, a café and a full bar, and will be open to the public. A liquor license is being requested.

The restaurant is not required to have off-street parking because it is located within the hotel. The hotel is required to have at least 260 spaces and 290 are provided. On-site parking is connected to the hotel building on the east side.

Deliveries to the restaurant will be made daily via the loading dock located off the alley on the west side of the building. Trash will be stored in the 7-yard dumpster and trash compactor located in the alley off the west side of the building and emptied by Republic Services, three (3) times a week. The applicant intends to participate in a recycling program.

The Plan Commission considered this request at its September 21st meeting and voted unanimously to recommend approval as requested.

STAFF RECOMMENDATION: To approve a Conditional Use Permit for the operation of Café la Vie within the Le Meridien Hotel located at 7730 Bonhomme Avenue per the conditions outlined in the Resolution.

RESOLUTION NO. 2020-14

WHEREAS, on September 10, 2020, the City received an application and letter (September 2, 2020) from Andrew Hargis, owner of Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, requesting a Conditional Use Permit to allow the operation of a 4,000 square foot restaurant to be known as Café la Vie located within the hotel at 7730 Bonhomme Avenue;

WHEREAS, the City Plan Commission considered this request at its September 21, 2020, meeting and voted to recommend approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen held a public hearing with regard to this Conditional Use Permit, after due notice as required by law, at their meeting of September 22, 2020; and

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

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article VII (Conditional Use Permit), of the Code of Ordinances of the City of Clayton, and subject to the terms and conditions set forth in Section 2, below, the approval of a Conditional Use Permit to SILVERWEST-I CLAYTON, LLC, D/B/A LE MERIDIEN ST. LOUIS CLAYTON to allow the operation of Café la Vie located within the hotel at 7730 Bonhomme Avenue is hereby granted. Said property is more particularly described as follows:

LOT 6 THROUGH 11, INCLUSIVE, AND PART OF LOT 12 IN BLOCK 15
OF TOWN OF CLAYTON RECORDED IN PLAT BOOK 1, PAGE 7
IN THE ST. LOUIS COUNTY RECORDER'S OFFICE

Section 2. In addition to compliance with all Ordinances of the City of Clayton and Laws of the State of Missouri, the permitted uses shall be conducted so as to comply with the following stipulations and conditions at all times:

- (1) The permit shall be granted to SILVERWEST-I CLAYTON, LLC, D/B/A LE MERIDIEN ST. LOUIS CLAYTON (the "Permittee") and shall not be transferred or assigned without the prior written approval of the City of Clayton.
- (2) The property shall be improved, maintained, and operated substantially in accordance with the application and letter dated September 2, 2020, and with the plans and specifications as filed with and approved by the City of Clayton.
- (3) Permitted hours of operation are 5:00 a.m. until 2:00 a.m. seven (7) days a week.

(4) All work shall conform to the plans submitted to and approved by the City of Clayton.

(5) Any future exterior alterations/renovations must be approved by the City prior to such change. Any exterior signage shall conform to the City's Sign Ordinance and be approved by the City prior to installation.

(6) Outdoor seating shall only be allowed with the issuance of an Outdoor Dining Permit as issued by the City's Planning Department.

(7) Deliveries to the restaurant shall comply with Chapter 355, Section 355.030 of the City's Code.

(8) That the Permittee shall, within thirty (30) days of the adoption of the Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit authorized hereby is accepted and that the conditions set forth herein are understood and will be complied with.

(9) That Permittee's failure to comply with any of the conditions provided for in the Resolution may cause immediate termination of the permit.

Section 3. The City Manager of the City of Clayton is hereby authorized and directed to issue a conditional use permit in accordance with the provisions of this Resolution. Said permit shall contain all the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 22nd day of September 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
JANET WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: SEPTEMBER 22, 2020
SUBJECT: ORDINANCE - SETTING THE TAX YEAR 2020 PROPERTY TAX LEVIES
FOR FISCAL YEAR 2021 BUDGET

UPDATE:

We have just received assessed value information now that the Board of Equalization process is complete and have updated our calculations accordingly. In general, the assessed values decreased from the Board of Equalization process and new construction amounts increased. The levies have been revised to reflect these values and the recoupment calculations as mentioned above. There will need to be an amendment to the ordinance to accept these changes from the previous reading.

Each year the City must approve property tax levies which are then submitted to St. Louis County for billing. Calendar year 2020 was not a reassessment year therefore there was little change in continuing assessments. The City experienced significant commercial new construction growth, which increases assessed values, related to the remainder of the Centene development among other smaller projects. The City is allowed to receive additional revenue up to the Consumer Price Index (CPI) which was 2.3% for this year, and for the value of the new construction. Per the Fiscal Year 2021 proposed budget plan, we are submitting the maximum allowable rates for your review.

As part of the property tax levy process, the Board held a public hearing to seek public input on the proposed tax rates on September 8, 2020. Below, please find the proposed calendar year 2020 property tax levy recommendations for Budget Year 2021.

The property tax levy process is somewhat complex in that as assessments increase the City is not allowed to gain any more revenue. Therefore, the maximum tax rates we are allowed to levy actually go down or "roll back" to generate no more revenue than the past year. The only ability to gain revenue is through growth in the CPI, new construction as mentioned above, and sometimes a small amount through recoupment of taxes explained below.

We have added small amounts of additional tax revenue in recent years through the recoupment process due to the revenue the City has lost through successful property assessment protests over the past few years, but which were resolved in the last twelve months. In each year, the City is allowed to "recoup" the lost revenue which was due to assessed valuation reduction through protests adjudicated by the Missouri State Tax Commission after the City's higher (pre-protest) assessed value had been used to calculate the permissible tax rate in prior years. The City is allowed to perform rate calculations in an effort to increase our levies to generate the revenue lost

from having used a now incorrect total assessed value. This recoupment process is the only method for the City to attempt to receive the revenue it should have received had prior rates been calculated on the basis of the correct total assessed value.

This availability of recoupment fluctuates from year to year and this year it affects some residential rates. Thus, the City’s maximum levies this year are projected to generate the amount of revenue from the previous year, plus CPI and revenue related to the new construction, plus a small amount available for recoupment.

Previously the City voluntarily reduced two rates, the Police Building Debt Service residential property rate and commercial property rate, in the amount of \$0.001 each and can now reset those rates to the voter-approved tax rate ceiling. This change can only be made in non-reassessment (even numbered) years. In addition, the calculation of assessment changes, growth, cost of living adjustments, recoupment, etc. results in other rate categories – general fund residential (\$0.005); general obligation debt service residential, commercial, and personal (\$0.005 increase in each); and Special Business District commercial (\$0.002 increase) – eligible to be reset to the voter-approved tax rate ceiling.

City General Fund and Debt Service

The assessments on which the General Fund, Police Building Debt Service and General Obligation Debt Service levies are applied decreased 0.2% for residential property, increased 1.3% for commercial property, mostly due to the Centene development, and increased 3% for personal property. The 2020 proposed tax rates for these levies are at the maximum allowable rates. The General Fund tax levy, which may be used for any general purpose, is projected to generate approximately \$6.6 million, or approximately \$83,000 more than last year.

The City has two levies to support debt service. The first levy supports debt service of the police building. The second levy supports a voter approved 2014 general obligation bond which was used for neighborhood street resurfacing, street lighting and alley improvements. These levies will generate approximately \$1.2 million and \$900,000, respectively.

The following rates are proposed to be levied for the 2020 calendar year (Fiscal Year 2021 budget year), and all rates are per \$100 of assessed valuation. Historical rates are also presented.

Property Category	2017 Tax Rate	2018 Tax Rate	2019 Tax Rate	2020 Tax Rate First Reading	2020 Tax Rate Final	2020 Rate Compared to 2019 Rate
General Revenue						
Residential	\$0.571	\$0.583	\$0.515	\$0.523	\$0.520	\$0.005 Increase
Commercial	\$0.639	\$0.667	\$0.624	\$0.603	\$0.610	\$0.014 Decrease
Personal	\$0.707	\$0.707	\$0.707	\$0.707	\$0.707	No Change
General Obligation Debt Service						
Residential	\$0.141	\$0.120	\$0.072	\$0.076	\$0.077	\$0.005 Increase
Commercial	\$0.141	\$0.120	\$0.072	\$0.076	\$0.077	\$0.005 Increase
Personal	\$0.141	\$0.120	\$0.072	\$0.076	\$0.077	\$0.005 Increase
Police Building Debt Service						

Residential	\$0.113	\$0.114	\$0.101	\$0.103	\$0.102	\$0.001 Increase
Commercial	\$0.110	\$0.113	\$0.106	\$0.106	\$0.107	\$0.001 Increase
Personal	\$0.120	\$0.122	\$0.122	\$0.122	\$0.122	No Change

The schedule below provides the total rate, including the debt levies, for residential, commercial and personal property.

Property Category	2017 Tax Rate	2018 Tax Rate	2019 Tax Rate	2020 Tax Rate First Reading	2020 Tax Rate Final	2020 Rate Compared to 2019 Rate
Residential	\$0.825	\$0.817	\$0.688	\$0.702	\$0.699	\$0.011 Increase
Commercial	\$0.890	\$0.900	\$0.802	\$0.785	\$0.794	\$0.008 Decrease
Personal	\$0.968	\$0.949	\$0.901	\$0.905	\$0.906	\$0.005 Increase

For a home valued at \$700,000, it is expected that the homeowner would pay approximately \$930 in property taxes for the City of Clayton portion only. Based on last year's rate, the same homeowner would pay \$15 more than last year to the City, assuming the assessed value remained the same.

Special Business District

The assessments on which the Special Business District levies are applied decreased 0.3% for residential and increased 1.1% for commercial properties. The 2020 proposed tax rates are at the maximum allowable rates. The 2020 Special Business District tax levy for the Fiscal Year 2021 budget is projected to generate \$526,000 which is approximately \$12,000 more than last year. The following rates are proposed to be levied, and all rates are per \$100 of assessed valuation. Historical rates are also presented.

Property Category	2017 Tax Rate	2018 Tax Rate	2019 Tax Rate	2020 First Reading	2020 Tax Rate Final	2020 Rate Compared to 2019 Rate
Residential	\$0.094	\$0.094	\$0.084	\$0.084	\$0.084	No Change
Commercial	\$0.117	\$0.126	\$0.113	\$0.113	\$0.115	\$0.002 Increase

A commercial property located in the Special Business District assessed at \$2.0 million would pay approximately \$736 in property taxes for the Special Business District portion only. Based on last year's rate, the same commercial property would pay \$13 more than last year, assuming the assessed value of the property remained the same.

The following table lists the total tax rates from the City and the Special Business District for properties only in the Special Business District.

Property Category	2017 Tax Rate	2018 Tax Rate	2019 Tax Rate	2020 First Reading	2020 Tax Rate Final	2020 Rate Compared to 2019 Rate
Residential	\$0.919	\$0.911	\$0.772	\$0.786	\$0.783	\$0.011 Increase

Commercial	\$1.007	\$1.026	\$0.915	\$0.898	\$0.909	\$0.006 Decrease
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Recommended Action: To amend the ordinance to the revised levies, and then have a second and final reading of the ordinance setting the annual property tax rates for calendar year 2020 (Fiscal Year 2021), including resetting all rates to the voter-approved tax rate ceiling.

BILL NO. 6804

ORDINANCE NO.

AN ORDINANCE LEVYING AND ESTABLISHING THE RATE OF ANNUAL TAXES FOR GENERAL MUNICIPAL PURPOSES; POLICE BUILDING DEBT SERVICE; GENERAL OBLIGATION DEBT SERVICE; AND SPECIAL BUSINESS DISTRICT PURPOSES TO BE COLLECTED BY THE CITY OF CLAYTON, MISSOURI, FOR THE YEAR 2020, INCLUDING RESETTING CERTAIN TAX RATES TO THE VOTER-APPROVED TAX RATE CEILING AND ARTICULATING REASONS FOR DOING SO

WHEREAS, on September 8, 2020, in accord with the provisions of Sections 67.110 and 137.073.5(3) and (4), RSMo 2016, after due notice as required by law and prior to adoption of any tax rate, the Board of Aldermen conducted a public hearing regarding the rates hereinafter adopted at which all citizens were afforded an opportunity to be heard, and

WHEREAS, in accord with the provisions of Section 137.073.5(3) and (4), RSMo. 2016, the Board of Aldermen has conducted a public hearing and, prior to setting and certifying its tax rate, in a public meeting adopts this ordinance and policy statement justifying resetting the following rates to the applicable tax rate ceiling for each referenced rate, to wit: (a) the Special Business District commercial rate on the basis that the tax rate levied in prior years has been inadequate to fully fund the various programs and activities carried on within the District and in order to have sufficient funds to undertake aesthetic and functional improvements within the District which will enhance business activity and promote patronage of businesses within the District; (b) the residential rate for general revenue purposes on the basis that it will better enable the general fund to continue to sustain core services such as public safety as well as to provide critical extra support for valued community enhancement programs such as recreation and aesthetic and environmental impacts; (c) the residential, commercial and personal rates for general obligation debt on the basis that the City's contractual obligation to bond holders, as approved by the voters who authorized the borrowing, is to levy that rate of tax which will guarantee prompt payment in full of the City's obligation when due; and (d) the residential and commercial property tax rates for debt service for the police building on the basis that the City's contractual obligation to voters who authorized the tax levy for this purpose, is to levy that rate of tax which will guarantee prompt payment in full of the City's obligation when due.

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

Section 1. There is hereby levied for the year 2020 upon all real and personal property, subject to taxation, in the City of Clayton, Missouri, the following ad valorem taxes for the following purposes, to wit:

A. For general revenue purposes a tax levy of \$0.520 on residential property, a tax levy of \$0.610 on commercial property and a tax levy of \$0.707 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

B. For police building debt service purposes a tax levy of \$0.102 on residential property, a tax levy of \$0.107 on commercial property and a tax levy of \$0.122 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

C. For general obligation debt service purposes a tax levy of \$0.077 on residential property, a tax levy of \$0.077 on commercial property and a tax levy of \$0.077 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

Section 2. There is hereby levied for the year 2020 upon all real property, subject to taxation, in the Special Business District in the City of Clayton, Missouri, which are all commercially zoned properties designated C-1, C-2, C-3 and C-4, on the zoning map of the City of Clayton, as of August 11, 1981, lying north of the Forest Park Expressway in the City of Clayton, Missouri, the following ad valorem taxes, for Special Business District purposes a tax levy of \$0.084 on residential property and a tax levy of \$0.115 on commercial property, on each one hundred dollars (\$100.00) of assessed valuation.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 22nd day of September 2020.

Mayor

ATTEST:

City Clerk

BILL NO. 6804

ORDINANCE NO.

AN ORDINANCE LEVYING AND ESTABLISHING THE RATE OF ANNUAL TAXES FOR GENERAL MUNICIPAL PURPOSES; POLICE BUILDING DEBT SERVICE; GENERAL OBLIGATION DEBT SERVICE; AND SPECIAL BUSINESS DISTRICT PURPOSES TO BE COLLECTED BY THE CITY OF CLAYTON, MISSOURI, FOR THE YEAR 2020, INCLUDING RESETTING CERTAIN TAX RATES TO THE VOTER-APPROVED TAX RATE CEILING AND ARTICULATING REASONS FOR DOING SO.

WHEREAS, on September 8, 2020, in accord with the provisions of Sections 67.110 and 137.073.5(3) and (4), RSMo 2016, after due notice as required by law and prior to adoption of any tax rate, the Board of Aldermen conducted a public hearing regarding the rates hereinafter adopted at which all citizens were afforded an opportunity to be heard, and

WHEREAS, in accord with the provisions of Section 137.073.5(3) and (4), RSMo. 2016, the Board of Aldermen has conducted a public hearing and, prior to setting and certifying its tax rate, in a public meeting adopts this ordinance and policy statement justifying resetting the following rates to the applicable tax rate ceiling for each referenced rate, to wit: (a) the Special Business District commercial rate on the basis that the tax rate levied in prior years has been inadequate to fully fund the various programs and activities carried on within the District and in order to have sufficient funds to undertake aesthetic and functional improvements within the District which will enhance business activity and promote patronage of businesses within the District; (b) the residential rate for general revenue purposes on the basis that it will better enable the general fund to continue to sustain core services such as public safety as well as to provide critical extra support for valued community enhancement programs such as recreation and aesthetic and environmental impacts; (c) the residential, commercial and personal rates for general obligation debt on the basis that the City's contractual obligation to bond holders, as approved by the voters who authorized the borrowing, is to levy that rate of tax which will guarantee prompt payment in full of the City's obligation when due; and (d) the residential and commercial property tax rates for debt service for the police building on the basis that the City's contractual obligation to voters who authorized the tax levy for this purpose, is to levy that rate of tax which will guarantee prompt payment in full of the City's obligation when due.

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

Section 1. There is hereby levied for the year 2020 upon all real and personal property, subject to taxation, in the City of Clayton, Missouri, the following ad valorem taxes for the following purposes, to wit:

A. For general revenue purposes a tax levy of ~~\$0.523~~ \$0.520 on residential property, a tax levy of ~~\$0.603~~ \$0.610 on commercial property and a tax levy of \$0.707 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

B. For police building debt service purposes a tax levy of ~~\$0.103~~ \$0.102 on residential property, a tax levy of ~~\$0.106~~ \$0.107 on commercial property and a tax levy of \$0.122 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

C. For general obligation debt service purposes a tax levy of ~~\$0.076~~ \$0.077 on residential property, a tax levy of ~~\$0.076~~ \$0.077 on commercial property and a tax levy of ~~\$0.076~~ \$0.077 on personal property, on each one hundred dollars (\$100.00) of assessed valuation.

Section 2. There is hereby levied for the year 2020 upon all real property, subject to taxation, in the Special Business District in the City of Clayton, Missouri, which are all commercially zoned properties designated C-1, C-2, C-3 and C-4, on the zoning map of the City of Clayton, as of August 11, 1981, lying north of the Forest Park Expressway in the City of Clayton, Missouri, the following ad valorem taxes, for Special Business District purposes a tax levy of \$0.084 on residential property and a tax levy of ~~\$0.113~~ \$0.115 on commercial property, on each one hundred dollars (\$100.00) of assessed valuation.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this _____ day of September 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
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: SEPTEMBER 22, 2020
SUBJECT: ORDINANCE - FISCAL YEAR 2021 OPERATING AND CAPITAL
IMPROVEMENTS BUDGET – 2ND READING

In August, the Board of Aldermen received the City Manager's proposed Fiscal Year 2021 Operating and Capital Improvements Budget. As part of the budget process, the Board held a public hearing seeking public input on September 8, 2020 prior to formal budget adoption.

The Board reviewed the proposed budget during a public meeting on August 21, 2020 and no changes were made to the budget submitted.

We believe the budget maintains the level of services that have been expected by our residents and traditionally provided by the City. The Board has studied this budget and the public has had opportunity for reviewing the budget document. The attached ordinance approving the Fiscal Year 2021 Operating and Capital Improvements Budget is presented for approval.

Recommended Actions: To have the second and final reading of the ordinance approving the Fiscal Year 2021 Operating and Capital Improvements Budget as presented in the proposed budget.

BILL NO. 6805

ORDINANCE NO.

**AN ORDINANCE ADOPTING AN ANNUAL BUDGET
FOR FISCAL YEAR 2021 COMMENCING ON OCTOBER 1, 2020
AND APPROPRIATING FUNDS PURSUANT THERETO**

WHEREAS, the City Manager has presented to the Board of Aldermen an annual budget for Fiscal Year 2021 commencing on October 1, 2020; and

WHEREAS, a public hearing on the budget was conducted on September 8, 2020, pursuant to notice as provided by law, at which hearing interested persons were given an opportunity to be heard;

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

Section 1. The annual budget for the City of Clayton, Missouri, for the Fiscal Year 2021 commencing on October 1, 2020, a copy of which is attached hereto and made a part hereof as fully set forth herein, having been submitted by the City Manager, is hereby adopted.

Section 2. Funds are hereby appropriated for the objects and purposes of expenditures set forth in said budget. The expenditures of the funds so appropriated shall be subject to the control of the City Manager.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 22nd day of September 2020.

Mayor

ATTEST:

City Clerk

CITY OF CLAYTON
Fiscal Year 2021 Adopted Budget Summary

Fund	Fiscal Year 2021 Adopted Budget
<u>General Fund</u>	
Beginning Fund Balance	\$ 17,142,205
Revenues & Other Financing Sources	26,594,802
Expenditures & Other Financing Uses	27,885,156
Surplus (Deficit)	<u>(1,290,354)</u>
Ending Fund Balance	<u>15,851,851</u>
<u>Sewer Lateral Fund</u>	
Beginning Fund Balance	51,263
Revenues & Other Financing Sources	94,774
Expenditures & Other Financing Uses	78,000
Surplus (Deficit)	<u>16,774</u>
Ending Fund Balance	<u>68,037</u>
<u>Special Business District Fund</u>	
Beginning Fund Balance	96,630
Revenues & Other Financing Sources	536,007
Expenditures & Other Financing Uses	535,556
Surplus (Deficit)	<u>451</u>
Ending Fund Balance	<u>97,081</u>
<u>Equipment Replacement Fund</u>	
Beginning Fund Balance	5,826,057
Revenues & Other Financing Sources	2,571,855
Expenditures & Other Financing Uses	1,969,724
Surplus (Deficit)	<u>602,131</u>
Ending Fund Balance	<u>6,428,188</u>
<u>Capital Improvement Fund</u>	
Beginning Fund Balance	8,307,496
Revenues & Other Financing Sources	4,102,753
Expenditures & Other Financing Uses	5,658,293
Surplus (Deficit)	<u>(1,555,540)</u>
Ending Fund Balance	<u>6,751,956</u>
<u>Bond Construction Fund</u>	
Beginning Fund Balance	(1,732,986)
Revenues & Other Financing Sources	4,002,467
Expenditures & Other Financing Uses	1,942,503
Surplus (Deficit)	<u>2,059,964</u>
Ending Fund Balance	<u>326,978</u>

Fund	Fiscal Year 2021 Adopted Budget
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Debt Service Funds

Beginning Fund Balance	4,604,988
Revenues & Other Financing Sources	3,301,441
Expenditures & Other Financing Uses	6,047,533
Surplus (Deficit)	(2,746,092)
Ending Fund Balance	1,858,896

Total of All Funds

Total Beginning Fund Balances	34,295,653
Revenues & Other Financing Sources	41,204,099
Expenditures & Other Financing Uses	44,116,765
Surplus (Deficit)	(2,912,666)
Total Ending Fund Balances	\$ 31,382,987



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: SEPTEMBER 22, 2020
SUBJECT: RESOLUTION - CARES ACT FUNDING FROM ST. LOUIS COUNTY AND
INDEMNIFYING THE COUNTY REGARDING THIS DISTRIBUTION

The City has received information from St. Louis County that they are initiating a program to distribute \$47 million of their CARES Act funds to municipalities on a per capita basis. The City of Clayton is eligible to receive up to \$1,096,141. The County states that they have plans to send 50% of the eligible amount to cities in the very near future.

This grant of federal funds requires substantial documentation to be submitted to the County regarding reimbursable expenditures. The full process and requirements have been issued by the County and there remain outstanding questions as to the items which would be approved for reimbursement. We believe those issues will be resolved in the next few weeks with assistance from the St. Louis County Municipal League.

The City is required to pass this resolution and submit additional forms to the County by October 1, 2020, to participate in this program. While there remain outstanding issues, the City is not harmed in any way by submitting our request to participate in the program now.

Recommended Actions: To approve the attached resolution accepting the CARES Act funds for which the City is eligible, authorizing the City Manager to sign any necessary agreements for such, and to indemnify the county against any claim related to the acceptance of those funds.

RESOLUTION NO. 2020-15

A RESOLUTION REQUESTING ST. LOUIS COUNTY DISTRIBUTE \$47 MILLION OF CARES ACT FUNDS ON A PER CAPITA BASIS TO THE MUNICIPALITIES WITHIN THE COUNTY TO BE USED FOR ELIGIBLE EXPENSES, AUTHORIZING THE CITY MANAGER OF THE CITY OF CLAYTON, MISSOURI, TO ACCEPT CARES ACT FUNDING AND EXECUTE A MUNICIPAL RELIEF PROGRAM FUNDING AGREEMENT, AND CONFIRMING AGREEMENT TO INDEMNIFY AND HOLD HARMLESS ST. LOUIS COUNTY FROM SUCH DISTRIBUTION

WHEREAS, the United States Congress enacted the Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”) providing a \$2 trillion economic relief package to provide assistance for American workers, families, and small businesses; to provide assistance to state and local governments; and to preserve jobs for American industry; and

WHEREAS, the State of Missouri received \$1.9 billion from The CARES Act, a portion of which was subsequently distributed in part to Missouri counties proportionally based on population, except those counties that received a direct payment under the CARES Act, along with a recommendation from the Governor that counties that received funds directly from the State of Missouri in turn distribute CARES Act funds to local governments located within their jurisdictions; and

WHEREAS, the US Department of the Treasury distributed funds from the CARES Act proportionally based on 2019 census data directly to certain local governments, including cities and counties with a population greater than 500,000 and to state governments; and

WHEREAS, based on St Louis County’s population, which includes the residents of municipalities located in the County, the County received \$173.5 million directly from the United States Treasury designated to cover necessary expenses incurred due to the public health emergency caused by the COVID-19 pandemic; and

WHEREAS, the US Department of the Treasury has issued eligibility guidelines for use of the CARES Act funds which includes, in part, that payroll expenses for public safety may be presumed to be costs for services substantially dedicated to mitigation or responding to the COVID-19 public health emergency from and after the effective date of the CARES Act from March 27, 2020 thru December 30, 2020 (the “Eligibility Period”); and

WHEREAS, the County Executive has allocated \$47 million for distribution to municipalities for use for eligible expenditures.

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

1. The City of Clayton hereby requests a per capita distribution of the above referenced \$47 million allocated by St. Louis County for municipal public safety expenses.

2. The City Manager of the City of Clayton, Missouri, is hereby authorized to accept Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") funding from and execute a Municipality Relief Program Funding Agreement with St. Louis County, Missouri, for and on behalf of the City of Clayton.

3. Upon receipt of such funds and to the extent thereof, the City of Clayton agrees to indemnify and hold harmless St. Louis County from and against any claims of misuse thereof and repay such funds (or portion thereof) immediately upon notice that the U.S. Treasury Department has made a final determination that such distribution (or portion thereof) was not lawful pursuant to its above referenced guidance or otherwise.

Passed this 22nd day of September 2020.

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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
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: SEPTEMBER 22, 2020
SUBJECT: MOTION - A LIQUOR LICENSE FOR CRESCENT HOTELS & RESORTS, LLC
D/B/A LE MERIDIEN – ST. LOUIS LOCATED AT 7730 BONHOMME AVENUE

On behalf of Silverwest-I Clayton, LLC, property owner of Le Meridien Hotel, Crescent Hotels & Resorts, LLC d/b/a Le Meridien Clayton – St. Louis (management of hotel, restaurant, and food & beverages) is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7730 Bonhomme Avenue.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department will be submitting the Conditional Use Permit (CUP) on the same Board of Aldermen agenda for approval.

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 Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Recommended Action: Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.