

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
May 14, 2019
7:00 p.m.

Minutes

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

Aldermen: Mark Winings, Joanne Boulton, Rich Lintz, Ira Berkowitz, and Bridget McAndrew.

Mayor Harris
City Manager Owens
City Attorney O'Keefe

Mayor Harris welcomed the students of the Mayor's Youth Advisory Council and asked if former Mayor Harold Sanger would present the students with the certificates of participation. Mr. Sanger gave special recognition to Mac Redohl for his outstanding participation presenting him with an award.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO CHAPTER 410: OVERLAY AND URBAN DESIGN ZONING DISTRICTS BY THE ADDITION OF ONE NEW ARTICLE, ESTABLISHING THE ENTERTAINMENT OVERLAY DISTRICT

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

City Manager Owens reported that this is a public hearing to solicit input regarding a proposed amendment to Chapter 410 (Overlay and Urban Design Zoning Districts) related to a new overlay district. The proposed overlay district is in response to a long-term initiative set by this Board to enhance the vibrancy of the Central Business District. During strategic planning discussions there was a re-occurring discussion about different types of destination and entertainment venues. A mixture of venues bringing people into the City at different times creates a vibrant and lively downtown area.

Alderman Lintz commented that there should be no arcades or game rooms allowed.

Alderman Berkowitz agreed with Aldermen Lintz that although those two items should be eliminated, he feels that we are moving in a direction that is good for Clayton.

Alderman Boulton agreed and noted that it is in line with the Master Plan. She also commented that Blueberry Hill is a good example of a restaurant with "arcades" and "game rooms."

Alderman Winings reminded everyone that each proposed concept would be thoroughly discussed during the Conditional Use Permit (CUP) process. He added that we should look at the proposed ordinances as providing different concepts than what is now available.

Alderman McAndrew stated that the CUP process is crucial and that restrictions should be more explicitly established in the ordinance.

Albert Van Amburg, 119 N. Bemiston Avenue, addressed the Board suggesting the proposed district would be better suited further south on Bemiston.

Charlie Claggett, 123 N. Bemiston Avenue, addressed the Board with concerns of noise violations and parking issues after 5:00 p.m.

Peter Smith, 23 Brighton Way, addressed the Board with concerns of bar patronage and excessive drinking; feels it is not appropriate for the area.

Jennifer Volk, 124 A N. Central addressed the Board stating that the City needs to do something to encourage people to be downtown after 5:00 p.m. and she is in full support of the ordinance.

Jim Kerly, 139 N. Central Avenue, addressed the Board with concerns for a prohibition of age limits for patrons.

Peter Barkofske, representing Graybar, addressed the Board as being opposed to the overlay district due to concerns of safety and excessive drinking.

Spencer Burk, 121 N. Hanley Road, addressed the Board suggesting them to consider the alleyway as a preferred site; the change would increase traffic and he also had concerns for pedestrian safety.

Marina Matoesian, 119 N. Bemiston Avenue, addressed the Board stating that she does not like the proposed location. There is already noise (music) from Café Napoli, and Parties in the Park. She suggests moving the location further south on Bemiston.

Mayor Harris noted that the Board can always review and change the ordinances. She reminded everyone that there would be a CUP process for compliance. Also reminding everyone of the venue, Finale, the former nightclub located at Clayton on the Park.

Mayor Harris closed the public hearing.

Alderman Winings introduced Bill No. 6727, to approve an amendment to Chapter 410 to allow for an Entertainment Overlay District to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6727, first reading, An Ordinance Amending Title IV “Land Use”, Chapter 410 (Overlay and Urban Design Zoning Districts) of the Municipal Code of the City of Clayton, Missouri, Adding Article XV “Entertainment Overlay District” and Other Actions Related Thereto by title only.

The motion passed on a 5 – Aye to 1 – Nay (Alderman Lintz) vote.

AN ORDINANCE TO CONSIDER AMENDING TABLE III H OF THE PARKING REGULATIONS IN TITLE III OF THE CITY CODE

City Manager Owens reported that this is an ordinance to amend Title III Traffic Code by adding a section of Lee Avenue to Table III-H Parking Restrictions. Specifically, the section impacted is between Forsyth Boulevard and Maryland Avenue. This section of street is proposed to be designated as a

residential parking zone where parking is restricted to two hours between 8:00 a.m. and 5:00 pm except on Saturdays, Sundays and holidays and further except by valid resident and visitor permit. This proposed restriction impacts both the east and west sides of the street; however, the portion closest to Forsyth does have meters installed on both sides of the street and this condition is not changed by the attached ordinance. The purpose of this bill is to match legislation with current demand. The adoption of this bill will alter the signs on Lee Avenue only to the extent of adding the resident permit exception.

Alderman Winings introduced Bill No. 6728, to approve an amendment to Title III Traffic Code by adding a section of Lee Avenue to Table III-H Parking Regulations to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6728, first reading, an Ordinance Amending Table III H of Title III of the Clayton City Code by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6728 on the day of its introduction.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6728, to approve an amendment to Title III Traffic Code by adding a section of Lee Avenue to Table III-H Parking Regulations to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6728, second reading, an Ordinance Amending Table III H of Title III of the Clayton City Code by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6591 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE SALES AGREEMENT FOR 227 SOUTH CENTRAL AVENUE

City Manager Owens reported that HB Clayton, LLC (developer) has proposed that the sales agreement be amended a second time.

Alderman Winings introduced Bill No. 6729, to approve an amendment to the Sales Agreement for 227 S. Central Avenue to be read for the first time by title only. Alderman Boulton seconded.’

City Attorney O’Keefe reads Bill 6729, first reading, an Ordinance Approving and Authorizing Execution of Second Amendment to Agreement Heretofore Approved and Executed for Sale and Development of 227 South Central Avenue by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6729 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6729, to approve an amendment to the Sales Agreement for 227 S. Central Avenue to be read for the second time by title only. Alderman Boulton seconded.'

City Attorney O'Keefe reads Bill 6729, second reading, an Ordinance Approving and Authorizing Execution of Second Amendment to Agreement Heretofore Approved and Executed for Sale and Development of 227 South Central Avenue by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6592 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH BYRNE & JONES CONSTRUCTION CO. FOR THE MICROSURFACING FY2019 PROJECT

City Manager Owens reported that the Public Works Department is requesting approval of a construction contract for the Microsurfacing FY2019 Project with Byrne and Jones Construction Company. This bid scope included the application of microsurfacing to Davis Place, Hunter, S. Gay, and portions of Shaw Park Drive (reference attached maps). Existing curb ramps will be replaced in order to bring them into ADA compliance.

Alderman Winings introduced Bill No. 6730, approving a contract with Byrne and Jones Construction Company for the FY2019 Micro-surfacing Project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No.6730, first reading, an Ordinance Approving a Contract With Byrne & Jones Construction Company for the Microsurfacing FY2019 Project by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6730 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6730, approving a contract with Byrne and Jones Construction Company for the FY2019 Micro-surfacing Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No.6730, second reading, an Ordinance Approving a Contract With Byrne & Jones Construction Company for the Microsurfacing FY2019 Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6593 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT RENEWAL FOR PROFESSIONAL SERVICES/CITY ATTORNEY

City Manager Owens reported that this is an ordinance for renewal of the city attorney contract. In August 1999, Kevin O’Keefe was appointed to his position as City Attorney for the City of Clayton, effective October 1, 1999. Compensation for Kevin’s services has not been adjusted since 2007.

Alderman Winings introduced Bill No. 6731, to consider approving a contract renewal with Curtis, Heinz, Garrett, and O’Keefe for City Attorney services to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill NO. 6731, first reading, an Ordinance Approving an Agreement for Legal Services and Authorizing Execution Thereof by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6731 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6731, to consider approving a contract renewal with Curtis, Heinz, Garrett, and O’Keefe for City Attorney services to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6731, second reading, an Ordinance Approving an Agreement for Legal Services and Authorizing Execution Thereof by title only by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6594 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH CHIODINI ARCHITECTS FOR DESIGN SERVICES FOR THE SHAW PARK ALL-SEASON RECREATION COMPLEX PROJECT

City Manager Owens reported that it has been determined that the City should pursue a new course for the design and construction of the Ice Rink/Shaw Park All-Season Recreation Complex in order to have greater assurance of meeting the budget allocation of \$10.2 million. The new approach will be to use the construction management-at-risk (“CM at Risk”) method for building the facility. The selection requirements for determining a CM at Risk will include the experience and capability of the firm as it relates to similar projects and facilities, the experience of key personnel on the project team, the financial stability of the firm and finally, a demonstrated ability of the firm to bring projects in on schedule and within budget.

Lou Chiodini and Chris Chiodini addressed the Board to answer questions.

Alderman Winings introduced Bill No. 6732, to approve a contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6732, first reading, an Ordinance Approving a Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6732 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6732, to approve a contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6732, second reading, an Ordinance Approving a Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6595 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING ADDITIONAL FUNDING FOR THE CENTER OF CLAYTON PROJECT

Patty DeForrest, Director, provided a brief summary to the Board.

Motion made by Alderman Winings to approve Resolution No. 19-07, grant additional funding for the Center of Clayton Project. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

A PRESENTATION ON THE FY2020 SPECIAL EVENTS PLAN

Kristin Bryant, Events Specialist, gave a presentation on the FY2020 Special Events Plan, previously provided to the Board.

Other

Mayor Harris reported that she attended the St. Louis County Council meeting last week. They had discussion on the proposed Board of Freeholders as it relates to the Better Together proposal.

Alderman Lintz reported that the Plan Commission/ARB discussed the allowance of medical marijuana dispensaries which no action was taken.

Motion was made by Alderman McAndrew 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 Berkowitz seconded the motion.

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

There being no further regular business the meeting adjourned at 9:20 p.m.

Mayor

ATTEST:

City Clerk