

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
September 12, 2006
8:00 p.m.

Minutes

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

Aldermen: Beverly A. Wagner, Linda Goldstein, Alex Berger III, Steven E. Lichtenfeld, Judy R. Goodman, Michelle Harris

Mayor Benjamin Uchitelle
City Manager Michael A. Schoedel
City Attorney Kevin O'Keefe

Mayor Uchitelle asked for any questions or comments relating to the August 22, 2006 meeting minutes, which were previously provided to the Board.

Alderman Goldstein moved to approve the August 22, 2006 meeting minutes. Alderman Lichtenfeld seconded the motion. The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Ms. Bobbie Marks, 7464 Cromwell, commented that it has been five years since the tragedy of 9-11 and wanted to know what the City is doing to protect the citizens since we are all vulnerable.

Mayor Uchitelle responded stating that on a local basis the City demonstrated a good and positive response during the recent storms and staff continues to train and prepare for future threats.

Ms. Marks also noted that this year's St. Louis Art Fair was one of the greatest, compared to the past year's Art Fair events. Mayor Uchitelle agreed wither assessment.

PUBLIC HEARING AND RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A CARRIAGE HOUSE/SECOND UNIT AT 36 WEST BRENTMOOR

Alderman Goldstein moved that the Board open the public hearing with regard to Res. No. 06-19, a resolution for a conditional use permit for a carriage house/second unit at 36 West Brentmoor and requested proof of publication. Alderman Wagner seconded the motion. The motion passed unanimously on a voice vote.

City Manager Schoedel reported that this is a public hearing and subsequent resolution to consider granting a conditional use permit to Steven W. Lanter, owner, to allow the conversion of an existing detached garage into a pool house (second unit). Second units are allowed by conditional use permit in the R-1 and R-2 Zoning Districts if the unit is occupied by a family member or employee. The second unit cannot be rented or sold separately and must be compatible with the primary residence. The 950 square foot unit will be used primarily as a pool house, but is considered a

second unit because the structure provides a kitchen, bath and living space as designated by the Zoning Ordinance.

The subject property is located in the R-1 Zoning District which allows second units up to 2,000 square feet subject to the issuance of a conditional use permit as contained in Article 2, Section 2.21 of the Zoning Ordinance.

The project consists of converting the existing detached garage to a 1-story, 950 square foot pool house (second unit) as well as two additions to the existing residence, one of which includes a new 3-car attached garage. The second unit is constructed of brick and will be painted to match the primary residence.

The Plan Commission considered the request for a conditional use permit and the site plan at its August 21, 2006 meeting and voted 4 to 0 to recommend approval subject to the stipulations contained in Article 2, Section 2.21 (outlined above). The Architectural Review Board also considered the design and materials and voted to approve.

Alderman Goodman noted that she would be abstaining from the discussion and from the voting due to a professional working relationship with The Lawrence Group Architects.

Mr. Paul Doerner, President of The Lawrence Group, architect of the project addressed the Board stating that they are taking an existing two car garage and turning it into a pool house and the owner has no desire to rent this unit out to a family member or anyone else.

In response to Mayor Uchitelle's question, Mr. Doerner stated that the trustees approved the plans last month.

In response to Alderman Berger's question, Mr. Doerner stated that there is currently another existing garage in use and there is not enough space on the property to build a new garage.

Alderman Goldstein moved that the Board close the public hearing with regard to Res. No. 06-19. Alderman Wagner seconded the motion. The motion passed unanimously on a voice vote.

Alderman Goldstein moved that the Board approve Resolution No. 06-19, to approve a conditional use permit for 36 West Brentmoor. Alderman Wagner seconded the motion.

City Attorney O'Keefe noted that on Res. 06-19, Section 2, (1) the paragraph should allow an automatic assignment to a successor entitled to the property and suggests that it read as follows: (1) That the permit shall be granted to STEVEN W. LANTER (the "Permittee"), and shall not be transferred or assigned without the prior written approval of the Board of Aldermen of the City of Clayton other than to a successor owner of the property.

Alderman Goldstein moved that the Board approve Resolution No. 06-19 as amended. Alderman Wagner seconded. The motion passed unanimously on a voice vote.

Mayor Uchitelle duly noted that Alderman Goodman abstained from the entire discussion and voting on Res. No. 06-19.

Alderman Goldstein moved that the Board open the public hearing with regard to Res. No. 06-20, a resolution for a conditional use permit to change residential use to a temporary office at Concordia Seminary at #2 N. Seminary Terrace and requested proof of publication. Alderman Goodman seconded the motion. The motion passed unanimously on a voice vote.

City Manager Schoedel reported this is a public hearing and subsequent resolution to consider granting a conditional use permit (CUP) to allow Concordia Seminary to convert a single-family residence at #2 North Seminary Terrace to temporary office space.

A CUP is being sought because although a single-family residence is a permitted use in the R-2 Zoning District, an office use requires a CUP.

Concordia Seminary is requesting the use of the existing single-family residence as office space for the newly formed Center for Hispanic Studies. It is the intention of the Seminary to allow four (4) employees of the institute to use the vacant faculty residence for office space while the Seminary refurbishes existing office space in Wyneken Hall. The office space will be used for a maximum period of two (2) years and then the structure will resume its residential use. Previously, the Seminary proposed the Center for Hispanic Studies to be located in the former CBC High School building, but has since changed their plans and now would like to have the Center on the main campus.

The employees will not be living in the building. According to the Seminary, two employees live in on-campus housing and the other two live off campus.

Two parking spaces are available on the site for the employees that reside off-campus. The other two employees are allocated parking spaces associated with their on-campus housing.

The Plan Commission considered this request at its August 21st meeting and voted to recommend the temporary office use for a maximum of two years, with a status review by the Plan Commission one year after approval by the Board of Aldermen.

Mr. Steve Mudd, Director of Campus Operations, addressed the Board stating that the opportunity to incorporate this center into the St. Louis campus arose quickly due to a change in staff out of the Chicago center.

In response to Mayor Uchitelle's questions, Mr. Mudd stated that the timeline of two years is just enough time to obtain the funding and include this in their budget. There is a one-year review which the Board will be provided an update as to the future plans.

Alderman Goodman noted that a few residents also had questions about the plans of this project and were informed of the one-year review.

Aldermen Wagner commented that the key word is "temporary" in hopes that the renovation will be completed within two years.

Alderman Berger commented that this seems out of context to request agreement from the Board when it is not definite that this project may not be in their budget.

Mr. Mudd clarified that this project was not in the current fiscal year's budget because of the timing of the project, but they would like to complete the planning this fiscal year and they fully expect the funding will be approved for the next fiscal year beginning July 1, 2007 – the earliest to begin construction.

Alderman Goldstein moved that the Board close the public hearing with regard to Res. No. 06-20. Alderman Wagner seconded the motion. The motion passed unanimously on a voice vote.

Alderman Goldstein moved that the Board approve Resolution No. 06-20, to approve a conditional use permit for #2 North Seminary Terrace. Alderman Goodman seconded the motion. The motion passed unanimously on a voice vote.

REPORT FROM THE CITY MANAGER

ORDINANCE – TO RESTRICT OVERNIGHT PARKING IN THE CENTRAL BUSINESS DISTRICT

City Manager Schoedel reported that overnight parking in the Central Business District is prohibited Monday through Friday from 2:00 a.m. to 6:00 a.m. This restriction was enacted primarily to allow for street sweeping in the early morning hours. However, the Police Department is requesting that the restriction be extended to seven days a week. This would assist in clearing parked vehicles blocking preparations for the many special events that occur in the Central Business District, such as the Art Fair and Farmers' Market.

Alderman Goldstein introduced Bill No. 6063 be considered for the first time and read by title only. Alderman Goodman seconded the motion.

Alderman Goldstein asked if there are currently any 24-hour businesses in the Central Business District and would this restriction affect any businesses. Chief Byrne stated that the only 24-hour businesses are the hotels, but they have parking facilities. City Manager Schoedel confirmed that the tanning companies are no longer 24 hour services.

Alderman Berger stated that we have hotels in the CBD and we hope in the future to have a another new hotel in the CBD; there is a very significant condominium project at the corner of Maryland and Brentwood Avenue. The people coming from out of town may or may not park in a parking garage, but on the street and if the issue is limiting parking due to a special event then putting hoods over the parking meters should certainly accomplish this. It seems to him that we would be going to an extreme and may look like the City is not visitor-friendly. Alderman Berger pointed out that if he were a developer planning a project in the CBD he would take this into account.

Chief Byrne explained that when preventing overnight parking, the problem occurs with the restaurants because the police have to hood the meters before 6:00 p.m. and therefore doing this causes evening parking issues for restaurant patrons. There are no other legal means to remove a vehicle that is blocking an event for the weekends.

Alderman Wagner commented that she feels the hooding is unfriendly.

In response to Alderman Lichtenfeld's question, Chief Byrne stated that the current posting says "no parking from 2:00 a.m. – 6:00 a.m. and does not designate a day.

Alderman Harris questioned if there were certain key streets that this would target and are there other options, such as posting temporary restrictive signs in the problem areas.

Chief Byrne explained that Central Avenue, Forsyth and Meramec are primarily where the problems occur.

City Manager Schoedel commented that Brentwood Boulevard will become a problem within the next couple of weeks due to street closure for a Jaguar event and the meters will need to be hooded on Friday evening.

Alderman Lichtenfeld pointed out that prior to upcoming events there are signs posted announcing street closures or other information and suggested temporary signage for the one-time a year events as well as a seasonal signs for other events, such as the Farmers Market.

Chief Byrne stated that the goal is to be as cooperative and friendly with the businesses. City Manager Schoedel recommended that the issue be tabled in order for staff to review these concerns.

Alderman Wagner moved to table Bill No. 6063 for future discussion. Alderman Goldstein seconded. The motion passed unanimously on a voice vote.

A RESOLUTION TO REQUIRE NEW PUBLIC BUILDINGS TO MEET LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION AT THE SILVER LEVEL

City Manager Schoedel reported that the City of Clayton has embraced the concepts of green buildings and sustainable development. Over the past year, staff has researched several methods of promoting these goals, and recently, the Board of Aldermen approved Leadership in Energy and Environmental Design (LEED) certification as a public benefit in Planned Unit Development Projects. LEED certification will now allow developers incentives such as greater density or a waiver of setback regulations in exchange for LEED certification. The City has also encouraged such measures as the use of bio swales, rain gardens and special pervious materials to assist in reducing and controlling storm water flow.

The Ecology and Environmental Awareness Committee (EEAC) is now recommending that the City take a further step by requiring all new construction of City buildings to attain LEED certification at the Silver level. At the EEAC's most recent meeting, there was significant discussion regarding whether the minimum requirement should be LEED Certified or a Silver Certification. In the end, the EEAC concluded that the Silver Certification would require minimal cost beyond the LEED Certified designation, and that it would be worth the attainment.

Alderman Goldstein moved to approve Resolution No. 06-21. Alderman Goodman seconded the motion.

Alderman Lichtenfeld commented that this is an excellent idea since we will require developers to uphold standards than the City should be required to uphold the same standards. Alderman Lichtenfeld inquired as to renovation projects.

Mr. Punit Jain, member of the Ecology and Environmental Awareness Committee, stated that major renovation projects are included in the list.

Mayor Uchitelle inquired as to whether this included the Hanley House which is a historical building and other historical buildings such as the building at Oak Knoll.

Alderman Berger asked does the perceived language in the resolution allow for exception of the Hanley House or is it perceived that the language in the resolution needs to be amended to insure an exception for the Hanley House which is a public building and viewed as an historical monument.

Alderman Goldstein stated that there are different requirements for residential. LEED certification currently provides guidelines for commercial development and they are working on residential standards. She commented that it would be nice to have the option to not be required to meet LEED certification for our historic structures.

In response to City Attorney O'Keefe's question, Patty DeForrest confirmed that the Hanley House is less than 3,000 square feet and that potential renovation would probably not be 5,000 square feet.

Mr. Jain commented that University City's City Hall is a LEED certified renovation.

Alderman Goodman commented that they are considering a water garden at the Hanley House that meets certification, but is concerned about the silver level certification. This may impact the efforts to improve the Hanley House and other historic structures.

Alderman Berger commented that he is in favor of passing the resolution as it stands if the Board is able to amend the resolution in the future if the City decides to renovate the Hanley House. He notes that even if nothing is done to the Hanley House the resolution would still be in place and the City could move ahead.

Mayor Uchitelle responded by commenting that the concern is whether there is an exception for historic houses.

After reviewing suggestions to revise the ordinance language the Board recommended postponing the vote and gathering information on other municipality's ordinances on LEED certification for historical buildings.

Alderman Goldstein moved to table Resolution No. 06-21 for further discussion. Alderman Lichtenfeld seconded. Motion passed unanimously on a voice vote.

Alderman Goldstein moved to approve Mr. Punit Jain as Chairman for the Ecology and Environmental Awareness Committee and M. Lee Gerdelman as Vice Chairman. Alderman Wagner seconded. Motion passed unanimously on a voice vote.

Alderman Goldstein commented that Mr. Jain will do a great job and we are fortunate to have him as he is currently president of the local chapter of the U.S. Green Building Council (USGBC).

RESOLUTION – CONTRACT WITH SCHAEFER-MEYER SEED SOD DIVISION I FOR SHAW PARK – BALL FIELDS 5 & 6 PROJECT

City Manager Schoedel reported that on September 1, 2006 bids were opened for the Shaw Park – Ball Fields 5 & 6 Project. Four (4) responsive bids were received. The base bid included laser grading, aeration, seeding and installation of irrigation. Three alternates were identified that included the use of sod, addition of an infield dirt conditioner and installation of turf grate along the service drive. Schaefer-Meyer submitted the lowest bid including all three alternates in the amount of \$220,480. Staff recommends acceptance of their bid as they also have extensive experience in ball field work and received positive references.

The staging area for construction will be at the north end of Shaw Park Drive in order to minimize impact on park activities. All field activities have been moved to alternate sites for the duration of the Fall season. The fields will be reopened for the Spring 2007 season.

The work on this project is scheduled to begin immediately with completion by October 31. The funding for this project is divided between the FY06 budget and FY07 budget. A total of \$230,000 was budgeted for this project in the Recreation and Stormwater Fund, which allows for a \$9,520 contingency.

Alderman Goldstein moved to approve Resolution 06-22. Alderman Wagner seconded.

Alderman Berger commented on the significant variance amount in the performance bond line item between the recommended company and the other three competing companies.

Patty DeForrest responded stating that the amount of work that Schaefer-Meyer has right now determines the bond amount. In other words, they are the busiest company with a higher performance measure.

City Manager Schoedel stated that there was a background check on this company and staff feels that this is a responsible price. More importantly, we are able to do most of the alternates.

In response to Alderman Lichtenfeld's question, Patty DeForrest stated that it has been eight years since this type of project has been completed and recommends to have this done every four to six years.

In response to Mayor Uchitelle's question, City Manager Schoedel stated that this project doesn't impact the Jazz Festival or Taste of Clayton. It really is about how those events impact Fields five and six.

Patty DeForrest commented that there will be discussion on what can be done to reduce the impact on these fields if those events continue to be held.

Motion passed unanimously on a voice vote.

MOTION TO APPROVE A LIQUOR LICENSE FOR SEVEN GABLES INN AT 26 N. MERAMEC

City Manager Schoedel reported that Seven LL, Inc., new owner of Seven Gables Inn, is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sunday, at 26 North Meramec under the name of Seven Gables Inn.

The Police Department has completed its review of the application and supports the issuance of the requested license.

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

Alderman Goldstein moved to approve the liquor license for Seven Gables Inn. Alderman Berger seconded.

Mr. Frank Ikemeier, addressed the Board stating that he purchased Seven Gables approximately one month ago and now owns 17 hotels and is currently renovating Seven Gables.

Alderman Lichtenfeld noted that he would abstain from the discussion and voting due to a professional relationship related to this project.

In response to Alderman Goodman's question, Mr. Ikemeier stated that the renovations will be both on the interior and exterior and will not substantially change the look of the structure. Alderman Goodman commented that Seven Gables is a beautiful hotel.

In response to Alderman Goldstein's question, Mr. Ikemeier stated that they will also be operating the restaurant.

Motion passed unanimously on a voice vote except that Alderman Lichtenfeld abstained from the discussion and voting.

DISCUSSION OF REMAINING BALANCE OF CDBG FUNDS: TRANSFER FROM PUBLIC FACILITIES IMPROVEMENTS TO ADA CURB RAMP PROJECT

City Manager Schoedel reported that in 2003 and 2005, Clayton received approval from St. Louis County to use Community Development Block Grant (CDBG) funds for accessibility improvements to public facilities. The specific projects that utilized these funds were the addition of power assisted doors to rest rooms in Shaw Park and new front doors for City Hall. These projects have now been completed, and a fund balance of approximately \$19,084 remains.

For 2006, Clayton received CDBG funding in the amount of \$22,500 to install curb ramps and truncated domes in the Clayton Gardens and Bemiston areas to improve accessibility for residents and to correct several situations where there are no curb ramps at crosswalks. In order to complete the project as planned, staff is proposing to shift the remaining balance from the prior CDBG projects to this project, for a total cost of \$41,584.00. The shift of funds from one type of project to another can only occur following documentation of a public discussion by the Mayor and Board of Alderman.

If the Board supports the staff recommendation, we will submit the documentation to St. Louis County.

As a further point of information, the 2007 CDBG funds are expected to be used to improve accessibility in the Moorlands neighborhood – we will have further discussion when we receive those funds.

Paul Wojciechowski stated that there are several locations throughout the area where they will improve curb ramps at intersections to provide ADA accessibility and the curb ramps will include truncated domes of different colors.

In response to Mayor Uchitelle's question, City Manager Schoedel stated that the Hi Pointe-DeMun area was reviewed but due to concerns from the neighbors and the truncated domes that it did not get approval from some of the residents.

Alderman Harris asked Paul to summarize the process of this project. Paul stated that the concept is developed and then a proposal is submitted to St. Louis County and it is required to hold a public hearing.

City Manager Schoedel explained that the CDBG funding hit a high point in the 1980s and slowly has dwindled; now we get a very minimal amount with a restricted use of what can be done. The ADA projects are one area that can be utilized and the truncated domes are part of these requirements.

Other

Alderman Wagner commented on the Fire Station Mural and it is wonderful. The Clayton Art Commission is very pleased with the final artwork and encourages everyone to go by the fire house to see it.

Mayor Uchitelle commented that he had lunch with the artist of the mural and she is a delightful person with a great future ahead of her.

Alderman Berger commented on the ongoing problems with Metro in the Davis Place area regarding the poorly executed landscape plans.

Alderman Goodman in reference to Paul's comment that when a public hearing is scheduled for a CDBG there is little attendance she wanted everyone to be aware that there are two public forums coming up, one for Parks and Recreation on Sept. 14th at The Center of Clayton and the Clayton Richmond Heights Joint Study Committee Public Forum scheduled in October. She encourages everyone to inform their neighbors and friends.

Mayor Uchitelle commented on the remarks made earlier by Ms. Bobbie Marks; he agreed in saying that the St. Louis Art Fair was a terrific event and praise goes to the staff for the job they did in preparation for this event. The St. Louis Art Fair has become a regional and national event.

City Manager Schoedel announced that they are aware of the issues with the Metro bus change in the Hi Pointe-DeMun area and are working very hard to resolve this issue.

There being no further business, Mayor Uchitelle adjourned the meeting at 9:14 p.m.

Mayor

ATTEST:

City Clerk