

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: October 13, 2020; 6:00 P.M. Meeting
Topic: 10/13/2020 Board of Aldermen Meeting.

Please click this URL to join:
<https://us02web.zoom.us/j/81054922138>

Dial (for higher quality, dial a number based on your current location):
US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799
Webinar ID: 810 5492 2138

International numbers available: <https://us02web.zoom.us/u/kbLKP92uCh>

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
JOINT BOARD OF ALDERMEN & CLAYTON COMMUNITY FOUNDATION MEETING
TUESDAY, OCTOBER 13, 2020 – 6:00 P.M. – 6:45 P.M.
VIRTUAL ZOOM MEETING**

1. Welcome and Introductions
 2. Clayton Community Foundation (CCF) Update: 2020 Projects
 3. CCF Priorities for 2021
 4. Discussion and Guidance of Select Projects:
 - Art: DeMun Mural
 - History: Historic Site Markers
 - Parks: Maryland Avenue Park
 - Sustainability: Urban Beautification
 5. Discussion on fundraising extension for the Maryland Avenue Park.
-

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, OCTOBER 13, 2020
DISCUSSION SESSION – 6:45 P.M.
VIRTUAL ZOOM MEETING**

1. Police Department demonstration of body cameras.
-

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, OCTOBER 13, 2020
VIRTUAL ZOOM MEETING - 7:00 P.M.**

ROLL CALL

MINUTES – September 22, 2020

PUBLIC REQUESTS & PETITIONS

PUBLIC HEARING

1. Ordinance – To approve an amendment to the Special Development District for property at 8125 Forsyth Boulevard to allow a hotel use. (Bill No. 6807)

CITY MANAGER REPORT

1. Ordinance – To approve and adopt a Special Development Subdistrict Plan for Phase 5 Parcel Number 111 Subdistrict to be known as the Forsyth Center Development. (Bill No. 6808)
2. Ordinance – To approve the Police Union Collective Bargaining Agreement. (Bill No. 6809)
3. Ordinance – To approve an amendment to Chapter 350 Parking Regulation. (Bill No. 6810)
4. Ordinance - To approve a lease agreement with St. Louis County for parking operations. (Bill No. 6811)

5. Discussion relative to tents for businesses.

6. Discussion on the Clayton Community Equity Commission recommendations.

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.



CLAYTON COMMUNITY
FOUNDATION

*10 North Bemiston
Clayton, Missouri 63105
314.290.8553 / claytoncommunityfoundation.org*

**City of Clayton
Joint Board of Aldermen and Clayton Community Foundation Meeting**

AGENDA

Tuesday, October 13, 2020 at 6:00 pm

1. Welcome and Introductions
2. Clayton Community Foundation Update: 2020 Projects
3. CCF Priorities for 2021
4. Discussion & Guidance of Select Projects:
 - Art: DeMun Mural
 - History: Historic Site Markers
 - Parks: Park on Maryland Avenue
 - Sustainability: Urban Beautification
5. Adjourn



CLAYTON COMMUNITY
FOUNDATION
Art, History, Parks, and Sustainability

Joint Board of Aldermen and Clayton Community Foundation Meeting

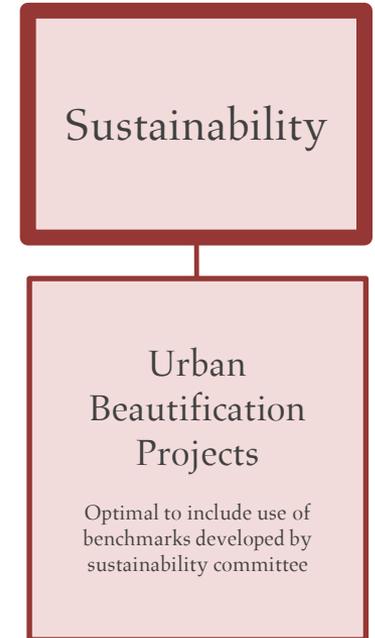
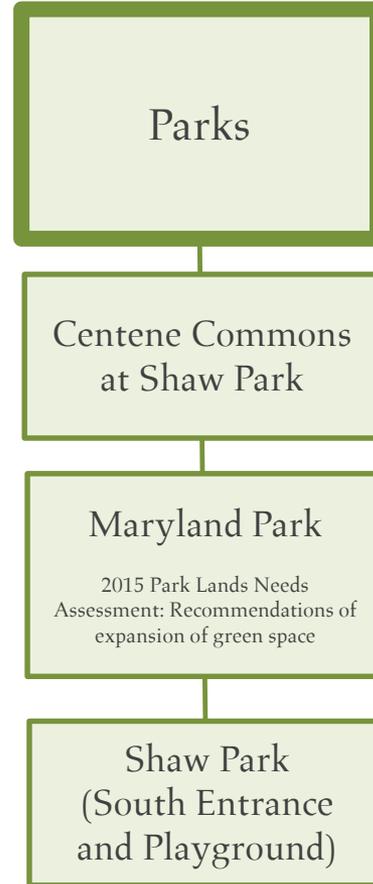
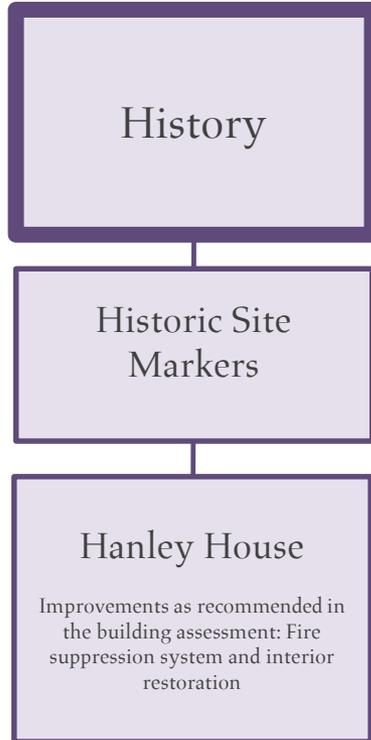
Tuesday, October 13, 2020

CCF Update: 2020 Projects

- Raised \$2 million for Centene Commons at Shaw Park
- Fundraising for Park on Maryland Avenue (\$55,000 raised YTD)
- *Clayton Neighborhoods* virtual exhibition debuts this fall
- Clayton History Center reopening at newly renovated Center of Clayton
- Historic Site Markers
- CCF's Ralph Clayton Society presents *At Home with Danny Meyer* on
Wednesday, October 21 at 6:30 pm



Priorities for 2021



Approved Project List as of 1/28/2020

- Hanley House Improvements (Fire Suppression System & Interior Restoration)
- Shaw Park Ice Rink Improvements (Construction of new facility & endowment for operations)
- Expansion of Green Space (Park on Maryland Avenue)
- Playground Improvements (Shaw Park)
- Public Art according to Public Art Master Plan (Solar Kinetic Trees & Art in Parks)
- Projects contained within Downtown Master Plan
- Aqua Climbing Wall for SPAC



Approved Project List as of 1/28/2020

- Century Garden
- Support for Events sponsored by the City
- Assistance with Neighborhoods applying for National Register of Historic Places
- Bicycle Lockers, Repair Stations and Racks
- E-cabs



Art: DeMun Mural

Next Steps:

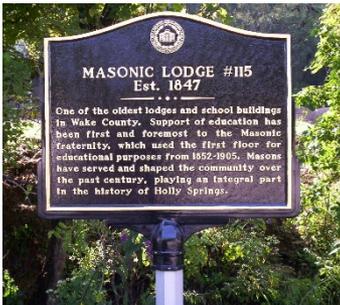
- Discuss what is needed for CCF to move forward.
- Board of Aldermen to provide guidance.
- CCF determine budget, fundraise, and implement project.



History: Historic Site Markers



Rendering for Oak Knoll Park: The Revised Ohio design is a simple design with its shallow sloping arch crest. All markers would include insignia ornamentation of the Clayton Community Foundation (CCF) logo.



Example of Revised Ohio Pattern fabricated by Sewah Studios

Proposed Design: The Revised Ohio Pattern

<https://sewahstudios.com/product/the-revised-ohio/>

Dimensions:

- 26" x 36" sign
- 1" letter size (same text on both sides)
- 7' post for mounting

Color Options:

The City of Clayton logo, colors, and related wayfinding signage often have a green background and white text. The color template would remain consistent for each marker.

- Plate color: Green (recommended)
- Letter Color: White (recommended)
- Etched plate: Yes

Vendor:

- Sewah Studios
- Same vendor used by the Missouri History Museum (MOHM) for their statewide Historical Markers Program.
- CCF will follow the same best practices, historical guidelines, and resources already being used by MOHM.

Costs:

- CCF fundraising and covering all costs
- \$2,000 per marker (includes shipping, not including install)



Parks: Park on Maryland Avenue



Updates:

- Status of CCF fundraising
- Discussion of rebranding possibilities



Sustainability: Urban Beautification



Status:

- Optimal to include use of benchmarks developed by Sustainability Committee.
- Use of donor project sheet for CCF fundraising.
- Working with Director of Public Works.





CLAYTON COMMUNITY
FOUNDATION

10 North Bemiston
Clayton, Missouri 63105
314.290.8553 / claytoncommunityfoundation.org

REQUEST FOR APPROVAL

TO: Mayor Harris; Board of Aldermen
FROM: Becky Patel, CCF President; George Hettich, Chair of Major Gifts
DATE: October 13, 2020
SUBJECT: Fundraising Extension for the Park on Maryland Avenue

The community has shown a great interest in the project which has yielded \$57,923 in donations year-to-date (YTD) from individuals, corporations, and grants. This however, does not achieve the \$350,000 goal required to build the pocket park.

Since tasked with fundraising to save the park, the CCF Major Gifts Committee has pivoted, focusing only on this project for the remainder of the year. The committee developed and executed an extensive fundraising action plan and continues to develop prospects and make progress. Due to the pandemic and current economic climate, more time is required to pursue as many avenues as possible. The committee reached an internal assessment goal, and now wishes to discuss this current status with the Board of Aldermen, propose the next stage of fundraising strategies, including but not limited to rebranding ideas to inspire potential donors.

YTD Fundraising Update:

- \$57,923 (Individual, Corporate, and Grants)

Fundraising Highlights:

- \$50,000 grant awarded from Opus Foundation
- \$2,500 corporate gift from Graybar Foundation
- \$1,925 individual donations from Facebook Fundraiser (ongoing)
- Over \$3,000 from individuals

Fundraising Prospects:

- 3 grants totaling \$125,000 submitted (update expected in spring)
- Additional target grants to be submitted in spring
- Over 20 individuals, family foundations, or corporations either asked or being cultivated

Promotion Highlights:

- Donor materials developed, designed, and utilized by Major Gifts.
- Banner placed on 7811 site.
- Message included in CCF Fall Appeal. Mailed to 6,800+ residents.
- Direct mailer sent to Old Town residents (500+).

Recommendation: Board of Aldermen grant CCF a fundraising extension for the Park on Maryland Avenue until June 30, 2021.

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
September 22, 2020
7:15 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, Ira Berkowitz, Bridget McAndrew, Susan Buse, Dan Sokol, and Mayor Michelle Harris

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

**Motion made by Alderman Berkowitz to approve the September 8, 2020 minutes.
Alderman Lintz seconded.**

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

PUBLIC REQUESTS AND PETITIONS

Mayor Harris took a moment to remember Ruth Bader Ginsberg, Supreme Court Justice.

Mayor Harris welcomed and introduced the 2020-2021 Mayor's Youth Advisory Council members: Shane LaGessee, Sabrina Kronemar, Sasha Keller, Willa Stine, Suchir Tumuluru, Joey Sparks, Cece Cohen, Nell Coble, John Woodworth, Larry Quian, Zach Wang, Phoebe Martyn, Sam Illivicky, and Eliot Blackmoore; Adult Sponsor Cheryl Redohl, Jenny Abeles, and Kate Lyons.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING 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

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

City Manager Gipson reported that 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.

Andrew Hargis, Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, attended the meeting via videoconferencing to answer questions from the Board.

Mayor Harris closed the Public Hearing.

Motion made by Alderman Boulton to approve Resolution No. 2020-13, granting a Conditional Use Permit for Silverwest-I Clayton, LLC, d/b/a Le Meridien Hotel located at 7730 Bonhomme Avenue. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A RESTAURANT AT 7730 BONHOMME AVENUE D/B/A CAFÉ LA VIE LOCATED WITHIN THE LE MERIDIEN HOTEL

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

City Manager Gipson reported that 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.

Andrew Hargis, Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, attended the meeting via videoconferencing to answer questions from the Board.

Andrew Hargis, Silverwest-I Clayton, LLC, d/b/a Le Meridien St. Louis Clayton, attended the meeting via videoconferencing to answer questions from the Board.

Mayor Harris closed the Public Hearing.

Motion made by Alderman Boulton to approve Resolution No. 2020-14, granting a Conditional Use Permit for Café la Vie Restaurant located at 7730 Bonhomme Avenue. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE SETTING THE TAX YEAR 2020 PROPERTY TAX LEVIES FOR FISCAL YEAR 2021 BUDGET – 2ND READING

City Manager Gipson reported that since the previous meeting the City just received assessed value information now that the Board of Equalization process is complete and have updated our calculations accordingly as shown in the Board packet. 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. There will need to be an amendment to the ordinance to accept these changes from the previous reading.

Motion made by Alderman Boulton to amend and accept the changes as presented for Bill No. 6804, an ordinance Setting the Property Tax Levies for Tax Year. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

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

City Attorney O’Keefe reads Bill No. 6804, second 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 on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6665 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2021 OPERATING AND CAPITAL IMPROVEMENTS BUDGET

City Manager Gipson reported that 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.

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

City Attorney O’Keefe reads Bill No. 6805, second reading, an ordinance Adopting an Annual Budget for Fiscal Year 2021 Commencing on October 1, 2020 by title only.

The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6666 of the City of Clayton.

A RESOLUTION TO CONSIDER ACCEPTING THE CARES ACT FUNDING FROM ST. LOUIS COUNTY AND INDEMNIFYING THE COUNTY REGARDING THIS DISTRIBUTION

City Manager Gipson reported that 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.

Motion made by Alderman Boulton to approve Resolution No. 2020-15, to accept the CARES Act Funding from St. Louis County and to indemnify the County regarding this distribution. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR CRESCENT HOTELS & RESORTS, LLC d/b/a LE MERIDIEN – ST. LOUIS LOCATED AT 7730 BONHOMME AVENUE

City Manager Gipson reported that 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.

Molly Pierson, corporate counsel for Crescent Hotels & Resorts, and Whitney Gillings, Bluebonnet Consulting, attended the meeting via videoconferencing to answer questions from the Board.

Motion made by Alderman Boulton to approve a liquor license for Crescent Hotels & Resorts, LLC d.b.a. Le Meridien Clayton – St. Louis. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Lintz reported:

- Plan Commission/ARB
 - Residence Inn project – reviewed plans and the Commission recommended that they come back with revised designs.

- Bemiston Place project – well received; 120 people attended (virtually) the community conference

Alderman McAndrew reported:

- Clayton Community Foundation
 - Discussion on fundraising efforts for Maryland Park
 - Holding an online event – subject is Ralph Clayton
 - Discussion on increasing more member recruitment/participation

Alderman Buse reported:

- CEC Subcommittees have been meeting and plan to bring recommendations to the Board soon.

Mayor Harris reported:

- working with Gary Carter and the County on ways to help small businesses
- meeting with Becky Patel regarding upcoming joint CCF meeting
- Meeting with Crescent residents regarding the lighting from the parking garages
- gave recognition to City Manager Gipson's birthday (9/23)

There being no further business the meeting adjourned at 8:05 p.m.

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 OF PLANNING AND DEV.
SERVICES

DATE: OCTOBER 13, 2020

SUBJECT: PUBLIC HEARING & AN ORDINANCE - AMEND THE APPROVED
PLANS FOR DEVELOPMENT OF A PORTION OF THE SPECIAL
DEVELOPMENT DISTRICT PLAN TO ALLOW A HOTEL ON THE
PROPERTY AT 8125 FORSYTH BOULEVARD

BACKGROUND:

The 0.52-acre site is located on the north side of Forsyth Boulevard between Brentwood Boulevard and Maryland Avenue, and has a zoning designation of Special Development District (SDD). It is identified on the adopted land use plan as "Parcel III" and designated as subdistrict "Phase 5" of the Special Development District approved plan (see attached Exhibit A).¹ In 1982, the subject property and the other properties in the block bounded by Brentwood Boulevard, Maryland Avenue and Forsyth Boulevard were rezoned to a Special Development District (SDD). As part of the SDD ordinance, the individual parcels on the block were to be developed in phases in accordance with general development standards for height, size and parking found in the Special Development Plan. The subject property is now improved with a two-story commercial building that was constructed in 1947 and is currently vacant. Adjacent land uses include retail, office and Shaw Park to the south.

Since approval of the rezoning in 1982 via Ordinance No. 4220 and "minor technical changes"² via Ordinance No. 5461 in 1998 and Ordinance No. 5485 in 1999, four office buildings and a shared parking structure have been constructed. Two parcels, including the subject property, have not yet been redeveloped. The property is subject to the use, area, height, and parking requirements which are specified in the approved Special Development Plan.

¹ Sec. 405.1180 specifies that "subdistricts shall be required for each phase of the district." The subject property has consistently been identified as "Phase 5" of the approved SDD plan. As used here "phase" and "subdistrict" are synonymous terms.

² Sec. 405.1320 of the SDD regulations in the City Code provide for two species of "adjustments" to approved SDD subdistrict plans: minor adjustments and major amendments. "Change in proposed land use" is designated as requiring a "major amendment" pursuant to Sec. 405.1320(C)(1)(c) of the City Code.

This is a request to amend the approved Special Development Plan to add “Hotel” as a permitted land use for Phase 5 so the site can be redeveloped. The completion date will also be updated. The specific amendment is to add hotel as a permissible land use (in addition to the already permissible “office” land use) to allow the development of a hotel on what is identified on the adopted Special Development Plan as Phase 5, and update the proposed completion date specified for Phase 5 from “1987-1995” to “2022-2024” to coincide with the developer’s schedule.

If the amendment is approved, separate approvals will be required for a Subdistrict Development Plan for Phase 5 and the architectural/design plans. These plans will provide detailed information related to the hotel development such as required transportation-related improvements, detailed architectural features, landscape design and plant material, building siting, and pedestrian and automobile circulation, among others. Before the site can be developed, a Subdistrict Development Plan (reviewed by the Plan Commission and approved by the Board of Aldermen), and Architectural Plans (approved by the Architectural Review Board) will have to be considered by the appropriate City boards.

LAND USE PLAN

The SDD Special Development Plan (Exhibit 1) establishes development standards that govern the development of each of the seven subdistricts/phases of development shown on the plan. All but two phases have been redeveloped.

The following chart identifies and summarizes the adopted plan and the proposed amendment is highlighted in red:

Phase No.	Allowable land use	Maximum allowable Building Area (sq ft)	Maximum No. Stories	Parking Spaces #	Completion Date
1	Office/Retail	270,000	17	810	1986
2	Office	176,139	15	528	1987
3	Office	129,205	12	387	1985-1990
4	Office	163,835	11	492	1987-1995
5	Office, <u>Hotel</u>	169,994	14	510	1987-1995 <u>2022 - 2024</u>
6	Office	105,939	12	318	1987-1995
7	Office	46,728	4	87	Existing

Once approved, the Special Development Plan and Ordinance, as amended, becomes the specific zoning regulations governing the use and development of the properties.

****The proposed hotel project is 12 stories in height and 155,877 square feet in area which meets the current height and size limitations for Phase 5, therefore these development standards are not proposed for amendment.***

Phase 5 is part of the Park View District in the Downtown Master Plan. The Park View District encourages high and mid-rise buildings along the eastern and northern edges of Shaw Park that capitalize on the exceptional views of and adjacency to the park and encourages transforming the

urban edge of the park into an active street life environment. A hotel land use will bring pedestrian activity to this area of Forsyth Boulevard which is largely comprised of office buildings. A hotel in this location will provide a convenient place for out of town guests who may be visiting Clayton to conduct business or visit. With the implementation of staff's recommendations, staff is of the opinion that consistency with the Downtown Master Plan will be achieved.

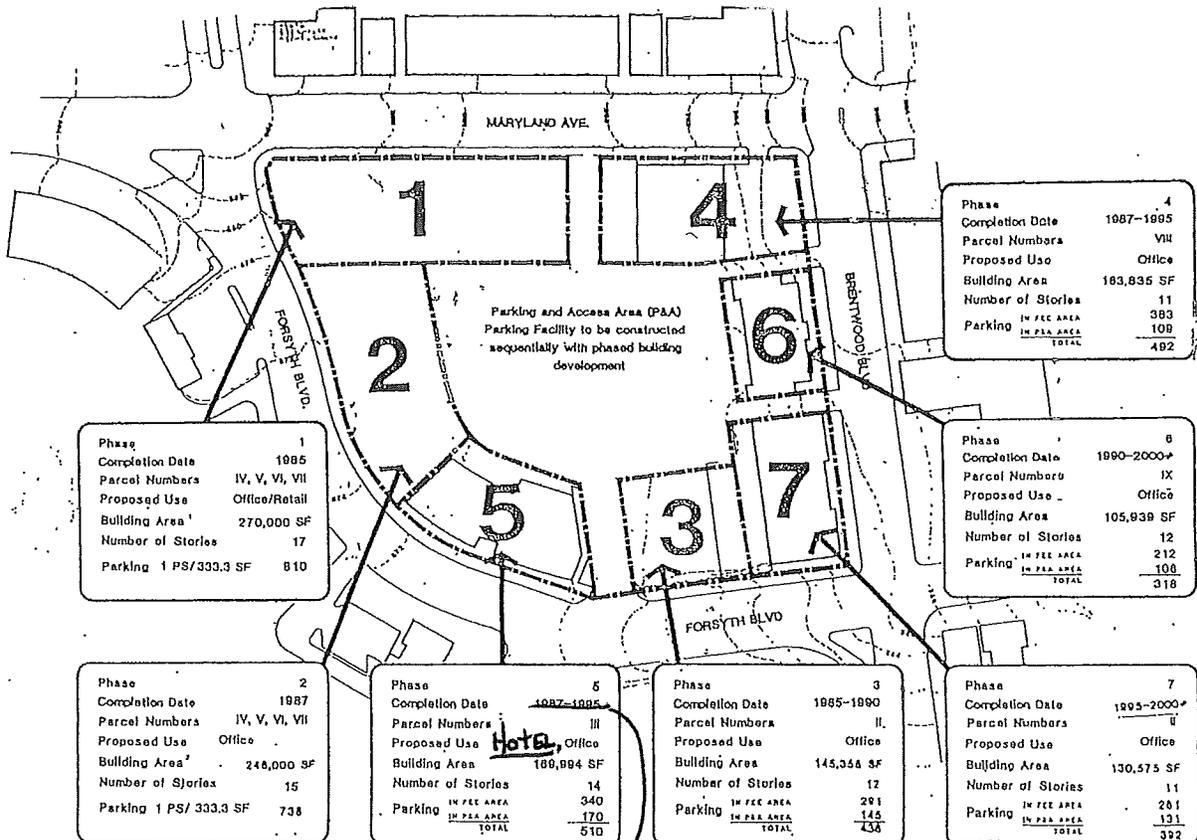
PLAN COMMISSION RECOMMENDATION:

On September 21, 2020, the Plan Commission voted unanimously to recommend that the Board of Aldermen approve the SDD Special Development Plan amendment to add a Hotel land use to the Phase 5 property as identified on the SDD Land Use Plan and to update the completion date.

STAFF RECOMMENDATION:

Staff recommends the Board of Aldermen approve the Ordinance.

Exhibit A



NOTE: The maximum number of floors & area in each building shall be those shown on this drawing; however, building design, elevation, location of building on site, & layout of building are conceptual only subject to final review & approval by the Architectural Review Board.
¹Portion of building area may be allocated to Phase 2. ²Portion of building area may be allocated to Phase 1.

proposed phasing/land use

2022-2024

24 MAR 00
13 OCT 2020

Sdd hastingschivetta architects farsyth/maryland/brentwood

BILL NO. 6807

ORDINANCE NO.

AN ORDINANCE AMENDING THE FORSYTH CENTER SPECIAL DEVELOPMENT DISTRICT AND SPECIAL DEVELOPMENT PLAN ADOPTED BY ORDINANCE NO. 4220, AS AMENDED, TO APPROVE A HOTEL AS A PERMISSIBLE LAND USE AT 8125 FORSYTH BOULEVARD IN SUBDISTRICT PHASE 5 AND AMENDING THE COMPLETION DATE OF SUBDISTRICT PHASE 5

WHEREAS, on January 24, 1982, the Board of Aldermen, approved Ordinance No. 4220 (the "Special Development District Ordinance") pursuant to what is now Article IX of Chapter 405 of the Code of Ordinances (the "Code") of the City of Clayton ("Clayton"), and established a Special Development District for the area bounded by Brentwood Boulevard on the east, Forsyth Boulevard on the south and west and Maryland Avenue on the north (the "Special Development District") and approved a "Final Preliminary Plan" therefor dated January 12, 1982; and

WHEREAS, in accordance with the requirements of Ordinance No. 4220, "Final Plans" which conform to Article IX of the Code and Ordinance No. 4220 (the "Special Development Plan") were submitted to and approved by the City as provided by law; and

WHEREAS, the Special Development Plan establishes specific criteria for the development of each parcel of real estate located within the Special Development District; and

WHEREAS, on June 25, 2020, Midas Clayton, LLC , purchaser under contract for the property comprising Subdistrict Phase 5 of the Special Development District, submitted an application for amendment of the Special Development Plan and the permitted uses and development completion date for Subdistrict Phase 5 of the Special Development District to allow development of a hotel on the property located at 8125 Forsyth Blvd. ("Subject Property"); and

WHEREAS, on September 21, 2020, the Clayton Pan Commission voted to recommend to the Board of Aldermen that the amendments hereinafter provided be adopted; and

WHEREAS, after due notice as required by law, a public hearing was held before the Board of Aldermen of the City of Clayton on October 13, 2020, to consider the requests; and

WHEREAS, upon due consideration, the Board of Aldermen finds and determines that the approval of the requested amendments to the Special Development District and Special Development Plan are consistent with good planning practice and would be in the best interest of the public health, safety, morals and general welfare of the City and its citizens;

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

Section 1.

Ordinance No. 4220 approved on January 24, 1982, as previously amended by Ordinance No. 5461 on September 22, 1998, and Ordinance No. 5485 on March 23, 1999, designating the properties described therein as a Special Development District known as Forsyth Center and the Special Development Plan identifying the general components of the approved development

approved pursuant to Ordinance NO. 4220 are hereby further amended in accord with the application filed by Midas Clayton, LLC on June 25, 2020, as follows:

- A. The proposed land use for Subdistrict Phase 5, Parcel III, on the Special Development Plan of the Forsyth Center Special Development District is amended to add “hotel” as an allowable proposed use in the Subdistrict in addition to the previously approved “office” proposed use; and
- B. the completion date for Subdistrict Phase 5, Parcel III, on the Special Development Plan is amended by deleting “1987-1995” and inserting in lieu thereof “2022-2024;

all as shown interlineated by hand on Exhibit 1, dated October 5, 2020, attached hereto, and incorporated herein by reference.

Section 2.

The zoning map described in Chapter 405, Section 405.060, “Zoning Map”, of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in this Ordinance.

Section 3.

This Ordinance shall be in full force and effect from and after the date of its passage and adoption by the Board of Aldermen.

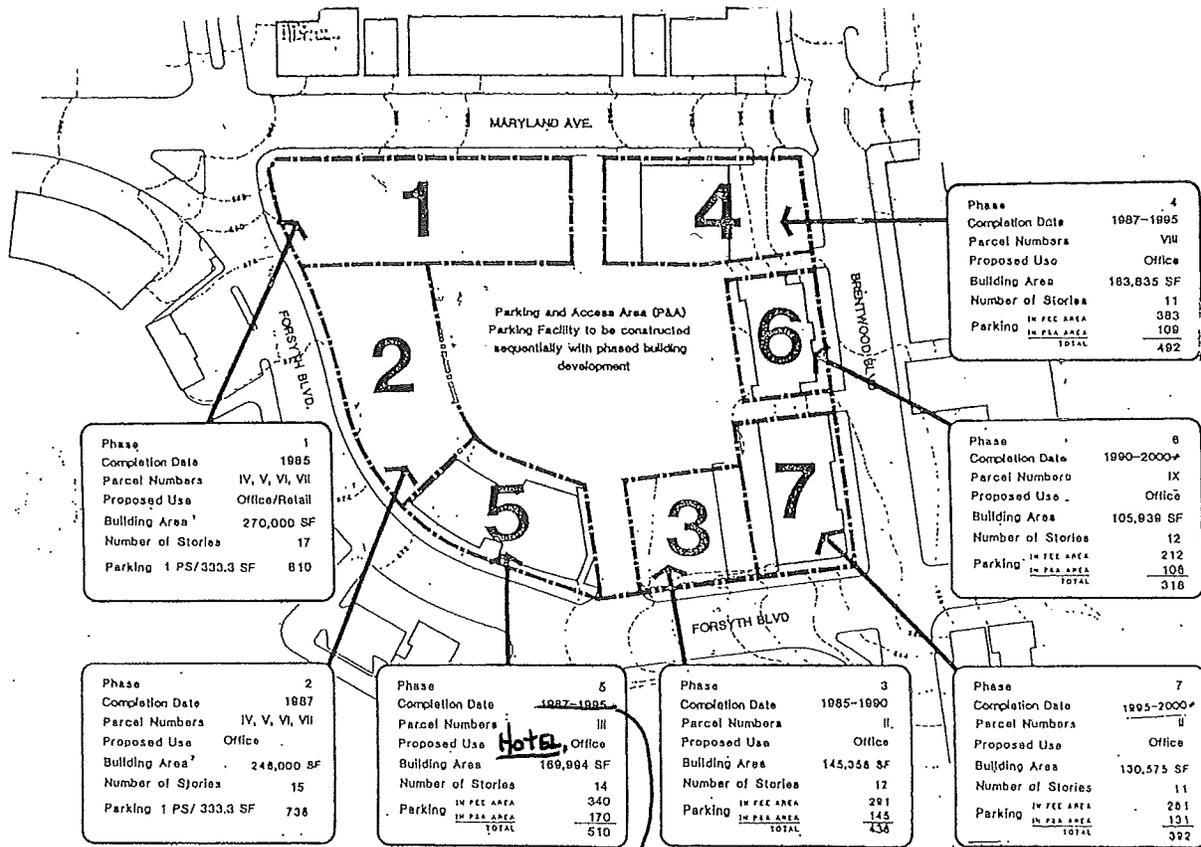
Adopted this 13th day of October 2020.

Mayor

ATTEST:

City Clerk

Exhibit 1



NOTE: The maximum number of floors & area in each building shall be those shown on this drawing; however, building design, elevation, location of building on site, & layout of building are conceptual only subject to final review & approval by the Architectural Review Board.
¹Portion of building area may be allocated to Phase 2. ²Portion of building area may be allocated to Phase 1.

proposed phasing/land use

2022-2024

24 MAR 06
13 OCT 2020

hastingschiveita architects Sdd forsyth/maryland/brentwood



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 OF PLANNING AND DEV.
SERVICES

DATE: OCTOBER 13, 2020

SUBJECT: ORDINANCE - ADOPTING A SPECIAL DEVELOPMENT SUBDISTRICT
PLAN FOR PHASE 5 PARCEL NUMBER III SUBDISTRICT TO BE
KNOWN AS FOR THE FORSYTH CENTER DEVELOPMENT

BACKGROUND and PROJECT DESCRIPTION

The subject property and subdistrict are identified on the Forsyth Center Special Development District (SDD) Land Use Plan as Phase 5 Parcel number III located at 8125 Forsyth Boulevard. Adjacent land uses include retail and office buildings. Shaw Park is across the street to the south. In 1982 the subject property and the other properties in the block bounded by Brentwood Boulevard, Maryland Avenue and Forsyth Boulevard were rezoned to a Special Development District (SDD). As part of the SDD ordinance, the individual parcels on the block were to be developed in phases in accordance with general development standards for height, size and parking found in the Special Development Plan. Since approval of the rezoning in 1982 four office buildings and a shared parking structure have been constructed. Two parcels, including the subject property, have not yet been redeveloped. An office use is currently the only allowable use for the property and is subject to the area, height, and parking requirements which are specified on the Land Use Plan as part of the Special Development Plan. The applicant has filed an application for amendment to the adopted Special Development Plan to allow for a hotel land use on this phase 5 property. That application is being considered concurrently with this application for Subdistrict Development Plan review.

The individual subdistrict development plans provide detailed information related to each specific phase of the development. Each subdistrict requires approval of a Subdistrict Development Plan (by the Board of Aldermen), Architectural/Site Plan Review (by the Plan Commission).

Design & Materials

See detailed analysis, page 3 of attached staff report dated October 5, 2020. The building is compatible, in terms of mass and height, with existing nearby structures. The design and materials have been modified since the Architectural Review meeting held on October 5, 2020, when the Architectural Review application was tabled by the Board. The elevation drawings attached here represent the developer's latest design and amends the previous design considered on October 5. The amended design will be considered by the ARB on October 19; the footprint of the building and

other features shown on the attached site plan remain the same as those shown on the plans considered on October 5.

Landscaping

See detailed analysis, page 3 of attached staff report dated October 5, 2020.

Stormwater

See detailed analysis on page 4 of the attached staff report dated October 5, 2020. The proposed stormwater runoff is less than the existing. Stormwater runoff from the site will be piped directly to the public storm sewer system. The project has been submitted to the Metropolitan Sewer District for their consideration.

Traffic & Circulation

See detailed analysis pages 4-6 of the attached staff report dated October 5, 2020. Conditions of approval pursuant to the detailed traffic analysis have been identified as conditions of approval in the attached ordinance.

Parking & Loading

See detailed analysis on page 6 of the attached staff report dated October 5, 2020. The developer has since added the required bicycle parking spaces to the subdistrict plan. The recommended number of parking spaces from the consultant who prepared the parking study is 165; city code requires 137 spaces.

Downtown Master Plan

Phase 5 is identified as part of the Park View District in the Downtown Master Plan. The Park View District encourages high and mid-rise buildings along the eastern and northern edges of Shaw Park that capitalize on the exceptional views of and adjacency to the park and encourages transforming the urban edge of the park into an active street life environment. A hotel land use will bring pedestrian activity to this area of Forsyth Boulevard which is largely comprised of office buildings. A hotel in this location will provide a convenient place for out of town guests to stay that are in Clayton to conduct business or to visit. Staff is of the opinion that the project complies with the vision of the Downtown Master Plan.

PLAN COMMISSION RECOMMENDATION

On October 5, 2020, the Plan Commission voted 5-0 to recommend approval of the Subdistrict Development Plan to the Board of Aldermen with the following conditions:

1. The developer shall execute a Streetscape Easement Agreement with the City of Clayton for the installation of a public sidewalk on private property.
2. The applicant shall comply with the following prior to submitting an application for a Building Permit:
 - a. Record the approved development plan and Special Development Subdistrict Ordinance with St. Louis County and submitting proof of recording to the City.
3. The approval of this Subdistrict Development Plan is conditioned upon approval of amendments to the Special Development Plan to allow for a hotel land use, at the

discretion of the Board of Aldermen.

4. The applicant shall be responsible for the cost associated with modifications to signal timing at nearby intersections.
5. The streetscape shall be designed and constructed per the City of Clayton standards and approved by the Public Works Department.
6. A mountable curb median in the southern entrance shall either be installed as part of the development, by the developer in accordance with City requirements, or an escrow agreement shall be executed for an estimated cost as determined by the City of Clayton.
7. Approval of this Subdistrict Development Plan is subject to the review and approval of the Architectural Plans by the Architectural Review Board.

STAFF RECOMMENDATION

To adopt an ordinance approving the Special Development Subdistrict Plan, for Subdistrict/Phase 5 Parcel Number III pursuant to the recommendations from the Plan Commission.

BILL NO. 6808

ORDINANCE NO.

AN ORDINANCE APPROVING A SUBDISTRICT DEVELOPMENT PLAN FOR SUBDISTRICT/PHASE 5 OF THE FORSYTH CENTER SPECIAL DEVELOPMENT DISTRICT, AND OTHER ACTIONS RELATED THERETO

WHEREAS, on January 24, 1982, the Board of Aldermen approved Ordinance No. 4220 (the "Special Development District Ordinance") pursuant to what is now Article IX of Chapter 405 of the Code of Ordinances (the "Code") of the City of Clayton ("Clayton"), and established a Special Development District for the area bounded by Brentwood Boulevard on the east, Forsyth Boulevard on the south and west and Maryland Avenue on the north (the "Special Development District") and approved a "Final Preliminary Plan" therefor dated January 12, 1982; and,

WHEREAS, on October 13, 2020, the Board of Aldermen adopted an amendment to the Special Development District (SDD) to allow for a hotel use in Subdistrict/Phase 5 on Parcel Number III located at 8125 Forsyth Blvd. ("Subject Property") as indicated on the Land Use Plan; and

WHEREAS, the property to which this Ordinance applies is identified on the adopted land use plan as Phase 5 Parcel Number III dated October 13, 2020; and,

WHEREAS, Midas Hospitality LLC (the "Developer") submitted an application for a Subdistrict Development Plan dated June 19, 2020, for use of the Subject Property for the development of a hotel development (the "Project"); and

WHEREAS, a Special Development District is a distinct category of zoning and in approving any special development district plan, the Board of Aldermen has the authority to change, alter, modify or waive any provisions of the zoning regulations set forth in Chapter 405 of the Code in order to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, and encourage innovation in the planning and building of all types of development; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the approval of this Subdistrict Development Plan; and

WHEREAS, all parties in interest and citizens present at this meeting have been given an opportunity to be heard before this Board with regard to the Project; and

WHEREAS, upon due consideration, this Board of Aldermen has determined that the approval of the Subdistrict Development Plan would be in the best interest of the City and its citizens.

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

Section 1. Findings and Development Plan Approval

A. The Subdistrict Development Plan dated October 7, 2020, available in the Office of the City Clerk as prepared by Base4, architects on behalf of Midas Hospitality LLC (the "Developer") for the Subject Property is hereby approved as the Subdistrict Development Plan ("Subdistrict Development Plan") for Subdistrict/Phase 5 of the Forsyth Center Special Development District, this Board having

found and determined that the Project, as set forth in the aforesaid Subdistrict Development Plan, furthers the following objectives as specified in Article IX "Special Development District" of Chapter 405 of the Clayton Code of Ordinances:

1. Allow for a complex, large scale project to be phased in a manner advantageous to the City, developer and adjacent neighborhoods;
2. Development of a large tract of land which is vacant or underutilized in a coordinated manner;
3. Creation of a more desirable environment than would be possible through strict application of other City land use regulations designed for smaller projects;
4. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
5. Combination and coordination of architectural styles, building forms and building relationships covering different phases within a single development project;
6. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Use of design, landscape or architectural features to create a pleasing environment;
8. Inclusion of special features;
9. Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and,
10. Facilitate implementation of the recommendations of the Business Districts Master Plan, where applicable.

B. That the Subject Property is to be developed in accordance with the approved Subdistrict Development Plan and plans dated October 7, 2020, and in compliance with the following conditions:

1. The developer shall execute a Streetscape Easement Agreement with the City of Clayton for the installation of a public sidewalk on private property.
2. The applicant shall record the approved Subdistrict Development Plan and a copy of this Ordinance with St. Louis County and submit proof of recording to the City prior to submitting an application for a Building Permit:
3. The approval of this Subdistrict Development Plan is conditioned upon approval of amendments to the Special Development Plan to allow for a hotel land use, at the discretion of the Board of Aldermen.
4. The applicant shall be responsible for the cost associated with modifications to signal timing at nearby intersections.
5. The streetscape shall be designed and constructed per the City of Clayton standards and approved by the Public Works Department.
6. A mountable curb median in the southern entrance shall either be installed as part of the development, by the developer in accordance with City requirements, or an escrow agreement shall be executed for an estimated cost as determined by the City of Clayton.
7. Approval of this Subdistrict Development Plan is subject to the review and approval of an Architectural Plan by the Architectural Review Board.

Section 2. Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Special Development Plan authorized by this Ordinance.

Section 3. Repeal of Prior and Conflicting Ordinances

All Ordinances in conflict with the terms and purposes of this Ordinance are hereby repealed.

Section 4. Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 13th day of October 2020.

Mayor

ATTEST:

City Clerk



REQUEST FOR CITY PLAN COMMISSION REVIEW

Date:	October 5, 2020
Applicant:	Midas Clayton, LLC
Owner:	Apogee Associates, LLC
Project Address:	8125 Forsyth Boulevard
Item Type:	Special Development Subdistrict
Staff:	Susan M. Istenes, AICP, Planning Director
Summary:	Review of the Special Development Subdistrict plan associated with the construction of a new hotel building.

BACKGROUND & PROJECT DESCRIPTION

The 0.52-acre site is located on the north side of Forsyth Boulevard between Brentwood Boulevard and Maryland Avenue, and has a zoning designation of Special Development District (SDD). The property is improved with a two-story commercial building that was constructed in 1947 and is currently vacant. Adjacent land uses include retail and office buildings and Shaw Park to the south. In 1982, the subject property and the other properties in the block bounded by Brentwood Boulevard, Maryland Avenue and Forsyth Boulevard were rezoned to a Special Development District (SDD). As part of the SDD ordinance, the individual parcels on the block were to be developed in phases in accordance with general development standards for height, size and parking found in the Special Development Plan. Since approval of the rezoning in 1982, four office buildings and a shared parking structure have been constructed. Two parcels, including the subject property, have not yet been redeveloped. Development of the property for an office building use is subject to the use, area, height, and parking requirements which are specified in the Special Development Plan. The applicant has filed an application for amendment to the adopted Special Development Plan to allow for the hotel use on this phase 5 property. That application is being considered concurrently with this and the application for Architectural Review.

The project consists of the demolition of the existing structure and the construction of a 155,379 square-foot, 170 extended stay guest rooms with full kitchens. The 12-story hotel building includes 3,800 square feet of meeting space, a 1,500 square foot fitness center and ground floor space for a bar/lounge area. Parking will be in the existing parking structure which serves other buildings on the block. On December 2, 2019, this project was presented to the Plan Commission for Conceptual Review. This project requires approval of the following applications, each of which is accompanied by a staff report detailing the specific request and the criteria for approval:

1. SDD Amendment
2. Subdistrict Plan Review
3. Architectural Review

Notice of this request was sent to property owners within 200 feet of the subject property.

SPECIAL DEVELOPMENT SUBDISTRICT

A Special Development District (SDD) is a distinct zoning classification for large-scale development which involves a multi-phased, multi-year timeframe. The purpose of the special development process is to enable compatible development, provide a public benefit as itemized in Section 405.1190 and achieve the following objectives:

1. Allow for a complex, large scale project to be phased in a manner advantageous to the City, developer and adjacent neighborhoods;
2. Development of a large tract of land which is vacant or underutilized in a coordinated manner;
3. Creation of a more desirable environment than would be possible through strict application of other City land use regulations designed for smaller projects;
4. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
5. Combination and coordination of architectural styles, building forms and building relationships covering different phases within a single development project;
6. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
8. Use of design, landscape or architectural features to create a pleasing environment;
9. Inclusion of special features;
10. Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and
11. Facilitate implementation of the recommendations of the Business Districts Master Plan, where applicable.

An SDD is governed by a Special Development Plan and Subdistrict Plans, each of which require approval by the Board of Aldermen. The Special Development Plan provides the general development standards for the proposed development including the location of project phases and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking. The Subdistrict Plan provides detailed information related to each specific phase of the development.

CRITERIA FOR APPROVAL

The Plan Commission shall recommend to the Board of Aldermen approval, approval with conditions or denial of the Special Development Subdistrict plan. In considering and acting upon development plans, landscape plans and other applicable plans, the Plan Commission shall take the following objectives into consideration:

Special Development Plan

- 1) *The proposed development is consistent with the special development plan for this site and complies with all other applicable codes and ordinances.*
 - >> Staff is of the opinion that the proposed development is generally consistent with the approved Special Development Plan and complies with other applicable codes

and ordinances. The following table lists the applicable development standards from the SDD plan and whether the proposed development complies with each standard.

Development Standard	Requirement/Limitation	Proposed	SDD Amendment Required
Use	Office	Hotel	Yes
Building area	169,994 square feet	155,877	No
Building height	14 stories	12 stories	No
Parking Spaces (per code for hotel)	140	165	No

Design & Materials

2) *The materials, design and uses are compatible with the neighborhood surrounding the proposed development phase and the City as a whole. Architecture and building materials are consistent with the design of the special development plan, are consistent with other phases and are compatible with the adjacent neighborhood.*

>> The building is compatible in terms of mass and height, with existing nearby structures. The design and materials used on the first two stories are compatible with existing buildings to the southeast and northwest using brick and large windows which reflect the street level design of existing buildings. Above the second story, the building materials are comprised of metal panels and EIFS. A complete review of the proposed materials was conducted by the ARB on September 21 where masonry was noted by the Board as the preferred material. The Board also commented that the layout of the building on site should be comparable to the existing street geometry. The applicant has indicated that the proposed footprint of the building will not be modified, therefore, it is appropriate to consider this application for the subdistrict plan; the appearance of the building will be reviewed again by the ARB later.

Landscaping

5) *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts; and, new developments should be screened from adjacent properties by use of high caliper tree plantings. A landscape plan depicting all new plantings for the phase must be submitted as part of the plan.*

>> Due to the urban context of the site and the surrounding compatible land uses, buffering between adjacent properties isn't necessary however the City's contract Landscape Architect recommends the installation of tall trees to help soften the appearance of the sides of the building which lack glazing and architectural interest. Eight evergreen trees are proposed on the northwest side of the building.

6) *Landscaping is appropriate with the scale of the development and consistent with any applicable City codes, ordinances and standards.*

7) *The preservation of mature trees is encouraged. The developer/architect will be required to submit a plan showing trees and other significant plant material as they currently exist*

and how they will be preserved. Tree preservation must comply with the provisions of the Architectural Review Board guidelines, landscape ordinance and any other applicable City codes and standards. Landscape plan requirements shall be in conformance with the City's adopted landscape ordinance.

>> The existing street trees will be removed and replaced with new street trees when the streetscape is installed. All seven of the existing on-site trees will be removed, and nine new trees are proposed on site. The City's contracted landscape architect has reviewed the landscape plan and finds it acceptable. The plan exceeds the tree caliper inch requirement by 32 caliper inches and meets the native tree requirement with 33.3 percent native. Evergreen trees are proposed for the northwest side of the structure to help soften its appearance.

Grading and Drainage

8) *Every attempt shall be made to preserve the topography of the property. If the topography must be altered to accommodate construction, the plan must contain specific information regarding the proposed topography change and its impact on the flow of drainage on adjacent properties.*

>> The existing stormwater runoff, according to the MSD 15-year, 20 minute calculation, is 2.31 cubic feet per second (CFS). The proposed runoff is 2.21 CFS, which represents a decrease of 0.10 CFS, and therefore stormwater mitigation is not required. Stormwater runoff from the site will be piped directly to the public storm sewer system. The Public Works Department has reviewed the site plan and finds the stormwater plan acceptable. The project has not received conceptual approval from the Metropolitan Sewer District.

Traffic & Parking

9) *Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic.*

Streetscape

>> New streetscape will be installed along the project limits on Forsyth Boulevard. The conditions of approval require a streetscape easement to be granted to the City which is currently illustrated on the plans with variable widths.

Traffic

>> A traffic impact study was prepared by CBB to identify how much traffic would be generated by the proposed development; evaluate the ability of motorists to safely enter and exit the site at each access point; determine the impact of the additional trips on the adjacent roads; and recommend improvements, as needed, to mitigate the impact of the additional traffic and provide safe ingress and egress at each access drive. The traffic study found the following:

- i. The signalized and unsignalized study intersections currently operate at desirable levels of service during both the AM and PM weekday peak hour except for the southern garage exit onto Forsyth Boulevard. The development is expected to generate 80 new vehicular trips during the AM peak hour and 100 new trips during the PM peak hours.

- ii. Field observations made during the AM peak hour indicate that the heavy westbound left-turn movement from Forsyth Boulevard to Parkside Drive and the moderate eastbound left-turn movement from Forsyth Boulevard into the south garage access are physically offset meaning that the left-turns need to cross each other's paths to complete their left turns. The conflicting turning volumes are problematic and create a safety concern. This safety concern will be exacerbated by additional traffic to and from the south garage.
- iii. In an attempt to improve safety at the south garage access, it is desirable that the south garage access be re-aligned to minimize the offset between the garage access and Parkside Drive. Because that change in alignment is unlikely and/or impractical, CBB recommends that the left turns from Forsyth Boulevard to the south garage access be physically restricted to prevent that entering movement. There are multiple alternative ways to access the garage, with the longest route (around the block to become a right turn in from Forsyth Boulevard) being less than an additional 0.15 mile in length.
- iv. Based on the existing safety and congestion concerns at Forsyth Boulevard with Parkside Drive/south garage access, consideration should be given to eliminate/minimize the negative offset along Forsyth Boulevard for the mainline left turns into the south garage access. The eastbound left turn from Forsyth Boulevard into the south garage access could be physically restricted. Public works will require a mountable curb median in the southern entrance and shall either be installed as part of the development or an escrow agreement shall be executed for the estimated cost as determined by the City of Clayton.
- v. The additional trips created by the development can be accommodated at the adjacent signalized and unsignalized intersections. CBB recommends the following be provided:
 - 1. Provide site distance triangles at the entrances/exits of the site.

10) *The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the special development plan;*

Site Access

- >> Existing private alleys provide access to the site from Maryland Avenue, Forsyth Boulevard and Brentwood Boulevard. Deliveries and trash pick-up are expected via the middle alley on Forsyth Boulevard. The applicant has not provided enough data to verify the safe movement of vehicles throughout the site.

Automobile Parking

- >> The hotel land use requires parking to be constructed at a rate of .75 space per room plus one per 300 square feet of office/meeting room. Based on the size of the proposed hotel, 138 new parking spaces are required. The applicant does not propose to construct any new parking spaces and will utilize existing parking spaces in the shared parking structure.
- >> According to the parking study conducted by CBB, the existing parking supply for the shared parking structure is 2,134 spaces and when the other parking structures and miscellaneous parking spaces are included, the total parking supply for this block is 2,884 spaces.

- >> Based on observations made by CBB, the existing parking demand for the project block peaked at 10:45 AM, at which time 63 percent of the provided spaces (1,822 of 2,884) were occupied. Based on the size and use of the proposed development, the ULI Shared Parking Manual recommends 140 parking spaces and the ITE Parking Generation Manual recommends 186 parking spaces. With a 10 percent parking supply cushion for the existing users, the recommended parking supply for the block would be 2,190 parking spaces. CBB concluded that the existing parking supply provided in the project block (2,884 parking spaces) adequately serves current and projected parking demands with an adequate surplus of unoccupied spaces during the peak.
- >> CBB identifies a “comfortable number” of parking spaces to be supplied should be around 165 spaces based on the standard resources. It is our understanding that the Residence Inn hotel development would utilize the main parking garage for their primary parking accommodations, and 165 stalls are available based on the prior demand counts. Additionally, the garage owner indicated that at least 165 stalls can be legally designated for this tract in the shared parking agreement. Assuming the 82 spaces “pledged” to SDD 5 and 83 of the 111 unallocated in the parking garage is allocated to the proposed hotel, then the CBB recommended 165 spaces could be met.

Loading Spaces

- >> Based on the size and use of the building, three loading spaces are required, and one is proposed in the rear of the building. This requirement may be waived by the Board of Aldermen through the Special Development Subdistrict process. The proposed loading dock is located directly across from the loading area for 8235 Forsyth Boulevard which is under the same ownership and currently has five loading spaces which can be shared by both buildings.

Bicycle Parking

- >> Based on the City’s Bicycle Parking Regulations the proposed development is required to provide 8 bicycle racks. The applicant proposes to install 0 bicycle racks
- >> Upon request by the applicant, the Director of Planning or her designee may approve alternative compliance from the provisions of the Bicycle Parking Regulations, which may include a reduction or deviation in the number, type, or location of the required bicycle racks. Considerations used in the determination to grant or deny alternative compliance may include existing site constraints, proximity to existing bicycle parking, and the nature of the proposed building or use. No such request has been made; therefore, the applicant will have to provide the required bike racks. There are no existing bicycle racks on this block and staff would not support a reduction.

Utilities

10) Existing or proposed utility services are adequate for the proposed subdistrict and is in conformance with the special development plan.

- >> All connections to public utilities are shown on the plans to be installed in accordance with the standards of the Public Works Department.

CONCLUSION

The proposed development is compatible in terms of mass and height, with existing nearby structures. Staff is of the opinion that the proposed development is generally consistent with the requirements of the approved Special Development Plan per the conditions of approval outlined in the staff recommendation.

STAFF RECOMMENDATION

To recommend approval of the Special Development Subdistrict to the Board of Aldermen pursuant to the following conditions:

1. The developer shall execute a Streetscape Easement Agreement with the City of Clayton for the installation of a public sidewalk on private property.
2. The Subdistrict plan shall be revised to show the 8 required bicycle racks including the design and setbacks from other features in compliance with the Bicycle Parking Regulations.
3. The Subdistrict plan shall be revised to show the required site distance triangles at the entrances/exits of the site.
4. The applicant shall comply with the following prior to submitting an application for a Building Permit:
 - a. Recording the approved development plan and Special Development Subdistrict Ordinance with St. Louis County and submitting proof of recording to the City.
5. The approval of this Subdistrict Plan is conditioned upon approval of amendments to the Special Development Plan to allow for a hotel land use, at the discretion of the Board of Aldermen.
6. The applicant shall be responsible for the cost associated with modifications to signal timing at nearby intersections.
7. The streetscape shall be designed and constructed per the City of Clayton standards, and approved by the Public Works Department.
8. A mountable curb median in the southern entrance shall either be installed as part of the development, by the developer in accordance with City requirements, or an escrow agreement shall be executed for an estimated cost as determined by the City of Clayton.
9. Approval of this Subdistrict Plan is subject to the review and approval of the Architectural Plan by the Architectural Review Board.
10. Sufficient data shall be provided to the satisfaction of staff that safe vehicular movement throughout the site can be accommodated.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
MARK SMITH, CHIEF OF POLICE
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION
DATE: OCTOBER 13, 2020
SUBJECT: ORDINANCE – PROVIDING FOR THE APPROVAL AND EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE LODGE 15

The bargaining representatives have met, discussed, and agreed upon the attached Collective Bargaining Agreement which contains a resolution of those issues that affect the wages and terms and conditions of the Union members' employment. The police union members have ratified this agreement and it is now being presented to the Board of Aldermen for approval.

Key provisions of the CBA that have not been the City's practice previously:

- The parties will have a formal, comprehensive agreement regarding Union members' wages, benefits, and terms and conditions of employment;
- Union Members will be bound by provisions contained in the City handbook and Police General Orders not covered by the CBA;
- Employees will receive a 1 percent salary increase and there will be no step increase for FY 2021, but if the Board of Alderman offers other employee groups a higher pay increase or step increase then the City must meet and confer with the Union to ascertain whether they want the same increase. For FY 2022 and FY 2023, the parties will meet any time after May 1 to determine any wage increases and/or step increases for the upcoming fiscal year;
- The Union may arbitrate a City Manager's written decision imposing termination or a suspension lasting more than 48 hours;
- Union members must arbitrate any federal, state, or local law claim they may have against the City (i.e., discrimination);
- Length of service shall be the primary and controlling determiner when selecting Union members for lay-offs;

- Union members maximum accrued comp time may increase from 72 hours to 80 hours;
- Union members may convert 48 hours, instead of 24 hours, of holiday leave to a cash payment;
- Upon request, Union members are entitled to Union representation during disciplinary meetings and pre-disciplinary meetings, but such representation does not negate the member's responsibility to participate in the process, and Union members may be disciplined for refusal to participate;
- There will be a formalized and consistent procedure for selecting vacation time; and
- The new policy on Officer Involved Critical Incidents requires an officer to give a preliminary statement at the scene. This is consistent with the St. Louis County Police Department's policy, who will most likely investigate the City's critical incidents.

Recommended Actions: To approve an Ordinance to authorize the City Manager to enter into a Collective Bargaining Agreement with the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 and other required administrative actions as may be required to comply with the intent of this ordinance.

BILL NO. 6809

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE, LODGE 15

WHEREAS, the City of Clayton, Missouri, (the "City") recognizes the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 as the exclusive bargaining representative for the unit described in Ordinance No. 6568, passed by the Board of Aldermen of the City of Clayton on December 12, 2018.

WHEREAS, City and Union representatives have met and conferred and worked cooperatively over many months and have now reached this agreement; and

WHEREAS, the union members have ratified and approved the Agreement referenced herein;

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

Section 1. The City Manager is hereby authorized and directed to enter into and execute on behalf of the City of Clayton a Collective Bargaining Agreement (the "CBA") with the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15, said Agreement to be in substantially the form attached hereto as Exhibit A.

Section 2. The Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 13th day of October 2020.

Mayor

Attest:

City Clerk

**City of Clayton
Police Department**

&

**Eastern Missouri Coalition of Police,
Fraternal Order of Police, Lodge 15**

Collective Bargaining Agreement

Police Officers

Effective 10-1-20 to 9-30-23

Table of Contents

<u>ARTICLE 1: PREAMBLE</u>	1
<u>ARTICLE 2: UNION RECOGNITION</u>	1
<u>ARTICLE 3: MANAGEMENT RIGHTS</u>	1
<u>ARTICLE 4: NON-DISCRIMINATION</u>	3
<u>ARTICLE 5: UNION DUES</u>	3
<u>ARTICLE 6: NO STRIKE OR INTERFERENCE</u>	4
<u>ARTICLE 7: UNION BUSINESS AND USE OF CITY FACILITIES</u>	4
<u>ARTICLE 8: WAGES</u>	5
<u>ARTICLE 9: OVERTIME AND COMP TIME, AND CALLOUTS</u>	6
<u>ARTICLE 10: VACATION AND PERSONAL LEAVE</u>	6
<u>ARTICLE 11: HOLIDAYS</u>	7
<u>ARTICLE 12: INSURANCE BENEFITS</u>	7
<u>ARTICLE 13: LEAVES OF ABSENCE</u>	8
<u>ARTICLE 14: LAYOFFS</u>	8
<u>ARTICLE 15: TRAINING</u>	8
<u>ARTICLE 16: OFF DUTY OR SECONDARY EMPLOYMENT</u>	8
<u>ARTICLE 17: UNIFORMS AND EQUIPMENT</u>	9
<u>ARTICLE 18: EXERCISE AND FITNESS</u>	9
<u>ARTICLE 19: APPEARANCE</u>	9
<u>ARTICLE 20: RIGHTS OF EMPLOYEES UNDER INVESTIGATION</u>	9
<u>ARTICLE 21: DISCIPLINE</u>	9
<u>ARTICLE 22: GRIEVANCE PROCEDURE</u>	10
<u>ARTICLE 23: PERSONAL RULES AND REGULATIONS AND GENERAL ORDERS</u>	11
<u>ARTICLE 24: SAVINGS CLAUSE</u>	11
<u>ARTICLE 25: DURATION OF COLLECTIVE BARGAINING AGREEMENT</u>	12

APPENDIX A: GENERAL ORDER 20-19, OVERTIME, COMP TIME, AND PERSONAL LEAVE..... 6
APPENDIX B: GENERAL ORDER 20-17, OFF-DUTY OR SECONDARY EMPLOYMENT 8
APPENDIX C: GENERAL ORDER 20-09, UNIFORMS AND EQUIPMENT 9
APPENDIX D: GENERAL ORDER 14-05, EXERCISE AND FITNESS..... 9
APPENDIX E: GENERAL ORDER 20-11, APPEARANCE 9
APPENDIX F: GENERAL ORDER 20-21, OFFICERS INVOLVED IN CRITICAL INCIDENTS..... 9
APPENDIX G: GENERAL ORDER 20-20, INTERNAL AFFIARS 9
APPENDIX H: GRIEVANCE FORM..... LAST PAGE

ARTICLE 1: PREAMBLE

This Collective Bargaining Agreement hereinafter referred to as "CBA" or "Agreement," is made to set forth the results of good faith negotiations between the City of Clayton of St. Louis County, Missouri, hereinafter referred to as "the City," and the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 (hereinafter referred to as the "Union").

The parties further agree that this Agreement has been reached as a result of their good faith efforts to satisfy their obligations under Missouri law, that the Union has presented a comprehensive collective bargaining agreement proposal, that the parties have met, discussed, and agreed upon a resolution of those issues affecting terms and conditions of employment.

It is the purpose of this Agreement to achieve and maintain harmonious relations between the City and the Union; to provide for equitable and peaceful adjustment of differences if and when they may arise; and to establish standards of wages, benefits, hours, and other conditions of employment.

ARTICLE 2: UNION RECOGNITION

The City recognizes the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 as the exclusive representative pursuant to the Agreement for the purpose of negotiating salaries, wages, hours, and other conditions of employment for full-time, commissioned law enforcement officers employed by the City, excluding Sergeants, Lieutenants, Captains, and other management and supervisory employees, as well as confidential and clerical employees (the "Unit" or "Employees").

Members elected or appointed to Union offices, either in Clayton, with Lodge 15, or the state or national FOP, shall be granted time off work without loss of compensation or earned leave to perform the essential functions of the offices they hold related to mutually agreed meetings for Clayton business. Specifically, three members of the CBA negotiating team shall be allowed time off for all meetings which are mutually set by the City and the Union.

ARTICLE 3: MANAGEMENT RIGHTS

The parties agree that the goal of any police department requires clear management authority and freedom to make rapid decisions and to operate in an efficient manner. It is further understood and agreed that this Collective Bargaining Agreement constitutes the whole agreement of the parties concerning wages, hours and working conditions and that all decisions or matters not expressly provided for in this Collective Bargaining Agreement are reserved exclusively to the City.

Unless otherwise expressly modified by this Agreement, prominent, but by no means inclusive, among such rights and responsibilities belonging solely to the City are the rights to:

- a. decide the number, location and character of its job assignments or any party thereof;
- b. alter, rearrange, combine, transfer, assign or cease any job, operations, or service;
- c. decide the services to be rendered, the work to be contracted out or purchased, including goods, uniforms, or regulation equipment;
- d. decide and/or change the method of pay and the pay periods;
- e. decide the required schedules and duties to be performed;
- f. decide the schedules of police personnel, processes, methods and techniques including the introduction of new or changed methods, training or procedures;
- g. decide the district boundary and/or boundaries in which the service is to be rendered;
- h. decide the existence of mutual aid pacts including the party or parties with whom such mutual aid pacts are to be performed;
- i. decide public relations;
- j. decide financial policies including accounting procedures and the determination of every aspect of the organization of all internal reporting procedures and maintenance of records;
- k. set and reset rates of pay, rate changes, and premium rates not in conflict with the provisions of this Collective Bargaining Agreement;
- l. decide upon the amount of supervision necessary; and
- m. determine whether and to what extent the work performed in the police department shall be performed by employees covered by this Collective Bargaining Agreement.

Unless otherwise modified by this Agreement, it is further recognized that it is the sole responsibility of the management of the City to select, direct, determine the make-up of the workforce including right to hire, layoff, demote, assign, reassign, or transfer; to discharge, discipline and suspend for violations of the Personnel Policies and Procedures Manual for just cause and with the due process; to relieve employees from duties and assignments because of a lack of work; to combine and eliminate jobs, to determine the appropriate labor grades and number of employees within a given number of classifications; to set shift schedules and hours of work; to set the standards for training, quantity and quality of work; to determine, and from time to time to predetermine the number of classes of employees to be employed; to establish jobs; to readjust or eliminate existing jobs; to establish and maintain job requirements or job content in the stands of

service, production and inspection; to make and apply rules and regulations of service, maintenance of the facility, inspection, efficiency, safety, cleanliness and other working conditions. It is agreed that management maintains or retains all of its managerial rights and that they are all vested solely and exclusively in the City unless specifically contracted away by this Collective Bargaining Agreement; and further, that the numbering of certain management rights shall not be deemed to exclude any other management rights.

It is further agreed that this Agreement shall not bind the City from, in its sole discretion, exceeding the terms set forth herein provided that it is mutually agreed that the exercising of such discretion is in the benefit of the Members. The Union agrees that the City's exercising of such discretion shall apply only to that specific circumstance, and shall not be construed as a precedent setting.

ARTICLE 4: NON-DISCRIMINATION

Neither the City nor the Union shall discriminate against any employee covered by this Collective Bargaining Agreement in a manner which would violate any applicable laws because of race, creed, color, national origin, age, sex, religion, disability, gender identity, sexual orientation, ancestry or any other prohibited basis under federal, state, or local law.

It shall be the policy of the City of Clayton to encourage and expect those with whom the City contracts or does business to uphold the same principles and practices as the City, and especially to affirm and fulfill these standards in all undertakings associated with the City.

Neither the City nor the Union shall interfere with the right of employees covered by this Collective Bargaining Agreement to become or not to become members of the Union. There shall be no discrimination against any such employees because of lawful Union membership or non-membership activity or status.

The Union recognizes its responsibility as bargaining agent and agrees to represent fairly all employees in the bargaining unit as set forth herein.

ARTICLE 5: UNION DUES

The City agrees to deduct dues in an amount certified to be current by the Union Representative or his designee from the pay to those employees who individually request in writing that such deductions be made. The total amount of deductions shall be remitted each month by the City to the account designated by the Union in accordance with the information provided to the City by the Union.

The Union shall warrant and defend, indemnify and hold the City harmless from and against any and all claims, demands, suits, damages or other forms of liability, including expenses, court costs and attorney's fees, that may arise out of or by reason of any actions taken or not taken by the City in reliance upon certification provided by the Union to the City pursuant to the provisions of this Section or in reliance upon any other information provided by the Union to the City, including signature cards and lists of members, which are provided for the purpose of complying with any of the provisions of this Section.

ARTICLE 6: NO STRIKE OR INTERFERENCE

The Union and the Members shall not engage in, nor encourage any engagement in, either directly or indirectly, strikes, slowdowns, group illness, or withdrawal of services against the Clayton Police Department or the City of Clayton.

The Union and the Members shall not hinder nor prevent any entrance to or egress from the police department or any other public buildings nor shall the Union or the Members obstruct nor interfere with the free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel. The Union and the Members agree not to engage in picketing.

If the City believes that any Member or group of Members represented by this Union is in violation this Section, the City shall immediately notify the Union of such concerns, and the Union shall take immediate affirmative action to prevent such acts and take all necessary steps to ensure that work will be properly and orderly resumed. Violation of the provisions of this Section may result in disciplinary action being taken against the participating Members up to and including termination.

ARTICLE 7: UNION BUSINESS AND USE OF CITY FACILITIES

- 7.1 It is agreed that internal Union business such as soliciting membership, membership meetings, and posting and distributing literature shall be conducted during the non-duty hours of the Unit members and not on City property, except as expressly permitted in this Article. This Article is not intended to unduly restrict general communications among Employees regarding the Union or negotiations or to limit the Union's access to City property which is available to other City employees or organizations.
- 7.2 The Union may, with the prior approval of the City Administrator or Chief of Police, use City facilities for meetings. There shall not be attendance of these meetings by non-Clayton Police Department persons without the express advanced approval of the City Administrator or Police Chief.
- 7.3 The use of City equipment other than what would normally be available to any citizen organization (e.g., desk, chairs, writing boards, and projection and sound systems) is strictly prohibited.
- 7.4 The Union may use the City interoffice service and boxes for the distribution of Union literature to Employees.
- 7.5 The Union shall be permitted to use the intra-departmental e-mail system for the purpose of providing information to the Unit pertaining to Union business or bargaining unit representation. The Union agrees that the use of these systems will be reasonable and limited to providing information that is necessary for the normal conduct of Union business or bargaining unit representation. The Union also agrees and understands that with respect to the City's e-mail system, there shall be no reasonable expectation of privacy and that all e-mail is subject to monitoring by City IT. The City shall refrain from accessing a Unit

Member's e-mail, unless reasons for doing so are consistent with the City's need for supervision, control, and efficiency in the workplace. The Union also understands that e-mail may be a public record subject to disclosure in the same manner as other records of the City, pursuant to applicable law.

7.6 The Union may post notices for communication with the Unit employees on an authorized Union bulletin board in the lunch room of Police Department Building adjacent. Examples of permitted notices include, but are not limited to, the following:

- Notice of recreational and social affairs sponsored by the Union,
- Notice of Union meetings,
- Notice of Union elections,
- Reports from Union committees,
- Rulings on Union policies, and
- Union newsletters

Nothing which contains disparaging statements about the City, including any City Department, any City official, or any City employees(s) shall be posted. The City reserves the right to remove material that contains disparaging statements before providing notification to the Union; if such action is taken, the City shall promptly notify the Union.

ARTICLE 8: WAGES

8.1 All Employees shall be required to have their paychecks direct deposited electronically. All Employees shall be paid in bi-weekly installments by direct deposit into a single account at a financial institution designated by the Employees.

8.2 Tuition Reimbursement shall be covered by Section 5-2 of the City of Clayton Personnel Policies and Procedures effective October 1, 2020.

8.3 Specialty Pay.

Certain employees who possess the approved technical and/or investigative skills beyond those held by employees in the same or similar job positions shall receive specialty pay in addition to their hourly wage. Those Employees that hold more than one skill shall receive all applicable specialty pay up to a maximum of three skills.

Should an Employee be reassigned or is otherwise unable to continue in a specialty position(s), the additional compensation for that skill will immediately cease.

The compensation schedule for those Employees eligible for specialty pay, or who have assumed additional Department responsibilities is as follows:

- A. Detective - \$62.35 per pay period: \$1,621.10 annually
- B. Corporal - \$96.15 per pay period: \$2,499.90 annually
- C. Armorer - \$28.85 per pay period: \$750.10 annually
- D. Field Investigation - \$28.85 per pay period: \$750.10 annually
- E. Evidence Specialist - \$28.85 per pay period: \$750.10 annually

- 8.4** Employees will receive a 1 percent increase and there will be no step increase for FY 2021. For FY 2022 and FY 2023, the parties will collectively bargain any time after May 1 prior to the beginning of the fiscal year to determine any wage increases and/or step increases for the upcoming fiscal year. Specifically, bargaining may begin May 1, 2021 for FY 2022 and May 1, 2022 for FY 2023. In the event the Board of Aldermen authorizes a larger pay increase and/or step increase for a group of employees for FY 2021, the City will meet and confer with the Union to ascertain whether they want the same increase.

ARTICLE 9: OVERTIME, COMP TIME, AND CALLOUTS

The parties agree to adhere to Department General Order 20-19, attached hereto as Appendix A.

ARTICLE 10: VACATION AND PERSONAL LEAVE

- 10.1** Vacation accrual and carry-over shall be governed according to Section 6.3 of the City of Clayton Personnel Policies and Procedures as effective October 1, 2018.

For requesting vacation leave, once the schedule each year is finalized, officers on each squad shall be notified via email. At that time vacation picks will be open for selections. The designated scheduling software shall be used to submit vacation day picks. Vacation selections will be conducted in three rounds.

The order for rounds #1 and rounds #2 will be as follows for each squad: Sergeant, Corporal, followed by individual officers in descending order beginning with the most senior officer by DSN.

Round #3 picks may be submitted by any officer at any time following the conclusion of rounds #1 and #2.

Holiday days are defined as the following days: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving, Christmas Day, and the City's designated Floating Holiday.

During round #1 – Seven (7) non-holiday days and one (1) designated holiday day will be selected by the officers. Officers may select eight (8) non-holiday days if they so desire instead of choosing one designated holiday days and seven (7) non-holiday days.

During round #2 – Five (5) days will be selected (there is no distinction made between regular days and holidays during round #2.)

During round #3 – An officer may select their remaining vacation time at any time.

Officers are expected to make their selections in a timely fashion. In the event an officer will not or does not want to make vacation picks at that time they will waive their pick time to the next officer in the line.

- 10.2** Full time 12-hour shift Employees will receive two (2) 12-hour personal holidays for the calendar year. The usage and prorated number of personal holiday time will be consistent with the Personnel Policies and Procedures Guide dated Oct. 1, 2018 (Reference Section 6-2).

ARTICLE 11: HOLIDAYS

On an annual basis, non-exempt sworn Police officers who work 12-hour shifts shall receive eighty (80) hours of holiday leave in lieu of guaranteed time off on City holidays. Police detectives who work 10-hour shifts shall receive eighty (80) hours holiday leave. At the Employee's option, forty-eight (48) of the hours can be converted to cash based on the Employee's hourly rate and to be paid to the Employee the first pay period in December. Utilization of the leave hours will be arranged between the Employee and their supervisor. Officers who are not employed by the City for a full year, or who transfer to/from a shift position, will receive a prorated number of holiday leave hours based on the number of holidays during which they are employed in the shift position.

ARTICLE 12: INSURANCE BENEFITS

The City shall provide for the Members the same benefits at the same cost to the Members that is provides for the rest of the City's employees. Those benefits include, but are not limited to:

1. Health, Dental, and Vision Insurance
2. Uniform Pension Plan
3. 457 Retirement Savings Plan
4. Retiree Health Insurance
5. Life Insurance
6. Long Term Disability Insurance
7. Employee Assistance Program
8. Membership to the Center of Clayton

The Union recognizes from time to time it is necessary for the City to re-negotiate the agreement with the insurance carrier in order to insure competitive pricing of benefits. It is agreed that when said evaluations are undertaken, the Union will be notified.

The aforementioned notwithstanding, the parties agree to meet at a mutually agreeable time during the duration of this Agreement to discuss the following:

1. Uniformed Pension Plan
2. Defined Retirement Option Program (DROP)
3. Retiree Health Insurance

ARTICLE 13: LEAVES OF ABSENCE

Except as set forth in this Agreement, Employees shall be subject to the various leaves of absence policies as set forth in the City's Personnel Policies and Procedures as in effect of Oct. 1, 2018 for all other City employees, such as for: Vacation Leave, Sick Leave; Personal Holiday Leave; Holidays; Parental Leave, Family and Medical Leave, FMLA Military Family Leave, Military Leave, Civil Leave, Community Service Leave, Other Leave, Administrative Leave, Unauthorized Absences, and Shared Leave Donation for Medical Emergencies.

ARTICLE 14: LAYOFFS

The City Manager may, in his/her discretion determine from time to time that a reduction in force may be necessary to maintain certain necessary services within the City. Should this occur, the City shall notify the Union one hundred twenty (120) days prior to such time as said layoff may occur and shall negotiate the terms of any reduction in force with the Union prior to the reduction. Upon receipt of said notification, the City and the Union shall endeavor to reach an agreement that will avoid a layoff or reduction in force.

Should such reduction in force occur, layoffs will be recommended by the Police Chief and with the approval of the City Manager, with length of continuous service being the primary and controlling determiner. Where length of continuous service is relatively equal (within 12 months), the following factors may be used by the Police Chief to determine personnel to be laid off:

- Ability;
- Efficiency;
- Conduct;
- Competence;
- Attendance; and
- Training.

Employees who are laid off shall be placed on a recall list for thirty-six (36) months, and recalled per City Policy.

ARTICLE 15: TRAINING

The City shall provide in service training on an annual basis to each Unit employee to fulfill Missouri P.O.S.T. guidelines. Once scheduled, training becomes a required work assignment. If an employee misses training scheduled by the City, the employee may be subject to discipline in the event his or her P.O.S.T. certification lapses.

ARTICLE 16: OFF-DUTY OR SECONDARY EMPLOYMENT

The parties agree to adhere to Department General Order 20-17, attached hereto as Appendix B.

ARTICLE 17: UNIFORMS AND EQUIPMENT

The parties agree to adhere to Department General Order 20-09, attached hereto as Appendix C.

ARTICLE 18: EXERCISE AND FITNESS

The parties agree to adhere to Department General Order 14-05, attached hereto as Appendix D.

ARTICLE 19: APPEARANCE

The parties agree to adhere to Department General Order 20-11 attached hereto as Appendix E.

ARTICLE 20: RIGHTS OF EMPLOYEES UNDER INVESTIGATION

The parties agree to adhere to Department General Orders 20-20 and 20-21 attached hereto as Appendix F and G.

ARTICLE 21: DISCIPLINE

The Union agrees that corrective discipline of Members, when deemed necessary by the City, shall be administered in accordance with Chapter 8, Article III, Section 8-3 and Section 8-4 of the Personnel Manual and/or Department General Order 20-16. In instances where the amendments to Chapter 8, Article III, Section 8-3 and Section 8-4 of the Personnel Manual or Department Order 20-16 as set forth in this Agreement expand beyond that which is set forth in the Personnel Manual, this Agreement shall be controlling. The City agrees that discipline shall not be administered arbitrarily, and shall always be administered for just cause and with due process.

But for the following provisos, Chapter 8, Article III, Section 8-3 and 8-4 of the Personnel Manual and Department General Order 20-16 shall be controlling with regard to discipline and disciplinary procedures:

1. The Police Chief shall have responsibility for all disciplinary action but may delegate this authority to promoted supervisors.
2. During a pre-disciplinary hearing, the Member shall be afforded Union representation (which may include legal counsel) of his choosing who shall be permitted to speak on the Member's behalf during the meeting. When a proposed disciplinary action involves a suspension of more than twenty-four (24) hours, demotion, or termination, the Member, or the Union representative at the Member's request, will be given the opportunity to respond to the allegations prior to disciplinary action being taken. It is agreed that having a Union Representative (which may include legal counsel) present does not negate the Member's responsibility to participate in the pre-disciplinary hearing. The Union representative shall not delay, obstruct, or interfere with the pre-disciplinary

hearing, and should such circumstances occur, the Member may be disciplined for refusal to participate.

3. Written and oral discipline or suspensions less than 48 hours are not subject to Type I binding arbitration.
4. In cases of suspension, demotion, or termination, the notice of disciplinary action shall contain information explaining the employee's right to have the action reviewed in accordance with Article 22 of this Agreement.

ARTICLE 22 – GRIEVANCE PROCEDURE

Recognizing the fact there is a negotiated Collective Bargaining Agreement covering employment conditions between the City of Clayton and the Union, any disagreement arising between the Unit Employees(s) and the City and/or the Union and the City over the application, interpretation or implementation of said Collective Bargaining Agreement and established conditions, the Union agrees to follow the steps established in Chapter 8 of the City Personnel Policies and Procedures, and the City recognizes the right of the Union to represent its interest or the interest of the employee at any step during the process. The City hereby agrees to the following clarifications to the City's Personnel Policies and Procedures:

A. A grievance is a complaint by (1) the City, or (2) a Unit Employee, or (3) a group of Unit Employees, or (4) the Union about any working condition including, but not limited to a violation, misinterpretation or misapplication of any provision of this Agreement (Type I grievance). A grievance is also any claim under federal, state, local law, or unlawful discharge, harassment, retaliation, discipline or unlawful treatment in employment or regarding terms and conditions of employment based upon any one or combination of factors prohibited by applicable law regarding terms and conditions of employment, including but not limited to claims of discrimination or retaliation on the basis of rights under statutes including but not limited to the Age Discrimination of Employment Act (ADEA), Americans with Disability Act (ADA) and Civil Rights Act (CRA), Title VII and its amendment to the Equal Pay Act, Family and Medical Leave Act (FMLA), and Missouri Human Rights Act, any and all retaliation claims under federal or state law Employee Retirement Income Security Act (ERISA), Immigration Reform and Control Act (IRCA), Worker Adjustment Retraining Notification Act (WARN), Fair Labor Standards Act (FLSA), Davis Bacon Act, State Wage Laws, Whistleblower Claims, and similar such claims under federal, state and local law (Type II grievance). All grievances must be resolved by the grievance and arbitration procedure. Unit Employees may still contact and file administrative charge(s) with appropriate state and federal agencies. Should disagreements arise with respect to the interpretation or application of this Agreement or concerning any action against a Unit Employee involving discipline, discrimination, suspension or discharge, such disagreements shall constitute a grievance shall be disposed of in a manner hereinafter set forth.

B. If a Type I grievance is not settled to their satisfaction based on the decision of the City Manager, the grievant may file an appeal with an arbitrator to be selected in accordance with the Federal Mediation and Conciliation Services (FMCS) Procedures for Requesting Arbitration Lists and Panels. The geographical local of the eligible arbitrators to be selected shall include the

St. Louis, Missouri region or a mutually agreed region. Such an appeal shall be requested in writing and directed to the City Manager within five (5) working days after the issuance of the City Manager's decision.

C. Upon such appeal, the Grievant and the City shall have the right to be heard and to present evidence. At the hearing of such appeals, technical rules of evidence shall not apply. After the hearing and consideration of the evidence, the Arbitrator shall either confirm the action of the City Manager, award the relief requested in the grievance, or recommend an alternate course of action. The Arbitrator shall file a written statement of findings and award with the City Manager within thirty (30) days following the close of the hearing or submission of briefs, whichever is later, and such decision shall be binding and final. The grievance, all written documents that may have been considered in the hearing, the findings and the award issued by the Arbitrator in the binding Arbitration Hearing shall be promptly filed in the Human Resource Department.

D. Type II grievances shall be conducted in accordance with the Employment Arbitration Rules and Mediation Procedures of the American Arbitration Association (AAA) dated November 1, 2009.

E. If the Union determines not to take a Type II grievance through any of the steps of outlined in the grievance and arbitration procedure, the Unit Employee may proceed through the grievance and arbitration procedure by him or herself or through a private attorney. Only under these circumstances shall the costs of the arbitrator be paid by the City (costs are evenly split between the Union and City for Type I grievances); however, each party will still be responsible for their own attorney's fees. If any party prevails on a statutory claim which allows the prevailing party to be awarded attorney's fees, the Arbitrator may award reasonable fees to the prevailing party as provided by law. If either party pursues a claim covered by this Agreement by any means other than arbitration, the responding party will be entitled to dismissal of such action, and the recovery of costs and attorney's fees related to such action.

F. The Parties shall utilize the Grievance Form in Appendix H.

G. Type I grievances arising from Section 21.3 are not subject to binding arbitration.

ARTICLE 23: PERSONNEL RULES AND REGULATIONS AND GENERAL ORDERS

Except as expressly limited in this Agreement, all of the City's Personnel Rules and Regulations and the Police Department's General Orders and directives, as may be in effect from time to time, shall be applicable to the Unit employees covered by this Agreement. If a conflict exists between this Agreement and the Personnel Policies and Procedures, this Agreement will prevail; however, if there is no conflict, the Personnel Policies and Procedures will prevail.

ARTICLE 24: SAVINGS CLAUSE

If any provision of this Agreement, or the application of such provision, should be rendered or declared invalid, by any court or by reasons of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect and the

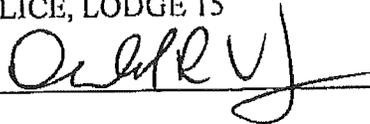
provisions of this Agreement shall be amended so as to render the provision in question in compliance with applicable law as close to the original intent of the parties as possible. Waiver or any breach of this Agreement by either party shall not constitute a waiver of any further breach of this Agreement.

ARTICLE 25: DURATION OF COLLECTIVE BARGAINING AGREEMENT

This Agreement shall be effective as of the date adopted by the Board of Aldermen of the City and shall remain in full force and effect through September 30, 2023. It shall automatically be renewed from year to year thereafter, unless either party shall have notified the other party in writing at least ninety days prior to the anniversary date that it desires to modify the Agreement.

EASTERN MISSOURI COALITION
OF POLICE, FRATERNAL ORDER
OF POLICE, LODGE 15

CITY OF CLAYTON

By: 

By: _____

Title: PRESIDENT

Title: _____

Date: 10-5-2020

Date: _____

APPENDIX A



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-19

OFFICE of the CHIEF OF POLICE
REPLACES: General Orders 06-02, 07-52, 09-05,
and 14-06

DATE: September 24, 2020

OVERTIME WORK POLICY

I. PURPOSE

To establish guidelines governing overtime, compensatory time, call outs/travel time, court time, and bailiff compensation for department personnel to include authorization, compensation, and accountability.

II. DEFINITIONS

Exempt - Employees who are in executive, administrative or professional positions, and who are exempt from the Fair Labor Standards Act overtime pay provisions. Deductions from pay are not made for absences of less than one day.

Non-Exempt - Employees who are not exempt from the Fair Labor Standards Act governing overtime pay. These employees are paid on an hourly basis. Deductions from pay are made for any absence, including an absence of less than one day.

Compensatory Time – Time off, earned in lieu of overtime pay, at a rate of one and one half hour for every hour worked in excess of the statutory limit established by the Fair Labor Standards Act.

Call Out – When an employee is called in to work at a time other than the employee's scheduled work hours.

III. GENERAL

- A. It is the general policy of the Clayton Police Department to compensate designated employees for overtime work. All employees may be required to work overtime when necessary to meet the mission and duties of the Department.
- B. Supervisor approval is required to work overtime.
- C. Overtime work will be utilized to eliminate conditions that endanger the health, welfare or safety of the public and for services required for the protection or preservation of the lives and property of the citizens. In addition, overtime will be worked when essential functions cannot be deferred or reasonably performed with the personnel available or for other purposes specifically authorized by the Chief of Police or their designee.
- D. Compensation for overtime will be authorized for the rank of sergeant or below and for civilian employees as approved by the Chief of Police or their designee.
- E. Command and supervisory personnel shall be responsible for regulating, reducing, and monitoring overtime worked by their subordinates or those attached to their control.

IV. OVERTIME

- A. Positions classified as non-exempt are subject to the overtime provisions of the Fair Labor Standard Act. The Human Resources Office shall decide exempt status in accordance with the Fair Labor Standards Act, with the approval of the City Manager.
- B. For pay purposes (including overtime), employees working in non-exempt positions shall track their time worked in quarter hour (15 minute) increments.
- C. Overtime pay shall be at 1 ½ times an employee's hourly rate.

V. COMPENSATORY TIME

If a non-exempt employee works overtime and prefers to be credited with compensatory time in lieu of paid overtime (consistent with established limits), they may request same. The supervisor must approve the request, after which, the employee will be credited with compensatory time at one and a half times the actual hours worked.

A. Maximum Amount.

Effective per the date of this order, the maximum amount of compensatory time a police department employee may accrue is eighty (80) hours.

Employees who exceed the eighty (80) hour limit of compensatory time will receive paid overtime.

B. Compensatory Time Deficits

No employee shall be allowed to have a negative balance on comp time except under very extraordinary circumstances. In such cases, prior to an employee running a deficit on comp time, the circumstances surrounding the request must be reviewed and approved by appropriate city officials.

C. Compensatory Time Usage

Compensatory time may generally be requested and used at the employee's discretion. The minimum amount of comp time that may be taken during a specific work shift shall be one hour. However, any usage of comp time will require the prior approval of a supervisor or commander to ensure manpower requirements are met. The usage of compensatory time is also banned during those dates identified by the Chief of Police as necessary to cover special events, VIP details, etc.

In those instances where an employee elects to take off on compensatory time, the employee's supervisor or commander will mark the amount of time to be used in this department's pay/time management program.

VI. CALL OUTS

- A. All non-exempt employees who are called in to work at a non-scheduled time will be paid a minimum of two (2) hours of overtime, unless it is less than two (2) hours before the start of, or immediately following, their regular working shift.
- B. Overtime pay for being called into work begins at the time the employee arrives at the work site.
- C. If an employee is called to duty less than two (2) hours before the start of their regular working shift, the employee will receive overtime pay for the work performed only from the time the employee arrives at the work site to the start of the employee's regular working shift.

VII. TRAVEL TIME

- A. Compensation of one (1) hour travel time will be given for any required or assigned overtime except for the amount of overtime worked is six (6) or more hours and the overtime hours begin or end less than one (1) hour before or after a regularly assigned shift.

VIII. COURT

- A. Employees who are required to appear in court, a deposition, or Grand Jury, on behalf of the City or in relation to their employment with the City, on their time off, shall receive a minimum of three (3) hours overtime pay or compensatory time.
- B. Any officer who serves in the capacity of a Clayton Municipal Court Bailiff will receive a minimum of four (4) hours of overtime pay or compensatory time for each court session worked.

X. PROCEDURES

Should an employee work overtime, they shall complete an Overtime Form and indicate their choice of pay or compensatory time. Also indicated should be the number of hours worked, date, time, and the reason for the overtime along with any travel time which may be due. The form is then submitted to the employee's supervisor and routed through the chain of command for approval.

Completed requests for overtime pay/comp time will be submitted to the Human Resources/Finance Department.

XI. SUPERVISOR RESPONSIBILITIES

- A. Command and supervisory personnel will be responsible for authorizing and approving overtime work and granting compensatory time off consistent with the maintenance of a high level of Department operations.
- B. In an effort to compensate for time worked in excess of 40 hours in a work week by employees who are not eligible for overtime, the Chief of Police administers a program called Administrative Leave which can be taken if approved by the eligible employee's immediate supervisor, commander or commanding officer.

XI. RECORD KEEPING

- A. Each city department will keep records of employee overtime, to include the accrual of compensatory time. Employees will have the ability within this department's time management/pay program to view their balances as well as time used.
- B. The Police Department will report all information to Human Resources, which will then post each employee's accrual on their paycheck stubs. The records kept in the Human Resources will be recognized as the city's official payroll records.

- C. When an employee terminates employment with the city, the employee shall be paid for all accrued and unused compensatory time. Employees may also request a pay-out of comp time at any time after it is earned, but it shall be at the sole discretion of the city as to whether to grant an early pay-out or not.

BY ORDER OF:



MARK J. SMITH
Chief of Police

MJS:sak
CALEA Reference: 22.1.1

APPENDIX B



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-17

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 07-36

DATE: September 24, 2020

SECONDARY EMPLOYMENT

I. PURPOSE.

The purpose of this General Order is to establish regulations and procedures governing secondary employment privileges for sworn and non-sworn Department personnel.

The regulation of secondary employment is necessary to maintain an efficient organization that is mentally and physically alert. Public order and safety will thereby be better preserved. In addition, such regulation will prevent conflicts of interest and loss of public image because of the type of employment engaged in by Department personnel.

II. DEFINITIONS.

- A. Secondary Employment - any job or employment, to include self-employment, in which either sworn or non-sworn personnel are engaged, wherein same are compensated by an entity other than the City of Clayton. Secondary employment may be conditioned on the actual or potential use of law enforcement powers by a sworn department employee or be totally removed from such considerations.
- B. Conflict of Interest – a conflict between a Department employee’s personal interest (or interest of his/her secondary employer) and the duty of the employee to the Police Department and to the public.

III. APPLICATION PROCEDURE.

- A. Prior to engaging in any secondary employment or business, full time employees shall complete the Approval Request Form for Outside Employment.
1. An Approval Request Form for Outside Employment form shall be completed in all cases.
 2. The information on the application shall be complete, accurate, and shall reflect the significant aspects of the proposed secondary employment. The application shall be submitted to the applicant's supervisor who shall review and endorse the application recommending approval or disapproval. When disapproval is noted, the supervisor shall indicate the reason(s). The application shall be forwarded through the chain of command to the Chief of Police.
 3. The Chief of Police shall have final authority to either approve or deny a request for secondary employment. If a request is denied, an employee may submit a memorandum through the chain of command seeking a review by the Chief.
 4. Upon approval of the request, the employee will receive a copy of the form which will serve as authorization to work. Secondary employment may begin prior to signed approval by the Chief; however, such employment must be clearly within the restrictions established in Section VI.
 5. The form, when approved by the Chief, will be authorization to work for a period of not more than one (1) calendar year, or until termination of the specific employment that was authorized. All permits shall expire December 31 of each year. Any secondary employment performed after expiration of the permit will be deemed without permission. The permit also authorizes only such work specifically designated on the permit.
 6. As permits to work secondary expire on December 31 of each year, renewal of the permit may only be accomplished by submitting a new form.
 7. The Chief of Police shall have the authority to revoke any authorization for secondary employment, should circumstances change or arise that may constitute an actual or perceived conflict of interest or any employment that would reflect unfavorably on the Department.
 8. Part time employees shall provide the department with an Approval Request Form for Outside Employment.

- B. No commissioned officer of the rank Lieutenant or above, and no civilian in the rank of Supervisor or above, shall engage in secondary employment unless the employee obtains the Chief's approval before the employee begins such employment.

IV. DEPARTMENTAL RESPONSIBILITIES

- A. Commissioned Employees – A police officer, while engaged in secondary employment, shall at times take proper action on any offense or condition of which he has, or acquires knowledge and which normally would require police attention including arrest and the making of reports.
- B. No employee shall work:
 - 1. At any employment or in any location which will tend to bring the Department into disrepute or to reduce his/her efficiency or usefulness as a Department employee;
 - 2. In any employment requiring affiliation, membership or allegiance tending to influence his/her conduct in a manner inconsistent with the proper discharge of duties as a police officer or with the responsibility to the department or in the public interest;
 - 3. In a police uniform at the performance of tasks other than of a police nature, and then only in or on such premises or places as are approved by the Chief of Police;
 - 4. As a server, waiter/waitress, bar tender, food preparer, "bouncer", security officer or as a member of supervision or management in any business or location where the sale of alcoholic beverages or beer, for consumption on the premises, is the principle business;
 - 5. In any employment involving the towing of vehicles, or for any business or service which has a contract with the City of Clayton;
 - 6. In any employment requiring the service of civil process either full or part time;
 - 7. On investigations or other work in which the employee may avail himself/herself of access to police information, records, files, or correspondence. As a private investigator or private detective or in any capacity where the primary purpose of such employment is to gather information for, or appear as witness in civil or criminal action;
 - 8. For any municipality or state office at a police task or as an investigator for another government agency;

9. For a business or company that is on strike;
10. In excess of a total of 72 hours per calendar week, including regular assignment, overtime and secondary employment;

Example: The Police Officer has a total of 72 hours they can work during the calendar week and they have already worked 50 hours for the Department. They will then be allowed to work 22 hours at secondary employment that week.

11. As a uniformed private watchman or security officer, or for a private security agency, security firm or security corporation, or as an investigator for another government agency.
 12. In Clayton Police uniform outside the City boundaries unless exempted by the Chief of Police;
 13. In another agency's uniform;
- C. Secondary employment is prohibited during those hours when a Department employee is being paid by the City of Clayton, to include the following:
1. Sick Leave.
 2. Scheduled duty hours.
 3. Non-duty or disability leave.
- D. All employees shall comply with the Federal and State guidelines for reporting of income from secondary employment for income tax purposes.
- E. Department members who are subpoenaed to attend court due to secondary employment shall notify their immediate supervisor of same at the earliest practical time. The department shall accommodate court subpoenas and, in those cases where the subpoena originated from secondary employment within the City's jurisdictional boundaries, will not only make the time available for the employee to attend court, but pay overtime compensation as necessary. In those instances where a subpoena may originate from secondary employment outside of the City, the employee shall generally be required to utilize personal leave time to cover absences for court and will not received overtime compensation.
- F. Employees seeking secondary employment must secure workers compensation from their secondary employer or acknowledge their acceptance of no such coverage.

G. The Office of the Chief of Police shall have oversight authority to assure adherence to the policies and processes contained within this Order.

H. Any officer engaged in secondary employment within the City of Clayton, shall notify the on-duty watch commander as to their location, nature of employment, hours working, and any other pertinent information that may be relevant should assistance be needed. Officers should have their portable radios with them while conducting secondary and alert the on-duty watch commander when the detail is completed.

V. CONFLICT OF INTEREST, REMOVAL FROM ASSIGNMENT

If, after a Department employee has entered upon a secondary employment, a conflict or imminent conflict arises between the employee's police duties and the interest of his/her secondary employer, the employee shall be removed from any case, investigation or other matter involving the secondary employer, and another Department employee shall immediately be assigned in his/her place.

It shall be the duty of all department employees to report to their supervising officers the fact of such a conflict or imminent conflict of interest exists or may exist. All cases of such actual or imminent conflict of interest shall also be reported forthwith, through channels, to the Chief of Police.

VI. COORDINATING OFFICER

The commander of the Field Operations Bureau shall serve as the department coordinator for secondary employment. Employment requests which are directed straight to the Police Department will be forwarded to the Field Operations Bureau commander. He shall evaluate each request to determine its acceptability, record the pertinent information on a "Part-time Employment Form" and post the employment request to be filled. Secondary employment requests that are not handled through the department shall be submitted individually, through the appropriate chain of command, to the commander of the Field Operations Bureau. Upon his review, individual requests will then be forwarded to the Chief of Police for initial approval.

In conjunction with the administration of direct requests for secondary employment, the commander of the Field Operations Bureau shall maintain a file system where such requests are entered for reference purposes. Should problems or questions arise regarding secondary employment of this type, the commander of the Field Operations Bureau shall consult with the Chief of Police, and adjustments and/or corrective action taken.

Should some significant action or aspect occur in relation to an employee's involvement in secondary employment, the commander of the Field Operations Bureau shall ensure

that all appropriate documentation be obtained and entered in the employee's personnel file.

VII. REVOCATION OF SECONDARY EMPLOYMENT PRIVILEGE.

Permission to engage in secondary employment may be terminated at any time at the discretion of the Chief of Police. In addition, should it be determined that a department employee has, through either commission or omission, violated a department rule, regulation, order, or standard, the employee may be barred from engaging in secondary or off-duty employment in accordance with current department policy.

VIII. DOCUMENTATION OF SIGNIFICANT ASPECTS OF EMPLOYMENT.

Employee Requests for Outside Employment and Part-time Employment Forms shall include the date and anticipated duration of the secondary employment, the name, address, and phone number of the employer, the type of business or work, the nature of expected duties, the identity of the employee(s) involved, and approval signature.

Upon approval by the Chief of Police and City Manager, completed Employee Requests for Outside Employment shall be placed into the appropriate employee's personnel file. Completed Part-time Employment Forms shall be maintained in a file by the commander of Field Operations Bureau for a minimum of a calendar year commencing on the date of employment detail.

Incidents which involve the use of law enforcement power on the part of sworn employees engaged in secondary employment shall be documented via police incident report as appropriate. This may be handled internally through normal reporting processes for those incidents occurring within the City, or where an officer may be employed outside of the City, by the law enforcement agency having legal jurisdiction over the incident scene. In the case of the latter however, significant actions with which the department shall be interested will generally be limited to those cases involving a fatality, injury, potential civil liability, or some other significant or unusual aspect. Should such criteria be met, the department will endeavor to obtain a copy of the incident report and the officer(s) involved shall be required to draft an internal memorandum detailing the specifics of the event. Such memorandums shall be directed to the commander of the Field Operations Bureau through the appropriate chain of command. He, in turn, shall then forward same to the Chief of Police for review.

Injuries sustained by sworn employees during secondary employment shall be documented in the same manner as that provided for the use of law enforcement power.

In those instances where a department employee's actions result in a complaint or commendation being filed with the management of a secondary employer, the affected officer/employee shall notify their immediate supervisor of same. This information shall be forwarded to the commander of the Field Operations Bureau and should the complaint

or commendation be deemed sufficiently noteworthy to warrant official action and/or investigation on the part of the department; the employee may be requested to record their actions via internal memorandum.

Should a civil suit be filed against an employee because of actions taken during secondary employment, the affected employee(s) shall notify their immediate supervisor as soon as practical and provide same with a copy of the appropriate legal papers. This information shall then be forwarded to the commander of the Field Operations Bureau, who in turn, shall notify the Chief of Police.

Police incident reports, internal memoranda, and other documentation connected to an officer/employee's secondary employment shall be appended to each individual employee's "Approval Request Form for Outside Employment," or the "Part-time Employment" Form. In the case of the latter, the commander of the Field Operations Bureau shall be responsible to generate a hard-copy of the employment form. The documents will then remain in each individual employee's personnel file until the Chief of Police determines that continued retention of the material is unnecessary. At that point, all documentation, except for the secondary employment approval forms, shall be purged.

BY ORDER OF:



MARK J. SMITH
Chief of Police

MJS:sak

APPENDIX C



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-09

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 15-05 and 19-01

DATE: February 26, 2020

UNIFORM ATTIRE AND EQUIPMENT ISSUANCE

I. PURPOSE.

To establish guidelines governing those uniform items that are authorized by the department for wear by uniformed sworn personnel and provide guidelines for the issuance of department uniforms and equipment to authorized users.

II. GENERAL.

The department shall furnish certain uniform items and other associated equipment to all sworn uniformed personnel. However, some items of clothing, while are authorized for official wear, are not provided by the department and their purchase shall be the responsibility of the individual. As such, the following items will constitute the official uniform of the Police Department and, unless otherwise stipulated by regulation or order, shall be the only clothing and accessories sanctioned to be worn.

The Commander of the Criminal Investigations Division shall be responsible for all uniform and equipment purchasing. The process to outfit department employees with the necessary uniform/equipment may vary according to circumstances. In some instances, a particular item may be purchased via department invoice and subsequently issued to the appropriate personnel in accordance with size information provided at an earlier date. In other cases, department employees may proceed to a uniform vendor with which the department maintains an account and following being fitted for uniform and/or accessory items, pick the items up at a later time. An invoice shall then be submitted to the department by the vendor.

Classes of uniform/accessory items which qualify to be re-issued following prior use are badges, cap pieces, jackets, raincoats, leather or nylon duty belt gear, batons, handcuffs, flashlights, duty bags, pocketknives, traffic vests and weapons.

Each individual employee will be required to sign for all uniform clothing and equipment received by them. Issued items shall then be listed on an inventory sheet specific to each employee, which shall subsequently be maintained in the employee's personnel file.

The costs of uniform cleaning and other type of routine uniform/equipment maintenance shall be the responsibility of each individual department member. When uniforms or equipment need to be replaced a request should be submitted to the officer's supervisor for approval. Should department uniforms or equipment be damaged, destroyed or lost through negligence or deliberate abuse on the part of any employee, the department member may be required to assume the financial costs to replace the item.

III. UNIFORMS.

A. Sworn Personnel

Each commissioned employee will be issued field uniforms comprised of the following clothing and equipment: one navy blue whipcord or serge visor service cap, 1 cap badge, 1 cap cover, 3 long sleeve uniform shirts, 3 short sleeve uniform shirts, 1 Class A button down uniform shirt, 3 undershirts, 3 uniform trousers, 1 clip-on necktie, 2 special event uniform polo shirts, 1 pair of black uniform shoes or boots, 1 reversable raincoat, 1 Spiewak jacket system, 1 Velcro inner-belt, 1 basket weave duty belt, 1 silver duty belt buckle, 1 double magazine case, 1 oversized handcuff case, 1 set of oversized handcuffs, 1 21" ASP baton with holder, 1 flashlight keeper (double ring upon officer request), 1 flashlight with holder, 1 OC canister with holder, 1 tourniquet with holder, 1 radio with holder, 1 Taser with holster, 1 Taser cartridge holder, 4 duty belt keepers (1 double belt keeper upon officer request), 1 yellow traffic vest, 1 duty bag, 1 Kevlar body armor (NIJ Level IIA or higher), 2 external vest carriers, 1 holster for duty weapon, 1 semi-automatic pistol, 1 weapon light system, 2 badges, 1 pocketknife, 1 gas mask, carrier and filter, Narcan nasal spray

The following equipment is optional but shall be provided upon the request of the officer: 1 whistle, 1 knit cap, 1 glove pouch, 1 baseball cap, 1 "Trooper" style winter hat, 1 pair of uniform suspenders, 1 pair of safety glasses, 1 hearing protection earmuffs, 1 flashlight ring, radio earpiece

The following equipment is authorized to be worn on duty but will not be provided by the department. Officers will be required to purchase these items at their own expense: Additional handcuffs, additional handcuff cases, handcuff keeper, key holder, gloves

B. Bike Patrol Officers

Officers that are assigned to the bike patrol unit may be assigned the following equipment to be worn only when performing bike patrol duties: 1 pair of zip off pants, 1 pair of shorts, 1 jacket, 1 helmet, 1 pair of bike shoes, 1 pair of bike gloves, 1 nylon duty belt, 1 nylon holster, 1 nylon handcuff case, 1 nylon double magazine holder, 1 nylon ASP holder, 1 nylon radio holder

IV. UNIFORM CHANGE.

A. The decision to wear either the long sleeve or short sleeve shirt is at the discretion of each individual officer.

V. UNIFORM ACCOUTERMENTS.

A. Departmental Patches

Each uniform shirt, and jacket issued to sworn personnel shall have a departmental patch permanently affixed to the upper portion of both arm sleeves. The departmental patch shall be centered on the crease of the left sleeve and shall be located ½ inch below the shoulder seam.

B. Rank Insignia

1. The Chief of Police shall wear a pair of gold eagles to denote the rank of Colonel. Such insignia shall be worn on the epaulets of a uniform jacket and will be positioned just above the shoulder seam. On a uniform shirt, the insignia shall be placed on the collar and will be positioned parallel to the inside collar seam, equidistant from the collar tip to the neck seam.
2. A Captain of Police shall wear a pair of gold parallel bars to denote their rank. The insignia shall be positioned on the epaulets of the external vest carrier or on the collar shirts parallel to the inside collar seam, equidistant from the collar tip to the neck seam.
3. A Lieutenant of Police shall wear a pair of single gold bars to denote their rank. The insignia shall be positioned epaulets of the external vest carrier or on the collar shirts parallel to the inside collar seam, equidistant from the collar tip to the neck seam.
4. A Sergeant of Police shall wear a pair of blue and white chevrons on each sleeve of their uniform shirts or jacket. These shall be centered on the crease of the sleeve, with the point of the chevron positioned ½ inch below the departmental patch.

C. Badges

All sworn personnel shall wear a Clayton Police badge on the left breast of their uniform shirt or jacket. For Command personnel, the badge, cap piece and hat band shall be gold in color. Sergeants will wear gold and silver badges, while the badge, cap piece and hat band for officers will be silver in color. Each badge will also denote the rank of the bearer.

Employees assigned to the Criminal Investigations Division will be issued a separate Detective badge for use while serving actively as a Detective.

D. Nameplates

Nameplates or DSN plates will be worn by all uniformed personnel.

1. Sworn Personnel: The nameplate will be 2 ½ inches by ¾ inch in size. Each nameplate will bear the CALEA logo on the left side and the last name or DSN of the employee inscribed in dark blue letters. Nameplates for Sergeants and above will be gold colored, while those for officers will be silver. The nameplate will be centered on the right pocket flap of uniform shirts, jackets, and coats, with the top of the plate even with the bottom border of the stitching at the top of the flap.

VI. NON-UNIFORM ATTIRE

Sworn personnel assigned to a non-uniform position within the Department shall be required to wear business attire except as directed or required in the performance of their duty.

Employees working as Detectives for any portion of a calendar quarter and who are not required to wear a uniform on a regular basis shall be paid a clothing allowance on every payroll check, provided they employee assigned is employed and in good standing on that date.

VII. INVENTORY RECORDS

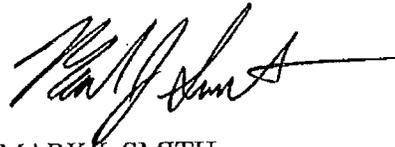
Inventory records in regard to clothing, equipment and other items which are issued to department personnel shall be maintained by the issuing authority. Such records shall be kept current and will be made available to the Chief of Police or appropriate bureau commander upon request. In addition to the preceding, uniforms and equipment which may be stored awaiting future use shall be inventoried on an annual basis, with the results documented for fiscal reference and planning purposes.

VIII. RETURN OF UNIFORMS/EQUIPEMENT

On those occasions where a department member terminates their employment with the Police Department, the employees shall be required to return all uniform items, equipment, and manuals that the employee was issued. The Commander of the Criminal Investigations Division shall take possession of these items and store those of suitable quality which may then be re-issued at a future date. Clothing or equipment which is deemed unsuitable for further use shall be appropriately discarded.

Shall an employee fail to return issued uniforms and equipment, their last paycheck may be held until all department-owned property has been delivered to the Commander of the Criminal Investigations Division.

BY ORDER OF:



MARK J. SMITH
Interim Chief of Police

MJS:sak

APPENDIX D



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1694 • (314) 645-3000 • FAX (314) 863-0285 • TDD: (314) 290-8435

DEPARTMENT GENERAL ORDER 14-05

OFFICE of the CHIEF OF POLICE

DATE: May 19, 2014

PHYSICAL STANDARDS AND PERFORMANCE ASSESSMENT

I. PURPOSE.

The purpose of this policy is to establish minimum job related physical performance standards for police officers to (1) ensure the safe and effective performance of the essential job functions of police officers; and (2) to provide the expected protection of the citizens of the community.

II. POLICY

Physical ability standards have been established for applicants and incumbent members that are statistically validated and based on the essential functions of a law enforcement officer. Incumbent police officers will have three (3) years to successfully pass the annual physical performance test.

III. DEFINITION

Particular job functions are considered "essential" if:

- A. Removing the function(s) would fundamentally alter the position;
- B. The position exists to perform those function(s);
- C. There is a limited number of employees available among whom performance of the function(s) can be distributed; or,
- D. The function(s) are of a highly specialized nature.

For the position of police officer, such functions include, but are not limited to, safely affecting a forcible arrest, suspect pursuit on foot, and safely controlling combatants.

IV. VALIDATED ASSESSMENT (TEST) STANDARDS

Assessment standards have been scientifically validated as job related by Stanard & Associates through a study conducted for participating agencies in the St. Louis metropolitan area.

The assessment was developed by Stanard & Associates using validation strategies, including content based ones, that are consistent with the Uniform Guidelines on Employee Selection Procedures which have been adopted by the Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Labor, and the Department of Justice as a uniform set of principles regarding the use of tests and other selection procedures.

Stanard further certifies that the assessment measures the basic physical skills necessary for successful performance on the job, and that it features job related tasks. It is equally valid for assessing those who have public safety experience and those who do not.

Criteria for passing:

Completion of the test is considered acceptable when the entire assessment is completed in the correct sequence and within the allotted time limit.

V. PROCEDURE

A. Program Components

1. Screening for safe participation. This department will require screening of officers before they are allowed to participate. The purpose of this screening is to identify those officers who should seek medical clearance before being tested or beginning an exercise program.

If officers decline to participate in the screening offered by the Police Department or would like a second opinion, a medical clearance may be sought from their personal physician prior to being tested.

2. Any officer who is medically exempt from undergoing the physical performance assessment must have certification from a medical doctor, satisfactory to the department, that the condition(s) forming the basis for the medical exemption are temporary. Within 90 days of the doctor's certification, the officer must be cleared to undergo the physical performance assessment. The failure to be able to take the

assessment may result in appropriate administrative action in accordance with appropriate Agency policies.

3. Assessment. This agency will administer the validated assessment once each calendar year.

B. TRANSITIONAL ASSESSMENT PROGRAM FOR INCUMBENT OFFICERS

1. All incumbent police officers will participate in the physical performance assessment in the years of 2014, 2015, and 2016.
2. If a test failure was the result of a medical condition as advised by the participating officer, the agency will refer the officer to the agency's physician or a private physician for further medical fitness for duty assessment.

C. COMPLIANCE REQUIREMENTS

1. Beginning in 2017, and annually thereafter, all incumbent police officers will participate in the annual physical performance assessment, and are required to complete the test in the correct sequence and within the allotted time limit.
2. Beginning in 2017, for those incumbent police officers who fail to pass the physical performance assessment, the following procedures will be taken.
 - a. The officer will have a maximum of ninety (90) calendar days, and will be afforded three (3) attempts, to pass the physical performance test to ensure that they can meet the essential job functions of a police officer.
 - b. Re-testing of an incumbent officer who fails the first or second physical performance test attempt will be scheduled for re-testing based on evaluation by the Chief of Police.
 - c. Incumbent officers who fail the first or second physical performance test will be placed on unpaid leave, unless they choose to use any accumulated annual/vacation leave. If an officer exhausts all annual leave, they may continue on unpaid leave if they have not exhausted the ninety (90) calendar day limit, or the three (3) attempts to pass the physical performance test. Note that during unpaid leave, no employment benefits will accrue.

- d. Failure to pass the physical performance assessment after the three (3) attempts or the ninety (90) calendar days shall be subject to immediate separation from employment.
- e. If the failure was the result of a medical condition as advised by the participating officer, the agency will refer the officer to the agency's physician or a private physician for an opinion on whether the employee is capable of performing the test, and/or for a fitness for duty assessment.
- f. Any officer who fails to appear for and participate in any scheduled retesting shall be subject to immediate separation from employment without being offered further testing opportunities.

VI. PHYSICAL FITNESS.

The Chief of Police and departmental command staff are aware of the benefits regular physical exercise affords employees, and how same may positively impact an officer's response to the demands of duty. To encourage department employees to exercise on a regular basis and maintain a healthy fitness regimen, the department has established an exercise room in the lower level of the headquarters building. This facility is open for all employees to use in accordance with the following guidelines:

Officers assigned to work twelve hour shifts will be permitted to utilize the exercise room for one hour during their shift of duty. This may occur at any time of day or night with three notable exceptions:

1. Officers may not schedule an exercise session to run consecutively with a meal period.
2. Officers may not schedule their exercise period during the last hour of their tour of duty.
3. Officers may not leave the police building during their exercise session.

Officers shall be required to obtain supervisory permission prior to engaging in an exercise period. Once permission has been granted, the officer shall notify communications and the dispatcher handling the call will record the officer's change of status via the CAD system.

Supervisors assigned to twelve-hour shifts will schedule subordinate exercise periods at their own discretion and will take into account available manpower, work load, and such other variables as may be necessary. The preceding restrictions also apply to their own use of the facility and equipment.

Employees assigned to work eight-hour shifts are precluded from on-duty exercise periods, but may freely use the facility and equipment during their off-duty time (e.g. on weekends, holidays, before or after a work shift).

BY ORDER OF:

A handwritten signature in black ink, reading "Kevin R. Murphy". The signature is written in a cursive style with a large, stylized initial "K".

KEVIN R. MURPHY
Chief of Police

APPENDIX E



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-11

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 06-22 and 06-22 A

DATE: March 19, 2020

GROOMING STANDARDS

I. PURPOSE

The purpose of this General Order is to establish policy and procedure concerning grooming and appearance standards for all department personnel.

II. POLICY

Professional appearance of department personnel furthers the goals of this department by projecting a positive and professional image to the public. A positive image also reflects an officer's sense of pride, command presence, and self-confidence, which can enhance overall effectiveness. This policy provides personnel with department requirements for on-duty appearance related to grooming and personal hygiene.

III. DEFINITIONS

Gender Expression: an individual's external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions.

Gender Identity: an individual's internal sense of being male or female.

Transgender: an individual whose gender identity is different from the sex assigned to him or her at birth.

IV. PROCEDURES

- A. Exceptions to this policy may be made for officers working undercover assignments or specialized assignments as authorized by a supervisor.
- B. This department's Chief of Police or his/her designee has the final authority in determining acceptable standards for personnel grooming and appearance.
- C. Officers shall be well groomed, clean, and maintain personal hygiene while on duty. Should incidents result in soiled clothing, unsanitary conditions, or a disheveled appearance, corrective measures shall be taken as soon as reasonably possible.
- D. Transgender employees shall be held to the grooming standards of their gender expression.
- E. Head Hair
 - 1) Head hair shall be neat, clean, and trimmed and must not interfere with the proper wearing of the uniform hat.
 - 2) Hair coloring is permitted only in natural hair colors.
 - 3) Wigs and hairpieces shall conform to standards for natural hair.
 - 4) Male Officers
 - a) Male employees' hair on the side may extend to the ears but will not protrude over the ears.
 - b) Hair at the nape may be rounded or blocked but will not touch or extend beyond the collar when the head is held in the position of attention.
 - c) Hair in front will not fall below the eyebrows.
 - d) The bulk of length of hair shall be groomed so that hair does not bush out or curl up while wearing the standard police hat.
 - e) Hairstyles such as tracks, designs, braids, or dreadlocks are not permitted.
 - 5) Female Officers
 - a) Hair will be worn no longer than seven inches below the collar.
 - b) Items used to secure long hair (combs, barrettes, elastic bands, etc.) shall be conservative in appearance.
 - c) Hair shall not be styled so that it hangs below the eyebrows.
 - d) Ponytails are acceptable; however, hair will not be worn in pigtails.

- e) Braids are also acceptable if they are tightly affixed to the skull and do not hang down.
- f) Personal safety should be a primary consideration for female officers in their choice of hair styles.
- g) Non-sworn female employees, while in uniform or civilian attire, may wear their hair in any manner if the hair is neatly groomed and cared for.

F. Facial Hair

- 1) Mustaches will be neatly trimmed and shall not extend below the top border of the upper lip, nor extend more than 1/4 inch upward, downward, or to the side from the corner of the mouth.
- 2) Handlebar mustaches are prohibited.
- 3) Sideburns shall not extend below the bottom of the earlobes nor shall they extend outward into the normal beard area of the face and the base of the sideburns will be a clean-shaven horizontal line.
- 4) Beards, goatees, or any other type of facial hair except for mustaches, will not be permitted except for medical reasons or as authorized by the Chief of Police or his or her designee for an undercover assignment.
- 5) The Chief of Police will consider and may approve exemptions to this General Order on a case by case basis relative to facial hair worn for religious beliefs. Such accommodations may be appropriate only in cases where the employee demonstrates a religious need for a facial hair exemption (e.g. religious requirements for members of the Sikh Faith). The exemption request shall be forwarded through the chain of command to the Chief of Police for approval. If approved, the employee's beard shall be groomed in a neat and clean manner and must not interfere with the wearing of a gas mask or any other necessary work-related equipment.

G. Cosmetics

- 1) Makeup worn by sworn and non-sworn employees shall be conservative in nature.

H. Fingernails

- 1) Uniformed employees shall not have fingernails of excessive length.

- 2) Fingernail polish worn by sworn uniformed female employees during duty hours shall not detract from professional decorum and should be one solid color. Neon or fluorescent colors are prohibited.
- 3) Designs on fingernails are prohibited.
- 4) Civilian female employees shall wear fingernail polish suitable for a business environment.

I. Jewelry

- 1) Officers may wear no more than two rings per hand (wedding and engagement rings worn together are considered as one). Rings, especially those on the trigger finger(s), must not interfere with the safe and proficient operation of weapons.
- 2) Officers may wear one bracelet per arm (with the exclusion of memorial bands and medical alert bracelets) that is of conservative size and appearance, does not include charms or other attachments and would not interfere with duty requirements or create a safety risk.
- 3) Necklaces and neck chains of smaller diameter are permitted if they do not hold multiple or lengthy attachments, can be worn under the officer's uniform, and would not create a safety risk.
- 4) Female officers may only wear a total of two earrings (one in each ear) that are "post" or "stud" style, not more than one-quarter inch in diameter, and professional in appearance. Female civilian employees' earrings must be professional in appearance and cannot interfere with the equipment necessary to perform the essential job functions. Males are not authorized to wear earrings. Those serving in an undercover capacity are exempt.

J. Dental Ornamentation

- 1) The use of gold, platinum, silver, or other veneer caps for ornamentation is prohibited.
- 2) Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, logos, jewels, initials, etc.
- 3) Unnatural shaping of teeth for nonmedical reasons is prohibited.

K. Body Art or Modification

- 1) Body piercings (nose rings/studs, eyebrow rings, tongue/lip/chin studs, etc.) which are visible to the public are prohibited for all department staff, except for pierced earrings, while on duty or in uniform.
- 2) Intentional, non-medical body modification such as split tongues, gauged piercings, and facial implants that cannot be concealed or eliminated are prohibited.
- 3) This department has a strong interest in promoting confidence with the public by having our employees maintain a uniform, professional appearance and image. Exposed permanent body markings (e.g. tattoos, body art, etc.) must be consistent with this interest and must not be construed as profane, suggestive, offensive or otherwise draw undue attention by members of the public, department staff, or other city employees.
 - a. Department employees shall not display tattoos that are visible on the face, neck, head, or hands. Employees with existing tattoos in these areas or any other areas visible while in any authorized Department uniform must forward a Tattoo Approval Request Form, with photograph(s)/drawing, through the Chain of Command to the Chief of Police to assure the tattoo(s) is not offensive in nature, and to be exempt from this order.
 - b. Those seeking new visible tattoos or revisions to their existing visible tattoos on their body (not on face, head, neck, or hand) must also forward a Tattoo Approval Request Form with a photograph(s)/drawing, through the Chain of Command to the Chief of Police for approval.
 - c. Whether approved or denied, a copy of the completed Tattoo Approval Request Form will be returned to the employee and the appropriate Bureau Commander.
 - d. The Department reserves the right to require any tattoo to be covered. If a Department employee is asked to cover an existing tattoo, the employee has the option to remove the tattoo at their own expense; keep them covered using Department clothing (to include the wearing of a long sleeve uniform shirt; or the utilization of a single colored skin toned patch for those areas that cannot be covered by clothing (e.g. face, head, neck, hands).
 - e. Existing tattoos may disqualify current employees from specialized assignments where a specialized uniform, such as shorts, would expose existing unacceptable tattoos.
 - f. The Criminal Investigations Division Commander will maintain a file concerning each tattoo request and the determination made relative to that request.

- 4) Brandings or intentional scarring shall not be visible to the public and shall be covered when on duty in uniform or business attire if in plain clothes.
- 5) Tattoos, branding, or intentional scarring that are gang related; that convey sexual, racial, religious, ethnic or related intolerances; that promote a partisan political statement or expression; or that portray derogatory or offensive characterizations contrary to the values of the Department are prohibited.
- 6) Tattoos, Branding, or intentional scarring are not permitted on the face, neck, ears, scalp, or hands. Exceptions may be made for female employees for permanent makeup (e.g. eyeliner, eyebrows, lip liner) that conforms to the makeup guidelines found in this policy.

L. Clothing/Uniforms

- 1) Uniform and civilian clothing shall be worn to present a professional appearance. Proper items of clothing may be reviewed in the general order covering uniform attire.

M. Grooming Enforcement

- 1) Supervisors and commanders shall have full authority to order subordinate personnel to initiate corrective changes to comply with the above grooming standards.

BY ORDER OF:



MARK J. SMITH
Interim Chief of Police

MJS:sak

APPENDIX F



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-21

OFFICE of the CHIEF OF POLICE

DATE: September 24, 2020

REPLACES/AMENDS: N/A

OFFICER INVOLVED CRITICAL INCIDENTS

I. PURPOSE.

The purpose of the General Order is to establish policy and procedure for officers involved in and responding to the scene of an Officer Involved Critical Incident and to provide guidelines for the investigation.

II. POLICY.

It is the policy of the Clayton Police Department that Officer Involved Critical Incidents, whether on or off duty, will be investigated so as to determine whether an officer's actions conform to the law as well as the Department's policies, procedures, and training. The Chief of Police will determine which agency will investigate all Officer Involved Critical Incidents. For incidents where officers are deputized and assigned as federal task force officers, the Chief of Police shall determine the lead investigative agency. Should the critical incident be investigated by a federal agency as a result of task force duties, officers will comply with the investigative agency's policies and procedures.

III. DEFINITIONS.

Critical Incident - Any incident where an officer uses deadly force directed at another person, by firearm discharge (OIS) or by means other than discharging a firearm, where serious physical injury or death may have occurred; or any incident where a suspect dies in the custody of an officer while conducting an arrest or shortly thereafter.

Involved Officer – An officer directly participating in the critical incident.

Officer Involved Shooting (OIS) – A discharge of a firearm during a hostile encounter while on duty or off duty, irrespective of injuries to suspects, officers, or third parties.

Primary Officer – The first officer, other than the Involved Officer, to arrive on scene

Public Safety Statement – A brief, mandatory statement on scene from the Involved Officer covering the information necessary to focus the initial police response and direct the preliminary investigation

Scene Supervisor – The first responding supervisor until relieved by a higher authority

Uninvolved Officer – An officer not on scene and with no participation in the critical incident

Voluntary Statement- A statement given by the Involved Officer to the Lead Investigator(s) or his/her designee which is recorded after the incident

Witness Officer – An officer other than the Involved Officer who was on scene during the critical incident; or an officer whose body worn camera might have recorded the event.

IV. ESTABLISHMENT OF PROTOCOL FOR CRITICAL INCIDENT INVESTIGATIONS

- A. Once officers are dispatched for a critical incident, proper protocols must be followed in order to preserve the integrity of the investigation. A guideline of expectations is essential to a professional approach to handling sensitive scenes at such events.
- B. All critical incidents shall be treated as crime scenes. As such, all procedures and investigative techniques commonly used in criminal investigations shall be followed. Only personnel assigned to investigate the incident shall be allowed within the perimeter of the scene. A log shall be kept of all personnel that are on scene and within the actual area of investigation.
- C. It is the responsibility of the Scene Supervisor to ensure that the scene is secured and all evidence is retained in its original condition and location at the scene. In the event of multiple scene locations, it will be the responsibility of the Scene Supervisor and/or higher-ranking personnel to ensure adequate personnel are readily available to secure the areas involved.

V. GENERAL GUIDELINES

A. All officers utilizing body worn or dash cameras will follow current Department policy and procedure when participating or witnessing an Officer Involved Critical Incident.

B. Responsibilities of Involved Officer

1. The first responsibility of the Involved Officer is to ensure that they maintain tactical control of the incident as it evolves while relaying any information to the dispatcher that is pertinent to the officer's safety, the safety of the responding officers, and to the general public.
2. Once the scene is secure, if the Involved Officer is not in need of medical attention, he/she shall be responsible for the following:
 - a. Providing appropriate medical aid to the injured parties; AND
 - b. Providing a Public Safety Statement to the Scene Supervisor

C. Responsibilities of Primary Officer

1. The Primary Officer and assisting officers shall determine if a threat still exists. It is imperative that a threat assessment is performed for the safety of everyone in the vicinity.
2. If the scene remains active, the Primary Officer shall notify the dispatcher and request additional units to respond.
3. If the scene is deemed secure, the Primary Officer shall notify the dispatcher that no further assistance is needed.
4. Once the scene is secure, the Primary Officer shall render appropriate aid to injured persons.
5. Once the Primary Officer determines there is a critical incident, he/she will notify his/her Watch Commander.

6. If there are any suspect(s) at-large from the event, the Primary Officer shall ensure that any new information about the status or whereabouts of the suspect(s) is broadcast as soon as possible.
7. When the incident is no longer an active scene, the Primary Officer shall initiate the process of securing and separating witnesses, to include police officers (also the recording of name, DSN and unit numbers of all responding officers).
8. Maintain scene security by taping off the crime scene area to ensure the protection and preservation of any evidence. Prevent unauthorized persons from entering the crime scene. All responding officers shall be required to identify themselves and remain on scene until relieved to return back to duty by the Scene Supervisor.
9. The Primary Officer shall relinquish the scene and its supervision to the first supervisor to arrive.
10. The Primary Officer and any assisting officers shall notify the Scene Supervisor of the following:
 - a. Any injuries to officers or citizens.
 - b. Location of the Involved Officer
 - c. Location of witnesses.
 - d. Location of scene evidence.
 - e. Type of scene evidence.
 - f. Person securing the scene evidence.
 - g. Scene boundaries.
 - h. Officer currently in charge of recording information from responding officers.

D. Responsibilities of Scene Supervisor

1. Respond quickly as possible and assume responsibility for scene security.

2. Upon his/her arrival, the Scene Supervisor shall ensure that the appropriate medical aid has been provided to any injured person(s).
3. After establishing that a critical incident has occurred, the Scene Supervisor shall obtain a Public Safety Statement from the Involved Officer(s). The Public Safety Statement is limited to the following information:
 - a. Are you injured?
 - b. Do you know if anyone else is injured? If so, where are they?
 - c. What type of force was used?
 - d. If you fired your weapon, what direction did you discharge it?
 - e. If the suspect fired, what direction did he/she shoot?
 - f. If any suspects/vehicles are at large, what are their descriptions?
 - g. For what crime is he/she wanted?
 - h. Do you know the location of any firearms/evidence that needs to be preserved?
 - i. Are there any known witnesses? If so, where are they?
4. The Scene Supervisor will ensure that the Chain of Command has been notified. It will be responsibility of the Chief of Police or their designee to ensure that the on duty/on call Supervisor from the agency assigned with investigating the critical incident is contacted and directed to the scene.
5. The Scene Supervisor will ensure that the Primary Officer has sufficient assistance to control the scene and protect the integrity of any evidence while awaiting the arrival of detectives from the investigating agency.
6. The Scene Supervisor shall ensure measures are taken so that the Involved Officer's family has been notified of the incident and regarding the medical condition of the officer prior to any media release.
7. Officers involved in a critical incident shall be assigned an Uninvolved Officer after the incident, while on scene. The Uninvolved Officer's role is to remain with the Involved Officer throughout the investigation on scene. He/she is responsible to ensure the Involved Officer remains separated from other Involved Officers and are accessible to detectives, when needed. The

Uninvolved Officer is to ensure that the Involved Officer's clothing, weapon and ammunition remain intact for the integrity of the evidence/investigation.

8. For Officer Involved Shooting events, the Involved Officer's weapon and all ammunition shall be seized at the scene as directed by the Supervisor from the agency assigned with investigating the critical incident.

E. Scene Preservation and Security

1. It is imperative that the Primary Officer, with the aid of assisting officers, preserve the scene and complete the necessary construction of the perimeter using crime scene tape.
2. Absolutely no person shall be allowed within the scene perimeter unless those persons are emergency medical responders or directly performing a task as directed by the Scene Supervisor.
3. Responding officers shall preserve the suspect's weapon and any other evidence in its original condition and location. Exigent circumstances may exist to require that the evidence be moved for safety/security reasons.

F. Involved Officer Treatment

1. If the officer needs medical treatment, the Uninvolved Officer shall remain with him/her to assist at the hospital. Injured officers shall not be sent to the same hospital as the suspect unless no alternative exists.
2. The Involved Officer shall be separated from any suspect or body as soon as feasible. Whenever possible, the Involved Officer shall be shielded from viewing the body while at the scene.
3. Upon arrival of the detectives from the investigating agency, the Involved Officer will be asked to voluntarily assist detectives, with the Involved Officer's attorney present (if applicable), by discussing the initial statement(s) given and walk through the scene with the detective charged with the investigation to give him/her a better understanding of the event.
4. The following administrative procedures will be explained to the Involved Officer(s) and Witness Officer(s):
 - a. Officers who are deemed as witnesses to the critical incident will be interviewed on scene. They will also be requested that same day/evening to make a voluntary, audio recorded statement of the event after being directed to the designated location determined by the investigating agency

- b. Officers who are deemed as witnesses shall, when feasible, remain separated until the statements are received in order to maintain the integrity of the investigation.
- c. The Officer involved will be advised of the following guidelines:
 - 1) Any time an officer is involved in a critical incident, either on or off-duty, he/she could be the subject of a criminal investigation. Like any other citizen, the officer has the right against self-incrimination as outlined in the Fifth Amendment of the U.S. Constitution.
 - 2) In order to better understand the details of the event, the investigating agency will request that the Involved Officer make a Voluntary Statement about the details of the incident.
 - 3) The Involved Officer will be advised that a Voluntary Statement is not mandatory. The Involved Officer can refuse to provide a Voluntary Statement and he/she may consult with an Attorney and have one present prior to and during the Voluntary Statement.
 - 4) The Involved Officer(s) will be asked to provide a Voluntary Statement at a mutually agreed-upon day, date, time and location, but as soon as possible. This statement will be given to the Lead Investigator(s) by the Involved Officer(s) with his/her attorney present (if applicable). This statement will be recorded.
 - 5) The Involved Officer(s) will be advised before he/she gives a Voluntary Statement:
 - a) The statement will be included in the official report.
 - b) Any statements given to investigators will be turned over to the Prosecuting Attorney's Office.
 - c) Other witnesses or suspects may be giving statements against the officer's interests.
 - d) Lack of a statement could negatively impact the Prosecuting Attorney's decision to initiate criminal prosecution of the suspect.
 - e) Evidence might be misinterpreted and/or not recovered at all.

- f) Lack of a statement might negatively influence public perception of the event.

G. Public Information Officer

The Public Information Officer will respond to the scene when feasible. A designated media staging area will be located for all media to assemble, if needed. All statements concerning the incident will be conducted by the Public Information Officer or their designee after conferring with the Chief of Police in regard to the content of the media release. Any identifying information about the Involved Officer will be released in accordance with the Missouri Sunshine Law.

BY ORDER OF:



MARK J. SMITH
Chief of Police

MJS:sak

APPENDIX G



Police Department

10 South Brentwood Blvd. • Clayton, Missouri 63105-1620 • (314) 645-3000 • FAX (314) 863-0285

DEPARTMENT GENERAL ORDER 20-20

OFFICE of the CHIEF OF POLICE
REPLACES: General Orders 09-01
SOP 502.10.00

DATE: September 24, 2020

INTERNAL AFFAIRS

I. PURPOSE

To ensure the integrity of the Police Department and maintain the confidence of the public, all complaints against this department and/or its employees will be thoroughly investigated, regardless of the source. This shall be accomplished in an expeditious, thorough, and equitable manner, and will endeavor to ensure an objective and impartial determination of an employee's conduct while identifying potential remedies to preclude similar occurrences in the future.

II. DEFINITIONS

Citizen Complaint Form: A single page form utilized to document complaints against sworn and non-sworn department employees.

Complaint: An allegation of misconduct which, if proven to be based on truth, could result in disciplinary action against a department employee.

Employee: All sworn and non-sworn department members.

Formal Discipline: Disciplinary actions initiated by the department which become permanently incorporated in an employee's personnel file.

Formal Investigation: A process initiated by the Chief of Police to investigate allegations of serious misconduct by one or more department employees.

Informal Investigation: A process initiated by a supervisor, or platoon or division commander to investigate minor allegations of misconduct by subordinate employees.

Misconduct: A violation of law or department policy, procedure, or regulation.

Minor Allegation: Misconduct not affecting the overall mission of the department, that if proven true, will result in the imposition of summary discipline. Examples of such conduct are tardiness, minor rules infractions, etc.

Relief from Duty: The temporary release of an employee from active duty pending the outcome of a departmental investigation. Such relief from duty excludes the employee from performing any official function and may be with or without pay.

Remedial Training: Training provided to correct deficiencies in job performance or conduct. This training will be provided by the department and scheduled as part of an employee's regularly assigned tour of duty.

Summary Discipline: Admonishment, such as a written or oral reprimand, which does not become a part of an employee's permanent personnel file.

Suspension: Disciplinary action placing an employee in either a pay/non-pay, non-duty status for a specified period of time.

Termination: The dismissal of a department employee.

III. SOURCE AND TYPE OF COMPLAINTS

All complaints pertaining to department policies and procedures, or those that allege employee misconduct, will be documented via a Citizen Complaint form and subsequently investigated. Complaints will be accepted from any source both within or external to the department and shall also include anonymous sources. Individuals desiring to file a complaint may do so in person, via mail, telephone, email, or through the utilization of a third party. However, complainants shall be uniformly encouraged by supervisory and command personnel to submit their complaint in person and in writing.

Anonymous complaints that contain a serious allegation against a department employee shall be reviewed by the commander of the bureau which initially received the complaint and then forwarded to the Chief of Police. The complaint shall then be judged as to the seriousness of the allegation, the apparent credibility and motivation of the complainant, and the potential for a complete and equitable investigation.

Anonymous complaints having sufficient information to support an investigation shall be assigned to an investigative team based on the same criteria as attributable complaints. Those anonymous complaints which do not have sufficient information to support an investigation shall be maintained in a separate file within the Office of the Chief of Police for a period of one year, at which time the complaint shall be destroyed if no further information is forthcoming.

Complaints in which an employee cannot be identified will be classified as "closed" if, after ninety (90) days, no additional information identifying the employee has been forthcoming.

Where a complaint concerns a law the department must enforce, or is a matter the department has no jurisdiction over or cannot change, the investigating officer will explain the situation and either forward the complaint to the appropriate city department or refer the complainant to the person or agency which has authority over the disputed policy or procedural area.

Internal affairs will also conduct an investigation at the request of any department employee who feels threatened by a false accusation or contrived situation involving false evidence or testimony. Employees should report such concerns to their immediate supervisor who shall transmit same upward through the proper chain of command.

Investigations into an officer's use of deadly force should also refer to the Department General Order titled "Officer Involved Critical Incidents" for additional policies and procedures involved in those types of incidents.

A. Type of Complaints Assigned to Line Supervisors

Complaints alleging minor misconduct on the part of an employee (i.e. rudeness, poor driving habits, slow response, etc.) will generally be directed to the employee's immediate supervisor or, in the supervisor's absence, the subordinate's Platoon or Division Commander. It shall be the supervisor's responsibility to ensure the complaint is properly documented and investigated. Once a determination has been made, the supervisor shall assign a final disposition to the Citizen Complaint form and make a recommendation for disciplinary action, if any. The completed form will then be forwarded to through the chain of command to the Bureau Commander who shall forward it to the Office of the Chief of Police.

Supervisory personnel shall also initiate and conduct investigations when they observe or learn of misconduct falling within the scope of their authority. Supervisors shall not look to higher authority for the initiation of such actions.

In order to accomplish their assigned responsibility, any supervisor or command rank officer shall possess the authority to relieve an employee from duty when it appears that such action is in the best interests of the Police Department. Should such a situation occur, the supervisor or commander will immediately notify the appropriate Bureau Commander and the Chief of Police and apprise them of the situation.

In addition, a supervisor can order a subordinate employee to provide a sample for urinalysis or submit to a breathalyzer test when reasonable suspicion the employee is under the influence of drugs

or alcohol exists. Such actions shall be documented by a Citizen Complaint Form or if the circumstances do not warrant the use of such document, an inter-departmental memorandum.

B. Type of Complaints Assigned to Internal Affairs

Complaints alleging serious misconduct on the part of an employee shall be assigned to internal affairs personnel for investigation. Examples of serious types of misconduct include, but are not limited to:

- 1). Violations of law
- 2). Corruption
- 3). Misuse of force
- 4). Civil rights violations
- 5). Abuse of power
- 6). Substance Abuse

C. Type of Complaints Assigned to the City Manager

Complaints against the Chief of Police will be referred to the Commander of the Criminal Investigations Division, who shall notify the City Manager as soon after the receipt of the complaint as possible. Relevant information and/or supporting documentation will then be forwarded to the City Manager, who shall have the responsibility to investigate the complaint and determine its validity. To accomplish this mission, the City Manager may elect to investigate the complaint, utilize command personnel from the police department, or arrange for an independent review by an investigative team from an outside law enforcement agency.

Department employees may also submit a complaint directly to the City Manager, however, they shall be required to notify the Chief of Police via the chain of command prior to their initiating such action.

D. Notification of Chief of Police

Except in those instances where the Chief of Police may be the target of a complaint or investigation, the Chief of Police shall be notified in a timely manner of all complaints against department personnel. In the case of allegations of minor misconduct, the notification process may be verbal. In those cases involving more serious allegations, written documentation will be referred to the Office of the Chief of Police for investigation. Notification

will generally be made by a Bureau Commander or a designate.

The City Manager shall be responsible to notify the Chief of Police of any complaints and/or investigation where the Chief is the focus of the action.

E. Notification of Employee

The employee under investigation shall generally be notified in writing within one calendar week of the complaint. The employee shall also receive a copy of the complaint at the time of notification. If a delay in notification is necessary, the Chief of Police or a designee will provide a written explanation for the delay to the employee when the notification is made.

F. False Complaints

An employee may pursue prosecution of an individual who makes a false criminal complaint against him or her in violation of 575.080 RSMO, which states:

1. A person commits the crime of making a false report if he knowingly:

- a. Gives false information to any person for the purpose of implicating another person in a crime; or
- b. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
- c. Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a false report is a class B misdemeanor.

Nothing prevents an employee from seeking civil remedy from a court for a citizen's violation of 575.080 RSMo.

IV. INTERNAL AFFAIRS FUNCTION

The internal affairs function shall reside within the Office of the Chief of Police. The Chief shall have full authority to conduct, direct, and/or authorize formal internal affairs investigations, while maintaining oversight responsibility for informal investigations. Further, that while the latter will generally be the operational responsibility of the department's command and supervisory staff, such personnel shall be answerable to the Chief of Police and will be tasked to provide verbal status reports on current investigations, as well as completing necessary documentation and forwarding the files for executive review. Acting on behalf of the Chief of Police, the Commander of the Criminal Investigations Division shall maintain a file of internal investigations cases separate from other records and in a secure location.

A. Investigative Guidelines

1. Personnel shall be interviewed at reasonable hours, preferably when the accused is on duty and during daylight hours. However, should the exigencies of the investigation dictate otherwise, interviews may be conducted at a time determined most suitable by the investigation team.
2. The interview shall take place at a location designated by the investigating team, usually a police department facility.
3. The name of the charging officer, complainant, or citizen making the charge shall be disclosed if this information is known to the investigators conducting the internal affairs inquiry. If this information is not known, this shall also be disclosed. Disclosure of the complainant's name will not be required if revealing the name may jeopardize the investigation; however, once the investigation is complete and the issue becomes the subject of a grievance or disciplinary action, the name(s) of the complainant(s) will be revealed at the request of the accused.
4. The accused shall be informed in a confidential manner of the substance and nature of an investigation (whether administrative or criminal) following a complaint and prior to an interview, and shall be provided with a written copy of the complaint and their rights and responsibilities relative to the investigation. The delivery of the notification will be documented in writing by an "IA Case - Officer Rights Acknowledgement" form. The supervisor or commander issuing said rights and responsibilities will attach the completed form to the Citizen Complaint Receipt

If it is known that the employee being interviewed is a witness only, he/she shall be so informed. If the employee being questioned may be

the subject of the investigation, this fact shall be disclosed prior to any interview questions.

Employees shall also be advised that statements obtained via interview, along with other pertinent information, will be used to determine if redirection through training or disciplinary action is warranted.

If they are not already aware of the proceedings, the investigating officer(s) may inform the employee's Bureau Commander, Platoon or Division Commander, and immediate supervisor of the investigation. This shall generally be accomplished in a manner similar to the method in which the employee was notified, however, contingent upon the circumstances surrounding an investigation, such notifications may be delayed or dispensed with entirely.

5. The interview shall be completed as soon as possible, with the actual interview time limited as follows:

On-Duty and Off-Duty Personnel - Maximum of three, three-hour sessions within any twenty-four hour period. There shall consistently be a minimum of a one-hour break between the sessions, and in no event shall a combination of the employee's assigned tour of duty coupled with interview periods exceed twelve hours.

In all instances, in addition to the one-hour break provided, time shall be allotted for personal necessities, telephone calls, and such rest periods as are reasonably necessary.

6. Employees shall not be subjected to offensive language, coercion, threats, or promise of reward as an inducement to questions. However, the investigators are not prohibited from informing the accused that his or her conduct could become the subject of disciplinary action.

7. The complete interview of the employee shall be recorded mechanically or by stenographer. There will be no "off-the-record" conversation except by mutual agreement. Nothing discussed "off-the-record" during the interview shall be used as part of the investigation, official file, or be submitted for official action. All recesses called during the interview shall be noted in the record.

8. Employees must, as a condition of continuing employment, truthfully answer any and all questions in conjunction with an administrative investigation regarding the performance of their official duties or fitness for duty. This shall apply whether the employee is a participant or a witness to the matter. The determination of whether a question is

relevant to the investigation shall be made solely by the officer(s) conducting the interview.

9. Officers conducting interviews regarding an internal affairs investigation shall not be required to advise department employees of their constitutional rights per the Miranda Decision. As such, should an employee refuse to answer questions during an interview session, or otherwise provide false or misleading answers, the employee may be subject to disciplinary action, up to and including dismissal.

Any required statement can be used against an employee in a disciplinary or administrative proceeding, but those statements secured via a formal internal affairs interview process shall be inadmissible, and may not be used, in any subsequent criminal action where the employee is target of the criminal investigation.

10. Employees under investigation shall be given an exact copy of any written statement he may execute, or if the questioning has been recorded mechanically or by stenograph, the employee shall be given a copy of such recording or transcript per his or her request. Employees may be permitted to provide their own recording devices.

11. The department shall afford an opportunity for the accused, if he/she so requests, to consult with a Union representative prior to being questioned, provided the interview is not delayed more than three hours. It is agreed that having a Union Representative (which may include legal counsel) present does not negate the Member's responsibility to participate in the investigative process during the disciplinary proceedings. The Union representative may observe the interview, and with the Member's and City's consent, request to confer privately with the Member, or speak on the Member's behalf. The Union representative shall not delay, obstruct, or interfere with the interview, and should such circumstances occur, the Member may be disciplined for refusal to participate.

12. In cases involving alleged criminal conduct, the investigating team shall maintain close liaison with the St. Louis County Prosecuting Attorney's office or other prosecuting body. Based on available evidence, the investigating team will decide to:

- a. Arrest the suspected employee immediately
- b. Obtain a warrant prior to the initiation of an arrest
- c. Delay prosecutorial action pending further investigation

In those instances where an internal affairs investigation may be

conducted parallel with a criminal investigation the IA investigating team need not wait until all criminal matters are resolved before it initiates and/or concludes its investigation.

13. All formal internal affairs investigations will be classified as confidential and no portion of the investigation will be reproduced or released to any person without the authorization of the Chief of Police.

14. Internal affairs reports shall be separate and distinct entities from police incident reports which may be initiated to detail criminal activity arising out of the same investigation.

V. AUTHORITY OF CHIEF OF POLICE

The Office of the Chief of Police shall be invested with exclusive and complete authority to authorize and initiate such formal internal affairs investigations that are deemed necessary. In this regard, the Chief of Police reserves the right to conduct such investigations personally, assign command and/or investigative staff to serve as an internal affairs team operating under his or her direct control, or to arrange for an independent review by an investigative team from an outside law enforcement agency. However, for the purpose of conducting a formal investigation and issuing related orders, department members and/or others assigned as an internal affairs investigator shall be considered a designee of the Chief of Police and granted full cooperation.

The Chief of Police shall closely monitor every formal internal affairs investigation and tender such orders and suggestions as deemed appropriate.

Once a formal internal affairs investigation is complete, the Chief of Police shall review the investigative report and accompanying documentation/evidence. At that time, the Chief of Police may consult with city management and legal staff, interview the accused and/or witnesses, and solicit recommendations/advice from the departmental command staff prior to rendering a written determination on the case. However, irrespective of input from other sources, the Chief of Police shall retain full authority and responsibility to institute disciplinary action as the circumstances and/or evidence warrant.

The Chief of Police will notify the appropriate Bureau and/or Platoon/Division Commanders of the final disposition of each formal internal affairs investigation, except in those cases where disclosure might compromise related investigations.

VI. INVESTIGATIVE TIME CONSTRAINTS

All reasonable efforts will be made to resolve formal internal affairs investigations within forty-five (45) calendar days of the date the original complaint was initiated. Informal investigations shall be concluded within ten (10) calendar days of the date the original complaint was initiated. Complainants will be apprised of the preceding time frames

during their initial contact with the department and the investigating officers will issue periodic reports to the complainant on the status of their case.

A. Extension Provisions

The Chief of Police, acting on the request of the investigating team, may extend the investigation period for formal internal affairs investigations by an additional thirty (30) days as warranted. Further extensions covering a similar period of time may be granted as necessary.

The individual Bureau Commanders, may extend the investigation period for informal internal affairs investigations by an additional seven (7) days as warranted. Further extensions covering a similar period of time may be granted as necessary.

The complainant will be notified of any extensions.

VII. CASE STATUS REPORTS

During all formal internal affairs investigations, the investigating team shall issue periodic status reports to the complaint regarding the investigation. These may be either verbal or written and will be included in the investigative file. At the conclusion of all internal investigations (both formal and informal) the Chief of Police or a designate, acting in response to the facts developed in the case, will notify the complainant (in writing) of the final disposition of the investigation.

VIII. EMPLOYEE RIGHTS AND RESPONSIBILITIES

Employees shall be required to answer questions relating to the performance of their official duties or relating to their fitness for duty in all administrative investigations. Failure or refusal to answer questions, or providing false and/or misleading information in those instances can result in disciplinary action, up to and including dismissal. An "Interview Instruction Form" will be used to apprise employees of their rights per *Garrity* in those instances where the Chief of Police directs a command rank officer or investigator to conduct a formal internal investigation of a serious, or alleged criminal violation.

Any required statement can be used against an employee in a disciplinary action or administrative proceeding. Voluntary statements, confessions, or spontaneous utterances made by an employee in an internal affairs investigation which occur outside the scope of official interview and interrogation processes can be used in a criminal proceeding or action where the employee is the object of the investigation. Should incriminating statements or information be obtained while an employee is under *Garrity* or official duress, the statements or information so obtained shall be inadmissible in any subsequent criminal proceeding.

An employee under investigation may request or seek a blood, urine, psychological, or medical examination if it is believed that such an examination would be beneficial to his/her case. The cost of such examinations, which are performed independently of those requested by the department, shall be borne solely by the employee.

IX. TECHNICAL EXAMINATIONS AND/OR DISCOVERY PROCEDURES

In order to facilitate an investigation, the Chief of Police may order any member of the department to submit to various technical examinations and/or discovery procedures.

A. Deception Examinations

Employees may be required to submit to a deception examination, such as the polygraph test. However, deception examinations shall be employed only after all other reasonable investigative leads have been exhausted. Should an employee refuse to submit to a deception examination, the employee shall be subject to disciplinary action, including dismissal.

B. Medical Examinations

The Chief of Police can also order any member of the department to submit to any medically acceptable technique to secure non-testimonial evidence including, but not limited to chemical, mechanical, and/or biological means (Ex. urine, blood, DNA samples). Should an employee refuse to submit to a medical examination, the employee shall be subject to disciplinary action, including dismissal.

C. Administrative/Photo Line-ups

An employee may be compelled to stand in an administrative line-up. A photo line-up utilizing photographs on file in the employee's personnel file may precede a physical line-up. Should the employee's appearance at the time of the alleged incident differ from that of the file photograph, the employee may be required to pose for updated photographs. Failure to stand in an administrative line-up may result in disciplinary action against the employee, up to and including dismissal.

D. Search and Seizure

Personal property shall not be subjected to unreasonable or unlawful search or seizure, and in the case of a criminal investigation not without consent, or a duly authorized search warrant where required by law.

Should personal property be seized as evidence or to further the investigative process, the employee shall be provided a receipt for the property except in those instances where the property constitutes contraband.

Departmental property may be searched at any time even if it is assigned to or used exclusively by a single person. Department property includes, but is not limited to vehicles, desks, files, computers, cabinets, and storage lockers.

The investigating officer(s) may, at any time during an investigation, order an employee to deliver to the investigating team any property, document, file, or other item which belongs to the department.

E. Financial Disclosure

When financial matters are at issue or need to be verified, department employees may be required to provide those personal financial records which are related to or directly pertain to the investigation. Failure of an employee to comply with the requested disclosure may result in disciplinary action, up to and including dismissal.

X. DOCUMENTATION OF INTERNAL AFFAIRS INVESTIGATIONS

Complaints registered against the department or its employees shall initially be recorded on a Citizen Complaint Receipt form by the receiving supervisor or commander. This shall include:

- A. Name of complainant or anonymous
- B. Complainant's home address and phone number
- C. Complainant's business address and phone number
- D. The location of the incident
- E. The date and time of the incident, along with IA Case Number
- F. The nature of the complaint
- G. Identity of employee(s) involved
- H. Identity, address and phone number of any witnesses
- I. Name of investigating officer

Those complainants who appear in person to file a complaint shall be provided with a copy of the Citizen Complaint Receipt form which shall act as a receipt acknowledging that the department has received the complaint and will investigate same. The receiving supervisor or commander will retain the original Citizen Receipt Summary form which shall then serve as the department's internal investigations report for allegations of minor misconduct and as an investigative foundation concerning allegations of serious misconduct. Individuals who file complaints via mail or telephone will also receive a copy of the Citizen Complaint form as a receipt. In such instances a copy of the form will be mailed to the complainant's residence or business, whichever may be most appropriate.

Every complaint will be assigned an internal affairs case number, which shall contain specific numerical designators (i.e. IA 20-1, IA 20-2, IA 20-3, etc.). Internal affairs case

numbers shall commence on January 1st of each calendar year and run from one to infinity. Individual case data will be entered on a departmental Internal Affairs log sheet which shall be maintained by the Commander of the Criminal Investigations Division, yet also be accessible to the Commander of the Field Operations Bureau. Supervisors and/or mid-level commanders who receive a complaint will provide the necessary information to their proper bureau commander, who shall then enter same on the log and draw a case number.

Each complaint will be adequately investigated, and a Citizen Summary Complaint Form prepared. An investigative report shall also be prepared in those circumstances where the seriousness of the allegations warrant same, and this report, (supplementing the IA Complaint and surrounding facts) along with any attached documentation, will be subsequently forwarded to the Chief of Police within the designated time frame.

Should the "finding of fact" indicate a conclusion of "exonerated, unfounded, or not sustained," case records shall be entered in the internal affairs files only, with no concurrent entry into an employee's personnel file. No copies shall be forwarded to any other city department, except when necessary to defend the city against a civil claim.

Should the "finding of fact" indicate a conclusion of "sustained," case records shall be entered into the internal affairs files, with an incident summary listing disciplinary action, being placed into the employee's personnel file.

The disposition approved and/or determined by the Chief of Police in all formal internal affairs investigations shall be contained in a letter to the employee which shall set forth the disposition and the ultimate facts which support the disposition. If termination is imposed, the dismissed employee will be provided with a termination letter which includes:

- A. A statement citing the reason for dismissal
- B. The effective date of the dismissal
- C. A statement as to how the dismissal will be reflected in the employee's personnel record

Information regarding the dismissed employee's fringe and/or retirement benefits will be issued by the city's personnel staff in a separate document or statement. Informal internal affairs investigations which may be handled by a supervisor, or Platoon or Division Commander shall not require a separate report beyond the Citizen Complaint Summary form. This will contain a summary of the of the complaint and surrounding facts, a "finding of fact" and any disciplinary measures either meted out or recommended. The Platoon and Bureau Commander must approve any disciplinary action resulting from an informal internal affairs case prior to its implementation. The Chief of Police will also be consulted and advised of recommended disciplinary measures in such cases. The Chief of Police shall have undisputed authority to alter proposed disciplinary actions, concur with the proposed recommendations, or to order additional investigation.

Once a decision has been reached in informal cases, the appropriate supervisor or commander will verbally inform the employee of the disposition of the complaint and the facts which support the disposition. Data concerning disciplinary measures and the notification of the employee shall be entered onto the Citizen Complaint Summary form and the document forwarded to the Office of the Chief of Police, either electronically or in hard copy form.

The Commander of the Criminal Investigations Division shall maintain internal affairs case files that shall be designated as such, distinct and separate from other administrative and personnel records. Such files will always be secured from unauthorized access.

Internal investigative reports shall be considered personnel records and pursuant to Section 610.021 (3) RSMo, will be properly closed to public disclosure. The department shall not release an employee's home address, telephone number, or photograph without his or her consent, except pursuant to a valid subpoena or a valid discovery request in a civil lawsuit. Should an internal investigation lead to criminal charges being issued against an employee, the formal investigative reports and supporting evidence shall serve as part of the public record and be subject to such disclosure as the law permits.

XI. WRITTEN CONCLUSION OF FACT

At the conclusion of each investigation into a complaint, a written finding of fact will be issued in conjunction with the submission of an investigative report and all supporting documents to the Office of the Chief of Police. The investigative report shall detail the various facets and points of the investigation and will provide a finding of fact regarding the final disposition of the complaint. Available options in disposition are listed as follows:

- A. Sustained - Evidence sufficient to prove allegations
- B. Not sustained - Insufficient evidence to either prove or disprove allegations
- C. Exonerated - Officer's actions were lawful and proper
- D. Unfounded - Allegations have no bearing in fact

A copy of the written finding of fact shall be provided to both the complainant and the accused employee. The employee shall receive the written findings within five business days of its completion. The Chief of Police or a designee shall provide a written explanation if this notification to the employee is delayed.

Except for those complaints involving minor allegations, the investigating authority shall generally not include disciplinary recommendations regarding the findings of fact.

XII. DISCIPLINARY ACTION

The administration of discipline resulting from internal affairs investigations shall be applied in as consistent manner as possible. The forms and severity of discipline will

generally be incremental in nature and shall adhere to the policy and procedural guidelines outlined in the applicable general order.

XIII. EMPLOYEE APPEAL PROCESS

Disciplined employees may file a written appeal regarding the action in accordance with the procedural guidelines established in the appropriate general order.

XIV. ANNUAL STATISTICAL SUMMARY

The Chief of Police shall direct that an annual statistical summary be prepared, based on the records of complaints and internal affairs investigations. This summary will detail the number and type of complaints/investigations, the findings of fact (to include final dispositions and the percentage each type of disposition comprises of the whole), the number of personnel disciplined, a comparison with internal investigation figures compiled in prior years, and any other such data as may be deemed pertinent. The statistical summary shall then be reviewed to determine if changes in training and/or department policy are warranted.

XV. DISSEMINATION OF PUBLIC INFORMATION.

To enhance the department's community relations effort, information on how a citizen may file a complaint against a department employee, and the subsequent investigative process, will be placed on one or more mediums the City uses to disseminate information to its residents. A copy of the internal affairs annual report and other similar related material shall also be posted for public consumption and employee review.

Should an inquiry be received by a department employee on the proper procedure relative to filing a complaint, the employee will provide the requested information or refer the individual to someone who can satisfy their need.

BY ORDER OF:



Mark J. Smith
Chief of Police

MJS:sak

APPENDIX H: GRIEVANCE FORM

Grievant's Name(s): _____

Date of filing this form: _____

Article(s) and Section(s) of the Agreement allegedly violated: _____

Date of the alleged violation: _____

Complaint or grievance: _____

Prior actions taken to resolve this issue: _____

Proposed remedy: _____

Signed: _____

Employee and/or FOP Representative

Date



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
GARY CARTER, DIRECTOR OF ECONOMIC DEVELOPMENT
DATE: OCTOBER 13, 2020
SUBJECT: ORDINANCE – AMENDING CHAPTER 350 PARKING REGULATIONS OF THE CITY CODE

The attached ordinance amends Articles IV and V of Chapter 350 of Title III of the Code of Ordinances. Specifically, it seeks to permanently codify the emergency measure implementing curbside parking spaces for restaurant and retail pickup. The current emergency measure became effective on March 16, 2020.

The proposed ordinance outlines the conditions and procedures for Clayton businesses to request and receive a permit to operate a curbside pickup parking location. Requesting businesses must be in a commercial land use zone. Only one parking space may be dedicated per business with operational hours between 7:00 AM and 10:00 PM. The proposed maximum stay for any vehicle utilizing the space is 10 minutes. Like the City's valet parking code, the proposed ordinance authorizes the Director of Public Works to review and issue Curbside Pickup Parking Zone permits. In doing so the Director may consider conditions at the requested location including proximity to other similar zones, traffic and pedestrian conditions.

Under the conditions of the proposed ordinance, businesses would be required to submit a fee of \$100 with their permit application and each year with a renewal request. The City will provide and install standardized signage for each approved application.

Finally, the proposed ordinance implements a penalty for violation of the zone. With all Clayton parking related tickets, the amount of the penalty is related to the timeframe in which payment is made. In the proposed ordinance a violation paid within 14 days is \$40, within 15-21 days is \$80, and \$120 for any payment made beyond 22 days.

The current emergency measure has allowed Clayton businesses to maintain operations in a convenient manner for both the business and their customers. Staff believes that this addition to the Code allows businesses to adapt to a new business model that is likely to exist beyond the COVID-19 pandemic.

STAFF RECOMMENDATION: To approve the ordinance and enact Curbside Pickup Parking Zones.

BILL NO. 6810

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 350 OF THE CLAYTON CITY CODE RELATING TO PARKING RESTRICTIONS AND ENFORCEMENT TO PROVIDE FOR CURBSIDE DELIVERY ZONES IN COMMERCIAL AREAS.

WHEREAS, the City provides parking spaces on City streets and property for the convenience of motorists and patrons of businesses and services within the City of Clayton; and

WHEREAS, recent events have demonstrated an evolving and increasingly popular pattern in which patrons of Clayton's restaurants and retailers rely on the convenience and safety of curbside delivery and pick-up of goods rather than longer term vehicle parking and shopping or dining at the facility, and this pattern is reasonably expected to continue in the future; and

WHEREAS, the availability of curbside locations to deliver goods to customers is increasingly important to the success of Clayton's restaurateurs and retailers and, therefore, to the character and economic vitality of the City

WHEREAS, the City Manager should have the ability to establish fees and parking zone boundaries in accordance with certain guidelines in order to keep pace with changing circumstances and demands;

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

Section 1. The title of Article IV of Chapter 350 of Title III of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended to add "Curbside Pickup" and shall hereafter read as follows:

Chapter 350. Parking Regulations

Article IV. Valet And Curbside Pickup Parking Zones

Section 2. Article IV of Chapter 350 of Title III of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 350.235, to read as follows:

Chapter 350. Parking Regulations

Article IV. Valet And Curbside Pickup Parking Zones

Section 350.235 Establishment of Curbside Pickup Parking Zones

A. Pursuant to the provisions of this Section, curbside pickup parking zones may be established on such public streets and in such places and for such times and in such number as shall be determined by the Director of Public Works to be in the best interest of the City, its citizens and visitors in order to provide convenient short-term parking near the point of destination in those portions of the City designated as commercial districts by Title IV, Zoning Regulations.

B. A curbside pickup parking zone shall be created only upon a written curbside pickup parking permit application submitted to the Director of Public Works by the owner or occupant of the property adjacent to the site of the proposed curbside pickup parking zone setting forth the terms of the proposed operation of the curbside pickup parking zone, which terms shall include, but may not be limited to, those set forth in this Section. Each such application must be accompanied by a non-refundable initial permit application fee of one hundred dollars (\$100.00). Each permit issued shall obligate the holder thereof (the "permittee") to operate the curbside pickup parking zone and perform all of the obligations, duties and responsibilities set forth in the permit and in this Section. The Director of Public Works may impose additional conditions or restrictions on the operation of a given permit as the Director may determine to be reasonable and necessary to protect public safety, avoid disruption or disadvantage to nearby residents or businesses, and in light of the location and surrounding circumstances at issue. All permits shall be subject to renewal by the Director of Public Works as of April first (1st) of every calendar year and payment of the annual fee of one hundred dollars (\$100.00) payable by the renewal date. In determining whether to renew a permit, the Director of Public Works shall consider the manner in which the curbside pickup parking zone has been operated, the degree to which the applicant has complied with the requirements set forth in this Section and the permit, whether the operation of the curbside pickup parking zone at that location has caused a traffic impediment, contributed to disruption of safe traffic movements or posed a safety hazard for motorists, and has been in the best interests of the City and its citizens and visitors.

C. Curbside pickup parking zones shall be established only in those

areas designated as "commercial districts" pursuant to Title IV, Zoning Regulations of the Code of Ordinances of the City. Curbside pickup parking zones shall be established only on public streets and adjacent sidewalks as specified in the permit to be issued pursuant to Subsection **(B)** above. The Director of Public Works shall determine the location of all curbside pickup parking zones based on factors including, but not limited to, traffic flow, pedestrian safety, other no parking, valet and other restricted parking zones, and impact on the overall streetscape and business environment. No zone shall be greater than one on-street parking space.

D. Curbside pickup parking zones shall be restricted for use in conjunction with the operation of curbside pickup parking during the hours specified in the permit for each zone, but in no case shall the restriction be in force earlier than 7:00 A.M. or later than 10:00 P.M. Sunday through Saturday.

E. The City shall provide appropriate signage, at its cost, prohibiting parking in curbside pickup parking zones and designating such zones.

F. All vehicles to be parked in curbside pickup parking zones shall be limited to a maximum of ten (10) minutes.

G. The permittee, at its own expense and cost, shall keep the curbside pickup parking zone in a neat and clean condition, free from nuisance and filth and provide for the removal of snow, ice, trash and waste therefrom.

H. The permittee shall operate the curbside pickup parking zone, or cause the same to be operated, in accordance with all requirements of this Section and any conditions required by the applicable permit.

I. The City shall keep and maintain the sidewalk, street and curb of the curbside pickup parking zone in a manner comparable to the rest of the block in which the curbside pickup parking zone is located; provided that this obligation shall not limit or otherwise affect the City's right and power to specially assess for the cost of maintaining the same.

J. The permittee shall provide and maintain, at its own expense and cost, general liability insurance in full force and effect for the curbside pickup parking zones, in standard form generally in use in the State of Missouri with insurance companies having a current "best" rating of not less than A and a financial rating not less than Class VII and authorized to do business in the State of Missouri in an amount determined by the

City Manager from time to time on the basis of liability limits then applicable to the City and an assessment of the City's risks associated with the activity involved. Executed copies of said policies of insurance or certificates thereof shall be delivered to the Director of Public Works within thirty (30) days of the date on which the Director of Public Works authorizes the issuance of the permit. No permit shall be issued unless and until the policy or policies or certificate(s) have been delivered to the Director of Public Works. Not less than thirty (30) days prior to the expiration of the term of each such policy, a renewal or replacement insurance policy or certificate thereof shall be delivered to the Director of Public Works; failure of the permittee to comply with the requirements of this Subsection shall be grounds for immediate termination of the permit notwithstanding any other provision of this Section or the permit. All said policies of insurance delivered to the City must contain a provision that the company writing said policy will give the City twenty (20) days' notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must contain a provision naming the City, its agents, employees, guests and invitees as an additional insured.

K. Any curbside pickup parking zone established or curbside pickup parking permit issued pursuant to this Section is subject to suspension or revocation upon a finding by the Director of Public Works, after affording the applicant or permittee an opportunity to be heard thereon, that:

1. Any representation on the permit application was false or fraudulent; or
2. That the curbside pickup parking zone has in any other material way been operated in violation of the conditions or requirements specified in this Section or in the permit regarding the zone in question.

L. Any applicant or permittee aggrieved by a decision of the Director of Public Works in refusing or disciplining a permit may appeal the decision to the City Manager by filing with the City Manager a written request therefor stating wherein and why the Director's decision is in error and specifying the facts in support of the appellant's position within five (5) days of the Director's decision. Judicial review of the City Manager's decision may be had by filing a petition therefor pursuant to Chapter 536, RSMo., in the Circuit Court for St. Louis County, Missouri, within ten (10) days of the Manager's decision.

M. Any person who shall violate any provision of this Section, or any person who shall take part in or assist in the violation of this Section, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each violation. Any vehicle parked in violation of the restrictions specified on curbside pickup parking signs installed pursuant to this Section may be subject to being ticketed and towed.

Section 3. Subsection (A) of Section 350.240 of Article V of Chapter 350 of Title III of the Code of Ordinances of Clayton, Missouri is hereby amended by the addition and establishment of the following violation and fine schedule:

Chapter 350. Parking Regulations

Article V. Penalty For Violations

Section 350.240. Established Fines For Parking Violations.

A. Any person who shall violate any provision of this Chapter shall, for each offense, be subject to the following fines:

Section Number	Violation	Due in 14 Days	Due in 15-21 Days	Due in over 22 Days
----------------	-----------	-------------------	----------------------	---------------------------

* * *

[NOTE: The rest of Subsection A is not altered, amended or affected in any way by this amendment and remains in full force and effect. For that reason that portion of the Subsection is not set forth here in full.]

350.235	Parked in a Curbside Pickup Zone	\$40.00	\$80.00	\$120.00
---------	--	---------	---------	----------

Section 4.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 5.

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 6.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this _____ day of _____, 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
DATE: OCTOBER 13, 2020
SUBJECT: ORDINANCE - LEASE AGREEMENT BETWEEN ST. LOUIS COUNTY PORT AUTHORITY AND CITY OF CLAYTON

On April 28, 2005 the City entered into a lease with St. Louis County, Missouri to maintain a public parking lot on land bound by Carondelet Avenue on the south, Central Avenue on the west, Bemiston Avenue on the east, and the mid-block east west alley between Central Avenue and Bemiston Avenue on the north. The lease required the City to maintain approximately one hundred fifty (150) public parking spaces on the site and share equally the gross revenue with the County. On February 24, 2017 St. Louis County transferred ownership of the land to the St. Louis County Port Authority. The City entered into a new agreement with the Port Authority now on March 14, 2017. The Port Authority has transferred ownership of the land back to St. Louis County who wishes to enter into a new agreement with the City. The principal terms are as follows:

1. The City is to maintain approximately 150 spaces and be responsible for the daily operation including providing all routine services and capital improvements.
2. Sharing all major repair costs with the County.
3. Share equally all gross parking charge revenue with the County.
4. Enforce all traffic and parking laws on the parking lot. Parking tickets and traffic tickets are not to be included in gross parking charge revenue.
5. The original term is one year and renews automatically each year provide neither party gives a 60-day notice to terminate.

All provisions in the proposed lease are similar to the original contract.

RECOMMENDATION: To approve the ordinance.

BILL NO. 6811

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY TO EXECUTE A LEASE WITH ST. LOUIS COUNTY IN CONNECTION WITH A SURFACE PARKING LOT

WHEREAS, The City previously entered that certain lease agreement with St. Louis County, Missouri ("County") dated April 28, 2005 to maintain a public parking lot on certain land then-owned by the County ("Premises") and share the revenue produced by such lot with the County ("County Lease Agreement"); and

WHEREAS, according to the County Lease Agreement, that lease terminates automatically upon the County transferring the Premises, or any portion thereof, to a third party; and

WHEREAS, on February 24, 2017, the County transferred the Premises to the Authority; and

WHEREAS, the Authority has transferred the Premises back to the County; and

WHEREAS, the County desires to enter into a lease agreement with Clayton providing that Clayton is to maintain a public parking lot on the Premises, and for Clayton to share the revenue produced by such lot with the County; and

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

The City Manager is hereby authorized and directed to enter into a Lease Agreement (the "Agreement") with St. Louis County, said Agreement to be in substantially the form attached hereto as **Exhibit A**.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the board of Aldermen this 13th day of October 13, 2020.

Mayor

Attest:

City Clerk

EXHIBIT A
Lease Agreement

ST. LOUIS COUNTY DEPARTMENT of TRANSPORTATION/FLEET MANAGEMENT
LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into by and between ST. LOUIS COUNTY, MISSOURI (hereinafter "COUNTY"), on behalf of the Department of Transportation, and the CITY OF CLAYTON, MISSOURI (hereinafter "CLAYTON");

WITNESSETH:

WHEREAS, COUNTY desires CLAYTON to maintain a public parking lot on certain land owned by St. Louis County, and for CLAYTON to share the revenue produced by such lot with the COUNTY; and

WHEREAS, County Ordinance No. 27,721 authorizes the County Executive to enter into this LEASE AGREEMENT with the CLAYTON;

NOW, THEREFORE, in consideration of the premises and mutual promises and covenants contained herein, the parties mutually agree as follows:

1. Leased Premises. County hereby leases to CLAYTON the COUNTY's real property located at the Northwest corner of Carondelet and Central Avenue in the City of Clayton, Missouri, which is highlighted on the plat map attached hereto as Exhibit A, such property as of the date being used as a public parking lot, and shall hereinafter be referred as the "Premises."

2. Use and Maintenance of the Premises. CLAYTON agrees to use the Premises as a public parking lot ("Lot") and to maintain approximately 150 parking spaces. CLAYTON agrees to be responsible for the daily operation of the Lot and maintenance of the Lot and Premises by providing and paying for the routine operational services and capital improvements, including but

not limited to sweeping, litter and snow removal, routine and preventive maintenance of the pavements, sewers and pavement markings, signage, gates, parking meters lighting system, utility expenses, landscaping of the Lot and Premises.

3. Major Pavement and Rehabilitation of the Premises. St. Louis County and the City of Clayton shall share costs of necessary to rehabilitate pavement in the parking lot, including storm sewer repairs, other improvements associated with the parking facility or connection to the public systems.

4. Parking Charges/Collection/Accounting. Charges for parking whether by meter, permit or otherwise and the method of collection of such charges shall be within CLAYTON's sole discretion. CLAYTON shall collect and account to COUNTY for all revenues from parking charges. COUNTY shall have the right to inspect, subject to advance notice and during regular business hours, all accounting records pertaining to revenue from the operation of the Lot.

5. Parking Charge Revenue. COUNTY and CLAYTON shall share equally in the gross revenue generated by the parking charges. Payment shall be made from CLAYTON to COUNTY on a quarterly basis.

6. Parking Regulations and Enforcement. CLAYTON may enact any necessary parking regulations and shall, at its discretion, enforce the regulations and other applicable traffic laws and parking time limits. Any revenue generated by the enforcement of traffic laws and parking time limits shall not be treated as parking charge revenue subject to sharing with COUNTY, but will remain with CLAYTON.

7. Term. The original term of this LEASE AGREEMENT shall be one year from execution. Thereafter, the LEASE AGREEMENT shall automatically renew each year for one year terms, provided, however that either party may terminate this LEASE AGREEMENT upon sixty (60) day prior written notice to the other party. In addition, the foregoing notwithstanding,

this LEASE AGREEMENT shall automatically terminate on the date the Premises, or any part thereof, is transferred to a third party. Notice shall be given as follows:

TO COUNTY
Acting Director of Transportation and
Public Works
St. Louis County
1050 N. Lindbergh
St. Louis, MO 63132

TO CLAYTON
City Manager
City of Clayton
10 N. Bemiston Ave.
Clayton, MO 63105

IN WITNESS WHEREOF, officials of the parties have executed this LEASE AGREEMENT as of the later of the dates below written.

CLAYTON OF _____

Ordinance/Bill No. _____, 2020

By _____
Mayor
Attest:

Approved at to legal form:

CLAYTON Clerk

CLAYTON Attorney

ST. LOUIS COUNTY, MISSOURI

Ordinance No. 27,721, 2020

By: _____
County Executive

Attest:

Approved:

Administrative Director

Acting Director
Department of Transportation & Public Works

Approved as to legal form:

Approved:

County Counselor

Accounting Officer

Legal Review: _____



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: OCTOBER 13, 2020
SUBJECT: DISCUSSION RELATIVE TO TENTS FOR BUSINESSES

The St. Louis County Department of Health recently increased the occupancy limit for businesses and restaurants from 25% to 50%. While this will benefit our local business owners, there is still concern about the upcoming cold weather and the loss of outdoor dining. Outdoor dining has largely become the preferred dining method for many of our restaurants and their patrons. In order to continue outdoor dining into the fall and winter, restaurants are inquiring about heated tent spaces.

Tents are not currently permitted by the City's zoning code. While the Emergency Authorization allows the City Manager to implement temporary regulations, we feel it is prudent to discuss the proposed requirements with the Board of Aldermen prior to taking any action. The proposed requirements are as follows:

- Tents shall be permitted for non-residential land uses between October 15, 2020 and March 15, 2021.
- Tents shall not be erected, operated, or maintained for any purpose without first obtaining a permit and approval from the Fire Department and Building Official.
- The maximum area for a tent or membrane structure shall be 1,600 square feet, unless it is located on a college/university campus.
- Fabric portions of tents and canopies must be of a neutral color and may not contain any advertising.
- Business owners wishing to erect a tent within the right-of-way must obtain a Right-of-Way Permit and provide insurance with the City of Clayton named as additional insured.
- Tents placed in the right-of-way shall not obstruct traffic lanes or pedestrian walkways. ADA accessible paths shall be maintained along any sidewalk. In the event of planned or unplanned construction or utility system maintenance, the applicant shall be responsible for relocating the tent to allow for such work to be complete. Applicant shall be responsible for cleaning the area within the tent. Tents shall not connect or attach to city infrastructure (sign poles, light poles, benches, parking meters etc...) in the right of way and shall not impact the use of such items. A tent placed within or partially within the roadway shall not occupy more than two (2) on-street parking spaces.

- Applicants seeking to place a tent in the right-of-way must have an approved Outdoor Dining Permit.
- A detailed site and floor plan for tents or membrane structures shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.
- The applicant must provide details which clearly illustrate how the structure will be fastened to resist uplift (wind) loads.
- The applicant must certify that the tent structure has been designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow or flood and seismic loads.
- Tents and membrane structures shall comply with all requirements of the International Fire Code and International Building Code as adopted by the City of Clayton.
- All tents shall be initially inspected for compliance by the Fire Department and Planning and Development Services Department.
- All tents installed for a period longer than thirty (30) days shall be inspected at regular intervals, but not less than two times per permit use period, by the permittee, owner or agent to determine that the installation is maintained in accordance with these regulations. Inspection reports shall be kept on file by the permittee and shall consist of maintenance, anchors and fabric inspections. Inspection reports must be provided to the Fire Department or Building Official upon request.
- Requirements for liquid petroleum heating devices used in conjunction with tent structures are as follows:
 - Portable gas-fired heating appliances must be listed for use.
 - Outdoor gas-fired heating appliances shall comply with the listed distance requirements from any combustibles.
 - Heating devices must be located at least five (5) feet from any exit or exit discharge.
 - The heating element or combustion chamber of portable outdoor gas-fired heating appliances shall be permanently guarded to prevent accidental contact by persons or material.
 - LP tanks must be secured to prevent accidental force knocking the supply over.
 - A 2A 10BC (minimum size) fire extinguisher must be located within one hundred (100) feet of the heating device at all times.
 - No more than fifteen (15) – 20-pound tanks shall be stored together onsite.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: OCTOBER 13, 2020
SUBJECT: RECOMMENDATIONS FROM THE CLAYTON COMMUNITY EQUITY COMMISSION

The Clayton Community Equity Commission (CCEC) meets on the 2nd Thursday of the month. The CCEC has spent the last several meetings focusing on two primary areas – Law Enforcement and Communications. Subcommittees have been established to further explore these topics.

The Communications Subcommittee and Law Enforcement Subcommittee have both made recommendations to the entire CCEC, which has approved the following recommendations to be considered by the Board of Aldermen:

- Recommendation 1 - The City should celebrate heritage in a dedicated Community Equity Commission section in the City Views newsletter. Below are examples that have been provided:

February

- African American History Month

March

- National Women’s History Month
- Irish American Heritage Month

May

- Asian/Pacific American Heritage Month
- Older Americans Month
- Jewish American Heritage Month

June

- Lesbian, Gay, Bisexual, Transgender, Queer Pride Month
- National Caribbean-American Heritage Month

September

- National Hispanic-Latino Heritage Month

October

- National Disability Employment Awareness Month
- National Italian American Heritage Month

November

- National American Indian Heritage Month

Staff believes that the recommendation related to the addition of a Community Equity Commission section in City Views would be easy to implement if approved by the Board of Aldermen.

- Recommendation 2 - The CCEC recommended that the City of Clayton:
 - launch a community education program regarding the problem of suspicious persons calls.
 - publicize and enforce of City Ordinance 215.750, which makes it an offense to misuse the dispatch system after public warning.
 - share with the Commission on a monthly basis dispatch data regarding suspicious persons calls. Additionally, the City should exercise the option for additional research and reporting services from Candorum Consulting.

Staff is of the opinion that the recommendations relative to community awareness of suspicious person calls would be an appropriate topic for the CCEC Communications Subcommittee to discuss. The monthly reporting of suspicious person call data would be difficult and expensive to acquire, sort, and report on a monthly basis. Staff believes that the City could provide the information effectively on an annual basis, but it would require the assistance of Candorum Consulting. It is estimated that updates to the suspicious person call report would cost approximately \$1,500. If provided on annual basis, the report would act as a benchmark for the communication effort recommended by the CCEC.

- Recommendation 3 – The CCEC has recommended the following modification to the City’s Mission Statement:

The mission of Clayton city government is to foster a vital, balanced, diverse and inclusive community composed of outstanding neighborhoods, quality businesses, commercial and government centers, premier educational institutions and a healthy natural environment through an open, equitable, accessible and fiscally responsible government.

- Recommendation 4 – The CCEC recommended that the City of Clayton commission an independent study to examine traffic stops conducted by the Police Department. The cost of this study would be dependent upon the scope.

If the Board of Aldermen believes that a traffic stop study should be explored or conducted, staff recommends that the Law Enforcement Subcommittee and Police Department develop a scope for a traffic stop study. A cost estimate could then be presented to the Board of Aldermen for review.

- Recommendation 5 – The CCEC recommends that the attached article be posted to the City’s website and communicated to the public.

The final item to consider relates to direct communication to the community from a board or commission. Historically, boards and commissions have been required to make recommendations to the Board of Aldermen before information could be communicated to the public. The information would then be distributed through City channels as a City communication. To allow for the rapid development and distribution of timely information, the CCEC has requested that the City consider an expedited process for some communications.

The Board of Aldermen should consider allowing boards and commissions the opportunity to place messages or communications on their website subpages, with City social media posts and/or the Clayton Connection providing links to the information. The messaging would need to be strictly informative and should not be political, controversial, or advocate on behalf of the City. All information posted to commission subpages would need to be reviewed and approved by the City Manager's Office prior to posting.

Suspicious Call Activity in Clayton

Starting in the summer of 2014, Clayton Police began seeing a dramatic rise in the number of suspicious calls. In fact, the number of calls has doubled since 2015. At the same time, the percentage of these calls found to reflect suspicious activity has dropped dramatically. In 2019, only 17% correlated with a crime in progress or committed.

[INSERT LINE GRAPH]

The data show there is a consistent racial disparity in the calls, with African Americans 50% more likely to be the subject described.

Why does this matter? Our police put our safety first. When they receive a citizen call reporting criminal suspicious activity, they respond. These responses pull our officers and resources away from other public safety priorities. Also of critical importance is the fact that mistaken police contact can be a traumatic experience, especially for members of historically marginalized groups.

We all want Clayton to be a safe and welcoming place for everyone. But sometimes personal biases can get in the way. In considering whether to call Clayton police to report an activity as criminally suspicious, here are some guidelines to follow.

Before you make call to report suspicious activity, ask yourself these questions:

1. What is the actual activity that concerns you? Focus on behavior not the person's appearance.
2. If your son/daughter, brother/sister were doing this same activity would you consider it suspicious?
3. Does the activity appear related to a potential or actual crime?

To read the full report on suspicious activity calls, [click here](#).