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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.

**City of Clayton
Board of Aldermen Meeting
Friday, November 17, 2023
Clayton City Hall – Council Chambers
10 N. Bemiston Avenue
3:00 p.m.**

AGENDA

1. Discussion on Server Training and Liquor Licenses.
2. Discussion on Property Maintenance/Tenant Bill of Rights.
3. Discussion on Sustainable Product Purchasing Policy.

The Board of Aldermen may also hold a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., and/or proprietary information pursuant to Section 610.021(15)

Agenda topics may be added or deleted at any time prior to the Board of Aldermen meeting without further notice. To inquire about the status of agenda topics, call 290.8469. Individuals who require an accommodation (i.e., sign language, interpreter, listening devices, etc.) to participate in the meeting should contact the City Clerk at 290.8469 or Relay Missouri at 1.800.735.2966 (TDD) at least two working days prior to the meeting.

Liquor Law Compliance and Server Training

BOARD OF ALDERMEN

NOVEMBER 17, 2023

Compliance Checks

- In the past 12 months, Clayton PD has performed 53 compliance checks.
- There were 15 instances where alcohol was sold to a minor during compliance checks, for a total failure rate of 28%.
- A mixture of retail stores and restaurants were found to be non-compliant.
- Servers found in violation receive municipal ordinance citation.
- Sale to a minor is grounds for a suspension or revocation of an establishment's liquor license.

SMART Training

- State of Missouri offers free alcohol responsibility training to managers and servers of establishments that sell liquor, known as SMART.
- Training sessions take around one hour to complete.
- SMART Training is not required, but strongly encouraged at the state level.
- Participants with 100% employee certification are eligible for liquor liability insurance credits.
- Columbia, MO is an example of municipality that requires SMART Training for all that serve alcohol.

SMART Training

Bars & Restaurants:

- Recognition of fake IDs
- Acceptable forms of identification
- Prevention of service to minors
- Typical signs of intoxication
- Advice on how to handle disorderly, intoxicated customers
- Laws and liability concerns related to serving underage or intoxicated customers

Retail Outlets:

- Recognition of fake IDs
- Acceptable forms of identification
- Prevention of service to minors
- Typical signs of 3rd party transactions
- Advice on how to prevent alcohol theft
- Laws and liability concerns related to selling to underage or intoxicated customers

Discussion

Should the City consider SMART Training or a similar program as a requirement for:

a) all that manage establishments or serve/sell alcohol to patrons?

or

b) all that manage establishments or serve/sell alcohol to patrons at a business that has been found out of compliance with Clayton liquor licensing regulations?



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

MEMORANDUM

TO: MAYOR HARRIS & BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: NOVEMBER 17, 2023
SUBJECT: TENANT BILL OF RIGHTS

The Board of Aldermen had discussed property maintenance at the 2023 Board of Aldermen Retreat. Included in the discussion was a reference to a Tenant Bill of Rights. Maplewood, MO is a community that has adopted such a document. Maplewood's Tenant Bill of Rights is attached for review and will be discussed at the November 17, 2023, Friday Strategy Session during the larger conversation on property maintenance.

RESOLUTION

R23-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI ESTABLISHING A TENANTS BILL OF RIGHTS IN THE CITY OF MAPLEWOOD, MISSOURI.

WHEREAS, tenants in Maplewood, as in many other communities, face discrimination in the rental market on the basis of race, color, national origin, religion, sex, familial status, disability, gender identity, sexual orientation, source of income, and much more, and these factors limit tenants' ability to access and keep safe and truly affordable housing; and

WHEREAS, the costs of housing place an undue burden on our City's poorest and most vulnerable tenants; and

WHEREAS, mold, lack of heat, inadequate ventilation, infestations, and lead are just some threats to tenants' health in substandard housing, often exacerbating chronic illnesses such as asthma and lung disease; and

WHEREAS, the City Council believes that every person should have safe, accessible, affordable home, and affirms, in partnership with grassroots tenant leadership and housing providers, its active commitment to tenant and housing provider rights now and in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section 1. The Council hereby establishes the Tenants Bill of Rights to read as follows:

I. RIGHT TO SAFE AND ACCESSIBLE HOUSING

1. All residential rental property units must meet minimum health and safety standards as set out in the Building Code, including but not limited to ventilation, sanitation facilities, heating facilities, fire safety, and other code-required equipment.

(City Code Chapter 12; International Property Maintenance Code (2006 ed.) Section 101.2)

2. All residential rental property units must also maintain working amenities, including but not limited to water heating facilities, heating facilities, water and sewer lines, plumbing and electrical fixtures, lighted common halls and stairways, and, if provided, cooking equipment.

(City Code Section 12-117; International Property Maintenance Code (2006 ed.) Section 101.3)

3. A person with a disability is entitled to reasonable modifications of existing premises occupied by such person in order to afford that person full enjoyment of the premises, at the expense of the person with the disability.

(Section 213.040, RSMo.; Federal Fair Housing Act)

4. A person with a disability is entitled to reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

(Section 213.040, RSMo.; Federal Fair Housing Act)

5. All covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991 must be designed and constructed in a way that:
 - (a) The public use and common use areas of the dwelling are readily accessible and usable by persons with a disability;
 - (b) All doors that allow passage into and within the building are wide enough to allow passage by persons in wheelchairs; and
 - (c) All premises within such dwellings contain the following design features:
 - (i) An accessible route into and through the dwelling;
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(Section 213.040, RSMo.; City Code Section 12-92; International Building Code (2015 ed.) Chapter 11)

II. FREEDOM FROM DISCRIMINATION AND RETALIATION

1. Federal law prohibits discrimination in rental of housing because of race, color, national origin, religion, sex, familial status, or disability.

(Federal Fair Housing Act)

2. No person can refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(1))

3. No person can discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(2))

4. No person can make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status or an intention to make any such preference, limitation or discrimination.

(City Code Section 30-20(3))

5. No person can represent to any person because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(City Code Section 30-20(4))

6. No person can, for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(5))

7. No person can retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by Chapter 30 of the Maplewood Code of Ordinances or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to Chapter 30.

(City Code Section 30-28)

III. RIGHT TO FAIR COMPENSATION AND RESTORATIVE JUSTICE

1. No person can enter another person's residence by force, with weapons, through threats, by taking away property, or by breaking open doors or windows, regardless of if anyone is inside or not. A landlord cannot evict or remove someone from the premises by force or threat. Those found guilty of doing so must pay double the sum of the damages to the person whose home they entered.

(Sections 534.020 & 534.330, RSMo.)

2. If a landlord wrongfully withholds all or any portion of a security deposit, the tenant may recover twice the amount wrongfully withheld.

(Section 535.300, RSMo.)

3. If there is a condition in a property that detrimentally affects its habitability, sanitation, or security, violates a municipal housing or building code, and was not caused by the tenant, the tenant may be able to deduct repair costs from their rent. If the tenant has lived in the rental property for six consecutive months, paid all rent and charges without any lease or house rule violations, and the landlord fails to correct or provide a written statement disputing the necessity of the repair within fourteen days, the tenant may submit an itemized statement

with receipts to the landlord and repair the condition. The cost of this repair can be deducted from no more than a month's rent, but up to either three hundred dollars or half the rent, whichever is more.

(Section 441.234 RSMo.)

4. No person can remove or exclude a tenant or the tenant's personal property from the premises, as defined in section 34-350, without judicial process and court order, or cause such removal or exclusion, or by cause the removal of the doors or locks to such premises, or willfully diminish services to a tenant by interrupting or causing the interruption of essential services, including, but not limited to, electric, gas, water, or sewer service, to the premises.

(City Code Section 34-351)

5. No person, firm, partnership, corporation, or any other legal entity can collect rent from a tenant for a premises for the period that the tenant is or has been illegally evicted from the premises.

(City Code Section 34-354)

Section 2. The Council supports the creation of legislation on the federal, state and local level that is necessary to establish the following rights:

I. RIGHT TO SAFE, HEALTHY, ACCESSIBLE, AND TRULY AFFORDABLE HOUSING

1. Safe, healthy, accessible, and truly affordable housing includes mandatory disclosure from the landlord of past issues in rental units to prospective Tenants.
2. Tenants have the right to disclosure of an estimate of common space utilities charged to the tenant.
3. Tenants have the right to housing that can be heated to a habitable temperature.

II. RIGHT TO PRIVACY AND SELF-DETERMINATION

1. The right to privacy and self-determination includes protecting the personal security of tenants, including the right to notice for landlord entry. Landlords may be refused entry to rental units if they do not give proper notice.
2. Tenants have the right to respectful communication with their landlord, and these communications must be transparent, timely, and from the property owner or manager.

III. RIGHT TO JUSTICE AND ACCESS TO FAIR, EQUITABLE TREATMENT UNDER THE LAW

1. The right to justice and access to fair, equitable treatment under the law means fair treatment regardless of ability to pay.
2. Tenants have freedom from unjust and unlawful evictions, and landlords may only evict according to state law.

3. Tenants have the freedom to accessible knowledge and education of their rights as renters.
A Tenant Bill of Rights document must be available to tenants at the start of tenancy.

Passed this 8th day of August, 2023

Nikyln Knapper, Mayor

Attest:

Andrea Majoros, City Clerk

Approved this 8th day of August, 2023

Nikyln Knapper, Mayor

Attest:

Andrea Majoros, City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

MEMORANDUM

TO: MAYOR HARRIS & BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
DATE: NOVEMBER 17, 2023
SUBJECT: SUSTAINABLE PURCHASING POLICY

The Board of Aldermen adopted a Green Procurement Policy as a part of the City's overall Purchasing Policy in December of 2007. This policy is being provided to the Board of Aldermen as information. The document should be reviewed, and a determination made as to its alignment with current best practices related to sustainability. This information has not been reviewed or discussed to date by the Sustainability Advisory Committee.

Section 1-4 Green Procurement

Preference in procurement will be given to green products and services, however all factors including, but not limited to, quality, level of service, price, and budget should be considered.

Definitions:

Green procurement is the procurement of products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw material acquisition, production, manufacturing, packaging, distribution, operation, maintenance, disposal and re-use of the product or service. Green procurement encompasses the concept of the procurement of goods and services that provide for basic human needs and bring a better quality of life, while minimizing the use of non-renewable natural resources and toxic materials and the emission of wastes and pollutants over the life cycle, so as not to jeopardize the ability of future generations to meet their own needs.

A green product is one that is less harmful than the alternative, having characteristics including, but not limited to, the following:

- Recyclable - local facilities exist that are capable of recycling the product at the end of its useful life.
- Biodegradable - will not take a long time to decompose in landfill. Contain recycled material (post-consumer recycled content).

- Minimal packaging and/or for which there will be take-back by the manufacturer/supplier of packaging.
- Reusable or contain reusable parts.
- Minimal content and use of toxic substances in production.
- Produce fewer and/or less polluting by-products during manufacture, distribution, use and/or disposal.
- Produce the minimal amount of toxic substances during use or at disposal.
- Make efficient use of resources - a product that uses energy, fuel or water more efficiently or that uses less paper, ink or other resources.
- Durable - have a long economically useful life and/or can be economically repaired or upgraded.
- Sustainable (green) service - A service acquired from a supplier who has a green operational policy and whose internal practices promote sustainability.
- Threshold - the dollar value of contracts, above which a formal record is kept on file showing that environmental criteria were considered when requirements were defined.

Procedures:

Where available and cost effective, green products and services that are of equal or better performance and quality, should be considered. In determining cost effectiveness, a department should give consideration to the costs and benefits that accrue, in the shorter and longer term, to the City of Clayton.

For all bid solicitations (e.g. requests for proposal, requests for quote, and requests for qualifications, invitations for bid), environmental factors or impact will be considered when requirements are defined. In addition, all solicitations will include instructions asking vendors to identify any environmental benefits over the life cycle of their products and/or services.

A formal record is kept on file showing that environmental criteria were considered when requirements were defined. In determining their threshold, departments may wish to consider contracting volumes, training requirements and budgetary constraints.

Each department will be responsible for ensuring that its personnel have sufficient training about the environment and green procurement to carry out the directives in this policy.

Guidelines:

Applying the four R's (Reduce, Reuse, Recycle and Recover) at each phase of the material management life cycle helps protect the environment and reduce costs.

Planning:

During the planning process, managers will assess the need for a given purchase and, whenever possible:

- Reduce consumption.
- Consider acquiring second-hand or used material.
- Consider products that are less damaging to the environment, such as those made with resource-saving materials or processes.
- Consider the environmental cost of purchases during each phase of the life cycle.

Acquisition:

As much as practical, products selected should:

- Be reusable and contain reusable parts.
- Be recyclable and contain recycled materials (e.g. recycled paper, reconditioned printer cartridges).
- Include second-hand or used material.
- Use resources and energy efficiently.
- Have a long service life or be economical to repair.
- Contain minimal packaging, or use returnable or reusable shipping containers.
- Be non-toxic and non-polluting.

Maintenance and Operations:

- Ensure that products are properly maintained and used. This will extend the service life of a product. When economically feasible, equipment should be repaired, refinished and reused.
- Hazardous material must be shipped, stored and handled in accordance with applicable federal and provincial law, and regulations.

Disposal:

- Consider alternatives to disposing of material, such as reusing, recycling or recovering it. Try to minimize the amount of waste generated.

Combine environmental actions with fiscal responsibility

Government interest in economy of operations is fully compatible with environmental interests. Many sound environmental practices have resulted in savings.

Most environmental actions can be phased in gradually without additional cost. When these actions may entail additional costs for the government, managers should accommodate them within existing budgets.

Government should lead by example. In light of the volume of government procurement, the government can play a significant role in promoting the development and marketing of green products and services. As demand for these products and services increase their prices will drop and become more affordable to all consumers.