

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: October 22, 2015

RE: November & December Council Meetings

As a reminded, the City Council is scheduled to have only 1 Council meeting in the months of November and December 2015 due to the Thanksgiving and Christmas holidays. If an emergency would come up, a second meeting could be held in either one of those months. The meeting in November will be November 10, 2015 and December meeting will be December 8, 2015.

If you have any questions, please contact me.



Martin J. Corcoran
City Manager

**PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, OCTOBER 27, 2015
7:30 P.M.**

The following is a brief description of the Agenda items for Tuesday, October 27, 2015:

ITEM NO. 9 is an ordinance establishing the policy and procedures under which police department employees may exercise their collective bargaining rights and seek representation.

ITEM NO. 10, Bill 5992 is an ordinance granting a Conditional Use Permit to LøArche to operate a group home for mentally and physically disabled individuals at 3632 Manhattan Avenue. LøArche presently operates a facility at 2900 Marshall Ave. The Plan and Zoning Commission recommended 6 ayes, 0 nays, 1 absent to approve this conditional use permit. A public hearing has been held and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 11, Bill 5993 is an ordinance granting a Conditional Use Permit to Philip Manaois of Jukebox Piano Bar to operate an entertainment bar/restaurant facility at 7376 Manchester Road (formerly Jive & Wail). Philip Manaois (a/k/a Spanky) was formerly a partner in the old Jive & Wail. He and co-owner Andrew Graefe are proposing to operate a similar facility to the old Jive & Wail. The Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays, 1 absent. A public hearing has been held and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 12, Bill 5994 is an ordinance granting a Conditional Use Permit to Bogies Auto Detail to operate an auto detailing business and an internet wholesale auto sales business office use at 2803 S. Big Bend Blvd. Michael Borgard Jr. has previously operated an internet wholesale auto sales business office at that location and is now adding the auto detailing business. The Plan and Zoning Commission voted 6 ayes, 0 nays, 1 absent to approve this petition. A public hearing has been held and the bill has been read two times and tabled and is now ready for final Council action.

ITEM NO. 13, is an ordinance reaffirming the tax rates for the City of Maplewood and the Maplewood Special Business District on all real, personal, tangible and intangible property within the City of Maplewood, Missouri, for 2015. This bill has been read two times and tabled and is now ready for final Council action.

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, OCTOBER 27, 2015
7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Motion to Excuse Councilperson
5. Approval of the Council Agenda
6. Public Forum
7. Announcements
8. Approval of the October 13, 2015 City Council meeting minutes.
9. An Ordinance of the City Council of the City of Maplewood, Missouri, adopting provisions for collective bargaining with law enforcement personnel per the attached document.
10. Bill 5992 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to L'Arche to operate a group home for mentally and physically disabled individuals at 3632 Manhattan Avenue.
11. Bill 5993 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Philip Manaois of Jukebox Piano Bar to operate an entertainment bar/restaurant facility at 7376 Manchester Road.
12. Bill 5994 an Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Bogies Auto Detail to operate an auto detailing business and an internet wholesale auto sales business office use at 2803 S. Big Bend Blvd.
13. Bill 5995 an Ordinance of the City Council of the City of Maplewood, Missouri, reaffirming the tax rates for the City of Maplewood and the Maplewood Special Business District on all real, personal, tangible and intangible property within the city of Maplewood, Missouri, for 2015.
14. Council Communication
15. Mayor's Report
16. City Attorney's Report
17. City Manager's Report

18. Motion to hold a Closed Session, if needed, to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO.

19. Adjournment

October 13, 2015

The October 13, 2015 Council meeting was called to order at 7:33 p.m., Mayor James White presiding.

ON ROLL CALL, the following members were present: Councilmember Cerven, Councilmember Dunn, Councilmember Faulkingham, Councilmember Greenberg, Mayor White, Councilmember Wolf and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: No need.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Wood motioned to approve the agenda, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY ABIGAIL BOLYARD OF BOLYARDS MEAT & PROVISIONS LOCATED AT 2810 SUTTON BLVD. FOR A FULL LIQUOR LICENSE: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON AN AMENDMENT TO THE MAPLEWOOD ZONING CODE, SECTION 56-72, SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SINGLE FAMILY RESIDENTIAL DISTRICT AS A CONDITIONAL USE PERMIT: Dayton Thompson, 7558 Weaver, feels there isn't enough regulation in the bill to ensure that it is safe and open to everyone.

Resident at 3118 Cherry spoke in opposition of the bill.

Brian Pelletier spoke in favor of the bill on behalf of the Maplewood Chamber of Commerce.

Adelina Mart, 7601 Weaver, reiterated her support for the bill and encouraged the city council to pass the bill.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY L'ARCHE ST. LOUIS FOR A CONDITIONAL USE PERMIT TO OPERATE A GROUP HOME IN THE SR DISTRICT AT 3632 MANHATTAN: Loren Widmer, 7238 Moller, moved to Maplewood for its diversity and encouraged approval of L'Arche.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY PHILIP MANAOIS FOR A CONDITIONAL USE PERMIT TO OPERATE A PIANO RESTAURANT/BAR AT 7376 MANCHESTER AND TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A FULL LIQUOR LICENSE AND A SUNDAY LIQUOR LICENSE FOR THIS USE: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY MICHAEL BORGARD JR. FOR A CONDITIONAL USE PERMIT TO OPERATE AN AUTO DETAIL BUSINESS AND AUTO WHOLESALE OFFICE AT 2803 S. BIG BEND BLVD.: No one spoke.

PUBLIC FORUM: Harley Frankel, owner of 7421 Manchester was opposed to the rezoning of the properties on Lyle Ave. from commercial to single family residential.

Tony Spoto, 2647 Lyle, stated there is no reason to keep the properties on Lyle zoned commercial and asked that the properties be rezoned to single family residential.

ANNOUNCEMENTS: None.

APPROVAL OF THE SEPTEMBER 22, 2015 CITY COUNCIL MEETING MINUTES: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

MOTION TO APPROVE A REQUEST BY ABIGAIL BOLYARD OF BOLYARD'S MEAT & PROVISIONS LOCATED AT 2810 SUTTON BLVD. FOR A FULL LIQUOR LICENSE:

Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

MOTION TO APPROVE A REQUEST BY ANDREW GRAEFE OF THE JUKEBOX PIANO BAR LOCATED AT 7376 MANCHESTER AVE. FOR A FULL LIQUOR AND SUNDAY LIQUOR LICENSE: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

R15-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI GRANTING A POLE SIGN PERMIT TO HANLEY U-GAS LOCATED AT 3033 S. HANLEY RD. was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

R15-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF GT DISTRIBUTORS, INC. TO PURCHASE SIX PATROL RIFLES WITH SLINGS AND SLING ATTACHMENTS IN THE AMOUNT OF FIVE THOUSAND TWO HUNDRED SIXTY DOLLARS AND EIGHT CENTS (\$5,260.08) was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL 5992, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO L'ARCHE TO OPERATE A GROUP HOME FOR MENTALLY AND PHYSICALLY DISABLED INDIVIDUALS AT 3632 MANHATTAN AVENUE was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5992 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5992 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 5993, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO PHILIP MANAOIS OF JUKEBOX PIANO BAR TO OPERATE AN ENTERTAINMENT BAR/RESTAURANT FACILITY AT 7376 MANCHESTER ROAD was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5993 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5993 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 5994, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO BOGIES AUTO DETAIL TO OPERATE AN AUTO DETAILING BUSINESS AND AN INTERNET WHOLESALE AUTO SALES BUSINESS OFFICE USE AT 2803 S. BIG BEND BLVD. was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5994 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5994 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 5995, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, REAFFIRMING THE TAX RATES FOR THE CITY OF MAPLEWOOD AND THE MAPLEWOOD SPECIAL BUSINESS DISTRICT ON ALL REAL, PERSONAL, TANGIBLE AND INTANGIBLE PROPERTY WITHIN THE CITY OF MAPLEWOOD, MISSOURI, FOR 2015 was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5995 be moved to its second reading, which motion received the majority approval; by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5995 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

AMENDED BILL 5987, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72 SR SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT AS A CONDITIONAL USE was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5987 be approved. Discussion was held. Councilmember Greenberg motioned to amend the amended bill to remove the conditional use, which motion died due to lack of a second.

The following roll call vote was taken on the third and final reading: Ayes, members Cerven, Dunn, Faulkingham and Greenberg. Nays, Mayor White, members Wolf and Wood.

Amended Bill 5987 was approved by the City Council on this 13th day of October, 2015 as **Ordinance number 5784.**

BILL 5988, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5988 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham and Greenberg. Nays, Mayor White, members Wolf and Wood.

Bill 5988 was approved by the City Council on this 13th day of October, 2015 as **Ordinance number 5785.**

BILL 5990, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO REZONE 3368 OXFORD FROM NB NEIGHBORHOOD BUSINESS DISTRICT TO SR SINGLE FAMILY RESIDENTIAL DISTRICT was given its third reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5990 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham; Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 5990 was approved by the City Council on this 13th day of October, 2015 as **Ordinance number 5786.**

BILL 5991, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI TO REZONE 2645 LYLE, 2647 LYLE AND 2649 LYLE FROM CB COMMUNITY BUSINESS DISTRICT TO SR SINGLE FAMILY RESIDENTIAL DISTRICT was given its third reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 5991 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Bill 5991 was approved by the City Council on this 13th day of October, 2015 as **Ordinance number 5787.**

COUNCIL COMMUNICATION: Councilmember Faulkingham had a question about the number of liquor licenses the city has issued which was answered by City Manager Corcoran.

MAYOR'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: No report.

MOTION TO HOLD A CLOSED SESSION, IF NEEDED, TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11)

AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO.: No need.

There being no further business before the Council, the meeting adjourned at 8:10 p.m.

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: October 22, 2015

RE: Collective Bargaining Ordinance

In recent years, Missouri courts have ruled that, while public employees in Missouri do not have a right to strike, public employers do have an obligation to bargain in good faith with a union representative of its employees' choosing, even though a public employer is not obligated to reach an agreement as a result of that bargaining in good faith. A public employer may establish the policies and procedures under which its employees may exercise their collective bargaining rights and seek representation, and in a recent case, certain policies and procedures adopted by the City of Grandview were upheld by the Missouri Court of Appeals as fair and reasonable. Now that the Missouri courts have upheld policies and procedures that pass legal muster, staff is recommending that the City Council adopt the attached proposed ordinance, which is based on the policies and procedures upheld by the Missouri Court of Appeals. The proposed ordinance is intended to provide clear guidelines under which the City and its law enforcement personnel will operate should its law enforcement personnel seek union representation for the purposes of collective bargaining. Please note that the attached procedures apply only to law enforcement personnel because law enforcement personnel are statutorily exempt from Missouri's collective bargaining statutes, which covers nearly all other City employees. Law enforcement personnel must operate under the City's policies and procedures when seeking representation.

Please contact me if you have any questions.


Martin J. Corcoran
City Manager

Enclosure

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, ADOPTING PROVISIONS FOR COLLECTIVE BARGAINING WITH LAW ENFORCEMENT PERSONNEL PER THE ATTACHED DOCUMENT.

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

Section I. The provisions for collective bargaining with law enforcement personnel employed by the City of Maplewood detailed in the attached document are hereby adopted..

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of , 2015

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

Approved this day of , 2015

James White, Mayor

Attest:

Karen R. Scheidt, Acting City Clerk

**City of Maplewood Provisions for Collective
Bargaining with Law Enforcement Personnel**

ARTICLE 1

PURPOSE

1.1 These provisions are adopted for the purpose of providing a framework within which law enforcement personnel employed by the City of Maplewood can exercise their right under Article I, Section 29 of the Constitution of the State of Missouri to bargain collectively with the City, through representatives of their own choosing.

ARTICLE 2

COVERAGE

2.1 These provisions shall apply to all regular part-time and full-time personnel working for the City's Police Department. For the purposes of this provision, part-time personnel are those employees who work less than 30 hours per week as provided by the City's normal employment policies.

2.2 It is the City's determination that all part-time and regular full-time non-supervisory employees employed within the Police Department constitute the most appropriate unit for the purpose of collective bargaining. Any election conducted for the purpose of allowing employees to designate an exclusive bargaining representative, as provided below, shall take place within this unit, subject to the following exclusions:

2.2.1 To avoid the division of loyalties and conflicts of interest, supervisory personnel shall not be included within the same bargaining unit as employees they supervise. Further, the same labor organization shall not represent both non-supervisory and supervisory employees within the Police Department. For the purposes of this subsection, Sergeants, Lieutenants and the Chief of Police shall be considered supervisory employees.

2.2.2 Confidential employees shall not be included within the same bargaining unit as non-supervisory employees, nor shall they be represented by the same labor organization as represents any non-supervisory employees within the Police Department. For the purposes of this subsection, the Police Clerk shall be considered a confidential employee.

ARTICLE 3

DESIGNATION OF EXCLUSIVE BARGAINING REPRESENTATIVE

3.1 Any labor organization wishing to represent employees employed by the Police Department, in either a supervisory or non-supervisory bargaining unit, shall present to the City Manager cards containing the signatures of at least thirty percent (30%) of the current employees in the proposed unit, indicating that they wish to select the labor organization in question as their exclusive bargaining representative for the purpose of collective bargaining, provided that the cards are not "stale cards." For the purposes of this section, cards signed over six months prior

to the City Manager's receipt of the cards are considered "stale" and need not be counted under this section.

3.2 Upon receiving such cards, the City Manager shall validate the signatures on the cards, and confirm that at least thirty percent of the employees in the bargaining unit have signed cards. If the City Manager determines that at least thirty percent of the current employees in the unit have signed valid cards, the City Manager shall consult with the representative of the labor organization that has presented the cards, and together they shall select a mutually agreeable date for a secret ballot election to take place. The election shall be held at City Hall, and shall be set for a date falling no less than four and no more than six weeks after the day upon which the City Manager first receives the cards from the labor organization's representative, unless the City Manager, and the representative of the labor organization all agree upon earlier date.

3.3 Once an election date has been set, the City Manager shall issue a notice informing all eligible voters of the date, time, and place of the election. Such notice shall be distributed to all employees and shall be posted within the respective department.

3.4 From the time the election notice is first posted until the date of the election, all employees of the City shall have the right to freely express their opinions about whether or not the labor organization should be selected as the exclusive bargaining representative of the employees in the bargaining unit.

3.5 The election shall be conducted by secret ballot, using such procedures as the City Manager shall determine are appropriate for ensuring the privacy and security of each employee's vote. Once the poll is closed, the City Manager shall oversee the counting of the ballots. One representative of the Police Department management team and one representative of the labor organization shall have the right to be present during the counting of the ballots.

3.5.1 The ballots shall read "Do you wish to select [labor organization] as the exclusive bargaining representative for [description of bargaining unit] employed within the City of Maplewood Police Department?" The ballot will include check boxes for marking "yes" or "no" in response to this question.

3.5.2 In the event that more than one labor organization seeks to represent employees in the unit, and in the event both labor organizations have obtained signatures from at least thirty percent (30%) of the employees in the unit stating that they wish to designate the labor organization as their exclusive bargaining representative, then the ballot shall read "Do you wish to select [labor organization A], [labor organization B], or no labor organization as the exclusive bargaining representative for [description of bargaining unit] employed within the City of Maplewood Police Department?" The ballot will then include check boxes for marking "I wish to select [labor organization A] as my exclusive bargaining representative," "I wish to select [Labor organization B] as my exclusive bargaining representative," and "I do not wish to select any labor organization as my exclusive bargaining representative."

3.5.3 Any labor organization receiving more than fifty percent (50%) of the votes of all eligible voters in a single election shall be designated and recognized by the City as the exclusive bargaining representative for all employees in the bargaining unit.

3.6 Employees within the bargaining unit shall have the right to seek to decertify the labor organization as their exclusive bargaining representative at any time. If any employee within the bargaining unit presents to the City Manager cards bearing the signature of at least thirty percent of the employees within the bargaining unit stating that those employees no longer wish to be represented by the labor organization in question, the City Manager shall first validate the signatures on the cards.

3.6.1 If the City Manager confirms that at least thirty percent of the employees in the bargaining unit have signed decertification cards, the City Manager shall consult with the designated representative of the labor organization to select a date for a decertification election. Such election shall take place at least four weeks, but no later than six weeks, after the City Manager receives the decertification cards. Notice of such election shall be distributed to all employees within the bargaining unit and posted within the Police Department.

3.6.2 If more than fifty percent of the employees in the bargaining unit cast votes to terminate the labor organization's representation of the employees in the bargaining unit, the labor organization shall immediately cease to represent the employees in the bargaining unit.

3.6.3 In the event of the decertification of the exclusive bargaining representative of the employees in any bargaining unit within the Police Department, all terms and conditions of employment existing at the time of decertification shall remain in place until such time as those terms or conditions of employment are altered by the City Manager.

3.7 No more than one election shall take place in any bargaining unit within the same twelve-month period. Once an election takes place, or a petition for certification is withdrawn, the City Manager shall not accept cards from labor organizations or employees within the bargaining unit seeking another election for one full calendar year after the date of the election.

ARTICLE 4

COLLECTIVE BARGAINING PROCESS

4.1 Within four weeks after a labor organization is certified as the exclusive bargaining representative for the employees in a bargaining unit as set out above, representatives of the City, designated by the City Manager, and up to four (4) representatives of the labor organization, selected by the labor organization, shall meet and begin bargaining for an agreement covering the wages, benefits, and other terms and conditions of employment for the employees within the bargaining unit.

4.2 Both sides shall bargain in good faith, and make an earnest effort to reach a mutually acceptable agreement, but neither side shall be required to offer any particular concession or withdraw any particular proposal.

4.3 The City shall not pay any union representative for time spent participating in collective bargaining or preparing for collective bargaining, except to the extent the person in question is an employee of the City and elects to use accrued paid time off to cover the time so spent.

4.4 If the parties reach an agreement, management shall present the agreement to the City Council for approval or rejection. The City Council may approve the entire agreement or any part(s) thereof. If the City Council rejects any portion of the agreement, the City Council may return the rejected portion(s) of the agreement to the parties for further bargaining, or the City Council may adopt a replacement provision of its own design, or the City Council may state that no provision covering the topic in question shall be adopted.

4.5 After the first agreement between the City and the labor organization is adopted, bargaining or renewal agreements shall take place annually. Such bargaining must be completed by April 30th of each calendar year. The parties may elect to bargain non-economic terms for longer periods (e.g. three years or five years), but all economic provisions of the agreement shall be adopted on a year-to-year basis only. If the parties are unable to agree upon a renewal agreement, including any economic or non-economic terms, by April 30th, the City shall have the right to implement its pending proposal related to any disagreed-upon economic or non-economic provisions.

ARTICLE 5

CONTENT OF LABOR AGREEMENTS

5.1 Labor agreements negotiated between the parties may cover wages, benefits, and all other terms and conditions of employment for employees within the bargaining unit, subject to the following limitations.

5.1.1 Every labor agreement shall include a provision reserving to management the right to hire, promote, assign, direct, transfer, schedule, discipline, and discharge employees, so long as those rights are not exercised in a way that conflicts with any express provision of the labor agreement. Every labor agreement shall also include a provision reserving to management the right to make, amend, and rescind work rules and standard operating procedures, so long as such work rules and standard operating procedures do not conflict with any express provision of the labor agreement. Every labor agreement shall include a provision reserving all other management rights, to run and operate the City, to management so long as those rights are not exercised in a way that conflicts with any express provision of the labor agreement.

5.1.2 Every labor agreement shall expressly prohibit all strikes and picketing of any kind. Every labor agreement shall include a provision acknowledging that any employee who engages in any strike or concerted refusal to work, or who pickets over any personnel matter shall be subject to immediate termination of employment.

ARTICLE 6

EFFECT OF LABOR AGREEMENT

6.1 In the event the City's Revenue is less than budgeted or expenses are higher than budgeted, the City Council shall have the right to modify any of the economic terms of any labor agreement, as the City Council deems appropriate.

6.2 Should the City Council deem it necessary to modify the economic terms of any labor agreement, it shall so notify the relevant labor organization, and shall provide a period of thirty (30) days during which the City and the labor organization shall bargain in good faith over any necessary adjustments to the economic terms of the agreement.

6.3 If, at the end of the thirty-day period, the parties have been unable to agree upon modifications that meet the City Council's requirements, the City Council shall have the right to make necessary adjustments in its sole and absolute discretion.

ARTICLE 7

VALIDITY AND ENFORCEMENT

7.1 If the State of Missouri passes any law or issues any regulation governing collective bargaining for City personnel, which supersede these provisions, then to the extent any of the provisions established herein are inconsistent with superseding Missouri statute or regulation, such inconsistent provisions shall be superseded in whole or in part by such statute or regulation.

7.2 If any court of competent jurisdiction shall declare any of the provisions established herein to be unenforceable under any state or federal statute, regulation, or other authority, the unenforceable portion of the provisions shall be removed, but all other provisions contained herein shall remain in effect.

BILL NO. 5992

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO L'ARCHE TO OPERATE A GROUP HOME FOR MENTALLY AND PHYSICALLY DISABLED INDIVIDUALS AT 3632 MANHATTAN AVENUE.

WHEREAS, Paula Kilcoyne of L'Arche applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to operate a group home for mentally and physically disabled individuals at 3632 Manhattan Avenue; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their October 5, 2015 meeting by a vote of 6 ayes, 0 nays, 1 absent; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their October 13, 2015 Council meeting.

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

Section I. L'Arche is hereby granted a Conditional Use Permit to operate a group home for physically and mentally disabled individuals at 3632 Manhattan Avenue.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted and Conditional Uses: The uses permitted in this Conditional Use Permit shall be as follows:
 - 1) All permitted land uses in the SR Single Family Residential District.
 - 2) A group living facility/group home for physically and mentally disabled individuals.
 - 3) The number of individuals living on-site shall meet the State of Missouri requirements for group homes for physically and mentally disabled individuals.
 - 4) The group home should keep a single family residential home exterior appearance.
- (B) Architectural Standards/Sign Requirements: Any exterior changes to the building and/or signage must be approved by the Design and Review Board prior to the issuance of a building permit. All non-conforming signage must be removed prior to the issuance of an occupancy permit/business license.
- (C) Exterior Storage of Materials: No outside storage of materials will be permitted.

Section III. Any expansion or alteration of use, structure or site must be approved by the Plan and Zoning Commission prior to the issuance of a building permit.

Section IV. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section V. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

FINDINGS OF FACT

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for a group home for physically and mentally disabled individuals at 3632 Manhattan Avenue:

- a. The proposed use complies with all applicable provisions of the Zoning Code.
- b. The proposed use will contribute to and promote the community welfare and convenience.
- c. The proposed use will not cause substantial injury to the value of neighboring property.
- d. The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- e. The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of the Zoning Code.
- f. The proposed use will not substantially increase traffic hazards.
- g. The proposed use will not substantially increase fire hazards.
- h. The proposed use will not overtax public utilities.
- i. The proposed use will not place an undue burden on municipal services.

BILL NO. 5993

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO PHILIP MANAOIS OF JUKEBOX PIANO BAR TO OPERATE AN ENTERTAINMENT BAR/RESTAURANT FACILITY AT 7376 MANCHESTER ROAD.

WHEREAS, Philip Manaois applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to operate an entertainment bar/restaurant facility at 7376 Manchester Road; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their October 5, 2015 meeting by a vote of 6 ayes, 0 nays, 1 absent; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their October 13, 2015 Council meeting.

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

Section I. Philip Manaois of Jukebox Piano Bar is hereby granted a Conditional Use Permit to operate an entertainment bar/restaurant facility at 7434 Manchester Road.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted and Conditional Uses: The uses permitted in this Conditional Use Permit shall be as follows:
 - 1) All permitted land uses in the CB1 Community Business One District.
 - 2) An entertainment piano bar/restaurant with food sales to equal at least 40% of gross receipts.
 - 3) Live entertainment is limited to dueling pianos, jazz, blues and/or family feature shows.
- (B) Architectural Standards/Sign Requirements: Any exterior changes to the building and/or signage must be approved by the Design and Review Board prior to the issuance of a building permit. All non-conforming signage must be removed prior to the issuance of an occupancy permit/business license.
- (C) Exterior Storage of Materials: No outside storage of materials will be permitted.

Section III. Any expansion or alteration of use, structure or site must be approved by the Plan and Zoning Commission prior to the issuance of a building permit.

Section IV. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section V. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

FINDINGS OF FACT

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for an entertainment bar/restaurant facility at 7376 Manchester Avenue:

- a. The proposed use complies with all applicable provisions of the Zoning Code.
- b. The proposed use will contribute to and promote the community welfare and convenience.
- c. The proposed use will not cause substantial injury to the value of neighboring property.
- d. The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- e. The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of the Zoning Code.
- f. The proposed use will not substantially increase traffic hazards.
- g. The proposed use will not substantially increase fire hazards.
- h. The proposed use will not overtax public utilities.
- i. The proposed use will not place an undue burden on municipal services.

BILL NO. 5994

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO BOGIES AUTO DETAIL TO OPERATE AN AUTO DETAILING BUSINESS AND AN INTERNET WHOLESALE AUTO SALES BUSINESS OFFICE USE AT 2803 S. BIG BEND BOULEVARD

WHEREAS, Michael Borgard Jr. of Bogies Auto Detail applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to operate an auto detail business and an internet wholesale auto sales business office use at 2803 S. Big Bend Boulevard; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their October 5, 2015 meeting by a vote of 6 ayes, 0 nays, 1 absent; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their October 13, 2015 Council meeting.

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

Section I. Michael Borgard Jr. is hereby granted a Conditional Use Permit to operate an auto detail business and an internet wholesale auto sales business office use at 2803 S. Big Bend Boulevard.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted and Conditional Uses: The uses permitted in this Conditional Use Permit shall be as follows:
 - 1) All permitted land uses in the AB Arterial Business District.
 - 2) An auto detail business with all detailing operations enclosed in the structure on-site.
 - 3) An internet wholesale auto dealer office use.

- (B) Business Operation Requirements
 - 1) No auto vehicle repair work shall be permitted on-site.
 - 2) No auto body repair work shall be permitted on-site
 - 3) No drive-by-retail auto sales shall be permitted on-site (allowable auto sales shall be via the Internet or telephone).
 - 4) No signage shall be permitted for the wholesale auto dealer on-site.
 - 5) No signage shall be permitted for any vehicles for sale.
 - 6) No more than one (1) vehicle associated with the internet wholesale auto dealer may be parked outdoors at any time.
 - 7) All vehicles associated with the internet wholesale auto dealer must be parked

- under roof in the principal structure from 9:00 p.m. to 6:00 a.m.
- 8) Detailing work for the auto detailing business must be performed under roof in the principal structure.
 - 9) A barrier must be installed by the property owner to separate vehicles from the adjacent sidewalk along Woodland Avenue. The type and location of barrier is subject to the review and approval of the Public Works Director.

(C) Architectural Standards/Sign Requirements: Any exterior changes to the building and/or signage must be approved by the Design and Review Board prior to the issuance of a building permit. All non-conforming signage must be removed prior to the issuance of an occupancy permit/business license.

(D) Exterior Storage of Materials: No outside storage of materials will be permitted.

Section III. Any expansion or alteration of use, structure or site must be approved by the Plan and Zoning Commission prior to the issuance of a building permit.

Section IV. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section V. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this day of 2015

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

FINDINGS OF FACT

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit for an auto detailing facility and internet auto wholesale office at 2803 S. Big Bend Boulevard:

- a. The proposed use complies with all applicable provisions of the Zoning Code.
- b. The proposed use will contribute to and promote the community welfare and convenience.
- c. The proposed use will not cause substantial injury to the value of neighboring property.
- d. The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- e. The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of the Zoning Code.
- f. The proposed use will not substantially increase traffic hazards.
- g. The proposed use will not substantially increase fire hazards.
- h. The proposed use will not overtax public utilities.
- i. The proposed use will not place an undue burden on municipal services.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, REAFFIRMING THE TAX RATES FOR THE CITY OF MAPLEWOOD AND THE MAPLEWOOD SPECIAL BUSINESS DISTRICT ON ALL REAL, PERSONAL, TANGIBLE AND INTANGIBLE PROPERTY WITHIN THE CITY OF MAPLEWOOD, MISSOURI, FOR 2015.

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

Section I. The 2015 tax levy within the City of Maplewood, Missouri, levied upon every dollar of taxable, tangible property in the City of Maplewood, Missouri, shown by the latest completed assessment shall be as follows per one hundred dollar (\$100.00) assessed valuation:

<u>Rate per \$100 Assessed Value</u>	<u>Residential</u>	<u>Commercial</u>	<u>Personal Property</u>
General Fund	\$0.1820	\$0.4700	\$0.5670
Policemen's & Firemen's Pension Fund	\$0.3800	\$0.4000	\$0.4450
Solid Waste Fund	\$0.1540	\$0.1590	\$0.2180
Debt Service	\$0.2800	\$0.2800	\$0.2800
Total Tax Rate.....	\$0.9960	\$1.3090	\$1.5100

Section II. The 2015 tax levy within the Maplewood, Special Business District, levied upon every dollar of taxable, tangible property in the Maplewood Special Business District, shown by the latest completed assessment shall be as follows per one hundred dollar (\$100.00) assessed valuation:

<u>Rate per \$100 Assessed Value</u>	<u>Residential</u>	<u>Commercial</u>	<u>Personal Property</u>
General Fund	0.0980	\$0.2610	\$0

Section III. This ordinance shall be effective 15 days after is passage and approval.

Passed this day of , 2015

James White, Mayor