

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, MAY 10, 2016
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 hearing to receive input on how the city should allocate \$64,000 in Community Development Block Grant Funds which will become available after January 1, 2017.
7. Public Forum
8. Announcements
9. Approval of the April 26, 2016 City Council meeting minutes
10. A Resolution of the City Council of the City of Maplewood, Missouri, honoring and commending Bill Appel on the occasion of his retirement after 27 years of service with the Maplewood Fire Department.
11. A Resolution of the City Council of the City of Maplewood, Missouri, honoring and commending Ken LeClerc on the occasion of his retirement after 17 years of service with the Maplewood Public Works Department.
12. A Resolution of the City Council of the City of Maplewood, Missouri, appointing Mary Killian and Nick Gross to the Mid-County Senior Citizens Commission and establishing their terms of office as expiring June 30, 2019.
13. A Resolution of the City Council of the City of Maplewood, Missouri, authorizing the City Manager to submit the 2017 Community Development Block Grant application to the St. Louis County Office of Community Development.
14. A Resolution of the City Council of the City of Maplewood, Missouri authorizing the City Manager to accept the bid of Southeastern Emergency Equipment in the amount of twenty-one thousand three hundred forty-five dollars and eighty cents (\$21,345.80) to provide one pre-hospital cardiac monitor/defibrillator.

15. An Ordinance of the City Council of the City of Maplewood, Missouri granting a Conditional Use Permit to Thrivent Financial to operate an office facility at 3008 Sutton Boulevard.
16. An Ordinance of the City Council of the City of Maplewood, Missouri, to amend the definitions of nude and seminude in the Maplewood Code of Ordinances and to prohibit certain acts in premises licensed to sell at retail intoxicating liquor, wine or beer.
17. Council Communication
18. Mayor's Report
19. City Attorney's Report
20. City Manager's Report
21. 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.
22. Adjournment

PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, MAY 10, 2016
7:30 P.M.

The following is a brief description of the Agenda items for Tuesday, May 10, 2016:

ITEM NO. 6, is a public hearing to receive input on how the city should allocate \$64,000 in Community Development Block Grant Funds which will become available after January 1, 2017.

ITEM NO. 10, is a resolution honoring and commending Bill Appel on the occasion of his retirement after 27 years of service with the Maplewood Fire Department. Bill began as a probationary private and worked his way through the ranks to serve as a company officer with the rank of lieutenant and also serving as acting captain when duty called. Bill will not be in attendance at the council meeting.

ITEM NO. 11, is a resolution honoring and commending Ken LeClerc on the occasion of his retirement after 17 years of service with the Maplewood Public Works Department. Ken served the city in an outstanding manner and he will be sorely missed. Ken will not be in attendance at the council meeting.

ITEM NO. 12, is a resolution appointing Mary Killian and Nick Gross to the Mid-County Senior Citizens Commission and establishing their terms of office as expiring June 30, 2019. Mary Killian was recommended by Mayor White and Nick Gross was recommended by Councilmember Greenberg.

ITEM NO. 13, is a resolution authorizing the City Manager to submit the 2017 Community Development Block Grant application to the St. Louis County Office of Community Development. The city is eligible to receive \$64,000 in Community Development Block Grant funds and staff is again recommending that the entire \$64,000 be allocated to the home improvement loan program.

ITEM NO. 14, is a resolution authorizing the City Manager to accept the low bid of Southeastern Emergency Equipment in the amount of \$21,345.80 to provide one pre-hospital cardiac monitor/defibrillator. Four proposals for this device which evaluates emergency medical patients for cardiac complications and provides rescue shock to patients were received. Southeastern Emergency Equipment submitted the low and best bid.

ITEM NO. 15, is an ordinance granting a Conditional Use Permit to Thrivent Financial to operate an office facility at 3008 Sutton Boulevard (formerly Cowell Engineering). The Plan and Zoning Commission, at their May 2, 2016 commission meeting, recommended approval by a vote of 4 ayes, 0 nays, 3 absent.

ITEM NO. 16, is an ordinance that amends the definitions of nude and seminude in the Maplewood Code of Ordinances and to prohibit certain acts in premises licensed to sell at retail intoxicating liquor, wine or beer. This item addresses concerns brought up with the Social House in University City.



PUBLIC NOTICE

The City of Maplewood will hold a public hearing to discuss the allocation of \$64,000 in Community Development Block Grant funds which will become available after January 1, 2017. The public hearing will be held at 7:30 p.m. on May 10, 2016, at Maplewood City Hall, 7601 Manchester Road, Maplewood, MO 63143. To further its commitment to fair and equitable treatment of all citizens, the City of Maplewood has enacted and/or enforces the following:

A Fair Housing Ordinance prohibiting unlawful discrimination against any person because of race, sex, color, religion, disability, familial status or national origin;

A Policy of Nondiscrimination on the Basis of Disability in the admission or access to, or employment in, its federally assisted programs or activities;

A Policy of Equal Opportunity to Participate in Municipal Programs and Services regardless of race, color, religion, sex, age, disability, familial status, national origin, or political affiliation;

A requirement for bidding on CDBG activities that promotes employment opportunities created by HUD funding and that these opportunities be afforded low-income community residents and businesses.

If you would like information regarding the above policies or if you believe you have been unlawfully discriminated against, contact the following municipal official or employee who has been designated to coordinate compliance with equal employment opportunity requirements referenced above.

Martin J. Corcoran, City Manager

TITLE

7601 Manchester Road

STREET ADDRESS

Maplewood, MO 63143

CITY, STATE, ZIP

314-645-3600

PHONE

If you are a person with a disability or have special needs in order to participate in this public hearing, please contact Tiffany Davis at 314-646-3640 no later than May 6, 2016.

For More Information Call:

314-645-3600 VOICE

1-800-735-2966 RELAY MISSOURI

Equal Opportunity Employer

▼
(As appearing in the St. Louis Post Dispatch on April 20, 2016)

(As posted on the Maplewood City Hall bulletin board on April 20, 2016)

PUBLIC HEARING HANDOUT

National Objectives

All activities funded by the CDBG program must meet one of the following National Objectives:

1. **Primarily benefit low- and moderate-income residents.**
2. **Eliminate slums and blight.**
3. **Alleviate urgent, serious, and critical community needs that are of recent origin.**

Eligible CDBG Activities

Funds may be expended on the following types of activities if these activities benefit low- or moderate-income residents, eliminate slums and blight, or address an urgent County need.

- A. **Acquisition.** Acquisition in whole or in part by the recipient, or other public or private nonprofit entity.
- B. **Public Facilities and Improvements.** Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, such as streets, sidewalks, parks, water and sewer facilities, sanitary sewers, neighborhood centers, parking lots and fire stations. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements.)

In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction. Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in CFR Sec. 570.200(b).

- C. **Clearance Activities.** Clearance, demolition, and removal of buildings.
- D. **Public Services.** Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the

level of an existing service above that which has been provided by or on behalf of the unit of general local government.

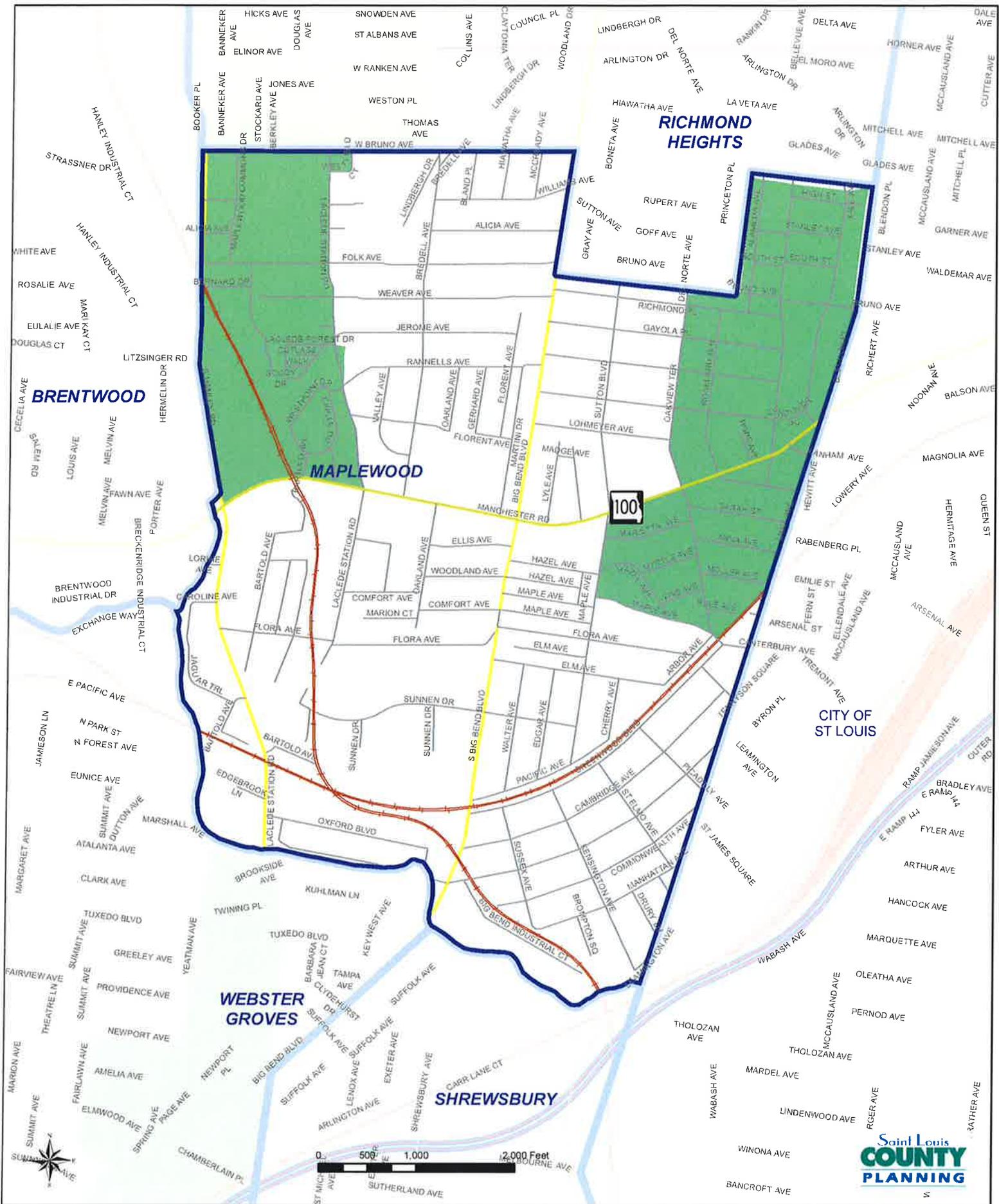
E. Interim Assistance. The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary and permanent improvements will be carried out as soon as practicable:

1. The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and
2. The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash.

F. Rehabilitation and Preservation Activities. CDBG funds may be used to finance the rehabilitation of:

1. Privately owned buildings and improvements for residential purposes. Improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building if the improvements also provide general benefit to the residential occupants of the building;
2. Low-income public housing and other publicly owned residential buildings and improvements;
3. Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations;
4. Nonprofit-owned nonresidential buildings and improvements.

G. Subsistence Payments. Payments may be made to service providers on behalf of low to-moderate-income residents for such items as rent, mortgage and utility assistance. These grant payments are designed to prevent low and moderate-income residents from becoming homeless. Payments are allowed for three-month periods.



**Low to Moderate Income by Census Block Group
City of Maplewood**

Office of Community Development, St. Louis County Department of Planning, April 2015

-  Municipal Boundary
-  51% to 100% Low-Mod



April 26, 2016

The April 26, 2016 Council meeting was called to order at 7:30 p.m., Deputy Mayor Karen Wood presiding.

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

MOTION TO EXCUSE COUNCILPERSON: Councilmember Dunn motioned to excuse Councilmember Cerven and Mayor White, duly seconded by Councilmember Faulkingham, which motion received the approval of the Council.

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

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY BRIAN FLAVIN OF TWIN PEAKS TO BE LOCATED AT 2351 MAPLEWOOD COMMONS FOR A FULL AND SUNDAY LIQUOR LICENSE: No one spoke.

PUBLIC FORUM: No one spoke.

ANNOUNCEMENTS: Councilmember Greenberg announced the Active Aging Expo will be held on May 2, 2016 from 10:30 a.m. to 2:30 p.m. at The Heights.

APPROVAL OF THE APRIL 12, 2016 CITY COUNCIL MEETING MINUTES: Councilmember Dunn motioned to approve, duly seconded by Councilmember Faulkingham, which motion received the majority approval, by voice vote, of the Council.

MOTION TO APPROVE A REQUEST BY BRIAN FLAVIN OF TWIN PEAKS TO BE LOCATED AT 2351 MAPLEWOOD COMMONS FOR A FULL AND SUNDAY LIQUOR LICENSE: Councilmember Dunn motioned to approve, duly seconded by Councilmember Faulkingham, which motion received the majority approval, by voice vote, of the Council.

R16-19, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON TUESDAY, APRIL 5, 2016 AS OFFICIAL was introduced. It was moved by Councilmember Dunn, duly seconded by Councilmember Faulkingham to approve the resolution which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO RENEW THE CITY'S DENTAL INSURANCE COVERAGE FOR CITY EMPLOYEES WITH DELTA DENTAL PLAN OF MISSOURI was introduced. It was moved by Councilmember Dunn, duly seconded by Councilmember Faulkingham to approve the resolution which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-21, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF REINHOLD ELECTRIC IN THE AMOUNT OF TWENTY FIVE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$25,150) FOR THE INSTALLATION OF ELECTRICAL INFRASTRUCTURE TO INCLUDE BURIED CONDUIT TO SUPPORT FIVE ELECTRIC PANEL BOXES FOR COMMUNITY EVENTS ALONG SUTTON BOULEVARD, SOUTH OF MANCHESTER ROAD was introduced. It was moved by Councilmember Dunn, duly seconded by Councilmember Faulkingham to approve the resolution which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

R16-22, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A GROUND SIGN PERMIT TO PORSCHE ST. LOUIS AT 2970 S. HANLEY ROAD THAT EXCEEDS THE HEIGHT AND AREA REQUIREMENTS was introduced. It was moved by Councilmember Dunn, duly seconded by Councilmember Faulkingham to approve the resolution which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

BILL 6017, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI GRANTING A CONDITIONAL USE PERMIT TO LAMIRA MARTIN TO ALLOW SHORT TERM RENTALS AT 7433 ZEPHYR PLACE was given its third and final reading. A motion was made by Councilmember Dunn that Bill No. 6017 be tabled for the reading of the findings of fact, duly seconded by Councilmember Faulkingham, which motion received the majority approval; by voice vote, of the Council.

The Mayor and City Council make the following findings of fact for the petition for a Conditional Use Permit to allow short term rentals in the SR Single Family Residential District at 7433 Zephyr Place:

- 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.

It was then moved by Councilmember Dunn, duly seconded by Councilmember Faulkingham, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Wolf and Deputy Mayor Wood. Nays, none.

Councilmember Dunn motioned to bring Bill No. 6017 back onto the table, duly seconded by Councilmember Faulkingham, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Dunn, duly seconded by Councilmember Faulkingham that Bill No. 6017 be approved which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Deputy Wood. Nays, none.

BILL NO. 6017 was approved by the City Council on this 26th day of April, 2016 as **Ordinance number 5813.**

BILL 6018, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO REZONE LOT 3 OF LACLEDE SUBDIVISION ON MANCHESTER FROM “AB” ARTERIAL BUSINESS DISTRICT TO “PA” PUBLIC ACTIVITY DISTRICT was given its third and final reading. A motion was made by Councilmember Dunn, duly seconded by Councilmember Faulkingham that Bill No. 6018 be approved which motion received the following roll call vote: Ayes, members Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Deputy Wood. Nays, none.

BILL NO. 6018 was approved by the City Council on this 26th day of April, 2016 as **Ordinance number 5814.**

COUNCIL COMMUNICATION: None.

MAYOR’S REPORT: Deputy Mayor Wood stated the Stringfest/Street Food Tour will be held on May 6, 2016 from 6:00 p.m. to 9:00 p.m.

CITY ATTORNEY’S REPORT: No report.

CITY MANAGER’S REPORT: Mr. Corcoran stated there have been two names submitted so far for the Senior Citizens Commission and he is seeking a third name. Additionally, there are vacancies on several city boards. If the Council has any recommendations, names should be submitted to the Mayor for consideration.

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 7:45 p.m.

INTEROFFICE MEMORANDUM

TO: Mayor & City Council
FROM: Martin J. Corcoran, City Manager
DATE: May 3, 2016
RE: Retirement Resolutions

Attached are two retirement resolutions. Bill Appel is retiring after 20 years of service with the Maplewood Fire Department. Bill will not be at the council meeting but this resolution will be framed and presented to him at his retirement party.

Ken LeClerc has retired after 17 years in the Public Works maintenance division. Unfortunately, Ken is ill and cannot attend the council meeting. This resolution will be framed and presented to Ken at a later date.

Both of these men served the City of Maplewood in an outstanding manner and were an asset both to their departments and the City of Maplewood.

Both of these gentlemen will be sorely missed.


Martin J. Corcoran
City Manager

Enclosure

Retirement resolutions.docx

RESOLUTION

RXX-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, HONORING AND COMMENDING WILLIAM "BILL" APPEL ON THE OCCASION OF HIS RETIREMENT AFTER 27 YEARS OF SERVICE WITH THE MAPLEWOOD FIRE DEPARTMENT.

WHEREAS, William "Bill" Appel was hired to serve as a Firefighter / Emergency Medical Technician with the City of Maplewood Fire Department on December 14, 1988; and

WHEREAS, Bill Appel has served the Maplewood community well for 27 years, beginning as a probationary Private and working his way through the ranks to serve as a Company Officer with the rank of Lieutenant while also serving as Acting Captain when duty called; and

WHEREAS, from his first days with the fire department he has demonstrated his devotion to duty and exemplary dedication to the welfare of others while earning the respect and affection of those with whom he has served; and

WHEREAS, throughout Bill's career, the performance of his duties, responsibilities and his working relationships were always characterized by an obvious dedication to getting the job done in an outstanding and professional manner; and

WHEREAS, Bill, as a Maplewood Firefighter / Emergency Medical Technician and Company Officer, has demonstrated his unselfish dedication and personal commitment to the protection of life and property to the citizens of the City of Maplewood and to his fellow firefighters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: The Mayor and City Council honor and commend Bill Appel on the occasion of his retirement after 27 years of service with the Maplewood Fire Department.

Passed this 26th day of April, 2016

James White, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 26th day of April, 2016

James White, Mayor

Attest:

R E S O L U T I O N

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, HONORING AND COMMENDING KEN LECLERC ON THE OCCASION OF HIS RETIREMENT AFTER 17 YEARS OF SERVICE WITH THE MAPLEWOOD PUBLIC WORKS DEPARTMENT.

WHEREAS, Ken LeClerc was hired by the Public Works Department for the City of Maplewood on July 19, 1999; and

WHEREAS, Ken has served the city for 17 years in an outstanding manner; and

WHEREAS, during Ken's 17 years, the performance of his duties, responsibilities and his working relationships were always characterized by an obvious dedication to getting the job done in an outstanding manner; and

WHEREAS, Ken has worked constantly for the betterment of the Public Works Department where he utilized his carpentry and forestry knowledge on a daily basis; and

WHEREAS, Ken has rendered service to this community which deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: The Mayor and City Council honor and commend Ken LeClerc on the occasion of his retirement after 17 years of service with the Maplewood Public Works Department.

Passed this 10th day of May, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 10th day of May, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: May 3, 2016

RE: Senior Citizens Commission Appointments

Attached is a resolution appointing Mary Killian and Nick Gross to the Mid County Senior Citizens Commission. It is my understanding that at this time, the cities of Clayton, Maplewood and Richmond Heights have agreed to participate. Brentwood has also been asked to participate but I am not sure what their status is. The Commission would be an advisory commission involving senior citizen policy, projects and activities. The city still needs one additional member.

If you have any questions in regards to these appointments, please contact Mayor White.



Martin J. Corcoran
City Manager

Enclosure

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING MARY KILLIAN AND NICK GROSS TO THE MID-COUNTY SENIOR CITIZENS COMMISSION AND ESTABLISHING THEIR TERMS OF OFFICE AS EXPIRING JUNE 30, 2019.

WHEREAS, Mary Killian has expressed to Mayor White that she would like to serve on the Senior Citizens Commission and Nick Gross has expressed to Councilmember Greenberg a desire to serve on the Senior Citizens Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: Mary Killian and Nick Gross are hereby appointed to the Mid-County Senior Citizens Commission; and

BE IT FURTHER RESOLVED their term of office is established as expiring June 30, 2019.

Passed this day of , 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

Approved this day of , 2016

James White, Mayor

Attest:

Karen R. Scheidt, Deputy City Clerk

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: May 2, 2016
Subject: 2017 Community Development Block Grant Application

The City of Maplewood is eligible to receive \$64,000 in Community Development Block Grant Funds which should be available in June 2017. A public hearing will be held at the May 10, 2016 Council meeting where the public will have a chance to provide their comments on how these funds should be spent. A map showing the areas of the city that are eligible (areas of the city in green are eligible) for specific improvements and a form listing all of the eligible activities are attached for your review. Note for the Home Improvement Loan Program, anyone in the city who meets the income requirements could be eligible. The grant application is due Friday, July 1st.

Last year the City Council allocated the entire \$64,000 to the Home Improvement Loan Program due to high demand. Currently, we have approximately \$31,000 left in this fund which is enough to fund approximately 6 applications and there are 64 applications currently on file. This high number is due to our advertising the program in our newsletter and on-line in the recent past. Our inspectors have also referenced this program to residents in need of repairs.

Staff again recommends allocating the entire \$64,000 to the Home Improvement Loan Program. If the City Council has any other suggestions on how to spend these funds for preparation of the application, please do not hesitate to let me know.

PUBLIC HEARING HANDOUT

National Objectives

All activities funded by the CDBG program must meet one of the following National Objectives:

1. **Primarily benefit low- and moderate-income residents.**
2. **Eliminate slums and blight.**
3. **Alleviate urgent, serious, and critical community needs that are of recent origin.**

Eligible CDBG Activities

Funds may be expended on the following types of activities if these activities benefit low- or moderate-income residents, eliminate slums and blight, or address an urgent County need.

- A. **Acquisition.** Acquisition in whole or in part by the recipient, or other public or private nonprofit entity.
- B. **Public Facilities and Improvements.** Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, such as streets, sidewalks, parks, water and sewer facilities, sanitary sewers, neighborhood centers, parking lots and fire stations. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements.)

In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction. Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in CFR Sec. 570.200(b).

- C. **Clearance Activities.** Clearance, demolition, and removal of buildings.
- D. **Public Services.** Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the

level of an existing service above that which has been provided by or on behalf of the unit of general local government.

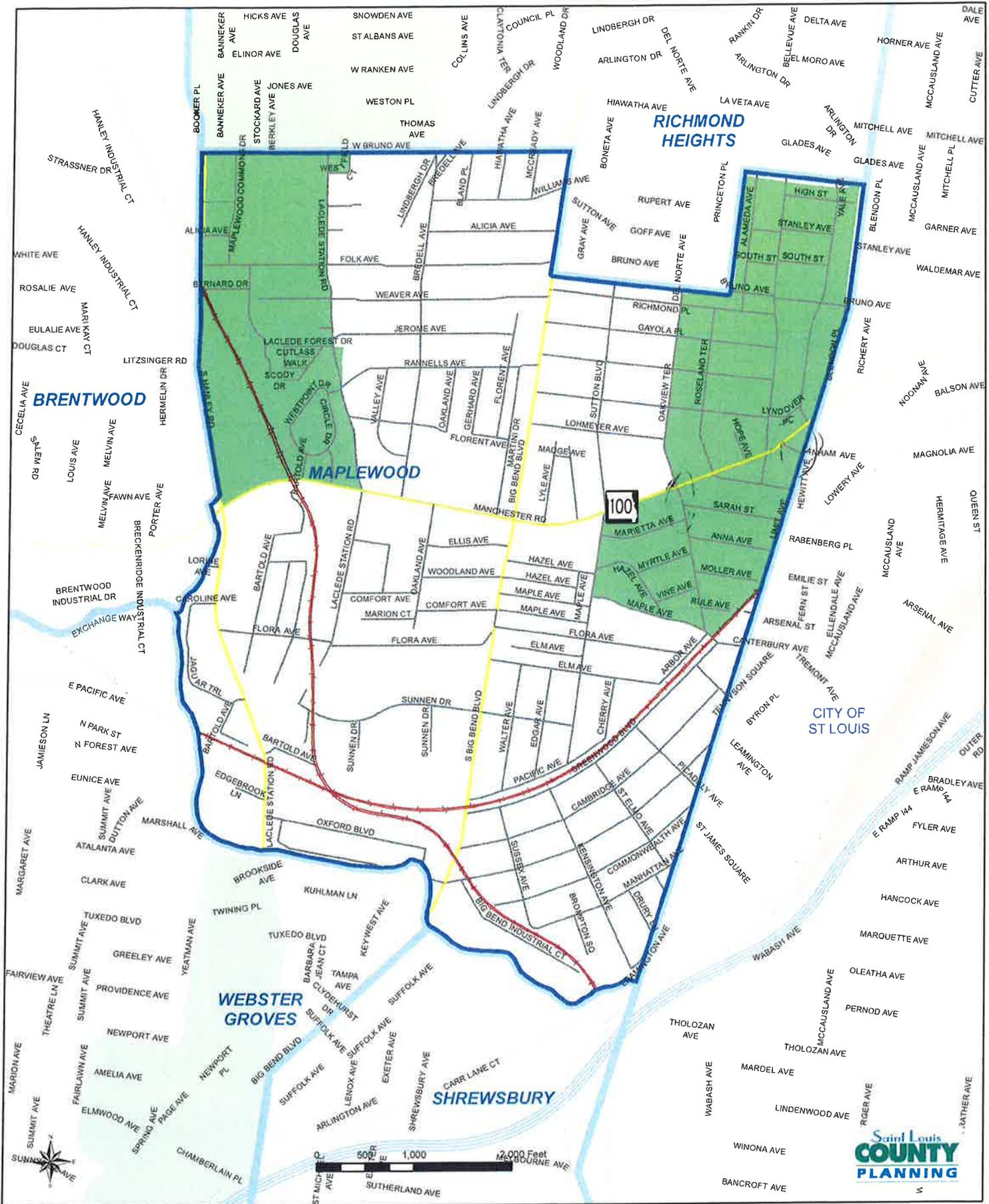
E. Interim Assistance. The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary and permanent improvements will be carried out as soon as practicable:

1. The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and
2. The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash.

F. Rehabilitation and Preservation Activities. CDBG funds may be used to finance the rehabilitation of:

1. Privately owned buildings and improvements for residential purposes. Improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building if the improvements also provide general benefit to the residential occupants of the building;
2. Low-income public housing and other publicly owned residential buildings and improvements;
3. Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations;
4. Nonprofit-owned nonresidential buildings and improvements.

G. Subsistence Payments. Payments may be made to service providers on behalf of low to-moderate-income residents for such items as rent, mortgage and utility assistance. These grant payments are designed to prevent low and moderate-income residents from becoming homeless. Payments are allowed for three-month periods.



Low to Moderate Income by Census Block Group
City of Maplewood

Office of Community Development, St. Louis County Department of Planning, April 2015

- Municipal Boundary
- 51% to 100% Low-Mod



RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2017 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE ST. LOUIS COUNTY OFFICE OF COMMUNITY DEVELOPMENT.

WHEREAS, the City of Maplewood is eligible to receive funds in the amount of \$64,000 from the Community Development Block Grant Program; and

WHEREAS, the City of Maplewood has participated in the Community Development Block Grant Program since its inception; and

WHEREAS, the City of Maplewood held a public hearing on Tuesday, May 10, 2016 in the City Hall Council Chambers to hear citizens' comments on the proposed use of the community development funds.

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

The City Manager is hereby authorized to submit the 2017 Community Development Block Grant application to the St. Louis County Office of Community Development; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to sign all agreements and amendments that involve the 2017 Community Development Block Grant funds.

Passed this 10th day of May, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 10th day of May, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM



To: Martin J. Corcoran, City Manager
From: Terry Merrell, Fire Chief
Date: May 5, 2016
Subject: Portable Pre-Hospital Monitor/Defibrillator

The city intends to purchase one Portable Pre-Hospital Monitor / Defibrillator. The fire department's paramedics use the device to evaluate emergency medical patients for cardiac complications and also provide rescue defibrillation (electric shock) to patients experiencing cardiac arrest. The unit to be replaced is nine years old, near the end of its reliable service life, and improved technology is available in the units currently offered for sale.

A public notice of a request for bids was posted in city hall and an ad was placed in the St. Louis Business Journal on March 18, 2016. The bid packet was made available on the city's website and in physical form at city hall.

Bids were opened on April 22, 2016 at 2:00 PM. Four bid proposals were received and all were considered responsive. I reviewed the four proposals with Captain Peter Marsac and Lieutenant Matthew Wilcox.

As a part of the bid specifications, trade-in quotes for the city's current monitor / defibrillator were requested. A provision for a five year warranty was also requested in the specifications. After calculating the trade-in value offered with the cost of extending the factory standard warranty to 5 years, Southeastern Emergency Equipment provided the lowest net bid in the amount of \$21,345.80 for the Phillips MRx ALS Monitor / Defibrillator.

The other bids received were from Zoll Medical Corporation in the net amount of \$32,663.04, Enterspect Medical Solutions LLC in the net amount of \$27,355.44, and Abbott Ambulance in the net amount of \$22,988.00.

The cardiac monitors / defibrillators currently in use by the fire department are also Phillips manufactured units. As such the ancillary components, such as batteries and chargers, currently owned by the city are compatible with the currently offered Phillips monitors. The fire department has also been satisfied with the service and durability of the nine year old unit as well as the unit that was purchased one year ago. Service and support from Philips has also consistently met expectations.

The following table lists a breakdown of the figures provided in the bid proposals:

Vendor – Model	Base Bid as Specified:	Trade in:	Extended Warranty:	Net bid:	Delivery time:
Southeastern Emergency Equipment – Phillips MRx	\$20,250.80	\$2,000.00	\$3,095.00	\$21,345.80	28 days
Abbott Ambulance – Physio-Control Inc. Life Pak 15	\$19,648.00	N/A	\$3,340.00	\$22,988.00	45 days
Enerspect Medical Solutions LLC. – Phillips MRx	\$24,632.44	N/A	\$2,923.00	\$27,355.44	45 days
Zoll Medical Corp. – X Series	\$33,567.04	\$6,500.00	\$5,596.00	\$32,663.04	45 days

Southeastern Emergency Equipment provided the lowest net bid for the Phillips MRx ALS Monitor / Defibrillator, met the required specifications, and the fire department has a positive history with Philips manufactured monitor / defibrillators. It is my recommendation the city accept the bid provided by Southeastern Emergency Equipment for one Philips Medical Systems MRx ALS Monitor / Defibrillator in the net amount of \$21,345.80.

Funds for the purchase are allocated in 2015/2016 Fire Sales Tax Capital budget account.

Terry J. Merrell
Fire Chief

RESOLUTION

R16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF SOUTHEASTERN EMERGENCY EQUIPMENT IN THE AMOUNT OF TWENTY-ONE THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS AND EIGHTY CENTS (\$21,345.80) TO PROVIDE ONE PRE-HOSPITAL CARDIAC MONITOR / DEFIBRILLATOR.

WHEREAS, bids were duly advertised and publicly opened to provide one Portable Pre-Hospital Cardiac Monitor / Defibrillator in the Fire Department on April 22, 2016 at 2:00 p.m.; and

WHEREAS, four (4) bids were received, of which all were considered responsive; and

WHEREAS, the overall bids ranged from \$21,345.80 to \$32,663.04; and

WHEREAS, the low bidder was Southeastern Emergency Equipment supplying the Philips Medical Systems MRx ALS Monitor / Defibrillator in the net amount of \$21,345.80; and

WHEREAS, the fire department currently and for the previous nine years has utilized Philips Medical Systems monitor / defibrillator units which have provided consistent and reliable service; and

WHEREAS, funds for this purchase are budgeted in the Quarter Cent Fire Sales Tax Capital Outlay account.

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

The City Manager is hereby authorized to accept the bid of Southeastern Emergency Equipment in the amount of twenty-one thousand three hundred forty-five dollars and eighty cents (\$21,345.80) for the purchase of one Pre-Hospital Cardiac Monitor / Defibrillator for the Maplewood Fire Department.

Passed this 10th day of May, 2016.

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM



To: Plan & Zoning Commission
From: Anthony J. Traxler, Assistant City Manager/Director of Public Works
Date: May 29, 2016
Subject: **Petition #2016-14/Request for a conditional use permit to allow a financial advisor's office in the "SR" Single Family Residential District at 3008 Sutton Blvd.**

BACKGROUND

The subject property, 3008 Sutton Boulevard, is zoned "SR" Single Family Residential District. The site is fully developed supporting a two-story brick building of approximately 3,200 square feet. The 2nd floor of the site currently supports the office operations of John Blasé Attorney and CPA and KJS Marketing's office. Cowell Engineering has operated on the street level at this location since 2004. Prior to that, Intuition and Logic Consulting Engineers occupied this site which has historically supported a variety of commercial and office uses.

Cowell Engineering was issued a conditional use permit in 2004 for the above uses. Cowell Engineering is selling the building to Thrivent Financial and therefore a new conditional use permit needs to be approved for Thrivent Financial.

The site is in the SR District, therefore the existing and proposed office uses would not be permitted in the SR District, however, Section 56-1063, Non-conforming Uses, (l) of the Zoning Code states:

- (l) Nonconforming Residential: Notwithstanding the provisions of section 56-848 and subsections (h) and (i) of this section, upon the recommendation of the plan and zoning commission, the Council may issue a Conditional Use Permit for a nonconforming use of an existing structure, if, following a public hearing, the City Council shall determine that:
 - (1) The proposed use is consistent with the design, construction and original intended use of the structure; and
 - (2) The proposed use serves a community need, and no detrimental effect will be made upon the character of the zoning district in which the conditional use is proposed.

The Council may limit the term of the Conditional Use Permit. The granting of a Conditional Use Permit shall not be construed as continuing the nonconforming use beyond the term of the permit, nor extended to any other nonconforming use nor to any other occupant or use.

ZONING REQUEST

The petitioner, Andrew Bolin of Thrivent Financial, is requesting a Conditional Use Permit to allow a financial consulting office at 3008 Sutton Boulevard, street level location. The existing businesses on the second floor would remain.

PLAN AND ZONING ISSUES

1. **Business Operations:** The proposed financial consultant's hours of operation are 8 a.m. to 8 p.m. There are currently two employees and Mr. Bolin hopes someday to have up to 8 employees on-site. Cowell Engineering has seven (7) employees on-site so the proposed use will be very similar to the existing business on-site.
2. **Impact on Adjacent Properties:** Given the scale and intensity of the proposed use and the fact that the site has historically supported similar office operations, the proposed use should have little to no impact on adjacent or surrounding properties.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

In presenting any application for a Conditional Use Permit, the petitioner must demonstrate that the proposed conditional use meets the "Standards for Approval" criteria set forth in Section 56-877, Procedures for a Conditional Use Permit, of the Zoning Code (copy attached).

FINDING

Staff recommends approval of the proposed request for a Conditional Use Permit:

- (1) The proposed use is consistent with the design, construction and original intended use of the structure.
- (2) As the site has supported similar office operations, the scale and intensity for the proposed use should be compatible with adjacent and surrounding residential uses.
- (3) The proposed conditional use, at the above location, will contribute and to promote the welfare and convenience of the public by providing financial services to the area.



**City of Maplewood, Missouri
Application for Conditional Use Permit**



Applicant Information:

Name: Andrew Bolin Contact Address/Phone: 2639 Sutton Blvd, Maplewood (314)808-7576

Proposed Business Information:

Proposed Business Name: Thrivent Financial

Address of Proposed Maplewood Location: 3008 Sutton Blvd

Address of Existing Location (if Applicable): 2001 S Hanley Rd ste 180, Brentwood

Description of Business Activity: We will meet clients at the building and work to create financial plans.

Anticipated Hours of Operation: 8am-8pm

Anticipated Number of Employees: 2-8

I, Andrew Bolin, as applicant and/or business owner of the above stated business, hereby verify and certify that all of the information stated above is accurate.

Signed this 13th day of April, 2016

Property Information:

Property Owner Name: Storehouse 2812 llc

Property Owner Address/Phone: 2639 Sutton Blvd, Maplewood, MO (314) 808-7576

Intended Use of Property: Rent the 1st floor to Thrivent Financial Representatives or other office based professionals and rent the second floor to other office based professionals

I, Andrew Bolin, as owner of the above state property, hereby verify and agree to the above-stated intended use of the property by the applicant.

Signed this 14th day of April, 2016

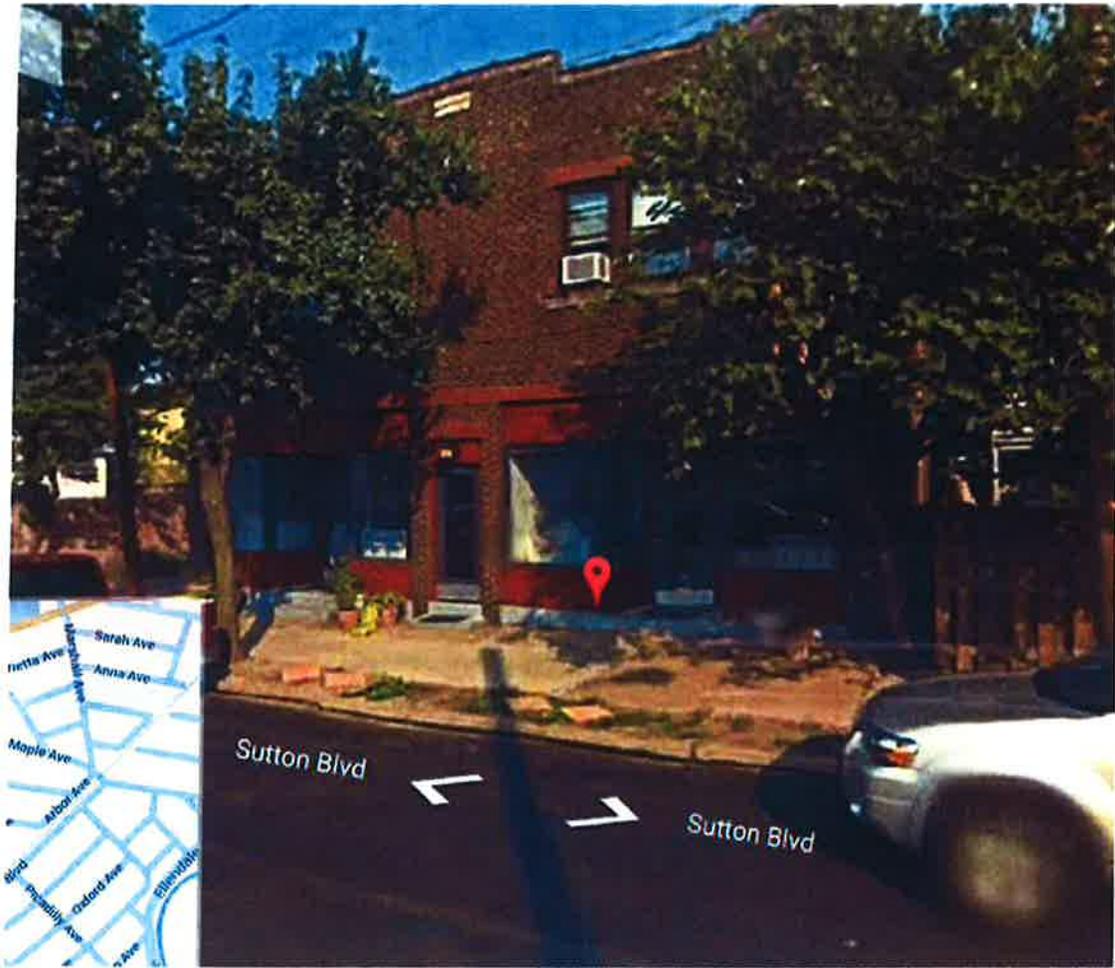
Office Use Only

Current Zoning Designation of Property: _____
Site plan of building and surrounding area attached? []

Business License received? []
Filing fee of \$100.00 received? [✓]
Public Hearing Notice Fee of \$330.00 received? [✓]

Received this _____ day of _____, 20____

Maplewood Zoning Administrator



3008 Sutton Boulevard

Sec. 56-877. - Procedures for conditional use permit.

- (a) *Applications.* Applications for a conditional use permit shall include a site plan and necessary descriptive material relating to the intensity and extent of use and such other information as shall be required by the zoning administrator. An application for a conditional use permit may be filed only by the owner of the property in question or by a tenant, with the owner's permission.
- (b) *Standards for conditional use permit approval.* The zoning administrator shall post the property and mail notices to inform the public of the date, time and place of the plan and zoning commission meeting at which the conditional use permit application shall be considered, and of the date, time and place of the public hearing on such application to be held by the city council pursuant to this division. The zoning administrator shall refer the application to the plan and zoning commission to investigate and make a report and recommendation as to whether the following criteria are true with respect to the proposed conditional use:
- (1) Complies with all applicable provisions of this chapter;
 - (2) At the specific location will contribute to and promote the community welfare or convenience;
 - (3) Will not cause substantial injury to the value of neighboring property;
 - (4) Complies with the overall neighborhood development plan and existing zoning district provisions;
 - (5) Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this chapter;
 - (6) Will not substantially increase traffic hazards;
 - (7) Will not substantially increase fire hazards;
 - (8) Will not overtax public utilities; and
 - (9) Will not place an undue burden on municipal services.
- (c) *Report and recommendation.* Without unreasonable delay, and in all cases within 40 days after the first meeting at which the proposed conditional use is considered, the plan and zoning commission shall render to the city council a written report and recommendation on the proposed conditional use.
- (d) *Hearing.* Upon receipt of the report and the recommendation of the plan and zoning commission, the city council shall hold a public hearing on the application and shall give notice of the date, time and place thereof by causing a notice thereof to be published at least one time, 15 days before the date of the hearing, in a newspaper of general circulation in the city.
- (e) *Authorization.* After such hearing, the city council shall, by majority vote, make a determination as to whether the proposed conditional use satisfies the criteria listed in subsection (b) of this section for the plan and zoning commission report and recommendation. If the city council makes an affirmative determination as to all of the criteria, a conditional use permit shall be granted. If the city council makes a negative determination as to any of the criteria, a conditional use permit shall not be granted.
- (f) *Conditions.* The plan and zoning commission may recommend and the city council may provide such terms, conditions or restrictions upon the construction, location and operation of the conditional use, as the plan and zoning commission or the city council may determine in order to further the general objectives of this division and to minimize the possibility of injury to the value of property in the neighborhood.

▼
*City
of Maplewood*



▼

PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on 5/24/16 at 7:30 p.m. in the City Hall Council Chambers, 7601 Manchester Rd., Maplewood, MO 63143, to hear citizen's comments on a request by Andrew Bolin of Thrivent Financial to operate an office facility at 3008 Sutton Blvd.

Ad as appearing in the May 6, 2016 **St. Louis Post-Dispatch**.

▼
7601 Manchester Road
Maplewood, MO 63143
(314) 645-3600

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO THRIVENT FINANCIAL TO OPERATE AN OFFICE FACILITY AT 3008 SUTTON BOULEVARD.

WHEREAS, Andrew Bolin of Thrivent Financial has applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-1063 of the Maplewood Code of Ordinances, to allow a financial consulting office at 3008 Sutton, street level; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their May 2, 2016 meeting by a vote of ayes, nays; and

WHEREAS, the City Council held a public hearing on this Conditional Use Permit at their May 24, 2016 Council meeting.

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

Section I. Andrew Bolin, is hereby granted a Conditional Use Permit to allow a financial consulting office at 3008 Sutton Blvd.

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 Zoning District.
- 2) Financial advisor offices.
- 3) Office uses that the Zoning Administrator determines generate low through the door traffic and would create minimal impact on adjacent or surrounding properties.

(B) Architectural Standards/Sign Requirements

- 1) 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.

(C) Exterior Storage of Materials

- 1) No outside storage of materials shall be permitted.

(D) Business Operations

- 1) Evidence of employee count for all businesses shall be provided at the request of the Zoning Administrator to the City of Maplewood in conjunction with the annual renewal of the petitioner's business license.

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 thirty (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 24th day of May, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this 24th day of May, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: May 5, 2016

RE: Bill amending the definitions of nudity and semi-nudity

Attached is a proposed bill that amends the definitions of nudity and semi-nudity in the sexual oriented business section of our code and adding certain prohibited actions in the liquor license section of the code. These sections relate to requiring opaque fabric covering the area of the female breast below the areola and specifying that body paint does not constitute an opaque fabric covering.

If you have any questions, please contact me.

Martin J. Corcoran
City Manager

Enclosure

Bill amending definition of nudity.docx

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO AMEND THE DEFINITIONS OF NUDE AND SEMINUDE IN THE MAPLEWOOD CODE OF ORDINANCES AND TO PROHIBIT CERTAIN ACTS IN PREMISES LICENSED TO SELL AT RETAIL INTOXICATING LIQUOR, WINE OR BEER.

WHEREAS, the City Council (the “**City Council**”) of the City of Maplewood, Missouri (the “**City**”) found and determined by Maplewood, Mo., Code § 4-19 that sexually oriented businesses should be regulated to protect substantial governmental concerns;

WHEREAS, state regulations, 11 CSR 70-2.130(14), prohibit a retail licensee for sale of alcoholic beverages from permitting acts substantially as described herein on any licensed premises, and the City Council desires to enforce strict adherence to such standards; and

WHEREAS, the City Council desires to amend the Code of Ordinances of the City to promote the general welfare, health, morals and safety of the citizens of the City.

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

SECTION 1. Chapter 4, Article II, Division 1, Section 4-20 of the Code of Ordinances of the City of Maplewood, Missouri, is hereby amended by deleting the definition of “*Nude, nudity or state of nudity*” in its entirety and replacing it with the following:

Nude, nudity or state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque fabric covering, the showing of the female breast with less than a fully opaque fabric covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque fabric covering.

SECTION 2. Chapter 4, Article II, Division 1, Section 4-20 of the Code of Ordinances of the City of Maplewood, Missouri, is hereby amended by deleting the definition of “*Seminude or in a seminude condition*” in its entirety and replacing it with the following:

Seminude or in a seminude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not shown with less than a fully opaque fabric covering. Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque fabric covering.

SECTION 3. Chapter 8, Article II, Division 1 of the Code of Ordinances of the City of Maplewood, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 8-41, to read as follows:

Sec. 8-41. – Certain Acts Prohibited in Premises Licensed to Sell at Retail Intoxicating Liquor, Wine or Beer.

- (a) It shall be unlawful for any retail licensee, licensed to sell intoxicating liquor, wine or beer, or his/her employee to permit in, upon or about the licensed premises:
- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - (2) The displaying of any portion of the areola of the female breast or failure to cover the entire breast below the highest point of the areola with opaque fabric covering;
 - (3) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - (4) The actual or simulated displaying of the pubic hair, anus, vulva or genitals or failure to cover pubic hair, anus, vulva or genitals with opaque fabric covering;
 - (5) Any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus or fails at any time to have and keep opaque fabric covering over all parts of his/her genitals and anus; and
 - (6) The displaying of films, video or DVD programs or pictures depicting acts, the live performances of which are prohibited by this regulation or by any other law.
- (b) Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque fabric covering.
- (c) In addition to the licensee and/or his/her employee being subject to all penalties contained in this Code, violation of any act or any provision contained herein shall be grounds for the license of the licensee to be suspended or revoked.

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 City Council 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 City Council 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 fifteen (15) days after its passage and approval.

Passed this ___ day of _____, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk

Approved this ___ day of _____, 2016

James White, Mayor

Attest:

Karen Scheidt, Acting City Clerk