

August 9, 2016

The August 9, 2016 Council meeting was called to order at 7:30 p.m., Mayor James White presiding.

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

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

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

PUBLIC HEARING FOR THE PURPOSES OF ALLOWING ALL INTERESTED PARTIES TO COMMENT ON THE PROPOSED 2016-2017 FISCAL YEAR BUDGET FOR THE CITY OF MAPLEWOOD: Adelina Mart, 7601 Weaver, questioned the proposed funding for a skateboard park and had concerns about the overall layout of the park. She stated she would like to see a comprehensive citywide park plan for the future.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A CATERING FACILITY (SOMETHING ELEGANT CATERING) AND TO HAVE A FULL LIQUOR LICENSE AT 2200 YALE AVE.: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A RESTAURANT (RAISING CANE'S) AT 2707 S. BIG BEND BLVD.: John Hendel, 7508 Ellis, spoke against the proposal and was upset that variances were granted for this site.

Adelina Mart, 7601 Weaver and Bob Oliver, 7544 Ellis, echoed Mr. Hendel's comments.

Jason Robey, 7538 Comfort, wanted to see additional consideration of the plan and wanted it to be more pedestrian friendly.

Stephanie Scott, 2009 Alameda, agreed with prior speakers and wants the city to come up with a vision for future commercial development.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT BY BOLYARD'S TO OPERATE A SANDWICH SHOP (RESTAURANT) AT 2810 SUTTON BLVD.: No one spoke.

PUBLIC FORUM: Brandon and Ryan Anderson, 952 Cleveland, and owners of Craft Beer Cellar indicated they were available if the City Council had any questions or comments.

David Seymour, 2207 Blendon, encouraged a revote for the Craft Beer Cellar.

Brian Phillips, 7322 Marietta, indicated Craft Beer Cellar would bring in a tremendous amount of revenue and would be good for the business district.

Sandi Phillips, 7639 Marion Ct., identified herself as a member of the plan and zoning commission and indicated that the commission unanimously supports Craft Beer Cellar.

Abbie Bolyard, 7443 Lohmeyer and owner of Bolyard's spoke in favor of Craft Beer Cellar.

Nancy Wilson, 2618 Margarette indicated she would like to see the City Council keep adequate buffers between commercial parking lots and residential structures.

Nick Deccio, 7601 Weaver, spoke in favor of Craft Beer Cellar.

Bill Barnes, 7462 Teasdale and property owner in Maplewood explained the Raising Cane's variances that were asked for and added that the site will have a significant amount of green space added as part of the project.

Emily Knippa, 3500 Cambridge and a member of the plan and zoning commission and spoke in support of Craft Beer Cellar.

Dan Slavin, owner of the property where Craft beer Cellar wants to locate, spoke in favor of Craft Beer Cellar and also read a letter from Rob Birenbaum that was supportive of Craft Beer Cellar.

David Sims, 2034 Hiawatha supported Craft Beer Cellar.

Sandi Phillips, 7639 Marion Ct., provided a brief explanation of the plan and zoning commission's support for the proposed PA district food truck amendment.

Beth Newman, 7401 Gayola, expressed concern of the overall business district.

ANNOUNCEMENTS: None.

APPROVAL OF THE JULY 12, 2016 CITY COUNCIL MEETING MINUTES AND JULY 26, 2016 WORK SESSION MINUTES: 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 KARA SULLIVAN OF FLAVOR 360 D/B/A SOMETHING ELEGANT LOCATED AT 2200 YALE AVENUE FOR A FULL LIQUOR LICENSE: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

R16-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND SIGN ALL DOCUMENTS NECESSARY FOR A GRANT FROM THE MUNICIPAL PARKS GRANT COMMISSION OF ST. LOUIS COUNTY FOR A SKATEBOARD PARK was introduced. It was moved

by Councilmember Wood, seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL 6029, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2017 was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6029 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. 6029 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6030, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-359, (10), CONDITIONAL USES USE LIMITATION TO ALLOW COMMISSARIES FOR FOOD TRUCKS AS A CONDITIONAL USE IN THE PA PUBLIC ACTIVITY DISTRICT was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6030 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. 6030 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

BILL 6023, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO RE-ADOPT AND TO ESTABLISH AND MAKE PUBLIC A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6023 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6023 was approved by the City Council on this 9th day of August, 2016 as **Ordinance number 5819**.

BILL 6024, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY OF MAPLEWOOD TO CREATE A SPECIAL TAX LIEN TO RECOVER COSTS INCURRED BY CITY STAFF TO ABATE A PROLIFERATION OF TRASH AND DEBRIS AT 2542 S. BIG BEND BOULEVARD was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6024 be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6024 was approved by the City Council on this 9th day of August, 2016 as **Ordinance number 5820.**

BILL 6025, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO KARA SULLIVAN OF FLAVOR 360 D/B/A SOMETHING ELEGANT CATERING TO OPERATE A CATERING FACILITY AT 2200 YALE AVENUE was it third and final reading. A motion was made by Councilmember Wood that Bill No. 6025 be tabled for the reading of the findings of fact, duly seconded by Councilmember Cerven, 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 for an office facility at 2200 Yale:

- 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.
- j. The proposed use is consistent with the design, construction and original intended use of the structure.
- k. 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.

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

Councilmember Wood motioned to bring Bill No. 6025 back onto the table, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6025 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6025 was approved by the City Council on this 9th day of August, 2016 as **Ordinance number 5821.**

BILL 6026, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO RAISING CANES TO OPERATE A RESTAURANT FACILITY AT 2707 S. BIG BEND BOULEVARD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6026 be tabled for the reading of the findings of fact, duly seconded by Councilmember Cerven, 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 for a café/restaurant at 2707 S. Big Bend Blvd.:

- 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 Wood, duly seconded by Councilmember Cerven, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6026 back onto the table, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6021 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6026 was approved by the City Council on this 9th day of August, 2016 as **Ordinance number 5822**.

BILL 6028, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ABBIE BOLYARD TO OPERATE A SANDWICH SHOP (RESTAURANT) AT 2810 SUTTON BOULEVARD was given its first reading. A motion was made by Councilmember Wood that Bill No. 6028 be tabled for the reading of the findings of fact, duly seconded by Councilmember Cerven, 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 for a sandwich shop (restaurant) at 2810 Sutton Blvd:

- 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 Wood, duly seconded by Councilmember Cerven, that the findings of fact be approved, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6028 back onto the table, duly seconded by Councilmember Cerven, which motion received the majority approval; by voice vote, of the Council.

A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6021 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6028 was approved by the City Council on this 9th day of August, 2016 as **Ordinance number 5823**.

COUNCIL COMMUNICATION: None.

MAYOR'S REPORT: None.

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 8:28 p.m.