

September 27, 2016

The September 27, 2016 Council meeting was called to order at 7:30 p.m., Mayor James White presiding.

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

MOTION TO EXCUSE COUNCILPERSON: No need.

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

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A RESTAURANT (LITTLE CAESARS) AT 7325 MANCHESTER: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A GAS STATION AND CONVENIENCE STORE AT 3033 S. HANLEY ALONG WITH A FULL/SUNDAY PACKAGE LIQUOR LICENSE: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A RESTAURANT (THE BLUE DUCK) AT 7401 MANCHESTER AVE. ALONG WITH A FULL/SUNDAY LIQUOR LICENSE: Harley Frankel, property owner of 7423 Manchester, spoke in favor of this use saying it will help increase foot traffic past Sutton on Manchester.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A DAYCARE FACILITY AT 3732 CAMBRIDGE: No one spoke.

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON THE PROPOSED 2016 PROPERTY AND PERSONAL PROPERTY TAX RATES: No one spoke.

PUBLIC FORUM: No one spoke.

ANNOUNCEMENTS: None.

APPROVAL OF THE SEPTEMBER 13, 2016 CITY COUNCIL MEETING MINUTES AND CLOSED 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 RACHEL WALLIS ANDREASSON OF WALLIS PETROLEUM TO BE LOCATED AT 3033 S. HANLEY RD. FOR A PACKAGE AND SUNDAY PACKAGE LIQUOR LICENSE (LIMITED TO SALE OF BEER & WINE NOT IN EXCESS OF 14%): Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

MOTION TO APPROVE A REQUEST BY CHRIS RAYBURN OF THE BLUE DUCK TO BE LOCATED AT 7401 MANCHESTER AVE. FOR A FULL AND SUNDAY LIQUOR LICENSE WITH THE RESTRICTION THAT AT LEAST 50% OF SALES MUST BE FOR FOOD SOLD AT RETAIL AT 7401 MANCHESTER AVE.: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

**BILL 6038**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITIES OF BRENTWOOD, CLAYTON AND MAPLEWOOD PROVIDING FOR THE SHARING OF A JOINT TRAINING OFFICER FOR THE FIRE DEPARTMENTS was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6038 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. 6038 be passed to its third and final reading, which motion received the majority approval; by voice vote, of the Council.

**BILL 6027**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-206 CONDITIONAL USES AND SEC. 56-207 PROHIBITED USES TO ALLOW CRAFT BEER STORES THAT MEET VARIOUS REQUIREMENTS WITHIN THE CB COMMUNITY BUSINESS DISTRICT AS A CONDITIONAL USE: Councilmember Wood motioned to table, duly seconded by Councilmember Cerven, which motion received the approval, by voice vote, of the Council.

**BILL 6031**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO JOSEPH DANIEL OF LITTLE CAESARS PIZZA TO OPERATE A RESTAURANT FACILITY AT 7325 MANCHESTER ROAD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6031 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 restaurant at 7325 Manchester Road:

- The proposed use complies with all applicable provisions of the Zoning Code.
- The proposed use will contribute to and promote the community welfare and convenience.
- The proposed use will not cause substantial injury to the value of neighboring property.
- The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of Zoning Code.
- The proposed use will not substantially increase traffic hazards.
- The proposed use will not substantially increase fire hazards.
- The proposed use will not overtax public utilities.
- 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, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6031 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. 6031 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

**BILL NO. 6031** was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5826**.

**BILL 6032**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO WALLIS PETROLEUM TO OPERATE A CONVENIENCE STORE WITH GAS PUMPS AT 3033 S. HANLEY ROAD was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6032 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 service station with convenience store at 3033 S. Hanley Road:

- The proposed use complies with all applicable provisions of the Zoning Code.
- The proposed use will contribute to and promote the community welfare and convenience.
- The proposed use will not cause substantial injury to the value of neighboring property.
- The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of Zoning Code.
- The proposed use will not substantially increase traffic hazards.
- The proposed use will not substantially increase fire hazards.
- The proposed use will not overtax public utilities.
- 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, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6032 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. 6032 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

**BILL NO. 6032** was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5827**.

**BILL 6033**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO CHRIS RAYBURN OF THE BLUE DUCK TO OPERATE A RESTAURANT FACILITY AT 7401 MANCHESTER ROAD (FORMERLY MONARCH RESTAURANT) was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6033 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 restaurant at 7401 Manchester Road:

- The proposed use complies with all applicable provisions of the Zoning Code.
- The proposed use will contribute to and promote the community welfare and convenience.
- The proposed use will not cause substantial injury to the value of neighboring property.
- The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of Zoning Code.
- The proposed use will not substantially increase traffic hazards.
- The proposed use will not substantially increase fire hazards.
- The proposed use will not overtax public utilities.
- 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, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6033 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. 6033 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

**BILL NO. 6033** was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5828**.

**BILL 6034**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO DAWN MEDINA OF NEW DESTINY CHILDCARE TO OPERATE A DAYCARE FACILITY IN THE AB ARTERIAL BUSINESS DISTRICT AT 3732 CAMBRIDGE AVENUE was given its third and final reading. A motion was made by Councilmember Wood that Bill No. 6034 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 daycare facility at 3732 Cambridge Avenue:

- The proposed use complies with all applicable provisions of the Zoning Code.
- The proposed use will contribute to and promote the community welfare and convenience.
- The proposed use will not cause substantial injury to the value of neighboring property.
- The proposed use does comply with the overall neighborhood development plan and existing zoning provisions.
- The proposed use will provide, if applicable, off-street parking and loading areas in accordance with the standards of Zoning Code.
- The proposed use will not substantially increase traffic hazards.
- The proposed use will not substantially increase fire hazards.

- The proposed use will not overtax public utilities.
- 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, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

Councilmember Wood motioned to bring Bill No. 6034 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. 6034 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6034 was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5829.**

**BILL 6035**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE NO. 5573, THE MAPLEWOOD CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, SECTION 12-92, ADOPTION OF BUILDING CODE, SECTION 12-93, ADOPTION OF RESIDENTIAL CODE AND SECTION 12-94, ADOPTION OF EXISTING BUILDING CODE, BY DELETING THE TEXT OF SAID SECTIONS AND INSERTING TEXT TO ADOPT THE 2015 INTERNATIONAL BUILDING CODE, THE 2015 INTERNATIONAL RESIDENTIAL CODE AND THE 2015 INTERNATIONAL EXISTING BUILDING CODE IN ITS STEAD was given its third and final reading. A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6035 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6035 was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5830.**

**BILL 6036**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITIES OF CLAYTON AND MAPLEWOOD, MISSOURI PROVIDING FOR THE SHARING OF A FIRE RESCUE PUMP TRUCK TO BE UTILIZED IN A RESERVE ROLE WHEN EITHER CITY'S FRONT LINE FIRE TRUCKS ARE UNAVAILABLE was given its third and final reading. A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6036 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6036 was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5831.**

**BILL 6037**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, ESTABLISHING 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 2016 was given its third and final reading. A motion was made by Councilmember Wood, duly seconded by Councilmember Cerven that Bill No. 6037 be approved which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL NO. 6037 was approved by the City Council on this 27<sup>th</sup> day of September, 2016 as **Ordinance number 5832**.

COUNCIL COMMUNICATION: Councilmember Greenberg invited his fellow councilmembers to an open house at Artists First at 7190 Manchester on October 4, 2016 from 1:00 to 2:00 p.m.

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: Councilmember Wood motioned to hold a Closed Session to discuss a real estate matter, duly seconded by Councilmember Cerven, which motion received the following roll call vote: Ayes, members Cerven, Dunn, Faulkingham, Greenberg, Mayor White, Wolf and Wood. Nays, none.

The Council reconvened at 7:59 p.m. and the Mayor stated no votes were taken.

There being no further business before the Council, the meeting adjourned at 8:00 p.m.