

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, DECEMBER 13, 2022 @ 7:30 P.M.
CITY COUNCIL CHAMBERS
(7601 MANCHESTER ROAD)
OR
VIA TELECONFERENCE
(WWW.CITYOFMAPLEWOOD.COM FOR DETAILS)

1. Call to Order
2. Land Acknowledgement
3. Pledge of Allegiance
4. Roll Call
5. Motion to Excuse Councilperson
6. Approval of the Council Agenda
7. Public Forum
8. Announcements
9. Approval of the November 8, 2022 City Council meeting minutes
10. Proclamation presentation to School of Metaphysics
11. Presentation of certificates to Citizens Academy graduates
12. Public Defender presentation by Judge Brandi Miller
13. Presentation by Plan & Zoning Chair Kevin Sullivan and Commissioner Colin Bassett on creating and sustaining affordable housing (report attached)
14. A Resolution of the City Council of the City of Maplewood, Missouri authorizing the City Manager to accept the bid of Archway Industrial Coatings in the amount of twelve thousand eight hundred eighty dollars (\$12,880) for resurfacing the concession floor at the Maplewood Family Aquatic Center
15. A Resolution of the City Council of the City of Maplewood, Missouri, to accept the bid of Staat Tuckpointing Incorporated in the amount of twenty-four thousand eight hundred sixty dollars (\$24,860) for masonry openings in renovated areas of the City Hall building

16. A Resolution of the City Council of the City of Maplewood, Missouri, opposing 15-CSR 30-200.015 Library Certification Requirement for the Protection of Minors submitted by the Missouri Secretary of State
17. An Ordinance of the City Council of the City of Maplewood, Missouri, authorizing Missouri American Water Company to install a fire hydrant at or near the southeast corner of 2914 Bartold Avenue (Sunnen Station Phase 2)
18. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 14-Businesses and business regulations, Article II.-Occupational licensing generally, Division 1.-Generally, Sec. 14-21.-Fees. to modify the required annual business license fee payments for automobile dealerships, new and used
19. An Ordinance calling and providing for the holding of an election in the City of Maplewood, Missouri, on April 4, 2023, for the purpose of submitting to the qualified voters of the City of Maplewood the question of increasing the annual license fee for automobile dealerships, new and used
20. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 14-Businesses and business regulations, Article IX.-Peddlers, solicitors and mobile food vendors, relating to mobile food vendors
21. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 36-Parks and Recreation, Article III.-Park rules, Division 2.-Prohibited conduct, Sec. 36-87.-Selling; advertising; posting signs, relating to mobile food vendors
22. An Ordinance calling and providing for the holding of an election in the City of Maplewood, Missouri, on April 4, 2023, for the purpose of submitting to the qualified voters of the City of Maplewood the question of charging mobile food vendors a fee for the issuance of a public use permit, special use permit, and festival use permit to operate in the City of Maplewood, and directing the City Clerk to notify the responsible election authorities of this election
23. Mixed-Income Neighborhoods Overlay Ordinance Discussion
24. Old Business – Ordinance Review Committees
25. Council Communication
26. Mayor’s Report
27. City Attorney’s Report
28. City Manager’s Report

29. Public Forum

30. Motion to hold a Closed Session 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

31. Adjournment

The November 8, 2022 City Council meeting was called to order at 7:30 p.m., Mayor Knapper presiding.

LAND ACKNOWLEDGEMENT: The Mayor acknowledged that this meeting is being held on traditional lands of the Kickapoo, Osage, Miami, Iroquois and Great Sioux Nation people.

ON ROLL CALL, the following members were present: Mayor Knapper, Councilmember Faulkingham, Councilmember Homa, Councilmember Page and Councilmember Phillips.

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

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

PUBLIC HEARING TO HEAR CITIZEN'S COMMENTS ON A REQUEST BY COWBRON MEXICAN RESTAURANT TO BE LOCATED AT 3248 LACLEDE STATION RD. FOR A FULL AND SUNDAY LIQUOR LICENSE: No one spoke.

PUBLIC FORUM: None.

ANNOUNCEMENTS: Councilmember Phillips made the following announcements:

- The Maplewood Fire Department is participating in a *stuff the truck* event on Saturday, November 12 from 10:00 to 2:00 p.m. at Aldi's. Food, toys, toiletries, blankets and warm clothes are appreciated. Donations will be given to the St. Vincent DePaul pantry at Immaculate Conception Parish which means all donations will stay in the Maplewood and Richmond Heights communities.
- PARC will be collecting food for the *Feed the Masses Food Drive* through the month of November. Donation buckets are setup in the lobby of the Police Department.
- Saturday, November 26 is Small Business Saturday in Maplewood.
- The Mid County Chamber of Commerce's Christmas Tree Walk will be held on Friday, December 2 beginning at 6:00 p.m.

It was also noted that the MRH High School is currently holding a food drive and the Boy Scouts' Scouting for Food drive will take place over the next two weekends.

APPROVAL OF THE OCTOBER 25, 2022 CITY COUNCIL MEETING MINUTES:

Councilmember Faulkingham motioned to approve, seconded by Councilmember Homa, which motion received the approval of the Council.

MOTION TO APPROVE A FULL AND SUNDAY LIQUOR LICENSE FOR COWBRON MEXICAN RESTAURANT TO BE LOCATED AT 3248 LACLEDE STATION RD.:

Councilmember Faulkingham motioned to approve, seconded by Councilmember Homa, which motion received the approval of the Council.

HUMAN SERVICES COMMISSOIN REPORT BY PRESIDENT JOSH KRYAH: President Kryah gave his report which is attached to these minutes.

ELECTION PROCESS: Mayor Knapper asked City Attorney Graves if Maplewood had the authority to create ordinances that would affect Missouri election law. Attorney Graves said no, that in Missouri, election laws are set by the state of Missouri. As City Clerk, clerk Scheidt is the election official who is charged with collecting all election documents. Once those documents are collected they are forwarded off to the proper authorities.

CITY CLERK KAREN SCHEIDT PROVIDING ASSISTANCE TO MAYOR: Mayor Knapper requested the assistance of City Clerk Scheidt with her meeting calendar/schedule. The Council had no objections with this request.

R22-79, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO LEASE-PURCHASE THIRTY-SIX (36) APX 6000 PORTABLE RADIOS, TEN (10) APX 8500 CAR RADIOS, THREE (3) APX 8500 TRUCK RADIOS, TWENTY (20) APX 80000 HXE PORTABLE RADIOS, ONE (1) AX 8500 DUAL CONTROL HEAD AND TEN-YEAR SERVICE PACKAGES FOR ALL RADIOS IN THE AMOUNT NOT TO EXCEED FOUR HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED FIFTY-THREE DOLLARS (\$425,453.00) was introduced. It was moved by Councilmember Faulkingham and seconded by Councilmember Homa to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Faulkingham, Homa, Page and Phillips. Nays, none.

BILL 6206, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14-BUSINESSES AND BUSINESS REGULATIONS, ARTICLE XIII., SECTION 14-801. DEFINITIONS AND SECTION 14-802,-SHORT TERM VACATION RENTALS, AMENDING THE REGULATIONS FOR SHORT-TERM VACATION RENTALS was given its third and final reading. It was moved by Councilmember Faulkingham, duly seconded by Councilmember Homa, that Bill No. 6206 be approved, which motion received the following roll call vote: Ayes, Mayor Knapper, members Faulkingham, Homa, Page and Phillips. Nays, none.

Bill No. 6206 was approved by the City Council on this 8th day of November, 2022 as **Ordinance Number 6001**.

OLD BUSINESS: None.

COUNCIL COMMUNICATION: None.

MAYOR'S REPORT:

- Mayor Knapper reported that the first Maplewood Elder Resource Fair event was held and had 21 elders/seniors attending. She thanked all those involved for their support and stated the event will be held again next year.
- Mayor Knapper stated that the next project the Elder Task Force will work on is simplifying the appeals process for property tax assessments.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT:

- The Maplewood Police Department kicks-off its 3rd annual warm clothing drive on November 14. Items can be new or gently used such as coats, hats, gloves, scarves, blankets and socks. Dropoff is located in the lobby of the Maplewood Police Department. The warm clothing drive ends on January 2.
- Mr. Reese announced the town hall budget meeting, which was scheduled for November 9, has been cancelled and will be rescheduled for either December or January.

PUBLIC FORUM: None.

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: None.

There being no further business before the Council, the meeting adjourned.

Human Services Commission

Joshua Kryah, President

Presentation to the Mayor
and City Council of Maplewood

November 8, 2022



Mission

Per Ordinance No. 5966, the Human Services Commission was created on October 12th, 2021.

The Ordinance acknowledges that "affordable housing, utility assistance, food insecurity, education, healthcare, transportation, public safety, and high-speed internet are basic human needs for all Maplewood residents, whether renters, homeowners, or the unhoused, and that the city of Maplewood aspires to ensure these needs are met for all residents."

Purpose

The Commission's purpose is to advise the Mayor and Council regarding the securing of human service programs to adequately meet the needs of citizens in Maplewood, specifically citizens of low and moderate income.

Initiative: Information Collection

We began by looking into organizations and services that currently operate in Maplewood, making direct contact with them and determining several data points.

In the new year, the HSC will conduct a systems dynamic modeling session(s) to determine redundancies in resources / services, make connections between organizations, and create partnerships with organizations and the City.

Information Collection: Priorities

- Client Profile
- **Resources/Services Provided**
- Partner Organizations
- Requirements
- Cost
- **Resources/Services Needed**

Information Collection: Property Maintenance

- City of Maplewood **Public Works**: Tiffany Hyde, assistant director
 - o **Property Maintenance**—repairs residents can't afford (i.e. exterior painting, siding, roof replacement, tree removals, furnace or AC repairs, etc.). Property maintenance repairs are the most requested by Maplewood residents.
 - o Public Works provides funds for such requests using their allocated **block grant funds**.
 - o Annual allocation for the City of Maplewood is \$64,000. The grant amount maximum is \$7,500.

Information Collection: Partner Organization

- Sherwood Forest: Addie Bond, Executive Director
 - o A year-round program with a residential summer camp that aims to combat the cycle of poverty "by balancing traditional camp adventures with evidence-based programs that reinforce and support school-year learning." They serve children from **low-income households and underserved communities** in Missouri and Illinois who live at or below the federal poverty line. They focus on **social and emotional skills** and support finding educational and career opportunities for participants.
 - o **80% of the participants must qualify for free or reduced lunch**. Participants must enroll before 6th grade and be able to work and live in a group environment.

Initiative: Maplewood Community Growth Fund

At the October 11th Council Work Session meeting, the Mayor and members unanimously approved a resolution in support of the Foundation bylaws.

"The Maplewood Community Growth Fund is a nonprofit corporation in the State of Missouri. The mission of the Corporation is to promote and facilitate charitable endeavors in Maplewood, specifically to serve to enhance the health and well-being of all Maplewood residents and provide assistance and resources to those in need. This Corporation will work to enhance the quality of life for all Maplewood residents and the vitality of the overall Maplewood community."

Foundation: Operations

- The Foundation will provide financial assistance to residents and organizations that meet specific requirements determined by the Board.
- Transparency will be nurtured through public disclosure of the Foundation's financial information (Form 990) and by posting Foundation meeting agendas and minutes on the City's website.

Foundation: Next steps

- The City will accept applications for Foundation board positions
- The Mayor and Council will select **four board members**
- The HSC will select two to **three board members**
- Selected board members will create policy, practice, and procedures for the Foundation
 - The board will create an application process for Maplewood residents

P r o c l a m a t i o n

City of Maplewood



WHEREAS, the United States of America has historically been a melting pot where people of all nationalities, religious faiths and cultures come together as one, and as the strength of our great city rests in the cooperative community of its citizens; and

WHEREAS, our only hope of establishing peace among diverse peoples is through recognizing our connectedness and common dream of Peace on Earth; and

WHEREAS, the first day of a new year typically denotes hopeful expectation and positive resolve in the hearts and minds of our citizens; and

WHEREAS, the School of Metaphysics is a worldwide organization founded in our country to promote peace, understanding and goodwill through teaching that living peaceably begins by thinking peacefully, has called for a Universal Hour of Peace over the midnight hour December 31, 2022 through January 1, 2023.

NOW, THEREFORE, I, Nikylan Knapper, Mayor of the City of Maplewood, Missouri do hereby proclaim December 31 at 11:30 pm local time as the **Universal Hour of Peace** when the people of our great country might stand, united in common purpose, committing ourselves in thought and action so peace may move across the face of the Earth in the dawning of the New Year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Maplewood, Missouri, this 13th day of December, 2022.



Nikylan Knapper
Nikylan Knapper, Mayor

Affordable Housing in Maplewood

Housing affordability is based in part on supply and demand—if demand is high and supply is low, housing prices will increase. In a high-demand, limited-space urban setting like Maplewood, housing prices will increase unless additional supply is created. The solution is to **increase housing density in Maplewood**, which can be accomplished sustainably and equitably if certain structural elements (i.e., the systems of restrictions and incentives put in place by the city) are altered with affordable and equitable housing in mind as the foremost driving priority.

Typically, a city's top housing priority is the **increase of property values**—a priority that mutually benefits the city (through increased tax revenue) and property owners (through increased private wealth) but that comes with negative side effects historically associated with structural classism and racism. Increasing property values, particularly when paired with high demand and low supply (low density), not only excludes middle- and low-income residents from home ownership but also fails to benefit renters who do not accumulate increased private wealth via property ownership. Low-income residents and residents of color are disproportionately impacted¹ by over-prioritizing property values and structurally supporting ownership wealth. Maplewood's current city plan repeatedly cites increasing property values, not housing *affordability*, as the “fundamental goal” of the city.

What does it mean to make **affordable and equitable housing** the city's top priority *instead of* solely increasing property values? Creating and sustaining affordable housing requires a combination of increasing both housing supply and housing stability. The end goal should be providing access to housing as a basic human right—not as a means of personal enrichment for property owners or as a means to bolster city funds. Trading accessible, inclusive housing for personal/municipal wealth is a form of structural oppression that benefits the most advantaged and punishes those most in need. Anti-oppressive growth requires structural change.

Creating long-term, sustainable housing affordability can be achieved by increasing housing supply—but housing *stability* must be equally important. A high-demand, limited-space urban environment is at high risk for gentrification, including displacement of low-income residents, particularly Black renters. Maplewood has recently seen the development of high-end rental units—developments which were supported and incentivized by the city. The **Sunnen Station** development was built near public transit on a rare undeveloped lot. The development did increase the available housing supply, yet it has not provided housing affordability. Why not?

Increasing housing supply at market rates does increase density, but inevitably market rate development will target existing affordable housing options—when there is nowhere left to develop a new in-demand apartment building, older apartment buildings will be converted or rebuilt to meet the high-end market demand. This gentrification process is evidenced in countless high demand urban localities—low-income and Black residents are driven out to make room for higher income and largely white residents. What happened at Sunnen Station will next take place where it's easiest for developers to build—low-cost properties that can be most easily flipped for profit.

¹ A [2021 report on St. Louis regional housing affordability](#) gave failing grades when it came to affordability for low-income households, rental households, and households of color (see report at [affordablestl.com](#)).

This gentrification is not driven by the housing market alone, but rather by city laws that intentionally limit where (and how) dense housing can be built. Current zoning laws ban multi-family housing from being built throughout most of Maplewood. These restrictive zoning laws in combination with requirements related to building heights, “buffering” spaces, and parking intentionally direct developers interested in building more dense housing (i.e., multi-family apartments) into the limited neighborhoods with existing affordable multi-family housing. Again, the result is displacement of low-income and Black residents for the benefit of developers, property owners, and higher income residents. Gentrification is not a “natural” urban process, but a deliberate structural mechanism—fortunately, this means it is also a process that can be stopped and reversed with housing equity and affordability in mind.

Maplewood currently has more affordable housing than many surrounding municipalities, such as Webster Groves and Richmond Heights, precisely because it already has more density—Maplewood’s existing multi-family housing. Any **affordable housing initiative** on the part of the city should begin with protecting this existing density and the residents who live in this housing. While increasing housing supply overall (including methods such as upzoning and density incentives) will be vital for long-term affordability, it must be the second of a two-step process—the first step of the process is creating mixed income housing stability that protects vulnerable low-income households and residents of color. The following steps lay out the basic principles behind an **inclusive housing program** that will achieve housing affordability through an equitable increase in Maplewood’s housing density.

Inclusive Housing Affordability – Basic Principles

Step 1: Stability	<i>“Lock” Existing Affordable Housing & Density</i>
Require developers to agree to some or all of the following tenant protections:	
• Right-of-Return / Displacement Payouts. Current residents have right-to-return after development into similarly priced units. Fair payouts for those who choose to leave. • Rent Differential Compensation. During development period, developer must cover the rental cost differential for returning renters’ temporary housing. • Long-term Affordability Agreements. Developers must agree to these protections (and the density incentives below) for a long duration (up to 99 years) to avoid flipping.	
Step 2: Supply	<i>“Unlock” New Density Growth and Mixed-Income Development</i>
Incentivize density development and plan for equitable growth:	
• General and Targeted Upzoning. Allow up to fourplex housing “by right” where multi-family is currently banned; upzone in high opportunity & transit-oriented areas. • Mixed-Use and Inclusionary Zoning. Change zoning laws to require developers to build some affordable units; allow “mixed” zoning combining residential w/ other uses. • Density Bonuses. Allow developers additional density options (more units) in exchange for creating or funding designated affordable units.	

For further details on inclusive, pro-housing policies see: Phillips, Shane. *The Affordable City*. Island Press, 2020. For community-oriented density development see: Sim, David. *Soft City*. Island Press, 2019.

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 8, 2022
Subject: Pool Concession Floor – Maplewood Family Aquatic Center

The existing MFAC's concession room floor is concrete construction. The floor has been power washed many times over the years which has made the surface more porous and increasingly difficult to clean and disinfect.

Therefore, staff requested proposals to etch, degrease, grind (in some areas), and coat the concession room floor with a urethane surface. A chemical resistant epoxy topcoat with a non-slip texture will then be applied. An RFP was placed in the St. Louis Countian on October 28th, 2022. The RFP was also mailed to the following companies: Archway Industrial Coatings, St. Louis Resurfacing, and Decorative Concrete Resurfacing.

The following bids were received on November 14th:

Archway Industrial Coatings	\$12,880.00
CCIMW, LLC	\$14,226.00
No Limit Contracting	\$ 6,798.00
Stonhard	\$22,000.00

No Limit Contracting submitted the lowest bid; however, their bid was not consistent with the scope of work and is therefore considered non-responsive. Archway Industrial Coatings submitted the lowest, responsive bid. The references supplied by Archway Industrial Coatings were complimentary. Therefore, staff recommends Archway Industrial Coatings be awarded the bid as the best overall proposal.

Please see the attached resolution requesting City Council approval for the pool concession floor project. If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

RESOLUTION

R22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF ARCHWAY INDUSTRIAL COATINGS IN THE AMOUNT OF TWELVE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$12,880) FOR RESURFACING THE CONCESSION FLOOR AT THE MAPLEWOOD FAMILY AQUATIC CENTER

WHEREAS, bids were duly advertised and publicly opened on November 14, 2022 at 10:00 a.m. in the City Council Chambers; and

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

WHEREAS, the bids ranged from a high of \$22,000 to a low of \$6,798; and

WHEREAS, Archway Industrial Coatings submitted the lowest responsive bid consistent with the scope of work listed in the Request for Proposal in the amount of \$12,880; and

WHEREAS, the references supplied by Archway Industrial Coatings were complimentary.

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 Archway Industrial Coatings in the amount of twelve thousand eight hundred eighty dollars (\$12,880) for resurfacing the concession floor at the Maplewood Family Aquatic Center.

Passed this 13th day of December, 2022.

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 13th day of December, 2022.

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 6, 2022
Subject: Masonry Openings – City Hall

A request for bids was placed in the St. Louis Countian on September 26, 2022 seeking a contractor to cut window and door openings within remodeled areas of City Hall. This work will create two new work spaces for the Police Department and improve flow/accessibility. The Request for Proposals was also mailed to the following companies: Stan Mauk Tuckpointing & Foundation, Staat Inc. and Superior Waterproofing & Restoration.

Bids were publicly opened on October 18, 2022 and one (1) bid was received.

<u>Company</u>	<u>Total</u>
Staat Tuckpointing Incorporated	\$24,860

The City has successfully worked with Staat Tuckpointing Incorporated, most recently with tuckpointing and repairing water damage to masonry at the library. Therefore, staff recommends Staat Tuckpointing Incorporated be awarded the bid.

Please see the attached resolution requesting City Council approval of Staat Tuckpointing Incorporated. If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

RESOLUTION

R22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO ACCEPT THE BID OF STAAT TUCKPOINTING INCORPORATED IN THE AMOUNT OF TWENTY-FOUR THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$24,860) FOR MASONRY OPENINGS IN RENOVATED AREAS OF THE CITY HALL BUILDING.

WHEREAS, bids were duly advertised and publicly opened on October 18, 2022; and

WHEREAS, one (1) bid was received and it was considered responsive; and

WHEREAS, Staat Tuckpointing Incorporated submitted the sole bid in the amount of \$24,860; and

WHEREAS, the City has successfully worked with Staat Tuckpointing Incorporated in the past.

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 Staat Tuckpointing Incorporated in the amount of \$24,860.

Passed this 13th day of December, 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 13th day of December, 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

RESOLUTION

R22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, OPPOSING 15-CSR 30-200.015 LIBRARY CERTIFICATION REQUIREMENT FOR THE PROTECTION OF MINORS SUBMITTED BY THE MISSOURI SECRETARY OF STATE.

“WHEREAS, the freedom to read is a human right, constitutionally protected by the First Amendment, and individuals have the right to free inquiry and the equally important right to form their own opinions;

WHEREAS, public libraries are a uniquely American institution considered by the founders to be both the cornerstone and bulwark of the free flow of information and ideas vital to a strong and functioning democracy;

WHEREAS, libraries operate under collection development policies that include procedures and guidelines for the acquisition and removal of all material, are approved by the appropriate governing authorities, and consider the needs and expectations of the community being served;

WHEREAS, these established policies and procedures provide clear ways for individuals to request reconsideration of library materials, and processes to ensure that the best interests of the entire community or student body are considered when evaluating library content;

WHEREAS, Librarians have a master’s degree and receive extensive professional training that prepares them to develop collections not based on librarians’ personal preferences or beliefs but designed to meet the broad and varied interests and needs of their communities and students;

WHEREAS, parents and guardians have the right to determine what their own children may read, but do not have the right to determine what all children may read, because no single book is right for everyone but one book can make a significant difference in one life;”¹

WHEREAS, the Maplewood City Council supports the Maplewood Public Library and the Maplewood Public Library Board of Trustees and the local control of their Library administration.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI:

1. Supports the Board of Trustees of the Maplewood Public Library’s commitment to uphold intellectual freedom;
2. Supports the Board of Trustees of the Maplewood Public Library’s defense of patron’s freedom to read and asserts that it is the sole right and responsibility of the parent or guardian to determine what Library material is appropriate for their children; and
3. Affirms that policy and collection development decisions should remain at the local level.

¹ Texas Library Association’s Resolution in support of the Freedom to Read and Texas Libraries.
<https://txla.org/news/resolution-in-support-of-the-freedom-to-read-and-texas-libraries/>

AND BE IT FURTHER RESOLVED, that the City Council of the City of Maplewood, Missouri:

1. Urges the Joint Committee on Administrative Rules reject 15 CSR 30-200.015.

Passed this 13th day of December, 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 13th day of December, 2022

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 6, 2022
Subject: Fire Hydrant Installation – 2914 Bartold Avenue (Southeast Corner of Lot)

Attached is an ordinance to authorize the installation of a fire hydrant for the Sunnen Station Phase 2 development. The City of Maplewood Fire Marshal has reviewed and approved this hydrant installation.

Please see the attached ordinance approving the installation of a fire hydrant. If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING MISSOURI AMERICAN WATER COMPANY TO INSTALL A FIRE HYDRANT AT OR NEAR THE SOUTHEAST CORNER OF 2914 BARTOLD AVENUE (SUNNEN STATION PHASE 2)

WHEREAS, Missouri American Water Company is requesting approval to install a new fire hydrant to service the apartment complex known as Sunnen Station Phase 2 which requires City of Maplewood approval; and

WHEREAS, the placement of the hydrant has been approved by the City of Maplewood's Fire Marshal

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

Section I. Missouri American Water Company is hereby authorized to install one new fire hydrant, at or near the southeast corner of 2914 Bartold Avenue within the City of Maplewood, Missouri.

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

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

INTEROFFICE MEMORANDUM



To: Michael Reese, City Manager
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 6, 2022
Subject: Amendment to Chapter 14 – Business and Business Regulations, Sec. 14-21. – Fees for Automobile Dealerships, New and Used of the City Code

Attached is an ordinance that amends our current business license fees for automobile dealerships. Under our current code adopted in 1991, all merchants and manufacturers pay \$1.00 for every \$1,000 of gross receipts. An exclusion was granted for automobile dealerships by the City Council in 2003 (see attached ordinance #5122).

Prior to 2003, the City collected gross receipts primarily on maintenance costs and associated parts sales. However, after taking over as City Clerk, I noticed this was not in accordance with our City Code, corrected the process and charged the automobile dealership's business license fees accordingly. This represented a dramatic increase, especially for the larger dealerships. For example, one dealership's annual fees rose from approximately \$4,000 to \$42,000. After numerous discussions with the dealerships in town, the City Council agreed to approve the following sliding scale for automobile dealership merchants only, which resulted in a reduction of the license fee for dealerships:

- \$1.00 per \$1,000 gross receipts up to \$3,000,000
- \$0.75 per \$1,000 gross receipts \$3,000,001 to \$6,000,000
- \$0.50 per \$1,000 gross receipts \$6,000,001 to \$9,000,000
- \$0.25 per \$1,000 gross receipts \$9,000,001 and up

Since the passage of this ordinance, the type of automobiles being sold in town has changed dramatically. Previously a Ford Escort was the most popular car being sold in the City whereas now local dealerships are selling vehicles such as Ferrari's and Porsches. Because of this, and the inflation on vehicles over the past 20 years, a much lower percentage of sales are being captured in the license fee calculation. Therefore, please consider amending these fees as per the attached draft ordinance. If approved, this amendment would generate approximately \$85,000 to \$120,000 in additional business license fees annually.

Please do not hesitate to contact me at 646-3635 if you have any questions, comments or concerns regarding this matter.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO AMEND ORDINANCE NO. 4121 AS AMENDED, THE MAPLEWOOD CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE II, OCCUPATIONAL LICENSES, SECTION 18-18.FEES, BY AMENDING PARAGRAPH 1 BY ADDING A NEW SUB-PARAGRAPH A, AUTOMOBILE NEW AND USED DEALERSHIPS.

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

Section I. Ordinance No. 4121, as amended, the Maplewood Code of Ordinances, is hereby amended by amending Chapter 18, Licenses, Permits and Miscellaneous Business Regulations, Article II, Occupation Licenses, Section 18-18.Fees, Paragraph 1, by adding a new sub-paragraph A to read as follows:

Automobile Dealerships New and Used

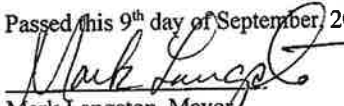
- \$1.00 per \$1,000 gross receipts up to \$3,000,000
- 0.75 per \$1,000 gross receipts \$3,000,001 to \$6,000,000
- 0.50 per \$1,000 gross receipts \$6,000,001 to \$9,000,000
- 0.25 per \$1,000 gross receipts \$9,000,001 and up

Section II. The remaining sub-paragraphs in Section 18-18.Fees, Paragraph 1, shall be re-lettered from B through G.

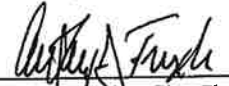
Section III. Business license fees created by this ordinance will be retroactive to June 1, 2003.

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

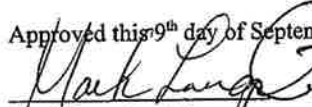
Passed this 9th day of September, 2003


Mark Langston, Mayor

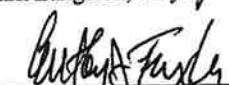
Attest:


Anthony Traxler, City Clerk

Approved this 9th day of September, 2003


Mark Langston, Mayor

Attest:


Anthony Traxler, City Clerk

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 - BUSINESSES AND BUSINESS REGULATIONS, ARTICLE II. – OCCUPATIONAL LICENSING GENERALLY, DIVISION 1. – GENERALLY, SEC. 14-21. – FEES. TO MODIFY THE REQUIRED ANNUAL BUSINESS LICENSE FEE PAYMENTS FOR AUTOMOBILE DEALERSHIPS, NEW AND USED

WHEREAS, the City Council of the City of Maplewood approved Ordinance #4491 on April 23, 1991 which established the fees for merchants and manufacturers within the City of Maplewood to pay an annual business license fee of \$1.00 for every \$1,000 of gross receipts; and

WHEREAS, the City Council of the City of Maplewood approved Ordinance #5122 on September 9, 2003 to reduce the required annual fees automobile dealership merchants were required to pay within the City of Maplewood; and

WHEREAS, the typical cost of an automobile has significantly increased since 2003 and because of this, the percentage of sales being captured by the City of Maplewood has decreased.

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

Section I. Ordinance No. 5573, as amended, and codified at subsection (a) of Sec. 14-21. – Fees, of Chapter 14 – Businesses and Business Regulations, Article II. – Occupational Licensing Generally, Division 1. – Generally, is hereby amended by amending the text that establishes fees for *Automobile dealerships, new and used* to read as follows:

Automobile Dealerships, New and Used

\$1.00 per \$1,000 gross receipts up to \$4,000,000

\$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000

\$0.50 per \$1,000 gross receipts \$8,000,001 and up

Section II. The remaining text in subsection (a) of Sec. 14-21. – Fees. shall remain the same.

Section III. This ordinance will become effective 60 days after the voters of the City of Maplewood pass a ballot measure that authorizes the increased fees laid out in this ordinance.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO.

ORDINANCE NO.

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF INCREASING THE ANNUAL LICENSE FEE FOR AUTOMOBILE DEALERSHIPS, NEW AND USED.

WHEREAS, the City Council of the City of Maplewood wishes to increase the annual licensing fee imposed on new and used automobile dealerships in the City; and

WHEREAS, the City Council of the City of Maplewood desires to call an election for approval of the annual licensing fee pursuant to the Hancock Amendment.

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

Section I. An election is hereby ordered to be held in the City of Maplewood, Missouri on Tuesday, April 4, 2023, on the following proposition:

PROPOSITION A

Shall the City of Maplewood, Missouri, increase the annual licensing fee on new and used automobile dealerships as follows: to \$1.00 per \$1,000 gross receipts up to \$4,000,000; \$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000; and \$0.50 per \$1,000 gross receipts \$8,000,001 and up?

YES ()

NO ()

Section II. The City Clerk shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a Notice of Election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted. The form of the notice of election shall be in substantially the same form as set forth on Exhibit A attached hereto, subject to any modifications as may be required by the Board of Election Commissioners of St. Louis County.

Section III. The Board of Election Commissioners of St. Louis County shall conduct such election according to the law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish such notice of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accord with the statutes of the State of Missouri and the ordinances of the City of Maplewood, Missouri.

Section IV. This being an ordinance providing for the submission to the people, it is hereby declared to be an emergency measure and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Passed this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest: _____
Karen Scheidt, City Clerk

Approved this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest: _____
Karen Scheidt, City Clerk

EXHIBIT A

**NOTICE OF ELECTION
City of Maplewood, Missouri**

Notice is hereby given to the qualified voters of the City of Maplewood, Missouri (the "City") that the City Council of the City has called an election to be held in the City on Tuesday, April 4, 2023, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF MAPLEWOOD, MISSOURI

APRIL 4, 2023

PROPOSITION A

Shall the City of Maplewood, Missouri, increase the annual licensing fee on new and used automobile dealerships as follows: to \$1.00 per \$1,000 gross receipts up to \$4,000,000; \$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000; and \$0.50 per \$1,000 gross receipts \$8,000,001 and up?

YES ()

NO ()

INSTRUCTIONS TO VOTERS: If you are in favor of a proposition, place an X in the box opposite "YES." If you are opposed to a proposition, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

[locations to be added by the Board of Election Commissioners]

DATED: _____, 2023

Board of Election Commissioners
of St. Louis County, Missouri

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Michael D. Reese, City Manager

DATE: December 9, 2022

RE: Three Mobile Food Vendors Ordinances

Attached is the latest Mobile Food Vendors Ordinance (Food Truck Ordinance). Also attached is an accompanying Parks Ordinance change that allows for Mobile Food Vendors to operate in our parks under a festival use permit. This discussion started before I arrived as city manager. Since I've arrived, this ordinance is the product of the following meetings with the Restaurant/Chamber Committee: December 6, 2021; April 25, 2022; July 20, 2022; October 24, 2022; and November 11, 2022 and with the Special Business District Tax Advisory Commission: February 23; July 27; and November 7. Through these meetings and deliberations, concessions were made on both sides.

I believe that we need a Mobile Food Vendors Ordinance that works for Maplewood in 2022 because present law is based on a 2012 Ordinance that no longer works well in my opinion.

I am supportive of this ordinance because I believe it balances these three objectives:

- 1) Allows for food trucks in reasonable areas throughout the City of Maplewood with an incremental and common-sense expansion;
- 2) Protects restaurants with some specific language as requested by the restaurant/chamber committee; and
- 3) Helps activate the 7100 block of Manchester Road.

Because the Mobile Food Vendors Ordinance imposes a new permit fee, if approved by the Council, the permit fee portion of the ordinance will ultimately need to go to voters for approval in April 2023. In order to be placed on the April ballot, it has to be submitted to the St. Louis County Board of Elections by January 24, 2023. Attached is the Ordinance which calls for a special election (Proposition B).

Over the last 11-months, we have worked to balance and anticipate many things in carefully crafting a Mobile Food Vendors Ordinance. We have been methodical and responsive with our language while listening to the concerns of the business community. We built in permit caps, distance requirements, and Special Business District protections. Nearly every regulation listed in Section 14-504. – Regulations, is new. Sec 14-505. – Enforcement and Sec 14-506. – Denial or Revocation of Mobile Food Vendor Permit, are both new sections that give the City greater teeth in enforcing the law and holding food trucks accountable.

We've talked to the school district about this proposed ordinance and our language works for them because of changes that we've made in multiple areas as they would like to have food trucks on both school grounds and in Maplewood parks on occasion.

I am pleased to report that based on a meeting that occurred on November 11, the Chamber and Restaurant Committee are also in support of this Food Truck Ordinance.

We held a Work Session with a Public Forum on November 15 that allowed anyone to speak on the revised Food Truck Ordinance. The Public Forum portion revealed clear community support of the new version.

A handwritten signature in cursive script that reads "Michael D. Reese".

Michael D. Reese
City Manager

Enclosure

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 – BUSINESSES AND BUSINESS REGULATIONS, ARTICLE IX. – PEDDLERS, SOLICITORS AND MOBILE FOOD VENDORS, RELATING TO MOBILE FOOD VENDORS.

WHEREAS, the popularity of food trucks and other mobile food preparation and vending equipment has increased;

WHEREAS, the City Council wishes to accommodate its residents and businesses who may wish to utilize mobile food vending equipment; and,

WHEREAS, the proposed regulations balance the interests of the City, residents, and businesses, while ensuring the proper use of streets, sidewalks and City property as well as compliance with health and safety standards.

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

Section I. Division 3. of Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors of the Code is hereby renamed from “Mobile Vendors” to “Mobile Vendors – ice, cream, milk, butter, tea, coffee.”

Section II. Sec. 14-500. – Food Trucks. of the Code is hereby repealed in its entirety.

Section III. A new Division 4 is hereby added to Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors, as follows:

DIVISION 4. - MOBILE FOOD VENDORS

Sec. 14-500. - Applicability of division.

This division shall not apply to vendors of ice, cream, milk, butter, tea or coffee, which are regulated pursuant to Chapter 14, Article IX, Division 3.

Sec. 14-501. – Definitions

The following words, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food vendors means persons or business entities operating mobile food units or pushcarts engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces.

Mobile food unit means an enclosed vehicle-mounted food establishment that is designed to be readily movable and from which food is composed, compounded, processed, or prepared.

Pushcart means a non-self-propelled vehicle designed to be readily movable which is limited to the serving of non-potentially hazardous food maintained at proper temperatures or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.

Restaurant means any establishment with a permanent location in the City of Maplewood where food or beverage of any kind is sold for consumption on the premises, in motor vehicles parked on the premises, or in any place on the premises outside the building where the food or beverage is prepared, excluding churches, schools, daycares and retirement homes.

Sec. 14-502. – Mobile Food Vendor Permits

- (a) No mobile food vendor shall operate a mobile food unit or pushcart in the city without having a valid mobile food vendor permit issued by the city clerk under the provisions of this division.
- (b) Any permit issued under this division shall be nontransferable and unassignable.
- (c) All catering, public use, and special use permits issued pursuant to this division shall be for single day use only. All festival use permits issued pursuant to this division shall be issued for the duration of the event, but may not exceed 3 consecutive days.
- (d) The issuance of a mobile food vendor permit does not grant or entitle the mobile food vendor to the exclusive use of any street. A predetermined and City-approved location will be stated on the permit and a temporary no parking sign will be provided by the City if located on public property.
- (e) The appropriate permit must be requested and obtained from the following four (4) options:
 - (1) Catering Permit shall be issued for the purpose of catering to a private event that is not open to the general public. Mobile food vendors obtaining a catering permit shall not sell, vend, or serve members of the public or any person not participating in the private event. Payment for goods must be made to the mobile food vendor by the sponsor of the private event, as in the case of typical catering services; no payments may be collected by or on behalf of the vendor from consumers. There is no fee for a catering permit.
 - (2) Public Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public in the Light Manufacturing Zoning District and the Sunnen Business Park PUD only.
 - (3) Special Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public inside of the 7100 block of Manchester and shall not be issued for use on any date coinciding with any fair, festival, special event or civic event that has been approved by the City. The City shall issue no more than eleven (11) special use permits per calendar year and no more than two (2) special use permits in a single month.
 - (4) Festival Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public as part of any fair, festival, special event, or civic event that has been approved by the City. If the mobile food vendor requesting a permit also operates as a Restaurant in the City, then the fee

associated with obtaining a festival use permit shall be waived by the City. Only vendors who have been approved by the organizers of the fair, festival, special event, or civic event are eligible to request a festival use permit. The City shall issue no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day. The Maplewood Richmond Heights School District shall not be subject to the limits set forth in the foregoing sentence, provided, however, that no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day shall be issued for events sponsored by the Maplewood Richmond Heights School District and that such events are held on school property or in a public park.

- (f) The city clerk shall have the authority to make, amend, revoke and enforce rules and regulations governing the application for and issuance of permits.

Sec. 14-503. – Business License - When Required.

- (a) Any person or entity desiring to obtain a mobile food vendor permit for public use, special use, or festival use must procure from the city clerk a business license in accordance with Chapter 14. The issuance of such a business license shall be subject to the following additional requirements:
 - (1) the mobile food vendor must acquire and provide copies of a current and valid mobile food establishment or pushcart permit issued by St. Louis County Department of Public Health.
 - (2) the mobile food vendor must provide to the city clerk proof of an automobile insurance policy, in the amount of no less than fifty thousand dollars/one hundred thousand dollars/ten thousand dollars (\$50,000/\$100,000/\$10,000) issued by an insurance company licensed to do business in the State, covering all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the license or permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance written notice to the City.
- (b) Any person or entity desiring to obtain a catering permit is not required to procure from the city clerk a business license in accordance with Chapter 14 but shall be subject to the requirements set forth in subsection (a)(1) and (2) of this section.

Section 14-504. – Regulations.

Any person or entity operating as a mobile food vendor is required to comply with the following regulations:

- (a) Mobile food vendors shall display the permit issued by the City pursuant to Sec. 14-502 on the mobile food unit or pushcart in a prominent location that is visible to the public;
- (b) Mobile food vendors shall only sell food and beverages and the sale of alcohol and/or beer is prohibited. Beverages shall be dispensed in cans or paper/plastic cups and shall not be glass or Styrofoam;

- (c) Mobile food vendors shall comply with all federal, state, and local regulations pertaining to the quality of food and beverage products offered for sale;
- (d) Mobile food vendors shall comply with all applicable federal, state, and local laws, rules and regulations, including, without limitation, applicable provisions of the Maplewood Zoning Code and all applicable St. Louis County regulations;
- (e) Operation as a mobile food vendor business (cooking, sales, distribution) shall take place within a mobile food unit and/or through a vending window or directly from a pushcart;
- (f) BBQ pits, canopies, and indoor seating inside mobile food units are not allowed; mobile food vendors may utilize outside seating consisting of one portable table with a maximum seating capacity of four;
- (g) Signage shall be contained to the surface of the mobile food unit or pushcart;
- (h) Mobile food vendors shall provide a trash receptacle with a self-closing lid for use by patrons. All items, containers, debris, litter, and garbage incidental to the operation of the mobile food units or pushcarts shall be collected and disposed of by the mobile food vendor and no trash produced by a mobile food vendor or its patrons shall be placed in or beside any public or private trash container, unless owned by vendor or with written consent of property owner. Trash shall not be disposed of in any drain along the streets and sidewalks. The cleanliness of the area of operation shall be the sole responsibility of the mobile food vendor;
- (i) All lights on mobile food units or pushcarts (other than headlights which may not be used once parked) or otherwise used by mobile food vendor shall be designed so that the light source is shielded with an opaque material and is not directed at adjacent businesses or residences;
- (j) Mobile food units shall be parked in conformance with all applicable parking restrictions when parked on public streets;
- (k) Mobile food units shall not, under any circumstances, stop, stand or park a vehicle upon any street during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance;
- (l) Mobile food vendors shall not in any way restrict or interfere with the ingress or egress of the abutting property owner or tenant or otherwise hinder the lawful parking or operation of other vehicles;
- (m) Mobile food vendors shall not increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles;
- (n) Mobile food vendors shall not stop, stand or park upon any street, or permit the vehicle to remain in the roadway except when at the curb for the purpose of vending therefrom;
- (o) Mobile food vendors shall not operate on private property without first obtaining written consent from the property owner. A private property owner shall not permit parking of a mobile food vendor operation until a permit has been granted by the City and that permit is in effect. Overnight parking is prohibited;

- (p) Any power or fuel required for the mobile food unit or pushcart shall be self-contained, and a mobile food vendor shall not use utilities drawn from the public right-of-way;
- (q) When parked on a thoroughfare mobile food vendors shall not operate within:
 - (1) Fifteen (15) feet of any entranceway to any building;
 - (2) Fifteen (15) feet of any driveway entrance to a police or fire station;
 - (3) One hundred (100) feet of a crosswalk or intersection;
 - (4) Fifty (50) feet of any bus stop sign;
- (r) Mobile food vendors shall not operate within five hundred (500) feet of an existing Restaurant located in the city limits of the City of Maplewood, unless operating pursuant to a catering permit or festival use permit.;
- (s) Mobile food vendors shall comply with the Maplewood Noise Code;
- (t) Mobile food vendors shall not operate between the hours of 11:00 p.m. and 6:00 a.m.;
- (u) Mobile food vendors shall not store their mobile food units, pushcarts, or any other equipment outdoors overnight on any property within the City other than on property owned by the vendor of the mobile food unit or pushcart on which such vendor operates a Restaurant.

Section 14-505. – Enforcement.

- (a) Any owner, manager, and/or operator operating as a mobile food vendor in violation of any provision of this Division shall be subject to all other enforcement provisions of this Code.
- (b) The owner, manager, and/or operator of a mobile food vendor that is in violation of this Division shall be punishable by a fine of not less than one hundred dollars (\$100) for the first (1st) offense and not less than two hundred fifty dollars (\$250) for the second (2nd) and subsequent violations, which fines shall be recovered for the use of the City of Maplewood. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the City may seek recovery costs of any other legal and equitable remedies as may be available to the city.

Section 14-506. – Denial or Revocation of Mobile Food Vendor Permit.

- (a) In addition to any penalties generally applicable to the violation of provisions of this Code, any mobile food vendor permit issued pursuant to this Division may be revoked by the city clerk for failure to comply with the provisions of this Division and any rules or regulations promulgated by the City.
- (b) Any mobile food vendor who has violated this Division may be permanently prohibited from obtaining a mobile food vendor permit after one (1) violation, but shall be permanently prohibited from obtaining mobile food vendor permit after three (3) violations.
- (c) Any person aggrieved by the decision of the city clerk to revoke a mobile food vendor permit or permanently prohibit such mobile food vendor from obtaining a mobile food vendor permit shall have the right to appeal to the city council. Such appeal shall be taken

by filing with the city council a written statement fully setting forth grounds for the appeal within fourteen (14) days after notice of the revocation or permanent prohibition has been provided in person or mailed to the mobile food vendor's last-known address, as shown in the City's mobile food vendor or licensing records. The city council shall set a hearing to consider the question of the suspension. At least ten (10) days prior to the date of the hearing, a written notice shall be mailed to the mobile food vendor at his/her last known address in the as shown in the City's mobile food vendor or licensing records advising the appellant of the date, time, and place of the hearing. At the hearing set by the city council, the appellant shall have an opportunity to be heard by the city council and the city council shall consider all evidence relevant to the grounds for the revocation and/or prohibition. The city council shall have the authority to overturn the prohibition upon the affirmative vote of a majority of the council. The decision and order of the city council on such appeal shall be final and conclusive.

Section III. 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 IV. This ordinance will become effective 30 days after the voters of the City of Maplewood pass a ballot measure that authorizes the permit fees laid out in this ordinance.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 36 – PARKS AND RECREATION, ARTICLE III. – PARK RULES, DIVISION 2. – PROHIBITED CONDUCT, SEC. 36-87. – SELLING; ADVERTISING; POSTING SIGNS, RELATING TO MOBILE FOOD VENDORS.

WHEREAS, with the very limited exceptions, the Maplewood Code of Ordinances does not currently allow for commercial activities to take place in Maplewood’s public parks;

WHEREAS, the City Council is amending its ordinances to allow mobile food vendors to sell food and drinks in the City in certain circumstances by obtaining a permit;

WHEREAS, the City Council wishes to allow mobile food vendors who obtain a “festival use permit” as set forth in the new mobile food vendor ordinance set forth in Chapter 14, Article IX of the Code, to operate in the City’s parks; and

WHEREAS, the City Council continues to regulate the activities that take place in its public parks in order to promote of public health, welfare, and safety of the community.

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

Section I. Subsection (1) of the Sec. 36-87. – Selling; advertising; posting signs, of Chapter 36 – Parks and Recreation, Article III. – Park Rules, Division 2. – Prohibited conduct, is hereby amended as follows (adding the bold and deleting the stricken through language):

No person in a park shall:

- (1) Expose or offer for sale any article, thing, or service, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing.
Exception is ~~here~~ **hereby made as to any for the following:**
 - a. **Any** regularly licensed concessionaire acting by and under the authority and regulation of the director of public works;
 - b. **Any mobile food vendor who has first obtained a festival use permit, as set forth in Chapter 14, Article IX, Division 4 of the Code;**
 - c. **Any** licensed and insured exercise facility with a physical location in the City of Maplewood, to offer exercise classes in the city's public parks, so long as such exercise facility first obtains a use permit as set forth in section 36-90 of this chapter, regardless of the number of individuals who will be participating.

Section II. The remaining text in Sec. 36-87. Selling; advertising; posting signs shall remain the same.

Section III. This ordinance will become effective only upon the effectiveness of Bill No. _____, Ordinance No. _____, amending Chapter 14, Article IX of the Code.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO.

ORDINANCE NO.

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF CHARGING MOBILE FOOD VENDORS A FEE FOR THE ISSUANCE OF A PUBLIC USE PERMIT, SPECIAL USE PERMIT, AND FESTIVAL USE PERMIT TO OPERATE IN THE CITY OF MAPLEWOOD, AND DIRECTING THE CITY CLERK TO NOTIFY THE RESPONSIBLE ELECTION AUTHORITIES OF THIS ELECTION.

WHEREAS, the City Council of the City of Maplewood has enacted ordinances for the regulation of mobile food vendors operating in the City of Maplewood;

WHEREAS, the responsibilities and duties of regulating mobile food vendors includes the issuance of certain permits, including public use permits, special use permits, and festival use permits, which allow mobile food vendors to vend in the City of Maplewood;

WHEREAS, the City Council believes it is necessary that the City charge a reasonable fee to offset the services it provides and its activities in connection with its responsibilities and duties;

WHEREAS, the City Council believes that the cost to the City incurred by the services it provides and its activities in connection with its responsibilities and duties should be borne by those mobile food vendors requiring or enjoying such services or activities; and

WHEREAS, the City Council of the City of Maplewood desires to call an election for approval of imposing permit fees on mobile food vendors pursuant to the Hancock Amendment.

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

Section I. An election is hereby called and ordered to be held in the City of Maplewood, Missouri on Tuesday, April 4, 2023, on the following proposition:

PROPOSITION B

Shall the City of Maplewood, Missouri, be authorized to impose a permit fee of up to \$60.00 per day, to be paid by mobile food vendors, for the issuance of a permit (public use permit, special use permit, or festival use permit) to operate in the City of Maplewood?

YES ()

NO ()

Section II. The City Clerk shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a Notice of Election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted. The form of the notice of election shall be in substantially the same form as set forth

on Exhibit A attached hereto, subject to any modifications as may be required by the Board of Election Commissioners of St. Louis County.

Section III. The Board of Election Commissioners of St. Louis County shall conduct such election according to the law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish such notice of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accord with the statutes of the State of Missouri and the ordinances of the City of Maplewood, Missouri.

Section IV. This being an ordinance providing for the submission to the people, it is hereby declared to be an emergency measure and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Passed this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

EXHIBIT A

**NOTICE OF ELECTION
City of Maplewood, Missouri**

Notice is hereby given to the qualified voters of the City of Maplewood, Missouri (the “City”) that the City Council of the City has called an election to be held in the City on Tuesday, April 4, 2023, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF MAPLEWOOD, MISSOURI

APRIL 4, 2023

PROPOSITION B

Shall the City of Maplewood, Missouri, be authorized to impose a permit fee of up to \$60.00 per day, to be paid by mobile food vendors, for the issuance of a permit (public use permit, special use permit, or festival use permit) to operate in the City of Maplewood?

YES ()

NO ()

INSTRUCTIONS TO VOTERS: If you are in favor of a proposition, place an X in the box opposite “YES.” If you are opposed to a proposition, place an X in the box opposite “NO.”

The election will be held at the following polling places in the City:

[locations to be added by the Board of Election Commissioners]

DATED: _____, 2023

Board of Election Commissioners
of St. Louis County, Missouri



TO: City Council

CC: Michael Reese, City Manager

FROM: Mayor Nikylan Knapper

DATE: December 6, 2022

▼
RE: Philadelphia, PA Ordinance - Mixed Income Neighborhoods Overlay District

On November 18-19, 2022, I attended a Local Progress Housing Leadership Conference in Chicago, IL. During the conference, I met Philadelphia, PA Councilmember Jamie R. Gauthier. "Ms. Gauthier has fought for her constituents' right to live with dignity and remain in the neighborhoods they've called home for decades." Councilmember Gauthier also serves as the only elected official on the Philadelphia City Council with an urban planning degree.

Councilmember Gauthier drafted the attached Mixed Income Neighborhoods Overlay District ordinance. My purpose in sharing this ordinance with Council is to start a discussion about creating ordinances like this to ensure affordable housing (i.e. workforce housing) is developed in Maplewood. I have also provided a copy of the ordinance to the Plan and Zoning Commission, which the Commission will review at a later date.

At this time, I am not requesting any action by the Council regarding this ordinance. I am only presenting it as an example of one possible way to ensure the development of affordable housing in Maplewood.

Enclosure



COUNCILMEMBER JAMIE GAUTHIER | DISTRICT 3



Jamie R. Gauthier represents West and Southwest Philadelphia as the 3rd District City Councilmember. Since assuming office in January 2020, Councilmember Gauthier has fought for her constituents' right live with dignity and remain in the neighborhoods they've called home for decades. She is the only elected official in the City of Philadelphia with a planning degree, offering her a unique perspective on a range of social and economic issues.

Councilmember Gauthier's agenda prioritizes creating and preserving affordable housing, combating gun violence, empowering young people, connecting residents to family-sustaining jobs, advancing small businesses, and investing in community-based assets like our recreation centers.

In her role as Chair of the Committee on Housing, Neighborhood Development, and the Homeless, Councilmember Gauthier champions policies that encourage the construction of new affordable housing, and the preservation of the city's existing stock. For example, Councilmember Gauthier, alongside Councilmember Quiñones-Sánchez, created the [Mixed Income Neighborhoods Overlay District](#) (MIN). Within the overlay, large new developments must keep 20% of their units affordable.

Alongside Councilmembers Gym and Brooks, Councilmember Gauthier also created the [Emergency Housing Protection Act](#) (EHPA), which provided extensive relief to tenants during the COVID-19 pandemic. The EHPA included the Eviction Diversion Program, which enables landlords and tenants to arrive at an agreement without having to go to Court. The EHPA and Eviction Diversion Program are considered national models and resulted in a 75% decrease in evictions citywide two years in a row.

Additionally, Councilmember Gauthier has been leading the charge to enact a stronger local response to the gun violence epidemic. In 2020, the Councilmember authored a resolution, unanimously supported by her fellow Councilmembers, that called on Mayor Kenney to declare gun violence an emergency. The resolution also called for the administration to respond to gun violence with the same urgency and level of resources with which it responded to COVID-19. When the Mayor refused to sign the emergency declaration, Councilmember Gauthier [joined with Controller Rhynhart](#) to demand a targeted investment in the 14 zipcodes with the highest levels of gun violence, and an overall heightened budget for violence prevention and disruption initiatives. These efforts resulted in a record additional \$70 million investment in new funding for anti-violence initiatives in FY 22. The Councilmember continues to push the City to enact a bold, trauma-informed, and targeted response that recognizes gun violence is a public health emergency.

In 2022, Councilmember Gauthier created the #JustServicesPHL campaign, which called for impactful major investments to address quality-of-life concerns and provide Black and brown, working-class neighborhoods with the dependable city services they deserve. Through #JustServicesPHL, Councilmember Gauthier won \$30 million more than the Mayor's proposal to improve basic services in FY 23. Improvements included cleaning up illegal dumping, fixing broken streetlights, greening vacant lots, and more.

Councilmember Gauthier also partners with the community on a variety of other issues. For example, she committed \$5 million to improve disinvested parks and recreation centers and awarded almost \$500,000 in grants to community programs.

Prior to her City Council candidacy, Councilmember Gauthier served as Executive Director of the Fairmount Park Conservancy, where she led the organization in carrying out vital improvements in West Fairmount Park and oversaw stewardship and care for parks across the city. Councilmember Gauthier is also the former Executive Director of the Sustainable Business Network of Greater Philadelphia.

After graduating from Central High School, Councilmember Gauthier received her undergraduate degree from Temple University and her Master's in Urban Planning from the University of Pennsylvania.

CONTACT COUNCILWOMAN GAUTHIER



COUNCILMEMBERS JAMIE GAUTHIER AND MARÍA QUIÑONES SÁNCHEZ INTRODUCE 'MIXED INCOME NEIGHBORHOODS OVERLAY BILL'

In Council News, [Jamie Gauthier](#), [María Quiñones-Sánchez](#), News by PHL Council / June 24, 2021

Goal of legislation is to generate more affordable housing in areas of the 3rd and 7th Districts that are especially vulnerable to development pressures

PHILADELPHIA – City Councilmembers [Jamie Gauthier](#) and [María Quiñones Sánchez](#) today introduced the Mixed Income Neighborhoods Overlay Bill, which aims to require that affordable housing be part of new large development projects. This bill will apply to select tracts of the 3rd and 7th Districts that are seeing increased market pressures where Philadelphia residents will be especially vulnerable to displacement without additional policy interventions.

"Mandatory inclusionary zoning is a big piece of the puzzle when we talk about equitable development and giving Philadelphians equal access to amenity-rich neighborhoods—both of which are core components of my agenda," said Councilmember Gauthier. "The mixed income housing bonus has been successful—but the time has come to see where it can be taken further, and how we can ensure affordable units are available in neighborhoods where new developments are built. I want to thank Councilmember Sánchez for her partnership, and look forward to engaging with our communities around these issues."

The bill would require 20 percent affordability in any new development with ten or more residential units within the overlay boundaries. Ten percent of total units would have to be on the property itself, while the other ten percent could either be on site, within a half mile of the new building, or replaced by a payment to the Housing Trust Fund. The on-site units must be affordable for rental households earning up to 40 percent area median income (AMI), and for owner-occupied households earning up to 60 percent area median income (AMI).

percent of AMI. Property owners would be entitled to additional development rights, such as additional building height or reduced parking requirements. These rights vary depending on the base zoning of the property.

"Diverse, mixed income neighborhoods need strong public policy that incentivizes and promotes equitable development," said Councilmember Sánchez.

The Philadelphia Zoning Code currently has a program that incentivizes property owners to build affordable housing, but it is optional and does not require new units to be built in the neighborhoods where development is occurring. Both Councilmembers see the Housing Trust Fund as a vital resource for creating housing security here in Philadelphia, but they recognize that there is a significant opportunity for on-site affordability that presents itself with regard to new development projects, and that this should not be taken for granted, especially in neighborhoods that are experiencing heavy development pressure and are vulnerable to gentrification.

In order to have thoughtful dialogues with constituents about the bill, Councilmembers Gauthier and Sánchez plan to carry out community and stakeholder engagement efforts in their respective districts. Councilmember Gauthier will be launching a 'Summer of Engagement' during the months of July and August around topics of housing affordability and development pressures in West and Southwest Philadelphia. Her office will carry out a variety of engagement formats, including focus groups, canvassing, and pop-up events, in order to reach as many constituents as possible throughout the 3rd District.

Councilmember Sánchez has been conducting joint RCO meetings in the 7th District and will continue to work with stakeholders from PACDC and the BIA's Affordable Housing Committee to facilitate compliance to the new standards.

This zoning bill is just one tool of many that are needed to truly address Philadelphia's affordable housing crisis. A [study](#) commissioned by Councilmember Gauthier last year showed nearly half of 3rd District households are housing cost burdened, meaning they spend over 30 percent of their income on housing expenses. The demand for affordable units well outpaces the supply in Districts like the 3rd that are experiencing significant market pressures. Seventy percent of 3rd District rental units cost more than \$750 per month, a price that is only affordable to 35 percent of renter households. While it will not solve this affordability gap by itself, a bill like this will ensure that neighborhoods experiencing gentrification get affordable units created at the same time.

#



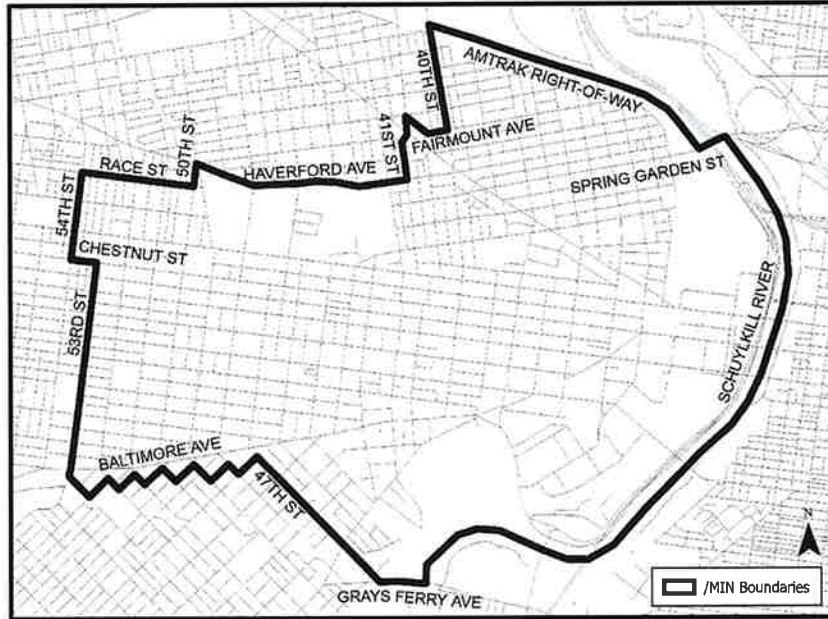
Notes

459.11 Added, Bill No. [210633-A](#) (approved January 18, 2022), effective July 18, 2022. Section 2 of Bill No. [210633-A](#) provides: "Effective date. This Ordinance shall take effect six months following its enactment. Construction pursuant to a valid zoning permit application that was filed prior to the effective date shall not be counted for purposes of determining whether a project is a Residential Housing Project within the meaning of § 14-533(2) of The Philadelphia Code, as added by Section 1 of this Ordinance."

(1) **Applicability.**

The Mixed Income Neighborhoods Overlay District shall apply to Residential Housing Projects on lots located in the following areas:

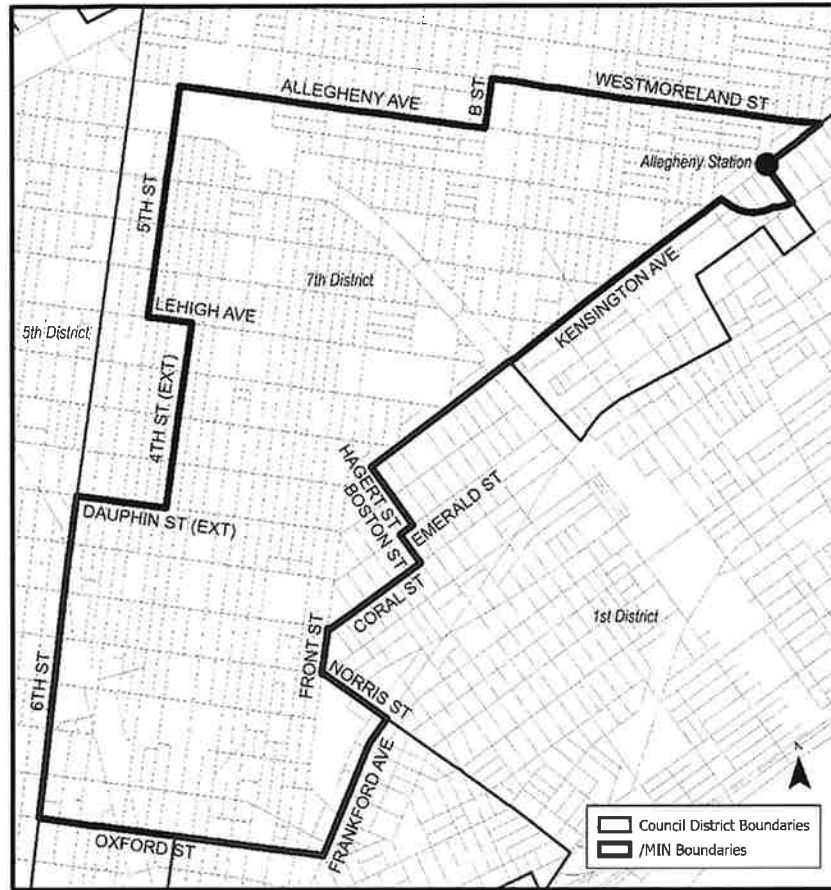
- (a) The area bounded by Haverford Avenue, 41st Street, Olive Street, Fairmount Avenue, 40th Street, an Amtrak Rail Right-of-Way, Spring Garden Street, the Schuylkill River, Grays Ferry Avenue, 47th Street, Warrington Avenue, 48th Street, Beaumont Avenue, 49th Street, Penridge Avenue, 50th Street, Willows Avenue, 51st Street, Hadfield Street, 52nd Street, Whitby Avenue, 53rd Street, Chestnut Street, 54th Street, Race Street, and 50th Street, as shown on the following map, for illustrative purposes only;



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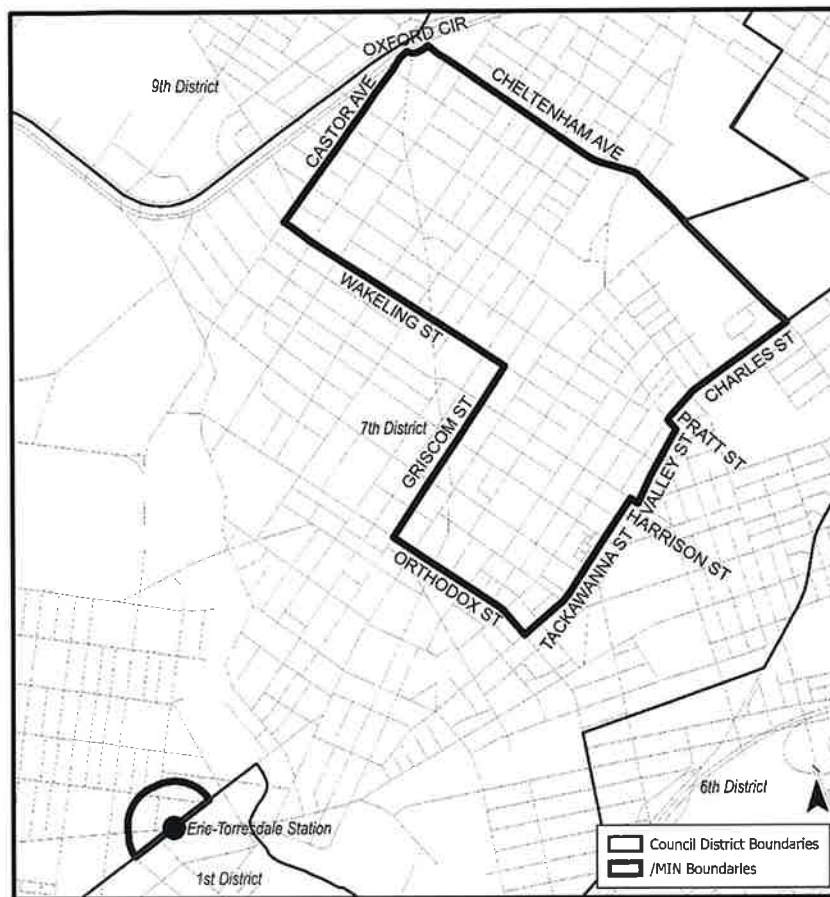
- (b) Any lot that is located both within the /TOD overlay district and the 7th Council District, as shown on the maps under (c) and (d) below, for illustrative purposes only;

- (c) The area bounded by Westmoreland Street, Kensington Avenue, Hagert Street, Emerald Street, Boston Street, Coral Street, Front Street, Norris Street, Frankford Avenue, Oxford Street, 6th Street, Dauphin Street (extended), 4th Street (extended), Lehigh Avenue, 5th Street, Allegheny Avenue, and B Street, as shown on the following map, for illustrative purposes only;



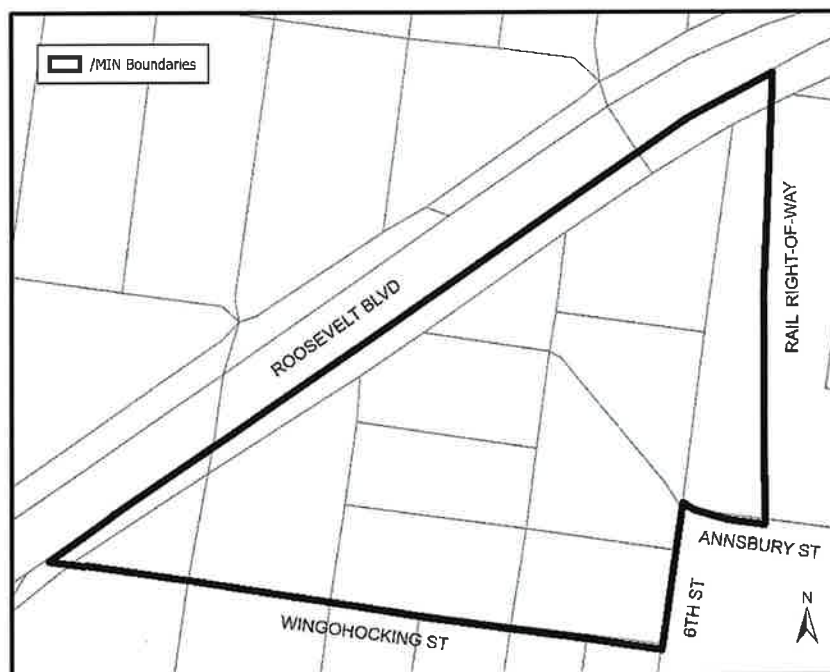
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(d) The area bounded by Cheltenham Avenue, Charles Street, Pratt Street, Valley Street, Harrison Street, Tackawanna Street, Orthodox Street, Griscom Street, Wakeling Street, Castor Avenue, and Oxford Circle, as shown on the following map, for illustrative purposes only; and



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(e) The area bounded by Roosevelt Boulevard, a former Conrail Right-of-Way, Annsbury Street, 6th Street, and Wingohocking Street, as shown on the following map, for illustrative purposes only.



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(2) Definition of Residential Housing Project.

(a) For the purposes of this § 14-533, a Residential Housing Project is any development which itself, or in combination with any closely related development, involves the construction of ten or more dwelling units, twenty or more sleeping units, or both, and that is located in whole or in part within the Mixed Income Neighborhoods Overlay District, provided a Residential Housing Project is not:

(.1) Any development in which all dwelling units are developed by an educational institution for the exclusive use and

occupancy of such institution's students or other institution-affiliated persons such as resident advisors or house masters; or

(.2) Any development where less than twenty-five percent (25%) of gross floor area will be in residential use.

(.3) A Personal Care Home as defined in § 14-603(11) of the Code.

(b) In determining whether a development constitutes a Residential Housing Project, the City shall consider, among other things, whether the development is marketed as a single or unified project, shares common ownership, including common membership in a corporation, mailing address and contact information for owner of record, or other elements, or is a phase of a larger development. This definition shall be interpreted broadly to achieve the purposes of this Chapter and to prevent evasion of its terms.

(3) Use Regulations.

The following standards shall apply in addition to those of the applicable base zoning district:

(a) At least fifteen percent (15%) of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable on the same site as all other dwelling units.

(b) Including dwelling units provided pursuant to subsection (a), above, a minimum of twenty percent (20%) of all dwelling units and twenty percent (20%) of all sleeping units (rounded up, if fractional) shall be provided and maintained as affordable on the same site as all other dwelling units, except as follows:

(.1) The applicant may request that the Department of Planning and Development grant a waiver, such that, in lieu of meeting the conditions of subsection (b), above, the applicant may instead meet at least one of the following conditions, in addition to the requirement of subsection (a):

(.a) Including dwelling units provided pursuant to subsection (a), above, a minimum of twenty percent (20%) of all dwelling units and twenty percent (20%) of all sleeping units (rounded up, if fractional) shall be provided and maintained as affordable within one-half mile of the remaining units included in the Residential Housing Project; or

(.b) An owner has entered into a binding agreement with the City, prior to the issuance of a building permit, pursuant to which the owner has tendered to the City a payment in lieu of providing affordable housing and the Department of Planning and Development has agreed to use such money for the purposes set forth in Section 21-1605 (Trust Fund Assets Held in the Non- Recording Fee Sub-Fund) or Section 21-1603 (Creation, Distribution and Use of the Trust Fund's Assets), including to defray any additional administrative costs associated with the review and enforcement of affordable housing units required by this Mixed Income Neighborhoods Overlay. The payment shall be calculated as follows:

(i) For lots located in an RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, or CMX-5 zoning district: the maximum total gross floor area allowed under this § 14-533, multiplied by nine dollars (\$9);

(ii) For lots located in an RM-1, CMX-1, CMX-2, or CMX-2.5 zoning district: the maximum total number of dwelling units allowed under this § 14-533, multiplied by ten thousand nine hundred dollars (\$10,900); and

(iii) For lots located in any other zoning district: the sum of the number of sleeping units divided by two and the number of dwelling units, multiplied by ten thousand nine hundred dollars (\$10,900).

(.2) The Department of Planning and Development shall only grant this waiver upon a demonstration of exceptional circumstances based on a particular substantial public benefit that would be derived from the proposed off-site development or that the granting of the waiver would otherwise further the general purposes of this Chapter in a particular way, as may be further defined in regulations of the Commission. This waiver may specify which of the options listed in subsection (.1), above, shall be available to the application.

(.3) An applicant may only submit a request for this waiver after having submitted an application for a zoning permit to L&I for the relevant Residential Housing Project. If the Department of Planning and Development does not respond to a written request for this waiver within 45 days of its receipt, the request will be deemed granted, provided that the waiver shall specify that only option (.b), above, shall be available to the applicant.

(.4) The Department of Planning and Development and the Commission are authorized to promulgate regulations to implement the provisions of this subsection (b). These regulations may include other requirements and penalties for non-compliance.

(c) Any development that meets either of the following conditions will not be required to meet the requirements of subsections (a) and (b), above:

(.1) The applicant demonstrates to the satisfaction of the Department of Planning and Development that fifty-one percent (51%) or more units will meet the definition of "Affordable Housing Property" under subsection 7-202(1); or

(.2) The Residential Housing Project is otherwise subject to a recorded instrument such that average monthly costs for all rental units may not exceed the standards described under § 14-702(7)(a)(.1)(.a). 459.12

(d) Household Living is permitted in accordance with Table 14-533-1. The notes for Table 14-533-1 are as follows:

[1] In the RM-1 district, the minimum lot area required per dwelling unit is as follows, provided that, whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number:

(.a) A minimum 240 sq. ft. of lot area is required per dwelling unit for the first 1,440 sq. ft. of lot area.

(.b) A minimum of 320 sq. ft. of lot area is required per dwelling unit for the lot area in excess of 1,440 sq. ft.

[2] In the CMX-1 and CMX-2 districts, a minimum of 320 sq. ft. of lot area is required per dwelling unit, provided that whenever the calculation of the permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.

[3] In the CMX-2.5 district, the minimum lot area required per dwelling unit is as follows, provided that, whenever the calculation of the permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.

(a) A minimum of 240 sq. ft. of lot area is required per dwelling unit for buildings less than or equal to 45 ft. in height.

(b) A minimum of 180 sq. ft. of lot area is required per dwelling unit for buildings greater than 45 ft. in height.

Table 14-533-1: Household Living Uses in the /MIN Overlay District

District Name	RSD-1/2/3; RSA-1/2/3/4/5	RTA-1	RM-1	CMX-1/2	CMX-2.5	RM-2/3/4, RMX-1/2/3, CMX-3/4/5, IRMX, SP-ENT	CA-1/2, ICMX, I-1/2/3/P, SP-INS/STA/ PO-A/PO-P/AIR
Y = Yes permitted as of right N = Not allowed (expressly prohibited)							
See § 14-533(3)(d) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
Residential Use Category							
Household Living (as noted below)							
Single-Family	Y	Y	Y	Y	Y	Y	N
Two-Family	N	Y	Y	Y	Y	Y	N
Multi-Family	N	N	Y [1]	Y [2]	Y [3]	Y	N

Notes

459,12 Enrolled bill referenced "§ 14-702(7)(.1)(.a)"; reference corrected by Code editor.

(4) Development Standards.

The maximum occupied area, height limit, and maximum floor area ratio are as indicated in Tables 14-533-2, 14-533-3, and 14-533-4. All other development standards are as indicated elsewhere in the Zoning Code.

(a) Notes for Table 14-533-2.

[1] Maximum occupied area is as indicated in § 14-701 (Dimensional Standards).

[2] Maximum occupied area is as indicated in Chapter 14-400 (Base Zoning Districts).

Table 14-533-2: Maximum Occupied Area in the /MIN Overlay District

District Name	RSD-1/2/3, RSA-1/2/3/4/5, RTA-1, RM-1/2, RMX-3, CMX-1/2.5/4/5, CA-1/2 ICMX, I-1/2/3/P	RM-3	RM-4, CMX-2/3	RMX-1	RMX-2	IRMX	SP-INS/ENT/ PO-A/PO-P/AIR
See § 14-533(4)(a) (Notes for Table 14-533-2) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
Floor Area Ratio							
Max. Occupied Area (% of lot)	[1]	75	Intermediate: 85 Corner: 90	65	85	Intermediate: 75 Corner: 80	[2]

(b) Notes for Table 14-533-3.

[1] In the IRMX zoning district, the following regulations shall apply:

(a) For any lot frontage facing a street 35 ft. or less in width, the first 8 ft. of lot depth shall have a maximum building

height of 38 ft. and the second 8 ft. of lot depth shall have a maximum building height of 75 ft.;

(b) If an industrial use accounts for a floor area equal to at least fifty percent (50%) of the ground floor area, the property may exceed the maximum occupied area set forth in the table or the maximum height set forth in the table, the maximum height shall be 79 ft., subject to compliance with (.a) above, and subject to a maximum occupied area as a percentage of the lot of fifty percent (50%) for intermediate lots and fifty five percent (55%) for corner lots for those portions of the building above 67 ft. in height.

(c) No height bonuses may be earned in this zoning district, except for those earned pursuant to § 14-702(7) (Mixed-Income Housing), subject to the restrictions of § 14-533(7), below.

[2] Height maximums are as indicated in Table 14-701-4: Dimensional Standards for Industrial Districts.

[3] Height maximums are as indicated in Chapter 14-400 (Base Zoning Districts).

Table 14-533-3: Maximum Height in the /MIN Overlay District

District Name	RSD-1/2/3, RSA-1/2/3/4/5, RTA-1, CA-1/CA-2	RM-1, CMX-1/2	CMX-2.5	RM-2/3/4, RMX-1/2/3, CMX-3/4/5	IRMX	ICMX, 1-1/2/3/P	SP-INS/ENT/ PO- A/PO-P/AIR
See § 14-533(4)(b) (Notes for Table 14-533-3) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
		Denotes zoning requirements not applicable.					
Height							
Maximum (ft.)	38	45	62		[1]	[2]	[3]

(c) Notes for Table 14-533-4.

[1] The maximum floor area ratio is for the district area, excluding streets

[2] The maximum floor area ratio is subject to the provisions of §14-701(5) (CMX-4 and CMX-5 Bulk and Massing Controls)

[3] The maximum floor area ratio for lots zoned CMX-5 located within the boundaries of the Center City/University City Floor Area Ratio Map (as shown in §14-701(3)(a)[2]) is increased to two thousand percent (2,000%) of lot area. Such lots shall not be subject to the provisions of §14-513(5)(a)(.2).

[4] The maximum floor area ratios are as indicated in Table 14-701-4: Dimensional Standards for Industrial Districts.

[5] The maximum floor area ratios are as indicated in Chapter 14-400 (Base Zoning Districts).

Table 14-533-4: Maximum Floor Area Ratios in /MIN Overlay District

District Name	RSD-1/2/3, RSA-1/2/3/4/ 5, RTA-1, RM-1, CMX-1/2/2.5 CA-1/CA-2	RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3, CMX-3 (except within /TOD), IRMX	CMX-3 (within /TOD)	CMX-4	CMX-5	ICMX, 1- 1/2/3/P	SP-INS/ ENT/ POA/ PO-P/ AIR
See § 14-533(4)(c) (Notes for Table 14-533-4) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.												
		Denotes zoning requirements not applicable.										
Floor Area Ratio												
Maximum FAR (% of lot area, except as otherwise provided)		120	225	525	225 [1]	375 [1]	750	800	750 [2]	1,600 [2] [3]	[4]	[5]

(d) Except as stated otherwise in this § 14-533, bonuses may be earned under the provisions of § 14-702.

(5) Motor Vehicle Parking Ratios.

The minimum required parking spaces for household living is as indicated in Table 14-533-5. All other parking and loading standards are as indicated elsewhere in the Zoning Code.

Table 14-533-5: Minimum Required Parking Spaces in the /MIN

	RSD-1/2/3 RSA-1/2/3/4/5 RTA-1 RM-1 CMX-1/2/2.5	RM-2/3/4 RMX-2/3 CMX-3/4/5 IRMX	RMX-1
Household Living	0	2/10 units	2/3 units

(6) Affordability.

Affordable dwelling and sleeping units required shall be provided under the following standards. For the purposes of this section, a household shall consist of every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size for determining unit affordability and occupancy requirements of this section shall be equal to 1.5 people per each bedroom in the unit, except for studios, efficiencies, and sleeping units for which the imputed household size is 1 person.

(a) Affordable rental units shall:

- (.1) Have total monthly costs (including rent and utility costs) that do not exceed thirty percent (30%) of gross monthly income for households earning up to forty percent (40%) of the Area Median Income (AMI), adjusted for household size, as reported by the U.S. Department of Housing and Urban Development (HUD) for the Philadelphia Metropolitan Statistical Area;
- (.2) Be occupied by households earning up to forty percent (40%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area at the time of the household's initial occupancy of the unit; and
- (.3) At no time be occupied by households earning greater than eighty percent (80%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area; provided that, in the event the income of a tenant is found by the Department of Planning and Development to exceed the maximum income provided for by this subsection (.3), a rental unit shall nonetheless be deemed in compliance with this subsection (.3), until the first expiration of a lease occurring after the tenant's income first exceeded the maximum permitted by this subsection (.3). In such event, the owner or their property manager may raise rent on the existing household's unit at the owner or their property manager's discretion, taking into account any applicable laws, rules, or policies regarding rent increases, provided that the owner or their property manager must make the next available unit of comparable size available to a new income-qualified household.

(b) Affordable owner-occupied units shall:

- (.1) Have a maximum sale and resale price, during the term of affordability, calculated on the basis of a down payment of no more than five percent (5%) of the purchase price, a fixed rate 30 year mortgage, consistent with the average monthly rate published from time to time by Freddie Mac, and total monthly costs (including mortgage principal and interest, property taxes, property insurance, and condominium or homeowner association fees) that do not exceed thirty percent (30%) of gross monthly income for households earning up to sixty percent (60%) of the AMI, adjusted for household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area;
 - (.2) Be sold to one or more members of a household with household earnings up to sixty percent (60%) of the AMI, adjusted for household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area at the time of sale; and
 - (.3) Be the principal residence of at least one person who owned the unit during the period of affordability.
- (c) The standards of § 14-702(7)(b)(2) through (.5) shall apply, except that, notwithstanding the provisions of § 14-702(7)(b)(3), off-site development pursuant to subsection (b) is permitted, provided that off-site units meet all conditions of this overlay.
- (d) Applicants shall be encouraged to partner with community development corporations and other community-based organizations in developing and executing plans for marketing units and evaluating the qualifications of potential occupants.
- (e) Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply.

(7) Marketing and Equal Opportunity.

Any development shall be subject to the requirement that no zoning permit shall be issued unless an applicant has met with Registered Community Organizations ("RCOs") whose boundaries include the applicant's property to present a Marketing and Occupancy Plan and an Economic Opportunity Plan, in accordance with subsections (a) through (c), below; has subsequently filed the Plans with either a division of the Department of Commerce responsible for monitoring participation by minority, women, and disabled-owned businesses or any other City agency designated by the Mayor; and has subsequently made available a copy of the Plans to the RCOs.

- (a) A Marketing and Occupancy Plan shall describe how the permit applicant will market and occupy affordable and market-rate units within the development.
- (b) An Economic Opportunity Plan shall include a description of all efforts to be taken to foster meaningful and representative opportunities for participation by M/W/DSBEs and an appropriately diverse workforce in connection with the project. Such description shall include certification and documentation of any and all actions taken with respect to solicitation and other activities as set forth in subsections (1)(d)(.3)(a) through (.c) of Section 17-1603 of the Code ("Economic Opportunity Plan: Contents"); a statement of past practices to develop diversity at any and all levels of the organization, as described in subsection (1)(f) of Section 17-1603; and a statement of equity ownership, as described in subsection 17-1603(1)(g)(.2); provided that the requirements of Chapter 17-1600 shall not otherwise apply to this § 14-533.
- (c) The applicant must meet the applicable requirements of § 14-303(12) (Neighborhood Notice and Meetings), regardless of whether those provisions would otherwise apply. The applicant may fulfill the requirement of meeting with RCOs in this subsection (c) by presenting such Plans at the Neighborhood Meeting required under § 14-303(12).
- (d) L&I and the Commission are authorized to promulgate such regulations as are necessary and appropriate to implement the provisions of this section.

(8) Bonuses available under the provisions of § 14-702(7).

Bonuses available under the provisions of § 14-702(7) (Mixed Income Housing) may be earned only where a Residential Housing Project meets the requirements of § 14-702(7)(b) in addition to, and not including, any dwelling units, sleeping units, and payments in-lieu provided pursuant to the requirements of this § 14-533.

(9) Reporting.

All affordable units produced pursuant to the requirements of this overlay shall be included in the annual report published pursuant to § 14-702(7)(f) (Reporting).

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Michael D. Reese, City Manager

DATE: December 8, 2022

RE: Closed Session

A closed session will be held after the December 13, 2022 City Council meeting to discuss a real estate matter and a personnel matter as provided for in Section 610.021(2) and (13) RSMO.



Michael D. Reese
City Manager