

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MAY 6, 2020**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson 7:30 p.m. on Wednesday, May 6, 2020.

In response to the coronavirus (COVID-19) public health emergency and pursuant to the St. Louis County Stay-at-Home Order, some members of the City Council attended in-person in the Council Chambers at Hazelwood City Hall and others attended and participated by video conference in accord with Section 610.015, RSMo (“All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected ... shall be cast by members ... who are physically present ... or who are participating via videoconferencing.”) It was impossible and impractical to hold the meeting in a manner physically accessible by the public. Section 610.020.2, RSMo (“Each meeting shall be held at a place reasonably accessible to the public ... unless for good cause such a place ... is impossible or impractical.”) Public access to the meeting was accommodated via access to video conference pursuant to notice provided in accord with Section 610.020, RSMo.

On roll call, the following members of the Council were present:

Matthew G. Robinson
Russell Todd
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan
Tyler Wilson

City Clerk Christine Thomas declared a quorum was present. Also present were City Manager Matt Zimmerman and City Attorney Kevin O'Keefe.

AGENDA

Mayor Robinson moved, seconded by Mr. Taylor, to amend the agenda by the addition of item 11.b, a discussion on the manner in which upcoming Council meetings will be held due to the coronavirus pandemic. The motion passed unanimously.

Mr. Taylor moved, seconded by Mrs. Hendon, to adopt the agenda as amended. The motion passed unanimously.

CONSENT AGENDA

Mrs. Singleton moved, seconded by Mrs. Stroker, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 9

NAY - 0

- Mayor Robinson
- Mr. Todd
- Mr. Taylor
- Mrs. Hendon
- Mrs. Singleton
- Mrs. Stroker
- Mr. Aubuchon
- Mr. Ryan
- Mr. Wilson

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss litigation and consult with the City Attorney in accordance with the provisions of RSMo 610.021(1) and to discuss a personnel matter in accordance with the provisions of RSMo 610.021(3), was adopted.

APPROVAL OF MINUTES

Mrs. Singleton moved, seconded by Mrs. Stroker, to approve the minutes of the April 15 regular and closed Council meetings and the April 22 special and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS - None

PROCLAMATIONS AND RESOLUTIONS

RESOLUTION ON PROPOSITION TO CREATE NID IN RFPD SERVICE AREA

In response to Council’s request, staff had prepared a resolution to submit to the voters, in the area of the City served by the Robertson Fire Protection District (RFPD), a proposition regarding the creation of a Neighborhood Improvement District (NID).

Mr. Zimmerman stated the creation of a NID would provide the differential between the cost of providing those residents with RFPD services and the amount they pay in Hazelwood property taxes.

Mr. O’Keefe stated the litigation mediator and representatives from the Florissant Valley Fire Protection District (FVFPD), RFPD, Local 2665, and the City met in a Zoom meeting last Friday. The focus of the meeting was annexation of areas within the City into the fire districts. No resolution was reached and there was no commitment to put any annexation measure on the August ballot. Mr. O’Keefe stated one of the issues is the requirement to obtain voter signatures on a petition in order to place a proposition on the ballot in a very limited timeframe and in the current environment created by the pandemic. A bill that

would allow a proposition to be placed on the ballot with approval by the City and the district, and without a petition, is currently under consideration by the Missouri legislature. It must be passed by this Friday, and subsequently approved by the governor as an emergency measure, in order to provide an avenue to placing an annexation proposition on the ballot. Mr. O'Keefe explained the meeting ended on a difficult note when discussion turned to more immediate forms of relief for the City such as the NID. A RFPD representative indicated that they wouldn't support the NID proposition unless the City pays them \$4 million. The mediator then ended the meeting pending further discussions.

Mr. Zimmerman stated he previously provided the Council with a list of revenue options. The mediator's independent accountants have determined the City's General Fund will run out of money by early November 2020 due to the impact of the coronavirus pandemic. There are five options to increase revenues that can be placed on the August ballot. The first is the NID which would bring in \$2.5 million per year. The second is a \$.24 property tax increase which would bring in \$1.3 million. The third is an increase in the fire sales tax from \$.25 to \$.50 that would generate \$780,000 annually. The fourth is to restore the residential utility tax of 6% which would generate approximately \$1.3 million. The fifth is to increase the non-residential utility tax rate which is currently 6%. Each 1% increase would generate about \$425,000 in additional revenue. Mr. Zimmerman emphasized these are not long-term solutions, but would give the City more time to address the significant deficit. Direction from the Council is needed by the next regular Council meeting in order to place any of these measures on the August ballot.

Mayor Robinson suggested a combination of options should be considered.

Mr. Zimmerman explained the City's cash flow problem. Thirty percent of revenues are received in January and March and the City will run out of money in November. Additional revenue is needed soon to carry the City to May/June of next year.

Mrs. Singleton expressed support for putting the NID proposition on the ballot and suggested combining it with another option.

Mr. O'Keefe stated there could be multiple propositions on the ballot, but each proposition may have a different voting constituency. For instance, the NID proposition would only appear on the ballot of voters who live in the RFPD service area of the City. A proposition to increase City property taxes would appear on all ballots in the City.

Mayor Robinson stated a combination of options should be considered because passage of the NID proposition doesn't appear favorable. He stated residents should be educated about the City's financial position. He noted the problem has escalated by three to six months due the coronavirus pandemic. He emphasized the need to address the issue immediately.

Mr. Aubuchon suggested placing the NID proposal and fire department sales tax increase on the August ballot and Mrs. Singleton and Mrs. Hendon confirmed their support.

Mayor Robinson stated the NID will be hard to sell to residents without the support of the RFPD.

Mr. O'Keefe stated the NID proposition requires passage of a resolution and only takes one reading. It does not have to be passed tonight in order to meet the certification deadline. It could be read at the next regular Council meeting or at a special meeting before May 26. Any of the other propositions would require passage of an ordinance that would need two readings.

Mr. Aubuchon stated if other measures passed, along with the NID, it doesn't mean those taxes would have to be imposed.

Mr. O'Keefe confirmed voter approval of a proposition authorizes the City to levy the tax, it does not require the City to levy the tax.

In response to Mayor Robinson's inquiry, Mr. O'Keefe stated a sunset provision can be placed on a tax proposition by means of a clause in the ballot proposition or as part of the legislation effectuating the tax. It can be a date or can be triggered by an event.

Mrs. Hendon asked if there have been further discussions with FVFPD.

Mr. O'Keefe replied the FVFPD has participated in discussions directly with the City and through the mediator and there were positive conversations about the principal of annexation by the FVFPD. However, they have not indicated a readiness to place an annexation measure on the August ballot.

Mrs. Singleton expressed support for adding a sunset clause to the NID proposition language.

Mr. O'Keefe deferred to Attorney Jim Mello.

Mr. Mello stated the NID assessment would be annual and would provide for maintenance of RFPD services. Mr. Mello stated the assessment would be subject to specific parameters and would be evaluated annually. It would not have to be imposed if another solution is reached.

Mr. O'Keefe added a suspension is built into the structure of the proposed NID. When the need for supplementing the City's payment stops, the levy ends.

Mr. Mello explained the basis of the NID. The cost to provide fire and EMS services by the RFPD is considerably more than the cost to provide services by the Hazelwood Fire Department. If residents in the NID area want to retain RFPD services, they would pay the differential.

Mayor Robinson suggested changing next Wednesday's budget work session to a special Council meeting to allow for further consideration and discussion of the revenue options and to allow the Council to take action if they desire.

There were no objections.

POLICE WEEK PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 10 through May 16, 2020 as "Police Week 2020."

Mrs. Hendon moved, seconded by Mr. Aubuchon, the adoption of Proclamation 2008 designating the week of May 10 through May 16, 2020 as "Police Week 2020," publicly saluting our law enforcement officers for their countless hours of dedicated service and calling upon all citizens to observe this week with appropriate activities commemorating police officers both past and present. The motion passed unanimously.

EMS WEEK PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 17 through May 23, 2020 as "Emergency Medical Services Week."

Mr. Aubuchon moved, seconded by Mrs. Stroker, the adoption of Proclamation 2009 designating the week of May 17 through May 23, 2020 as "Emergency Medical Services Week." The motion passed unanimously.

PUBLIC WORKS WEEK PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 17 through May 23, 2020 as "Public Works Week."

Mr. Ryan moved, seconded by Mr. Wilson, the adoption of Proclamation 2010 designating the week May 17 through 23, 2020 as "Public Works Week" and urging all citizens to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our health, safety, and quality of life. The motion passed unanimously.

BUILDING SAFETY MONTH PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the month of May, 2020, as "Building Safety Month."

Mr. Todd moved, seconded by Mrs. Stroker, the adoption of Proclamation 2011 designating the month of May, 2020, as "Building Safety Month" and encouraging citizens to take appropriate steps to ensure the safety of our built environment and recognize the implementation of safety codes by local and state agencies that have saved lives and protected homes and businesses. The motion passed unanimously.

E.D. WEEK
PROCLAMATION

Mayor Robinson called for the reading of a proclamation designating the week of May 4 through May 9, 2020 as “Economic Development Week.”

Mr. Taylor moved, seconded by Mrs. Stroker, the adoption of Proclamation 2012 designating May 4 through May 9, 2020 as “Economic Development Week” and reminding individuals of the importance of this community celebration which supports expanding career opportunities and improving quality of life. The motion passed unanimously.

CITIZENS HEARINGS AND PRESENTATION OF PETITIONS

Mayor Robinson stated the hearing of citizens’ comments has been suspended. Written comments may be submitted to: Hazelwood City Council, c/o City Clerk, 415 Elm Grove Lane, Hazelwood, MO 63042 or CityClerk@hazelwoodmo.org with “Citizen Comment” in the subject line.

Mayor Robinson asked Mrs. Thomas if any written comments had been received.

Mrs. Thomas replied none were received.

PUBLIC HEARINGS - None

COMMUNICATIONS

EWGCG LOCAL BRIEFINGS The April 16 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

EWGCG LOCAL BRIEFINGS The April 23 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

SLUP PETITION 11950 MO. BOTTOM RD. A petition for a Special Land Use Permit for a vehicle service and repair facility and vehicle painting at a portion of 11950 Missouri Bottom Road was received from R. & A. Gilbert Enterprises, LLC.

Mrs. Singleton moved, seconded by Mrs. Stroker, to refer the petition to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION No items were added to the July 8 Council work session
AGENDA ITEMS agenda.

FUTURE COUNCIL Mayor Robinson suggested opening the next regular Council
MEETINGS meeting to the public.

Mrs. Singleton asked if public participants would be required to wear masks.

Mr. Zimmerman replied affirmatively and stated the City will follow the procedures outlined by St. Louis County.

CITY MANAGER'S REPORT

AMEND DEVELOPMENT Mr. Zimmerman reported staff recommends amendments to
PLAN WITH the industrial development plan and Performance Agreement
SILGAN PLASTICS with Silgan Plastics Corporation.

Mr. Zimmerman stated in 2015 the City approved economic development incentives that required Silgan Plastics to bring a minimum of 120 manufacturing jobs, with a minimum payroll of \$4.3 million, to the City to achieve the maximum incentive. Due to weather delays, the agreement was amended in 2016 to extend the deadline to move into their facility and create the jobs. Silgan has subsequently moved in and met the job creation and payroll requirements with the exception of moving 70 corporate headquarters jobs to Hazelwood. Therefore, they have not received the third \$500,000 payment on the forgivable economic development loan, which is not required to be paid until the corporate jobs are relocated to Hazelwood. The Performance Agreement between the City and the company provides for a 50% tax abatement on new equipment that was installed in the new building. The tax abatement was incorrectly applied by St. Louis County, resulting in a significant overpayment to the taxing districts. The draft bill approves a second amendment to the Performance Agreement, which allows Silgan to recoup a portion of the overpayment over 4 years without causing a significant impact to the City's budget. The County is now applying the tax abatement correctly.

Mrs. Singleton asked if there were any repercussions to the county for this mistake.

Mr. Zimmerman stated there is no legal liability and the county has been working with the City to get this resolved.

Silgan Plastics' Senior Tax Analyst Jeremy Jones stated it took time to identify and calculate the overpayments.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the staff recommendation to amend the industrial development plan and Performance Agreement with Silgan Plastics Corporation and to place the draft bill on the agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.a.

REPORT ON PAYMENT OF PILOTS Community and Economic Development Coordinator Becky Ahlvin stated Council has requested a report on developers' payments of Payments in Lieu of Taxes (PILOTs) for economic development projects.

Mrs. Ahlvin stated the City has several incentive packages including economic development loans, Chapter 100 tax abatement for building materials and equipment and Chapter 353 real property tax abatement on blighted areas. Mrs. Ahlvin gave an update on the following companies/projects: NorthPoint Development (133 McDonnell Boulevard), Artur Express, Aviator Business Park (Panattoni), Bommarito Automotive Group, Bunzl Distribution, Buse/Major Custom Assemblies, Hazelwood Logistics Center, Hazelwood TradePort, MiTek, Presence From Innovation, Quiet Logistics, Silgan Plastics, Stroco, Theodoro/Nature's Own Bakery and Trans-Lux Corporation.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

AMEND DEVELOPMENT PLAN WITH SILGAN PLASTICS Mayor Robinson called for the first reading of a bill to amend the development plan and Performance Agreement with Silgan Plastics Corporation.

There were no objections and Bill 4869 was read by title only:

AN ORDINANCE APPROVING AN AMENDMENT TO THE INDUSTRIAL DEVELOPMENT PLAN FOR SILGAN PLASTICS CORPORATION, A DELAWARE CORPORATION AND A SECOND AMENDMENT TO PERFORMANCE AGREEMENT BETWEEN THE CITY AND SILGAN PLASTICS CORPORATION, A DELAWARE CORPORATION.

Bill 4869 will be on the agenda for second reading on May 20.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4846 BOND ISSUANCE TRADEPORT, LOT 1 The second reading of Bill 4846 to authorize the issuance of taxable industrial revenue bonds for development of TradePort Lot 1, Building IV, was postponed.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETINGS

Mayor Robinson announced the Council budget work session scheduled for Wednesday, May 13, at 6 p.m. has been changed to a special Council meeting and the next regular Council meeting will be held Wednesday, May 20, at 7:30 p.m.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Christine Thomas, CMC - City Clerk
City of Hazelwood, Missouri