

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MAY 5, 2021**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:37 p.m. on Wednesday, May 5, 2021, in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

In response to the coronavirus (COVID-19) public health emergency, 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 in person and 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:

Mary G. Singleton
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan
Daniel T. Herin
Matthew G. Robinson
Warren H. Taylor

Council Member Rosalie Hendon was not present. City Clerk Julie Lowery declared a quorum was present.

Also present were City Manager Matt Zimmerman and City Attorney Kevin O’Keefe.

AGENDA

There being no amendments proposed, Mrs. Singleton moved, seconded by Mr. Taylor, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mr. Taylor moved, seconded by Mr. Aubuchon, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mrs. Singleton
Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Herin
Mayor Robinson
Mr. Taylor

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss litigation and to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1) and to discuss a proprietary matter in accordance with the provisions of RSMo 610.021(15), was adopted.

APPROVAL OF MINUTES

Mr. Taylor moved, seconded by Mr. Aubuchon, to approve the minutes of the April 21 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

OATH OF OFFICE

Mrs. Lowery administered the oath of office to Lisa Matlock who was appointed by the Council on April 28 to fill the Ward 5 vacancy until the April 2022 election.

Ms. Matlock took her seat at the dais.

PROCLAMATIONS AND RESOLUTIONS

POLICE WEEK PROCLAMATION

Mayor Robinson called for the reading of a proclamation designating the week of May 9 through May 15, 2021 as "Police Week 2021."

There were no objections and Proclamation 2109 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2109 designating the week of May 9 through May 15, 2021 as "Police Week 2021," 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.

The proclamation was presented to Police Captain Andrew Eagan.

E.D. WEEK PROCLAMATION

Mayor Robinson called for the reading of a proclamation designating the week of May 9 through May 15, 2021 as "Economic Development Week 2021."

There were no objections and Proclamation 2110 was read.

Mrs. Singleton moved, seconded by Mr. Herin, the adoption of Proclamation 2110 designating the week of May 9 through May 15, 2021 as “Economic Development Week 2021,” reminding individuals of the importance of this community celebration that supports expanding career opportunities and improving quality of life. The motion passed unanimously.

The proclamation was presented to Assistant City Manager-Economic Development Becky Ahlvin.

EMS WEEK
PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 16 through May 22, 2021 as “Emergency Medical Services Week 2021.”

There were no objections and Proclamation 2111 was read.

Mr. Taylor moved, seconded by Mr. Ryan, the adoption of Proclamation 2111 designating the week of May 16 through May 22, 2021 as “Emergency Medical Services Week 2021.” The motion passed unanimously.

The proclamation was presented to Fire Chief Dave Herman.

PUBLIC WORKS WEEK
PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 16 through May 22, 2021 as “Public Works Week.”

There were no objections and Proclamation 2112 was read.

Mr. Ryan moved, seconded by Mrs. Stroker, the adoption of Proclamation 2112 designating the week of May 16 through May 22, 2021 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.

The proclamation was presented to Public Works Director David Stewart.

CITIZENS HEARINGS AND PRESENTATION OF PETITIONS

Mayor Robinson explained the procedures to be followed during a hearing. He invited anyone desiring to make a comment to come forward at this time.

FIRE SERVICE IN THE RFPD SERVICE AREA Sally DeGroat of 3995 Dunn Road stated it is the City's responsibility to pay for fire services in the Robertson Fire Protection District (RFPD) service area.

Mrs. DeGroat stated the City and RFPD need to start looking for a resolution for fire services and the solution should not be at the residents' expense.

CABELA'S AND FIRE SERVICE John Zamudio of 4827 Orange Blossom Lane expressed concerns with comments made by Mr. Herin at the April 28 Council work session meeting regarding theft at Cabela's.

Mr. Zamudio stated he spoke with the General Manager at Cabela's and that the Hazelwood Cabela's does not have more theft than any other area locations.

Mr. Zamudio stated a citizen's coalition has been formed to help resolve fire services for the entirety of Hazelwood. The citizen's coalition would like to meet with the Council, members of the RFPD and the mediator/judge who is overseeing mediation between the City and RFPD.

Mayor Robinson responded the Council would be agreeable to meet with the residents.

CITIZENS COALITION Jennifer Guyton of 1205 Woodcrest Lane introduced herself as the chairperson of the citizen's coalition, "Citizens to Save Hazelwood and Fire Services."

She stated the citizens want a resolution that works for all residents. She stated they do not want the City to go bankrupt. This coalition is unbiased regarding RFPD and the City.

SWIM TEAM Amy Mulholland of 1463 Gerard Park Lane asked if there would be a swim team this year.

CITY MANAGER'S REPORT Mr. Zimmerman reported on concerns expressed by Steve Wilson of 3980 Dunn Road and Alan Orban of 1112 Woodcrest at the April 21 Council meeting.

Regarding Steve Wilson's concerns with the theft of political signs, Code Enforcement Officers had been instructed to remove signs from the public right-of-way. Several property owners claimed signs were removed from their private property. Mr. Zimmerman stated in the absence of any proof that signs may not have been in the public right-of-way, the City returned those signs. Other residents were informed they could pick up their signs that were taken from the public right-of-way from the Hazelwood Dispatchers office. Ordinance 4763-20, Section 510.130 of the Ordinance does permit aggrieved parties to appeal the decision of the Code Administrator before the City Council. No proof at this time of any signs having been removed from private property has been submitted to the City. Mr. Zimmerman determined that the sign

ordinance as was codified online be enforced at the insistence of an outside party was the proper action in accordance with the requirements set forth in the City Charter.

Alan Orban expressed concerns with gathering information regarding the citizen's initiative petition. He also asked for direction on receiving a list of registered voters. Mr. Zimmerman explained that St. Louis County would provide this information for a fee.

PUBLIC HEARINGS

SLUP
9085 DUNN ROAD

Mayor Robinson called to order the public hearing to consider the petition by 9085 Dunn Kitchen & Bar, LLC d/b/a At Monroe for a Special Land Use Permit for a restaurant at 9085 Dunn Road.

City Planner Kate Crimmins reported the restaurant would offer table service, a bar, outdoor dining and billiard tables. The building is the former Redbirds Sports Café. The petitioner proposes operating seven days a week. The hours of operation would be Monday through Saturday, 10 a.m. to 1:30 a.m., and 10 a.m. to 7 p.m. on Sundays. It has been asked if the time on Sunday may be extended. Mrs. Crimmins stated there would be up to 12 employees on a shift. At this time there is no firm start date.

Mayor Robinson asked if anyone present wished to speak in favor of or in opposition to the proposal.

No one spoke in favor of or in opposition to the proposal and Mayor Robinson declared the hearing closed.

Mrs. Lowery read the City Plan Commission motion "To recommend approval from the City Council, for a restaurant at 9085 Dunn Road, Ward 2, with the following conditions:

- 1) The owner shall be required to maintain a fully functional video recording system on the property to ensure the safety of guests, to deter criminal activity, and to assist law enforcement in following up on reported criminal activity. The cameras shall be installed and functioning prior to operation of the business. The cameras shall be set up to accurately record entry/exit doors from the inside, any area where money may be handled or stored inside the business, and a view of the parking lot from the front door of the business. The system shall be checked by the owner on a weekly basis to ensure proper functionality and the owner is responsible to make the appropriate repairs as soon as reasonably possible upon determining a defect in operation. Recordings shall be saved and able to be retrieved for a minimum of 30 days. The owner/operator shall agree to make the recording data available to law enforcement upon request.
- 2) The parking lot striping shall be repainted prior to operation of the business.
- 3) Two additional parking spaces shall be designated as handicap parking."

She stated the motion passed by six in favor and one opposed.

Mr. Aubuchon moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to grant the Special Land Use permit for a restaurant at 9085 Dunn Road and to place the draft bill on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.a.

COMMUNICATIONS

**SLUP PETITION
7213 N. LINDBERGH** A petition for a Special Land Use Permit for a restaurant at 7213 North Lindbergh Boulevard was received from Elusive Development, LLC d/b/a Cuzzin's.

**ELECTION BOARD
BIENNIAL REPORT** The Saint Louis County Election Board's 2019-2020 Biennial Report was received.

**EWGCG
BRIEFINGS** The April 22 issue of Briefings was received from the East-West Gateway Council of Governments.

**LIQUOR LICENSE
EXPANSION REQUEST** A request for a liquor license expansion to include an outdoor area at 5555 St. Louis Mills Boulevard, for special events starting May 6, 2021 and running through November 6, 2021, was received from Big Sports Management, LLC.

Mr. Taylor moved, seconded by Mr. Aubuchon, to refer the petition to the City Plan Commission, to approve the liquor license request and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

**WORK SESSION
AGENDA ITEMS** No items were added to the July 14 Council work session agenda.

**RFPD FIRE SERVICES
UPDATE** Mr. O'Keefe stated there was nothing new to report and mediation with RFPD continues.

COUNCIL MEETINGS Mrs. Singleton asked when the Council would be able to start meeting in-person again.

Mayor Robinson stated with the changing COVID-19 restrictions and people being vaccinated, the policy should be reviewed to see if changes should be made. However, he stated the public needs to be considered and staff needs time to get prepared and this topic can be revisited in a few weeks.

CITY MANAGER'S REPORT

**STREET SEALING
CONTRACT**

Mr. Stewart reported staff recommends authorization of a contract with Sweetens Concrete Services, LLC for joint and crack sealing of various city streets at a cost not to exceed \$64,565.

Mr. Stewart stated the current fiscal year budget includes \$100,000 to seal joints and cracks in concrete and asphalt city streets. This important maintenance procedure helps seal and preserve pavement to help avoid costly replacement of concrete panels or asphalt resurfacing. Sweetens Concrete Services, LLC was the lowest, most responsive bidder. Mr. Stewart stated Sweetens has successfully completed other similar municipal projects.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize the contract with Sweetens Concrete Services, LLC and to place the draft bill on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.b.

Mayor Robinson requested a report on previous crack sealing work throughout the City.

**CITY AUDITING
SERVICES**

Assistant City Manager-Finance Dave Tuberty reported staff recommends using Stopp & VanHoy, LLC for auditing services for fiscal years 2022 through 2027.

Mr. Tuberty stated three request for proposals were received and Stopp & VanHoy, LLC were the lowest bidder. He stated their references have been checked and he worked with them in the past at another city.

Mrs. Singleton moved, seconded by Mr. Aubuchon, to concur with staff recommendation to authorize using Stopp & VanHoy, LLC for auditing services. The motion passed unanimously.

**REPORT ON ED
PROJECTS**

Mrs. Ahlvin stated Council has requested a report on 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, Green Street (8930 Pershall), Hazelwood Logistics Center, Hazelwood TradePort, MiTek, Presence From Innovation, Pallet Logistics Management, Quiet Logistics, Silgan Plastics, Stroco, Theodoro/Nature's Own Bakery, Trans-Lux Corporation, and Village Square (Somera Road).

2021 FIREWORKS
DISPLAY

Parks and Recreation Superintendent Doug Littlefield reported on options for the City to host a fireworks display this year.

Mr. Littlefield discussed the consistent decline of attendance at Harvestfest and the possibility of combining the 4th of July Fireworks and Harvestfest. Mr. Littlefield believes this to be an opportunity to create a new event and be more cost effective for the city. A wide variety of food trucks would be offered, along with various types of entertainment for all ages. A fireworks display would conclude the evening.

Mrs. Singleton asked if the City had the funds for this proposal.

Mr. Zimmerman responded affirmatively.

Mayor Robinson asked how much this event would cost.

Mr. Littlefield replied approximately \$43,000.

Mayor Robinson expressed concerns with hosting this event when the City is in a budget crisis.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP
9085 DUNN ROAD

Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a restaurant at 9085 Dunn Road.

There were no objections and Bill 4937 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO 9085 DUNN KITCHEN & BAR, LLC D/B/A AT MONROE KITCHEN & BAR FOR A RESTAURANT AT 9085 DUNN ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4937 will be on the agenda for second reading on May 19.

CONTRACT
JOINT AND CRACK
SEALING

Mayor Robinson called for the reading of a bill to authorize a contract with Sweetens Concrete Services, LLC for joint and crack sealing of various City streets.

There were no objections and Bill 4938 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH SWEETENS CONCRETE SERVICES, LLC FOR JOINT AND CRACK SEALING OF VARIOUS CITY STREETS AT A COST NOT TO EXCEED \$64,565.

Bill 4938 will be on the agenda for second reading on May 19.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4933
SLUP EXTENSION
7800 N. LINDBERGH

Mayor Robinson called for the second reading of Bill 4933 to extend the Special Land Use Permit deadlines to commence construction and operation of a fast food restaurant at 7800 North Lindbergh Boulevard.

There were no objections and Bill 4933 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4788-20 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF PANDA EXPRESS, INC., AT 7800 NORTH LINDBERGH BOULEVARD.

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Bill 4933 as an ordinance. The following vote was recorded on the motion:

AYE - 8

NAY - 0

Mrs. Singleton
Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Herin
Mayor Robinson
Ms. Matlock
Mr. Taylor

Bill 4933 was unanimously adopted as Ordinance 4817-21.

BILL 4934
SLUP EXTENSION
7008 N. HANLEY RD.

Mayor Robinson called for the second reading of Bill 4934 to extend the Special Land Use Permit deadlines to commence construction and operation of a drive-thru window at 7008 North Hanley Road.

There were no objections and Bill 4934 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4787-20 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF Y & Y GRILL, LLC, D/B/A SIZZLIN GRILL DRIVE-THRU WINDOW, AT 7008 NORTH HANLEY ROAD.

Mr. Taylor moved, seconded by Mr. Herin, the adoption of Bill 4934 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	
Mr. Taylor	

Bill 4934 was unanimously adopted as Ordinance 4818-21.

BILL 4935	Mayor Robinson called for the second reading of Bill 4935 to
E.D. AGREEMENT	approve an Economic Development Grant Agreement with
CABKA N. AMERICA	CABKA North America, Inc.

There were no objections and Bill 4935 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES GRANT AGREEMENT WITH CABKA NORTH AMERICA, INC.

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Bill 4935 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	
Mr. Taylor	

Bill 4935 was unanimously adopted as Ordinance 4819-21.

BILL 4936
CHAPTER 100 BONDS

Mayor Robinson called for the second reading of Bill 4936 to authorize the issuance of \$33 million in taxable industrial revenue bonds for NP Hazelwood 370, Building 6, LLC Project.

There were no objections and Bill 4936 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (NP HAZELWOOD 370 BUILDING 6, LLC PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$33,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING A FACILITY FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4936 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	
Mr. Taylor	

Bill 4936 was unanimously adopted as Ordinance 4820-21.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETINGS Mayor Robinson announced the Council budget work session will be held May 12, at 6 p.m. in the Council Chambers and next regular Council meeting will be held Wednesday, May 19, at 7:30 p.m. in the Council Chambers.

ADJOURNMENT There being no further business to come before the Council, the meeting was adjourned at 9:42 p.m.

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri