

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
OCTOBER 21, 2020**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:30 p.m. on Wednesday, October 21, 2020, at the Hazelwood Civic Center East, 8969 Dunn Road.

In response to the coronavirus (COVID-19) public health emergency, some members of the City Council attended in-person at the Hazelwood Civic Center East 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:

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

City Clerk Julie Lowery declared a quorum was present.

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

*Mrs. Singleton joined the meeting at 7:49 p.m.

AGENDA

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

CONSENT AGENDA

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

AYE - 9

NAY - 0

Mrs. Stroker

Mr. Aubuchon

Mr. Ryan

Mr. Herin

Mayor Robinson

Mr. Todd

Mr. Taylor

Mrs. Hendon

Mrs. Singleton

The motion passed unanimously and the consent agenda was adopted.

**APPROVAL OF
MINUTES**

Mrs. Stroker moved, seconded by Mr. Taylor, to approve the minutes of the October 7 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS**EMPLOYEE
INTRODUCTIONS**

Police Chief Gregg Hall introduced newly hired Police Officers Preston Billingsley and Ryan Ratica.

PROCLAMATIONS AND RESOLUTIONS**LT. DOUG MCGARRY
RETIREMENT
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation expressing recognition and appreciation to retiring Police Lieutenant Douglas McGarry.

There were no objections and Proclamation 2016 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2016 expressing recognition and appreciation to Lt. Douglas McGarry for 28 years of dedicated service to the Hazelwood community and the Hazelwood Police Department and extending sincere good wishes for a happy retirement. The motion passed unanimously.

**“EXTRA MILE DAY”
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating November 1, 2020 as “Extra Mile Day.”

There were no objections and Proclamation 2017 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2017 declaring November 1, 2020, to be Extra Mile Day and urging the community to take some time on this day to not only “go the extra mile” in their own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place. The motion passed unanimously.

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.

No one came forward to address the Council.

Mayor Robinson stated written comments may be submitted to: Hazelwood City Council, 415 Elm Grove Lane, Hazelwood, MO 63042 or CityClerk@hazelwoodmo.org with “Citizen Comment” in the subject line.

Mayor Robinson asked Mrs. Lowery if any written comments had been received for this evening’s meeting.

Mrs. Lowery replied none were received.

PUBLIC HEARINGS

LIQUOR LICENSE 5555 ST. LOUIS MILLS BOULEVARD	Mayor Robinson called to order the public hearing to consider the application by Dan Buck for an Amusement Place Liquor License, with Sunday, for Big Sports Properties at 5555 St. Louis Mills Boulevard.
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The requisite record check had been performed and Chief Hall has recommended approval of the application.

Mrs. Lowery reported Big Sports Management, the sports operations division of the POWERplex development at the former St. Louis Mills Mall, is seeking an Amusement Place Liquor License, including Sunday sales. They plan to begin operating both adult and youth volleyball tournaments, when the county lifts the sports tournament restriction, on their existing 10 volleyball courts and plan to host indoor obstacle course runs beginning in late October. The license would be for mostly beer, wine and specialty cocktails during corporate events, charity events and public concession stands during some of their adult runs and adult tournaments. While the vast majority of the new construction on Pickle Beach, the main volleyball/basketball venue, the ballfields and stadium will occur over the next 7 to 8 months, POWERplex needs to generate income and host public and private events in several of the non-construction zones during that development period. This event revenue and related liquor sales is a key part of the redevelopment plan for POWERplex in the months ahead.

While this amusement license will be for the entire campus at the completion of the phase 1 construction, it will only be utilized currently in the finished and occupied areas of the Baseball and Softball Training Center, the Volleyball Zones and a few designated areas in and around the food court, based on the event and tournament schedules in those currently occupied zones. There will be an estimated 20 to 30 public, private and charity events between now and the end of the year. Big Sports is currently under a management agreement with Namdar Realty out of New York to operate and manage the mall assets they currently occupy and they plan to purchase the entire campus before the end of the year. They will begin the full renovations immediately upon purchasing the property.

Big Sports Properties Managing Partner Dan Buck is present via Zoom to answer any questions the Council might have in regards to this request.

Mrs. Lowery stated the code requires that an Amusement Place Liquor License holder has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts must be in non-alcoholic sales. The Council can approve the license with the condition they provide the City Clerk with receipts of the non-alcoholic sale receipts within 90 days.

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. Hendon moved, seconded by Mrs. Singleton, to approve the application by Dan Buck for an Amusement Place Liquor License, with Sunday, for Big Sports Management, LLC at 5555 St. Louis Mills Boulevard with the condition they must provide documentation showing \$50,000 of non-alcoholic sales receipts within 90 days of issuance of the license. The motion passed unanimously.

COMMUNICATIONS

TRAFFIC CONCERNS ON NYFLOT AVENUE Discussions, relative to traffic concerns on Nyflot Avenue, were continued from October 7.

Mr. Zimmerman stated a letter expressing concerns with speeding and foot traffic on Nyflot Avenue was received from Rodney and Vanessa Davis, residents on Nyflot Avenue and they are present via Zoom to give a presentation.

Mr. Davis stated they are seeing an increase in traffic on Nyflot. He stated trucks that should not be on Nyflot are using it frequently and vehicles speeding on the street is an issues. Mr. Davis suggested installing speed bumps to slow the traffic down. Mr. Davis stated when the radar trailer was on their street they noticed a decline in the amount of

vehicles speeding. Mr. Davis also stated people are dumping trash on their street and it is getting increasingly worse. Mrs. Davis stated they have been residents for 22 years and they want to protect their investment. Mr. and Mrs. Davis showed a video of the debris on street.

Mr. Todd moved, seconded by Mr. Taylor, to approve a traffic study on Nyflot Avenue. The motion passed by a vote of eight in favor and one opposed, with Mr. Aubuchon casting the dissenting vote.

EWGCG BRIEFINGS	The October 1 issue of Briefings was received from the East-West Gateway Council of Governments.
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NCI APPRECIATION	A letter of appreciation for the City's support and sponsorship of the 42nd Annual Leadership Breakfast was received from North County Inc.
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EWGCG BRIEFINGS	The October 8 issue of Briefings was received from the East-West Gateway Council of Governments.
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REQUEST FOR LETTER OF SUPPORT FOR LOW INCOME HOUSING TAX CREDITS	A request for a letter of support for their application for Low Income Housing Tax Credits for a proposed senior apartment development at 3746 Dunn Road was received from Elm Ridge Senior, LP.
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Mr. Zimmerman stated the Council received a similar request, approximately a year ago, from Elm Ridge Senior, LP to get a letter of support for the Low Income Housing Tax Credit Program. The City Council did support the project but Elm Ridge Senior, LP did not receive the tax credits. Elm Ridge, LP is applying for the same tax credits for the 2020 State program. They are seeking to increase the size of the project from 32 units to 50 units.

Elm Ridge Developer Kevin Buchek introduced himself and his partner Mike Duffy. Mr. Buchek explained the project and gave a PowerPoint presentation.

Mrs. Hendon moved, seconded by Mr. Todd, to send a letter of support for Elm Ridge Senior, LP proposed low-income senior apartment project at 3746 Dunn Road. The motion passed by a vote of eight in favor and one opposed, with Mr. Herin casting the dissenting vote.

SUBDIVISION PETITION 4754 AUBUCHON RD.	A petition for subdivision of 4754 Aubuchon Road from one lot into two lots was received from NP Hazelwood Land Holdings, LLC.
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REZONING PETITION 3746 DUNN ROAD	A petition for change of zoning at 3746 Dunn Road from R-6 Multiple Dwelling District to Planned District, Residential was received from Elm Ridge, LP.
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Mrs. Stroker moved, seconded by Mr. Taylor, to refer the petitions 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 AGENDA ITEMS	No items were added to the November 10 Council work session agenda.
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BOARD/COMMISSION APPOINTMENTS	No appointments or reappointments were made to the City's boards and commissions.
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FIRE SERVICE SURVEY	Assistant City Manager-Economic Development Becky Ahlvin reported the results from the fire service survey.
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Mrs. Ahlvin stated the survey was distributed by mail to all eligible Hazelwood voters in the Robertson Fire Protection District service area. Surveys were also mailed to 10% of Hazelwood voters in the Hazelwood Fire Department service area and Florissant Valley Fire Protection District service area, selected randomly. A link to the online survey was available on the City's website and promoted to residents in the newsletter and the City's Facebook page. Mrs. Ahlvin stated the results show more support for the citizens' initiative where citizens would have to vote on an intergovernmental agreement. However, the majority of support for that came from the Hazelwood Fire Department service area. Mrs. Ahlvin stated there is a large amount of undecided responses. There was only a 13% response rate.

CITY MANAGER'S REPORT

2021 EMPLOYEE HEALTH, DENTAL, VISION, LIFE & LONG-TERM DISABILITY (VBA) INSURANCE	Mr. Zimmerman reported staff recommends purchasing employee health and dental insurance from United Healthcare, vision insurance from Vision Benefits of America and long-term disability insurance from The Hartford for the 2021 calendar year.
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Mr. Zimmerman stated United Healthcare presented the City with a renewal of a 3% increase in overall premium. Dental insurance is provided by United Healthcare and there will be a 5% increase in dental coverage rates, with a two year guarantee. Mr. Zimmerman stated life insurance and long-term disability are at the end of a two-year guarantee and there will be no increase in those rates. VBA is entering the second year of a two-year guarantee and there will be no increase in that rate.

Mr. Todd moved, seconded by Mrs. Hendon, to concur with the staff recommendation to purchase health and dental insurance from United Healthcare. The motion passed unanimously.

Mr. Taylor moved, seconded by Mr. Todd, to concur with the staff recommendation to purchase vision insurance from VBA. The motion passed unanimously.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to purchase life insurance and long-term disability insurance from The Hartford. The motion passed unanimously.

AMEND BUSINESS LICENSE REGULATIONS RE: HOTELS	Mr. Zimmerman reported staff recommends amending Chapter 607 of Title VI by retitling the chapter and enacting several new provisions relating to regulation of hotels, motels and lodging places.
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Mr. Zimmerman stated pursuant to the issues recently raised by the City Council, a bill has been prepared establishing regulations for hotel business licenses. They are similar to the Special Land Use Permit requirements the City has established for new hotels or hotels that change name or ownership. Mr. Zimmerman stated the proposed ordinance would require all hotels located in the City to meet certain conditions in order to receive their business license. Hotels that do not comply would be subject to non-renewal of their license or license revocation by the Finance Director. Hotels without a valid business license would not be permitted to operate. Mr. Zimmerman stated the proposed ordinance wouldn't take effect until March 2021. This would provide enough time for all Hazelwood hotels to plan for, fund and install required improvements. This proposed ordinance, if adopted, provides the City with a tool to ensure all hotels in the City meet the minimum standards expected by the community. The Council was provided with the most recent hotel/motel Special Land Use Permits report.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to amend Chapter 607 of Title VI by retitling the chapter and enacting several new provisions relating to regulation of hotels, motels and lodging places 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.

2020 FISCAL YEAR FINAL BUDGET REPORT	Mr. Zimmerman provided a final budget report for 2019-2020 fiscal year to the Council.
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Mr. Zimmerman stated the Economic Development Fund ended the year with a surplus of \$1.1 million versus a budgeted deficit of \$1.6 million. Revenues were \$228,000 over budget and the main cause of that was because of Buse's repayment of \$300,000 for their economic development loan. Sales taxes were \$181,000 over budget and expenses were \$2.5 million under budget. Mr. Zimmerman stated several loans were not issued and infrastructure improvements were not started or were less than

budgeted. Economic Development revenues were \$457,000 higher than estimated, due to sales tax not being as low as forecasted.

Mr. Zimmerman stated the Capital Improvement Fund ended the year with a surplus of \$28,000 versus the \$538,000 deficit that was budgeted. Revenues were \$1.18 million below budget due to the City not issuing bonds to provide a third fire station in the Robertson service area. Mr. Zimmerman stated expenses were \$1.75 million under budget, due to not building the aforementioned third fire station. The Capital Improvement Fund ended the 2020 fiscal year with cash reserves at \$787,931.

The General Fund ended the year with a deficit of \$606,488, which is much better than the budgeted \$3.1 million. Revenues were \$634,000 over budget, mostly due to miscellaneous revenue being over \$400,000 over budget. Mr. Zimmerman stated sales and property taxes were also over budget. Park and recreation fees were significantly under budget due to the pandemic closing facilities and programs. Expenses were \$1.8 million under budget, as a result of the City not filling positions due to attrition and because the City also placed employees on furlough for the last two months of the fiscal year. Mr. Zimmerman stated unencumbered cash went down by \$619,341.

Mr. Zimmerman stated staff is recommending the Council amend the 2020-2021 budget. Revenue projections increased by \$3.8 million, mostly due to property, sales and utility taxes being higher, as well as business license fees increasing. The City was also awarded \$1.7 in Coronavirus Aid, Relief, and Economic Security Act funding from St. Louis County. Staff and legal counsel also recommend the City include \$2 million payment to Robertson Fire Protection District based on the current agreement. Staff is also proposing several expenses be added back into the budget and they include: Hazelnuts, tuition reimbursement, replace fire equipment and restore the full budget for nuisance abatement services. Mr. Zimmerman stated he also proposes restoring the Sports Complex Supervisor, which is currently vacant, due to sport programs returning in the spring.

Mr. Aubuchon stated he doesn't want to rush into restoring things too quickly and have to cut them again.

Mrs. Hendon asked how it was determined to fund these programs/position.

Mr. Zimmerman replied it is highly likely there will be a need to keep funding the fire services in the Robertson fire service area and it should be put back in the budget. He stated he also looked at one-time expenses (fire equipment, Hazelnuts, tuition reimbursement) which are easy to cut from the budget.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

**COMMISSION AND
BOARD REPORTS**

Mrs. Stroker moved, seconded by Mr. Taylor, to receive and file the minutes of the August 13 and September 10 City Plan Commission meetings. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

AMEND CHAPTER 607 RE: HOTEL/MOTEL REGULATIONS Mayor Robinson called for the first reading of a bill to amend Chapter 607 of Title VI by retitling the chapter and enacting several new provisions relating to the regulation of hotels, motels and lodging places.

There were no objections and Bill 4902 was read by title only:

AN ORDINANCE AMENDING CHAPTER 607 OF TITLE VI OF THE MUNICIPAL CODE BY RETITLING SUCH CHAPTER AND ENACTING SEVERAL NEW PROVISIONS RELATING TO THE REGULATION OF HOTELS, MOTELS AND LODGING PLACES.

Bill 4902 will be on the agenda for second reading on November 4.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4889 AMEND DEVELOPMENT AGREEMENT The second reading of Bill 4889, to approve a Third Amendment to the Master Development Agreement with Big Sports Properties for redevelopment of the St. Louis Outlet Mall, was postponed.

BILL 4898 SLUP 5651 PHANTOM DRIVE Mayor Robinson called for the second reading of Bill 4898 to grant a Special Land Use Permit for vehicle auto sales and vehicle storage at 5651 Phantom Drive.

There were no objections and Bill 4898 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO CARVANA, LLC FOR VEHICLE AUTO SALES AND VEHICLE STORAGE AT 5651 PHANTOM DRIVE AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Bill 4898 as an ordinance. The following vote was recorded on the motion:

AYE - 9
Mrs. Stroker

NAY - 0

Mr. Aubuchon
Mr. Ryan
Mr. Herin
Mayor Robinson
Mr. Todd
Mr. Taylor
Mrs. Hendon
Mrs. Singleton

Bill 4898 was unanimously adopted as Ordinance 4782-20.

BILL 4899
SLUP EXPANSION
7323 N. LINDBERGH

Mayor Robinson called for the second reading of Bill 4899 to grant a Special Land Use Permit Expansion for a vehicle service station, convenience store, and vehicle wash facility at 7323 North Lindbergh Boulevard to include demolishing existing vehicle wash facility and constructing a new vehicle wash facility.

There were no objections and Bill 4899 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4748-20 BY GRANTING AN EXPANSION OF THE SPECIAL LAND USE PERMIT ISSUED TO HAZELWOOD 67 INC., D/B/A HAZELWOOD PHILLIPS 66, FOR A VEHICLE SERVICE STATION, CONVENIENCE STORE, AND VEHICLE WASH FACILITY AT 7323 NORTH LINDBERGH BOULEVARD, TO INCLUDE DEMOLISHING EXISTING VEHICLE WASH FACILITY AND CONSTRUCTING A NEW VEHICLE WASH FACILITY, AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Mrs. Stroker moved, seconded by Mr. Aubuchon, the adoption of Bill 4899 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	

Bill 4899 was unanimously adopted as Ordinance 4783-20.

BILL 4900
BOND ISSUANCE
NP HAZELWOOD

Mayor Robinson called for the second reading of Bill 4900 to authorize the issuance of taxable revenue bonds for development of NP Hazelwood, Building I.

Mr. O'Keefe noted a scrivener's error in the document and the numeral 1 is being replaced by the roman numeral I.

Mrs. Hendon moved, seconded by Mr. Taylor, to amend Bill 4900 by the text of Bill 4900.1. The motion passed unanimously.

There were no objections and Bill 4900, as amended, was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (NP HAZELWOOD 370 BUILDING I, LLC PROJECT), SERIES 2020, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, 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.

Mrs. Hendon moved, seconded by Mr. Todd, the adoption of Bill 4900, as amended, as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 4900, as amended, was unanimously adopted as Ordinance 4784-20.

BILL 4901
BOND ISSUANCE
NP HAZELWOOD

Mayor Robinson called for the second reading of Bill 4900 to authorize the issuance of taxable revenue bonds for development of NP Hazelwood, Building 5.

There were no objections and Bill 4901 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (NP HAZELWOOD 370 BUILDING 5, LLC PROJECT), SERIES 2020, IN A PRINCIPAL AMOUNT NOT TO EXCEED

\$26,000,000, 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.

Mrs. Hendon moved, seconded by Mr. Herin, the adoption of Bill 4901 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	

Bill 4901 was unanimously adopted as Ordinance 4785-20.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, November 4, 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 9:27 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri