

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
NOVEMBER 4, 2020**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:32 p.m. on Wednesday, November 4, 2020, 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:

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

City Clerk Julie Lowery declared a quorum was present.

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

AGENDA

Mr. Todd moved, seconded by Ms. Hendon, to amend the agenda by adding the Special Land Use Permit City Plan Commission referrals from Growing MO Jobs, LLC and TC AppliCo, LLC as items 9.52 and 9.53 respectively. The motion passed unanimously.

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

CONSENT AGENDA

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

AYE - 9

NAY - 0

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

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

SPECIAL ORDER OF BUSINESS - None

PROCLAMATIONS AND RESOLUTIONS - None

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

SLUP
7008 N. HANLEY ROAD Mayor Robinson called to order the public hearing to consider the petition by Y & Y Grill LLC, d/b/a Sizzlin Grill, for an expansion of their Special Land Use Permit (SLUP) for a fast food restaurant at 7008 North Hanley Road to include a new drive-thru window.

Mr. Zimmerman stated Y & Y Grill, LLC is proposing to expand their SLUP by adding a new pick-up window. The City Plan Commission expressed concerns with access to the drive-thru and if there would be enough room. Y & Y Grill acquired the property immediately to the south to ensure there would be enough room for parking, as well as drive-thru traffic. Mr. Zimmerman stated staff is recommending that the SLUP be granted subject to the conditions that directional signs be provided to guide vehicles around the site and that two-way traffic lanes be striped on the north side of the building and that the drive-thru lane for the pick-up window be striped.

Engineer Matt Wolfe, representing Y & Y Grill, stated initially the proposed drive-thru was on the Hanley Road side of the building and it was turned down because of parking issues. The drive-thru plan has been revised and is being proposed on the opposite side of the parking lot. The proposed pick-up window is for orders that have been made ahead of time. Mr. Wolfe stated the parking plan has been reconfigured so drive-thru traffic would not interfere with the handicap parking spaces.

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 to the City Council of the petition for a Special Land Use Permit Expansion located at 7008 North Hanley, Ward 6, with the following conditions that directional signage be provided to guide vehicles around the site and that two-way traffic lanes be striped on the north side of the building and the drive-thru lane of the pick-up window be striped." She stated the motion passed unanimously.

Mr. Taylor moved, seconded by Mr. Aubuchon, to concur with the City Plan Commission recommendation to grant the expansion of the Special Land Use Permit for a fast food restaurant at 7008 North Hanley Road to include a new drive-thru window 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.

SLUP
7800 N. LINDBERGH

Mayor Robinson called to order the public hearing to consider a petition by Panda Express, Inc., for a Special Land Use Permit for a fast food restaurant at 7800 North Lindbergh Boulevard.

City Planner Kate Crimmins reported the site is located in a C-3 Highway Commercial District. The site is the former Auto Stop Car Dealer and the uses surrounding the site are a vacant restaurant building, Chez Paree apartments and a Midas auto repair shop. The proposed fast food restaurant will contain 40 indoor seats no outside seating. The parking plan meets the parking requirements. The proposed hours of operation are 10:30 a.m. to 9 p.m. Sunday through Thursday and 10:30 a.m. through 9:30 p.m. on Friday and Saturday. Mrs. Crimmins stated vehicles entering the restaurant property from northbound Lindbergh Boulevard will make a right turn into a new right turn only lane directly into the property. Vehicles entering the property from southbound Lindbergh Boulevard will make a left turn at the traffic signal onto Chez Paree Drive. Mrs. Crimmins stated due to the small size of the site, traffic on the southwest side of the building, the drive-thru lane, will be one-way. The proposed use is consistent with the Comprehensive Plan.

Civil Engineer Brandon Harp, representing Panda Express, gave a presentation and showed pictures of the building elevations. Mr. Harp stated they are working with Missouri Department of Transportation (MoDOT) on the entrance from North Lindbergh Boulevard.

Mr. Todd asked if the entrance off North Lindbergh would be a right in only entrance.

Mr. Harp responded affirmatively.

Mrs. Lowery read a letter from May Chu, owner of China Peace restaurant, expressing opposition to the proposed Panda Express restaurant being built.

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 to the City Council of the petition for Special Land Use Permit located at 7800 North Lindbergh Boulevard, Ward 5." She stated the motion passed unanimously.

Mr. Todd moved, seconded by Ms. Singleton, to concur with the City Plan Commission recommendation to grant a Special Land Use Permit for a fast food restaurant at 7800 North Lindbergh Boulevard 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.

SLUP
8660 PERSHALL ROAD Mayor Robinson called to order the public hearing to consider the petition by Ameren Missouri Corporation for a Special Land Use Permit for a public utility facility at 8660 Pershall Road.

Mrs. Crimmins reported Ameren is proposing a new substation on a currently vacant lot. The substation will be surrounded by a 7-foot chain link fence with a barbed wired top. Ameren is currently in the process of seeking a landscaping variance from the Board of Adjustment.

Mr. Taylor asked if there are any landscape plans.

Mrs. Crimmins replied the landscape plan will be presented at Board of Adjustment Meeting on November 9.

Mr. O'Keefe stated that the first reading of this bill would take place after the Board of Adjustment meeting.

Ms. Singleton asked if there were trees that work better around electrical equipment.

Ameren representative Brandon Nickel stated he is working toward having a presentation that will more clearly define what Ameren is proposing for the landscaping at the November 9 Board of Adjustment meeting. He stated Ameren is not proposing to plant trees or bushes immediately around the substation. However, Mr. Nickel stated they are proposing trees, not immediately adjacent to the substation, that would provide a visual barrier from Hanley Road.

Mr. Taylor asked if there were any plans to plant along Pershall Road

Mr. Nickel replied due to the size of the substation and the proximity of Pershall Road and after the MoDOT expansion, which is planned to start next year, there is not going to be enough room between the substation facility and Pershall Road for any plantings.

Mr. Taylor expressed concerns about Pershall Road becoming a one-way road and the visual appearance of the substation.

Mr. Nickel gave a PowerPoint presentation on the history of electric throughout the St. Louis area and today's need for improved infrastructure.

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

Anil Gopal, owner of the Days Inn hotel, expressed concerns with his property being buffered from this facility and concerns with the overgrown grass.

Mr. Nickel apologized and stated they started clearing the overgrowth.

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 to the City Council of the petition for Special Land Use Permit located at 8660 Pershall Road, Ward 5.” She stated the motion passed unanimously.

Mr. Todd moved, seconded by Mr. Taylor, to table the petition until the next Council meeting to allow Ameren to present a new landscape plan to the Board of Adjustment on November 9.

SLUP 6101 N. LINDBERGH	Mayor Robinson called to order the public hearing to consider the petition received from Next Gen Liquid Wraps, LLC for a Special Land Use Permit for a vehicle service and repair facility and vehicle painting at 6101 North Lindbergh Boulevard.
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Mrs. Crimmins reported the property is in a C-2 General Commercial District. Mrs. Crimmins explained Next Gen’s previously approved Special Land Use Permit (SLUP) lapsed because the property was not brought into compliance. Mrs. Crimmins noted vehicle spraying is classified as vehicle painting because it requires a paint booth. The petitioner is committed to receiving his SLUP and all required permits.

Dexter Chambers, owner of Next Gen Liquid Wraps, LLC, stated he has brought the property into compliance and his business is ready to operate. Mr. Chambers stated he is looking forward to growing his business in Hazelwood.

Mr. Aubuchon asked if there were proper trash enclosures on the property.

Mr. Chambers responded they have trash dumpsters in a designated area but they are not enclosed.

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 to the City Council of the petition for Special Land Use Permit for vehicle service and repair and vehicle painting located at 6101 North Lindbergh Boulevard with the following conditions:

- a) Vehicles being repaired cannot remain on the property for more than a 30-day period.

- b) Vehicles must be parked in a designated parking space that must be striped and site plan must be presented showing striping that meets code.
- c) Vehicles without current license plates cannot be parked at site.
- d) Tires or vehicle parts or inventory for the vehicle service and repair facility cannot be stored and no vehicle repairs or maintenance work can be performed or goods delivered to customers at any location on the exterior of the premise.”

She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit to Next Gen Liquid Wraps, LLC, for a vehicle service and repair facility and vehicle painting at 6101 North Lindbergh Boulevard 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.c.

COMMUNICATIONS

EWGCG BRIEFINGS	The October 15 issue of Briefings was received from the East-West Gateway Council of Governments.
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EWGCG BRIEFINGS	The October 22 issue of Briefings was received from the East-West Gateway Council of Governments.
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SLUP PETITION 11879 MO BOTTOM RD.	A petition for a Special Land Use Permit for outdoor storage at 11879 Missouri Bottom Road from Rock Solid Creations, LLC.
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SLUP PETITION 6850 HAZELWOOD AVE.	A petition for a Special Land Use Permit for a medical marijuana cultivation facility at 6850 Hazelwood Avenue from Growing Jobs Missouri, LLC.
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SLUP PETITION 6850 HAZELWOOD AVE.	A petition for a Special Land Use Permit for a medical marijuana cultivation facility at 6850 Hazelwood Avenue from TC AppliCo, LLC.
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Mr. Aubuchon moved, seconded by Mr. Ryan, 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	After discussion Mr. Aubuchon moved, seconded by Mr. Taylor, to cancel the November 10 Council work session. The motion passed unanimously.
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CITY MANAGER'S REPORT

CONTRACT SECURITY FENCE

Mr. Zimmerman reported staff recommends authorizing a contract with Kennedy Fence Company for the 2020 City Hall/Police Station Security Fence project at a cost not to exceed \$59,800.

Mr. Zimmerman stated City Hall and the Police Station do not have adequate security to the outside of the building. The Capital Improvement Fund budget did not include money for the fence. However, staff believes additional security is warranted and is requesting permission to use excess funds in the Capital Improvement Fund.

Public Works Director David Stewart stated four bids were received for the security fence project and low bidder was Kennedy Fence Company of Berkeley, Missouri.

Ms. Hendon asked if there were funds available to do this project.

Mr. Zimmerman responded affirmatively and stated the Capital Improvement Fund started the fiscal year with an additional \$640,000.

Ms. Hendon asked if there were issues at City Hall that warranted the fence.

Mr. Zimmerman replied there have not been any specific events, but surrounding communities have had issues.

Mr. Todd moved, seconded by Mr. Ryan, to concur with the staff recommendation to authorize a contract with Kennedy Fence Company for the 2020 City Hall/Police Station Security Fence project at a cost not to exceed \$59,800 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.d.

AMEND 2020-2021 F.Y. BUDGET

Mr. Zimmerman reported staff recommends amending the 2020-2021 fiscal year budget.

Mr. Zimmerman stated the following adjustments are being proposed:

- \$38,000 increase to the Police Department budget for tuition reimbursement
- \$14,000 increase to the Fire Department budget to equip new firefighters
- Fire District fees budget will increase by approximately \$2 million to recognize payments to the Robertson Fire Protection District for the second half of the fiscal year
- Public Works Administration budget will increase by \$8,000 for tuition reimbursement and \$5,000 to increase nuisance abatement
- Parks and Recreation budget will increase by \$34,721 to add a Sports Complex Superintendent for one-half of the fiscal year and \$3,450 to fund Hazelnuts.

Mr. Zimmerman stated the budget was prepared during a period in which it was uncertain of the impact COVID-19 would have on the budget. Steps were taken to acknowledge the impact and many revenue areas were cut. Mr. Zimmerman stated revenue was not effected as much as expected. The City applied for the Municipal Relief Program stimulus grant, which should bring in an additional \$1.7 million.

Mr. Aubuchon stated the Hazelnuts do not have a place to meet.

Mr. Zimmerman replied that he has spoken with the chairperson of Hazelnuts and if the Hazelnuts are comfortable they can meet at the Community Center or Civic Center East. The chairperson indicated that she would bring it up at the next meeting.

Mr. Todd moved, seconded by Mr. Aubuchon, to concur with the staff recommendation to amend the 2020-2021 fiscal year budget 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.e.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT

APRIL 6, 2021 ELECTION CANDIDACY FILING	Mrs. Lowery announced filing for the April 6, 2021 election will open on December 15, 2020 at 8:00 a.m. and close on January 19, 2021 at 5:00 p.m.
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Petitions for three year terms for Mayor can be picked up from the City Clerk's office during regular business hours. Candidates must be 21 years of age, a registered voter, and have lived in the City of Hazelwood for at least two years immediately prior to the election.

COMMISSION AND BOARD REPORTS	Mr. Aubuchon moved, seconded by Mr. Ryan, to receive and file the minutes of the August 11 and September 8 Community Enrichment Commission meetings and the September 28 Historic Preservation Commission meeting. The motion passed unanimously.
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REPORT & SCHEDULE OF COMPENSATION	Chairman of the Compensation Commission Marty Opfer was not present.
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Mrs. Lowery stated the Council has been provided with the minutes of the September 21 Compensation Commission meeting and, as provided in the Charter, a Report of the Commission and Schedule of Compensation which have been filed in the office of the City Clerk. This process gives notice of that filing. The schedule shall apply effective December 1 unless disapproved by a resolution approved by two-thirds majority vote of the Council before that time.

Mr. Todd moved, seconded by Mr. Taylor, to acknowledge receipt of the minutes of September 21, 2020 Compensation Commission meeting and the November 4, 2020 Report of the Commission and Schedule of Compensation as filed in the City Clerk's office. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP 7008 NORTH HANLEY	Mayor Robinson called for the first reading of a bill to grant an expansion of the Special Land Use Permit for a fast food restaurant at 7008 North Hanley Road, to include a new drive-thru window.
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There were no objections and Bill 4903 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4711-19 BY GRANTING AN EXPANSION OF THE SPECIAL LAND USE PERMIT ISSUED TO Y & Y GRILL LLC, D/B/A SIZZLIN GRILL, FOR A FAST FOOD RESTAURANT AT 7008 NORTH HANLEY ROAD, TO INCLUDE A NEW DRIVE-THRU WINDOW, AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Bill 4903 will be on the agenda for second reading on November 18.

SLUP 7008 NORTH HANLEY	Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a fast food restaurant at 7800 North Lindbergh Boulevard.
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There were no objections and Bill 4904 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO PANDA EXPRESS, INC., FOR A FAST FOOD RESTAURANT AT 7800 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4904 will be on the agenda for second reading on November 18.

SLUP 6101 N. LINDBERGH	Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit to Next Gen Liquid Wraps, LLC for a vehicle service and repair facility and vehicle painting.
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There were no objections and Bill 4905 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO NEXT GEN LIQUID WRAPS, LLC FOR A VEHICLE SERVICE AND

REPAIR FACILITY AND VEHICLE PAINTING AT 6101 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4905 will be on the agenda for second reading on November 18.

CONTRACT SECURITY FENCE	Mayor Robinson called for the first reading of a bill to authorize a contract with Kennedy Fence Corporation for the 2020 City Hall/Police Station Security Fence project.
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There were no objections and Bill 4906 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH KENNEDY FENCE CORPORATION FOR THE CITY HALL SECURITY FENCE PROJECT AT A COST NOT TO EXCEED FIFTY-NINE THOUSAND EIGHT HUNDRED DOLLARS (\$59,800).

Bill 4906 will be on the agenda for second reading on November 18.

AMEND F.Y. 20-21 BUDGET	Mayor Robinson called for the first reading of a bill to amend the 2020-2021 fiscal year budget.
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There were no objections and Bill 4907 was read by title only:

AN ORDINANCE AMENDING THE 2020-21 FISCAL YEAR BUDGET AND APPROPRIATING THE SUMS CONTAINED THEREIN FOR THE PURPOSES AND OBJECTS THEREIN.

Bill 4907 will be on the agenda for second reading on November 18.

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.
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BILL 4902 AMEND CHAPTER 607 RE: HOTEL/MOTEL REGULATIONS	Mayor Robinson called for the second reading of Bill 4902 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.
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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.

Mr. Aubuchon moved, seconded by Mr. Todd, the adoption of Bill 4902 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 4902 was unanimously adopted as Ordinance 4786-20.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

VETERANS DAY Mayor Robinson announced City Hall will be closed on November 11 in observance of Veterans Day.

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, November 18, 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 9:04 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri