CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
NOVEMBER 18, 2020

CALL TO ORDER A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:31 p.m. on Wednesday, November 18, 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 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 Mrs. Hendon, the adoption of the consent agenda as printed. 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), was adopted.

APPROVAL OF MINUTES — Mr. Taylor moved, seconded by Mrs. Hendon, to approve the minutes of the November 4 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 - None

COMMUNICATIONS

EWGCG BRIEFINGS — The October 29 issue of Briefings was received from the East-West Gateway Council of Governments.

EWGCG 2021 BUDGET	The East-West Gateway Council of Governments' proposed 2021 budget was received.
POWERPLEX CID ANNUAL REPORT	The Hazelwood POWERplex Community Improvement District annual report was received from Husch Blackwell.
EWGCG BRIEFINGS	The November 5 issue of Briefings was received from the East-West Gateway Council of Governments.
CHARTER COMMUNICATIONS	A notice that customer bill statement dates and payment due dates will be changing was received from Charter Communications.
CHARTER COMMUNICATIONS	A notice of various programming migrations, transitions and rebrands was received from Charter Communications.
VILLAGE SQUARE CID ANNUAL REPORT	The Village Square Community Improvement District annual report was received from Lewis Rice.
EWGCG BRIEFINGS	The November 12 issue of Briefings was received from the East-West Gateway Council of Governments.

Mr. Taylor moved, seconded by Mrs. Hendon, to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS

SLUP PETITION 8660 PERSHALL ROAD	Discussion to consider the petition by Ameren Missouri Corporation for a Special Land Use Permit for a public utility facility at 8660 Pershall Road was continued from the November 4 Council meeting.

Mr. Zimmerman stated the Council tabled consideration of first reading after closing the public hearing due to concerns about the pending case before the Board of Adjustment, which Ameren was seeking a variance to waive all landscape requirements. Staff has met with Ameren to discuss screening the property around the substation and to install some level of landscaping on the site. Mr. Zimmerman stated Ameren has tentatively agreed to install a fence around the substation, which would screen the ground level. Staff has requested that four to six-foot-tall trees be planted surrounding the east, south and west sides of the substation at 25-foot intervals. This would not fully screen the fence but would mitigate the aesthetic impact of the fence and equipment. In addition, the six-foot trees would not cause a risk for Ameren of growing and falling into the substation. Mr. Zimmerman stated it has been verified that the Missouri Department of Transportation (MoDOT) has not completed design plans for Pershall Road, east of Hanley Road, and it is unknown how much land would be available for landscaping abutting the north property line. Staff has recommended four to six foot ornamental grasses be planted after MoDOT completes the Pershall project near the intersection, which is expected to provide significant screening from Pershall Road and Highway 270. Mr. Zimmerman stated the Board of Adjustment met on November 9 and granted an approval of a waiver to the minimum landscaping requirements, subject to approval of staff approved plans. Ameren is researching cost feasibility of staff's recommendation, but will require more time to complete their review. In order to stay on Ameren's construction schedule, staff is recommending placing the draft bill on the agenda for introduction.

Mr. Todd moved, seconded by Mr. Taylor, to concur with the staff recommendation 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.

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS — No items were added to the January 13 Council work session agenda.

HCC CID APPOINTMENT — Mayor Robinson nominated Wakeel Rahman for appointment to the Hazelwood Commerce Center Community Improvement District Board of Directors as successor director with a term expiring April 18, 2021.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to approve the appointment of Wakeel Rahman as successor director on the Hazelwood Commerce Center Community Improvement District Board of Directors with a term expiring April 18, 2021. The motion passed unanimously.

RFPD FIRE SERVICES UPDATE — Mr. O'Keefe stated conversations continue with the arbitrator Judge Pribel and representatives from the Robertson Fire Protection District (RFPD).

Mr. O'Keefe stated there have been no substantial changes in the circumstances between the City and the RFPD. Mr. O'Keefe stated the St. Louis County Election Board was able to track the number of votes cast in the RFPD service area. The RFPD is pursuing a petition for annexation and it requires that the signatures of 25% of voters who voted in the last gubernatorial election must be obtained to place the issue on the ballot. Mr. O'Keefe stated RFPD collected approximately 700 signatures, where 515 signatures are required. The next step would be for RFPD to get the signatures verified by the Board of Elections to place the annexation measure on the ballot in April 2021.

CITY MANAGER'S REPORT

TRAFFIC STUDY — Mr. Zimmerman reported on concerns regarding traffic, trash

NYFLOT AVENUE — and property maintenance on Nyflot Avenue expressed at the October 21 Council meeting by Rodney and Vanessa Davis.

Mr. Zimmerman stated staff made MoDOT aware of the trash problem and MoDOT stated they will include the underpass area in their regular maintenance schedule since the Interstate-170 underpass is MoDOT right-of-way. Additionally, MoDOT promptly came out and cleaned the underpass. In regards to traffic concerns, the Police Department conducted a traffic speed study the week of October 5. A total of 1,332 vehicles traveled on Nyflot Avenue during the five-day period, for an average of 266 vehicles per day. A total of 391 vehicles were traveling more than 10 miles per hour over the 25 miles per hour posted speed limit. However, vehicles on Interstate-170 may have accidently been included in the speed study. An additional study was conducted the week of November 4, where a total of 505 vehicles were traveling on Nyflot avenue during a six-day period. Of these 505 vehicles, 172 were traveling over 10 miles per hour of the posted speed limit. Mr. Zimmerman stated more vehicles are accessing Nyflot Avenue and traveling at a higher rate of speed, but not excessively so. Public Works Director/City Engineer David Stewart completed an engineering study and does not recommend speed bumps for Nyflot Avenue due to relatively low amount of traffic, negative impact on emergency vehicles and snowplows, and increased costs for installation and maintenance. Mr. Zimmerman stated there will be increased traffic enforcement on Nyflot Avenue and staff will continue to monitor and work with MoDOT on trash issues.

SPECIAL BOND ISSUANCE — Mr. Zimmerman reported staff recommends authorizing the issuance of taxable special obligation bonds to Big Sports Properties, LLC (BSP) for the POWERplex project.

Mr. Zimmerman stated the City and Big Sports Properties, LLC are parties to a Master Development Agreement concerning the POWERplex project. The agreement contemplates the City will provide BSP with a $5 million Economic Development Forgivable Loan and the proceeds of the loan will be used, along with other funds, to refinance the existing TDD bonds. The City must obtain its own financing to fund the economic development loan. Clayton Holdings, LLC, a subsidiary of Commerce Bank, is willing to purchase a Taxable Special Obligation Bond from the City and the City can use the proceeds from the bond sale to fund the economic development loan. Mr. Zimmerman stated the draft bill currently includes blanks in place of the interest rate and other numbers. Clayton Holdings, LLC is only willing to lock in an interest rate for 30 days. Closing is anticipated mid-to-late December, prior to second reading of the bill, and the interest rate will be locked and those blanks filled in.

Mark Spykerman of Gilmore & Bell, the City's bond counsel, was available for questions.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize issuance of taxable special obligation bonds to Big Sports Properties, LLC for the POWERplex project 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.

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 8660 PERSHALL ROAD	Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a public utility facility at 8660 Pershall Road.

There were no objections and Bill 4908 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO AMEREN MISSOURI CORPORATION FOR PUBLIC UTILITY FACILITY AT 8660 PERSHALL ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4908 will be on the agenda for second reading on December 2.

BOND ISSUANCE POWERPLEX	Mayor Robinson called for the first reading of a bill to authorize the issuance of taxable special obligation bonds for the POWERplex project.

AUTHORIZING THE ISSUANCE OF TAXABLE SPECIAL OBLIGATION BONDS, SERIES 2020, PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF, AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Bill 4909 will be on the agenda for second reading on December 2.

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 4903 SLUP EXPANSION 7008 N. HANLEY RD.	Mayor Robinson called for the second reading of Bill 4903 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.

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.

Mr. Taylor moved, seconded by Mrs. Hendon, the adoption of Bill 4903 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 4903 was unanimously adopted as Ordinance 4787-20.

BILL 4904 SLUP 7800 N. LINDBERGH	Mayor Robinson called for the second reading of Bill 4904 to grant a Special Land Use Permit for a fast food restaurant at 7800 North Lindbergh Boulevard.

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.

Mr. Todd moved, seconded by Mr. Ryan, the adoption of Bill 4904 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 4904 was unanimously adopted as Ordinance 4788-20.

BILL 4905 SLUP 6101 N. LINDBERGH	Mayor Robinson called for the second reading of Bill 4905 to grant a Special Land Use Permit for a vehicle service and repair facility and vehicle painting at 6101 North Lindbergh Boulevard.

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.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4905 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 4905 was unanimously adopted as Ordinance 4789-20.

BILL 4906 CONTRACT SECURITY FENCE PROJECT	Mayor Robinson called for the second reading of Bill 4906 to authorize a contract with Kennedy Fence Corporation for the City Hall Security Fence Project at a cost not to exceed $59,800.

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).

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Bill 4906 as an ordinance. The following vote was recorded on the motion:

AYE - 8	NAY - 1
Mr. Aubuchon	Mayor Robinson
Mr. Ryan	
Mr. Herin	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	

Bill 4906 was adopted as Ordinance 4790-20 by a vote of eight in favor and one opposed, with Mayor Robinson casting the dissenting vote.

BILL 4907
AMEND 20-21 BUDGET — Mayor Robinson called for the second reading of Bill 4907 to amend the 2020-2021 fiscal year budget.

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.

Mrs. Singleton moved, seconded by Mr. Taylor, the adoption of Bill 4907 as an ordinance. The following vote was recorded on the motion:

AYE - 8	NAY - 1
Mr. Aubuchon	Mayor Robinson
Mr. Ryan	
Mr. Herin	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	

Bill 4907 was adopted as Ordinance 4791-20 by a vote of eight in favor and one opposed, with Mayor Robinson casting the dissenting vote.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

THANKSGIVING — Mayor Robinson announced City Hall will be closed on November 26 and November 27 for the Thanksgiving holiday.

COUNCIL MEETING — Mayor Robinson announced the next regular Council meeting will be held Wednesday, December 2, 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 8:06 p.m.

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Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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Julie Lowery - City Clerk
City of Hazelwood, Missouri