

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
APRIL 6, 2022**

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, April 6, 2022 in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

Mayor Robinson asked those present to join in a moment of silent meditation followed by the Pledge of Allegiance.

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
Lisa M. Matlock
Warren H. Taylor
Robert C. Smith
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.

AGENDA

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

CONSENT AGENDA

Mr. Taylor moved, seconded by Mr. Ryan, 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
Ms. Matlock
Mr. Taylor
Mr. Smith
Mrs. Singleton

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 proprietary matter in accordance with RSMo 610.021(15), was adopted.

**APPROVAL OF
MINUTES**

Mr. Taylor moved, seconded by Mr. Ryan, to approve the minutes of the March 16 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

**EMPLOYEE
INTRODUCTIONS**

Fire Chief Dave Herman introduced newly hired Firefighter/Paramedic John Parris.

Assistant City Manager-Finance Dave Tuberty introduced newly hired City Hall Receptionist Rosalyn Wooten. Public Works Director David Stewart introduced newly hired Code Enforcement Officer Bryan Harrell, part-time Code Enforcement Officer George Mudd, Permit Technician Rachel Fry, and Code Enforcement Officer Angie Pingel.

PROCLAMATIONS AND RESOLUTIONS

**TELECOMMUNICATOR
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating the week of April 10 through April 16 as National Telecommunicators week.

There were no objections and Proclamation 2205 was read.

Mr. Ryan moved, seconded by Mr. Aubuchon, the adoption of Proclamation 2205 designating the week of April 10 through April 16 as National Telecommunicators Week and to urge the citizens of Hazelwood to recognize the importance of these individuals whose diligence and professionalism keep our City and citizens safe. 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.

FIRE SERVICES

Robertson Fire Protection District (RFPD) Board of Directors Chairperson Joan Noel announced the RFPD Board is proposing a voluntary rollback of the residential tax rate for the City of Hazelwood, and its residents in the Robertson Fire Protection District.

Ms. Noel stated the City would pay less for emergency services for residents served by RFPD and that it is estimated the City would save approximately \$630,000 per year. Ms. Noel stated the rollback would result in one of the lowest residential tax rates in St. Louis County and is possible because the Missouri Bottom/370 TIF (tax increment financing) expired.

Mayor Robinson asked Ms. Noel about the Sunshine Law requests made to RFPD by the City and stated the City has not received any response from RFPD as of April 1.

Ms. Noel responded RFPD has been inundated with Sunshine Law requests from the City and the Citizens to Save Hazelwood and Fire Services group, and that their office is understaffed.

COUNCIL ELECTION Helena Smith of 2145 Riverwood Trails Drive stated thanked all the citizens who exercised their right to vote, especially those in Ward 7 who voted for her.

Ms. Smith stated Ward 7 citizens are concerned with the need for a stop sign at the intersection of Ville Rosa Lane and Ville Maura Lane and a streetlight at Ville Rosa Lane and Ville Donna Lane.

Lesli Henderson of 433 Coachway Lane congratulated all the candidates who won the election and those who ran for election.

John Zamudio of 4827 Orange Blossom Lane congratulated all candidates who won their elections. Mr. Zamudio stated bankruptcy should not be an option for Hazelwood. He stated all entities that collect taxes have a fiduciary responsibility to spend the taxpayer's money in a manner that is in the best interest of the citizens. Mr. Zamudio stated the citizens would like to extend their appreciation to the firefighters for all their hard work and dedication, but also extend appreciation to all employees of the City.

RFPD Wendy Wilson of 3980 Dunn Road stated she applied for the
ADMINISTRATIVE administrative assistant position RFPD had available and
ASSISTANT POSITION volunteered to work free of charge, but her offer was declined.

AMENDMENT TO Vienna Austin of 1652 Laurel Bluffs stated she was seeking
CITY CODE an update to her proposal for more inclusive language
in the City Code and an update on foreign language being
included on ballots.

Regarding the proposal for foreign language ballots to be made available, Ms. Austin stated that she would be working on this initiative with State Representative Paula Brown, as it would require an amendment to the Missouri Constitution.

In response to amending the code, Mayor Robinson stated a review would be taking place with staff with the City Attorney.

TIF QUESTION

Alan Orban of 1112 Woodcrest Lane asked if the TIF's prevented the financial hardship the City is currently experiencing.

Mayor Robinson stated staff would be giving a full report at the April 20 regular Council meeting.

AMENDING CITY CHARTER

Mayor Robinson stated that in January of 2022 Hazelwood Firefighters asked if they could be allowed to participate in City election processes.

Mrs. Lowery read two anonymous letters from employees that were not in favor of employees participating in the City's electoral processes.

After discussion, the Council agreed to conduct an anonymous survey to gauge employee's interest in amending the City Charter to allow participation in election processes. The results and further discussion will be held at the April 20 regular Council meeting.

CITY MANAGER'S STATUS REPORT

Mr. Zimmerman reported on concerns expressed at the March 16 regular Council meeting.

Mr. Zimmerman stated St. Louis County anticipates the bridge will be repaired and Aubuchon Road to be opened by the fall. In response to concerns regarding internet service in the Missouri Bottom area, Mr. Zimmerman stated it would be a challenge to extend service cost-effectively beyond the industrial park.

Regarding trash, abandoned buildings, and broken signage on buildings, Mr. Zimmerman stated the City does not have the staff to patrol and clean these areas and Code Enforcement attempts to note these buildings while attending to other inspections, but with the reduced staff and high employee turnover, this has not been a priority in recent months.

SLUP EXTENSION 623 DUNN ROAD

A request for an extension of the Special Land Use Permit deadlines to commence construction and full operation of Enterprise Leasing Company of STL, LLC at 623 Dunn Road.

City Planner Kate Crimmins stated that due to a lengthy closing process, an extension would be necessary to begin construction and operation.

Representative Randy Phillips was available for questions.

Mr. Aubuchon asked if six months would be enough time to get construction started.

Mr. Phillips responded affirmatively.

Mr. Aubuchon moved, seconded by Mr. Herin, to extend the Special Land Use Permit deadlines to commence construction and full operation of Enterprise Leasing Company of STL, LLC by six months 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.

PUBLIC HEARINGS

AMEND CH. 405 Mayor Robinson called to order the public hearing to consider
RE: DANCE HALLS & amending Chapter 405: Zoning Regulations relative to
NIGHT CLUBS dancing establishments and nightclubs.

Mrs. Crimmins stated staff believes that dancing establishments and nightclubs can cause a detrimental impact on the public health, safety, and property values, and it is staff's goal to prevent those negative impacts in Hazelwood. Staff proposes removing the currently listed "dance hall/night club" use and adding two separate categories: "night club" and "dancing establishment", and that these uses not be permitted in any zoning district.

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 to amend the Zoning Code definitions (Section 405.040: Definition of Terms) and amend Appendix A: Use Regulations to reflect that "night club" and "dance hall" uses are not permitted in any zoning district." She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the City Plan Commission recommendation to amend the Zoning Code definitions (Section 405.040: Definition of Terms) and amend Appendix A: Use Regulations to reflect that "night club" and "dance hall" uses are not permitted in any zoning district 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.

AMEND CH. 405 Mayor Robinson called to order the public hearing to consider
RE: PRIVATE STABLES amending Chapter 405: Zoning Regulations relative to
 private stables in residential zoning districts.

Mrs. Crimmins stated the City Plan Commission considered a Zoning Code text amendment that would permit private stables on residentially zoned lots with certain conditions. The Plan Commission recommended approval of this amendment. However, the resident who initially petitioned the Council for this amendment has requested a

change in the conditions for private stables. City Staff recommends that the Council refer the petition back to the City Plan Commission for further consideration.

Mr. O'Keefe explained, since the notice of the hearing was published and posted, citizens' comments on the proposal will be heard.

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.

Mr. Herin moved, seconded by Mr. Smith, to refer the petition back to the City Plan Commission for review of changes to the conditions. The motion passed unanimously.

SLUP PETITION	Mayor Robinson called to order the public hearing to consider
7401 N. LINDBERGH	a petition by Si Senor, LLC for Special Land Use Permit for a restaurant at 7401 North Lindbergh Boulevard.

Mrs. Crimmins stated the establishment was previously the location of Pueblo Nuevo Mexican Restaurant. The proposed restaurant would have indoor and outdoor dining. The proposed hours of operation are 11 a.m. to 10 p.m., Sunday through Thursday, and 11 a.m. until 10:30 p.m., Fridays and Saturdays. There would be 140 indoor seats and 38 seats on the patio. The petitioner is an experienced restaurant owner who operates a number of other restaurants, including the local chain Chimi's Mexican Restaurant. The petitioner is planning an outdoor patio addition, which would be situated between the two existing vehicular entrances off Elm Grove Lane. Once the patio is constructed, the west entrance will become a service entrance only, with access to rear loading docks and the trash enclosure, but not the parking lot. The eastern entrance will access the parking lot and become the customer entrance. The Building Official is requiring that bollards or an approved alternative shall be installed on the Lindbergh side of the patio to protect customers from errant vehicles.

Owner Jesus Casillas was present for questions.

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 for a restaurant at 7401 North Lindbergh Boulevard, 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 should 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. The owner/operator shall agree to make the recording data available to law enforcement upon request. Recordings shall be saved and able to be retrieved for a minimum of 30 days.
- 2) Bollards shall be installed on the Lindbergh side of the outdoor dining area. Another protective measure may be substituted for bollards at the discretion of the Building Official.
- 3) Planters or similar protective devices shall be installed immediately south of the patio to block traffic from accessing the drive aisle."

She stated the motion passed unanimously." She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mr. Smith, to concur with the City Plan Commission to grant the Special Land Use Permit for a restaurant at 7401 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

CID BUDGET F.Y. 2023	The Hazelwood Commerce Center Community Improvement District budget for fiscal year 2022-2023 was received from RJ Agee, Chair and Executive Director.
EWGCG BRIEFINGS	The March 17 issue of Briefings was received from the East-West Gateway Council of Governments.
CID PROPOSED BUDGET F.Y. 2023	Village Square Community Improvement District proposed budget and request for comments was received from Lewis Rice LLC.
SLUP PETITION 5957 HOWDERSHELL	A petition for a Special Land Use Permit for a fast food restaurant at 5957 Howdershell Road was received from KBP Brands, LLC d/b/a Quick Service Realco, LLC.
EWGCG BRIEFINGS	The March 24 issue of Briefings was received from the East-West Gateway Council of Governments.

POWERPLEX CID 2022/2023 BUDGET	The Hazelwood POWERplex Community Improvement District budget for fiscal year 2022/2023 was received from Husch Blackwell.
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Mr. Taylor moved, seconded by Mr. Ryan, to refer the petition to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS

APPOINTMENT TO EXTENSION COUNCIL	Mrs. Lowery stated an appointment for a City representative is not necessary at this time due to the University Of Missouri St. Louis County Extension Council being full.
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Mrs. Lowery stated the extension council is working on amending their charter to allow more membership.

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	No items have been added to the May 11 Council work session agenda.
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POWERPLEX CID APPOINTMENT	Mayor Robinson nominated the following for appointment to the POWERplex Community Improvement District Board of Directors: Dan Larson, Ken Ellingsen and Matt Zimmerman to terms expiring April 6, 2026.
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Mr. Ryan moved, seconded by Mr. Aubuchon, to approve the preceding appointments. The motion passed unanimously.

RFPD FINANCIAL & SUNSHINE REQUESTS	Mayor Robinson stated there is no report to give until the City receives the information requested from RFPD.
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CITY MANAGER'S REPORT

CHAPTER 100 BONDS 4872 PARK 370 BLVD.	Assistant City Manager-Economic Development Becky Ahlvin reported staff recommends issuance of Chapter 100 taxable industrial bonds for 4872 Park 370 Boulevard.
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Mrs. Ahlvin stated Dive Bomb Industries, LLC intends to develop an approximately 215,000 square foot facility at the intersection of Park 370 Boulevard and St. Louis Mills Circle at a cost of approximately \$22 million. The Company will use approximately 100,000 square feet for its operations; manufacturing and selling waterfowl hunting equipment and lifestyle apparel, and lease the remaining portion of the facility to other users. The term sheet approved by the inducement resolution contemplates a Chapter 100 industrial revenue bond transaction, wherein 100% of real property taxes will be abated in years one through five and 50% of real property

taxes will be abated in years six through ten. The company will be required to satisfy the jobs requirements to receive the full tax abatement. Mrs. Ahlvin stated the company must also meet the minimum wage threshold of \$51,773 per job, which is near the St. Louis County average wage. Dive Bomb would also be required to enter into a fire services indenture, similar to other Chapter 100 projects undertaken by the City, whereby the Company will pay the City any amounts that the City owes to RFPD resulting from the assessed value of the Company's facility.

Dive Bomb Industries, LLC representative, Rob Golterman gave an update on the purchase of the property and was available for questions.

Mr. Smith moved, seconded by Mrs. Singleton, to concur with the staff recommendation for issuance of Chapter 100 taxable industrial bonds for 4872 Park 370 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.d.

FIVE-YEAR CAPITAL IMPROVEMENT PLAN Mr. Zimmerman has provided the Council with a proposed Five Year Capital Improvement Plan (CIP).

Mayor Robinson has asked this be postponed to the next meeting of April 20, 2022.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS Mr. Taylor moved, seconded by Mr. Ryan, to receive and file the minutes of the November 2, 2021 Parks and Recreation Board meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP EXTENSION
623 DUNN ROAD Mayor Robinson called for the first reading of a bill to extend the Special Land Use Permit deadlines for Enterprise Leasing Company of STL, LLC for a vehicle rental and leasing and vehicle, auto sales at 623 Dunn Road.

There were no objections and Bill 5004 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4851-21 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF ENTERPRISE LEASING COMPANY OF STL, LLC AT 623 DUNN ROAD.

Bill 5004 will be on the agenda for second reading on April 20.

AMEND CODE
RE: DANCE HALLS &
DANCING EST.

Mayor Robinson called for the first reading of a bill to amend *Chapter 405: Zoning Regulations* relative to nightclubs and dancing establishments.

There were no objections and Bill 5005 was read by title only:

AN ORDINANCE AMENDING CHAPTER 405 OF THE HAZELWOOD, MISSOURI, CITY CODE PERTAINING TO NIGHTCLUBS AND DANCING ESTABLISHMENTS.

Bill 5005 will be on the agenda for second reading on April 20.

SLUP
7401 N. LINDBERGH

Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a restaurant at 7401 North Lindbergh Boulevard.

There were no objections and Bill 5006 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO SI SENOR, LLC FOR A RESTAURANT AT 7401 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 5006 will be on the agenda for second reading on April 20.

CHAPTER 100 BONDS
4872 PARK 370 BLVD.

Mayor Robinson called for the first reading of a bill to authorize the issuance of Chapter 100 bonds for 4872 Park 370 Boulevard.

There were no objections and Bill 5007 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (DIVE BOMB INDUSTRIES, LLC PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$22,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING 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.

Bill 5007 will be on the agenda for second reading on April 20.

SECOND READING OF BILLS AND ACTION ON BILLS - None

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING

Mayor Robinson announced the next regular Council meeting will be held Wednesday, April 20, 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 9:22 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri