

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MAY 4, 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, May 4, 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:

Robert M. Aubuchon
Don W. Ryan
Matthew G. Robinson
Lisa M. Matlock
Robert C. Smith
Mary G. Singleton
William C. Hoops Jr.

Council Members Dan Herin and Warren Taylor were 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. Ryan, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mrs. Singleton moved, seconded by Ms. Matlock, to add a closed session as a consent item to discuss a personnel matter. The motion passed unanimously.

Mr. Smith moved, seconded by Mr. Ryan, to adopt the consent agenda as amended. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mr. Aubuchon
Mr. Ryan
Mayor Robinson
Ms. Matlock
Mr. Smith
Mrs. Singleton
Mr. Hoops

The motion passed unanimously and the consent agenda, including a closed meeting to discuss a personnel matter with the provisions of RSMo 610.021(3), was adopted.

**APPROVAL OF
MINUTES**

Mr. Smith moved, seconded by Mr. Ryan, to approve the minutes of the April 20 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

**EMPLOYEE
INTRODUCTIONS**

Code Administrator/Building Official Dave Clemens introduced newly promoted Building Inspector Heather Wright.

Fire Chief Dave Herman introduced newly promoted Deputy Fire Marshal Steve Welsh, newly promoted Fire Captain Jeff Schlecht, newly hired Firefighter/Paramedic Phillip Schiffman, newly hired Firefighter/Paramedic Jill Griebel, and newly hired Firefighter/Paramedic Nicole Sutton.

PROCLAMATIONS AND RESOLUTIONS

**POLICE WEEK
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating the week of May 15 through May 21, 2022 as "Police Week 2022."

There were no objections and Proclamation 2208 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2208 designating the week of May 15 through May 21, 2021 as "Police Week 2022," 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 Major Hudanick and members of the Hazelwood Police Department.

**EMS WEEK
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating the week of May 15 through May 21, 2022 as "Emergency Medical Services Week 2022."

There were no objections and Proclamation 2209 was read.

Mr. Aubuchon moved, seconded by Mr. Hoops, the adoption of Proclamation 2209 designating the week of May 15 through May 21, 2021 as "Emergency Medical Services Week 2022." 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 15 through May 21, 2022 as "Public Works Week 2022."

There were no objections and Proclamation 2210 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2210 designating the week of May 15 through May 21, 2022 as "Public Works Week 2022" 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 Code Administrator/Building Official Dave Clemens.

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.

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

Mr. O'Keefe stated he would provide an update later in the meeting.

LIQUOR LICENSE 7401 N. LINDBERGH BOULEVARD An application for Full Liquor License, with Sunday, had been received from Jesus Casillas for Si Senor Mexican Restaurant at 7401 North Lindbergh Boulevard.

Mrs. Lowery stated the requisite record check has been conducted and Major Hudanick has recommended approval of the application.

Mrs. Lowery stated this is a new restaurant and food sales cannot be determined. It would be appropriate to issue a temporary 90-day license to give the business time to compile food/alcohol sale totals. If the sales comply with City Code at the end of the 90 days, a permanent liquor license would be issued.

Owner Jesus Casillas was present for questions.

Mr. Aubuchon moved, seconded by Mr. Smith, to grant a Full Liquor License, with Sunday, to Jesus Casillas for Si Senor Mexican Restaurant at 7401 North Lindbergh and to issue a 90-day temporary license to provide the applicant the opportunity to establish and validate the requisite food sales. The motion passed unanimously.

LIQUOR LICENSE An application for Package Liquor License, with Sunday, has
7025 HOWDERSHELL been received from 7025 Howdershell, LLC d/b/a Liquor
ROAD Express at 7025 Howdershell Road.

Mrs. Lowery stated the requisite record check has been conducted and Major Hudanick has recommended approval of the application.

Mrs. Lowery stated the application is due to a change in ownership.

Owner Prasand Patel was present to answer any questions.

Mr. Smith moved, seconded by Mr. Hoops, to approve the application by Prasand Patel for a Package Liquor License, with Sunday, for Liquor Express at 7025 Howdershell Road. The motion passed unanimously.

PUBLIC HEARINGS – None

COMMUNICATIONS

EWGCG The April 14 issue of Briefings was received from the
BRIEFINGS East-West Gateway Council of Governments.

EWGCG The April 21 issue of Briefings was received from the
BRIEFINGS East-West Gateway Council of Governments.

BOUNDARY Notice of amendments to the rules of the Boundary
COMMISSION Commission of St. Louis County, Missouri was received.

EWGCG The April 28 issue of Briefings was received from the
BRIEFINGS East-West Gateway Council of Governments.

PERSONNEL RULES A request to review the new Personnel Rules and Regulations
& REGULATIONS Handbook was received by Mark Niehaus and Randy George
with the Hazelwood Fire Department.

Mr. Zimmerman stated that upon completion of the first draft of the Employee Handbook he would submit it to the employee group, which consists of a representative from each department or division, for their review and comment. Mr. Zimmerman stated the committee has turned its focus to the proposed pay plan update.

Mr. Smith moved, seconded by Mr. Ryan, 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 May 11 Council work session agenda.

RFPD FINANCIAL
REPORT & REQUEST Mr. Zimmerman stated the Sunshine Law request made on January 31, 2022 to Robertson Fire Protection District (RFPD) has gone unfulfilled.

Mr. Zimmerman stated a new Sunshine Law request has been made as of April 22 and the response received from RFPD is that the request would take several weeks to fulfill. He stated as of late Friday, April 29, a few records have been submitted, and staff would be reviewing the details of those records before disseminating information.

BOARD & COMMISSION
APPOINTMENTS Mayor Robinson nominated Mike Feldman, 919 Zohner Court, for appointment to the Civil Service Board and made the following reappointments to their respective board and/or commission: Susan Kelly, Historic Preservation Commission; Margo McNeil, Pension Plan Board of Trustees; and Barbara Stogsdill, City Plan Commission.

Mr. Ryan moved, seconded by Ms. Matlock, to approve the preceding appointments. The motion passed unanimously.

AMEND CITY CHARTER
RE: CITY ELECTIONS Mr. O'Keefe reported the City Charter limitations were challenged by an employee group in 2002.

Mr. O'Keefe stated the court rejected that challenge and sustained the prohibitions as constitutional and statutory. Mr. O'Keefe stated the restrictions to which the petitioning employee objects are provisions in the Hazelwood City Charter and are not subject to modification by the City Council on its own authority. He stated the definition of first responders applies to those individuals trained and authorized by law to render emergency medical assistance or treatment. Within the meaning of the statute, first responders would mean EMTs and paramedics. The statute would not apply to police officers.

Mrs. Singleton stated she is opposed to amending the Charter. She stated the Charter was written to protect Council Members from the appearance of conflicting interests and employees from pressure.

Mr. Smith concurred with Mrs. Singleton.

Mr. Smith asked what percentage of employees reside in Hazelwood.

Mr. Zimmerman responded it is a small percentage, but does not have an exact amount.

Mr. Smith stated he believes those employees should have the right to participate.

Mr. Zimmerman stated when an employee takes a public service position within the City they voluntarily give up some rights for the compensation and other benefits they receive.

**TRAFFIC STUDY
UPDATE**

Mr. Zimmerman stated the City Council directed staff at the April 20 Council meeting to conduct a traffic study at the intersection of Ville Anita near the intersection of Ville Maura and Ville Rosa to determine whether stop signs or any other traffic control devices are necessary.

Mr. Zimmerman stated the report should be ready by the May 18 meeting.

CITY MANAGER'S REPORT - None

CITY ATTORNEY'S REPORT

CITY CODE VERBIAGE Mr. O'Keefe gave an update on amending the City Code
RE: HANDICAPPED regarding certain verbiage.

Mr. O'Keefe stated that the utilization of the word handicapped appears 17 times in the City Code and 86 times in the Missouri Revised Statutes. The uniformity and use of handicapped gives predictability to the outcome of enforcing and complying with our ordinances. Federal and State laws are tracked to utilize similar language for parallel usage. Using the same language in laws and statutes creates this predictability and leaves no room to believe the meaning has changed.

Mr. O'Keefe addressed the question regarding broadening the City's discrimination provisions to include sexual orientation and gender identity. Provisions within the City are under the protection provisions designated under the Federal Fair Housing Act. In June 2020, a case filed with the Supreme Court stated constitutional law and federal statutes prohibits discrimination based on sex.

Ms. Austin stated that this is up to court interpretation and can be changed and feels the interpretation should be codified.

Mr. O'Keefe responded that the policies are the prerogative of the Council. His position is to provide context and this is a policy argument.

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS - None

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 5006
SLUP

Mayor Robinson called for the second reading of Bill 5006 to grant a Special Land Use Permit for a restaurant at 7401 North Lindbergh Boulevard.

City Planner Kate Crimmins stated at the April 6 regular Council meeting, the Council considered Si Señor LLC's petition for a Special Land Use Permit for a restaurant. The application contained a site plan showing an outdoor dining patio located at the south side of the building, which required a setback variance from the Board of Adjustment. The variance was granted with the condition that additional bollards to be installed on all sides of the patio and in lieu of decorative planters. A new site plan showing bollards in the locations required by the Board of Adjustment has been submitted. City Staff does not see this as a substantive change to the original application.

The Council was provided with a revised bill in redline format, identified as Bill 5006.1, which included a new Exhibit B.

Mr. Aubuchon moved, seconded by Ms. Matlock, to amend Bill 5006 by the text of Bill 5006.1 and by substituting the new Exhibit B, the revised patio addition, for the previous Exhibit B. The motion passed unanimously.

There were no objections and Bill 5006, as amended, 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.

Mr. Aubuchon moved, seconded by Mr. Hoops, the adoption of Bill 5006, as amended, as an ordinance. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mr. Aubuchon
Mr. Ryan
Mayor Robinson
Ms. Matlock
Mr. Smith
Mrs. Singleton
Mr. Hoops

Bill 5006, as amended, was unanimously adopted as Ordinance 4891-22.

BILL 5008
SLUP EXTENSION

Mayor Robinson called for the second reading of Bill 5008 to extend the Special Land Use Permit deadlines for Bar 270 for a restaurant at 9085 Dunn Road.

There were no objections and Bill 5008 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4821-21 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE CONSTRUCTION AND FULL OPERATION OF 9085 DUNN KITCHEN & BAR, LLC D/B/A BAR 270 FOR A RESTAURANT AT 9085 DUNN ROAD.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 5008 as an ordinance. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mr. Aubuchon
Mr. Ryan
Mayor Robinson
Ms. Matlock
Mr. Smith
Mrs. Singleton
Mr. Hoops

Bill 5008 was unanimously adopted as Ordinance 4892-22.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETINGS Mayor Robinson announced the Council budget work session would be held on May 11 at 6 p.m. in the Council Chambers, and the next regular Council meeting will be held Wednesday, May 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 8:49 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri