

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JANUARY 18, 2023**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 6:33 p.m. on Wednesday, January 18, 2023 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:

William C. Hoops, Jr.
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. Taylor moved, seconded by Mr. Smith, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mr. Taylor moved, seconded by Mr. Hoops, to amend the consent agenda by the addition of a closed session to discuss a personnel matter and to adopt the consent agenda as amended. The following vote was recorded on the motion:

AYE - 9

NAY - 0

Mr. Hoops
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 a personnel matter in accordance with the provisions of RSMo 610.021(3), 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 Mr. Hoops, to approve the minutes of the January 4 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS - None

PROCLAMATIONS AND RESOLUTIONS

**BLACK HISTORY
MONTH
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating the month of February 2022 as Black History Month.

There were no objections and Proclamation 2301 was read.

Ms. Matlock moved, seconded by Mr. Hoops, the adoption of Proclamation 2301 designating the month of February 2023 as Black History Month in the City of Hazelwood, Missouri, and calling upon all citizens, public officials, and educators to observe February with appropriate programs, ceremonies, and activities. The motion passed unanimously.

**GNCCC 2023 CHAIR OF
BOARD OF DIRECTORS
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation congratulating Katherine Harrison, 2023 Chair of the Greater North County Chamber of Commerce Board of Directors.

There were no objections and Proclamation 2302 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2302 congratulating Katherine Harrison on her new position as 2023 Chair of the Greater North County Chamber of Commerce Board of Directors. 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.

CITIZEN CONCERNS

Clara Faatz of 8 Bon Vue Drive asked if the Mobil gas station and convenience store on Howdershell is closing.

Ms. Faatz commended the Police Department in their efforts apprehending a suspect involved in an incident on her street. She also thanked the Council for the new vehicle prowling ordinance.

PUBLIC HEARINGS

LIQUOR LICENSE 6086 N. LINDBERGH BOULEVARD	Mayor Robinson called to order the public hearing to consider the application by FKG Oil Company d/b/a Moto for a Full Package Liquor License, with Sunday and a Tasting License.
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Ms. Lowery stated the requisite record check has been conducted and Police Chief James Hudanick recommends approval of the application.

MotoMart Director of Development Gordon Forsyth was present for questions.

Mr. Aubuchon asked when they would be open for business.

Mr. Forsyth replied in the next couple of months.

Mr. Smith asked what the percentage of alcohol sales would be.

Mr. Forsyth responded 10 to 15 percent.

Ms. Matlock asked what the hours of operation would be.

Mr. Forsyth replied 24 hours a day, seven days a week.

Ms. Matlock asked how many employees would work overnight.

Mr. Forsyth responded at least two employees.

Mr. Aubuchon asked about security and cameras at the facility.

Mr. Forsyth replied there are many cameras and plenty of perimeter lighting.

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. Aubuchon moved, seconded by Mr. Hoops, to approve the application for a Full Package Liquor License, with Sunday and a Tasting License for FKG Oil Company d/b/a Moto at 6086 North Lindbergh Boulevard. The motion passed unanimously.

LIQUOR LICENSE
6050 HOWDERSHELL
ROAD

Mayor Robinson called to order the public hearing to consider the application by 6050 Vinayak, LLC d/b/a Royals Liquor for a Full Package Liquor License, with Sunday and a Tasting License.

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

Owner, Krunal Patel was available for questions.

Mr. Aubuchon asked what the hours of operation would be.

Mr. Patel responded Monday through Thursday 9 a.m. till 10 p.m., Friday and Saturday 9 a.m. till 11 p.m., and Sunday 9 a.m. till 9 p.m.

Mr. Smith asked if they would occupy the current building or rebuild on the site.

Mr. Patel responded the current site is 3,600 square feet of space and an additional 2,000 square feet will be added.

Mr. Ryan asked when the store would open.

Mr. Patel replied construction will begin after the winter season and the store will be ready to open by fall.

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

Kelly Wadlow of 5274 Ville Rosa Lane asked what items would be sold at this store.

Mr. Patel replied liquor, beer, tobacco, wine, and snacks would be sold.

Ms. Wadlow asked if there would be security.

Mr. Patel answered affirmatively. There would be 38 cameras indoors, and 12 outdoors.

Mr. Aubuchon moved, seconded by Mr. Ryan, to approve the application for a for a Full Package Liquor License, with Sunday and a Tasting License for 6050 Vinayak, LLC d/b/a Royals Liquor at 6050 Howdershell Road. The motion passed by a vote of eight in favor and one opposed, with Mr. Herin casting the dissenting vote.

COMMUNICATIONS

MLMSTL
NEWSLETTER

The January issue of The Link was received from Municipal League of Metro St. Louis.

SEMA EMERGENCY PLAN REVIEW	A review of Hazelwood's Local Emergency Operations Plan was received from State Emergency Management Agency.
EWGCG BRIEFINGS	The January 5 issue of Briefings was received from the East-West Gateway Council of Governments.
PROPOSAL TO AMEND CODE	A petition to amend Chapter 405. Zoning Regulations to establish regulations relative to adult use marijuana was received from City Planner Kate Crimmins.

Mr. Taylor moved, seconded by Mr. Hoops, to refer the petition 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 March 8 Council work session agenda.
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CITY MANAGER'S REPORT

POLICE STATION WASHROOMS RENOVATION PROJECT	Chief Hudanick reported staff recommends authorizing a contract with Pro Finishes, LLC for the 2023 Police Station Washroom Renovation Project at a cost not to exceed \$35,800.
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Chief Hudanick stated over the past six months staff sought quotes from a number of qualified businesses to perform renovations without much success. In late fall of 2022 two bids were received for the project with Pro Finishes, LLC being the most responsive bidder. Chief Hudanick explained the Capital Improvement Fund budget includes \$20,000 for the washroom renovations and there is \$65,000 budgeted for a men's locker room upgrade. Staff has been unable to find a business to renovate the locker room and costs have increased. Therefore, the men's locker room project cannot be completed. Chief Hudanick stated staff proposes using \$15,800 from the men's locker room budgeted line item for the washroom renovations.

Mr. Smith moved, seconded by Mr. Hoops, to concur with the staff recommendation to authorize a contract with Pro Finishes, LLC for the Police Station Washrooms Renovation Project at a cost not to exceed \$35,800, 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.a.

BANKING SERVICES	Assistant City Manager-Finance Dave Tuberty reported staff recommends moving City banking services to Commerce Bank.
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Mr. Tuberty stated in November 2022 the Finance Department sent Requests for Proposals to seven financial institutions in the vicinity. Banks responsive to the request were PNC, Simmons, BOS and Commerce Banks. After an evaluation of these proposals, staff is recommending that the City accept the services of Commerce Bank.

Mr. Aubuchon moved, seconded by Mr. Ryan, to move City banking services to Commerce Bank. The motion passed unanimously.

AMEND CODE Discussion regarding a proposed amendment to the City ADULT USE MARIJUANA Code relative to adult use marijuana facilities took place.

Mr. Zimmerman stated staff seeks Council guidance pertaining to use the use, sale, and preparation of all types of marijuana. Mr. Zimmerman asked for direction on the following issues:

1. Should the City have different regulations for medical marijuana facilities versus adult use facilities?
2. Should existing medical marijuana facilities be grandfathered in, even if changes in the location of affected uses (schools, day care facilities, churches) have occurred that would now bring them out of compliance with the distance requirements?
3. Should the distance between marijuana facilities and affected uses or other marijuana facilities be changed?
4. Should dispensaries also be permitted in the I-1 and I-2 zoning districts rather than limited to C-2 and C-3?
5. Should all marijuana facilities be required to obtain a Special Land Use Permit (SLUP) from the City, even if they are located within a Planned Development?
6. Should the City regulate the outdoor use of marijuana?
7. Should the City prohibit use of marijuana on City property?

Mrs. Singleton asked if the City has to allow for the sale of adult use marijuana.

Mr. O'Keefe replied the constitutional amendment allows medical licensees to automatically be entitled to a comprehensive license. If the City wishes to prohibit adult use marijuana sales in the community there is a process in the constitutional amendment to submit a proposal to the voters, but that can only take place every four years in the November presidential election and requires a 60% majority to adopt the measure of prohibiting sales.

Mr. Smith asked why the 1,000-foot buffer requirement would be decreased to 500 feet.

Mr. Zimmerman replied staff has found no disparate impact to affected uses and believes a lower distance threshold will not change that. It also permits additional land to be eligible for a marijuana facility and creates a competitive market.

Mr. Smith and Mrs. Singleton agreed the buffer requirement should remain at 1,000 feet.

Ms. Matlock moved, seconded by Mr. Ryan, to concur with the staff recommendations regarding amending marijuana zoning regulations to the Planning and Zoning Commission. The motion passed by a vote of eight in favor and one opposed, with Mrs. Singleton casting the dissenting vote.

CREDIT UNION BLDG. Discussion on options for the former credit union building at
8995 DUNN ROAD 8995 Dunn Road took place.

Mr. Zimmerman stated the former credit union building located at 8995 Dunn Road, which the City acquired in 2018, sustained flood damage during the severe rain event on July 26, 2022. The building was used for storage, primarily files and building plans. The City approved emergency contracts to clean the building and separately remediate the records. Mr. Zimmerman stated the building was stripped down to the bare walls and flood debris cleaned from the walls and floor and has been sitting empty while the City determines what the Federal Emergency Management Agency (FEMA) reimbursement might be available. The building was inadvertently not included in the City's insurance coverage, although it was listed as an asset by City staff. Therefore, there is no insurance coverage. Mr. Zimmerman stated the City has three options:

1. Demolish the building. Cost estimate is \$25,000, of which FEMA reimburses 50% of eligible expenses. Staff believes the reimbursement amount would be approximately \$12,000. The net cost to the City would be \$13,000 plus staff and project costs to prepare bid documents for FEMA's approval. Staff has determined that it is cost-ineffective to build more parking. The City would have approximately \$300 per month in expenses to rent storage for the files. FEMA does not reimburse to remove the building pad, so it would require additional expense to return the building pad to green space. Staff wants to keep the existing parking area as it is used frequently when there are events at Civic Center East.
2. Make no repairs to the building. It would not be considered eligible to be occupied, by either people or equipment/files. There is no capital cost to the City, but the City would have the \$300 per month rental fee for record storage.
3. The City determines that the building is not substantially damaged and repair it. The estimated cost is \$5,000 for minimal repairs and up to \$30,000 to completely remodel the interior. There would be no FEMA reimbursement. FEMA does provide 75% funding if the City wanted to rebuild a similar-sized building to be used for storage. Staff does not foresee a need to rebuild a new building at a different location, especially due to undoubtedly a much higher construction cost. The building would still be subject to flooding as it remains in the floodplain. Staff would use the building to store non-perishables near the ground. Paper records would have to be stored 1-foot above base flood elevation in order to reduce the risk of damage in the event of another flood. The City would avoid the \$300 per month storage fees. If the Council selects this option, staff has confirmed the building has been added to the insurance rolls.

Mr. Zimmerman stated FEMA is seeking a decision from the City in order to close their claim file. Staff recommends option three.

Mrs. Singleton stated the building is in a floodplain and thinks it should be demolished.

Messers Ryan and Aubuchon agreed that option three was the best for the City.

Mr. Ryan moved, seconded by Mr. Aubuchon, to concur with staff recommendation and move forward with option number three. The motion passed by a vote of eight in favor and one opposed, with Mrs. Singleton casting the dissenting vote.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

CONTRACT FOR POLICE WASHROOMS	Mayor Robinson called for the first reading of a bill to authorize a contract with Pro Finishes, LLC for 2023 Police Station Washrooms Renovation Project.
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There were no objections and Bill 5058 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH PRO FINISHES, LLC FOR THE POLICE STATION WASHROOMS RENOVATION PROJECT AT A COST NOT TO EXCEED \$35,800.

Bill 5058 will be on the agenda for second reading on February 1.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 5053 SLUP 5781 CAMPUS COURT	Mayor Robinson called for the second reading of Bill 5053 to grant a Special Land Use Permit for a hotel at 5781 Campus Court.
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There were no objections and Bill 5053 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT FOR A HOTEL AT 5781 CAMPUS COURT, TO PRAYOSHAM, LLC D/B/A MOTEL 6 AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Hoops, the adoption of Bill 5053 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 5053 was unanimously adopted as Ordinance 4936-22.

BILL 5054
SLUP
7350 N. HANLEY

Mayor Robinson called for the second reading of Bill 5054 to grant a Special Land Use Permit for a hotel at 7350 North Hanley Road.

There were no objections and Bill 5054 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT FOR A HOTEL AT 7350 NORTH HANLEY ROAD, TO DELUXE HOSPITALITY, LLC D/B/A HAVEN INN AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Mr. Taylor moved, seconded by Mr. Ryan, the adoption of Bill 5054 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 5054 was unanimously adopted as Ordinance 4937-23.

BILL 5055
SUBDIVISION

Mayor Robinson called for the second reading of Bill 5055 to authorize the subdivision of 189 Elbring Drive.

There were no objections and Bill 5055 was read by title only:

AN ORDINANCE APPROVING THE SUBDIVISION OF 189 ELBRING DRIVE FROM ONE LOT INTO TWO LOTS.

Mr. Taylor moved, seconded by Mr. Hoops, the adoption of Bill 5055 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 5055 was unanimously adopted as Ordinance 4938-23.

BILL 5056

SLUP EXPANSION

5720 FEE FEE ROAD

Mayor Robinson called for the second reading of Bill 5056 to grant an expansion of the Special Land Use Permit for an outdoor storage facility at 5720 Fee Fee Road.

There were no objections and Bill 5056 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 3785-06 BY GRANTING AN EXPANSION OF THE SPECIAL LAND USE PERMIT ISSUED TO POOL TRON INC., D/B/A POOL TRON, FOR OUTDOOR STORAGE AT 5720 FEE FEE ROAD, TO INCLUDE A FENCED OUTDOOR STORAGE LOT, AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Mr. Smith moved, seconded by Ms. Matlock, the adoption of Bill 5056 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 5056 was unanimously adopted as Ordinance 4939-23.

BILL 5057 Mayor Robinson called for the second reading of Bill 5057 to
AMEND CHAPTER 215 amend *Chapter 215: Offenses* relative to vehicle prowling.

There were no objections and Bill 5057 was read by title only:

**AN ORDINANCE ESTABLISHING THE OFFENSE OF VEHICLE PROWLING AND
AMENDING CHAPTER 215 OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW
SECTION RELATING TO SAME.**

Mr. Ryan moved, seconded by Mr. Aubuchon, the adoption of Bill 5057 as an ordinance.
The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Hoops	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	
Mr. Taylor	
Mr. Smith	
Mrs. Singleton	

Bill 5057 was unanimously adopted as Ordinance 4940-23.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting
would be held Wednesday, February 1, at 6:30 p.m. in the
Council Chambers.

ADJOURNMENT There being no further business to come before the Council,
the meeting was adjourned at 7:47 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri