CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MARCH 1, 2023

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 6:34 p.m. on Wednesday, March 1, 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:

Don W. Ryan
Daniel T. Herin
Matthew G. Robinson*
Lisa M. Matlock
Warren H. Taylor
Robert C. Smith
Mary G. Singleton
William C. Hoops, Jr.
Robert M. Aubuchon

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 Ms. Matlock, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

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

The motion passed unanimously and the consent agenda was adopted.

APPROVAL OF MINUTES	Mr. Taylor moved, seconded by Ms. Matlock, to approve the minutes of the February 15 Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

EMPLOYEE INTRODUCTION	Fire Chief Dave Herman introduced newly hired Firefighter/Paramedic Charley Kell.

PROCLAMATIONS AND RESOLUTIONS

PILOT WAIVER RESOLUTION	Mayor Robinson called for the reading of a resolution authorizing a waiver of additional payment in lieu of taxes for MiTek USA, Inc.

Assistant City Manager-Economic Development David Leezer stated in 2017, the Council authorized issuance of Chapter 100 industrial revenue bonds to facilitate real and personal property tax abatement for the MiTek USA, Inc. manufacturing facility. In connection with the Chapter 100 bond issuance, the City and the company entered into a performance agreement, which provided MiTek would employ at least 150 persons at the manufacturing facility and make additional payments in lieu of taxes (PILOTs) if there were less than 150 jobs. Mr. Leezer stated the performance agreement also allowed the Council to, by resolution and sole discretion, waive additional PILOTs if the company certified that there were unforeseen business conditions that resulted in the lower than anticipated employment. Mr. Leezer stated in December 2021 MiTek reported that due to the Covid-19 pandemic, they were not able to meet the required job numbers for that year, and the Council granted a waiver. In its most recent report, MiTek has stated they have 101 full-time employees, and while that is an increase from last year the pandemic and supply chain issues continue to plague the company. As such, they are requesting a waiver of the additional PILOTs for this year.

There were no objections and Resolution 2301 was read by title only:

RESOLUTION WAIVING CERTAIN ADDITIONAL PAYMENTS IN LIEU OF TAXES FOR MITEK USA, INC.

Mr. Herin moved, seconded by Mr. Hoops, the adoption of Resolution 2301. The following vote was recorded on the motion:

AYE - 9	NAY - 0
Mr. Ryan	
Mr. Herin	
Mayor Robinson	
Ms. Matlock	

Mr. Taylor
Mr. Smith
Mr. Hoops
Mr. Aubuchon
Mrs. Singleton

Resolution 2301 was unanimously adopted.

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.

CITIZENS CONCERNS Alex Hoeft of 4815 Plum Tree Circle expressed concerns with donations made to the Citizens to Save Hazelwood & Fire Services group.

Mr. Hoeft stated he believes this is a conflict of interest due to ongoing litigation with the courts.

Mayor Robinson responded that all residents were invited to a fundraiser the citizens group was having, and he sponsored a table at the event. He explained the Council was aware, and several Council members attended the event.

Mr. O’Keefe stated that he donated to the fundraiser after a Council meeting where findings of irregularity were found in Robertson Fire Protection District’s (RFPD) records. Mr. O'Keefe further stated he donated long before any recall effort started, and he felt it was a worthwhile civic endeavor to donate after seeing the dedication put forth by the representatives of Citizens to Save Hazelwood & Fire Services.

Mr. Smith added he is a private citizen and can donate to any charitable organization he wishes and should not be questioned by the validity of the cause. He applauded Mr. Hoeft for coming forward.

Mrs. Singleton stated she understands Mr. Hoeft’s concerns and is glad he came to the Council meeting to speak.

Mr. Hoeft also expressed concerns with tax abatements in fire districts versus Hazelwood City proper.

Mr. Zimmerman responded that tax abatements help to offset the amount of money paid to the RFPD.

Mr. Hoeft asked if RFPD lowered their tax rate after the Park 370 TIF expired.

Mr. Zimmerman responded that they lowered the residential rate and not the commercial and industrial rates. The tax levy was increased significantly.

Kevin Foley of 5274 Ville Rosa Lane stated he disagreed with Mr. Hoeft.

CITY MANAGER'S STATUS REPORT — Mr. Zimmerman reported on concerns expressed at the February 15 regular Council meeting.

In response to comments made by Ms. Jones at the February 15 Council meeting Mr. Zimmerman stated that the City does not track or store residents' email information. Mr. Zimmerman stated staff prepared a list for Ms. Jones of the ways the City communicates with residents.

Mr. Leezer gave a brief overview of the process for setting up notifications on the City website and other forms of communication.

In response to comments made by Ms. Bae regarding tree removal, Mr. Zimmerman stated staff did not find any resources. Mr. Zimmerman explained to Ms. Bae that the City does not take responsibility for maintaining private property.

SLUP EXTENSION 7401 N. LINDBERGH — A request for an extension of the Special Land Use Permit (SLUP) deadlines to commence construction and full operation of Si Senor Mexican Restaurant at 7401 North Lindbergh Boulevard.

City Planner Kate Crimmins stated Si Senor, LLC is asking for a six-month extension due to contractor delays.

Edson Trejo, representative of Si Senor was present for questions.

Mr. Aubuchon asked if six months is enough time to complete this project.

Mr. Trejo responded affirmatively.

Mr. Aubuchon moved seconded by Mr. Hoops, to extend the Special Land Use Permit deadlines to commence construction and full operation of Si Senor Mexican Restaurant 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

PROXIMITY RESTRICT. AND LIQUOR LICENSE 6186 HOWDERSHELL — Mayor Robinson called to order the public hearing to consider the application by Erika Wilkes for a waiver of the proximity restriction and for a Full Liquor License, with Sunday, for Butterfly Blessings, LLC d/b/a Saint Louis Mix at 6186 Howdershell Road (continued from February 15).

Mr. O'Keefe thanked Ms. Wilkes for appearing and stated the City needs reassurance that Saint Louis Mix would not have the same issues as her previous venture in Florissant. Mr. O'Keefe asked Ms. Wilkes to clarify her filing of Special Land Use Permits with the City on three separate occasions. The first filed in September of 2022, second filed in November 2022, and the latest filed in January 2023. Mr. O'Keefe stated Ms. Wilkes previous venture had significant problems with legal issues and poor conduct of the patrons and he wished to explore documentation to bring to light issues Hazelwood does not wish to be repeated. Mr. O'Keefe stated he would like to allow Ms. Wilkes further explanation and put them in context for the Council. First, is the current application for a liquor license. The articles of incorporation state that Butterfly Blessings, LLC, was organized in January 2023 and Ms. Wilkes is the sole registered agent. In prior filings for a SLUP, Ms. Wilkes and Lamar Wilkes were named as registered agents. Both SLUP applications involving Lamar Wilkes were withdrawn.

Ms. Wilkes responded that it was a mistake on the paperwork. The business she shared with her husband opened in 2016 and in 2019, issues with the business began when she took a leave of absence from the restaurant. She stated her staff did not have the support or resources needed to be successful during her absence and she has made many changes and wishes to open her business in Hazelwood to enhance the community and bring in revenue. Ms. Wilkes stated neighboring businesses and residents are excited for her to open in the area. She stated Mr. Wilkes would not have any involvement in this endeavor.

Mr. O'Keefe stated the Council is here to consider a liquor license for her business and not prohibit the restaurant. He stated comments regarding being able to control the conduct of patrons brings up the issue of the City's ordinances, which requires a licensee to always maintain an orderly place of business and is the responsibility of the owner to do so. Mr. O'Keefe explained to Ms. Wilkes that she does have the right to an evidentiary hearing if she chooses.

Building owner representative Thomas Milford stated he and his partners are very motivated and supportive of Ms. Wilkes's endeavor. He stated they reserve the right to terminate her lease rights if this is not operated as a first-class restaurant.

Ms. Wilkes stated she had resolved an outstanding legal issue and presented documentation to Mr. O'Keefe.

Mr. Smith asked if Ms. Wilkes and the property manager were aware of the updates to the liquor code.

Mr. Milford responded he was not aware.

Mr. Smith asked staff's recommendation.

Mr. O'Keefe responded the only staff recommendation at this time is Chief Hudanick's and he does not recommend approval.

Mr. O'Keefe asked Ms. Wilkes if she would be willing to open as a restaurant only and forgo a liquor license until the business has proven success.

Ms. Wilkes responded she does not believe the business would survive and would be agreeable to an evidentiary hearing.

Ms. Matlock asked if Ms. Wilkes would be willing to serve only beer and wine for six months.

Ms. Wilkes responded affirmatively.

Mr. O'Keefe suggested amending her application, moving forward with only the beer and wine license, in order to demonstrate the success of her vision.

After discussion, Ms. Wilkes wished to suspended her current application.

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

Don Courtois of 2410 Calle Vista Drive stated he is opposed to this application.

COMMUNICATIONS

EWGCG BRIEFINGS	The February 9 issue of Briefings was received from the East-West Gateway Council of Governments.
EWGCG BRIEFINGS	The February 16 issue of Briefings was received from the East-West Gateway Council of Governments.
REZONING PETITION 5464 & 5480 BROWN ROAD	A petition for change of zoning at 5464 and 5480 Brown Road from C-2 General Commercial District to C-3 Highway Commercial District was received from Degel Properties, LLC.
SLUP PETITION 5464 & 5480 BROWN ROAD	A petition for a Special Land Use Permit for a vehicle service and repair facility, vehicle rental/leasing, vehicle painting and vehicle truck sales at 5464 and 5480 Brown Road was received from Degel Properties, LLC.

Mr. Taylor moved, seconded by Ms. Matlock, to refer the petitions to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS

FLOODPLAIN BUYOUT	Discussion from the March 1 regular Council Meeting regarding the City's application for a buyout of single-family homes in the floodplain in Wards 2 and 5 were continued.

The City Council reviewed staff's information about floodplain buyout program at the February 15 Council meeting. Mr. Zimmerman stated following significant questions and feedback from affected property owners, the Council tabled any decision about whether to participate in the buyout program and, if so, what the rules should be. Based on the Council's discussion a specific proposal was developed.

Mr. Zimmerman suggested that the program include the following parameters:

1. Any property owner that wishes to participate be allowed to do so.
2. The City would own any acquired properties and maintain them as open space.
3. Property owners reimburse the City for 10% of the purchase price. The City would fund all of the appraisal, demolition, and maintenance costs. Property owners would reimburse the City at closing.
4. The City pay for the program from the OMCI property tax. It is a dedicated tax paid by property owners within a designated area that can only be used for storm water projects.

Direction from the Council is needed so that staff has adequate time to complete the application by the April 1 deadline. This includes reaching out to property owners to determine who is interested. Mr. Zimmerman stated staff has confirmed $437,000 available funds through OMCI, with another $149,000 projected for next year.

Richard Strassner of 100 Foxtree Lane stated he was in favor of the buyout.

Lucy Lockley of 7314 Elm Grove Court stated she was in favor of the buyout.

Ben and Judy Kelley of 7312 Elm Grove Court stated they are also in favor of the buyout.

Mr. Aubuchon moved, seconded by Ms. Matlock, to concur with the parameters proposed by staff and to authorize the program. The motion passed unanimously.

*8:35 p.m. Mayor Robinson left the meeting.

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	After discussion, Mr. Aubuchon moved, seconded by Mrs. Singleton, to cancel the March 8 Council work session. The motion passed unanimously.
75th ANNIVERSARY CELEBRATION PLANS	Mr. Zimmerman reported the City would celebrate its 75th anniversary in 2024.

Mr. Zimmerman stated staff proposes a committee be established to develop celebration plans for 2024, culminating in a birthday party at the 2024 Hazelwood Day. Members of the advisory committees, such as Community Enrichment and Neighborhood Watch, could be asked to serve as well as any interested residents. Staff would appoint a liaison to help the Committee establish and implement celebratory programs throughout the year.

Mr. Aubuchon moved, seconded by Ms. Matlock, to create a committee to plan and execute the 75^{th} Anniversary event for the City. The motion passed unanimously.

CITY MANAGER'S REPORT

DESIGNEE TO REPORT NON-BINDING PROPERTY TAX RATES	Assistant City Manager-Finance Dave Tuberty recommended the Council designate him to report the City's potential non-binding 2023 property tax rates to St. Louis County and as the City's contact person for taxpayer inquiries.

Mr. Taylor moved, seconded by Mr. Smith, to designate Assistant City Manager-Finance Dave Tuberty to report the City's non-binding 2023 property taxes and as the City's contact person. The motion passed unanimously.

RESURFACING OF TESON ROAD FROM HOWDERSHELL RD. TO AUBUCHON RD. & SIDEWALKS	Public Works Director David Stewart reported staff recommends authorization of an agreement with the Missouri Highways and Transportation Commission for the resurfacing of Teson Road from Howdershell Road to Aubuchon Road.

Mr. Stewart stated the grant will cover $1,994,810 or 50% of the total project cost. These types of projects take three to four years to complete. Construction is scheduled to start in 2026.
Mr. Smith moved, seconded by Mr. Herin, to concur with the staff recommendation to authorize the agreement for the resurfacing of Teson Road from Howdershell Road to Aubuchon Road 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.

INFORMATIONAL POSTCARD RE: PROPOSITION M	Mr. Zimmerman reported staff recommends authorization to send an informational postcard to registered voters regarding Proposition M on the April 4 ballot.

Mr. Zimmerman stated the proposed plan would be mailing postcards to registered voters by March 15. Staff estimates the cost at $7,500, and funding is available through the Council budget. Information would be published on the City's website, Facebook, Twitter, and NextDoor. Mr. Zimmerman stated this tax would generate approximately $150,000 per year.

Ms. Matlock moved, seconded by Mr. Hoops, to create an informational campaign regarding a referendum on the April 4, 2023 ballot to impose an additional 3% sales tax on the sale of adult use marijuana. The motion passed unanimously.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS	Mr. Taylor moved, seconded by Ms. Matlock, to receive and file the minutes of the January 10 Community Enrichment Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP EXTENSION 7541 N. LINDBERGH	Mayor Pro Tempore Ryan called for the first reading of a bill to extend the Special Land Use Permit deadlines to commence construction and full operation of a restaurant at 7541 North Lindbergh Boulevard.

There were no objections and Bill 5068 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4891-22 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF SI SENOR, LLC DBA SI SENOR MEXICAN RESTAURANT AT 7401 NORTH LINDBERGH BOULEVARD.

Bill 5068 will be on the agenda for second reading on March 15.

AGREEMENT TESON ROAD RESURFACING	Mayor Robinson called for the first reading of a bill to authorize an agreement for the resurfacing of Teson Road from Howdershell Road to James S. McDonnell Boulevard.

There were no objections and Bill 5069 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A SURFACE TRANSPORTATION BLOCK GRANT PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR RESURFACING, ROAD WIDENING AND SAFETY IMPROVEMENTS TO TESON ROAD FROM HOWDERSHELL ROAD TO AUBUCHON ROAD AND SIDEWALKS ON TESON ROAD FROM CHATILLION ESTATES DRIVE TO TESON GARDEN WALK.

Bill 5069 will be on the agenda for second reading on March 15.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 5065 VEHICLE LEASE AGREEMENT	Mayor Pro Tempore Ryan called for the second reading of Bill 5065 to authorize a vehicle lease agreement with Enterprise Fleet Management.

Mr. Zimmerman stated Enterprise shared they may not be able to obtain vehicles directly from car manufacturer's but would be able to get them from dealerships. However, this would be at a greater cost to the City due to dealer mark-up. Mr. Zimmerman also stated it is unknown if the City's insurance policy would cover leased vehicles, and asked the Council to approve second reading subject to confirmation that the City's insurer provides coverage.

Mr. Smith expressed concerns and stated he does not want first responder vehicles to be included in the contract.

Ms. Matlock stated she is not in favor of receiving less cars and spending more money.

Mr. Smith moved, seconded by Mr. Herin, to table Bill 5065 until March 15. The motion passed unanimously.

BILL 5066 AMEND CHAPTER 240 EMERGENCY ALARMS	Mayor Pro Tempore Ryan called for the second reading of Bill 5066 to amend *Chapter 240. Emergency Alarms* relating to service charges.

There were no objections and Bill 5066 was read by title only:

AN ORDINANCE AMENDING SECTIONS 240.020 AND 240.030 RELATING TO SERVICE CHARGES FOR EMERGENCY ALARM SYSTEMS.

Mr. Aubuchon moved, seconded by Mr. Herin, the adoption of Bill 5066 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Herin	
Ms. Matlock	
Mr. Taylor	
Mr. Smith	
Mr. Hoops	
Mr. Aubuchon	
Mrs. Singleton	

Bill 5066 was unanimously adopted as Ordinance 4948-23.

BILL 5067 CHAPTER 100 BONDS	Mayor Pro Tempore Ryan called for the second reading of Bill 5067 to authorize the issuance of Chapter 100 bonds for 5555 St. Louis Mills Boulevard.

There were no objections and Bill 5067 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (HAZELWOOD BUSINESS PARK LLC PROJECT), SERIES 2023, IN A PRINCIPAL AMOUNT NOT TO EXCEED $35,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING A FACILITY FOR 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.

Ms. Matlock moved, seconded by Mr. Smith, the adoption of Bill 5067 as an ordinance. The following vote was recorded on the motion:

AYE - 8	NAY - 0
Mr. Ryan	
Mr. Herin	
Ms. Matlock	
Mr. Taylor	
Mr. Smith	
Mr. Hoops	
Mr. Aubuchon	
Mrs. Singleton	

Bill 5067 was unanimously adopted as Ordinance 4949-23.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING — Mayor Robinson announced the next regular Council meeting would be held Wednesday, March 15, 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 9:14 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri