CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MARCH 6, 2024

CALL TO ORDER A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 6:30 p.m. on Wednesday, March 6, 2024, 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:

Lisa M. Matlock
Warren H. Taylor
Robert C. Smith
Jen Hatton
William C. Hoops, Jr.
Robert M. Aubuchon
Kelly Wadlow
Matthew G. Robinson

Council Member Don W. Ryan was 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, Mr. Taylor moved, seconded by Mr. Smith, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA Mr. Aubuchon moved, seconded by Ms. Wadlow, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 8	NAY - 0
Ms. Matlock	
Mr. Taylor	
Mr. Smith	
Mrs. Hatton	
Mr. Hoops	
Mr. Aubuchon	
Ms. Wadlow	
Mayor Robinson	

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), was adopted.

APPROVAL OF MINUTES

Mr. Aubuchon moved, seconded by Ms. Wadlow, to approve the minutes of the February 15 work session, February 21 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

EMPLOYEE INTRODUCTIONS

Public Works Director David Stewart introduced newly promoted Code Administrator/Building Official Angie Pingel.

Police Chief James Hudanick introduced newly hired Telecommunicator Stephen Pray.

PRESENTATION OF 2022-2023 CAFR

Mollie Malone of Stopp & VanHoy. LLC reviewed the fiscal year 2022-2023 Comprehensive Annual Financial Report and audit.

Ms. Malone stated the City has created an Annual Comprehensive Financial Report that displays financial trends, revenue capacity, debt capacity, demographic and economic information, and operating information for the current year and the nine preceding years. She added that the City's audit opinion is unmodified, and the numbers are accurately presented under generally accepted accounting principles.

Mr. Smith asked why there had been a significant drop in property taxes in 2023.

Ms. Malone replied in prior years property taxes went up due to home values, and since we are no longer taking Payments in Lieu of Taxes on Tax Increment Financing properties, this number will lower the amount for 2023.

Ms. Matlock asked if this reflects the commercial and residential districts.

Ms. Malone replied all properties within the TIF district are reflected.

Mr. Smith motioned, seconded by Ms. Wadlow, to accept and file the auditor’s report. The motion passed unanimously.

PROCLAMATIONS AND RESOLUTIONS

RETIREMENT RESOLUTION

Mayor Robinson called for the reading of a resolution from the Missouri House of Representatives expressing recognition and appreciation to retiring Police Captain Timothy Burger.

RETIREMENT PROCLAMATION — Mayor Robinson called for the reading of a proclamation expressing recognition and appreciation to Captain Burger.

There were no objections and Proclamation 2403 was read.

Mr. Taylor moved, seconded by Ms. Matlock, the adoption of Proclamation 2403 expressing recognition and appreciation to Police Captain Timothy Burger for 34 years of dedicated service to the Hazelwood community and extending sincere good wishes for a happy retirement. 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 comment to come forward at this time.

TRASH SERVICES — Clara Faatz of 8 Bon Vue Drive expressed concerns with Republic Service's trash service.

CITIZEN COMMENTS — Kevin Foley of 5274 Ville Rosa Lane expressed his appreciation to departments throughout the City.

PUBLIC HEARINGS

SLUP 623 DUNN ROAD — Mayor Robinson called to order the public hearing to consider a Special Land Use Permit (SLUP) for a vehicle wash facility, vehicle rental/leasing, and vehicle auto sales at 623 Dunn Road.

City Planner Darren May stated the new SLUP includes a car wash facility, which was not a part of the original permit.

Ms. Wadlow asked what the lot size is now with the purchase of this property.

Mr. May replied 3.33 acres.

Civil and Environmental Consultants, Inc. representative Dan Koziatek was available for questions and gave a brief presentation.

Mr. Smith asked if the property was fenced.

Mr. Koziatek responded there was no fence, but there is a control access gate off Dunn Road.

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.

Ms. Wadlow asked if the SLUP from 2021 was for less than three acres.

Mr. Zimmerman stated that the property was acquired in 1999 before the ordinance requiring a three-acre minimum lot went into effect. In 2021, Enterprise acquired an additional piece of property which brought them into compliance.

Ms. 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 vehicle wash facility, vehicle rental/leasing, and vehicle auto sales at 623 Dunn Road, Ward 2, with the following staff recommended conditions:

1. All vehicles shall be located in striped parking spaces.
2. All drive aisles and parking areas shall be constructed with a durably paved surface.
3. No damaged vehicles, vehicle parts, or tires shall be stored outdoors.
4. No vehicle maintenance or repairs shall be conducted outdoors.
5. The correct zoning district is C-3 Highway Commercial, which shall be corrected on the site plan.
6. The three existing ADA parking spaces in front of the facility at 623 Dunn Road shall be relocated to the closest feasible path to the front doors of that facility to better accommodate the disabled.
7. The proposed Expansion shall conform to all provisions contained in the Off Street Parking and Loading Regulations, the Landscaping and Screening Regulations, and the parking lot lighting requirements as stipulated in the Hazelwood City Code. A revised site plan conforming to all regulations in the Code shall be submitted and reviewed by staff for compliance before final approval.
8. The owner shall be required to maintain a fully functional video recording system on the property to ensure the safety of guests, deter criminal activity, and 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.”

She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Ms. Matlock, to concur with the City Plan Commission's recommendation to grant the Special Land Use Permit for a vehicle wash

facility, vehicle rental/leasing, and vehicle auto sales at 623 Dunn 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.a.

COMMUNICATIONS

EWGCG BRIEFINGS	The February 22 issue of Briefings was received from the East-West Gateway Council of Governments.
TIP FUND OBLIGATION DEADLINE	A reminder of the Transportation Improvement Program fund obligation deadline for the Phantom Drive–Missouri Bottom Road to James S. McDonnell Boulevard lane reduction and Teson Road to Howdershell, to Aubuchon Road preliminary engineering funding project was received from the East-West Gateway Council of Governments.
CHARTER COMMUNICATIONS	A notice of upcoming program changes was received from Charter Communications.
SLUP PETITION 5790 CAMPUS PARKWAY DRIVE	A petition for a Special Land Use Permit for a storage warehouse, outdoor storage, and vocational/trade school at 5790 Campus Parkway Drive was received from Concrete Strategies, LLC.

Mr. Aubuchon moved, seconded by Ms. Wadlow, to refer the petition to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS

ZONING CODE RE: USED CAR SALES	Mr. O'Keefe stated in 2011, the Board of Adjustment denied a request for a variance at 7770 North Lindbergh, which had a SLUP for used car sales, on a lot less than three acres, with a restriction that three cars could be sold at a time.

When the property owners wanted to amend the SLUP to allow the sale of 19 cars, their request was denied due to the size of the property. As a result, both the property and lot owners filed a lawsuit against the City to challenge the three-acre restriction. However, when the City filed a motion for case dismissal, the owners voluntarily withdrew their lawsuit.

Mr. Aubuchon stated rules and regulations are to be followed.
Mr. Smith asked about the potential consequences of lifting the restriction of three acres if the Council approved a vote and it proved to be a poor decision in the future. Specifically, he asked what would happen to the properties that were established.

Mr. Aubuchon responded they would be grandfathered in.

Mr. Smith stated he believes the City has mechanisms to change the ordinance.

Mr. Aubuchon voiced his concern over a less restrictive ordinance. Ms. Matlock concurred and stated the City does not need smaller car lots.

Ms. Wadlow inquired whether the City had contacted other retail-type businesses to encourage them to come into the City.

Mr. Zimmerman replied that businesses, including grocery stores, have been contacted and their response is the City does not have enough rooftops to sustain their business.

Mayor Robinson stated small businesses bring in more business.

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	Mayor Robinson requested Council policies be added to the March 13 work session.

There were no objections and discussion of Council policies will be added to the March 13 Council work session agenda.

CITY MANAGER'S REPORT

DESIGNEE TO REPORT NON-BINDING PROPERTY TAX RATES	Ms. Lowery recommended the Council designate Assistant City Manager-Finance Dave Tuberty to report the City's potential non-binding 2024 property tax rates to St. Louis County and as the City's contact person for taxpayer inquiries.

Mr. Taylor moved, seconded by Mr. Aubuchon, to designate Assistant City Manager-Finance Dave Tuberty to report the City's non-binding 2024 property taxes and as the City's contact person. The motion passed unanimously.

AMEND CHAPTER 510 RE: EMC'S	Mr. Zimmerman reported staff recommends amending Chapter 510 relative to Electronic Message Centers (EMC).

Mr. Zimmerman stated the Council discussed permitting electronic message centers on walls in commercial zoning districts at the January 3 and January 17 Council meetings. The City currently permits EMC's as freestanding signs.

Ms. Wadlow moved, seconded by Mrs. Hatton, to concur with the staff recommendation to amend Chapter 510 relative to Electronic Message Centers 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 CHAPTER 220 RE: ACCESSORY USES	Mr. O'Keefe stated the Council discussed preliminary draft legislation pertaining to accessory uses in front yards.

An updated draft ordinance was provided to the Council.

Ms. Wadlow moved, seconded by Mrs. Hatton, to concur with the staff recommendation to amend Chapter 220 relative to accessory structures in front yards and to place the draft bill on this agenda for introduction. The motion passed by a vote of seven in favor and one opposed, with Mr. Aubuchon casting the dissenting vote. The bill was added to the agenda as item 17.c.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT

DESTRUCTION OF RECORDS — Ms. Lowery provided the Council with a record of destruction report consisting of Record Destruction forms from the Police Department, Finance Department, and Legal Department for records destroyed on February 19, 2024.

The Missouri Secretary of State's Office provides schedules with minimum retention periods for certain local government records. Upon expiration of the period, the records may be destroyed. Per state statute, the report must be made part of the Council's minutes or attached to the minutes.

Mr. Smith moved, seconded by Ms. Wadlow, to accept the record destruction report and attach it to the minutes. The motion passed unanimously.

COMMISSION AND BOARD REPORTS — Mr. Aubuchon moved, seconded by Ms. Wadlow, to receive and file the minutes of the January 29 Pension Plan Board meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP 623 DUNN ROAD — Mayor Robinson called for the first reading of a bill to grant a a Special Land Use Permit for a vehicle wash facility, vehicle rental/leasing, and vehicle auto sales at 623 Dunn Road.

There were no objections and Bill 5115 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO ENTERPRISE LEASING COMPANY OF STL, LLC FOR A VEHICLE RENTAL/LEASING, VEHICLE AUTO SALES, AND A VEHICLE WASH FACILITY AT 623 DUNN ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 5115 will be on the agenda for second reading on March 20.

AMEND CHAPTER 510 RE: EMC'S — Mayor Robinson called for the first reading of a bill to amend Chapter 510 relative to Electronic Message Centers.

There were no objections and Bill 5116 was read by title only:

AN ORDINANCE AMENDING SECTION 510.090 OF THE HAZELWOOD, MISSOURI, CITY CODE PERTAINING TO ELECTRONIC MESSAGE CENTERS.

Bill 5116 will be on the agenda for second reading on March 20.

Mr. O'Keefe noted a scrivener's error of Chapter 510.090, where Section 510.090 is the proper reference.

AMEND CHAPTER 220 RE: ACCESSORY USES — Mayor Robinson called for the first reading of a bill to amend Chapter 220, Accessory Use Nuisance.

There were no objections and Bill 5117 was read by title only:

AN ORDINANCE AMENDING SECTION 220.020 OF THE HAZELWOOD CITY CODE RELATING TO NUISANCES TO PROHIBIT THE INSTALLATION OF CERTAIN LARGE OBSTRUCTIONS IN FRONT YARDS IN RESIDENTIAL AREAS.

Bill 5117 will be on the agenda for second reading on March 20.

SECOND READING OF BILLS AND ACTION ON BILLS - None

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING — Mayor Robinson announced the next regular Council meeting would be held Wednesday, March 20, 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 8:06 p.m.

_____
Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

_____
Julie Lowery, CMC - City Clerk
City of Hazelwood, Missouri