

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JULY 17, 2019**

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, July 17, 2019, 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:

Matthew G. Robinson
Russell Todd
Rosalie Hendon
Mary G. Singleton
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan

Council Members Robert Parkin II and Warren H. Taylor were not present. City Clerk Christine Thomas declared a quorum was present.

Also present were City Manager Matt Zimmerman and City Attorney Kevin O'Keefe.

AGENDA

Mr. Todd moved, seconded by Mrs. Hendon, to amend the agenda by the addition of a discussion on revocation of the Days Inn extended stay Special Land Use Permit as item 11.b. The motion passed unanimously.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to adopt the agenda as amended. The motion passed unanimously.

CONSENT AGENDA

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 7

NAY - 0

Mayor Robinson
Mr. Todd
Mrs. Hendon
Mrs. Singleton
Mrs. Stroker

Mr. Aubuchon
Mr. Ryan

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to consult with the City Attorney and discuss litigation in accordance with the provisions of RSMo 610.021(1), was adopted.

**APPROVAL OF
MINUTES**

Mrs. Hendon moved, seconded by Mrs. Singleton, to approve the minutes of the July 3 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

Communications Coordinator Tim Davidson provided the What's New in Hazelwood report.

**CITIZEN'S SERVICE
CITATION**

Police Chief Gregg Hall presented a Citizen's Service Citation award to Patrick Eagan.

Chief Hall stated on January 27, 2019, officers from the Hazelwood Police Department were dispatched to a house fire in the 1000 block of Riverwood Place Drive. Upon arrival, officers learned that Patrick Eagan, a neighbor, had assisted with evacuating the residents of the home and helping them to safety. Mr. Eagan was the first on the scene and not only entered the burning home to rescue the family's dog, but also assisted in getting the homeowner to leave the house. Mr. Eagan went above and beyond to provide assistance not only to the Hazelwood Police Department, the Hazelwood Fire Department, and the Florissant Valley Fire Department, but to his community. He did so without any regard for his personal safety.

**DISTINGUISHED
SERVICE CITATION
FOR VALOR**

Chief Hall presented the Distinguished Service Citation for Valor to Police Officer Daniel Rodriguez for risking his life to save the life of another.

Chief Hall explained on June 21, 2019, at approximately 11:30 a.m., officers responded to the 100 block of Becker for a report of a house fire. Officer Rodriguez was first to arrive on the scene. He observed the main floor of the residence fully engulfed in flames and could hear cries for help coming from a basement window. He found the homeowner and her three-year-old granddaughter were inside the basement. The basement window would only partially open, so Officer Rodriguez kicked open the window and was able to pull the child out and take her to safety. He then returned to the window and, with the help of a neighbor, was able to pull the homeowner to safety as well. Officer Rodriguez placed his own life in jeopardy to prevent injury or the loss of life to the homeowner and her granddaughter.

EMPLOYEE SERVICE

As her biography was read, Telecommunicator Dawn Watkins was presented with a 15 year service award.

As his biography was read, Code Enforcement Officer Steve Welsh was presented with a 30 year service award.

As his biography was read, Chief Hall was presented with a 40 year service award.

PROCLAMATIONS AND RESOLUTIONS

**PARK GRANT
RESOLUTION** Mayor Robinson called for the reading of a resolution authorizing an application to the Municipal Park Grant Commission to complete planning for Pershall Park.

Public Works Director David Stewart reported staff would like to make improvements at Pershall Park and the first step in the process is updating the Master Plan by submitting a request for a Planning Grant to the Municipal Park Grant Commission. The Planning Grant request is 80% of the \$8,000 project cost and the City would cover the remaining 20% which is \$1,600.

Mrs. Hendon asked what needs to be done at Pershall Park. Mr. Stewart replied the planning effort would include a holistic study of the parks and a list of recommended improvements would be provided. Mr. Stewart stated tennis is not as popular as it once was and the courts could be replaced.

There were no objections and Resolution 1910 was read by title only:

A RESOLUTION OF THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, SUPPORTING THE APPLICATION FOR GRANT FUNDS TO BE USED FOR UPDATING THE PERSHALL PARK MASTER PLAN.

Mr. Aubuchon moved, seconded by Mrs. Hendon, the adoption of Resolution 1910. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mayor Robinson	
Mr. Todd	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	

The motion passed and Resolution 1910 was 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.

**APPRECIATION
FROM HAZELNUTS**

Clara Faatz of 8 Bon Vue Drive, president of the Hazelnuts, thanked Mr. Zimmerman and the Council for including money in the budget for Hazelnuts.

Ms. Faatz expressed her gratitude to staff and the Council for letting the Hazelnuts utilize the Civic Center East as a meeting place and for the senior bus. She stated the bus drivers are an outstanding group of individuals who go above and beyond for the riders.

**CITY MANAGER'S
STATUS REPORT**

Mr. Zimmerman gave an update from the July 3 regular Council meeting on concerns with Code Enforcement on Auriesville Lane expressed by Deborah King and concerns expressed by Joe Tubbs, owner of Midwest Clearance Center at the St. Louis Outlet mall, concerning the status of his lease.

Mr. Zimmerman stated Mr. Tubbs had been advised leases are a private matter between the landlord and the tenant. Per Mr. O'Keefe's advice, Mr. Zimmerman did not contact Mr. Tubbs.

Mr. Zimmerman stated Code Enforcement went to Auriesville Lane and issued warnings to properties that had code violations. Mr. Zimmerman reported all of the junk, trash and mattresses were removed from 5122 Auriesville Lane, a tire was removed from 5130 Auriesville Lane, and all vehicles that were parked on unapproved surfaces at 5142 Auriesville have been moved. One of the concerns expressed at the July 3 Council meeting was cars being parked on the street where it is prohibited. Mr. Zimmerman explained the Police Department has been on Auriesville Lane 26 times in the past year due to calls from residents. Mr. Zimmerman stated the Police Department is not sure why parking is prohibited on both sides of the street. If the Council would like, a traffic study could be conducted to determine whether parking could be safely permitted on one side of Auriesville Lane. Based on the results of the study, a recommendation would be forwarded to the Council for its decision.

Mayor Robinson expressed concern that Mr. Tubbs was not contacted. Mr. Zimmerman replied Mr. Tubbs had attended the press conference and has as much information as any other member of the public.

PUBLIC HEARINGS

AMEND CHAP. 405 Mayor Robinson called to order the public hearing to
ZONING REGULATIONS consider amending various sections of Chapter 405: Zoning
MEDICAL MARIJUANA Regulations to allow for medical marijuana related uses.

City Planner Earl Bradfield reported in November 2018 voters in Missouri approved Charter Amendment 2 making Missouri the 33rd state to legalize marijuana for medical

use. Since that time, the City has received a number of inquiries regarding the zoning requirements for medical marijuana cultivation facilities, testing facilities, infusion facilities and dispensaries. Mr. Bradfield stated Amendment 2 allows municipalities to regulate the time, place and manner of the operation of the facilities as long as the regulations are not unduly burdensome. The amendment suggests a maximum of 1,000 feet between any medical marijuana facility and a church, existing elementary and secondary schools, and child daycare centers. Mr. Bradfield stated a municipality can reduce this spacing. Staff reviewed the state requirements, as well as zoning codes from several municipalities, and gave the following recommendations:

- All medical marijuana facilities shall be no closer than 1,000 feet from any existing elementary or secondary school, church or child daycare facility.
- No medical marijuana facility shall be located within 1,000 feet of any other medical marijuana facility, except when in the same building.
- Hours of operation for a medical marijuana dispensary may be from 8 a.m. to 9 p.m.
- Medical marijuana dispensaries shall be permitted, but shall require a Special Land Use Permit in C-2 and C-3 commercial districts.
- Medical marijuana cultivation, infused products and testing facilities shall be permitted, but shall require a Special Land Use Permit in I-1 Light Industrial Districts and I-2 Heavy Industrial Districts.
- All medical marijuana facilities shall be licensed through the State of Missouri and meet all state requirements.
- All medical marijuana facilities must obtain a business license and a commercial occupancy permit from the City.

Mr. Bradfield stated these conditions provide the opportunity for infusion, testing and cultivation facilities to be located in Aviator Industrial Park, the west half of Hazelwood Logistics Center, the east half of Brown Campus, Hazelwood TradePort Industrial Parks and a small portion of Park 370. Mr. Bradfield explained the spacing requirements also open up commercially zoned properties for dispensary facilities along the North Lindbergh Boulevard corridor on both the north and south sides of I-270 and along McDonnell Boulevard and Howdershell Road close to I-270. Mr. Bradfield stated, as of early July, the State of Missouri has received 160 applications for medical marijuana cultivators, 308 applications for dispensaries, and 86 for manufacturers. The state plans to approve 60 cultivators, 192 dispensaries, 80 manufacturers, and two testing facilities.

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. Thomas read the City Plan Commission motion “to recommend approval to the City Council of the amendments to the zoning Code pertaining to medical marijuana.” She stated the motion passed by a vote of four to one.

Mr. Todd moved, seconded by Mr. Ryan, to concur with the City Plan Commission recommendation to amend various sections of Chapter 405: Zoning Regulations to allow for medical marijuana related uses 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.

**ENHANCED
ENTERPRISE ZONE
TAX ABATEMENT**

Mayor Robinson called to order the public hearing to consider approval of an Enhanced Enterprise Zone project at 7100 Hazelwood Avenue and to authorize the City to enter into an Enhanced Enterprise Zone agreement with PLM Holding Company to provide real property tax abatement.

Mark Spykerman of Gilmore & Bell, the City's bond counsel, stated PLM Holding Company intends to purchase the property. The proposed 50% tax abatement would be effective through 2028. Mr. Spykerman explained the bill before the Council tonight would approve the abatement and development agreement.

Jacob Surratt of Duff & Phelps, representing PLM, stated at the last meeting the property was rezoned and the Special Land Use Permit was granted. He explained they are asking for the abatement to make the project financially feasible.

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. Todd moved, seconded by Mrs. Hendon, to approve an Enhanced Enterprise Zone project at 7100 Hazelwood Avenue and authorize the City to enter into an agreement with PLM Holding Company to provide real property tax abatement 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.

COMMUNICATIONS

**SLUP PETITION
7008 N. HANLEY ROAD**

A petition for a Special Land Use Permit for a fast food restaurant at 7008 North Hanley Road was received from Y & Y Grill, LLC, d/b/a Miami Grill.

**CHARTER
COMMUNICATIONS**

Notification was received from Charter Communications of programming changes, effective July and August, to the following channels: Univision Deportes, EVINE and Family Entertainment TV.

EWGCG
LOCAL BRIEFINGS

The July 3 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

MSD BUDGET
SUPPLEMENT

A letter announcing the publication of the fiscal year 2020 Budget Supplement, which details the Capital Improvement and Replacement Program, was received from the Metropolitan St. Louis Sewer District.

Mrs. Hendon moved, seconded by Mrs. Singleton, 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

Mrs. Singleton requested discussion of the City's website be added to the September 11 Council work session agenda.

There were no objections.

DAYS INN
SLUP REVOCATION

Mr. Todd stated the Days Inn extended stay hotel located at 7350 North Hanley Road has not complied with the conditions they agreed to when the SLUP Revocation Committee agreed to cancel the revocation hearing.

Mr. Zimmerman stated the Days Inn owner signed an agreement regarding compliance with the permit. The property hasn't been brought into compliance nor has sufficient progress been made. A new report shows the number of calls and seriousness of calls to the Police Department is increasing. Mr. Zimmerman asked if the committee is willing to meet and if the Council wishes to appoint an alternate member. He explained, if necessary, staff wants to take action before the start of the school year.

Committee members Mr. Todd, Mr. Ryan and Mr. Taylor agreed to meet.

Mr. Todd moved, seconded by Mr. Aubuchon, to ratify appointment of the Days Inn extended stay Special Land Use Permit Revocation Committee and appoint Mayor Robinson as alternate. The motion passed unanimously.

CITY MANAGER'S REPORT

POWERPLEX
DEVELOPMENT
AGREEMENT

Mr. Zimmerman reported staff recommends approving a Master Development Agreement in connection with the redevelopment of the St. Louis Outlet Mall.

Community and Economic Development Coordinator Becky Ahlvin stated the new TIF, CID and TDD will be created to encompass the current mall property and outlots. The CID and TDD will each create a 1% sales tax and the TIF will capture 50% of the available sales tax revenues from the pool. Mrs. Ahlvin stated Big Sports Properties (BSP) will be receiving a \$5 million forgivable economic development loan to help fund construction of the project. The forgiveness is on a 20 year schedule as long as the project generates \$250,000 in economic development sales tax in calendar years 2021 through 2023 and \$300,000 in economic development sales tax in calendar years 2024 through 2040. Mrs. Ahlvin explained if the economic development sales tax generated by the property is less than \$250,000 in 2021 through 2023 or less than \$300,000 in 2024 through 2040, BSP will pay the difference to the City. BSP has agreed to settle the current \$37 million TDD bond debt for \$10.5 million. The City is responsible for the other TDD bond debt expected to cost no more than \$1 million. The City will also put \$1 million in a reserve for fund for the new TDD debt. Mrs. Ahlvin stated the new bonds will be issued by the Hazelwood Industrial Development Authority. Mrs. Ahlvin explained the City is providing a \$600,000 grant from the Capital Improvement Fund to help fund construction of the ballfields. In return, the City can use the fields from April 1 through July 15 for 10 years from 5 p.m. till 11 p.m., Monday through Thursday. This will allow the City to host two baseball/softball leagues at the venue. Mrs. Ahlvin stated the City is providing Chapter 100 abatement to BSP for real property taxes from 2020 through 2039 and BSP is responsible to paying a Payment in Lieu of Taxes (PILOT) consisting of a fixed fee and variable fee. Regarding the hotel taxes, 100% of hotel taxes generated within the City by the project, either on the project site or elsewhere in the City, will be dedicated back to BSP. Mrs. Ahlvin stated if the number of hotel rooms on the project site is less than 250, BSP will pay \$500 to the City for each room under 250. The City will put \$1 million into a construction escrow fund for Phase 1 of the project. If money is not needed from this fund, it will be reduced to \$667,000 on November 1, 2020, reduced to \$333,000 November 1, 2121, and the remaining balance returned to the City on November 1, 2022. Mrs. Ahlvin stated BSP will reimburse the City for any draws on the reserve fund by June 1, 2029. BSP will pay the City what the City would have to pay the Robertson Fire Protection District for their services.

Ernesto Segura, attorney representing BSP, stated a sale contract to purchase the mall and Cabela's was signed yesterday.

Mae Maine of Midwest Clearance Center expressed concern that there is a plan for Cabela's and Hope Church, but not their store.

Mr. Zimmerman stated the City has no legal authority or involvement in these matters.

Ms. Maine requested a copy of the proposal presented by Mrs. Ahlvin. Mr. Zimmerman stated he would provide her with a copy of the development agreement and memo.

Mr. Segura noted there has been very clear communication from the mall owners that BSP should not communicate with their tenants and the purchase of Cabela's was

negotiated with the mall owner. Mr. Segura stated when they close on the property and have the legal right to enter into discussions with the tenants, they will.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the staff recommendation to approve a Master Development Agreement in connection with the redevelopment of the St. Louis Outlet Mall 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.

PURCHASE OF POLICE VEHICLES	Chief Hall recommended the purchase of two 2020 Chevrolet Tahoe 4WD vehicles from Don Brown Chevrolet, at a cost of \$71,446, instead of the two Dodge Durangos approved for purchase during the July 3 Council meeting.
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Chief Hall explained the computer system for the police vehicles doesn't fit in the 2019 Dodge Durango without impeding on the front-seat passenger. Therefore, staff is recommending the purchase of two 2020 Chevrolet Tahoe 4WD vehicles from the state bid, instead of the previously approved Durangos. The purchase of the two Chevrolet Tahoe's would increase the vehicle cost from \$140,122 to \$145,936. With the addition of equipment, installation, and decals, the total cost would increase from \$173,002 to \$178,816, resulting in an over budget amount of \$5,814 for the item in the Capital Improvement Fund budget.

Mrs. Singleton moved, seconded by Mrs. Hendon, to concur with the staff recommendation to purchase two 2020 Chevrolet Tahoe 4WD vehicles from Don Brown Chevrolet at a cost of \$71,446 plus equipment installation and decals, rather than the 2020 Dodge Durangos approved for purchase on July 3. The motion passed unanimously.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

AMEND CHAPTER 405 RE: MEDICAL MARIJUANA USES	Mayor Robinson called for the first reading of a bill to amend various sections of Chapter 405: Zoning Regulations to allow for medical marijuana uses.
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There were no objections and Bill 4818 was read by title only:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF *CHAPTER 405: ZONING REGULATIONS* OF THE HAZELWOOD CITY CODE TO ALLOW FOR MEDICAL MARIJUANA RELATED USES.

Bill 4818 will be on the agenda for second reading on August 7.

EEZ PROJECT & AGREEMENT PLM HOLDING CO.	Mayor Robinson called for the first reading of a bill to approve an Enhanced Enterprise Zone project at 7100 Hazelwood Avenue and authorize an agreement with PLM Holding Company to provide real property tax abatement.
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There were no objections and Bill 4819 was read by title only:

AN ORDINANCE APPROVING AN ENHANCED ENTERPRISE ZONE PROJECT AND AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ENTER INTO AN ENHANCED ENTERPRISE ZONE AGREEMENT WITH PLM HOLDING COMPANY TO PROVIDE REAL PROPERTY TAX ABATEMENT.

Bill 4819 will be on the agenda for second reading on August 7.

MASTER DEVELOPMENT AGREEMENT	Mayor Robinson called for the first reading of a bill to approve a Master Development Agreement in connection with the redevelopment of the St. Louis Outlet Mall.
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There were no objections and Bill 4820 was read by title only:

AN ORDINANCE APPROVING A MASTER DEVELOPMENT AGREEMENT IN CONNECTION WITH THE REDEVELOPMENT OF THE ST. LOUIS OUTLET MALL.

Bill 4820 will be on the agenda for second reading on August 7.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4765 AMEND PDM CONDITIONS	The second reading of Bill 4765, to amend the Planned District, Mixed Use, conditions for a retail shopping mall by establishing conditions for a sports facility, has been postponed.
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BILL 4801 AGREEMENT FIREFIGHTERS' UNION	The second reading of Bill 4801, approving an agreement with Local #2665 of the International Association of Firefighters relative to terms and conditions of employment, has been postponed.
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BILL 4816 SLUP 210 FEE FEE HILLS DR.	Mayor Robinson called for the second reading of Bill 4816 to grant a Special Land Use Permit to Gujarati Samaj of St. Louis, Inc., for a banquet facility at 210 Fee Fee Hills Drive.
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There were no objections and Bill 4816 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO GUJARATI SAMAJ OF ST. LOUIS, INC., FOR A BANQUET FACILITY AT 210 FEE FEE HILLS DRIVE AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4816 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mayor Robinson	
Mr. Todd	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	

Bill 4816 was adopted as Ordinance 4700-19.

BILL 4817	Mayor Robinson called for the second reading of Bill 4817 to
SLUP	grant a Special Land Use Permit to Express Medical
183 MCDONNELL BLVD.	Transporters, Inc., for a vehicle service and repair facility at
& 5900 N. LINDBERGH	183 James S. McDonnell Boulevard and 5900 North
	Lindbergh Boulevard.

There were no objections and Bill 4817 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO EXPRESS MEDICAL TRANSPORTERS, INC., FOR A VEHICLE SERVICE AND REPAIR FACILITY AT 183 JAMES S. MCDONNELL BOULEVARD AND 5900 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4817 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mayor Robinson	
Mr. Todd	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	

Bill 4817 was adopted as Ordinance 4701-19.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, August 7, 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 8:38.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Christine Thomas, CMC - City Clerk
City of Hazelwood, Missouri