

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
FEBRUARY 5, 2020**

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, February 5, 2020, 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
Tyler Wilson
Matthew G. Robinson
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton

Council Members Carol A. Stroker and Russell Todd 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. Aubuchon moved, seconded by Mr. Wilson, to amend the agenda by the addition of the Special Land Use Permit petition from Phillips 66 at 7323 North Lindbergh Boulevard and a proposal to amend *Chapter 405. Zoning Regulations* relative to communication antennae as consent communications, items 9.78 and 9.79, respectively. The motion passed unanimously.

Mr. Aubuchon moved, seconded by Mr. Wilson, 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. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mr. Aubuchon	
Mr. Ryan	
Mr. Wilson	

Mayor Robinson
Mr. Taylor
Mrs. Hendon
Mrs. Singleton

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) and to discuss a proprietary matter in accordance with the provisions of RSMo 610.021(15), was adopted.

APPROVAL OF MINUTES

Mrs. Hendon moved, seconded by Mrs. Singleton, to approve the minutes of the January 15 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS - None

PROCLAMATIONS AND RESOLUTIONS

MISSOURI BOTTOM RD. RESOLUTION Mayor Robinson called for the reading of a resolution in support of an application for grant funds for stabilizing the Missouri Bottom Road slope.

Public Works Director David Stewart reported the City was not awarded funding last year for the Missouri Bottom Road slope stability project and would like to resubmit for this year's funding cycle. The total project cost is \$4.8 million and the City's application requests \$2.9 million in federal funding with a \$1.9 million contribution from the City.

There were no objections and Resolution 2001 was read by title only:

A RESOLUTION ENDORSING APPROVAL OF THE APPLICATION OF THE CITY OF HAZELWOOD, MISSOURI, FOR FUNDING FOR STABILIZATION OF THE MISSOURI BOTTOM ROAD SLOPE THROUGH THE SURFACE TRANSPORTATION PROGRAM – SUBALLOCATED (STP-S) OF THE MISSOURI DEPARTMENT OF TRANSPORTATION.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Resolution 2001. The following vote was recorded on the motion:

<u>AYE - 6</u>	<u>NAY - 1</u>
Mr. Aubuchon	Mr. Wilson
Mr. Ryan	
Mayor Robinson	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	

Resolution 2001 was adopted by a vote of six in favor and one opposed, with Mr. Wilson casting the dissenting vote.

GNCCC 2020 BUSINESS PERSON OF YEAR PROCLAMATION Mayor Robinson called for the reading of a proclamation congratulating Mike Moehlenkamp, the Greater North County Chamber of Commerce 2020 Business Person of the Year.

There were no objections and Proclamation 2005 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 2005 extending congratulations to Mike Moehlenkamp, Greater North County Chamber of Commerce 2020 Outstanding Business Person of the Year, and commending him for his involvement and dedicated service to the community. The motion passed unanimously.

GNCCC 65TH ANNIVERSARY PROCLAMATION Mayor Robinson called for the reading of a proclamation congratulating the Greater North County Chamber of Commerce upon their 65th anniversary.

Mrs. Singleton moved, seconded by Mrs. Hendon, the adoption of Proclamation 2006 congratulating the Greater North County Chamber of Commerce for 65 years of dedicated service to our community and commending them for their continued efforts to improve the quality of life in North County. 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.

No one came forward to address the Council.

PUBLIC HEARINGS

SIGN VARIANCE 8917 DUNN ROAD Mayor Robinson called to order the public hearing to consider the application by Car Craft Autobody for a variance to extend the 30 day time limit for display of temporary signs for two banner signs at 8917 Dunn Road.

John Wilk, representative for Car Craft Autobody, stated they received approval for their permanent signs today and need time to fabricate them. Mr. Wilk stated they want to display the temporary banners until March 31 when the permanent signs are ready to be installed. Mr. Wilk showed pictures of where the banners are located and where the permanent signs will be located.

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. Hendon moved, seconded by Mr. Taylor, to grant Car Craft Autobody a variance of the sign regulations at 8917 Dunn Road to extend the 30-day time limit for display of temporary signs to March 31 for two banner signs. The motion passed unanimously.

SIGN VARIANCE Mayor Robinson called to order the public hearing to consider the application by Arco Construction Company, Inc., for a variance of the sign regulations to permit a wall sign on the west elevation, which is not street-side, at 4824 Park 370 Boulevard.

City Planner Earl Bradfield stated Artur Express is requesting a variance to allow a 67 square foot wall sign on a wall that doesn't face a street but faces their parking lot. He stated the sign meets size regulations.

Shannon Brown of The Designery, representative for Artur Express, stated the Arco building is Artur Express's new operation center. Artur employs over 700 drivers in 48 states. The facility is used for cargo operations and processing paperwork and it serves as a rest area for the truck drivers. It is open 24-hours, 7 days a week. Mr. Brown showed pictures of the building elevations and the proposed LED sign to be located on the west elevation. The illuminated sign would be visible from Highway 370 and would help drivers locate the building.

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. Hendon moved, seconded by Mrs. Singleton, to grant Arco Construction Company, Inc., a variance of the sign regulations to permit a wall sign on the west elevation, which is not street-side, at 4824 Park 370 Boulevard. The motion passed unanimously.

COMMUNICATIONS

MSD ANNUAL REPORT The 2019 Popular Annual Financial Report and Faces of Diversity Report were received from Metropolitan St. Louis Sewer District.

EWGCG LOCAL BRIEFINGS The January 16 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

BOARD RESIGNATION A letter of resignation from the Board of Adjustment/Architectural Board of Review was received from Darryl Chandler, Jr.

A letter thanking Mr. Chandler for his service to the City was sent.

ST. LOUIS COUNTY OFFICE OF DIVERSITY, EQUITY & INCLUSION A letter listing events planned in 2020 to promote efforts to make the region a more desirable place for residents to work, live and expand businesses was received from St. Louis County Office of Diversity, Equity and Inclusion.

EWGCG LOCAL BRIEFINGS The January 23 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

MSD STORMWATER CAPITAL PROJECT FUNDING A letter inviting elected leaders and public works officials to discuss stormwater capital project funding was received from the Metropolitan St. Louis Sewer District.

SLUP PETITION 7323 N. LINDBERGH BOULEVARD A petition for a Special Land Use Permit for a vehicle service station, convenience store, and car wash at 7323 North Lindbergh Boulevard was received from Hazelwood 67, Inc., d/b/a Hazelwood Phillips 66.

PROPOSAL TO AMEND CODE A proposal to amend *Chapter 405. Zoning Regulations* relative to communication antennae was received from City Planner Earl Bradfield.

Mrs. Hendon moved, seconded by Mrs. Singleton, to refer the petition and proposal to amend the Zoning Regulations 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 11 Council work session agenda.

APPOINTMENTS TO BOARD OF REVIEW Mrs. Thomas had provided the Council with notice of the need to appoint four Council members to the 2020 Board of Review.

Traditionally, the Council has alternated between members of the even and odd numbered wards. In 2019, the members of the even numbered wards served.

Mrs. Hendon moved, seconded by Mrs. Singleton, to appoint the Council members of Wards 1, 3, 5 and 7 to serve as the 2020 Board of Review, with one Council member to serve as the alternate. The motion passed unanimously.

GREEN SALES TAX HOLIDAY Mrs. Thomas had provided the Council with notice that the ordinance authorizing ongoing participation in the annual Green Sales Tax Holiday was adopted with the condition the subject is placed on the agenda every year to assure the Council's continued support.

The sales tax holiday is from April 19 through April 25. No action by the Council is needed to continue participation.

There were no objections from the Council and the City will participate.

INCLEMENT WEATHER PROCEDURE Mrs. Singleton inquired about a procedure for cancelling Council meetings due to inclement weather.

Mayor Robinson suggested texting the Council to decide.

Mr. O'Keefe stated the issue is the Council must have a meeting to make the decision. Mr. O'Keefe suggested the Chair should make the decision.

Mr. Aubuchon expressed concerns about notifying the public of the cancellation.

Community and Economic Development Coordinator Becky Ahlvin stated notice of the cancellation could be put on all of the City's social media platforms, on the City website and the local news stations could be notified. In addition, a sign would be placed on the City Hall door.

Police Chief Gregg Hall stated the call system could be activated to notify the residents.

BOARD/COMMISSION APPOINTMENTS Mayor Robinson nominated Verna Diallo, 256 Gladys Avenue, for appointment to the Community Enrichment Commission and Janet Robinson, 15 Tamma Lane, for appointment to the Board of Adjustment/Architectural Board of Review.

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

Mrs. Thomas will invite the newly appointed board and commission members to the February 19 Council meeting to receive their oaths of office and commission certificates.

CITY MANAGER'S REPORT

PLM ENHANCED ENTERPRISE ZONE AGREEMENT Mr. Zimmerman reported staff recommends approving an amended and restated Enhanced Enterprise Zone (EEZ) agreement with GKS Holdings, LLC and PLM Holding Company.

Mark Spykerman of Gilmore & Bell, the City's bond counsel, stated the Council approved the EEZ agreement with PLM on August 7, 2019, and subsequently PLM informed the City that the property would be owned by a separate wholly-owned affiliate, GKS Holdings, LLC. GKS Holdings will lease the property to PLM. Mr. Spykerman stated the agreement needs to be amended to clarify that GKS is the owner of the property and PLM is the business operator. Mr. Spykerman noted the EEZ tax abatement is not affected by this amendment.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the staff recommendation to amend the EEZ agreement with GKS Holdings, LLC and PLM Holding Company 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.

AMEND CHAPTER 410 Mr. Bradfield reported staff recommends amending *Chapter 410. Subdivisions, Streets and Land Development* pertaining to the methods by which completion and maintenance of public improvements are guaranteed.

Mr. Bradfield stated several developers have requested the ability to post a bond to certify completion of subdivision improvements. Currently, the code only allows for cash escrow or a letter of credit. After reviewing with the City Attorney's office, staff discovered several St. Louis County municipalities accept performance bonds.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the staff recommendation to amend *Chapter 410. Subdivisions, Streets and Land Development* pertaining to the methods by which completion and maintenance of public improvements are guaranteed 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.

The public hearing on the proposed amendment will be held February 19.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT

DESTRUCTION OF RECORDS

Mrs. Thomas had provided the Council with a record destruction report consisting of Record Destruction Forms from the Police Department, Finance Department, City Manager's Office and City Clerk's Office for records destroyed January 21, 2020.

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.

Mrs. Hendon moved, seconded by Mr. Wilson, to accept the records destruction report and attach it to the minutes. The motion passed unanimously.

The report is attached hereto.

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

EEZ AGREEMENT Mayor Robinson called for the first reading of a bill to approve an amended and restated Enhanced Enterprise Zone agreement with GKS Holdings, LLC and PLM Holding Company.

There were no objections and Bill 4855 was read by title only:

AN ORDINANCE APPROVING AN AMENDED AND RESTATED ENHANCED ENTERPRISE ZONE AGREEMENT WITH GKS HOLDINGS, LLC AND PLM HOLDING COMPANY.

Bill 4855 will be on the agenda for second reading on February 19.

AMEND CHAPTER 410 Mayor Robinson called for the first reading of a bill to amend *Chapter 410. Subdivisions, Streets and Land Development* pertaining to the methods by which completion and maintenance of public improvements are guaranteed.

There were no objections and Bill 4856 was read by title only:

AN ORDINANCE AMENDING CHAPTER 410. SUBDIVISIONS, STREETS AND LAND DEVELOPMENT OF THE HAZELWOOD CITY CODE PERTAINING TO THE METHODS BY WHICH COMPLETION AND MAINTENANCE OF PUBLIC IMPROVEMENTS ARE GUARANTEED AND MATTERS RELATING THERETO.

Bill 4856 will be on the agenda for second reading on February 19.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4846
BOND ISSUANCE
TRADEPORT, LOT 1

Mayor Robinson stated the second reading of Bill 4846 to authorize the issuance of taxable industrial revenue bonds for development of TradePort Lot 1, Building IV has been postponed.

BILL 4848
DEVELOPMENT
AGREEMENT

Mayor Robinson stated the second reading of Bill 4848 to approve a first amendment to the Master Development Agreement with Big Sports Properties has been postponed.

BILL 4849
LOAN AGREEMENT
BIG SPORTS PROP.

Mayor Robinson stated the second reading of Bill 4849 to authorize an economic development loan agreement with Big Sports Properties has been postponed.

BILL 4852
SLUP
5925 FEE FEE ROAD

Mayor Robinson called for the second reading of Bill 4852 to grant a Special Land Use Permit for outdoor storage at 5925 Fee Fee Road.

On January 13, the Board of Adjustment heard the appeals by Leonard Masonry for variances of the durable pavement requirements at 5925 Fee Fee Road. The board granted the variances with conditions. The Council had been provided with Bill 4852.1, in redline format, which reflects the granting of the variances.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to amend Bill 4852 by the text of Bill 4852.1. The motion passed unanimously.

There were no objections and Bill 4852, as amended, was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO LEONARD MASONRY ACQUISITION, LLC FOR OUTDOOR STORAGE AT 5925 FEE FEE ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4852, as amended, as an ordinance. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mr. Aubuchon	
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Taylor	

Mrs. Hendon
Mrs. Singleton

Bill 4852, as amended, was unanimously adopted as Ordinance 4736-20.

BILL 4854 Mayor Robinson called for the second reading of Bill 4854 to
AMEND CITY COUNCIL amend the City Council retirement plan relative to
RETIREMENT PLAN pre-retirement death benefits.

There were no objections and Bill 4854 was read by title only:

AN ORDINANCE ADOPTING AN AMENDMENT TO THE RETIREMENT PLAN FOR CITY COUNCIL MEMBERS OF THE CITY OF HAZELWOOD, MISSOURI, RELATED TO DEATH BENEFITS.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4854 as an ordinance. The following vote was recorded on the motion:

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

Bill 4854 was unanimously adopted as Ordinance 4737-20.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

CITY HALL CLOSED Mayor Robinson announced City Hall will be closed for Presidents' Day on February 17.

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, February 19, 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 8:12 p.m.

ATTEST:

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

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri