

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MARCH 3, 2021**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:33 p.m. on Wednesday, March 3, 2021 in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

In response to the coronavirus (COVID-19) public health emergency, some members of the City Council attended in-person in the Council Chambers at Hazelwood City Hall and others attended and participated by video conference in accord with Section 610.015, RSMo ("All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected ... shall be cast by members ... who are physically present ... or who are participating via videoconferencing.") It was impossible and impractical to hold the meeting in a manner physically accessible by the public. Section 610.020.2, RSMo ("Each meeting shall be held at a place reasonably accessible to the public ... unless for good cause such a place ... is impossible or impractical.") Public access to the meeting was accommodated in person and via access to video conference pursuant to notice provided in accord with Section 610.020, RSMo.;

On roll call the following members of the Council were present:

Russell Todd
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton
Robert M. Aubuchon
Don W. Ryan
Daniel T. Herin
Matthew G. Robinson

Council Member Carol A. Stroker 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. Herin, the adoption of the agenda as printed. 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 - 8 NAY - 0

Mr. Todd
Mr. Taylor
Mrs. Hendon
Mrs. Singleton
Mr. Aubuchon
Mr. Ryan
Mr. Herin
Mayor Robinson

The motion passed unanimously and the consent agenda was adopted.

**APPROVAL OF
MINUTES** Mrs. Hendon moved, seconded by Mrs. Singleton, to approve the minutes of the February 17 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS - None

PROCLAMATIONS AND RESOLUTIONS - None

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.

Mayor Robinson stated written comments may be submitted to: Hazelwood City Council, 415 Elm Grove Lane, Hazelwood, MO 63042 or CityClerk@hazelwoodmo.org with "Citizen Comment" in the subject line.

Mayor Robinson asked Mrs. Lowery if any written comments had been received for this evening's meeting.

Mrs. Lowery replied none were received.

PUBLIC HEARINGS

**SLUP
6827 HOWDERSHELL** Mayor Robinson called to order the public hearing to consider the petition received from Inspiring Angels Private Event Center, Inc. for a Special Land Use Permit (SLUP) for a banquet facility at 6827 Howdershell Road.

City Planner Kate Crimmins reported Inspiring Angels Private Event Center would be available to rent for birthday parties, baptisms, children parties, and other special events. Mrs. Crimmins stated this facility has a kitchen that could prepare food for on-site events,

and the petitioner has applied for a full liquor license. Mrs. Crimmins explained Inspiring Angels' proposed hours of operation are 12 p.m. to 1:30 a.m., Tuesday through Sunday, with liquor sales ending at 12:00 a.m. on Sunday. The maximum amount of guests at any time would be 40 and on-site staff would consist of eight employees and two security guards. The City's parking requirement is not met at this site, as there is a deficit of parking spaces, but the previous tenant was allowed to operate with a larger deficit. Mrs. Crimmins noted that the busiest time would be during the evening when other businesses in the strip mall would be closed. Chez Orleans apartment complex sits 38 feet from the sidewall of the building and previous businesses have generated noise complaints, therefore, congregating and outdoor events would be prohibited.

Mr. Aubuchon stated the proposal includes parking on the side of the building, which is not permitted.

Mrs. Crimmins replied parking is allowed in striped parking spaces and not on the side or the rear of the building. Those areas would remain clear for emergency vehicle usage.

Mrs. Hendon stated she thought this space was going to be used as an office for a home health agency.

Mrs. Crimmins responded initially the petitioner wanted to run an adult day care at the site, but that did not work out due to code issues. Inspiring Angels does have an occupancy permit for an office for the home health care business at 6827 Howdershell Road.

Mrs. Singleton asked if Planning and Zoning recommendations restricted parking in front of JoJo's and other business because there is not enough spaces in the strip mall.

Mrs. Crimmins replied there are a certain number of spaces required for each business and JoJo's property is a separate property and those parking spots would not count. No parking would be allowed on neighboring properties. The two neighboring businesses, which require 36 parking spaces, are generally not operating when events would be held. A decision was made to allow other businesses to use the parking spaces.

Mrs. Hendon stated she received complaints from the other tenants that their customers did not have any place to park.

Mr. Zimmerman stated a site might not be usable if parking is not shared and this is why shared parking has been allowed.

Mr. Zimmerman stated if Council approves this proposal for first reading, the petitioner would schedule an occupancy inspection. It has been made clear to the petitioner that all building and life safety requirements have to be met before a certificate of occupancy and liquor license would be issued.

Mr. Ryan asked why events were held before the SLUP approval.

Inspiring Angels Private Event Center, Inc. owner Camille Childress responded that she was under the assumption that the license had been approved.

Mr. Ryan stated the memo he read stated the police were blocked from going into the building.

Ms. Childress replied that when the police have come to her business they have been allowed entry.

Mrs. Hendon stated that when police officers arrived at the site, the parking lot was full and when the police tried to gain entry into the building, they were not let in.

Ms. Childress replied that everything is on camera and no other events have happened since that police encounter.

Mrs. Hendon asked if Ms. Childress would be feeding the homeless on Fridays.

Ms. Childress responded she receives pallets of food from Operation Food Search and food can be given to anybody in the neighborhood.

Mrs. Hendon asked how residents would be informed.

Ms. Childress replied she uses social media and word of mouth.

Mrs. Singleton asked for clarification regarding a SLUP for a banquet facility.

Mrs. Crimmins replied a banquet facility, defined by the City Code, is a place of assembly open to the public, operated for profit with dance parties, live entertainment, may serve alcoholic beverages, and catered meals.

Mrs. Singleton expressed concerns about the potential for an overcrowded parking lot if more people start coming to the site for free food.

Mr. Zimmerman stated that while the City is not opposed to people engaging in charitable activities, if it creates a problem it would not be allowed. Mr. Zimmerman stated that is not a permitted use under the banquet facility SLUP.

Mrs. Crimmins stated the City of Hazelwood would work with Ms. Childress to find other sites if the parking lot is overwhelmed and disturbing the neighbors.

Ms. Childress replied the concerns about the traffic is understandable and the food pantry can be tried every other week to help keep traffic concerns down.

Mrs. Hendon stated flyers were handed out about ticketed events.

Ms. Childress replied that when she received the occupancy permit she thought she could start hosting events.

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. Lowery read the City Plan Commission motion “to recommend approval to the City Council of the petition for Special Land Use Permit for a banquet facility located at 6827 Howdershell Road, Ward 7, with the following conditions:

- a) That the facility is operated as a private event center only, with events booked in advance. The facility shall not be open to walk-in customers from the public or operated like a restaurant or bar.
- b) That the operating hours be limited to Tuesday through Sunday, 12:00 P.M. to 1:30 A. M. [Staff Note: Per liquor code, liquor sales must end at 12:00 A.M. on Sunday].
- c) That occupancy be limited to 50 persons, including guests and staff.
- d) Due to the proximity of the neighboring apartment complex, congregating or events outdoors shall be prohibited and noise shall not be permitted beyond the boundary of the strip center.
- e) Guest and employees shall not park in spaces reserved for neighboring businesses in the strip center, in the lot behind the adjacent strip center containing JoJo's, or on any part of the lot that is not a striped parking space, including the side and rear of the building. The side and rear of the building must be kept clear for emergency vehicles.
- f) The owner shall be required to maintain a fully functional video recording system on the property to ensure the safety of guests, to deter criminal activity, and to 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.
- g) Plans shall be submitted for the appliances and hood suppression system.

- h) After installation, certificate of installation to code shall be required and a test of the system shall be witnessed by the Fire Marshal.
- i) The hood system shall be connected to horns and strobes that are visible from the kitchen and main dining area.
- j) Each restroom shall have a strobe and emergency lighting.
- k) There shall be three interconnected smoke detectors connected to the strobes.
- l) Based on a maximum occupancy load of 50, panic hardware shall be installed on all exit doors.
- m) The facility shall be in compliance with all Building and Fire Codes prior to Inspiring Angels receiving an Occupancy Permit for the banquet facility.

Mr. Todd asked if the option to revoke the SLUP could be enforced if violations of these conditions are not met.

Mr. O'Keefe responded affirmatively.

Mayor Robinson asked how much money was put into this facility to meet code.

Ms. Childress replied over \$20,000.

Mrs. Hendon stated the City offered to do a free courtesy inspection of the facility and asked why it was turned down.

Ms. Childress replied it was a misunderstanding on what was being offered at that time and if the offer still stands, she would take advantage of it.

Mrs. Crimmins stated an email with the information needed to setup a courtesy inspection would be sent.

Mrs. Hendon stated that even with a liquor license the facility could not open until an occupancy permit is granted.

Mrs. Singleton asked if the petitioner could come back later if the SLUP was not granted.

Mr. Zimmerman replied the Zoning Code stipulates that a petitioner cannot reapply for the same SLUP for one year.

Mrs. Hendon moved, seconded by Mr. Todd, to place the draft bill on this agenda for introduction. The following vote was recorded on the motion:

AYE - 0

NAY - 8

Mr. Todd
Mr. Taylor
Mrs. Hendon
Mrs. Singleton
Mr. Aubuchon
Mr. Ryan
Mr. Herin
Matthew G. Robinson

The motion failed unanimously.

COMMUNICATIONS

EWGCG BRIEFINGS	The February 11 issue of Briefings was received from the East-West Gateway Council of Governments.
EWGCG BRIEFINGS	The February 18 issue of Briefings was received from the East-West Gateway Council of Governments.
SLUP PETITION 12550 MO BOTTOM RD	A petition for a Special Land Use Permit for a childcare center at 12550 Missouri Bottom Road was received from Chloe's Playhouse, LLC.
SUBDIVISION PETITION 6032 AVIATOR DRIVE & 6048 AVIATOR DRIVE	A petition for subdivision plat of 6032 Aviator Drive and 6048 Aviator Drive to consolidate two lots into one lot was received from the Clayton Engineering Company, LLC.
CHARTER COMMUNICATIONS	A notice of a channel rebrand of WGA America to NewsNation was received from Charter Communications.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	After discussion Mr. Aubuchon moved, seconded by Mr. Ryan to cancel the March 10 Council work session. The motion passed unanimously.
RFPD FIRE SERVICES UPDATE	Mr. O'Keefe reported that the Robertson Fire Protection District (RFPD) will campaign in support of the annexation and they are fully committed to the passage of the proposition.

Mrs. Hendon stated RFPD has not received any literature yet.

Mr. O'Keefe stated they are supposed to start soon.

Mayor Robinson stated that residents have expressed concerns that the ballot language is unclear.

**COUNCIL
RESIGNATION**

Mr. Todd thanked the Council for the opportunity to serve as Ward 5 Council Member and announced his resignation from the Hazelwood City Council effective March 31, 2021.

CITY MANAGER'S REPORT

**PURCHASE OF
TASERS**

Police Chief Gregg Hall recommended the purchase of eight X-26P Tasers, 13 X-26P Taser batteries and 50 X-26P Taser cartridges at a total cost of \$14,073.50.

Chief Hall stated the Taser replacement program was implemented in 2013. Since then, the Police Department has included funding in the Capital Improvement budget to replace a number of Tasers. This is a sole source purchase from Axon Enterprises, Inc.

Mr. Aubuchon moved, seconded by Mrs. Singleton, to concur with the staff recommendation and authorize the purchase of eight X-26P Tasers, 13 X-26P Taser batteries and 50 X-26P Taser cartridges from Axon Enterprises, Inc., at a total cost of \$14,073.50. The motion passed unanimously.

**TRAFFIC SAFETY
GRANT APPLICATION**

Chief Hall recommended authorization to participate in Missouri's Highway Safety Program.

Chief Hall stated the Police Department submits an application to the Missouri Department of Transportation every year for grant funds through this program for highway safety and traffic enforcement.

Mrs. Hendon moved, seconded by Mr. Taylor, to authorize participation in the Missouri Highway Safety Program. The motion passed unanimously.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

NEW BUSINESS – None

INTRODUCTION AND FIRST READING OF BILLS - None

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4926
AMEND CH.380

Mayor Robinson called for the second reading of Bill 4926 to amend Chapter 380. *Vehicle Equipment* pertaining to motorcycle helmets.

There were no objections and Bill 4926 was read by title only:

AN ORDINANCE AMENDING CHAPTER 380. *VEHICLE EQUIPMENT* OF THE HAZELWOOD CITY CODE PERTAINING TO MOTORCYCLE HELMETS

Mr. Taylor moved, seconded by Mr. Todd, the adoption of Bill 4926 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Matthew G. Robinson	

Bill 4926 was unanimously adopted as Ordinance 4810-21.

BILL 4927
AGREEMENT

Mayor Robinson called for the second reading of Bill 4927 to authorize a contract for legislative services.

There were no objections and Bill 4927 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH AT GOVERNMENT STRATEGIES FOR STRATEGIC GOVERNMENT AFFAIRS AND LEGISLATIVE SERVICES

Mrs. Singleton expressed her concerns and stated she believes there is a better way to spend \$40,000.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4927 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 1</u>
Mr. Todd	Mrs. Singleton
Mr. Taylor	
Mrs. Hendon	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	

Matthew G. Robinson

The motion passed by a vote of seven in favor and one opposed, with Mrs. Singleton casting the dissenting vote.

Bill 4927 was unanimously adopted as Ordinance 4811-21.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, March 17, 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 8:46 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri