

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
MARCH 4, 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, March 4, 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:

Don W. Ryan  
Tyler Wilson  
Matthew G. Robinson  
Russell Todd  
Warren H. Taylor  
Rosalie Hendon  
Mary G. Singleton  
Carol A. Stroker  
Robert M. Aubuchon

City Clerk Christine Thomas 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 Mrs. Hendon, the adoption of the agenda as printed. The motion passed unanimously.

**CONSENT AGENDA**

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

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	

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. Taylor moved, seconded by Mrs. Hendon, to approve the minutes of the February 19 regular and closed Council meetings as submitted. The motion passed unanimously.

**SPECIAL ORDER OF BUSINESS**

**EMPLOYEE INTRODUCTION**

Community and Economic Development Coordinator Becky Ahlvin introduced newly hired Communications Intern Kyle Bornemann.

**PROCLAMATIONS AND RESOLUTIONS**

**DEVELOPMENTAL DISABILITIES MONTH PROCLAMATION**

Mayor Robinson called for the reading of a proclamation designating the month of March as Developmental Disabilities Awareness Month.

There were no objections and Proclamation 2007 was read.

Mr. Ryan moved, seconded by Mrs. Singleton, the adoption of Proclamation 2007 designating the month of March as Developmental Disabilities Month in the City of Hazelwood and encouraging citizens and business owners to recognize the contributions of people with developmental disabilities and to support organizations such as Valley Industries. The motion passed unanimously.

The proclamation was presented to Valley Industries sheltered workshop's Executive Director Jim Guyre and President of the Board of Directors Don Ceresia and his daughter, Amanda.

**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.

**CRIME & SAFETY CONCERNS**

Leo Gustin of 6746 Barnwood Drive expressed concerns with crime and safety near The Finn apartments and asked the Council to consider installing a gate at the sidewalk that leads to Villa Rosa subdivision.

Mr. Gustin also expressed concerns with money spent on a calendar mailed by the Robertson Fire Protection District and safety at Hazelwood schools.

SLUP EXTENSION            A request to extend the Special Land Use Permit  
7008 N. HANLEY RD.        (SLUP) deadline to commence operation of Sizzlin Grill, a  
fast food restaurant at 7008 North Hanley Road, to  
March 18, 2021 was received.

City Planner Earl Bradfield reported Sizzlin Grill, formerly Miami Grill, received a SLUP on September 20, 2017 that lapsed after several extensions. The current SLUP, approved on September 18, 2019, provides that the restaurant must be in operation by March 18, 2020 or it will lapse.

Mr. Taylor asked Matt Wolfe, the engineer representing Sizzlin Grill, why it has taken almost three years to get the restaurant operating.

Mr. Wolfe replied the owners have hired subpar contractors and there have been delays associated with installing new sewer lines to tie into MSD's system.

Mr. Taylor stated he never sees anyone on the site working.

Mr. Wolfe responded the work is being done behind the building and you cannot see it from the street.

Mr. Taylor stated he is willing to grant a six-month extension, not one year.

Mr. Taylor moved, seconded by Mr. Todd, to amend Ordinance 4711-19 by extending the Special Land Use Permit deadline to commence operation of Sizzlin Grill, at 7008 North Hanley Road, to September 18, 2020 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.

SLUP EXTENSION            A request for an extension of the Special Land Use Permit  
11950 MO BOTTOM RD.        deadline to commence operation of Focal Pointe Outdoor  
Solutions, Inc., at 11950 Missouri Bottom Road, to March 18,  
2021 was received.

Mr. Bradfield reported Focal Pointe Outdoor Solutions received a SLUP on September 18, 2019 and the permit requires the business to be in operation by March 18, 2020. The delay is due to the entry road not meeting Focal Pointe's requirements for ingress/egress. Missouri Bottom Road is a St. Louis County road and a County permit is needed for installation of a new entrance.

Focal Pointe Outdoor Solutions' Controller John O'Connell stated the property was purchased on November 2, 2019 and, within a couple weeks, application was made with St. Louis County for a permit to redo the entryway. He explained it was poorly constructed and trucks scrape the concrete when they exit the site. The entryway and retaining wall, which was also poorly constructed, would be torn out. Mr. O'Connell stated they expect to receive the permit from County in a couple of weeks.

Mr. Aubuchon moved, seconded by Mr. Ryan, to amend Ordinance 4712-19 by extending the Special Land Use Permit deadline to commence operation of Focal Pointe Outdoor Solutions, at 11950 Missouri Bottom Road, to March 18, 2021 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.b.

## **PUBLIC HEARINGS**

**SIGN VARIANCE** Mayor Robinson called to order the public hearing to consider the application by Cabka North America, Inc., for a 27 square foot variance of the 26 square foot maximum size regulation for off-site directional signs to permit a 53 square foot sign at 123 James S. McDonnell Boulevard.  
**123 MCDONNELL BLVD.**

Mr. Bradfield stated the site is at the northeast corner of the intersection of McDonnell Boulevard and Byassee Drive, in an I-2 Heavy Industrial District. Directional signs, not to exceed 26 square feet, are permitted in industrial districts. The sign would provide identification for five businesses located on Byassee Drive. It would replace the existing sign that is located in the right-of-way.

Matt Hrdlicka, owner of Excel Signs & Design, stated the existing double-sided sign is approximately 35 years old. He explained the proposal to install a single-sided sign of the same height and width as the existing sign.

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. Aubuchon moved, seconded by Mr. Wilson, to grant a 27 square foot variance of the 26 square foot maximum size regulation for off-site directional signs to permit a 53 square foot sign at 123 James S. McDonnell Boulevard. The motion passed unanimously.

**SLUP** Mayor Robinson called to order the public hearing to consider the petition by Hazelwood 67, Inc., d/b/a Hazelwood Phillips 66, for a Special Land Use Permit for a vehicle service station, convenience store and car wash at 7323 North Lindbergh Boulevard.  
**7323 N. LINDBERGH**

Mr. Bradfield stated the previous SLUP lapsed on January 17, 2020 because the business has not operated for over a year.

Bob Diestelkamp of Diestelkamp Contracting stated his company has been working on the project for the last year. The new fuel tanks should be arriving in two weeks and the owner is working to set up a franchise for the car wash. They hope to be open in approximately six weeks.

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 petition for Special Land Use Permit for vehicle service station, convenience store and vehicle wash facility located at 7323 North Lindbergh Boulevard, Ward 1, with the following conditions: a) Vehicles shall be parked in a designated parking space and designated spaces shall be striped, b) Directional signage and/or striping indicating exit to North Lindbergh Boulevard and entrance to car wash shall be provided to ensure proper vehicle flow, c) Vehicles visiting the site cannot remain on the property for more than one hour, d) An easement on the adjacent liquor store property for use of the dumpster enclosure and the driveway entrance to the vehicle wash facility shall be recorded with the County, and e) The minimum landscaping requirement of five canopy trees, two understory trees and five shrubs shall be met.” She stated the motion passed unanimously.

Mrs. Stroker moved, seconded by Mr. Aubuchon, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a vehicle service station, convenience store and car wash at 7323 North Lindbergh Boulevard 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.

AMEND CHAP. 405                      Mayor Robinson called to order the public hearing to  
RE: COMMUNICATION              consider amending *Chapter 405: Zoning Regulations*  
ANTENNAE & SUPPORT              regarding regulation of communication antennae and  
STRUCTURES                              support structures.

Mr. Bradfield stated the Code pertaining to communication antennae and support structures is in conflict with Missouri statutes that came into effect August 28, 2014. State statutes impose requirements for co-location applications or applications for replacement of wireless facilities. Building and safety regulations apply to these applications, but zoning and land use regulations don't. Staff may continue to exercise zoning, land use, planning and permitting authority for any new wireless support structures and Special Land Use Permits are still required when not expressly permitted or prohibited. The Council has been provided with a draft bill that has been reviewed by the City Attorney.

Mrs. Hendon moved, seconded by Mr. Todd, to amend *Chapter 405: Zoning Regulations*, Sections 405.400 and 405.405, regarding communication antennae and support structures 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.d.

## **COMMUNICATIONS**

REPLACEMENT OF MCDONNELL BLVD. BRIDGE OVER COLDWATER CREEK      A copy of a letter from St. Louis County Transportation to St. Louis County Executive Sam Page requesting approval of a contract for replacement of the McDonnell Boulevard bridge over Coldwater Creek was received.

REQUEST FOR BUSINESS LICENSE FEE WAIVER      A request for a waiver of their \$100 business license fee, based on their tax exempt status, was received from Gujarati Samaj of St. Louis, Inc., 210 Fee Fee Hills Drive.

Proof of their tax exempt status had been provided.

EWGCG LOCAL BRIEFINGS      The February 20 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

SLUP EXPANSION PETITION 183 MCDONNELL AND 5900 N. LINDBERGH      A petition for an expansion of the Special Land Use Permit for a vehicle service and repair facility at 183 James S. McDonnell Boulevard and 5900 North Lindbergh Boulevard to include vehicle storage was received from Express Medical Transporters, Inc.

SLUP PETITION 820 & 830 MCDONNELL      A petition for a Special Land Use Permit for a vehicle service and repair facility, vehicle wash facility, vehicle painting, vehicle rental/leasing and vehicle sales at 820 and 830 James S. McDonnell Boulevard and 1570 Ville Martha Lane was received from Enterprise Leasing Company of STL, LLC.

EWGCG LOCAL BRIEFINGS      The February 27 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

Mr. Taylor moved, seconded by Mrs. Hendon, to refer the petitions to the City Plan Commission, to waive the business license fee and to receive and file all communications. The motion passed unanimously.

**UNFINISHED BUSINESS** - None



March 17. Final adoption of the loan terms, which would be demonstrated by adoption of the ordinance, is needed before that date and is required to finalize the loan application. Therefore, staff is asking for emergency passage of the bill. A clause for emergency passage is included in the text of the bill.

Mrs. Singleton stated the letter from the bank seems tentative.

Mr. Tuberty replied it is a proposal and is contingent upon acceptance by MDFB.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the staff recommendation to authorize the agreement with Academy Bank for funding of the economic development loan for the POWERplex project 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.f.

**CITY ATTORNEY'S REPORT - None**

**CITY CLERK'S REPORT - None**

**COMMISSION AND BOARD REPORTS**

Mr. Taylor moved, seconded by Mrs. Hendon, to receive and file the minutes of the January 14 Community Enrichment Commission meeting, the January 27 Historic Preservation Commission meeting, the February 10 Board of Adjustment meeting and the February 13 City Plan Commission meeting. The motion passed unanimously.

**NEW BUSINESS - None**

**INTRODUCTION AND FIRST READING OF BILLS**

SLUP EXTENSION 7008 N. HANLEY RD. Mayor Robinson called for the first reading of a bill to grant an extension of the Special Land Use Permit for Sizzlin Grill at 7008 North Hanley Road.

There were no objections and Bill 4859 was read by title only:

**AN ORDINANCE AMENDING ORDINANCE 4711-19 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE OPERATION OF SIZZLIN GRILL, A FAST FOOD RESTAURANT AT 7008 NORTH HANLEY ROAD, TO SEPTEMBER 18, 2020.**

Bill 4859 will be on the agenda for second reading on March 18.

SLUP EXTENSION 11950 MO. BOTTOM RD. Mayor Robinson called for the first reading of a bill to grant an extension of the Special Land Use Permit for Focal Pointe Outdoor Solutions at 11950 Missouri Bottom Road.

There were no objections and Bill 4860 was read by title only:

**AN ORDINANCE AMENDING ORDINANCE 4712-19 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE OPERATION OF FOCAL POINTE OUTDOOR SOLUTIONS, AT 11950 MISSOURI BOTTOM ROAD, TO MARCH 18, 2021.**

Bill 4860 will be on the agenda for second reading on March 18.

SLUP  
7323 N. LINDBERGH Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for Hazelwood Phillips 66 at 7323 North Lindbergh Boulevard.

There were no objections and Bill 4861 was read by title only:

**AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO HAZELWOOD 67 INC., D/B/A HAZELWOOD PHILLIPS 66, FOR A VEHICLE SERVICE STATION, CONVENIENCE STORE, AND VEHICLE WASH FACILITY AT 7323 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.**

Bill 4861 will be on the agenda for second reading on March 18.

AMEND CHAP. 405  
RE: COMMUNICATION ANTENNAE, ETC. Mayor Robinson called for the first reading of a bill to amend *Chapter 405. Zoning Regulations* pertaining to communication antennae and support structures.

There were no objections and Bill 4862 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 405. ZONING REGULATIONS, SECTIONS 405.400 AND 405.405, OF THE HAZELWOOD CITY CODE REGARDING COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES.**

Bill 4862 will be on the agenda for second reading on March 18.

AMEND CHAP. 310  
RE: STATIONARY EMERGENCY VEHICLES Mayor Robinson called for the first reading of a bill to amend *Chapter 310. Enforcement and Obedience to Traffic Regulations* pertaining to the operation of vehicles when approaching stationary emergency vehicles.

There were no objections and Bill 4863 was read by title only:

**AN ORDINANCE AMENDING CHAPTER 310. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS OF THE HAZELWOOD CITY CODE REGARDING THE OPERATION OF VEHICLES WHEN APPROACHING STATIONARY EMERGENCY VEHICLES.**

Bill 4863 will be on the agenda for second reading on March 18.

LOAN AGREEMENT Mayor Robinson called for the first reading of a bill to authorize a loan agreement for funding the POWERplex economic development loan.

There were no objections and Bill 4864 was read by title only:

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH ACADEMY BANK FOR FUNDING OF THE POWERPLEX ECONOMIC DEVELOPMENT LOAN FOR A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 AND DECLARING AN EMERGENCY EXISTS FOR ITS IMMEDIATE PASSAGE.**

Mr. O’Keefe noted the draft bill includes a clause for emergency passage in accordance with the provisions of the City Charter.

Mr. Hendon moved, seconded by Mrs. Singleton, to find and declare an emergency exists with respect to the adoption of Bill 4864, in accordance with Section 8 of Article II of the City Charter, and to give it second reading and consideration for adoption this evening. The motion passed unanimously.

Bill 4864 was then read a second time by title only:

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH ACADEMY BANK FOR FUNDING OF THE POWERPLEX ECONOMIC DEVELOPMENT LOAN FOR A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 AND DECLARING AN EMERGENCY EXISTS FOR ITS IMMEDIATE PASSAGE.**

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4864 as an ordinance. The following vote was recorded on the motion:

AYE - 9                      NAY - 0  
Mr. Ryan  
Mr. Wilson  
Mayor Robinson  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon  
Mrs. Singleton  
Mrs. Stroker  
Mr. Aubuchon

Bill 4864 was unanimously adopted as Ordinance 4740-20.

**SECOND READING OF BILLS AND ACTION ON BILLS**

BILL 4846 Mayor Robinson stated the second reading of Bill 4846 to  
BOND ISSUANCE authorize the issuance of taxable industrial revenue bonds

TRADEPORT, LOT 1 for development of TradePort Lot 1, Building IV has been postponed.

BILL 4848 Mayor Robinson called for the second reading of Bill 4848 to approve a First Amendment to the Master Development Agreement with Big Sports Properties, LLC for the POWERPLEX MASTER DEVELOPMENT AGREEMENT POWERplex project.

Mr. O’Keefe stated the Council has been provided with a revised First Amendment to the Master Development Agreement.

Mrs. Hendon moved, seconded by Mrs. Singleton, to amend Bill 4848 by substituting the revised agreement as Exhibit A. The motion passed unanimously.

There were no objections and Bill 4848, as amended, was read by title only:

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH REDEVELOPMENT OF THE ST. LOUIS OUTLET MALL.**

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4848, as amended, as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	

Bill 4848, as amended, was unanimously adopted as Ordinance 4741-20.

BILL 4849 Mayor Robinson called for the second reading of Bill 4849 to approve an economic development loan agreement for the E.D. LOAN POWERPLEX PROJECT POWERplex project.

Mr. O’Keefe stated the Council has been provided with a revised New Employment Training and Opportunities Forgivable Loan Agreement.

Mrs. Hendon moved, seconded by Mrs. Singleton, to amend Bill 4849 by substituting the revised agreement as Exhibit A. The motion passed unanimously.

There were no objections and Bill 4849, as amended, was read by title only:

**AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES FORGIVABLE LOAN AGREEMENT WITH BIG SPORTS PROPERTIES, LLC AND AUTHORIZING EXECUTION OF DOCUMENTS RELATING THERETO.**

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4849, as amended, as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	

Bill 4849, as amended, was unanimously adopted as Ordinance 4742-20.

BILL 4857	Mayor Robinson called for the second reading of Bill 4857 to
CONTRACT	authorize a contract for new playground equipment at Queen
PLAYGROUND EQUIP.	Ann Park.

There were no objections and Bill 4857 was read by title only:

**AN ORDINANCE AUTHORIZING A CONTRACT WITH LANDSCAPE STRUCTURES, INC., FOR REMOVAL AND DISPOSAL OF THE EXISTING PLAYGROUND EQUIPMENT AND PURCHASE AND INSTALLATION OF NEW PLAYGROUND EQUIPMENT AT QUEEN ANN PARK AT A COST NOT TO EXCEED \$424,804.**

Mr. Ryan moved, seconded by Mr. Wilson, the adoption of Bill 4857 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	

Bill 4857 was unanimously adopted as Ordinance 4743-20.

BILL 4858  
CONTRACT  
PHONE SYSTEM

Mayor Robinson called for the second reading of Bill 4858 to authorize a contract for maintenance support for the ShoreTel phone system.

There were no objections and Bill 4858 was read by title only:

**AN ORDINANCE AUTHORIZING A CONTRACT WITH CDS OFFICE SYSTEMS, INC., FOR SHORETEL PHONE SYSTEM MAINTENANCE SUPPORT FOR A FIVE YEAR PERIOD AT A TOTAL COST NOT TO EXCEED \$22,000.**

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4858 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 9</u>	<u>NAY - 0</u>
Mr. Ryan	
Mr. Wilson	
Mayor Robinson	
Mr. Todd	
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	

Bill 4858 was unanimously adopted as Ordinance 4744-20.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**COUNCIL MEETING** Mayor Robinson announced the next regular Council meeting will be held Wednesday, March 18, 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 8:44 p.m.

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

ATTEST:

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