

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
APRIL 21, 2021**

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, April 21, 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:

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

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. Aubuchon, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mrs. Hendon requested the addition of a closed session to the consent agenda to discuss a matter of proprietary interest.

Mrs. Hendon moved, seconded by Mrs. Singleton, to amend the consent agenda by the addition of a closed session to discuss a matter of proprietary interest and to adopt the consent agenda as amended. The following vote was recorded on the motion:

AYE - 8 NAY - 0

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

The motion passed unanimously and the consent agenda, including a closed meeting immediately following to discuss litigation and to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1), to discuss a personnel matter in accordance with the provisions of RSMo 610.021(3) and a matter of proprietary interest in accordance with the provisions of RSMo 610.21(15), was adopted.

**APPROVAL OF
MINUTES**

Mrs. Hendon moved, seconded by Mrs. Singleton, to approve the minutes of the April 7 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

**CERTIFIED RESULTS
OF 04/06/21 ELECTION** Mrs. Lowery reported the certified results from the April 6 general municipal election.

Matthew G. Robinson ran unopposed for the position of Mayor and received 1,418 votes.

OATH OF OFFICE

Mrs. Lowery administered the oath of office to Mayor Robinson.

COMMISSION OATH

Mrs. Lowery administered the oath of office to Monica Shepard who was recently appointed to the Community Enrichment Commission.

PROCLAMATIONS AND RESOLUTIONS

**BUILDING SAFETY
MONTH PROCLAMATION** Mayor Robinson called for the reading of a proclamation designating the month of May, 2021, as "Building Safety Month."

There were no objections and Proclamation 2107 was read.

Mr. Aubuchon moved, seconded by Mrs. Hendon, the adoption of Proclamation 2107 designating the month of May, 2021, as “Building Safety Month” and encouraging citizens to take appropriate steps to ensure the safety of our built environment and recognize the implementation of safety codes by local and state agencies that have saved lives and protected homes and businesses. The motion passed unanimously.

MUNICIPAL CLERKS WEEK PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of May 2 through May 8 as Municipal Clerks Week.

There were no objections and Proclamation 2108 was read.

Mrs. Singleton moved, seconded by Mrs. Hendon, the adoption of Proclamation 2108 recognizing the week of May 2 through May 8, 2021 as Municipal Clerks Week and extending appreciation to our City Clerk, Julie Lowery and to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they serve. The motion passed unanimously.

SALES TAX EXEMPTION RESOLUTION Mayor Robinson called for the reading of a resolution authorizing the provision of a sales tax exemption certificate for an industrial development project in the Hazelwood TradePort Business Park (Lot 6).

There were no objections and Resolution 2101 was read by title only:

A RESOLUTION AUTHORIZING THE PROVISION OF A SALES TAX EXEMPTION CERTIFICATE FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE HAZELWOOD TRADEPORT BUSINESS PARK (LOT 6).

Mrs. Hendon moved, seconded by Mr. Ryan, the adoption of Resolution 2101. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	

Resolution 2101 was unanimously 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.

POLITICAL SIGNS Steve Wilson of 3980 Dunn Road expressed concerns with political signs being removed from his residence.

Mr. Wilson stated he asked for his signs to be returned and Mr. Zimmerman refused. He stated he filed a police report for theft and he hopes the Council will address this matter appropriately. Mr. Wilson also asked that if a code is going to be enforced it should be enforced citywide and he believes his neighborhood was targeted.

WARD 4 COMPLAINT Wendy Wilson of 3980 Dunn Road expressed concerns with Mr. Herin campaigning with Robertson Fire Protection District (RFPD) firefighters.

POLLING PLACE & FIRE SERVICE CONCERNS John Zamudio of 4827 Orange Blossom Lane stated he was intimidated by non-residents at his polling place.

Mr. Zamudio stated he would not be deterred from voting. He stated he would become an activist for what is best for all residents in the City. Mr. Zamudio stated the Council has a fiduciary responsibility to spend the taxpayer's money in a manner that is in the best interest of the citizens. Mr. Zamudio stated bankruptcy should not be an option for Hazelwood. He stated every resident in the City has a role to play in fixing the fire service issues. Mr. Zamudio stated RFPD's Proposition R was not clear and when he asked the City to explain it he was referred to the RFPD. RFPD explained it was a permanent real estate tax increase to the residents. Mr. Zamudio requested the Council support a citizen's initiative and that it be made clear and concise.

CITIZENS INITIATIVE Alan Orban of 1112 Woodcrest Lane stated he contacted Mr. Zimmerman to initiate conversation about a citizen's initiative petition and did not hear back from him.

POLITICAL SIGNS & PROPOSITION R Vivian Harlan of 5320 Dunn Ridge Court expressed concerns with political signs being removed and the City not explaining Proposition R to residents.

Mayor Robinson stated citizens comments will be addressed after the meeting by a letter or direct contact from Mr. Zimmerman.

SLUP EXTENSION 7800 N. LINDBERGH A request for an extension of the Special Land Use Permit deadlines to commence construction and full operation of Panda Express, Inc., at 7800 North Lindbergh Boulevard was received.

City Planner Kate Crimmins reported the contractor for the project has experienced delays due to COVID-19 and labor shortages.

Panda Express, Inc., representative Eric Abel was available for questions.

Mr. Taylor moved, seconded by Mr. Ryan, to extend the Special Land Use Permit deadlines to commence construction and operation of Panda Express, Inc., at 7800 North Lindbergh Boulevard by six months 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
7008 N. HANLEY RD.** A request for an extension of the Special Land Use Permit deadlines to commence construction and full operation of Y & Y Grill, LLC d/b/a Sizzlin Grill at 7008 North Hanley Road was received.

Mrs. Crimmins reported an expansion of the Special Land Use Permit to include a drive-thru window was granted in November of 2020. Y & Y Grill owner Yasser Fawaqa has been unable to secure a contractor to complete the drive-thru window and is requesting six months to get the window in operation.

Architect Matt Wolfe, representing Y & Y Grill, was available for questions.

Mr. Taylor moved, seconded by Mr. Herin, to extend the Special Land Use Permit deadlines to commence construction and operation of Y & Y Grill, LLC d/b/a Sizzlin Grill, at 7008 North Hanley Road by six months 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 - None

COMMUNICATIONS

**EWGCG
BRIEFINGS** The April 8 issue of Briefings was received from the East-West Gateway Council of Governments.

**POWERPLEX CID
2021/2022 BUDGET** The Hazelwood POWERplex Community Improvement District budget for fiscal year 2021/2022 was received from Husch Blackwell.

**EWGCG
BRIEFINGS** The April 15 issue of Briefings was received from the East-West Gateway Council of Governments.

Mrs. Hendon moved, seconded by Mrs. Singleton, 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 July 14 Council work session agenda.
RFPD FIRE SERVICES UPDATE	Mr. O'Keefe stated there was nothing new to report and mediation with RFPD continues.
ELECTION OF MAYOR PRO TEMPORE	After discussion, Mrs. Stroker moved, seconded by Mrs. Singleton, to appoint Mr. Aubuchon as 2021/2022 Mayor Pro Tempore to act as mayor in the absence of Mayor Robinson. The motion passed unanimously.

CITY MANAGER'S REPORT

LOAN AGREEMENT WITH CABKA NORTH AMERICA INC.	Assistant City Manager-Economic Development Becky Ahlvin reported staff recommends approval of an economic development grant agreement with CABKA North America, Inc.
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Mrs. Ahlvin stated CABKA North America, Inc., is an engineering and recycling company. CABKA has been in Hazelwood since 2012 and are seeking a loan of \$250,000 for the purchase of a new injection-molding machine. Mrs. Ahlvin stated CABKA would maintain their current 97 jobs at an average wage of \$46,693 and create 15 new jobs with an average wage of \$49,856. The assistance would be in the form of a grant instead of a traditional loan provided by the City. The money would be dispersed in five grant installments, as earned, rather than an upfront loan of \$250,000. Mrs. Ahlvin stated the installments would be based on a five-year schedule of 12%, 16%, 20% and 28%. The Economic Development Sales Tax Board recommended approval of the agreement.

CABKA North America, Inc., Finance Director Dan Prevedel gave a PowerPoint presentation on CABKA and the types of materials they recycle and manufacture. CABKA's Hazelwood location is the sole North American plant in operation servicing the domestic US, Canada and Latin America. Mr. Prevedel gave a brief history of the company.

Mr. Aubuchon moved, seconded by Mr. Herin, to concur with the staff recommendation to authorize the Economic Development and New Employment Training and Opportunities Grant Agreement with CABKA North America, Inc., 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.

CHAPTER 100 BONDS Mr. Zimmerman reported staff recommends the issuance of Chapter 100 taxable industrial bonds for Hazelwood TradePort, Building 6.

Mark Spykerman of Gilmore & Bell, the City's bond counsel, stated this is companion legislation to Resolution 2101 passed earlier this evening. He stated the purpose of the bond issuance is to facilitate the tax abatement and sales tax exemption on construction materials.

NorthPoint Development Project Manager Nathan Brinker gave a brief presentation on NorthPoint's projects in Hazelwood.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with staff recommendation to authorize the issuance of taxable industrial revenue bonds for development of Hazelwood TradePort, Building 6 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.

**HAZELWOOD
FERGUSON FIRE
DEPARTMENTS
MERGER**

Mr. Zimmerman stated the Hazelwood and Ferguson Fire Departments wish to pursue the option of merging the two departments to create a fire district that would service Hazelwood and Ferguson.

Hazelwood firefighter Jake Hecht stated several details for a proposed merger have not been worked out and this presentation is for informational purposes. He stated he would like to get feedback from the Council. Mr. Hecht explained the Hazelwood Fire Department (HFD) would like to pursue the option of merging with Ferguson Fire Department (FFD) to become a fire district to provide the City economic relief. The creation of a fire district could provide safer, more sustainable and organized fire protection services. Mr. Hecht stated the City could save over \$1.5 million dollars if the fire department was dissolved and many City services could be restored. General revenue in Hazelwood and Ferguson are both on the decline and fire department costs continue to increase. On average, the fire department costs increase three percent each year. Mr. Hecht stated the revenue realized from the fire sales tax increases are not enough to sustain a fire department. Upcoming fire department expenditures total over \$1.7 million, including replacing fire apparatus, adding a second ambulance and updates to the firehouse. Mr. Hecht stated HFD has lost nine firefighters over the past 14 months and with HFD being in the bottom 10% for salaries it is difficult to retain employees. Every HFD trained employee that has left in the past 22 years has gone to a better paying, better insured fire district with better working conditions. Mr. Hecht stated consolidation of surrounding municipalities could provide further economic insulation, provide the ability to create specialized medical and rescue equipment and faster, localized response to EMS calls and a reduced reliance on outside ambulance service.

Ferguson firefighter Jeremy Corcoran showed a list of municipalities in St. Louis County that are served by fire protection districts and a list of municipalities in St. Louis County that are served by municipal fire departments. He stated every city on the list that is served by a fire department has entertained or pursued dissolution of the fire department (i.e. consolidation, collaboration or moving to a fire district). Mr. Corcoran stated this is not a North County problem; it is systemic and municipal fire departments are not sustainable because of the high cost to run them. Ferguson and Hazelwood are similar sized cities, with similar sized fire departments, and have similar geographic service areas and populations. Mr. Corcoran showed a proposed organizational chart and a proposed budget. Both cities would have to rollback their property tax rates by \$.50 cents in order to make this financially viable to the residents. Mr. Corcoran explained Hazelwood would lose \$3.4 million in revenue due to property and sales tax reductions. However, savings by eliminating fire department costs would be \$5 million, take away the revenue loss, and the City would realize a projected savings of \$1.5 million. Mr. Corcoran stated state law mandates that a petition is signed by at least 100 verified voters in the proposed service areas, submitted to a circuit court and a judge would certify and place on the election ballot. Mr. Corcoran stated the measure could be placed on an August election ballot because rates are set in September and collected in January. Transitioning to a fire district would provide cities with much needed resources and simultaneously improve emergency response in the community.

Mr. Hecht stated the Ferguson Mayor and City Council support finding viable options.

Mrs. Hendon asked how this merger would work when Hazelwood and Ferguson do not connect.

Mr. Hecht replied they are pursuing several options to overcome that hurdle.

Mrs. Singleton stated she is impressed by the efforts of both fire departments to help relieve and resolve the financial problems.

Mr. Aubuchon asked how the City would benefit, because the citizens would be paying more taxes and the City would still pay the fire districts.

Mr. Hecht replied this merger would save the City \$1.5 million and it would increase the City's overall revenue.

Mrs. Hendon asked if Hazelwood would keep their two firehouses.

Mr. Hecht responded affirmatively and stated all personnel would remain the same.

Mr. Aubuchon asked if there was money in the proposed budget to upgrade Hazelwood Firehouse 1.

Mr. Corcoran replied affirmatively, stating there is money set aside to start making upgrades.

The Council thanked Mr. Hecht and Mr. Corcoran.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS

Mrs. Hendon moved, seconded by Mrs. Singleton, to receive and file the minutes of the March 9 Community Enrichment meeting, the March 10 Pension Plan Board of Trustee meeting and the March 11 City Plan Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

**SLUP EXTENSION
7800 N. LINDBERGH**

Mayor Robinson called for the first reading of a bill to extend the Special Land Use Permit deadlines for Panda Express, Inc., for construction and operation of a fast food restaurant, at 7800 North Lindbergh Boulevard.

There were no objections and Bill 4933 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4788-20 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF PANDA EXPRESS, INC., AT 7800 NORTH LINDBERGH BOULEVARD.

Bill 4933 will be on the agenda for second reading on May 5.

**SLUP EXTENSION
7008 N. HANLEY RD.**

Mayor Robinson called for the first reading of a bill to extend the Special Land Use Permit deadlines for Y & Y Grill, LLC d/b/a Sizzlin Grill for construction and operation of a drive-thru window, at 7008 North Hanley Road.

There were no objections and Bill 4934 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4787-20 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINES TO COMMENCE CONSTRUCTION AND FULL OPERATION OF Y & Y GRILL, LLC, D/B/A SIZZLIN GRILL DRIVE-THRU WINDOW, AT 7008 NORTH HANLEY ROAD.

Bill 4934 will be on the agenda for second reading on May 5.

**ECONOMIC DEV.
GRANT AGREEMENT** Mayor Robinson called for the first reading of a bill to approve an economic development grant agreement with CABKA North America, Inc.

There were no objections and Bill 4935 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES GRANT AGREEMENT WITH CABKA NORTH AMERICA, INC.

Bill 4935 will be on the agenda for second reading on May 5.

BOND ISSUANCE Mayor Robinson called for the first reading of a bill to authorize the issuance of taxable industrial revenue bonds for development of NP Hazelwood 370, Building 6.
**NP HAZELWOOD 370,
BUILDING 6**

There were no objections and Bill 4936 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (NP HAZELWOOD 370 BUILDING 6, LLC PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$33,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING A FACILITY FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Bill 4936 will be on the agenda for second reading on May 5.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4929 Mayor Robinson called for the second reading of Bill 4929 to grant a Special Land Use Permit for a childcare center at 12550 MO BOTTOM RD. 12550 Missouri Bottom Road.
SLUP

There were no objections and Bill 4929 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO CHLOE'S PLAYHOUSE, LLC FOR A CHILDCARE CENTER AT 12550 MISSOURI BOTTOM ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4929 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	

Bill 4929 was unanimously adopted as Ordinance 4813-20.

BILL 4930 Mayor Robinson called for the second reading of Bill 4930 to
SUBDIVISION authorize subdivision of 6032 and 6048 Aviator Drive.

There were no objections and Bill 4930 was read by title only:

**AN ORDINANCE APPROVING THE SUBDIVISION OF 6032 AVIATOR DRIVE AND
6048 AVIATOR DRIVE FROM TWO LOTS INTO ONE LOT.**

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Bill 4930 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mr. Taylor	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	
Mr. Herin	
Mayor Robinson	

Bill 4930 was unanimously adopted as Ordinance 4814-20.

BILL 4931 Mayor Robinson called for the second reading of Bill 4931
CONTRACT authorizing a contract with Dale Cooper, LLC d/b/a Safe
WBB POOL SLIDE Slide Restoration for the 2021 White Birch Bay Pool Slide
RESTORATION Restoration Project .

There were no objections and Bill 4931 was read by title only:

**AN ORDINANCE AUTHORIZING A CONTRACT WITH DALE COOPER, LLC D/B/A
SAFE SLIDE RESTORATION FOR THE 2021 WHITE BIRCH BAY POOL SLIDE
RESTORATION PROJECT AT A COST NOT TO EXCEED \$50,750.**

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4931 as an ordinance. The following vote was recorded on the motion:

AYE - 8 NAY - 0

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

Bill 4931 was unanimously adopted as Ordinance 4815-20.

BILL 4932 Mayor Robinson called for the second reading of Bill 4932
CONTRACT authorizing a contract with AME Construction, LLC d/b/a
MAINTENANCE A. Eilers Construction for the 2021 Maintenance Garage
GARAGE REMODEL Kitchen Remodel Project.

There were no objections and Bill 4932 was read by title only:

**AN ORDINANCE AUTHORIZING A CONTRACT WITH AME CONSTRUCTION, LLC
D/B/A A. EILERS CONSTRUCTION FOR THE 2021 MAINTENANCE GARAGE
KITCHEN REMODEL PROJECT AT A COST NOT TO EXCEED \$20,094.**

Mr. Aubuchon moved, seconded by Mrs. Stroker, the adoption of Bill 4932 as an ordinance. The following vote was recorded on the motion:

AYE - 8 NAY - 0

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

Bill 4932 was unanimously adopted as Ordinance 4816-20.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETINGS Mayor Robinson announced the Council budget work
 session will be held April 28, at 6 p.m., in the Council

Chambers and the next regular Council meeting will be held Wednesday, May 5, 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 9:36 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery - City Clerk
City of Hazelwood, Missouri