

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
AUGUST 18, 2021**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:40 p.m. on Wednesday, August 18, 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.;

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
Matthew G. Robinson
Lisa M. Matlock
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton

Council members Dan Herin and Carol Stroker were 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

Mayor Robinson moved, seconded by Ms. Matlock, to amend the agenda by the addition of a financial report update as item 11.e. The motion passed unanimously.

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

CONSENT AGENDA

Mayor Robinson moved, seconded by Ms. Matlock, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

AYE - 7 NAY - 0

Mr. Aubuchon

Mr. Ryan

Mayor Robinson

Ms. Matlock

Mr. Taylor

Mrs. Hendon

Mrs. Singleton

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**

Mayor Robinson moved, seconded by Ms. Matlock, to approve the minutes of the August 4, 2021 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

RECESS/RECONVENE The meeting was recessed for a closed Council meeting at 7:45 p.m. and reconvened at 8:58 p.m. with all Council members except Mr. Herin and Mrs. Stroker in attendance.

PROCLAMATIONS AND RESOLUTIONS**JUDGE KELLY
RETIREMENT
PROCLAMATION**

Mayor Robinson called for the reading of a proclamation expressing recognition and appreciation to retiring Municipal Judge Kevin Kelly.

There were no objections and Proclamation 2115 was read.

Mr. Ryan moved, seconded by Mr. Aubuchon, the adoption of Proclamation 2115 expressing recognition and appreciation to Municipal Judge Kevin Kelly for his many years of service to the City of Hazelwood, and extending sincere good wishes for a happy retirement. 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.

WARD 7 COMPLAINT Rosanne Courtois of 2410 Calle Vista expressed concerns about vegetation growing on a fence of a neighboring property.

She stated that when she called Code Enforcement she was told she could not leave a name and number, and would not be receiving a return call. Ms. Courtois expressed frustration with the procedures concerning citizen complaints.

CITIZENS COALITION Jennifer Guyton of 1205 Woodcrest Lane expressed her thanks for fulfillment of a Sunshine Law request that she made and appreciation for the records being provided in a timely manner.

Ms. Guyton also requested the Council meet with the Citizens to Save Hazelwood and Fire Services group outside of the regularly scheduled Council meeting.

Mayor Robinson stated the Council would discuss and provide the group with mutually agreed upon dates and times.

PAYMENT TO RFPD Robertson Fire Protection District (RFPD) Chief Maynard Howell stated the July and August 2021 payments from the City have not been received.

CITIZENS COALITION John Zamudio of 4827 Orange Blossom Lane expressed his appreciation to the City for gathering the requested information in a prompt and reasonable manner.

PUBLIC HEARINGS

SUBDIVISION AND CHANGE OF ZONING 6852 TESON ROAD Mayor Robinson called to order the public hearing to consider the petitions by NorthPoint Development to divide 31.36 acres of a 44.48 acre lot and for a change of zoning of 31.36 acres from a Non-Urban District to Planned District, Industrial (PDI) at 6852 Teson Road.

City Planner Kate Crimmins stated the property at 6852 Teson Road is a 44.48-acre tract of land immediately north of Hazelwood TradePort. The property is zoned NU Non-Urban. There is a single-family home and barn on the easternmost portion of the property with access to Teson Road. NorthPoint has entered into a contract to purchase 31.36 acres of the property and has petitioned to record a new subdivision plat for that portion. Approximately 12 acres containing the home and barn will not be included in the subdivision and will remain with the current owner. Of the 31.36 acres included in the subdivision, 24 acres will comprise TradePort Lot 9, and the remainder of the property will be consolidated with the industrial park's common ground.

Mrs. Crimmins stated NorthPoint has also submitted a petition for an amendment to the PDI. Approval of this petition will rezone the 31.36 acres to PDI. While the code outlines a specific process for creating a new Planned District, there is no process outlined for adding land to an existing Planned District. There is a process for amending a Planned District, which Staff believes to be the most appropriate path.

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 an amendment to Ordinance 4605-18, to include an additional 31.36 acres in the Planned District and rezone the area from Non-Urban District to Planned District, Industrial with the following conditions:

1. A plan of screening the building with either a specific type of fencing, landscaping, or both, shall be submitted for the City’s final approval.
2. Truck traffic, trailer storage, and loading/unloading shall be prohibited on the north side of Building 9 and signage shall be erected notifying trucks of this prohibition.
3. Lighting shall be adjusted in response to citizen complaints.
4. No access to Teson Road shall be permitted from either Lot 9 or the adjacent common ground. All vehicular and construction traffic shall access the site via TradePort Drive.”

She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to authorize amending Ordinance 4605-18 to include an additional 31.36 acres in the Planned District and rezone the area from Non-Urban District to Planned District, Industrial 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.

Mrs. Lowery read the City Plan Commission motion “to recommend approval to the City Council of the petition for subdivision called “Hazelwood TradePort Plat Four” that creates one buildable lot of 31.36 acres and expands common ground at 6852 Teson Road, Ward 7.” She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to rezone 31.36 acres from Non-Urban District to Planned District, Industrial 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.

SLUP
725 CAMPUS COURT

Mayor Robinson called to order the public hearing to consider the petition by La Nortena Mexican Restaurant, LLC for a Special Land Use Permit for a restaurant and fast food restaurant at 725 Campus Court.

La Nortena Managing Officer Claudia Moran explained the restaurant operations and stated they expect to be open by September. Ms. Moran stated this is their first restaurant in St. Louis, but have another restaurant in Texas.

Mr. Aubuchon asked if this would be all authentic Mexican food.

Ms. Moran responded affirmatively.

Mrs. Crimmins stated La Nortena Mexican Restaurant would be a full service restaurant and would be open seven days a week, serving breakfast, lunch and dinner. Hours will be 6 a.m. to 10 p.m. during the week, and 9 a.m. to midnight on weekends. There are no proposed changes to the exterior of the structure, and the fast food drive through will remain for pick-up orders only. The new owners plan to have live music once per week, and a Cinco de Mayo event once per year. As no residents live in the vicinity, there is no concern for any excess noise issues.

Ms. Moran stated the camera system would be installed next week, and asked if the live music would be applicable both Saturday and Sunday.

Mr. Zimmerman replied that as long as the music does not interfere with area businesses, music should not be an issue.

Mrs. Hendon asked if there was a special permit for having music and drinking outside.

Mr. O'Keefe responded staff would work with them regarding this matter.

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 a Restaurant and Fast Food Restaurant at 725 Campus Court, Ward 2, with the following conditions:

1. Adequate lighting shall be provided in the parking lot.
2. The owner shall be required to maintain a fully functional video recording system on the new 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 for making any appropriate repairs as soon as reasonably possible upon determining a defect in operation. The owner/operator shall agree to make the recording available to law enforcement upon request. Recordings shall be saved and able to be retrieved for a minimum of 30 days.”

She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mr. Ryan, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a restaurant and fast food restaurant at 725 Campus Court 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.

COMMUNICATIONS

NCI APPRECIATION A letter of appreciation for the City’s support and sponsorship of the North County Inc.’s Uncorked Anniversary Dinner was received from North County Inc.

EWGCG BRIEFINGS The August 5 issue of *Briefings* was received from the East-West Gateway Council of Governments.

EWGCG BRIEFINGS The August 12 issue of *Briefings* was received from the East-West Gateway Council of Governments.

Mayor Robinson moved, seconded by Ms. Matlock, to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS After discussion, Mr. Taylor moved, seconded by Mrs. Hendon, to cancel the September 8 work session. The motion passed unanimously.

BOARD/COMMISSION APPOINTMENTS Mayor Robinson nominated the following for reappointment: Charles McGhee, City Plan Commission; Kait Fritz, Historic Preservation Committee; Stella Carlin, Parks and Recreation Board; Dave Lewis, Neighborhood Watch Commission; and Lisa Kozieja, City Plan Commission.

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

**REDISTRICTING
COMMISSION
APPOINTMENTS** New census data will not be available until the end of September and Council will make all appointments to the Redistricting Commission at the next regular meeting.

RFPD UPDATE Mr. O'Keefe stated there was nothing new to report.

FINANCIAL STATUS Mayor Robinson requested that Mr. Zimmerman give a financial status report.

Mr. Zimmerman stated all information to report are preliminary year-end numbers. The 2021 year will end with an approximate \$2 million dollar surplus, \$1.8 million dollars of which are a one-time revenue from CARES ACT funding. He stated that \$400,000 of this surplus is from business license fees. Expenses were 1.5% below the original estimate. The City would end fiscal year 2022 with an approximate 17% reserve rate, at which time large budget cuts would be considered. \$2.3 million of the CARES Act funds the City received only \$1.6 million dollars may be used for revenue replacement.

CITY MANAGER'S REPORT - None

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT

CENSUS DATA Mrs. Lowery stated that some of the census data has been received and the official population for the City is at 25,458, with 11,832 in housing units.

No other totals have been released at this time.

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

**REZONE
6852 TESON ROAD** Mayor Robinson called for the first reading of a bill to amend Ordinance 4605-18 and rezone 31.36 acres located at 6852 Teson Road from Non-Urban District to Planned District, Industrial.

There were no objections and Bill 4955 was read by title only:

AN ORDINANCE AMENDING ORDINANCE NO. 4605-18 AND REZONING PROPERTY CONSISTING OF 31.36 ACRES LOCATED AT 6852 TESON ROAD, FROM NON-URBAN DISTRICT TO PLANNED DISTRICT, INDUSTRIAL.

Bill 4955 will be on the agenda for second reading on September 1.

SUBDIVISION 6852 TESON ROAD Mayor Robinson called for the first reading of a bill to authorize the subdivision of a portion of 6852 Teson Road.

There were no objections and Bill 4956 was read by title only:

AN ORDINANCE APPROVING THE SUBDIVISION OF A PORTION OF 6852 TESON ROAD TO CREATE ONE LOT OF 24 ACRES AND CONSOLIDATE THE REMAINING 7.4 ACRES WITH EXISTING COMMON GROUND.

Bill 4956 will be on the agenda for second reading on September 1.

SLUP 725 CAMPUS COURT Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a restaurant and fast food restaurant at 725 Campus Court.

There were no objections and Bill 4957 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO LA NORTENA MEXICAN RESTAURANT, LLC FOR A RESTAURANT AND FAST FOOD RESTAURANT AT 725 CAMPUS COURT AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4957 will be on the agenda for second reading on September 1.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4953 AMEND AGREEMENT WITH LOCAL #2665 FOR FIREFIGHTERS Mayor Robinson called for the second reading of Bill 4953 to amend the agreement with Local #2665 of the International Association of Firefighters by extending the duration through October 31, 2021.

There were no objections and Bill 4953 was read by title only:

AN ORDINANCE APPROVING AN AGREEMENT AMENDING THE AGREEMENT WITH LOCAL #2665 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS BY EXTENDING THE DURATION THROUGH OCTOBER 31, 2021.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4953 as an ordinance. The following vote was recorded on the motion:

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

Bill 4953 was unanimously adopted as Ordinance 4837-21.

BILL 4954 Mayor Robinson called for the first reading of Bill 4954 to
AMEND AGREEMENT amend the agreement with company officers of Local #2665
WITH LOCAL #2665 FOR of the International Association of Firefighters by extending
COMPANY OFFICERS the duration through October 31, 2021.

There were no objections and Bill 4954 was read by title only:

**AN ORDINANCE APPROVING AN AGREEMENT AMENDING THE AGREEMENT
WITH COMPANY OFFICERS OF LOCAL #2665 OF THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS BY EXTENDING THE DURATION THROUGH
OCTOBER 31, 2021.**

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4953 as an ordinance. The following vote was recorded on the motion:

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

Bill 4954 was unanimously adopted as Ordinance 4838-21.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, September 1, 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 8:58 p.m.

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Julie Lowery - City Clerk
City of Hazelwood, Missouri