

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
SEPTEMBER 4, 2013**

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, September 4, 2013, 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:

Michael J. Conley*
Matthew G. Robinson
Russell Todd
Warren H. Taylor
Rosalie Hendon
Mary G. Singleton
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan

Mrs. Wolf declared a quorum was present. Also present were interim City Manager Bob Frank, City Attorney Kevin O'Keefe, and City Clerk Colleen Wolf.

*Mr. Conley arrived at 8:25 p.m.

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 Mr. Todd, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

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

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss a proprietary interest in accordance with the provisions of RSMo 610.021(15), was adopted.

APPROVAL OF MINUTES

Mr. Taylor moved, seconded by Mr. Todd, to approve the minutes of the August 21 regular and closed Council meetings and the August 26 and August 28 special closed council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

Communications Coordinator Tim Davidson reported on City news, events, and programs.

In addition to the Miss Hazelwood coronation ceremony, this year's Harvestfest will feature a scavenger hunt with a \$500 prize, the annual Home Run Derby, an NFL Punt, Pass & Kick competition, and Radio Disney's road crew who will teach kids dance routines and play trivia games with parent involvement.

The City has joined thousands of communities across the country in observing Celebrate Safe Communities, a national crime prevention program, on September 24. Residents are urged to support the effort to make Hazelwood a safer place to live by hosting a party.

The Police Department is hosting another Prescription Drug Take-Back Day on October 26 with collection points at City Hall and at the Police Sub-Station at St. Louis Outlet Mall.

The Fire Department is preparing for the new Central County Fire Alarm emergency dispatching system to begin in October. The buildings have already been upgraded with new fiber optic wiring and all department vehicles are being fitted with new equipment to accommodate the new system which will be consolidated, standardized, and more efficient.

Additional information on City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

OATH OF OFFICE

Mrs. Wolf administered the oath of office to Irene Salkowski and Greg Corcoran who were appointed on August 21 to serve on the Community Enrichment Commission and Neighborhood Watch Commission, respectively.

Ms. Salkowski and Mr. Corcoran were presented with commission certificates and City pins.

PROCLAMATIONS AND RESOLUTIONS

JIM MATTINGLY MEMORIAL PROCLAMATION

Mayor Robinson called for the reading of a proclamation commemorating James “Jim” Francis Mattingly, owner of Mattingly’s Sports Bar and Grill in Florissant, in collaboration with the City of Florissant.

There were no objections and Proclamation 1315 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 1315 commemorating James “Jim” Francis Mattingly, a man who lived life to the fullest, touched so many lives with his charitable heart, and truly made a difference. The motion passed unanimously.

The proclamation had been presented to the Mattingly family by Mayor Robinson and Florissant Mayor Tom Schneider during the visitation last Wednesday.

CITIZEN 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

SUBDIVISION 83 & 87

CHARBONIER BLUFFS

Mayor Robinson called to order the public hearing to consider the petition by McKelvey Homes, LLC for subdivision of 83 and 87 Charbonier Bluffs Drive from two lots into one.

Tim Martin, director of operations for McKelvey Homes, gave a PowerPoint presentation and explained the proposal to consolidate Lot 26 (87 Charbonier Bluffs Drive) and Lot 27 (83 Charbonier Bluffs Drive) of the Charbonier on the Park subdivision. He stated Lot 27 has a small backyard and a sewer easement. He stated the buyers plan to install a pool on Lot 26.

Mr. Aubuchon inquired about fencing and asked if the pool would be on the side of the house.

Mr. Martin replied the pool would be on the side of the house and entirely fenced. The fencing would be behind the front building line and would meet Code.

Mayor Robinson asked if anyone present wished to speak in favor of or in opposition to the proposal.

David Pegues of 92 Charbonier Bluffs Drive stated his home faces Lot 26. He expressed concern that constructing a pool on the lot would be conspicuous and would adversely affect property values in the subdivision.

Mr. O'Keefe responded no one can accurately predict future property values. Generally, a homeowner investing in expensive improvements, such as installation of a pool, is going to market the increased value of the property. Currently, as a vacant lot, its value is minimal. He stated he expects the St. Louis County assessor would see an increase in the value of the consolidated property and would not see a decrease in the values of homes in the subdivision, but stressed he cannot speak for the assessor.

Mr. Pegues asked if utilizing the lot as a side yard for construction of a pool would be more valuable than utilizing it to construct a home.

Mr. O'Keefe stated, although he's not an expert in the field of assessment or real estate, improvements generally increase property values. He reiterated no one can give a definitive answer as to what effect constructing a pool on the lot will have on the values of other properties in the subdivision.

Mr. Martin stated McKelvey Homes is doing their best to sell the lots and complete subdivision development. He stated he believes having improvements on both lots is beneficial to the neighborhood. He stated the buyer chose Lot 27 and wanted a pool. The obvious solution was to consolidate Lot 27 with Lot 26. He stated McKelvey doesn't want to do anything to their developments that would be detrimental to future sales and believes this will be an improvement to the neighborhood.

Evelyn Jamison of 88 Charbonier Bluffs Drive stated she believes the subdivision's appearance will be altered with the pool front and center and very visible. She asked how it will be fenced and landscaped to provide screening and safety. She stated it won't be in keeping with the rest of the subdivision and when coming down the street she believes it will look like having a tooth missing from a set of teeth.

Mr. Martin stated the pool will be constructed like the pool at 95 Charbonier Bluffs Drive.

Ms. Jamison responded that pool isn't visible unless you go in the backyard.

Mr. Martin stated with respect to safety there are governing Codes such as the fence Code. He added the pool will be set as far back on the lot as possible. He stated there is a 15 foot sewer easement at the back of the property and the pool will be constructed just in front of the easement. The pool area will be surrounded by a fence of regulation height and will not extend past the front building line. The homeowner plans to landscape with arborvitae and bushes which provide good screening.

Mr. Aubuchon asked if there is a diagram of where the pool would be positioned on the lot in relation to the road.

In response, Mr. Martin displayed the site plan page of the PowerPoint.

No one else spoke in favor of or in opposition to the proposal and Mayor Robinson declared the hearing closed.

Mrs. Wolf read the City Plan Commission motion “to recommend approval to the City Council for a subdivision plat to allow the consolidation of two lots into one lot in an R-4 Single-Family residential zoning district located at 83 and 87 Charbonier Bluffs Drive.” She stated the motion passed by a vote of five in favor and one opposed.

Mayor Robinson stated, although the ultimate purpose of the lot consolidation is to provide for construction of a pool, the Council is voting only on the petition for lot consolidation and no basis to deny it has been presented. He noted no variances have been requested to construct the pool and all construction must meet Code and safety regulations.

Mrs. Singleton commented she attended the City Plan Commission meeting when the petition was discussed. Many of the same questions were asked and the commission recommended approval of the petition because it meets all requirements.

Mrs. Singleton moved, seconded by Mr. Ryan, to concur with the City Plan Commission recommendation to authorize the subdivision to consolidate 83 and 87 Charbonier Bluffs Drive 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.

SLUP
7000 N. HANLEY RD. Mayor Robinson called to order the public hearing to consider the petition by Type A Properties, LLC, d/b/a Hazelwood BP, for a Special Land Use Permit for a vehicle service station/minimart at 7000 North Hanley Road.

Harinder Singh, one of the owners of Type A Properties, stated they have owned the property since 2006. It was a BP station and a couple of years ago they leased it to an individual who wasn't able to continue operating. The station has been closed for over a year. The repair facility, Hamlan Hot Stone, remains in operation. He expressed the desire to reopen the service station and minimart.

In response to Mr. Taylor's inquiry, Mr. Singh stated the gas tanks left in the ground are in compliance with DNR and Missouri Tank Fund, a compliance company.

Mr. Taylor stated the repair facility has created an eyesore by storing tires in front along Hanley Road.

Mr. Singh agreed. He stated he was there this morning, after not being by the site for a couple of weeks, and brought it to the attention of their tenant. He stated this practice will be stopped because appearance is a priority. He added it's a violation of the lease and he will write a letter to the tenant.

Mr. Taylor noted there are an ice cream truck and three tow trucks parked on the lot. He asked if they will remain on the lot when the station/minimart opens because the lot would be crowded.

Mr. Singh replied the owner of the ice cream truck had it repaired and doesn't have the money to pay for the repairs. He said this is an increasing problem. There are cars in the back that have been repaired and the owners don't have the money to pay for the repairs in order to pick them up. With respect to the tow trucks, he stated a detailed parking diagram was provided when the Special Land Use Permit for the repair facility was issued. He stated unfortunately the facility is taking advantage of the open spaces while the service station/minimart is closed. He stated they are supposed to have only one or two tow trucks and they should be parked in the back.

Mr. Taylor stated they are parking and repairing vehicles under the canopy in the gas tank area and he believes the area was not to be used for parking. He stated the vehicles had their hoods up.

Mr. Singh replied he wasn't aware of this and it can't happen if the gas station reopens. He stated he would put a stop to it.

Mr. Aubuchon noted the staff report states parking is a major concern.

City Planner Earl Bradfield stated per Code requirements the repair facility needs 11 spaces and the service station/minimart needs nine spaces. He stated, because there are only 20 spaces on the site, it's a tight fit. He stated the repair facility, which has been operating since January, has been taking up more than 11 spaces. To address the issue, the City Plan Commission recommended having the service station/minimart spaces marked with signage stating parking is permitted for no more than one hour.

Mr. Aubuchon asked if there are unlicensed vehicles parked on the lot at this time.

Mr. Bradfield replied affirmatively and stated he spoke to the repair facility owner about removing them, but he has not yet complied. He added he also spoke to the owner about removing the tires from in front of the facility.

Mr. Aubuchon asked if the minimart would sell alcohol.

Mr. Singh replied it would not.

Mr. Singh stated small car dealers that buy one or two cars at auction bring them to the facility for repairs before selling them and they are unlicensed. He stated a time restriction on parking unlicensed vehicles as suggested by Mr. Bradfield may address the problem. He noted a gas station and repair facility had been at this site since 1950. He stated they're willing to make minor adjustments to reopen the service

station/minimart. Their desire isn't to open a business where it's hard to get into and park and it looks unsightly. He stated he's willing to address any concerns.

Mayor Robinson asked if anyone present wished to speak in favor of or in opposition to the proposal.

Antonio Meglio stated he's the owner of the adjacent commercial property at 7004 North Hanley Road which has been for sale for over two years. He expressed concerns with people using his property to cut through to the minimart from the park, as they've done in the past, and vandalizing his vacant property or getting hurt.

Mr. Singh responded he's met Mr. Meglio and they've been neighbors since 2006. He stated he wasn't aware of any problems. He stated the minimart won't sell anything which would bring in a bad element and damage the service station/minimart business and their investment. He reiterated the service station/minimart has been there for many years and he doesn't believe it can be held accountable for vandalism in the area.

To address some of the issues expressed this evening, Mr. O'Keefe asked if Mr. Singh is agreeable to having conditions added to the permit such as no storage of vehicle parts, tires, or store inventory outdoors and no delivery of goods or provision of services outdoors.

Mr. Singh agreed.

Mr. Meglio reiterated concerns with kids cutting across the park to the minimart and trashing his property.

Mr. O'Keefe asked if Mr. Meglio has a suggestion to regulate the activity.

Mr. Meglio stated he does not.

Irene Salkowski, 2025 Gerard Park Lane, asked if the service station would be a BP station adding she would prefer it wasn't.

Mr. Singh responded he wasn't certain at this time.

No one else spoke in favor of or in opposition to the proposal and Mayor Robinson declared the hearing closed.

Mrs. Wolf read the City Plan Commission motion "to recommend approval to the City Council for a Special Land Use Permit to allow for vehicle service station/minimart within the C-2 General Commercial zoning district located at 7000 North Hanley with the following conditions: 1) The site puts up signs indicating designated parking, 2) Vehicles visiting the minimart cannot remain on the property for more than one hour and this be put on minimart's signage, 3) Vehicles must be parked in a designated parking space,

and 4) Vehicles without current license plates cannot be parked on site.” She stated the motion passed unanimously.

In response to concerns expressed earlier and with the consent of Mr. Singh, Mr. O’Keefe suggested adding a condition to the permit stating, “Tires or vehicle parts or inventory for the convenience store cannot be stored and no vehicle repairs or maintenance work can be performed or goods delivered to customers at any location on the exterior of the premises.”

Mr. Taylor moved, seconded by Mrs. Hendon, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a vehicle service station/minimart at 7000 North Hanley Road and to place the draft bill on this agenda for introduction as revised with the new condition. The motion passed unanimously and the bill was added to the agenda as item 17.b.

COMMUNICATIONS

LOCAL GOVERNMENT BRIEFINGS The August 15 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

HAZARD MITIGATION GRANT PROGRAM A letter soliciting mitigation project proposals to receive Hazard Mitigation Grant Program funds, as a result of the federal disaster declaration for the storms that occurred May 29 and June 10, was received from the State of Missouri Emergency Management Agency.

UNITED WAY CAMPAIGN Information on the 2013 United Way Campaign was received from William Siedhoff of the City of Saint Louis Department of Human Services, the campaign chair.

LOCAL GOVERNMENT BRIEFINGS The August 22 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

SLUP PETITION 11992 & 12000 MO. BTM. A petition for a Special Land Use Permit for outdoor storage at 11992 and 12000 Missouri Bottom Road was received from Kenny Construction Company.

FMA GRANT PROGRAM Notice of major revisions to the Flood Mitigation Assistance grant program and notification of the application period were received from the State of Missouri Emergency Management Agency.

SLUP PETITION 1600 PARK 370, STE. 7 A petition for a Special Land Use Permit for a moving and storage company at 1600 Park 370 Boulevard, Suite 7, was

received from Daniel's Moving and Storage of St. Louis, LLC.

LOCAL GOVERNMENT BRIEFINGS The August 29 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

Mr. Taylor moved, seconded by Mr. Todd, to refer the petitions 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 Mrs. Singleton suggested adding a discussion to the work session agenda on ways to avoid decreasing the City's reserves next budget year.

There were no objections and a discussion of revenue generation and/or expense reduction ideas will be added to the October 9 Council work session agenda.

BOARD/COMMISSION APPOINTMENTS Mr. Taylor nominated Mark Schrader for reappointment to the Board of Adjustment and Architectural Board of Review.

Mr. Taylor moved, seconded by Mr. Conley, to reappoint Mr. Schrader to the Board of Adjustment and Architectural Board of Review. The motion passed unanimously.

Mrs. Wolf will invite Mr. Schrader to the September 18 Council meeting to receive his oath of office and commission certificate.

CITY MANAGER'S REPORT

DONATION TO CITY OF 980 ALTAVIA DRIVE Mr. Frank reported staff recommends authorization of an agreement to accept the donation of property at 980 Altavia Drive.

Mr. Frank stated the owner wishes to donate the property, the site of the former daycare center, to the City in an "as is" condition. The property is adjacent to White Birch Park. The Council had been provided with a memo from Parks and Recreation Superintendent Doug Littlefield outlining the benefits of acquiring the property and a memo from City Planner Earl Bradfield outlining the costs of cleaning up the property. Total estimated cleanup cost is \$24,375.

Mrs. Singleton commented concerns were raised about whether or not the City would come out ahead by accepting the donation and about possible environmental problems.

She stated, if the cost estimate is accurate and the property is worth the assessor's appraised value of \$87,100, there seems to be no question that the City would come out ahead.

Mr. Frank stated this is staff's best estimate for the cleanup. An asbestos survey was completed at the cost of \$600 and the company's estimate to clean up the asbestos was \$775. A quote of \$4,500 for tree removal was received and an estimate of \$18,500 for demolition was received. If the City accepts donation of the property, staff would seek bids for each cleanup component. Mr. Frank stated the value of the property will change with demolition of the building. He noted, with the condition of the structure, the building is a detriment and not an asset.

Mr. O'Keefe stated Mike Kern of his office has prepared an agreement to acquire the property subject to an environmental assessment.

Mrs. Hendon moved, seconded by Mr. Conley, to concur with the staff recommendation to authorize the agreement to acquire the property at 980 Altavia Drive 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.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS

Mr. Taylor moved, seconded by Mr. Todd, to receive and file the minutes of the July 22 Historic Preservation Commission meeting, the August 6 Parks and Recreation Board meeting, the August 12 Board of Adjustment and Neighborhood Watch Commission meetings, and the August 13 Community Enrichment Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SUBDIVISION Mayor Robinson called for the first reading of a bill to
83 & 87 subdivide 83 and 87 Charbonier Bluffs Drive from two lots
CHARBONIER BLUFFS into one.

There were no objections and Bill 4399 was read by title only:

AN ORDINANCE APPROVING THE SUBDIVISION OF 83 AND 87 CHARBONIER BLUFFS DRIVE FROM TWO LOTS INTO ONE.

Bill 4399 will be on the agenda for second reading on September 18.

SLUP
7000 N. HANLEY RD.

Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a vehicle service station/minimart at 7000 North Hanley Road.

There were no objections and Bill 4400 was read by title only:

AN ORDINANCE GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO TYPE A PROPERTIES, LLC, D/B/A HAZELWOOD BP, FOR A VEHICLE SERVICE STATION/MINIMART AT 7000 NORTH HANLEY ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4400 will be on the agenda for second reading on September 18.

PROPERTY
ACQUISITION
980 ALTAVIA DRIVE

Mayor Robinson called for the first reading of a bill to authorize the acquisition of property at 980 Altavia Drive, adjacent to White Birch Park.

There were no objections and Bill 4401 was read by title only:

AN ORDINANCE AUTHORIZING A REAL ESTATE DONATION CONTRACT FOR CONVEYANCE TO THE CITY OF THE REAL PROPERTY AND IMPROVEMENTS AT 980 ALTAVIA DRIVE FOR NO MONETARY CONSIDERATION.

Bill 4401 will be on the agenda for second reading on September 18.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4397
AD VALOREM TAXES

Mayor Robinson called for the second reading of Bill 4397 to establish the 2013 rate of ad valorem taxes and the sewer lateral service line repair fee.

There were no objections and Bill 4397 was read by title only:

AN ORDINANCE ESTABLISHING THE ANNUAL RATE OF AD VALOREM TAXES LEVIED FOR THE YEAR 2013 FOR GENERAL AND OTHER MUNICIPAL PURPOSES ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF HAZELWOOD, MISSOURI, AND THE ANNUAL FEE FOR THE CITY'S SEWER LATERAL SERVICE LINES REPAIR PROGRAM.

Mr. Todd moved, seconded by Mr. Ryan, the adoption of Bill 4397 as an ordinance. The following vote was recorded on the motion:

AYE - 9
Mayor Robinson
Mr. Todd

NAY - 0

Mr. Taylor
Mrs. Hendon
Mrs. Singleton
Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Conley

Bill 4397 was unanimously adopted as Ordinance 4293-13.

BILL 4398 The second reading of Bill 4398 to amend the Code by
AMEND CODE establishing the procedure for changing a street name
STREET NAME CHANGE has been postponed to September 18.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council
meeting will be held Wednesday, September 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 8:40 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Colleen Wolf, MMC - City Clerk
City of Hazelwood, Missouri