

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
FEBRUARY 5, 2014**

**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, February 5, 2014 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:

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

Mrs. Thomas declared a quorum was present.

Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and Deputy City Clerk Chris Thomas.

**AGENDA**

Mrs. Singleton moved, seconded by Mr. Conley, to postpone indefinitely item 18.a, the second reading of Bill 4423 to amend the Traffic Code relative to automated photo enforcement at intersections. The motion passed unanimously.

Mr. Todd moved, seconded by Mrs. Hendon, to postpone item 18.c, the second reading of Bill 4427 approving an Economic Development and New Employment Training and Opportunities Loan Agreement with Fisher-Rosemount Systems, Inc. The motion passed unanimously.

Mr. Taylor moved, seconded by Mrs. Stroker, the adoption of the agenda as amended. The motion passed unanimously.

**CONSENT AGENDA**

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

AYE - 9

NAY - 0

- Mrs. Singleton
- Mrs. Stroker
- Mr. Aubuchon
- Mr. Ryan
- Mr. Conley
- Mayor Robinson
- Mr. Todd
- Mr. Taylor
- Mrs. Hendon

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1), was adopted.

**APPROVAL OF MINUTES**

Mr. Conley moved, seconded by Mr. Ryan, to approve the minutes of the January 15 regular and 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.

The annual Tribute to Dr. Martin Luther King, Jr., was a success with approximately 140 people in attendance.

The Fire Department received a \$1,200 check from Missouri American Water's Firefighter Grant Program. The funds will be used to continue interdepartmental training with the Robertson Fire Protection District which gives firefighters the opportunity to familiarize themselves with the other department's equipment.

Bommarito Automotive recently donated a set of VW Beetles to the Police Department for use by DARE officers and police volunteers as part of their "Peace and Prosperity Campaign" which was launched in 2009. Every 12 to 24 months the vehicles are exchanged for new vehicles.

On February 7, City employees will participate in the National Wear Red Day to show support for the fight against heart disease in women. Heart disease is the #1 killer of women age 25 and older.

The Police Department is teaming up with the Pattonville Fire Department and Maryland Heights Police Department in hosting the 8<sup>th</sup> annual Polar Plunge on February 22 at Creve Coeur Lake. All proceeds benefit the Special Olympics of Missouri.

North County Incorporated and the Greater North County, Northwest and Maryland Heights Chambers of Commerce will host a North County Legislative Reception on March 6. Legislators will discuss issues impacting North County and the State of Missouri.

Upcoming City events include the Kids' Flea Market on March 15 at the Community Center. Additional information on this as well as other City programs and upcoming events is available on the City's website at [www.hazelwoodmo.org](http://www.hazelwoodmo.org).

## **PROCLAMATIONS AND RESOLUTIONS**

**BLACK HISTORY MONTH PROCLAMATION** Mayor Robinson called for the reading of a proclamation designating the month of February 2014 as Black History Month.

There were no objections and Proclamation 1401 was read.

Mr. Conley moved, seconded by Mr. Todd, the adoption of Proclamation 1401 designating the month of February 2014 as Black History Month in the City of Hazelwood, Missouri, and calling upon all citizens to observe this month with appropriate ceremonies, activities, and programs. The motion passed unanimously.

The proclamation was presented to Community Enrichment Commission members Steve Rahmberg, Florence Gillespie and Dorothy Squires.

**FY '14 BUDGET AMENDMENT RESOLUTION** Finance Director Lori Helle explained the request to amend the fiscal year 2014 budget by increasing revenues and expenses by \$980,000.

Ms. Helle stated the money was received from the Department of Treasury for asset forfeitures and turned over to the Regional Computer Crimes Education & Enforcement Group. The amendment would cause no change in the fund balance.

Mayor Robinson called for reading of the resolution.

There were no objections and Resolution 1401 was read by title only:

### **A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE FISCAL YEAR 2014 BUDGET TO INCREASE REVENUES AND EXPENSES.**

Mr. Taylor moved, seconded by Mrs. Stroker, the adoption of Resolution 1401. The following vote was recorded on the motion:

AYE - 9

NAY - 0

Mrs. Singleton  
Mrs. Stroker  
Mr. Aubuchon  
Mr. Ryan  
Mr. Conley  
Mayor Robinson  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon

Resolution 1401 was unanimously adopted.

### **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.

**FULL LIQUOR LICENSE** Due to a name change in ownership of Chevys Fresh Mex  
**CHEVYS FRESH MEX** at 5555 St. Louis Mills Boulevard, an application for a Full  
**5555 ST. LOUIS MILLS** Liquor License, including Sunday, had been received from  
John Whicker.

In addition, the applicant has requested the fee for the remainder of the existing license be applied to the new license.

John Whicker stated the restaurant opened in 2004 under the ownership of T & J Restaurants, LLC for which he was the majority member and managing officer. He stated in January he sold the company to CFM Management Company of which he is the sole owner.

Mrs. Hendon moved, seconded by Mrs. Singleton, to grant the Full Liquor License, including Sunday, for Chevys Fresh Mex at 5555 St. Louis Mills Boulevard and to apply the fee for the remainder of the existing license to the new license. The following vote was recorded on the motion:

AYE - 9

NAY - 0

Mrs. Singleton  
Mrs. Stroker  
Mr. Aubuchon  
Mr. Ryan  
Mr. Conley  
Mayor Robinson

Mr. Todd  
Mr. Taylor  
Mrs. Hendon

The motion passed unanimously.

**PUBLIC HEARINGS** - None

**COMMUNICATIONS**

FUNDRAISER Notice that the annual Hardee's "Rise and Shine for Heat" fundraiser will be held February 14 was received from Heat-Up St. Louis, Inc.

BOARD RESIGNATION A letter of resignation from the Board of Adjustment and Architectural Board of Review was received from John Gannon, Jr.

A letter thanking Mr. Gannon for his years of service to the City was sent.

SLCML NEWSLETTER The St. Louis County Municipal League's January newsletter was received.

LOCAL GOVERNMENT BRIEFINGS The January 16 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

LOCAL GOVERNMENT BRIEFINGS The January 23 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

APPRECIATION A letter was received from Degel Truck Center expressing appreciation for the valuable guidance provided by City staff, particularly Code Enforcement Officer Larry Alberici, during renovation of the office building at 5494 Brown Road.

Mr. Conley moved, seconded by Mr. Ryan, 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 February 12 Council work session agenda.

CHARTER REVIEW COMMISSION Mr. Todd nominated Mike Krebs, 26 Cheval Court, for appointment to the Charter Review Commission.

Mr. Taylor nominated Rosemarie Moss, 6719 Village Square Drive, for appointment to the Charter Review Commission.

Mrs. Hendon moved, seconded by Mr. Aubuchon, to appoint Mr. Krebs and Ms. Moss to the Charter Review Commission. The motion passed unanimously.

Mr. Zimmerman stated the plan is to schedule the first commission meeting for late February or early March.

APPOINTMENTS TO BOARD OF REVIEW City Clerk Colleen Wolf had provided the Council with notice of the need to appoint four Council members to the 2014 Board of Review.

Traditionally, the Council has alternated between members of the even and uneven numbered wards. In 2013, the members of the even numbered wards served.

Mr. Todd moved, seconded by Mr. Taylor, to appoint the Council members of Ward 1, Ward 3, Ward 5, and Ward 7 to serve as the 2014 Board of Review, with one Council member to serve as the alternate. The motion passed unanimously.

SHOW ME GREEN SALES TAX HOLIDAY Mrs. Wolf had provided the Council with notice that the ordinance authorizing ongoing participation in the annual Show Me Green Sales Tax Holiday was adopted with the condition the subject is placed on the agenda every year to assure the Council's continued support.

There were no objections and the City will participate in the Show Me Green Sales Tax Holiday from April 19 through April 25.

## **CITY MANAGER'S REPORT**

AMEND E.D. AGREEMENT Mr. Zimmerman reported staff recommends amendment of the Economic Development and New Employment Training and Opportunities Loan Agreement with Missouri Technology Corporation and Emerald Automotive, LLC, as authorized by Ordinance 4166-11.

Mr. Zimmerman stated when the loan was approved Emerald's plan was to obtain additional financing through a federal program. Unfortunately, the program was suspended indefinitely and Emerald has spent the past two years seeking private funding. They are now ready to proceed with the project. He stated the proposal is to retain the terms and conditions of the agreement and extend the deadlines by two years.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to concur with the staff recommendation to amend the New Employment Training and Opportunities Loan Agreement with Missouri Technology Corporation and Emerald Automotive, LLC 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.

COOPERATIVE PURCHASING AGREEMENT                      Mr. Zimmerman reported staff recommends authorization to enter into an agreement with the National Purchasing Cooperative to allow participation in the Buy Board program.

Mr. Zimmerman stated the Missouri Municipal League has been working with the National Purchasing Cooperative which provides municipalities the ability to purchase a wide variety of goods and services at better prices while reducing the need for cities to develop bid specs and seek bids. He stated approval of the agreement is in keeping with the City's purchasing policy.

Mrs. Singleton asked how the City could be assured of receiving the lowest price if bids weren't sought.

Mr. Zimmerman responded the City would still have the ability to seek bids. Entering into this agreement would provide the City with the option to participate in the program.

Mrs. Singleton noted page two of the contract references a distribution and asked if the City would be eligible to receive credits.

Mr. O'Keefe replied the agreement provides the possibility for the cooperative to pay dividends to its members, but there is no guarantee.

Mr. Conley moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize the agreement with the National Purchasing Cooperative 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.

GREEN COMMITTEE                      Mr. Zimmerman reported he attended the Green Committee meeting last week and the committee is focusing on beautification of the McDonnell Boulevard bridge over I-270 and increasing recycling.

Mr. Zimmerman stated the City's recycling rate is low at 17 percent. With a one percent increase, the committee has an opportunity to receive additional funding from Allied Services. Therefore, committee members offered to attend ward meetings to discuss recycling.

Mrs. Hendon asked how the City could promote recycling.

Public Works Director David Stewart responded the City newsletter includes a Go Green section with activities and information.

Mrs. Singleton added the idea of giving prizes for recycling has also been discussed with Allied.

**CITY ATTORNEY'S REPORT - None**

**CITY CLERK'S REPORT - None**

**COMMISSION AND BOARD REPORTS** Mr. Conley moved, seconded by Mr. Ryan, to receive and file the minutes of the January 13 Neighborhood Watch Commission meeting and the January 14 Community Enrichment Commission meeting. The motion passed unanimously.

**NEW BUSINESS - None**

**INTRODUCTION AND FIRST READING OF BILLS**

**AMEND E.D. AGREEMENT** Mayor Robinson called for the first reading of a bill to amend the Economic Development and New Employment Training and Opportunities Loan Agreement with Missouri Technology Corporation and Emerald Automotive, LLC.

There were no objections and Bill 4430 was read by title only:

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MISSOURI TECHNOLOGY CORPORATION AND EMERALD AUTOMOTIVE, LLC, AS AUTHORIZED BY ORDINANCE 4166-11.**

Bill 4430 will be on the agenda for second reading on February 19.

**AGREEMENT COOPERATIVE PURCHASING** Mayor Robinson called for the first reading of a bill to authorize an agreement with the National Purchasing Cooperative.

There were no objections and Bill 4431 was read by title only:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE NATIONAL PURCHASING COOPERATIVE RELATIVE TO STATE PROCUREMENT.**

Bill 4431 will be on the agenda for second reading on February 19.

## SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4423  
AMEND TITLE III.  
TRAFFIC CODE

Bill 4423 to amend *Title III. Traffic Code* relative to automated photo enforcement of traffic regulations at intersections has been postponed indefinitely subject to the call of the chair.

BILL 4426  
AMEND SLUP  
6901 HOWDERSHELL

Mayor Robinson called for the second reading of Bill 4426 to amend the existing Special Land Use Permit for 6901 Howdershell Road to exclude car wash and restaurant from the permitted uses and to include vehicle service station, convenience store, and drive-in restaurant.

Mr. O’Keefe noted the Council has been provided with Bill 4426.1 in redline format to reflect revisions to Bill 4426 and a letter from the petitioner regarding the permit condition to prohibit the sale of tobacco through the drive-in window.

City Planner Earl Bradfield stated staff held a meeting with Mr. Mahmood, the property owner, and Jay Mueller, the engineer who represents the lessee and petitioner, RAK Petroleum. He explained their proposal to convert the car wash to a drive-in to provide customers protection from the elements and to install a security camera. Drive-in traffic would flow counter clockwise. If there are more than four cars stacking, parking would be partially blocked on the north side of the site. No alcoholic beverages would be sold through the drive-in window. Mr. Bradfield stated the petitioner objects to the prohibition on selling tobacco products through the drive-in window and asked the Council to reconsider.

Mr. Zimmerman stated the Council may want to clarify whether or not the petitioner wants to move ahead with the project if the tobacco prohibition is included in the permit.

Mrs. Hendon stated the drive-in would be well lit and she didn’t believe there would be any difference between checking a customer’s identification at the window and making them come inside to check it.

Mr. Conley stated he feels any purchase requiring identification should be made inside.

Mrs. Singleton stated she believes it would be easier for underage customers to purchase cigarettes if the transaction isn’t face to face.

Mrs. Hendon moved, seconded by Mr. Todd, to revise Bill 4426.1 by deleting all references to tobacco products in Section 1, item f. Mayor Robinson called for a roll call vote and the following vote was recorded on the motion:

AYE - 6

Mrs. Stroker  
Mr. Ryan  
Mayor Robinson  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon

NAY - 3

Mrs. Singleton  
Mr. Aubuchon  
Mr. Conley

The motion passed by a vote of six in favor and three opposed with Mrs. Singleton and Messrs. Aubuchon and Conley casting the dissenting votes.

Mrs. Hendon moved, seconded by Mr. Todd, to amend the text of Bill 4426 by the text of Bill 4426.1 as revised. The motion passed with Mrs. Singleton and Mr. Conley casting opposing votes.

There were no objections and Bill 4426, as amended, was read by title only:

**AN ORDINANCE AMENDING THE SPECIAL LAND USE PERMIT ISSUED TO RAK PETROLEUM, LLC, D/B/A HOWDERSHELL 66, FOR 6901 HOWDERSHELL ROAD TO PERMIT A VEHICLE SERVICE STATION, CONVENIENCE STORE AND DRIVE-IN RESTAURANT AND PROVIDING FOR THE REGULATION OF SUCH USAGE.**

Mrs. Hendon moved, seconded by Mrs. Stroker, the adoption of Bill 4426, as amended, as an ordinance. The following vote was recorded on the motion:

AYE - 7

Mrs. Stroker  
Mr. Aubuchon  
Mr. Ryan  
Mayor Robinson  
Mr. Todd  
Mr. Taylor  
Mrs. Hendon

NAY - 2

Mrs. Singleton  
Mr. Conley

Bill 4426, as amended, was adopted as Ordinance 4321-14 by a vote of seven in favor and two opposed with Mrs. Singleton and Mr. Conley casting the dissenting votes.

**BILL 4427  
ED AGREEMENT**

The second reading of Bill 4427 to authorize an Economic Development and New Employment Training and Opportunities Loan Agreement with Fisher-Rosemount Systems, Inc., has been postponed.

**BILL 4428  
AGREEMENT**

Mayor Robinson called for the second reading of Bill 4428 to authorize an agreement for citywide internet access.

Mr. O’Keefe stated the Council has been provided with Bill 4428.1 which includes reference to citywide internet access.

Mr. Todd moved, seconded by Mr. Conley, to amend the text of Bill 4428 by the text of Bill 4428.1.

Mrs. Singleton asked for clarification of the meaning of citywide.

Mrs. Thomas replied the connection at City Hall will provide internet access to all City facilities.

The motion then passed unanimously.

There were no objections and Bill 4428, as amended, was read by title only:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC FOR BUSINESS INTERNET ACCESS AT CITY HALL FOR CITYWIDE INTERNET ACCESS FOR A THREE YEAR PERIOD AT THE RATE OF \$1,350 PER MONTH.**

Mr. Taylor moved, seconded by Mr. Ryan, the adoption of Bill 4428, as amended, as an ordinance. The following vote was recorded on the motion:

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

Bill 4428, as amended, was unanimously adopted as Ordinance 4322-14.

BILL 4429  
AGREEMENT

Mayor Robinson called for the second reading of Bill 4429 to authorize an agreement for internet access at the Community Center for disaster recovery and business continuity.

There were no objections and Bill 4429 was read by title only:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC FOR BUSINESS INTERNET ACCESS**

**AT THE COMMUNITY CENTER, FOR DISASTER RECOVERY AND BUSINESS CONTINUITY, FOR A THREE YEAR PERIOD AT THE RATE OF \$500 PER MONTH.**

Mr. Ryan moved, seconded by Mrs. Hendon, the adoption of Bill 4429 as an ordinance. The following vote was recorded on the motion:

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

Bill 4429 was unanimously adopted as Ordinance 4323-14.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**COUNCIL MEETING** Mayor Robinson announced a Council work session will be held Wednesday, February 12, at 6:00 p.m. in the Council Chambers and the next regular Council meeting will be held Wednesday, February 19, 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 8:20 p.m.

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

ATTEST:

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