

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MARCH 19, 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, March 19, 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:

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

Councilman Michael J. Conley was not present. Mrs. Wolf declared a quorum was present.

Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and City Clerk Colleen Wolf.

AGENDA

There being no amendments proposed, Mr. Taylor moved, seconded by Mrs. Singleton, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

Mrs. Stroker moved, seconded by Mr. Ryan, to amend the consent agenda by the addition of a closed session to consult with the City Attorney and to adopt the consent agenda as amended. The following vote was recorded on the motion:

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

Mr. Taylor
Mrs. Hendon
Mrs. Singleton

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss negotiations with employee groups in accordance with the provisions of RSMo 610.021(9) and to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1), was adopted.

**APPROVAL OF
MINUTES**

Mrs. Stroker moved, seconded by Mr. Ryan, to approve the minutes of the March 5 regular Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

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

T. J. Oshie's popularity hasn't fizzled since his famous Olympic shoot-out, giving TeamUSA a victory over Russia. His status as an Olympic hero earned him a lucrative deal to do an Enterprise Rent-A-Car commercial. He was at St. Louis Outlet Mall's Ice Zone last week doing the commercial which will be aired during the Stanley Cup play-offs.

The Ancient Order of Hibernians named Police Lieutenant Andy Eagan as the 2014 Irish Police Officer of the Year. He will receive special recognition this evening under Special Order of Business.

Registration for NFL Flag Football ends on March 28. The first season was a great success and the program is back by popular demand. Registration is open to boys and girls ages seven to 15.

After capturing 2nd place last year, the Sharks are starting early to prepare for the 2014 season. A pre-season swim team conditioning program is being offered from April 15 to May 15 at Hazelwood West High School. The team is recruiting new members, ages five to 18, who can swim one full length of the pool. Registration begins April 14.

Another lineup of great bands will perform this summer at Truman Park during the Summer Concert Series. The first concert, featuring Lucky Old Sons, is scheduled for May 31. For more information call 731-0980.

Other upcoming events include the Teen Easter Egg Hunt on April 4, the Adult Easter Egg Hunt on April 11, and the Easter Eggstravaganza for children age 10 and under on April 19. Additional information on these and more City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

POLICE CHIEF'S
CERTIFICATE OF
RECOGNITION

Police Chief Gregg Hall presented Officer James Sieve with the Police Chief's Certificate of Recognition for his extraordinary act of professionalism and kindness on January 11, 2014.

At approximately 22:04 hours, while conducting a business check at Chatham Bible Church located at 6375 Howdershell Road, Officer Sieve was contacted by a female driver. The driver advised that her daughter was giving birth in the rear seat of her vehicle. Officer Sieve made contact with the expectant mother and assisted in the delivery of her baby, clearing the child's airway and clamping the umbilical cord. He stayed with the mother and baby until emergency medical services arrived and they were transported to DePaul Health Center.

OATH OF OFFICE

No board or commission members were present to receive their oath of office.

RECOGNITION
FIRE DISTRICT CHIEFS

Mayor Robinson stated retiring Florissant Valley Fire Protection District Fire Chief Bob Corey was unable to be present this evening.

Mayor Robinson introduced incoming Fire Chief Scott Seppelt and board members Bob Carmack and Dan Lubiewski.

Chief Seppelt stated he's been a North County firefighter for 30 years and looks forward to continued good relations with the Hazelwood Fire Department.

RECOGNITION
LT. ANDY EAGAN

Lieutenant Andy Eagan was recognized for being named the 2014 Irish Police Officer of the Year by the Ancient Order of Hibernians.

Lieutenant Eagan was one of seven St. Louisans honored at a special reception and award ceremony held on March 13, 2014 at the Electricians' Hall in South St. Louis. The Hibernian celebration is dedicated to honoring law enforcement officers, firefighters, public safety personnel, and union members who have sacrificed their lives while on duty. A benefit was held in conjunction with this year's 2014 Ancient Order of Hibernians' St. Patrick's Day Parade on Monday, March 17th, in Dogtown. Lieutenant Eagan has been with the Hazelwood Police Department since September 23, 1991. He was promoted to the position of sergeant in July of 2005 and to his current position of lieutenant in August 2013. He has served on the board of the Hazelwood Police Department Benevolent Association, was a Major Case Squad investigator, served as a field training officer and has been an assistant advisor with the Explorer Troop 9217 since its inception. This recent honor is just one of many Lieutenant Eagan has received over the years. He was honored by the Florissant Elks and chosen Police Officer of the Year for 1992-1993, received the Above and Beyond Award in June 2001, was chosen Employee of the Month for July 1999 and May 2003, and was selected as the Missouri Special Olympics 2012 Outstanding Law Enforcement Officer.

PROCLAMATIONS AND RESOLUTIONS - None

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 - None

COMMUNICATIONS

GRATITUDE FOR POLICE SERVICES A letter of gratitude for excellent police services was received from Saint Martin de Porres Catholic Church.

Recently the church had experienced several thefts, acts of vandalism, and burglaries at the parish complex. The officers who responded to their calls were very professional, concerned, and efficient. Their care didn't stop on the scene, but continued after the initial reports.

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

AGE-FRIENDLY COMMUNITIES A request for information relative to participation in the Age-Friendly Communities Network initiative was received from St. Louis County Executive Charlie A. Dooley.

LOCAL GOVERNMENT BRIEFINGS The March 6 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

LOCAL GOVERNMENT BRIEFINGS The March 12 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

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

Mrs. Stroker moved, seconded by Mr. Ryan, to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS

FIREWORKS DISPLAY Mr. Zimmerman stated, during the March 5 meeting, consideration of a contract for the fireworks display was tabled to allow staff to provide the Council with an estimate for additional costs associated with the event.

The additional cost for port-a-potties, golf carts, buses, lights, custodians, and Police and Fire Department overtime hours is approximately \$9,550. The total estimated cost of the event is \$33,550. Mr. Zimmerman noted Council is currently working on the budget and a bill authorizing the fireworks contract must be passed by April 2 to meet the contractor's deadline. He suggested adding the bill to this agenda for first reading. He stated if the Council chooses not to fund the event, the bill can be passed out on April 2.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize the contract with J & M Displays, Inc., for the 2014 fireworks display 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.

MAYOR AND COUNCIL REPORTS

WORK SESSION No items were added to the April 9 Council work session
AGENDA ITEMS agenda.

BUDGET COMMITTEE Mayor Robinson stated the Council was surveyed relative to
REPORT revenue generation options.

Mayor Robinson stated the next steps are to survey the Council relative to expense reduction options and to survey the residents to find out what services they feel are the most important. He stated the resident survey would be made available at City Hall and online.

Mr. Zimmerman reported all Council members who responded to the revenue survey supported the proposals that do not require voter approval. With respect to the proposals requiring voter approval, four Council members preferred to seek approval of a 3% residential utility tax and four preferred to seek approval of a ¼ cent sales tax for fire services which would free up monies in the General Fund. Mr. Zimmerman stated the 2013/2014 budget had a \$692,000 deficit and the 2014/2015 budget is looking significantly worse. He explained certain projects did not come to fruition, there is a possible loss of approximately \$600,000 in red light camera revenues, and the salt supply must be replenished at an estimated cost of \$120,000. As a result, the Budget Committee recommends placing a 6% residential utility tax on the ballot. If approved, the amount of tax imposed would be based on budget needs and could be less than 6%. Mr. Zimmerman stated there was some discussion about the expense reduction options. He stated staff learned today the additional contribution to the Cabella's

Museum is \$130,000 and not \$75,000. He stated he believes a resident survey can be performed relatively quickly and the results can be presented to the Council at their April 14 budget meeting. He asked if the Council wishes to concur with the committee and move forward with the five revenue options that do not require voter approval and the utility tax proposal and whether or not the Council wishes to discuss expense reductions at this time.

There were no objections from the Council and staff will implement the five revenue options that don't require voter approval.

Mayor Robinson stated the City currently doesn't have a residential utility tax. He stated the committee recommended going to the voters for approval of a 6% utility tax and initially imposing only 3% if it is approved. He stated imposition of a 4% utility tax would produce about the same amount of revenue as a ¼ cent sales tax for fire services. He noted sales tax revenues are down. He stated, with the utility tax proposal, the City would have the option to increase the amount imposed in the future, if needed.

Mr. Aubuchon commented he believes the utility tax would provide more stable revenue than the ¼ cent sales tax for fire services and the sales tax could possibly cause a decrease in sales.

Mrs. Hendon noted Hazelwood is one of the few municipalities with no residential utility tax.

Mr. Zimmerman confirmed Hazelwood is the only municipality in St. Louis County and one of only two in the State of Missouri.

Mr. Ryan expressed concern that the voters would not support the tax at 6% and suggested 3%.

Mr. Aubuchon responded there would be additional cost to the City to place a tax increase proposal on the ballot if 3% became inadequate.

Mrs. Singleton stated the City would compare favorably with area municipalities that have tax rates as follows: Berkeley, 8%; Kirkwood, 7.5%; Florissant, 7%; and University City, 9%. She stated staff has cut expenses to the bone and the tax is definitely needed. In addition, she stated it's necessary to provide an avenue for raising enough revenue to meet the City's needs without the requirement to go back to the voters. She added the City had a residential utility tax in the past and it was eliminated.

Mayor Robinson commented the sewer lateral fee was levied at \$28 and has been decreased over the years as the Sewer Lateral Fund balance increased.

Mr. Zimmerman stated a campaign committee could be formed to provide relevant information to the residents such as how the City's tax rates compare, the estimated

utility tax cost for a typical homeowner, and the budget and how it has changed over time.

Mr. O'Keefe stated, due to the election cycle, the Council has plenty of time to solicit input from the public.

CITY MANAGER'S REPORT

PURCHASE OF TASERS Chief Hall reported staff recommends the purchase of 10 X-26P Tasers with holsters, cartridges, power packs, and warranties from Ed Roehr Safety Products at a total cost of \$12,357.

Chief Hall explained a six year program has been set up to replace outdated Tasers for which the Police Department can no longer get parts. He stated detectives, sergeants, and lieutenants have had to give their Tasers to uniformed officers in order to keep them fully equipped. Ed Roehr Safety Products, the sole provider, submitted a price of \$17,357 for the replacement units. The older Tasers have cameras. However, in an effort to reduce cost and continue to ensure officer safety, command staff agreed to purchase the Tasers without cameras. This reduced the unit price by \$600.

Mr. Aubuchon stated he appreciates the effort to reduce costs, but believes the cameras are important for documentation in the event of litigation.

Chief Hall stated the City has not used any of the video footage in the past for this purpose.

Mr. Aubuchon replied it only takes one major lawsuit to cost the City serious damages and he prefers to have cameras on the Tasers.

Chief Hall stated the officers carry tape recorders and have video cameras in their police vehicles. Although, when the Taser is used it may be out of range of the car camera. Chief Hall stated the suggestion to eliminate the cameras was brought forth by the department supervisors and training officers. One of the first things to break down on the previous unit was the camera. It's the most costly accessory to repair and eventually can't be repaired.

Mrs. Singleton commented the staff report states the cameras don't work well because of the time lapse between the time the Taser is turned on and the time it's discharged when it's held at the low, ready position as instructed. She asked when the camera begins recording.

Chief Hall replied the camera is activated when the trigger is pulled. At that point, what you hear is the Taser discharge and the reaction of the subject. He stated in the past he reviewed the camera videos every time they were activated and because the Tasers are

in the low, ready position the videos are usually of the ground. He emphasized there was considerable discussion before this recommendation was made.

In response to comments by Mrs. Hendon, Chief Hall stated conceptually the camera is a great tool if it's affordable. However, it's not always ideal in providing evidence.

Mrs. Hendon stated, in weighing the \$600 per unit cost for the camera against the cost of a possible lawsuit, she prefers to purchase the cameras.

Mrs. Stroker asked if the purchase of these 10 Tasers would allow every officer to have a Taser.

Chief Hall responded it would not. He added last year when the six year replacement program was initiated, Tasers with cameras were purchased to replace 11 out-of-service Tasers.

In response to comments by Mr. Todd, Chief Hall reiterated the camera is the first accessory to require replacement and he as well as command staff and the training officers have found it to be of little benefit.

Don Young, 1122 Riverwood Place Drive, stated if there are plans for the officers to use personal cameras in the future the Taser cameras would be unnecessary.

Chief Hall explained personal cameras can be snapped onto clothing and are utilized by one out of six departments throughout the country. The technology is in the early stages and is costly.

After additional discussion Mrs. Singleton moved, seconded by Mr. Taylor, to concur with the staff recommendation to purchase the 10 Tasers, without cameras, from Ed Roehr Safety Products at a total cost of \$12,357.

Mayor Robinson called for a roll call vote on the motion and the following vote was recorded:

| | |
|----------------|----------------|
| <u>AYE - 7</u> | <u>NAY - 1</u> |
| Mrs. Stroker | Mr. Aubuchon |
| Mr. Ryan | |
| Mayor Robinson | |
| Mr. Todd | |
| Mr. Taylor | |
| Mrs. Hendon | |
| Mrs. Singleton | |

The motion passed by a vote of seven in favor and one opposed with Mr. Aubuchon casting the dissenting vote.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

CONTRACT Mayor Robinson called for the first reading of a bill to authorize a contract for the 2014 fireworks display.

There were no objections and Bill 4441 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH J & M DISPLAYS, INC., FOR THE 2014 PYRO-MUSICAL FIREWORKS DISPLAY AT A COST NOT TO EXCEED \$24,000.

Bill 4441 will be on the agenda for second reading on April 2.

SECOND READING OF BILLS AND ACTION ON BILLS

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

BILL 4436 Mayor Robinson called for the second reading of Bill 4436 to
SLUP grant a Special Land Use Permit for a vehicle service and repair facility at 6879 Howdershell Road.

Mr. O'Keefe stated the Council has been provided with a staff recommendation to amend Bill 4436 to reflect the date of the most current approved site plan as March 5, 2014 and Bill 4436.1 incorporating this revision in Section 2.

Mrs. Hendon moved, seconded by Mrs. Singleton, to amend the text of Bill 4436 by the text of Bill 4436.1. The motion passed unanimously.

Mr. Zimmerman stated there is another potential amendment to the bill. He stated the Council had expressed concerns with the hours of operation and potential noise issues and had requested a staff report to determine if the hours should be restricted. He stated the operator confirmed the proposed hours of operation are 7:00 a.m. to 7:00 p.m. on Monday through Saturday and 8:00 a.m. to 2:00 p.m. on Sunday. He asked if the Council desires to restrict those hours. He noted the petitioner's representative is present.

Mr. Aubuchon stated he believes the Saturday hours should be restricted to 8:00 a.m. to 7:00 p.m.

Mr. Zimmerman asked if the Council wishes to include the hours of operation as a condition in the Special Land Use Permit.

Mrs. Hendon moved, seconded by Mrs. Singleton, to further amend Bill 4436 by including the hours of operation as 7:00 a.m. to 7:00 p.m. on Monday through Friday, 8:00 a.m. to 7:00 p.m. on Saturday, and 8:00 a.m. to 2:00 p.m. on Sunday. The motion passed unanimously.

There were no objections and Bill 4436, as amended, was read by title only:

AN ORDINANCE GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO EASTERN AUTOCARE, INC., FOR A VEHICLE SERVICE AND REPAIR FACILITY AT 6879 HOWDERSHELL ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mrs. Hendon moved, seconded by Mr. Ryan, the adoption of Bill 4436, as amended, as an ordinance. The following vote was recorded on the motion:

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

Bill 4436, as amended, was unanimously adopted as Ordinance 4330-14.

| | |
|-------------|--------------------------------------------------------------|
| BILL 4437 | Mayor Robinson called for the second reading of Bill 4437 to |
| SUBDIVISION | authorize the subdivision of 9044 and 9050 Pershall Road. |

There were no objections and Bill 4437 was read by title only:

AN ORDINANCE APPROVING THE SUBDIVISION OF 9044 AND 9050 PERSHALL ROAD TO ADJUST THE LOTS' BOUNDARIES.

Mr. Aubuchon moved, seconded by Mrs. Stroker, the adoption of Bill 4437 as an ordinance. The following vote was recorded on the motion:

| | |
|----------------|----------------|
| <u>AYE - 8</u> | <u>NAY - 0</u> |
| Mrs. Stroker | |

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

Bill 4437 was unanimously adopted as Ordinance 4331-14.

BILL 4438
SLUP
Mayor Robinson called for the second reading of Bill 4438 to grant a Special Land Use Permit for a sanitary collection wet weather storage facility at 9040 Pershall Road.

Mr. O'Keefe stated the Council has been provided with a staff recommendation to amend Bill 4438 to include a new landscape plan, as page 1 of Exhibit A, and Bill 4438.1 with text to incorporate the revision. He explained there is a billboard at the Pershall Road frontage. The lease for the billboard provides it cannot be obscured from visibility by plantings. He stated the plan includes a notation to allow low plantings/trees at the Pershall Road frontage and to allow the billboard operator to trim plantings in these locations which interfere with sight lines.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to amend Bill 4438 by the text of Bill 4438.1 and the new page 1 of Exhibit A. The motion passed unanimously.

There were no objections and Bill 4438, as amended, was read by title only:

AN ORDINANCE GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO METROPOLITAN ST. LOUIS SEWER DISTRICT FOR A SANITARY COLLECTION WET WEATHER STORAGE FACILITY AT 9040 PERSHALL ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4438, as amended, as an ordinance. The following vote was recorded on the motion:

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

Bill 4438, as amended, was unanimously adopted as Ordinance 4332-14.

BILL 4439
CONTRACT

Mayor Robinson called for the second reading of Bill 4439 to authorize a contract for employee dental insurance.

There were no objections and Bill 4439 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH DELTA DENTAL OF MISSOURI FOR EMPLOYEE DENTAL INSURANCE FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2014.

Mrs. Singleton moved, seconded by Mr. Taylor, the adoption of Bill 4439 as an ordinance. The following vote was recorded on the motion:

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

Bill 4439 was unanimously adopted as Ordinance 4333-14.

BILL 4440
CONTRACT

Mayor Robinson called for the second reading of Bill 4440 to authorize a contract for employee vision insurance.

There were no objections and Bill 4440 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH VISION BENEFITS OF AMERICA, INC., FOR EMPLOYEE VISION INSURANCE FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2014.

Mrs. Hendon moved, seconded by Mrs. Stroker, the adoption of Bill 4440 as an ordinance. The following vote was recorded on the motion:

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

Bill 4440 was unanimously adopted as Ordinance 4334-14.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, April 2, 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 8:45 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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