

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JULY 2, 2014**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Pro Tempore Don W. Ryan at 7:30 p.m. on Wednesday, July 2, 2014, in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

Mayor Pro Tempore Ryan 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:

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

Mayor Matthew G. Robinson and Councilman Warren H. Taylor were 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, Mrs. Singleton moved, seconded by Mrs. Stroker, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

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

AYE - 7

NAY - 0

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

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), was adopted.

APPROVAL OF MINUTES

Mr. Todd moved, seconded by Mr. Conley, to approve the minutes of the June 18 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.

Dozens of young skateboarders and BMX riders performed amazing stunts at this year's annual competition. Prizes were awarded in two age categories.

Participants of D.A.R.E. summer camp were recently entertained with a bird show provided by representatives from the World Bird Sanctuary and a visit by the BIGFOOT 4x4 truck.

The City is hosting a See Our Services public event on July 19 at Howdershell Park from 11:00 a.m. to 3:00 p.m. Fire trucks, ambulances, police vehicles, and public works machinery and equipment used to provide high-quality services will be on display. There will also be K-9 demonstrations, a bounce house, a dunking booth, and free food and beverages. Important information on Propositions U & S will also be available. In addition, informational community meetings have been scheduled for July 14, at 7:00 p.m., at Civic Center East; July 16, at noon, at City Hall; and July 26, at 9:00 a.m., at the Community Center.

Upcoming events include the Bay Teen Night on July 11 at White Birch Bay and the next outdoor summer concert featuring Tailgate Party on July 12 at Truman Park. Additional information on City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

PROCLAMATIONS AND RESOLUTIONS - None

CITIZEN HEARINGS AND PRESENTATION OF PETITIONS

Mayor Pro Tempore Ryan explained the procedures to be followed during a hearing. He invited anyone desiring to make a comment to come forward at this time.

ST. LOUIS CITY/COUNTY MERGER Kathy Fink, 5242 Ville Maria Lane, asked the City's position on a St. Louis City/County merger.

Ms. Fink expressed strong opposition to the proposal stating the City has a wonderful Police Department and fantastic Fire Department.

Mr. Zimmerman responded the Council hasn't debated the topic. It would be premature to do so until there's an actual proposal on the table.

Ms. Fink suggested the City take a stand like the Cities of Chesterfield and Fenton.

Mr. Zimmerman reiterated the City believes it's premature to react when a formal proposal hasn't been made. Better Together believes they will have a proposal by the end of the year.

PUBLIC HEARINGS

SLUP PETITION
8945 DUNN ROAD

Mayor Pro Tempore Ryan called to order the public hearing to consider the petition by the Islamic Society of Greater St. Louis, Inc., d/b/a St. Louis Academy, for a Special Land Use Permit for a private school at 8945 Dunn Road.

City Planner Earl Bradfield gave a staff report. A Special Land Use Permit for the school was granted in October 2012 and an extension of the deadline to commence operation was subsequently granted. However, an occupancy permit was not obtained by the new deadline of April 14 and the permit lapsed. On May 14, the school passed final inspection and it is now ready for occupancy. It will have 11 classrooms with approximately 275 students, an average of 25 students per classroom. Thirty-one parking spaces are required and 173 spaces will be available. The proposed school is consistent with the Comprehensive Plan.

Asad "Tony" Alqam, representing the Islamic Society of Greater St. Louis, stated there were issues with the contractor and he failed to meet the deadline for submission of an additional extension request.

Mayor Pro Tempore Ryan 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 Pro Tempore Ryan 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 a private school located in an I-1 Light Industrial zoning district located at 8945 Dunn Road, Hazelwood, MO, the northwest corner of the intersection of Dunn Road and Normandie Court, Ward 5." She stated the motion passed unanimously.

Mr. Todd moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a private school at 8945 Dunn Road 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 EXPANSION
PETITION
675 DUNN ROAD

Mayor Pro Tempore Ryan called to order the public hearing to consider the petition by Bommarito Ford, Inc., for expansion of the Special Land Use Permit for vehicle/auto sales and a vehicle service and repair facility at 675 Dunn Road to include a vehicle wash facility and to increase the area of the vehicle/auto sales showroom.

Mr. Bradfield gave a staff report. The proposal is to renovate the façade, to enlarge the showroom and to add three new service drop-off lanes, five detail bays and parts storage, and a new drive-thru car wash. The showroom, sales offices, break room, training room, and waiting areas would also be renovated to comply with new Ford design criteria. The Zoning Regulations require two canopy trees and one understory tree per 100 linear feet. With 600 linear feet of addition, an additional 12 canopy trees and six understory trees would be required. Mr. Bradfield noted variances were previously granted by the Board of Adjustment to permit the Bommarito Ford and Bommarito Nissan parking lots to adjoin with no planting area between them and to permit six trees to be planted where 51 are required. However, the six trees have not been planted. Therefore, a permit condition requiring the landscaping to be planted by October 31 is recommended. The total parking requirement is 102 spaces. There are 118 spaces reserved for the sales and showroom area and the service area. In addition, the dealership has written permission from St. Martin de Porres to utilize their parking during business hours and dealership employees have been doing so to allow for loading/unloading of vehicles. The proposed use is consistent with the Comprehensive Plan.

Mrs. Singleton asked if staff recommends a formal parking agreement between the church and the dealership.

Mr. Bradfield replied the dealership has ample parking. Therefore, staff did not make the recommendation.

Chris Chiodini of Chiodini Associates, representing the petitioner, gave a PowerPoint presentation on the proposed renovations. The proposal is to enclose the existing canopy overhang and infill the two corners to create a straight façade and to add additional drive-thru service lanes on the east side of the building, detail bays on the west side, and a drive-thru car wash on the north side.

In response to Mrs. Stroker's questions, Mr. Chiodini stated the car wash is not open to the public and is for service customers only. He stated Bommarito held back on planting the required six trees because of ongoing negotiations with Ford on these major renovations and the desire to plan landscaping appropriately.

Mrs. Stroker stated the manager of Village Square Apartments inquired about screening between the dealership and the apartments. She asked if this has been done.

Mr. Chiodini replied landscaping will be done as one package and the six required trees will be planted by October 31.

Mr. Zimmerman stated, if the Council chooses to place the bill granting the permit expansion on the agenda for first reading this evening, the petitioner will go to the Board of Adjustment for a variance for the landscaping plan before the bill is given second reading.

Mr. Chiodini stated Bommarito will be immediately ready to go out for bid and start construction with final approval.

Mayor Pro Tempore Ryan 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 Pro Tempore Ryan declared the hearing closed.

Mrs. Wolf read the City Plan Commission motion "to recommend approval to the City Council for a petition for Special Land Use Permit expansion to allow for an addition to vehicle auto sales, vehicle service and repair and wash facility that is located in a C-3 Highway Commercial zoning district located at 675 Dunn Road with the following condition: that a minimum of six trees as allowed in a variance from the Board of Adjustment on January 14, 2013 and 12 canopy trees and six understory trees as required by the landscaping section of the zoning code for 600 lineal feet of new addition be planted by the end of October 2014." She stated the motion passed unanimously.

Mrs. Stroker moved, seconded by Mr. Conley, to concur with the City Plan Commission recommendation to grant the expansion of the Special Land Use Permit for vehicle/auto sales and a vehicle service and repair facility at 675 Dunn Road to include a vehicle wash facility and increase the area of the vehicle/auto sales showroom 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.

APPEAL FOR
SIGN REGULATIONS
VARIANCE
9091 DUNN ROAD

Mayor Pro Tempore Ryan called to order the public hearing to consider the appeal by St. Louis Motor Company, d/b/a Clay Cooley Toyota of Hazelwood, for a variance of the Sign Regulations to permit display of a banner sign to exceed the 30 day maximum by 216 days at 9091 Dunn Road.

Mr. Bradfield provided a staff report. On April 28, Clay Cooley Toyota received a sign permit to display a 340 square foot banner sign on the front of their building from April 28 to May 28, 2014. Such temporary signs are permitted for a maximum of 30 days. The dealership was contacted the first of June and asked to remove the sign because

the sign permit had expired. On June 4, an appeal for a variance to permit display of the sign to January 28, 2015 was filed.

Rene Galvan of Clay Cooley Toyota stated the business is controlled by Toyota Motor Company with respect to the approved manufacturer and vendor for signage and they are at the mercy of the sign company. He stated the old Landers Toyota sign is underneath the banner sign and the lease prohibits Clay Cooley Toyota from removing the old sign. They are waiting for the old sign to be removed and the new sign to be installed which typically takes six to seven months.

Mr. O'Keefe commented the appellant is asking to display the temporary sign for nine months and questioned the length of the process.

Mr. Aubuchon expressed opposition to the variance request stating other businesses have asked to display temporary signs for more than 30 days and were required to take the signs down.

Mrs. Hendon asked if the sign company has provided a reason why it takes so long to make the sign.

Mr. Galvan replied they have not. He stated Clay Cooley Toyota wants to have a sign with their own business name on the building and is trying to exert as much pressure on the sign company as possible.

Mr. O'Keefe asked if it would be helpful to continue this hearing to the next meeting to provide Mr. Galvan an opportunity to go back to Toyota and the sign company and tell them that he doubts the Council will approve the variance. Mr. O'Keefe suggested Mr. Galvan inquire as to how long it took Landers to get their signage.

Mr. Galvan responded he'd appreciate the opportunity and asked the Council to continue the hearing to the July 16 meeting.

In response to Mr. Aubuchon's comments, Mr. Bradfield stated the Sign Regulations prohibit a sign advertising a business which is no longer in operation on the premises upon which it's located.

Mayor Pro Tempore Ryan asked if anyone present wished to speak in favor of or in opposition to the sign variance request.

No one spoke in favor of or in opposition to the request.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to continue the hearing on the appeal by St. Louis Motor Company, d/b/a Clay Cooley Toyota of Hazelwood, for a variance to permit display of a banner sign to exceed the 30 day maximum at 9091 Dunn Road to July 16. The motion passed unanimously.

SLUP PETITION The petition by Jack Cooper Transport Company, Inc.,
9050 PERSHALL & for a Special Land Use Permit for vehicle storage and a
NORFOLK SOUTHERN vehicle service and repair facility at 9050 Pershall Road and
RAILWAY PROPERTY the Norfolk Southern Railway property to the south has been
TO THE SOUTH withdrawn.

Mr. Zimmerman explained, at the time the petition was received, Jack Cooper Transport Company had a lease on the property. Subsequently, the lease was terminated by the land owner. Since the petitioner no longer has legal control of the property, he has withdrawn the petition. Staff recommends Council accept withdrawal of the petition.

Mr. Aubuchon moved, seconded by Mr. Todd, to accept withdrawal of the petition by Jack Cooper Transport Company, Inc., for a Special Land Use Permit at 9050 Pershall Road and the Norfolk Southern Railway property to the south. The motion passed unanimously.

COMMUNICATIONS

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

SLUP PETITION A petition for a Special Land Use Permit for a restaurant at
7847 N. LINDBERGH 7847 North Lindbergh Boulevard was received from Kaslik
LLC, d/b/a Kaslik Restaurant.

SUBDIVISION PETITION A petition for subdivision of 6248, 6250, and 6252 North
6248, 6250 & 6252 Lindbergh Boulevard to adjust the lots' boundaries and
N. LINDBERGH BLVD. create Aviator Drive right-of-way was received from Aviator
Business Park, LLC.

BRIDGETON An invitation to the City of Bridgeton 4th of July festivities
INVITATION was received.

SLUP PETITION A petition for a Special Land Use Permit for massage
7183 N. LINDBERGH therapy at 7183 North Lindbergh Boulevard was received
from Natalie Flores L.M.T., d/b/a Studio Massage.

SUBDIVISION PETITION A petition for subdivision of 5690 Campus Parkway Drive
5690 CAMPUS PKWY. and 5603 Anglum Court, to consolidate the lots, was
& 5603 ANGLUM CT. received from bio Merieux, Inc.

SLUP PETITION A petition for a Special Land Use Permit for a restaurant at
7217 N. LINDBERGH 7217 North Lindbergh Boulevard was received from
Renita S. Hill, d/b/a Jay's Classic Bar & Grill LLC.

LOCAL GOVERNMENT BRIEFINGS The June 26 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

Mr. Todd moved, seconded by Mr. Conley, 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 No items were added to the August 13 Council work session agenda.

BOARD/COMMISSION APPOINTMENTS No new appointments or reappointments to the City's boards and commissions were made.

CITY MANAGER'S REPORT

AGREEMENT FOR CDBG PROGRAM FOR CDBG PROGRAM Mr. Bradfield reported staff recommends authorization of the Municipal Housing and Community Development Cooperation Agreement of 2015-2017 with St. Louis County for the Community Development Block Grant (CDBG) program.

Every three years, the agreement automatically renews or a new agreement must be signed. A new agreement must be signed for the next period, fiscal years 2015 through 2017, due to minor changes in the language which would prevent the City from selling, trading, or otherwise transferring CDBG funds. The application and a supplemental agreement for the funds were approved by the Council earlier this year. This agreement will complete the steps necessary to allow fund allocation. Last year's allocation was \$65,490. This year's should be the same amount, pending approval by the Federal government. The program is administered by the St. Louis County Municipal Housing and Community Development Department. Funding provides loans to low to moderate income homeowners for home improvements. With an average loan of \$5,000, approximately 13 homeowners would benefit. The City has participated in this program for more than 30 years.

Mr. Todd moved, seconded by Mr. Conley, to concur with the staff recommendation to authorize the Municipal Housing and Community Development Cooperation Agreement of 2015–2017 with St. Louis County 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.

PROPOSITIONS U & S UPDATE Mr. Zimmerman reported staff is in the process of informing residents about Propositions U & S.

Canvassing will be done the four Saturdays prior to the election, beginning July 12. Several Council members have scheduled ward meetings. In addition, three community informational meetings and a See Our Services event have been scheduled as mentioned during What's New in Hazelwood.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS Mr. Todd moved, seconded by Mr. Conley, to receive and file the minutes of the June 9 Neighborhood Watch Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP Mayor Pro Tempore Ryan called for the first reading of a bill
8945 DUNN ROAD to grant a Special Land Use Permit for a private school at 8945 Dunn Road.

There were no objections and Bill 4463 was read by title only:

AN ORDINANCE GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO THE ISLAMIC SOCIETY OF GREATER ST. LOUIS, INC., D/B/A ST. LOUIS ACADEMY, FOR A PRIVATE SCHOOL AT 8945 DUNN ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4463 will be on the agenda for second reading on July 16.

SLUP EXPANSION Mayor Pro Tempore Ryan called for the first reading of a bill
675 DUNN ROAD to grant an expansion of the Special Land Use Permit for vehicle/auto sales and a vehicle service and repair facility at 675 Dunn Road to include a vehicle wash facility and to increase the vehicle/auto sales area.

There were no objections and Bill 4464 was read by title only:

AN ORDINANCE GRANTING AN EXPANSION OF THE SPECIAL LAND USE PERMIT ISSUED TO BOMMARITO FORD, INC., FOR VEHICLE/AUTO SALES AND A VEHICLE SERVICE AND REPAIR FACILITY AT 675 DUNN ROAD TO INCLUDE A VEHICLE WASH FACILITY AND TO INCREASE THE VEHICLE/AUTO SALES SHOWROOM AREA AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Bill 4464 will be on the agenda for second reading on August 20.

MHCD COOPERATION AGREEMENT Mayor Pro Tempore Ryan called for the first reading of a bill to authorize the Municipal Housing and Community Development Cooperation Agreement of 2015-2017 with St. Louis County.

There were no objections and Bill 4465 was read by title only:

AN ORDINANCE AUTHORIZING THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION AGREEMENT OF 2015–2017 WITH ST. LOUIS COUNTY.

Bill 4465 will be on the agenda for second reading on July 16.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4446 E.D. AGREEMENT The second reading of Bill 4446 to authorize an agreement with Great Southern Bank and Theodoro Baking Company, Inc., to modify the Economic Development and New Employment Training and Opportunities Loan Agreement with Theodoro Baking Company, Inc., has been postponed to August 6.

BILL 4462 SLUP Mayor Pro Tempore Ryan called for the second reading of Bill 4462 to grant a Special Land Use Permit for a restaurant at 6186, 6190, and 6194 Howdershell Road.

There were no objections and Bill 4462 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO J. BALLARDS, LLC, D/B/A BALLARD’S RESTAURANT & SPORTS BAR, FOR A RESTAURANT AT 6186, 6190, AND 6194 HOWDERSHELL ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mrs. Stroker moved, seconded by Mr. Aubuchon, the adoption of Bill 4462 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 7</u>	<u>NAY - 0</u>
Mr. Todd	
Mrs. Hendon	
Mrs. Singleton	
Mrs. Stroker	
Mr. Aubuchon	
Mr. Ryan	

Mr. Conley

Bill 4462 was unanimously adopted as Ordinance 4354-14.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

INDEPENDENCE DAY Mayor Pro Tempore Ryan announced City Hall will be closed on July 4 in observance of Independence Day.

COUNCIL MEETING Mayor Pro Tempore Ryan announced the next regular Council meeting will be held Wednesday, July 16, 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 8:25 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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