

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JANUARY 7, 2015**

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, January 7, 2015, 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:

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

Councilman Michael J. Conley was not present. Mrs. Wolf declared a quorum was present. Also present were City Manager Matt Zimmerman, Associate City Attorney Ken Heinz, and City Clerk Colleen Wolf.

AGENDA

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

CONSENT AGENDA

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

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

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) and to discuss a personnel matter in accordance with the provisions of RSMo 610.021(3), was adopted.

APPROVAL OF MINUTES

Mr. Taylor moved, seconded by Mrs. Stroker, to approve the minutes of the December 17 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 City's volunteer Green Committee has been busy educating residents about recycling and keeping the area beautiful with litter pickups. They donated a park bench, made of recycled #2 plastic milk jugs, which has been installed near the pond at Truman Park. In 2014, the committee adopted the Lynn Haven/Taylor/North Lindbergh intersection for regular litter pickups. Nearly 400 pounds of trash, including 100 pounds of recyclable items, has been removed from the intersection.

The Hazelwood Benevolent Association and St. Louis Police Wives Association partnered this Christmas to assist 13 local families in need. The families were provided with toys for the kids and a Christmas dinner and their December utilities were paid.

Upcoming programs and events include the annual Tribute to Dr. Martin Luther King, Jr., on January 18; the annual Ice Bowl Tournament, hosted by the River City Flyers, on January 31; the kickoff of the Biggest Loser 12 Week Challenge on February 2; and the 2015 Polar Bear Plunge for Special Olympics Missouri on February 28. Additional information on upcoming events and City programs is available on the City's website at www.hazelwoodmo.org.

PROCLAMATIONS AND RESOLUTIONS

YACOVELLI PROCLAMATION

Mayor Robinson called for the reading of a proclamation in recognition of the Yacovelli family.

There were no objections and the proclamation was read.

Mr. Aubuchon moved, seconded by Mrs. Hendon, the adoption of the proclamation expressing recognition to the Yacovelli family for providing quality restaurant services to the community for nearly a century and conveying best wishes to Jack, Jan, and Joe Yacovelli for a long and happy retirement pursuing hobbies and spending time with their family. The motion passed unanimously.

PARK GRANT
RESOLUTION

Parks and Recreation Superintendent Doug Littlefield reported staff recommends passage of a resolution supporting an application for grant funds to be used for updating the Howdershell Park Master Plan.

Mr. Littlefield stated Howdershell Park is the City's most utilized park. The \$8,000 project would require a 20% match or a \$1,600 commitment by the City. The Municipal Park Grant Commission would contribute \$6,400. The project would not be pursued unless the grant is awarded. The current park master plan is from 1992. Without a new plan, the City is ineligible for additional funding from the Municipal Park Grant Commission for park improvements.

Mrs. Stroker asked if Mr. Littlefield has a vision for park improvements.

Mr. Littlefield replied the City's park system is aging. Restroom facilities need to be updated and there are issues with trails and trees. These items would be addressed. In addition, two meetings would be held to solicit public input and all ideas would be evaluated.

Mayor Robinson called for reading of the resolution.

There were no objections and Resolution 1501 was read by title only:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI,
SUPPORTING THE APPLICATION FOR GRANT FUNDS TO BE USED FOR
UPDATING THE HOWDERSHELL PARK MASTER PLAN.**

Mrs. Hendon moved, seconded by Mr. Taylor, the adoption of Resolution 1501. The following vote was recorded on the motion:

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

Resolution 1501 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.

KNIGHTS OF
COLUMBUS
FARMERS MARKET

Paul Charney, the grand knight of the Knights of Columbus on Teson Road, asked what would be required to hold a farmers market at their facility.

Mr. Charney stated the market would be for local growers and farmers to sell products they have grown themselves on their own property. He stated it would be similar to the markets in Ferguson, Overland, and Lake St. Louis and would be held on Saturdays from 8:00 a.m. to noon. The inside of the building would be used for crafters to sell products they have made.

Mr. Zimmerman stated Mr. Charney has approached staff. Farmers markets are not allowed under current Code. Staff has done research and the Code could be amended. If the Council desires, staff could present a proposal for Council consideration and a bill to amend the Code could be drafted for consideration at a future meeting.

Mrs. Hendon asked why the use has been prohibited.

Mr. Zimmerman stated it's not listed in the Zoning Regulations as a permitted use.

Mrs. Hendon expressed concerns with adequate parking.

Mr. Charney responded there are over 200 parking spaces at the facility.

The Council expressed support of the proposal and staff will prepare a presentation.

SLUP EXTENSION
6901 HOWDERSHELL

A request for a six month extension of the Special Land Use Permit deadline to commence operation of a drive-in restaurant at 6901 Howdershell Road was made by the property owner, Mubeen Mahmood, on behalf of the business operator, Zum Zum, LLC, d/b/a Howdershell 66.

City Planner Earl Bradfield stated the Special Land Use Permit for a vehicle service station, convenience store, and drive-in restaurant was granted on February 5, 2014. In accordance with the permit, because new construction is involved, the business must be in operation by February 5, 2015 or the permit will lapse. The vehicle service station and convenience store have remained open during construction of the drive-in. At this time, there are outstanding Building Code issues.

Mubeen Mahmood stated the extension is needed to address design issues and Building Code violations.

Mrs. Hendon moved, seconded by Mrs. Singleton, to grant a six month extension of the Special Land Use Permit deadline to commence operation of a drive-in restaurant at 6901 Howdershell Road and to place the draft bill on the agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.a.

Mr. Ryan requested an explanation of the code enforcement issues.

Mr. Mahmood stated he's had no solutions to the issues brought to him recently. He stated the north side wall is two inches out of plumb and the south side wall is one to one and a half inches out of plumb. However, he stated, he believes the building is structurally sound. He stated there is a large disconnect between the inspectors and the workers.

Mr. Zimmerman explained there are disagreements between Mr. Mahmood, his engineer, and City staff with respect to Code interpretation. The engineer must certify in writing that, in his opinion, the construction meets City Code and he's been unwilling to do so. The City has a responsibility and legal obligation to the public to assure construction is according to Code. Staff doesn't believe the plans or construction meet Code. In addition, the building addition has not been constructed according to the plan. Staff is working with Mr. Mahmood to assure Code compliance.

Mrs. Hendon expressed concerns with the slow construction progress.

Mr. Mahmood stated work was stopped for six to eight weeks due to the St. Louis County plumbing and electrical permit processes. He added his architect has been slow in providing changes to the drawing. Mr. Mahmood reiterated he believes the building is structurally sound.

Mayor Robinson expressed concerns with the quality of construction with respect to the framing and foundation.

Mr. Mahmood agreed the walls are out of plumb. He stated the only way to fix the problem is to tear them down.

Mayor Robinson suggested he meet with Mr. Mahmood at the site.

PUBLIC HEARINGS

SLUP PETITION
6879 HOWDERSHELL

Mayor Robinson called to order the public hearing to consider the petition by Eastern Autocare, Inc., d/b/a Eastern Auto Care, for a Special Land Use Permit for a vehicle service and repair facility at 6879 Howdershell Road.

Mr. Bradfield gave a staff report describing the site, the proposed use, and surrounding uses. He stated a Special Land Use Permit for a vehicle service and repair facility was granted on March 19, 2014. The permit lapsed because the six month deadline to commence operation was not met. He noted the site is located in a highly visible location along Howdershell Road with high traffic volume and aesthetics should be considered.

Mr. Zimmerman noted because the permit lapsed the petitioner has gone through the entire process with the City Plan Commission a second time. He stated the conditions recommended by the commission were conditions in the previous permit. Those that have been omitted have been fulfilled.

Mr. Mahmood, the property owner and representative for the petitioner, gave a PowerPoint presentation.

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

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

Mrs. Wolf read the City Plan Commission motion "to recommend approval to the City Council for a petition for a Special Land Use Permit for a service and repair facility in a C-2 General Commercial zoning district located at 6879 Howdershell Road with the following conditions: a) Vehicles being repaired cannot remain on the property for more than a 15 day period, b) Vehicles must be parked in a designated parking space that must be striped and site plan be presented showing measurement of 25 feet of backup for handicap spaces, c) Vehicles without current license plates cannot be parked at site, and d) Tires or vehicle parts or inventory for the vehicle service station 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." She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mr. Aubuchon, to concur with the City Plan Commission recommendation to grant a Special Land Use Permit for a vehicle service and repair facility at 6879 Howdershell 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.b.

CHANGE OF ZONING
PETITION
7766 N. LINDBERGH

Mayor Robinson called to order the public hearing to consider the petition by Mission Hills Development, Inc., for a change of zoning from C-2 General Commercial District to C-3 Highway Commercial District at 7766 North Lindbergh Boulevard.

Mr. Bradfield gave a staff report and described the zoning and uses of the surrounding area. He stated the adjacent parcel to the north is zoned C-3. Therefore, the proposed change of zoning would allow for expansion of the existing C-3 district. The proposal is to rezone the subject parcel for consolidation with the parcel to the north and to apply for a Special Land Use Permit for vehicle auto sales (used) and vehicle sales and service for the newly created parcel. The vehicle auto sales use would require a variance since the new parcel would be 1.008 acres which is less than the three acres required for this use.

Joe Dale, architect for Mission Hills Development, d/b/a Premier Auto Service and d/b/a Auto Stop at 7770 North Lindbergh Boulevard, addressed the Council. He stated due to an increase in the number of vehicles serviced, the property at 7766 North Lindbergh Boulevard was acquired in order to relocate the service write up area to the small building on that site as well as to provide street frontage and additional parking for cars being serviced. The service bays in the rear of the building at 7766 would be utilized once appropriate approvals are obtained. An occupancy permit for the front of the building has been obtained.

Glenn Travers of Mission Hills Development stated the problem they've had since they purchased the building is Premier Auto Service is behind Auto Stop and it's difficult for customers to find even with the large sign. He stated the proposal will provide frontage along Lindbergh Boulevard and increase business from drive-by traffic.

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

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

Mrs. Wolf read the City Plan Commission motion "to recommend approval to the City Council for a petition for rezoning from C-2 General Commercial zoning district to C-3 Highway Commercial zoning district located at 7766 North Lindbergh Boulevard." She stated the motion passed unanimously.

Mr. Todd moved, seconded by Mr. Ryan, to concur with the City Plan Commission recommendation to rezone 7766 North Lindbergh Boulevard to C-3 Highway Commercial District 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.

AMEND CHAP. 405
RE: FLOODPLAIN
MANAGEMENT

Mayor Robinson called to order the public hearing to consider the proposal to amend Chapter 405: Zoning Regulations of the City Code to adopt new floodplain management regulations.

Mr. Bradfield reported in order to remain in the National Flood Insurance Program the City is required to enact a new floodplain ordinance which adopts the updated Flood Insurance Rate Maps. The proposed ordinance, recommended by the State Emergency Management Agency, is based upon a Federal Emergency Management Agency (FEMA) model ordinance that includes development of agricultural structures in the floodplain. The City has the option to adopt more restrictive regulations, but not less restrictive. Staff recommends changes to its current ordinance to allow agricultural structures with a variance to be built with an opening to allow floodwaters to flow through the structure. When the current ordinance was approved the Missouri River bottoms area, the location of the City's agricultural lands, was unincorporated. This

change would allow agricultural structures to be built at grade rather than at an elevation one foot above the 100 year floodplain level. Before agricultural structures can be built at grade, a variance from the Board of Adjustment would be required. The proposed changes would also reference and adopt new Flood Insurance Rate Maps (FIRM), accept Flood Insurance Study Reports, and provide new and updated definitions. The new FIRM and study reports were the result of standard hydrologic and hydraulic study methods for the Missouri River basin only. The other waterways such as Coldwater Creek, Cowmire Creek, and Dunn Creek included new topography data only. The new topography data resulted in more accurate delineation of the floodways. The map updates were based on the availability of new topographic data and new computational techniques. There was a period for the public to comment on these maps two years ago, but approval of the maps was delayed in order to study the requirements for levees. Any comment would have required hydrologic and hydraulic study methods to be performed by an engineer. The City did not have any challenges to FEMA's floodplain study.

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

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

Mrs. Wolf read the City Plan Commission motion "to recommend approval to the City Council for a petition for a City of Hazelwood floodplain management ordinance." She stated the motion passed unanimously.

Mrs. Stroker moved, seconded by Mr. Todd, to concur with the City Plan Commission recommendation to amend Chapter 405: Zoning Regulations by adopting new floodplain management regulations 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.d.

COMMUNICATIONS

PUBLIC HEARING ON BOUNDARY CHANGE PROPOSAL Notice of a public hearing on a proposal for a simplified boundary change between the Cities of St. Ann and Bridgeton was received from the St. Louis County Boundary Commission.

LOCAL GOVERNMENT BRIEFINGS The December 18 issue of Local Government Briefings was received from East-West Gateway Council of Governments.

GNCCC APPRECIATION FOR MEMBERSHIP A letter expressing appreciation for the City's continued membership was received from the Greater North County Chamber of Commerce.

FIELD SURVEY IN Notice of a field survey to be performed for MSD during
CHEZ PAREE December 2014 and January 2015 in the Chez Paree
SUBDIVISION AREA Subdivision area was received from Volz Incorporated.

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

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

COUNCIL After discussion, the Council agreed to schedule the Council
RETREAT retreat on January 14 for 6:00 p.m.

WORK SESSION Noting the Council will be meeting in January for a retreat,
AGENDA ITEMS Mayor Robinson suggested cancelling the February work
session and holding work sessions during the unevenly
numbered months.

After discussion, the Council agreed to schedule the next work session for March and to meet for work sessions on the second Wednesday of the unevenly numbered months.

APRIL 2015 Mr. Zimmerman stated with the expense reductions
REFERENDUM and program cuts the City has made and with passage of the
OPTIONS sales tax for Fire Department operations, which will provide
approximately \$1.1 million in annual revenue, little progress
has been made in solving the City's long term budget
shortfall.

Due to passage of the property tax referendums by the Robertson and Florissant Valley Fire Protection Districts, City expenditures will increase by approximately \$1 million annually. The Campaign Committee met in early November and recommended consideration of another referendum. The Council has been provided with the same four options considered last spring. The consultant has recommended obtaining feedback from the voters on the options and staff has prepared a citizen survey which has been reviewed by the consultant. In addition, Mr. Zimmerman suggested holding open houses to solicit public input. He stated the survey can be provided during the open houses and made available on line, as well as at City facilities, and the robo call system could be used to encourage participation. He stated if the Council wishes to place a referendum on the April 7 ballot, staff would be able to provide the Council with data from the survey in January. If the Council prefers to take more time to obtain public feedback and build community support, a referendum could be placed on the August 4 ballot. He discussed the advantages and disadvantages of placing the referendum on the April and August ballots. In the event the Council decides this evening to place a bill on the agenda to authorize a referendum, several bills have been drafted.

Mr. Aubuchon expressed support of an April referendum stating public safety should be emphasized. He noted it would be easier to prepare the budget for next fiscal year if the referendum is in April, prior to the start of next fiscal year on July 1, rather than August. He stated a large part of the City's population doesn't have computers or social media access and it's important to use means other than social media to encourage participation.

Mrs. Singleton stated April is the more fiscally responsible choice due to the high additional cost of an August election. She stated the voters may want a choice and asked if more than one referendum could be placed on the ballot.

Mr. Zimmerman responded the consultant felt that with two ballot propositions the City would be running the risk of splitting the votes and the strongest case could be built with one proposition.

Mayor Robinson stated he believes the Council agrees that a utility tax referendum should not be considered since the voters failed to approve it last April.

Mr. Aubuchon expressed support for a utility tax referendum.

Mrs. Hendon stated she would consider a utility tax.

Mayor Robinson stated the consultant has recommended a general sales tax.

Mr. Aubuchon expressed opposition to a sales tax increase which would make the City's sales tax the highest in the area. He added his preference is a property tax which would have the smallest impact on residents at approximately \$30 per year. He emphasized the importance of educating residents on how little of their total property tax bill goes to the City.

Open houses to solicit public input were discussed. It was noted a small percent of citizens attended the meetings last spring.

Mr. Zimmerman stated waiting until August will provide an opportunity to reach more residents.

Mrs. Hendon asked if Carl Wolf, chairman of the Campaign Committee, has any comments.

Mr. Wolf stated the committee recommends providing the opportunity for residents to complete a survey and provide input. He stated the Fire Department union has recommended an April referendum and the Maintenance Division union has expressed their support.

Mr. Zimmerman stated the Council must chose a referendum option in order to have first reading of a bill this evening.

Mayor Robinson suggested a sales tax referendum.

Mrs. Singleton asked whether the Council has the authority to reduce the sales tax at some future time.

Mr. Zimmerman replied affirmatively. He stated, once a tax is approved by the voters, the Council has authority to levy the tax by ordinance. Sales taxes can be levied in 1/8 cent increments. By ordinance, the Council may also reduce the amount of a tax levy without forfeiting the authority to levy the tax at some future time.

The Council discussed the referendum options. Mayor Robinson suggested placing a bill authorizing a sales tax referendum on the agenda for first reading. He stated the bill could be amended prior to second reading if the Council desires.

Mr. Todd moved, seconded by Mrs. Singleton, to call for submission to the voters of a proposition authorizing a general sales tax of one fourth of one percent 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.e.

CITY MANAGER'S REPORT

AGREEMENT INSURANCE BROKERAGE SRVCS. Assistant City Manager Bob Frank reported staff recommends authorization of an amendment to the agreement for consulting and insurance brokerage services, authorized by Ordinance 4256-13, to extend the agreement for one year and designate USI Midwest, LLC as successor to Holmes Murphy & Associates, Inc.

Mr. Frank stated Holmes Murphy has been the City's insurance broker for a few years. In November, they were acquired by USI Midwest. The contract is due to expire February 28, 2015. Holmes Murphy has provided excellent support over the years.

Mr. Todd asked if the City will be dealing with the same personnel.

Mr. Frank replied affirmatively.

Mr. Aubuchon moved, seconded by Mrs. Singleton, to concur with the staff recommendation to authorize the amendment to the agreement for consulting and insurance brokerage services 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.f.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS

Mr. Taylor moved, seconded by Mrs. Stroker, to receive and file the minutes of the December 2 Parks and Recreation Board meeting and the December 8 Neighborhood Watch Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP EXTENSION Mayor Robinson called for the first reading of a bill to extend
6901 HOWDERSHELL the Special Land Use Permit deadline to commence operation of a drive-in restaurant at 6901 Howdershell Road.

There were no objections and Bill 4494 was read by title only:

AN ORDINANCE EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE OPERATION OF A DRIVE-IN RESTAURANT AT HOWDERSHELL 66, 6901 HOWDERSHELL ROAD, TO AUGUST 5, 2015.

Bill 4494 will be on the agenda for second reading on January 21.

SLUP Mayor Robinson called for the first reading of a bill to grant a
6879 HOWDERSHELL Special Land Use Permit for a vehicle service and repair facility at 6879 Howdershell Road.

There were no objections and Bill 4495 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.

Bill 4495 will be on the agenda for second reading on January 21.

REZONE Mayor Robinson called for the first reading of a bill to rezone
7766 N. LINDBERGH 7766 North Lindbergh Boulevard from C-2 General Commercial District to C-3 Highway Commercial District.

There were no objections and Bill 4496 was read by title only:

AN ORDINANCE AMENDING CHAPTER 405: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF HAZELWOOD, MISSOURI, BY REZONING 7766 NORTH LINDBERGH BOULEVARD FROM C-2 GENERAL COMMERCIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT.

COUNCIL RETREAT Mayor Robinson announced a Council retreat will be held January 14, at 6:00 p.m., at the Knobbe House.

CITY HALL CLOSED TO PUBLIC Mayor Robinson announced City Hall will be closed to the public on January 19, Dr. Martin Luther King, Jr., day.

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, January 21, 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 9:00 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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