

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
AUGUST 5, 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, August 5, 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:

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

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. Hendon, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

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

AYE - 8

NAY - 0

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 consult with the City Attorney in accordance with the provisions of RSMo 610.021(1) and 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. Taylor, to approve the minutes of the July 8 Council retreat and the July 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.

On July 17, the Regional Household Hazardous Waste Facility Partnership opened a collection facility in Florissant. To make a drop-off reservation, North County residents can visit HHWEST.com or call 615-8958. There is no charge for the first 50 pounds of waste and a charge of \$1 per pound in excess of 50 pounds. The charge for latex paint is 20 cents per pound.

The City's first Food Truck/Food Drive event was a big success with more than 300 local residents and guests attending.

The Police Department sent six members of Explorer Post #9217 to this year's St. Louis Area Law Enforcement Explorer Academy. After 70 hours of training in five days, all the explorers graduated and received certificates. Explorer Captain Makil Walker received the Best Overall Explorer – Level 3 award and the Best Oral Board Interview award.

The Green Committee is looking for volunteers interested in protecting the environment and keeping the community beautiful. The committee makes recommendations to the City Council based on research they have performed and educates residents about recycling.

Upcoming events include the Police Explorer Post #9217 Trivia Night on September 19, the Skate/BMX Competition on September 25, and the Drug Take-Back Event on September 26. Additional information on City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

PROCLAMATIONS AND RESOLUTIONS

FINANCIAL DISCLOSURE RESOLUTION

Mayor Robinson called for the reading of a resolution to readopt and reaffirm Chapter 125: Conflicts of Interest relative to financial disclosure.

There were no objections and Resolution 1507 was read by title only:

A RESOLUTION READOPTING AND REAFFIRMING CHAPTER 125: CONFLICTS OF INTEREST, OF THE HAZELWOOD CITY CODE, RELATIVE TO THE FILING OF FINANCIAL INTEREST STATEMENTS.

Mr. Aubuchon moved, seconded by Mrs. Stroker, the adoption of Resolution 1507. 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	

Resolution 1507 was unanimously adopted.

ALL-HAZARD MITIGATION PLAN RESOLUTION	Mayor Robinson called for the reading of a resolution to adopt the 2015-2020 St. Louis Regional All-Hazard Mitigation Plan (updated 2015).
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There were no objections and Resolution 1508 was read by title only:

A RESOLUTION OF THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, ADOPTING THE ST. LOUIS REGIONAL ALL-HAZARD MITIGATION PLAN 2015-2020 (UPDATED 2015).

Fire Chief Dave Radel stated the Federal Emergency Management Agency (FEMA) and State Emergency Management Agency (SEMA) have approved the plan. Each municipality, county, or school district must adopt the plan in order to be eligible for FEMA funding in the event of a natural disaster such as a tornado.

Mr. Aubuchon moved, seconded by Mrs. Hendon, the adoption of Resolution 1508. 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

Resolution 1508 was unanimously adopted.

FY '15 APPROPRIATION Mayor Robinson called for the reading of a resolution
TRANSFER providing for the transfer of unencumbered appropriations
RESOLUTION in fiscal year 2015.

There were no objections and Resolution 1509 was read by title only:

A RESOLUTION PROVIDING FOR THE TRANSFER OF UNENCUMBERED APPROPRIATIONS FOR FISCAL YEAR 2015 AS REQUESTED BY THE CITY MANAGER.

Finance Director Lori Helle explained every year appropriations are transferred from one department to another to cover over-budget expenditures. Fiscal year 2015 over-budget expenditures include: \$18,000 in Council's Professional Services to pay for an assistant city attorney for miscellaneous projects, \$6,000 in Council's Communications for the tax referendum, \$9,000 in City Manager's Professional Services for a pay plan consultant, \$8,600 in Finance's Professional Services to convert to ADP from Paycor, \$2,100 in Finance's Credit Card Service Expenses due to the increase in the amount of permit and license fees paid to the City by credit card, \$4,300 in Finance's Full-Time Pay due to turnover in the accounting specialist position, and \$3,000 in City Clerk's Professional Services due to an increase in election expenses. Ms. Helle recommended transferring \$51,000 from the Police Department's Full-Time Pay to the other departments.

Mrs. Stroker moved, seconded by Mr. Ryan, the adoption of Resolution 1509. 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	

Resolution 1509 was unanimously adopted.

FY'15 EMERGENCY Mayor Robinson called for the reading of a resolution
APPROPRIATIONS to amend the fiscal year 2015 budget and provide for the
RESOLUTION emergency appropriation of Asset Forfeiture Funds and

Capital Improvement Funds.

There were no objections and Resolution 1510 was read by title only:

A RESOLUTION AMENDING THE FISCAL YEAR 2015 BUDGET AND PROVIDING FOR THE EMERGENCY APPROPRIATION OF ASSET FORFEITURE FUNDS AND CAPITAL IMPROVEMENT FUNDS AS RECOMMENDED BY THE CITY MANAGER.

Ms. Helle stated this budget amendment involves larger over-budget expenditures. Funds cannot be transferred from one department to another and it's necessary to increase the line item budget. In the General Fund, there was a shortfall in the Cabela's bond payment of \$190,000. In the Asset Forfeiture Fund, expenditures were \$1,600 more than anticipated. In the Capital Improvement Fund, expenditures were \$40,000 more than projected due to a water line break at the Community Center and \$37,326 more than projected due to repair of the damage to the bubble at the aquatic center. Insurance money to cover damage to the bubble was received in fiscal year 2014. However, repairs took longer than anticipated and funds for the expense hadn't been allocated in fiscal year 2015.

Mr. Todd moved, seconded by Mr. Ryan, the adoption of Resolution 1510. 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	

Resolution 1510 was unanimously adopted.

SALE OF GENERAL OBLIGATION REFUNDING BONDS	Mayor Robinson called for the reading of a resolution to offer General Obligation (GO) Refunding Bonds, Series 2015, for sale.
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There were no objections and Resolution 1511 was read by title only:

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF HAZELWOOD, MISSOURI.

Ms. Helle stated there are three legislation items on this agenda related to two refinancing issues, the refunding of GO bonds and the refunding of Certificate of Participation (COP) bonds. The first is this resolution to authorize the competitive sale of GO Refunding Bonds, Series 2015, on August 19 to refinance the GO Street Bonds,

Series 2007. Agenda item 12.c is consideration of a bill to authorize the issuance of the GO Refunding Bonds, Series 2015. Agenda item 12.d is consideration of a bill to authorize refunding of the COP Bonds, Series 2008, issued for construction of the aquatic center and remodeling of Fire House #1.

Michelle Bock of Piper Jaffray and Company, the City's financial consultant, stated all information on the bill the Council will consider this evening to authorize issuance of the GO bonds will be completed prior to second reading on August 19. The refinancing is anticipated to save the City \$250,000 over the remaining life of the issue. The bonds would be paid off a year early and the payment would decrease. Bids will be taken online during the day on August 19. That evening, the Council will be presented with the bid results and asked to award the sale to the bidder with the lowest interest rate. If for some reason the market changes dramatically and the savings aren't sufficient, the sale of the GO bonds would be rejected. The sale would close within two weeks and the Council would receive a report at the September 2 Council meeting. The COP bond issue is secured by facilities, the aquatic center and fire house, and is not a general obligation of the City. Therefore, they would be sold on a negotiated basis by Stifel Nicolaus. The bill Council will consider this evening authorizes staff and the financing team to move forward without further Council action, subject to certain parameters, after passage as an ordinance on August 19. The COP bonds are expected to be sold by August 26 and the documents can be executed without further action by the Council with the closing occurring approximately mid-September. The bill allows delay of issuance in the event savings are not immediately available. Savings on refinancing of the COP bonds are expected to be approximately \$200,000 over the remaining life of the issue.

Mrs. Stroker moved, seconded by Mrs. Hendon, the adoption of Resolution 1511. 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	

Resolution 1511 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.

CITY MANAGER'S
STATUS REPORT

During the July 15 Council meeting, Mr. Davis of 677 Coachway Lane had expressed concerns about the use of an unmarked police vehicle for traffic enforcement and Police Chief Gregg Hall had responded to those concerns.

Subsequently, Mr. Davis contacted Mr. Zimmerman to state his concerns were not alleviated. Mr. Zimmerman informed him that a motorist has the right when pulled over by an unmarked vehicle to tell the officer they wish to proceed in their own vehicle to a police station or they may call the police station to confirm the officer's identity. Mr. Davis was satisfied with this explanation.

Mr. Davis had also expressed concerns with maintenance of the landscaping along Lindbergh Boulevard. Mr. Zimmerman had informed Mr. Davis the landscaping was installed in 2003 as part of the Lindbergh Corridor Enhancement project with the agreement that the property owners would maintain it. With changes in property ownership, many of the owners were unaware of the agreement or are disputing their responsibility to maintain it. Staff is in the process of working with the owners. In the interim, the City may trim back some of the landscaping.

SLUP EXTENSION
675 DUNN ROAD

A request for a six month extension of the Special Land Use Permit deadline to commence operation of a vehicle wash facility and vehicle/auto sales expansion at 675 Dunn Road had been received from Bommarito Ford.

City Planner Earl Bradfield reported renovations to the dealership include façade update, showroom enlargement, and the addition of service drop-off lanes, detail bays, and a drive-thru car wash. Staff recommends approval of the extension.

Scott Lindwall of Bommarito Automotive Group stated they encountered difficulties engaging a contractor. There were also delays in obtaining Ford's approval of the renovation plans. In addition, the rain caused excavation delays. Construction is expected to be complete by the end of November.

Mrs. Stroker moved, seconded by Mrs. Singleton, to grant a six month extension of the Special Land Use Permit to commence operation of a vehicle wash facility and vehicle/auto sales expansion at 675 Dunn 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.

FULL LIQUOR LICENSE
7541 N. LINDBERGH

An application for a Full Liquor License, with Sunday, had been received from Simranjit Sidhu for Aroma Indian Cuisine, Inc., d/b/a Aroma Indian Grill, at 7541 North Lindbergh Boulevard.

The requisite record check was conducted and Chief Hall has recommended approval of a temporary 90 day license to provide the applicant time to present proof of 50

percent food sales. If approved at this time and after receipt of proof of the required food sales, a permanent license will be issued.

Mr. Sidhu stated they plan to open the restaurant in 15 days.

Mr. Ryan moved, seconded by Mrs. Hendon, to grant a temporary 90 day Full Liquor License, with Sunday, for Aroma Indian Cuisine, Inc., d/b/a Aroma Indian Grill, at 7541 North Lindbergh Boulevard. The motion passed unanimously.

PUBLIC HEARINGS

**CHANGE OF ZONING AND SLUP PETITIONS
192 ANISTASIA DRIVE** Mayor Robinson called to order the public hearing to consider the petitions by KM Real Estate Investment, LLC, d/b/a Mally Supermarket, for a change of zoning from R-5 Single-Family District to C-1 Neighborhood Commercial District and a Special Land Use Permit for a convenience store and restaurant at 192 Anistasia Drive.

Mayor Robinson stated the petitioner may make presentations on the rezoning and Special Land Use Permit petitions concurrently.

Mr. Bradfield gave a staff report on the Petition for Change of Zoning. Existing uses surrounding the subject site are a church to the north and single-family residential to the south, east, and west. The building was once a convenience store and single-family residence and has been vacant for some time. The petitioner plans to demolish the existing building and construct a new building for use as a convenience store and restaurant which may assist in revitalizing the deteriorating neighborhood. The store would sell groceries, tobacco, and newspapers and offer bill payment service. Proposed hours of operation are 8:00 a.m. to 8:00 p.m. The total number of employees would be six with a maximum of three employees per shift. Parking on-site would be limited, but some on-street parking should be available. Code requires seven parking spaces. Six are proposed. The rezoning proposal is consistent with the Comprehensive Master Plan which identifies the site as Commercial Office and provides argument against considering the request "spot zoning."

Jay Kanzler, attorney representing the property owners, stated the convenience store would sell no liquor. The restaurant would sell to-go food and there would be no seating. The proposal would require variances from the Board of Adjustment and the hearing is scheduled for September 14. Once approval is received from the Council, construction is expected to be complete in three to four months and the store would open.

Mr. Bradfield then gave a staff report on the Petition for a Special Land Use Permit. The subject site is small at 7,125 square feet and the proposed use would require five variances from the Board of Adjustment. The proposed use is consistent with the Comprehensive Plan.

Mr. O'Keefe noted, if the bills to grant the rezoning and Special Land Use Permit are given first reading this evening, the bill to grant the Special Land Use Permit would be tabled until the decisions on the variance requests are received from the Board of Adjustment. He stated the petitioner will probably not want to proceed with the rezoning if the variances aren't granted and it would be appropriate to table both bills pending the board's decisions.

Mr. Kanzler agreed.

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

Alexis Johnson of 201 Anistasia Drive stated there was a store at this location 12 years ago. It created a problem with trash and an increase in crime. She stated the residents don't want a store in the residential neighborhood and it's not far for them to shop at the nearby Schnucks, Shop 'n Save, or Walgreens.

Charles Higgins, owner of the property at 201 Anistasia Drive, expressed opposition to the proposal. He stated it was a relief when the previous store closed several years ago. He stated it brought vandalism and trash to the neighborhood. Young patrons would throw their trash in the yards of nearby residents. He stated Ms. Johnson had put out a trash can for their use and it was destroyed.

Mayor Robinson expressed an interest in learning the history of the site.

Mr. Ryan asked if the six parking spaces include employee parking.

Mr. Kanzler replied affirmatively. He stated the small store, a family business, would be run by one or two employees. He stated the store would be in a new building, not a dilapidated building. The owners want to be part of the community. The store will have security cameras, lighting, trash receptacles, and everything necessary to address the issues that occurred with the previous business in a different building and time.

Ms. Johnson stated neighborhood residents are having a problem with people who attend the church parking all along the street. She has had to ask them not to block her driveway. She emphasized this is a residential area and not a commercial area.

Mr. Taylor stated he received a letter of opposition from Lea Anne Little of 205 Anistasia Drive. She mentioned excess traffic generation, no space for on-street parking, establishment of a hangout for local youth who lack respect for cleanliness and health of the neighborhood, and gang members who sell drugs. The letter was made part of the record.

In response to Mrs. Singleton's comment, Mrs. Wolf stated the same residents who received notice of this hearing will receive notice of the Board of Adjustment hearing.

Mr. Aubuchon noted the restaurant will serve carryout food which customers will take to eat and they may throw the trash in the neighborhood. He asked if there is a commitment from the store owners to pick up trash in the area. In addition, he stated, someone who orders food will occupy a parking space for a longer period of time.

Mr. Kanzler responded he works with many people in St. Louis City and County who run stores and restaurants. This is a common concern and municipalities require them to be responsible and to make a commitment to be good neighbors. The commitment can be made by having adequate trash receptacles at various locations and by policing the parking lot and surrounding neighborhood. If the commitment isn't fulfilled, they risk losing their permit. He stated his clients will make the commitment.

Mr. O'Keefe suggested it's in the best interest of all parties for the details of the commitment to be specifically stated in writing such as the area to be policed, frequency, and manner.

Mr. Kanzler agreed to work with Mr. O'Keefe and his clients on a condition to be made a part of the permit.

Mr. O'Keefe noted a variance for parking is considered on a hardship basis. He stated the petitioner is tearing down the building, leveling the lot, and deciding how much area to allocate to parking and to building. Therefore, it appears they are creating a hardship for themselves by constructing a building too large to allow for the required parking.

Mr. Kanzler replied he didn't draw the plans and isn't aware of the rationale behind them. He stated he would express the concern to his client and their architect and suggest the plan requires reconsideration.

Mr. Aubuchon asked if outdoor seating is planned.

Mr. Kanzler responded there would be no indoor or outdoor seating.

Mr. Zimmerman noted they have agreed to a condition to the permit requiring security to prevent people from loitering and littering. In addition, they agreed to have garbage cans in the front and a dumpster enclosure in the rear.

Mr. Kanzler stated there would be video security both inside and outside for monitoring.

Mr. O'Keefe noted the Comprehensive Plan identifies the site as Commercial Office.

Mr. Bradfield responded the Comprehensive Plan identifies five use classifications. Commercial Office includes commercial and office uses.

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

Mrs. Wolf read the City Plan Commission motion on the rezoning petition “to recommend approval to the City Council for a petition for rezoning a 7,125 square foot parcel from R-5 Single-Family Dwelling District to C-1 Neighborhood Commercial District located at 192 Anistasia.” She stated the motion passed by a vote of six in favor and one opposed.

Mrs. Wolf then read the City Plan Commission motion on the Special Land Use Permit petition to recommend approval to the City Council of a Petition for Special Land Use Permit to allow a convenience store and restaurant in a C-1 Neighborhood Commercial Zoning District located at 192 Anistasia with the following conditions: 1) A “NO LOITERING” sign be placed on site, 2) Hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m., 3) Interior and exterior video recording security systems capable of retention and viewing shall be maintained in working order at all times, (4) No alcoholic beverages shall be sold on the property, 5) Proper trash containers shall be kept on property to prevent littering, and 6) A trash enclosure shall be installed. She stated the motion passed by a vote of six in favor and one opposed.

Mr. Taylor moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to change the zoning of 192 Anistasia Drive from R-5 Single-Family District to C-1 Neighborhood 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.b.

Mr. Taylor moved, seconded by Mrs. Stroker, to concur with the City Plan Commission recommendation to grant a Special Land Use Permit for a convenience store and restaurant at 192 Anistasia Drive and to place the draft bill on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.c.

AMEND CHAPTER 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 relative to floodplain management.

Mr. Bradfield stated, per FEMA’s requirement, a new floodplain management ordinance was recently adopted. The ordinance eliminated reference to Floodplain Overlay District. The proposed amendment would replace four remaining references to Floodplain Overlay District in the Zoning Regulations with Floodplain District or Floodplain.

In response to Mrs. Hendon’s inquiry, Mr. Bradfield confirmed the amendment doesn’t change the floodplain management regulations and is general housekeeping.

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

Glenn Maschmidt, 6708 Monte Drive, asked to what floodplain the legislation refers.

Mr. Bradfield replied FEMA produces updated Flood Insurance Rate Maps to delineate the 100 year floodplain. In order to remain in the National Flood Insurance Program, the City must adopt the maps. Adoption of the map allows the City's residents to get mortgages and insurance.

Mr. Zimmerman explained the City was mandated to adopt the updated floodplain management regulations and map. This Code amendment doesn't change the regulations and is strictly technical in nature.

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 to revise the floodplain management ordinance in the zoning Code." She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the City Plan Commission recommendation to amend *Chapter 405: Zoning Regulations* relative to floodplain management 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

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

THE LINK The July 2015 edition of The Link was received from the St. Louis County Municipal League.

SLUP PETITION
5735 FEE FEE RD. A petition for a Special Land Use Permit for outdoor storage at 5735 Fee Fee Road was received from Complete Lawn Care, Inc.

SLUP PETITION
5950 HOWDERSHELL A petition for a Special Land Use Permit for a fast food restaurant at 5950 Howdershell Road was received from Bell Missouri, LLC, d/b/a Taco Bell.

370/MO BTM/TAUSSIG
CID ANNUAL REPORT The 370/Missouri Bottom Road/Taussig Road Community Improvement District annual report was received from Armstrong Teasdale, LLP.

REGIONAL CHAMBER'S
ONE PLAN A letter of appreciation for the City's membership in the St. Louis Regional Chamber's One Plan was received.

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

Mr. Todd moved, seconded by Mr. Taylor, 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

CITY OF AFFTON PROGRAM Mrs. Stroker discussed an article in Monday's paper about a new City of Affton program where, instead of a ticket and at the discretion of the police officers, warning cards are given to violators of minor traffic laws requesting they make a donation to the food pantry.

Mrs. Stroker stated she feels it's a positive gesture.

Chief Hall stated he emailed the article to the Police Department supervisors to see if the City could create a similar program. He commented the program is open to criticism because discretion could be considered favoritism. He stated he would like to talk with St. Louis County Police Chief Belmar about the success of the program.

COUNCIL/STAFF RETREAT AGENDA After discussion, Mayor Robinson stated he would work with Mr. Ryan and set the time of the September 9 Council/Staff retreat.

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

APPOINTMENT OF COMMISSION Mr. Zimmerman reported a Tax Increment Financing (TIF) Commission must be appointed because the new developers of Hazelwood Logistics Center propose an amendment to the TIF boundaries.

By state statute, the commission must include three or six members appointed by St. Louis County, three or six members appointed by the City, two members appointed by the Hazelwood and Ferguson Florissant School Districts, and one member to represent other governmental bodies. Letters were sent to all eligible agencies requesting appointments. Per the City's agreement with the County, the City will appoint three County representatives plus three City representatives. At this time, the Hazelwood School District has appointed Dwight Lindhorst and St. Louis County has appointed Tom Curran, Tom Malecek, and Glenn Powers. Appointments have not yet been received from the Ferguson Florissant School District and the other agencies. Following

are the City's nominations: Bob Aubuchon, Don Ryan, Mike Berry, Glenn Henninger, Margaret Hart-Mahon, and Pamela Reitz.

Mrs. Hendon moved, seconded by Mr. Taylor, to appoint Bob Aubuchon, Don Ryan, Mike Berry, Glenn Henninger, Margaret Hart-Mahon, and Pamela Reitz to the TIF Commission. The motion passed unanimously.

APPOINTMENTS TO HCC CID BOARD Mr. Zimmerman explained the need to make appointments to the Hazelwood Commerce Center (HCC) Community Improvement District (CID) Board of Directors.

Mr. Zimmerman stated at the request of the new owners of the Hazelwood Logistics Center, the Council made appointments to the HCC CID Board of Directors during the July 15 meeting to replace the previous members who had been appointed on behalf of the previous developer. The terms to be fulfilled were inadvertently omitted. Hazelwood NP 150 LLC, the developer, has requested the appointment of Sarah Miklach and Dan Theis to three year terms expiring April 18, 2018 and the appointment of Johna Henrikson to fulfill the remainder of an existing term expiring April 18, 2017. The terms of the City's appointee, Earl Bradfield, and St. Louis County's appointee, Tom Curran, will expire on April 18, 2017. Therefore, there is no need to reappoint them at this time.

Mr. Aubuchon moved, seconded by Mr. Ryan, to make the following appointments to the Hazelwood Commerce Center Community Improvement District Board of Directors: Sarah Miklach to a three year term expiring April 18, 2018, Dan Theis to a three year term expiring April 18, 2018, and Johna Henrikson to the remainder of an existing term expiring April 18, 2017. The motion passed unanimously.

WARD 4 APPOINTMENT PROCESS Mayor Robinson stated acceptance of applications to fill the vacant Ward 4 Council seat will begin tomorrow and end in three weeks, on August 27.

Applicants must be at least 21 years of age, a registered voter, a resident of the City for at least two years prior to appointment, and a current Ward 4 resident. Applications can be obtained and filed at the City Clerk's office. A press release announcing opening of the application process will be published.

NOISE ISSUE Mrs. Singleton expressed concerns with loud party noises coming from behind her neighborhood on a Sunday evening two or three weeks ago.

It was discovered that the party was a Mexican festival, two or three miles away in Florissant. Mrs. Singleton asked if the City has any recourse.

Mr. O'Keefe stated the City has ordinances against creating excessive noise. However, they are enforceable against noises created within the City. We generally cannot regulate the actions of persons not in the City.

Chief Hall stated the Police Department received numerous calls about the issue from residents between Howdershell Road and Lindbergh Boulevard and all the way to Riverwood Estates. Sergeant Parrish went and talked with the Florissant Police Department supervisor on duty and the manager of the festival. Due to the number of complaints from Hazelwood and Florissant residents, the entertainment was terminated.

CHICKENS Mrs. Hendon stated she's having an issue with chickens in her neighborhood and requested the addition of a discussion on the keeping of chickens within the City limits to a future Council meeting agenda.

Mrs. Hendon asked staff to review the Code and present options for a possible amendment.

Mr. O'Keefe noted many subdivision indentures prohibit the keeping of chickens and are enforceable.

Mayor Robinson stated the item will be added to a future Council meeting agenda.

I-270/MCDONNELL OVERPASS Mr. Ryan requested an update on the I-270/McDonnell Boulevard Overpass Enhancement project.

Mr. Stewart responded the landscaping is installed and we're currently waiting to get an issue resolved with the fence to be installed on the overpass.

CITY MANAGER'S REPORT

CITY ATTORNEY SERVICES Mr. Zimmerman reported staff recommends authorization of a new contract with Kevin M. O'Keefe for City Attorney and Prosecuting Attorney services with new compensation rates and an effective date of September 1, 2015.

The contract includes some minor language changes and changes in compensation. Rates for a partner attorney would increase from \$175 to \$210 per hour and rates for an associate attorney from \$150 to \$175 per hour. The City Attorney's monthly base compensation would increase from \$1,150 to \$1,450. Monthly compensation for Prosecuting Attorney services would increase from \$3,350 to \$3,750. Mr. Zimmerman stated the City receives excellent service from Curtis, Heinz, Garret and O'Keefe and the rates are reasonable.

Mr. Todd noted the rates have not changed since 2006.

Mr. Ryan moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the contract with Kevin M. O'Keefe for City Attorney and Prosecuting Attorney

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.e.

FEE FEE RD. SOUTH RECONSTRUCTION Public Works Director David Stewart reported staff recommends authorization of a contract with R. V. Wagner, Inc., for reconstruction of Fee Fee Road, south of McDonnell Boulevard to Anglum Road, at a cost not to exceed \$1,015,062.

Mr. Stewart stated the City was awarded a grant to cover 80 percent of the reconstruction cost. Design work was completed and bids were sought. Three bids were received with the low bid submitted by R. V. Wagner. Both the Missouri Department of Transportation and the City's design engineer have approved the low bid. At 20 percent, the City's share would be just over \$200,000. Funds have been allocated in the current Economic Development Fund budget.

In response to Mr. Todd's request for clarification, Mr. Stewart stated it will tie into the new pavement at Hazelwood Logistics Center behind the Hazelwood Post Office.

Mr. Aubuchon moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize the contract for the reconstruction of Fee Fee Road, south of McDonnell Boulevard, 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.

REFUNDING G.O. BONDS Mr. Zimmerman, stated per the presentation earlier this evening, staff recommends authorization for the issuance, sale, and delivery of general obligation refunding bonds and certain other related documents and actions.

Mr. Taylor moved, seconded by Mr. Todd, to concur with the staff recommendation to authorize the issuance, sale, and delivery of general obligation refunding bonds and certain other related documents and actions 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.g.

REFUNDING CERTIFICATES OF PARTICIPATION Mr. Zimmerman stated, per the presentation earlier this evening, staff recommends authorization of a lease purchase transaction to pay the costs of refunding the outstanding certificates of participation, series 2008; and certain related documents and actions.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the staff recommendation to authorize a lease purchase transaction to pay the costs of refunding the outstanding certificates of participation, series 2008, and certain related documents and actions 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.h.

**FIRE DEPARTMENT
GENERATOR**

Fire Chief Dave Radel reported staff recommends authorization of an emergency purchase to replace the generator at Fire House #2 at a total cost of \$23,646 which includes a 60Kw Kohler Generator Set and Kohler Transfer Switch from CK Power at a cost of \$19,966 and wiring by R & R Electric at a cost of \$3,680.

Chief Radel stated the natural gas emergency generator unexpectedly failed. It is circa 1984. During a recent inspection, the technician discovered coolant in the oil indicating a possible blown head gasket and cracked cylinder head. An oil analysis report showed contamination and indicated major signs of deterioration of bearings and bushings. The generator is currently not operational. Most of the needed parts are no longer available and would have to be custom made. Repairs would be a lengthy project and cost well in excess of \$10,000. Replacement of the generator is an emergency situation in that it provides heating and cooling capabilities 24 hours a day and power to support essential job functions of emergency operations such as overhead door operation to allow for fire truck and ambulance response. The new generator could be connected to propane tanks in the event of a natural gas interruption.

Mr. Zimmerman noted six affirmative votes are required to authorize an emergency purchase.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the emergency purchase of a generator for Fire House #2 at a total cost of \$23,646 which includes a 60Kw Kohler Generator Set and Kohler Transfer Switch from CK Power at a cost of \$19,966 and wiring by R & R Electric at a cost of \$3,680. The motion passed unanimously.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

**COMMISSION AND
BOARD REPORTS**

Mr. Todd moved, seconded by Mr. Taylor, to receive and file the minutes of the April 9 City Plan Commission meeting, the June 11 Industrial Development Authority meeting, and the July 13 Board of Adjustment and Neighborhood Watch Commission meetings. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

**SLUP EXTENSION
675 DUNN ROAD**

Mayor Robinson called for the first reading of a bill to extend the Special Land Use deadline to commence operation of a

vehicle wash facility and vehicle/auto sales expansion at 675 Dunn Road.

There were no objections and Bill 4529 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 4358-14 BY EXTENDING THE SPECIAL LAND USE PERMIT DEADLINE TO COMMENCE OPERATION OF A VEHICLE WASH FACILITY AND VEHICLE/AUTO SALES EXPANSION AT 675 DUNN ROAD.

Bill 4529 will be on the agenda for second reading on August 19.

REZONE Mayor Robinson called for the first reading of a bill to rezone
192 ANISTASIA DRIVE 192 Anistasia Drive from R-5 Single-Family Dwelling District to C-1 Neighborhood Commercial District.

There were no objections and Bill 4530 was read by title only:

AN ORDINANCE AMENDING *CHAPTER 405: ZONING REGULATIONS*, OF THE MUNICIPAL CODE OF THE CITY OF HAZELWOOD, MISSOURI, BY REZONING 192 ANISTASIA DRIVE FROM R-5 SINGLE-FAMILY DWELLING DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

SLUP Mayor Robinson called for the first reading of a bill to grant a
192 ANISTASIA DRIVE Special Land Use Permit for a convenience store and restaurant at 192 Anistasia Drive.

There were no objections and Bill 4531 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO KM REAL ESTATE INVESTMENTS, LLC, D/B/A MALLY SUPERMARKET, FOR A CONVENIENCE STORE AND RESTAURANT AT 192 ANISTASIA DRIVE AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Taylor moved, seconded by Mr. Todd, to table the second readings of Bills 4530 and 4531 to the call of the chair to be rescheduled at his direction. The motion passed unanimously.

AMEND CHAP. 405 Mayor Robinson called for the first reading of a bill to amend
Chapter 405: Zoning Regulations relative to floodplain management.

There were no objections and Bill 4532 was read by title only:

AN ORDINANCE AMENDING *CHAPTER 405: ZONING REGULATIONS* OF THE HAZELWOOD CITY CODE RELATIVE TO FLOODPLAIN MANAGEMENT.

Bill 4532 will be on the agenda for second reading on August 19.

CONTRACT Mayor Robinson called for the first reading of a bill to
CITY ATTORNEY authorize a contract with City Attorney Kevin M. O'Keefe.

There were no objections and Bill 4533 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH KEVIN M. O'KEEFE SETTING FORTH HIS RESPONSIBILITIES AS CITY ATTORNEY AND PROSECUTING ATTORNEY AND COMPENSATION THEREFORE.

Bill 4533 will be on the agenda for second reading on August 19.

CONTRACT Mayor Robinson called for the first reading of a bill to
FEE FEE ROAD authorize a contract for the reconstruction of Fee Fee Road
RECONSTRUCTION south of McDonnell Boulevard.

There were no objections and Bill 4534 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH R. V. WAGNER, INC., FOR THE RECONSTRUCTION OF FEE FEE ROAD SOUTH OF MCDONNELL BOULEVARD AT A COST NOT TO EXCEED \$1,015,062.

Bill 4534 will be on the agenda for second reading on August 19.

G.O. BOND ISSUANCE Mayor Robinson called for the first reading of a bill to
authorize the issuance, sale, and delivery of general
obligation refunding bonds.

There were no objections and Bill 4535 was read by title only:

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015, OF THE CITY OF HAZELWOOD, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

Bill 4535 will be on the agenda for second reading on August 19.

LEASE/PURCHASE Mayor Robinson called for the first reading of a bill to FOR
FOR REFUNDING authorize a lease purchase transaction to pay the cost of
CERTIFICATES refunding the outstanding Series 2008 Certificates of
PARTICIPATION Participation.

There were no objections and Bill 4536 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY OF HAZELWOOD, MISSOURI, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF REFUNDING THE OUTSTANDING CERTIFICATES OF PARTICIPATION (CITY OF HAZELWOOD, MISSOURI, LESSEE), SERIES 2008; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

Bill 4536 will be on the agenda for second reading on August 19.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4528
AGREEMENTS WITH
CONSULTANTS

Mayor Robinson called for the second reading of Bill 4528 to authorize agreements with consultants to evaluate and consider revisions to the economic development incentives for the Lambert Redevelopment Area to allow completion of the Hazelwood Logistics Center project.

There were no objections and Bill 4528 was read by title only:

ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENGAGE CONSULTANTS TO ASSIST IN THE CITY'S REVIEW AND EVALUATION OF ECONOMIC INCENTIVES FOR REVITALIZATION AND COMPLETION OF AN ECONOMIC DEVELOPMENT OPPORTUNITY FOR THE CITY OF HAZELWOOD.

Mrs. Singleton moved, seconded by Mrs. Stroker, the adoption of Bill 4528 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 4528 was unanimously adopted as Ordinance 4420-15.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING

Mayor Robinson announced the next regular Council meeting will be held Wednesday, August 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 9:20 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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