

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MARCH 16, 2016**

CALL TO ORDER

A regular meeting of the Hazelwood City Council was called to order by Mayor Matthew G. Robinson at 7:30 p.m. on Wednesday, March 16, 2016, in the Council Chambers of Hazelwood City Hall, 415 Elm Grove Lane.

Mayor Robinson asked those present to join in a moment of silent meditation followed by the Pledge of Allegiance.

On roll call the following members of the Council were present:

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

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. Hendon moved, seconded by Mrs. Singleton, 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:

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

Mr. Taylor
Mrs. Hendon

The motion passed unanimously and the consent agenda was adopted and included a closed meeting immediately following the regular meeting to consult with the City Attorney in accordance with the provisions of RSMo 610.021(1), to discuss negotiations with employee groups in accordance with the provisions of RSMo 610.021(9), and to discuss a matter of proprietary interest in accordance with the provisions of RSMo 610.021(15).

**APPROVAL OF
MINUTES**

Mr. Todd moved, seconded by Mr. Taylor, to approve the minutes of the March 2 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.

A recent Post-Dispatch story covered the uptake in lease rates for industrial warehouses and factories in the St. Louis market and spotlighted Aviator Business Park. The market's December vacancy rate was a record low 5.7%. Panattoni Development Company has constructed buildings at Aviator that are leased to International Foods, Silgan Plastics, and Weekends Only and plans to construct six additional structures.

KMOV-TV interviewed Mayor Robinson about the 9th annual Mayors' Shamrock Ball, along with Chris and Kathy Helfer of Helfer's Pastries & Deli who served food during the event which was a great success.

Ackerman Elementary School invited Hazelwood police officers to participate in their "Read Across America" event last week. The program celebrates reading and honors the birthday of Dr. Seuss.

Hazelwood police officers will be on the lookout for seat belt violators during the Youth Seat Belt Mobilization Campaign from March 15 through March 31. Only 68% of Missouri teens wear seat belts which are the most effective means of protecting motorists and their passengers and reducing fatalities. The Police Department will also participate in the National Crackdown on Drunk Drivers from March 17 through March 20 and will aggressively look for drivers impaired by alcohol or drugs.

St. Louis Cardinals' Fredbird visited with Hazelwood's Tiny Tots yesterday. The event featured a book give-a-way sponsored by the Community Enrichment Commission.

Spring brush collection will begin on March 21. A collection schedule is available in the Activity Guide and on the City's website.

Upcoming events include the Adult Easter Egg Hunt on March 18 and the Easter Eggstravaganza for children, ages 10 and under, on March 26. Additional information on City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

PROCLAMATIONS AND RESOLUTIONS

GRANT AGREEMENT RESOLUTION Public Works Director David Stewart reported staff recommends passage of a resolution supporting the City's application to the Missouri Highways and Transportation Commission for financial assistance to provide operating funds for the City's senior/disabled transportation service and authorizing execution of a grant agreement.

If awarded, the grant would fund 50% of the \$37,000 annual operating and maintenance cost for the bus service.

Mrs. Stroker asked if the City has received grants for the bus service in the past.

Mr. Stewart replied this will be the first time for this particular grant which has only been available in the past to private bus services. The City has received 80/20 grants for bus purchases.

There were no objections and Resolution 1602 was read by title only:

A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FINANCIAL ASSISTANCE FOR THE SENIOR/DISABLED TRANSPORTATION SERVICE.

Mr. Ryan moved, seconded by Mrs. Stroker, the adoption of Resolution 1602. The following vote was recorded on the motion:

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

Resolution 1602 was unanimously adopted.

Law Enforcement Information Specialist Glen Robinson stated the Council has been provided with current rates for the first year of internet service with Charter and with AT&T U-Verse. The rates after the first year are unknown and will likely increase.

Mrs. Hendon asked if the Council is being asked to consider options for the purpose of cost savings.

Mayor Robinson replied affirmatively. He added a reimbursement policy will also provide equality and ease the transition for incoming/departing Council members. He suggested staff draft a policy for Council consideration at the next Council meeting.

There were no objections.

AMENDMENT OF CHAPTER 600 ALCOHOLIC BEVERAGES	Mayor Robinson suggested the Council consider an amendment of <i>Chapter 600: Alcoholic Beverages</i> which prohibits the sale of intoxicating liquor within 300 feet of a church.
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Mayor Robinson stated the suggestion is a result of his recent meeting with Jihad Yatim, owner of Smart Mart at 6811 Howdershell Road, who recently bought the entire strip center. Mr. Yatim expressed concerns with what he'd do with the unit at 6827 Howdershell Road if a liquor license can't be obtained due to the proximity of the new church on the adjacent property. The unit has always been a restaurant with a liquor license. Mayor Robinson stated the Council may wish to consider amending the Code to conform to state statute which prohibits liquor licenses within 100 feet of a church. In addition, under state statute, the Council has the authority to waive the prohibition. In this instance, consent of the Council to waive the prohibition would be required.

Mr. O'Keefe explained state statute prohibits issuance of a license to sell intoxicating liquor within 100 feet of any school, church, or building regularly used as a place of worship. It also gives authority to municipalities to establish a similar prohibition up to 300 feet. He noted the measurement is from property line to property line. State statute also provides that a municipality may waive the state's 100 foot prohibition if a public hearing is held and property owners within 100 feet are notified of the hearing. Mr. O'Keefe noted City Code doesn't contain a waiver provision for the 300 foot prohibition.

Mrs. Singleton asked if an exception to the prohibition was made for Jay's Classic Bar & Grill at 7217 North Lindbergh Boulevard.

Mr. O'Keefe replied an exception wasn't made. The Code had been consistently applied at the time of their application, but their lawyer had a conflicting interpretation. The City gave them the benefit of the doubt and planned to clarify the Code language in the future.

Mr. Zimmerman stated staff is working on a bill to amend the Code to address several issues including clarification and any additional amendments could be done at the same time.

Mr. Aubuchon stated the number of store front churches that hold services only on weekends is increasing. He asked if the issue could be addressed.

Mr. O'Keefe stated state statute defines a church as a building regularly used as a place of worship. He stated he believes weekly use would constitute regular use. He stated the City's Code prohibits the sale of intoxicating liquor 300 feet from a building "primarily used" as a church. When a segment of a building is rented for restricted use as a church, our interpretation and application of the Code has been that the prohibition extends from the lot line of the parcel on which the church is located to 300 feet.

Mrs. Hendon stated the pastor of the church on the lot immediately adjacent to Mr. Yatim's property said he expects the church to grow and they may need to find a larger building in the future. She expressed concerns with losing a prospective business under those circumstances.

Mr. O'Keefe stated the definition of church doesn't distinguish by size and all churches are afforded equal protection.

Mr. Todd suggested adopting the state regulations verbatim and holding a hearing to waive the prohibition.

Mr. O'Keefe suggested articulating standards upon which a waiver would be granted.

In response to Council comments, Mrs. Wolf stated this would be a new liquor license and not a transfer. Therefore, the applicant would be required to obtain signatures of 50% of the property owners within 600 feet on a petition stating they have no objection to issuance of the liquor license. Property owners within 185 feet are notified of the hearing on the application for a new liquor license.

Mr. Zimmerman stated the Code would need to be amended to provide for a Council hearing to consider a waiver of the 300' prohibition. The City Attorney has recommended establishing standards for granting a waiver. For example, a waiver could be granted when the place of worship is in a strip mall shared with other uses. A waiver provision would allow the Council to make a case-by-case decision based on a set of factors. He stated staff could draft some general standards.

Mrs. Stoker noted this property is part of a strip center and requested a definition of "property line".

Mr. O'Keefe responded the measurement is made from the edge of the lot on which the religious institution or school is located to the edge of the lot on which the prospective licensed premises is located.

Mrs. Hendon suggested staff prepare a proposed set of standards for waiving the 300 foot prohibition.

There were no objections.

CITY MANAGER'S REPORT

AMENDED AGREEMENT Fire Chief Dave Radel reported staff recommends
MEDICAL DIRECTION & authorization of an amended agreement with SSM Health
TRAINING Care St. Louis and Bridgeton Emergency Group, LLC for
medical direction and emergency medical technician and
paramedic training.

The amendment will extend the existing agreement for an additional three years. With the exception of Exhibit D, which has been expanded to accurately reflect changes in HIPAA regulations, there are no changes from the existing agreement.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the amended agreement with SSM Health Care St. Louis and Bridgeton Emergency Group, LLC and to place the draft bill on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.b.

CONTRACT Economic Developer David Cox reported staff recommends
E.D. WEBSITE authorization of a contract with Acumen Consulting II
DEVELOPMENT Corporation for development of an economic development
website at at cost not to exceed \$11,816.

The new website would be linked to the City's main website. Ten proposals were received and two of the firms were interviewed. Staff recommends acceptance of the proposal from Acumen because of the experience they've had working with them on the City's main website. Funds of \$20,000 were allocated in the current fiscal year's Economic Development Fund budget.

In response to Mr. Aubuchon's inquiry, Mr. Cox stated the City's website was redesigned about eight years ago. At that time, it included a very basic economic development suite. The new website will have GIS integration and will be more user-friendly, functional, and dynamic.

Mr. Todd moved, seconded by Mrs. Stroker, to concur with the staff recommendation to authorize the contract with Acumen Consulting II Corporation 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.

CONTRACT
LABOR ATTORNEY

Mr. Zimmerman reported staff recommends authorization of a contract with Jackson Lewis P.C. for labor attorney services.

For many years, the City utilized the services of Tom Berry who recently changed law firms from Sandberg Phoenix to Jackson Lewis which specializes in labor law from a management perspective. Mr. O'Keefe and staff recommend retaining Mr. Berry's services because of his extensive labor law experience and history with Hazelwood.

Mrs. Stroker moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the contract with Jackson Lewis P.C. 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.

CONTRACT
HABITAT FOR
HUMANITY

City Planner Earl Bradfield reported staff recommends authorization of a terminable option contract with Habitat for Humanity St. Louis for the sale and development of 6933 Woodhurst Drive, 259 Gladys Avenue, 315 Reasor Drive, and 187 Bascom Drive and conveyance of those properties to Habitat for Humanity.

This is the next step of the plan to redevelop nuisance properties. Habitat for Humanity needs the contract in order to apply for a grant from St. Louis County. The contract requires them to provide building plans, which must be approved by the City, and financing prior to conveyance of the property and demolition of the houses by the City.

Mr. Zimmerman stated it's unlikely the demolitions will be completed and paid for by June 30. Therefore, the costs have been moved to next fiscal year's budget.

Mr. Taylor moved, seconded by Mr. Todd, to concur with the staff recommendation to authorize the contract with Habitat for Humanity St. Louis and conveyance of the property to them 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.

MISSOURI HIGHWAY
SAFETY PROGRAM
PARTICIPATION

Chief Hall reported, for the past several years, the Police Department has applied for grants from the Missouri Department of Transportation (MoDOT) to fund the Traffic Safety Program which provides for both traffic and pedestrian safety.

MoDOT requires verification of Council support for continued participation in the program and the application for grant funding.

Mr. Taylor moved, seconded by Mrs. Hendon, to support continued participation in the safety program and the application with MoDOT for grant funding. The motion passed unanimously.

There were no objections and Bill 4581 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH ACUMEN CONSULTING II CORPORATION FOR DEVELOPMENT OF AN ECONOMIC DEVELOPMENT WEBSITE AT A COST NOT TO EXCEED \$11,816.

Bill 4581 will be on the agenda for second reading on April 6.

AGREEMENT Mayor Robinson called for the first reading of a bill to
LAW COUNSEL authorize an agreement with Jackson Lewis P.C. for labor
and employment law counsel.

There were no objections and Bill 4582 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH JACKSON LEWIS P.C. FOR LABOR AND EMPLOYMENT LAW COUNSEL.

Bill 4582 will be on the agenda for second reading on April 6.

OPTION CONTRACT Mayor Robinson called for the first reading of a bill to
AND PROPERTY authorize an option contract with Habitat for Humanity Saint
CONVEYANCE Louis relative to development of nuisance property and
conveyance of the property to them.

There were no objections and Bill 4583 was read by title only:

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN OPTION CONTRACT WITH HABITAT FOR HUMANITY SAINT LOUIS FOR THE PURPOSE OF REDEVELOPING CERTAIN NUISANCE PROPERTY FOR RESIDENTIAL USES AND FURTHER AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY FROM THE CITY TO HABITAT FOR HUMANITY SAINT LOUIS FOR SUCH PROJECT.

Bill 4583 will be on the agenda for second reading on April 6.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4530 A letter had been received withdrawing the petition by KM
REZONING Real Estate Investment, LLC to rezone 192 Anistasia Drive.

Mr. Taylor moved, seconded by Mrs. Hendon, to pass out Bill 4530. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

The motion passed unanimously.

BILL 4531
SLUP

A letter had been received withdrawing the petition by KM Real Estate Investment, LLC for a Special Land Use Permit at 192 Anistasia Drive.

Mr. Taylor moved, seconded by Mrs. Hendon, to pass out Bill 4531. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

The motion passed unanimously.

BILL 4558
SLUP BEN HUR

The second reading of Bill 4558, to grant a Special Land Use Permit for outdoor storage at 11950 Missouri Bottom Road, has been postponed.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING

Mayor Robinson announced the next regular Council meeting will be held Wednesday, April 6, 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 8:56 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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