

**CITY OF HAZELWOOD  
REGULAR COUNCIL MEETING  
JUNE 1, 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, June 1, 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:

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

Mrs. Thomas declared a quorum was present. Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and Deputy City Clerk Chris Thomas.

**AGENDA**

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

**CONSENT AGENDA**

Mayor Robinson requested the consent agenda be amended by removing the closed session for consultation with the City Attorney and adding a closed session for discussion of a personnel matter.

Mr. Taylor moved, seconded by Mr. Todd, to amend the consent agenda by removing the closed session for consultation with the City Attorney and adding a closed session for discussion of a personnel matter and to adopt the consent agenda as amended.

AYE - 9

NAY - 0

Mr. Ryan  
Mr. Parkin  
Mayor Robinson  
Mr. Todd

Mr. Taylor  
Mrs. Hendon  
Mrs. Singleton  
Mrs. Stroker  
Mr. Aubuchon

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting 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 Mr. Todd, to approve the minutes of the May 18 regular and closed Council meetings as submitted. The motion passed unanimously.

**SPECIAL ORDER OF BUSINESS**

**WHAT'S NEW**

Communications Coordinator Tim Davidson reported on upcoming events including the 100<sup>th</sup> anniversary Disc Golf League at White Birch Park on June 2, Recycle Day at St. Louis Outlet Mall on June 4, the Community Art Fair at the Community Center on June 4, and Food Truck Night at Howdershell Park on June 7.

Information on City programs and upcoming events is available on the City's website at [www.hazelwoodmo.org](http://www.hazelwoodmo.org).

**BOARD/COMMISSION OATHS**

Mrs. Thomas administered the oath of office to Helena Clark Smith who was appointed to the Community Enrichment Commission and Robert Lupicki who was reappointed to the Board of Appeals.

**PROCLAMATIONS AND RESOLUTIONS**

**ROBERTSON FIRE PROTECTION DISTRICT RESOLUTION**

Mayor Robinson called for the reading of a resolution declaring a crisis due to the unsustainable financial burden imposed on the City by current arrangements with the Robertson Fire Protection District.

Mayor Robinson requested the resolution be read in its entirety.

There were no objections and Resolution 1604 was read in its entirety:

**“A RESOLUTION DECLARING A CRISIS DUE TO THE UNSUSTAINABLE FINANCIAL BURDEN IMPOSED ON THE CITY OF HAZELWOOD BY THE CURRENT ARRANGEMENTS WITH THE ROBERTSON FIRE PROTECTION DISTRICT.**

**WHEREAS**, the City of Hazelwood (“City”) and the Robertson Fire Protection District (“District”) entered into a contract in 1994 calling for the City to make payments to the District on behalf of the residents of the City that are provided fire and ambulance service from the District; and

**WHEREAS**, City has faithfully made payments to District in accordance with the formula established by the contract and subsequent State law; and

**WHEREAS**, District increased its property tax rate from 91 cents to \$1.25 before the contract was implemented in 1995 and has subsequently increased its tax rate to \$2.54, an increase of 179% in 22 years; and

**WHEREAS**, District originally budgeted a deficit of \$911,216 in the General and Ambulance Funds for the 2014 FY, but after passage of a property tax increase of 50 cents per \$100 assessed valuation, ended 2014 with a surplus of \$269,851; and

**WHEREAS**, District budgeted a surplus of \$829,734 in the General and Ambulance Fund for the 2015 FY but had an unaudited deficit of \$319,477, due in part to an increase of \$190,339 in spending; and

**WHEREAS**, District has budgeted a surplus of \$577,855 for the 2016 FY; and

**WHEREAS**, District increased spending on payroll by \$84,399 from 2014 to 2015 and increased the budget for payroll in 2016 by another \$177,702; and

**WHEREAS**, District encumbered \$3 million for future employee costs and another \$1 million for miscellaneous other future costs in 2014; and

**WHEREAS**, excluding these unexplained future costs District still maintained cash reserves of 32% at the end of 2014; and

**WHEREAS**, District has budgeted unencumbered cash reserves of approximately 34.5% at the end of the 2016 FY; and

**WHEREAS**, City’s payments to District have increased from \$1,160,946 in 1995 to \$3,750,239 in 2015, an increase of 223% in the past 21 years; and

**WHEREAS**, City has increased its property tax rate from 31 cents to 99 cents during this period and received voter approval for several new taxes, in part to meet the increased payments to District; and

**WHEREAS**, despite increased tax rates and new tax revenues City has an estimated deficit of \$988,613 in 2016 and a budgeted deficit of \$1,003,613 in 2017; and

**WHEREAS**, District has cash reserves in their general operating fund of 45% while

City's cash reserves are forecast to decrease from 26.5% to 17.6% in 2017;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI AS FOLLOWS:**

**SECTION 1.** The City Council recognizes that there is a crisis looming over the people who live and work in Hazelwood because vital City services are put at risk by the unreasonable and excessive fee which City is required to pay District every year. For a long time City leaders have warned all who would listen that the current circumstances are untenable and cannot be sustained much longer. Despite repeated efforts to persuade the Missouri General Assembly to rectify the problem – and despite our best efforts to work collaboratively with the District and other stakeholders - no relief has been forthcoming.

**SECTION 2.** The City Manager and City staff are directed to prepare a report to the City Council to define the near- and long-term situation the City is facing in simple and concrete terms, and assess and recommend to the City Council any and all legislative, political, and judicial avenues the City might explore to persuade - or, if necessary, force – the District to more reasonably re-balance our relationship and put City and District on a new path to better serve the constituents who rely on us for their safety, well-being and quality of life.

**SECTION 3.** This Resolution shall be in full force and effect from and after its passage by the City Council.”

Mrs. Hendon moved, seconded by Mr. Ryan, the adoption of Resolution 1604. The following vote was recorded on the motion:

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

Resolution 1604 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.

OCCUPANCY PERMIT PROGRAM AND RADIOACTIVE WASTE CONCERNS Mark Long of 8733 Sieloff Drive, #H, reiterated concerns expressed during the May 18 Council meeting relative to radioactive waste in the Coldwater Creek area and the occupancy permit program.

Mr. Long stated he would like to see an audit performed to determine how occupancy permit revenue is being used. He also expressed concerns with rats at Hazelcrest Condominiums which he believes are coming from the river via the sewers. In addition, he stated homeless persons are breaking into the condominiums' storage areas, stealing, and leaving drug paraphernalia.

Mayor Robinson responded his offer to meet with Mr. Long, after court settlement of the occupancy permit issue, remains.

YARD WASTE SERVICE Daniel Ramirez of 7358 Caione Court stated the yard waste service offered under the Allied Services contract is insufficient to meet his needs for leaf disposal during the fall.

CITY MANAGER'S STATUS REPORT Mr. Zimmerman reported on concerns expressed by Mark Long during the May 18 Council meeting relative to cleanup of radioactive waste in the Coldwater Creek area and the occupancy permit program.

The Formerly Utilized Sites Remedial Action Program (FUSRAP) addresses environmental remedial action for sites, including the Hazelcrest Condominium area, which may have been contaminated by radioactive waste during the 1940's through 1960's. Mr. Zimmerman stated in 1997 the U.S. Congress designated the U.S. Army Corps of Engineers (USACE) as the agency responsible for cleanup of the radioactive waste. USACE is in the process of conducting cleanup. He stated he spoke with the City's USACE contact, Jo Ann Wade, and provided her contact information to Mr. Long. Mr. Long has spoken to her and she is gathering information for him. Mr. Zimmerman noted Ms. Wade confirmed the east side of Coldwater Creek, the location of Hazelcrest Condominiums, has been tested and no contamination was found. USACE is in the process of cleaning up properties on the west side of the creek. USACE is the only agency, pursuant to Federal law, with authority to clean up the contaminated sites. If the City was to perform independent testing, it must be performed in a manner authorized by USACE which would require the engagement of experts at considerable cost to the City.

Mr. Zimmerman stated the ordinance requiring occupancy permits was adopted in 2001 and was amended with the current fee schedule in 2005. The ordinance states a permit is required to occupy/reoccupy any premises. With respect to Mr. Long's question about having multiple residences, a person can only have one legally recognized domicile per a long-settled legal principle. Residents of the United States have only one primary residence where they are designated to vote.

Mr. O’Keefe commented Mr. Long is a real estate investor who buys and rents properties and there is considerable self-interest in the issue he’s raised. The City’s occupancy permit requires an accurate list of those who will occupy the premises. He wishes to list himself as the occupant on all occupancy permits for his properties so that he can change his tenants at will and would not be required to get another permit. He is attempting to avoid the process in which the City performs inspections when there is a change in occupancy. The inspection ensures all residents, including tenants, have a safe and clean living environment.

Mr. Zimmerman stated Mr. Long questioned the City’s requirements to obtain an occupancy permit, particularly aesthetic requirements. At the request of Mrs. Stroker, the Council Code Enforcement Committee will review the requirements and will provide a report to the full Council.

## **PUBLIC HEARINGS**

|   |   |
|---|---|
| SLUP<br>6901 HOWDERSHELL<br>ZUM ZUM LLC | Mayor Robinson called to order the public hearing to consider the petition by Zum Zum LLC for a Special Land Use Permit for a convenience store with fuel dispensing facilities and a drive-in restaurant at 6901 Howdershell Road. |
|---|---|

City Planner Earl Bradfield gave a staff report. Current use of the site is a convenience store with fuel dispensing facilities and restaurant. The petitioner is requesting the additional use of a drive-in for serving customers. There’s space for two cars in the drive-in and stacking of two cars before it interferes with parking. The Council previously granted a permit. However, it lapsed before construction of the drive-in was complete.

Mr. Aubuchon asked if there will be indoor dining.

Mr. Bradfield replied food service will be carryout only. There will be no chairs inside the restaurant.

Muqem Din, the business owner, stated the drive-in project began some time ago and has been delayed due to unexpected circumstances. Approximately 75% to 85% of the work is done and the project should be completed soon.

Mrs. Hendon asked if Mr. Din could provide an estimated completion date.

Mr. Din responded he can’t make any promises and hesitates to provide a completion date.

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. Thomas read the City Plan Commission motion “to recommend approval to the City Council of the petition for a Special Land Use Permit for a convenience store with fuel dispensing facilities and a restaurant drive-in, in a C-2 General Commercial District, located at 6901 Howdershell Road, Ward 7, with the following staff conditions: 1.) Vehicles must be parked in designated, striped parking spaces, 2.) Vehicles without current license plates cannot be parked at site, 3.) Vehicles visiting the site cannot remain on the property for more than one hour, and 4.) No alcoholic beverages shall be sold, dispensed or delivered through any drive-in window associated with the permitted premises. No alcoholic beverages shall be purchased by or dispensed or delivered to any person located in a motor vehicle. All alcoholic beverages must be purchased by and dispensed and delivered solely to persons physically present inside the facility at a counter or payment station manned by an attendant who is physically present and conducting the transaction.” She stated the motion passed by a vote of seven in favor and one opposed.

Mrs. Hendon moved, seconded by Mr. Parkin, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a convenience store with fuel dispensing facilities and a drive-in restaurant at 6901 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.a.

SLUP  
11700 MO. BOTTOM  
MIDWEST LANDSCAPE  
Mayor Robinson called to order the public hearing to consider the petition by Midwest Landscape, LLC for a Special Land Use Permit for outdoor storage at 11700 Missouri Bottom Road.

Mr. Bradfield reported the property is in an I-1 Light Industrial District. Current use of the site is a warehouse building with two vehicle bays and outdoor storage consisting of a pile of salt, sod, dirt, and vehicles associated with the landscaping business. There is a fence around the outdoor storage location which partially blocks the view of the items being stored. The proposed use is consistent with the Comprehensive Plan.

Thomas Green, the business owner, gave a PowerPoint presentation showing the proposed site plan, floor plan, outdoor storage location, and employee parking. There will be two employees on-site and four parking spaces available.

Mr. Aubuchon asked the total number of employees.

Mr. Green replied the business currently has six employees. Two employees remain on-site and the rest go to job sites.

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. Thomas read the City Plan Commission motion “to recommend approval to the City Council of the petition for Special Land Use Permit for outdoor storage in an I-1 Light Industrial District, located at 11700 Missouri Bottom Road, Ward 2.” She stated the motion passed unanimously.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for outdoor storage at 11700 Missouri Bottom 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.

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| SUBDIVISION<br>ST. LOUIS RETAIL<br>5555 ST. LOUIS MILLS | Mayor Robinson called to order the public hearing to consider the petition by St. Louis Retail Outlet LLC for subdivision of 5555 St. Louis Mills Boulevard to create a condominium form of ownership for 15 units. |
|---|---|

Mr. Bradfield reported existing use of the 96.02 acre site is retail mall. The petitioner proposes to create 15 condo units in the mall which would range in size from 13,000 to 132,000 square feet (Cabela’s). The declaration states there will potentially be 99 condo units. The developer would be required to file another petition to increase the number. The units are subject to inspection for compliance with Code prior to occupancy which includes fire walls for each unit. The condominium plat and the Declaration of Condominium Ownership and Bylaws, Easements, Restrictions and Covenants meet the requirements of the subdivision regulations. The proposal is consistent with the Comprehensive Plan.

Dan Ehlmann, surveyor with Stock & Associates Consulting Engineers, explained the subdivision plat. St. Louis Retail Outlet, the new owner of the mall, wishes to subdivide the mall to allow them to offer the units for individual sale in hopes to ensure a more permanent occupancy. The occupant is less likely to move if they own the unit. The smaller stores will be retained by the mall owner at this time, but may be subdivided at a later date.

Mrs. Hendon asked which 15 units would be converted to condos and if occupants own their units in other malls.

Mr. Ehlmann replied the 15 units are the major anchor stores such as Ross Dress for Less, Sears, Books-A-Million, Burlington Coat Factory, and Cabela’s. He stated Sears, Macy’s and JC Penney’s own their units at Mid Rivers Mall.

David Reed, general manager of St. Louis Outlet Mall, stated it’s common for anchor stores in regional shopping centers to own their unit. Some retailers prefer to own and

some prefer to lease. This subdivision will make it possible for any retailer to come to the mall. Occupants would not be required to own, but would have the option. Although retail will be an important component, the mall is too large for retail only. Therefore, all permissible uses that could benefit the property and area will be considered. For example, retail may be consolidated in one area of the mall and a large area might be set aside for offices, a call center, medical facility, or school.

Mrs. Hendon asked if there are any prospects.

Mr. Reed responded there is a tenant that wants to own.

Mr. Aubuchon asked the current occupancy rate.

Mr. Reed replied, because the anchor situation remains favorable, the current occupancy rate is about 70%. The small stores are below 50% based on the general ledger area, not the number of stores. He noted the skate park is scheduled to reopen at the end of this week and a temporary retailer of men's, women's and children's apparel is open in the former Off-Broadway Shoe Warehouse.

Mr. Aubuchon noted Bed Bath & Beyond is closing and asked if any other stores plan to close soon.

Mr. Reed replied he's not aware of any.

In response to Mr. Ryan's inquiry about the food court, Mr. Reed stated at present there's only enough business to support the existing three food operations plus the kiosk.

Mr. Aubuchon asked if the food court would have one owner or if those units would also be individually owned.

Mr. Reed stated they were all under one master lease which is currently a rare situation. It's doubtful another such operator will be found and likely they will be subdivided into condos at some future date.

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

Don Young of 1122 Riverwood Place Drive, co-chairman of the City Plan Commission, stated he isn't aware of a state statute governing commercial condominiums.

Mr. O'Keefe replied state statute provides for condominium ownership of real estate which is not limited to residential property.

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

Mrs. Thomas read the City Plan Commission motion “to recommend approval to the City Council of the petition for creation of a condominium form of ownership for the 96.02 acre St. Louis Outlet Mall located in a PDM Planned District, Mixed Use, and called *Condominium of Lot “T” of St. Louis Mills Park*, located at 5555 St. Louis Mills Boulevard, Ward 7.” She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to authorize the subdivision of 5555 St. Louis Mills Boulevard to create a condominium form of ownership 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.

FISCAL YEAR 2017            Mayor Robinson called to order the public hearing to  
BUDGET                      consider the proposed budget for fiscal year 2017.

Finance Director Lori Helle gave an overview of the proposed budget by fund.

General Fund expenditures will exceed revenues by approximately \$1 million. The current fiscal year began with \$6.3 million in cash reserves. With a deficit of almost \$1 million, it will end with a \$5.3 million reserve. A \$1 million deficit is projected for next fiscal year, which will leave a reserve of 17.6%. Policy requires a 17% reserve. This was the first full year of collecting the quarter cent local sales tax, passed in 2015. Revenue assumptions include a 1% decrease in A City (original City) sales tax, a 1% increase in B City (pool City) sales tax, a 1.5% decrease in park and storm water sales tax, a 1% increase in capital improvement sales tax, and a decrease of 1% in economic development sales tax. Property tax reflects a 1.5% decrease in real estate and a 1.1% increase in personal property for a net decrease of approximately \$30,000. Utility tax reflects a 4.9% increase, primarily due to a 5% increase in water and a 9.8% increase in sewer. In addition, some business growth is anticipated. Therefore, an increase of \$259,000 or 4.9% has been budgeted for utility tax revenue. Business license revenue is expected to decrease by approximately \$109,000 or 2.6% and cigarette tax revenue is expected to decrease by approximately \$2,000. In the 2016 budget, many of the revenue items fell considerably short of budget. For example, business license revenue decreased by \$530,700. The fiscal year 2016 budget is down \$2.5 million because of revenue. Revenue is driving the budget deficit. Some revenue items will continue to decline in fiscal year 2017. A few are flat and a few will have a slight increase. Personnel assumptions include a 1% cost of living adjustment for all employees. Five vacant positions will not be filled. Pension contributions would be flat-lined at 12.7%. A 15% increase in health insurance for the last six months of the fiscal year has been budgeted. There’s no increase in dental or vision. An increase of \$18,600 or 3% has been budgeted for workmen’s compensation.

Proposed Economic Development Fund expenditures include the reconstruction of Missouri Bottom Road at \$2 million. The City anticipates receiving \$1.8 million in FEMA funding for the project. In addition, \$200,400 has been budgeted for the Fusz soccer

fields and an increase from \$1.5 million to \$1.9 million has been budgeted for local incentive programs. Fiscal year 2017 revenue will be \$505,000 more than fiscal year 2016 due to FEMA funding and expenditures will be \$1.9 million more due to the Missouri Bottom Road reconstruction project and the increase in local incentive programs. Fiscal year 2015 ended with a fund balance of \$2.7 million, 2016 will end with a balance of approximately \$2.9 million, and 2017 is projected to end with a balance of \$1.7 million.

Fiscal Year 2017 Capital Improvement Fund revenues are budgeted at \$284,000, or 9% less than 2016, due to a decrease in lease/purchase transactions. Major expenditures in 2017 include City Hall/Police Complex window replacement, concrete replacement, Howdershell Park improvements, 10 vehicle replacements, and an increase in sidewalk replacements. Fiscal year 2015 ended with a fund balance of \$279,000, 2016 will end with a balance of approximately \$629,000, and 2017 is projected to end with a balance of \$58,000.

Fiscal Year 2017 Asset Forfeiture Fund revenues will be zero and expenditures are estimated at \$114,000. Fiscal year 2015 ended with a fund balance of \$277,000, 2016 will end with a balance of approximately \$170,000, and 2017 is projected to end with a balance of \$57,000.

Fiscal Year 2017 Sewer Lateral Fund revenues are budgeted at \$2,000 more than 2016 and expenditures at \$30,000 more than 2016. Fiscal year 2015 ended with a fund balance of \$331,000, 2016 is estimated to end with a balance of \$294,000, and fiscal year 2017 with a balance of \$229,000.

The Debt Service Fund balance will drop from \$19.5 million in fiscal year 2016 to \$16.2 million in 2017. The fund includes the following outstanding bond issues: Lambert Point Neighborhood Improvement District, General Obligation street bonds, Cabela's museum, aquatic center, and energy efficiency project.

Mr. Zimmerman commented the Capital Improvement Fund balance appears low at 2%. However, most municipalities typically budget to expend all available funds. He stated projects will only be initiated if funds are available.

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. Hendon moved, seconded by Mrs. Stroker, to approve the fiscal year 2017 budget 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

SLUP EXPANSION PETITION  
6270 HOWDERSHELL A petition for expansion of the Special Land Use Permit at 6270 Howdershell Road had been received from Banducci Enterprises, Inc., d/b/a McDonald's Restaurant.

EWGCG  
LOCAL BRIEFINGS The May 19 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

BOARD  
RESIGNATION A letter of resignation from the Pension Plan Board of Trustees was received from Beth Neighbors.

A letter thanking Ms. Neighbors for her service to the City was sent.

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

Mr. Taylor moved, seconded by Mr. Todd, to refer the petition to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

## UNFINISHED BUSINESS

AMEND CHAPTER 210  
ANIMALS AND FOWL Mr. Zimmerman stated, during the May 4 Council meeting, the Council Code Enforcement Committee presented a recommendation to amend *Chapter 210: Animals and Fowl* relative to non-domestic animals and the keeping of domestic fowl.

A bill has been drafted which prohibits all animals except those specifically permitted in the Code. It also implements regulations for the keeping of domestic fowl, specifically chickens. It allows up to three chickens, prohibits roosters, and establishes regulations for the keeping of chickens such as the provision of food and water, the size and location of coops, etc.

Mr. Aubuchon asked if those residents who currently have more than three chickens would be required to adhere to the regulations.

Mr. Zimmerman responded they would as the bill doesn't contain a grandfathering provision.

Mr. O'Keefe added the bill includes a compliance deadline of 120 days from the date of its passage as an ordinance.

Mrs. Hendon moved, seconded by Mr. Taylor, to concur with the staff recommendation to amend Sections 210.120 and 210.160 relative to non-domestic animals and the keeping of domestic fowl 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.

AMEND CHAPTER 245 GARBAGE & REFUSE, LITTER & COMPOSTING Mr. Zimmerman stated, on May 4, the Council Code Enforcement Committee also recommended amendment of *Chapter 245: Garbage and Refuse, Litter, and Composting* to require landlords to provide and pay for garbage collection services.

The Code amendment will address situations when a tenant fails to subscribe for service or leaves without paying the bill and trash accumulates. The requirement would take effect with the new contract on September 1. This would provide three months for the City to notify landlords and landlords to arrange for service.

Mrs. Hendon moved, seconded by Mr. Parkin, to concur with the staff recommendation to amend Sections 245.020 and 245.080 relating to responsibility for subscribing to and paying for solid waste collection and disposal 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.

## **MAYOR AND COUNCIL REPORTS**

WORK SESSION AGENDA ITEMS After discussion Mr. Aubuchon moved, seconded by Mrs. Stroker, to cancel the July 13 Council work session.

Mayor Robinson stated the Council Code Enforcement Committee is planning to review occupancy permit requirements. He suggested the topic should be discussed at a work session when the entire Council can be present to take part. He stated, when the ad hoc committee was established almost a year ago, the intent was that they review three specific issues. Those issues have been addressed.

After discussion, the Council agreed to schedule a work session in June to review occupancy permit requirements. The City Clerk will poll the Council for their availability.

BOARD/COMMISSION APPOINTMENTS Mayor Robinson nominated Dan Wibracht for reappointment to the Neighborhood Watch Commission.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to reappoint Mr. Wibracht to the Neighborhood Watch Commission. The motion passed unanimously.

Mr. Wibracht will be invited to the June 15 Council meeting to receive his oath of office and commission certificate.

## **CITY MANAGER'S REPORT**

**E.D. LOAN AGREEMENT** Alberto Shaio, chief operating officer of Trans-Lux, gave an overview of the company's history and their products.

The company has been in business for 95 years and develops and manufactures large LED displays such as for sports arenas. He stated they currently manufacture in China and Des Moines, Iowa. Their intention is to move primary operations to Hazelwood with a major expansion. A large investment in high-tech equipment will provide the automation necessary to make the cost of production competitive with China. The plan is to locate in a 66,000 square foot facility in Aviator Business Park. The manufacture of some sub-assemblies will continue in Des Moines, but the cabinet and metal work will be done in Hazelwood. By the fourth year, the Hazelwood site is expected to grow to 100,000 square feet with at least 90 employees. Some management staff has already been employed locally and a commercial relationship has been established with Enterprise Bank and Trust. The capital investment will be between \$2 million and \$2.8 million for lease and leasehold improvements, \$3.7 in manufacturing equipment, and \$.5 million in non-manufacturing equipment and technologies. Mr. Shaio stated this location presents logistical opportunities from both a customer and distributor perspective. They are currently in the final stages of negotiating a lease and expect to close soon.

Economic Developer David Cox reported staff worked on this project with Missouri Partnership, Missouri Department of Economic Development, St. Louis Economic Development Partnership, and the St. Louis Regional Chamber. To assist Trans-Lux in moving their facility to Hazelwood, staff recommends a \$650,000 loan. The loan would be forgivable over seven years if certain goals are met. For example, Trans-Lux would be required to meet the following employment levels: 40 jobs the first year, 70 jobs the second year, and 90 jobs the third year. In addition, they must maintain an average full-time wage of \$41,411 which represents 92% of the county and state average. A letter of credit is required to secure the loan which would be reduced to zero after the first five years of the seven year loan. Trans-Lux has also been asked to give the City a second lien on their equipment. If all requirements are met, the loan would be forgiven over the seven year term with the largest amount of forgiveness during the latter years. After review of the project and Trans-Lux's financials with the St. Louis Economic Development Partnership, staff provided a recommendation to the Economic Development Sales Tax Board. The board has recommended approval of the loan with the stipulation some changes be made to the letter of credit requirement. Those changes have been made and incorporated in the proposed agreement.

Mr. Aubuchon moved, seconded by Mr. Ryan, to concur with the staff recommendation to authorize the economic development and new employment training and opportunities forgivable loan agreement with Trans-Lux 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.g.

E.D. LOAN AGREEMENT Mr. Cox reported staff recommends approval of a \$750,000 BOMMARITO TMC forgivable loan agreement with Bommarito TMC of St. Louis, Inc.

Jerry Eickel, partner with Bommarito Automotive Group, explained the proposal to expand their Hazelwood operations by acquiring the nearby Toyota dealership. The number of employees would increase with the acquisition. The average employee salary is \$50,000 plus benefits. The Ford commercial truck center would be expanded by utilizing the Cadillac facility which has been vacant for at least eight years. Mr. Eickel stated the Bommarito dealerships have flourished because they are able to pull from a large portion of the metropolitan area including St. Charles, the southern area from I-40 to Hazelwood, and Illinois which provides 30% of their customers. Most customers also return for service.

Mr. Cox stated Bommarito currently owns the Nissan, Ford, Honda, and Volkswagen dealerships, as well as the collision center and business center on Brookes Drive, and is interested in purchasing the Toyota franchise and subleasing the land. The land is currently owned by Jim Lynch, the original Cadillac dealership, and leased by Clay Cooley. Cooley would acquire the property and, in 2019, Bommarito would purchase the property from Cooley. The structure of the loan agreement for this economic development project is different because it's an acquisition of a dealership rather than a large industrial project. The loan would be used by Bommarito to offset a portion of the cost to purchase the land. Since a \$750,000 loan would place somewhat of a burden on the Economic Development Fund, the proposal is to encumber \$250,000 a year with the full amount of the loan to be paid upon acquisition of the land in 2019. The terms of the proposed loan agreement require Bommarito to keep the Toyota dealership open through 2021, to maintain the current level of jobs at Toyota, and to increase the total number of jobs across all their Hazelwood facilities incrementally by 35 over the first five years of the loan. In the event the dealership closes or the job requirements aren't met by the closing date, the City wouldn't be required to disburse the loan. If the land purchase is closed in 2019 and the job requirements aren't maintained through expiration of the loan agreement in 2021, Bommarito would have to repay the loan. Security for the loan is a second mortgage on the property and a guaranty by Bommarito Ford who is required to maintain a net worth of \$1.5 million. The loan application and financials for all Hazelwood Bommarito dealerships, as well as Mr. Eickel's and John Bommarito's, were reviewed by staff and St. Louis County Economic Development Partnership and found to be strong. The Economic Development Sales Tax Board reviewed the loan application and proposed loan agreement and recommended approval.

Mr. Zimmerman commented, although the City hasn't officially designated a downtown area, the ordinance designates this property as a general downtown area of the City pursuant to state statutes.

Mr. Aubuchon moved, seconded by Mr. Parkin, to concur with the staff recommendation to authorize the economic development and new employment training and opportunities

forgivable loan agreement with Bommarito TMC of St. Louis, Inc., 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.

**CITY ATTORNEY'S REPORT** - None

**CITY CLERK'S REPORT** - None

**COMMISSION AND BOARD REPORTS** Mr. Taylor moved, seconded by Mr. Todd, to receive and file the minutes of the May 3 Parks and Recreation Board meeting, the May 9 Board of Adjustment meeting, the May 10 Community Enrichment Commission meeting, the May 12 City Plan Commission meeting, and the notice of no quorum for the May 9 Neighborhood Watch Commission meeting. The motion passed unanimously.

**NEW BUSINESS** - None

**INTRODUCTION AND FIRST READING OF BILLS**

SLUP Mayor Robinson called for the first reading of a bill to grant a  
6901 HOWDERSHELL Special Land Use Permit for a convenience store with fuel dispensing facilities and a drive-in restaurant at 6901 Howdershell Road.

There were no objections and Bill 4598 was read by title only:

**AN ORDINANCE REPEALING ORDINANCE 3328-02 AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO ZUM ZUM LLC FOR A CONVENIENCE STORE WITH FUEL DISPENSING FACILITIES AND A DRIVE-IN RESTAURANT AT 6901 HOWDERSHELL ROAD AND PROVIDING FOR THE REGULATION OF SUCH USAGE.**

Bill 4598 will be on the agenda for second reading on June 15.

SLUP Mayor Robinson called for the first reading of a bill to grant a  
11700 MO. BOTTOM Special Land Use Permit for outdoor storage at 11700 Missouri Bottom Road.

There were no objections and Bill 4599 was read by title only:

**AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO MIDWEST LANDSCAPE, LLC FOR OUTDOOR STORAGE AT 11700 MISSOURI BOTTOM ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.**

Bill 4599 will be on the agenda for second reading on June 15.

SUBDIVISION                      Mayor Robinson called for the first reading of a bill to  
5555 ST. LOUIS MILLS           authorize the subdivision of 5555 St. Louis Mills Boulevard to  
create a condominium form of ownership.

There were no objections and Bill 4600 was read by title only:

**AN ORDINANCE APPROVING THE SUBDIVISION OF 5555 ST. LOUIS MILLS BOULEVARD TO CREATE A CONDOMINIUM FORM OF OWNERSHIP FOR FIFTEEN UNITS.**

Bill 4600 will be on the agenda for second reading on June 15.

F.Y. 2017 BUDGET                Mayor Robinson called for the first reading of a bill to  
approve the fiscal year 2017 budget.

There were no objections and Bill 4601 was read by title only:

**AN ORDINANCE APPROVING THE BUDGET OF THE CITY OF HAZELWOOD, MISSOURI, FOR FISCAL YEAR 2016-2017 AND APPROPRIATING THE SUMS CONTAINED THEREIN FOR THE PURPOSES AND OBJECTS THEREIN.**

Bill 4601 will be on the agenda for second reading on June 15.

AMEND                                Mayor Robinson called for the first reading of a bill to amend  
SECTIONS                            Sections 210.020 and 210.060 of the Hazelwood City Code  
210.020 AND 210.160            relative to non-domestic animals and the keeping of  
domestic fowl.

There were no objections and Bill 4602 was read by title only:

**AN ORDINANCE AMENDING SECTION 210.120 REGARDING NON-DOMESTIC ANIMALS AND ENACTING SECTION 210.160 OF THE CODE OF THE CITY OF HAZELWOOD, MISSOURI, RELATING TO KEEPING DOMESTIC FOWL.**

Bill 4602 will be on the agenda for second reading on June 15.

AMEND                                Mayor Robinson called for the first reading of a bill to amend  
SECTIONS                            Sections 245.020 and 245.080 of the Hazelwood City Code  
245.020 AND 245.080            relating to responsibility for subscribing to and paying  
for solid waste collection and disposal services.

There were no objections and Bill 4603 was read by title only:

**AN ORDINANCE OF THE CITY OF HAZELWOOD, MISSOURI, AMENDING SECTIONS 245.020 AND 245.080 OF THE HAZELWOOD CITY CODE RELATING TO RESPONSIBILITY FOR SUBSCRIBING TO AND PAYING CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL.**

Bill 4603 will be on the agenda for second reading on June 15.

E.D. LOAN AGREEMENT Mayor Robinson called for the first reading of a bill to TRANS-LUX CORP. authorize an economic development and new employment training and opportunities forgivable loan agreement with Trans-Lux Corporation.

There were no objections and Bill 4604 was read by title only:

**AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES FORGIVABLE LOAN AGREEMENT WITH TRANS-LUX CORPORATION AND AUTHORIZING EXECUTION OF DOCUMENTS RELATING THERETO.**

Bill 4604 will be on the agenda for second reading on June 15.

E.D. LOAN AGREEMENT Mayor Robinson called for the first reading of a bill to BOMMARITO TMC authorize an economic development and new employment training and opportunities loan agreement with Bommarito TMC of St. Louis, Inc.

There were no objections and Bill 4605 was read by title only:

**AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT AND NEW EMPLOYMENT TRAINING AND OPPORTUNITIES LOAN AGREEMENT WITH BOMMARITO TMC OF ST. LOUIS, INC., AND AUTHORIZING EXECUTION OF DOCUMENTS RELATING THERETO.**

Bill 4605 will be on the agenda for second reading on June 15.

**SECOND READING OF BILLS AND ACTION ON BILLS**

BILL 4558 The second reading of Bill 4558, to grant a Special Land Use  
SLUP Permit to Ben Hur Construction, for outdoor storage at  
11950 MO. BOTTOM RD. 11950 Missouri Bottom Road, has been postponed.

BILL 4595 Mayor Robinson called for the second reading of Bill 4595 to  
CONTRACT authorize a contract for residential trash collection services.

Mr. O'Keefe stated the Council has been provided with Bill 4595.1 in redline format which reflects the legal name of the contractor.

Mr. Aubuchon moved, seconded by Mr. Taylor, to amend Bill 4595 by the text of Bill 4595.1. The motion passed unanimously.

There were no objections and Bill 4595, as amended, was read by title only:

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF HAZELWOOD, MISSOURI, TO ENTER INTO AND EXECUTE A CONTRACT WITH ALLIED SERVICES, LLC, D/B/A ALLIED SERVICES OF BRIDGETON AND D/B/A REPUBLIC SERVICES OF BRIDGETON, FOR THE COLLECTION OF REFUSE, COMPOSTABLES AND RECYCLABLES FROM SINGLE-FAMILY DWELLINGS AND RECYCLABLES FROM MULTI-FAMILY DWELLINGS FOR THE PERIOD FROM SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2021, WITH A TWO YEAR EXTENSION OPTION.**

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Bill 4595, as amended, as an ordinance. The following vote was recorded on the motion:

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

Bill 4595, as amended, was unanimously adopted as Ordinance 4484-16.

|                       |  |
|-----------------------|--|
| BILL 4596<br>CONTRACT | Mayor Robinson called for the second reading of Bill 4596 to authorize a contract for auditing services. |
|-----------------------|--|

There were no objections and Bill 4596 was read by title only:

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF HAZELWOOD, MISSOURI, TO ENTER INTO AND EXECUTE A CONTRACT WITH BOTZ, DEAL & COMPANY, P.C. FOR AUDITING SERVICES FOR FISCAL YEARS 2016 THROUGH 2020.**

Mrs. Hendon moved, seconded by Mr. Todd, the adoption of Bill 4596 as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 4596 was unanimously adopted as Ordinance 4485-16.

BILL 4597  
LEASE/PURCHASE  
AGREEMENT

Mayor Robinson stated the second reading of Bill 4597 to authorize a lease/purchase agreement for financing of the fiber optic project has been postponed.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

COUNCIL MEETING

Mayor Robinson announced the next regular Council meeting will be held Wednesday, June 15, 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 9:30 p.m.

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

ATTEST:

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