

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
SEPTEMBER 7, 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, September 7, 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:

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

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

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

Mr. Parkin
Mayor Robinson

The motion passed unanimously and the consent agenda was adopted.

**APPROVAL OF
MINUTES**

Mr. Taylor moved, seconded by Mr. Aubuchon, to approve the minutes of the August 10 Council work session, the August 17 regular Council meeting, and the August 31 Special Council meeting as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

Communications Coordinator Tim Davidson reported on City news, events, and programs.

Ameren Missouri is upgrading 1.2 miles of overhead facilities on Charbonier Road, beginning a block west of Shackelford Road and ending at Riverwood Estates Boulevard. Many of the poles and cross arms will be replaced and the wire size will be increased. Feeders will be tied from the substations on Shackelford and Howdershell Roads, giving Ameren the ability to provide service from an alternate source in the event of an outage. Work should be completed before Thanksgiving.

A fundraiser for Officer Craig Tudor was held at Redbirds Sports Café and Billiards this past Saturday. The event received strong support from the community.

Upcoming events include Harvestfest on September 10, Celebrate Safe Communities on September 22, Food Truck Night on October 4, and Truman Family Camp Out on October 21 to October 22. Additional information on City programs and upcoming events is available on the City's website at www.hazelwoodmo.org.

Fire Chief Dave Radel gave a video presentation on the recently acquired ambulance power loading system.

**COLORING CONTEST
WINNERS**

Alyssa Maloney, winner of the Rio Summer Olympic Games Coloring Contest for the grade 1 to grade 3 category, was presented with a one-day family admission to White Birch Bay aquatic center for the 2017 season.

Kamryn Twitty, winner for the grade 4 to grade 6 category, was unable to attend this evening.

PROCLAMATIONS AND RESOLUTIONS

CELEBRATE SAFE COMMUNITIES PROCLAMATION Mayor Robinson called for the reading of a proclamation supporting participation in the Celebrate Safe Communities initiative on September 22.

There were no objections and Proclamation 1612 was read.

Mr. Aubuchon moved, seconded by Mr. Taylor, the adoption of Proclamation 1612 urging all citizens, government agencies, public and private institutions, and businesses to support our Celebrate Safe Communities initiative on Thursday, September 22, 2016, and calling upon everyone to invest in the power of prevention and community cooperation to ensure the City remains a safe, strong, and caring community where all may safely live, learn, work, and play. The motion passed unanimously.

The proclamation was presented to Police Chief Gregg Hall, Fire Chief Dave Radel, and Pat Corzine of the Neighborhood Watch Commission.

RANDY GETZ RETIREMENT PROCLAMATION Mayor Robinson called for the reading of a proclamation in recognition of Battalion Chief Randy Getz who retired from City employment on August 3.

There were no objections and Proclamation 1613 was read.

Mr. Aubuchon moved, seconded by Mr. Ryan, the adoption of Proclamation 1613 recognizing Battalion Chief Randy Getz for outstanding service to the Hazelwood Fire Department and the City and extending sincere good wishes for a happy retirement. The motion passed unanimously.

The proclamation was presented to Randy.

CONSTITUTION WEEK PROCLAMATION Mayor Robinson called for the reading of a proclamation designating the week of September 17 through 23 as Constitution Week.

There were no objections and Proclamation 1614 was read.

Mrs. Hendon moved, seconded by Mr. Taylor, the adoption of Proclamation 1614 designating the week of September 17 through 23, 2016, as Constitution Week in the City of Hazelwood and calling upon all citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained. The motion passed unanimously.

The proclamation was presented to Christine Keil, chapter regent, and Traci Williams, chapter registrar, of the National Society of Daughters of the American Revolution.

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.

No one came forward to address the Council.

PICNIC LICENSE FOR HARVESTFEST An application for a Picnic License for use at the Harvestfest and a request to waive the fee were received from Richard Dorsey, president of the Florissant Rotary Club.

Mr. Dorsey stated the organization proposes to sell wine and bottled water during the Harvestfest. He asked the Council to waive the license fee based on their not-for-profit status.

Mrs. Hendon moved, seconded by Mr. Aubuchon, to grant the Picnic License to Richard Dorsey of the Florissant Rotary Club for use at the Harvestfest on September 10. The motion passed unanimously.

Mr. Aubuchon moved, seconded by Mrs. Stroker, to waive the Picnic License fee. The motion passed unanimously.

PUBLIC HEARINGS

**SLUP EXPANSION
8700 PERSHALL RD.** Mayor Robinson called to order the public hearing to consider the petition by AJR, LC, d/b/a McDonald's Restaurant, for expansion of the Special Land Use Permit for a fast food, drive-in restaurant at 8700 Pershall Road to include a second drive-in.

City Planner Earl Bradfield stated the existing drive-in lane has a stacking of 12 vehicles. The proposed lane would provide stacking for five additional vehicles. Approximately 70 to 80 percent of sales at this restaurant are from the drive-in.

Bob Polk, an engineer with Farnsworth Group, representing the petitioner, explained the proposal to add a second order station to create a side-by-side configuration. The single pickup window would remain. The new configuration would significantly improve drive-in efficiencies. Parking would be reduced from 41 to 34 spaces, but would still exceed the minimum requirement of 28 spaces.

Mr. O'Keefe read the City Plan Commission motion "to recommend approval to the City Council of the petition for Special Land Use Permit expansion for the installation of a second drive-in lane, located in an I-1 Light Industrial District, at 8700 Pershall Road, Ward 5." He stated the motion passed unanimously.

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.

Mr. Todd moved, seconded by Mr. Parkin, to concur with the City Plan Commission recommendation to grant the expansion of the Special Land Use Permit for a fast food, drive-in restaurant at 8700 Pershall Road to include a second drive-in 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.

COMMUNICATIONS

EWGCG LOCAL BRIEFINGS The August 11 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

CHARTER FRANCHISE FEE PAYMENT A summary of the quarterly franchise fee payment, for the period from April through June 2016, was received from Charter Communications.

SLUP PETITION 7320 HAZELWOOD AVE. A petition for a Special Land Use Permit for manufacturing of metal products at 7320 Hazelwood Avenue was received from John J. Steuby Company.

CHARTER CHANNEL LINEUP Notice of the addition of OVATION HD to the channel lineup was received from Charter Communications.

EWGCG LOCAL BRIEFINGS The August 25 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

CID ANNUAL REPORT The 370/Missouri Bottom Road/Taussig Road Community Improvement District Annual Report was received from Armstrong Teasdale.

2016-2017 ST. LOUIS SPEAKER SERIES Information on the 2016-2017 St. Louis Speaker Series, including a subscription discount, was received from the St. Louis Regional Chamber.

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

UNFINISHED BUSINESS

TRUSTEES FOR
TIMBERWOOD
CROSSING Consideration of the appointment of trustees for Timberwood Crossing subdivision was continued from the August 17 Council meeting.

Lisa Clever, 1917 Timberwood Crossing Drive, explained the request is for the Council to appoint interim trustees in order that a meeting can be held and election conducted. Per the indentures, a trustee's term is three years. Although one of the original trustees has been performing some trustee duties, the terms of the original trustees have expired and subdivision financial statements have not been seen for over 10 years. She stated the request was made at the suggestion of the City Attorney.

Mr. O'Keefe clarified he didn't render an opinion that there wasn't a trustee who could conduct an election. The opinion rendered was that in the absence of trustees the City Council is empowered to appoint them.

Bill Timmermann, 914 Timberwood Crossing Circle, stated he is an original trustee and believes he is an active trustee. He stated he holds meetings at City and Village Tax and they are documented. He expressed opposition to the Council making the appointments and stated he believes the matter should be handled by the subdivision homeowners.

Mayor Robinson encouraged Mr. Timmermann to put his concerns in writing and submit them to the City Clerk and to have a meeting with the homeowners. He stated the Council could then consider the matter at a later date, if the homeowners desire.

Mr. O'Keefe stated the Council cannot adjudicate the dispute as to who is entitled to office. As set forth in the indentures, the Council is empowered to step in if there is no board and no vehicle to provide one. He suggested Mr. Timmermann discuss the matter with the petitioners.

Mr. Timmermann stated he has been acting as trustee and doesn't particularly want the position.

Mr. O'Keefe asked if there are two more trustees and, if not, if notice of an election for the purpose of electing trustees has been given.

Mr. Timmermann stated the other two original trustees resigned and notice of an election has not been given.

Mr. O'Keefe suggested Mr. Timmermann review the indentures.

Micheleen Koeller, 1960 Timberwood Crossing Drive, stated trying to get people to be on the board of trustees has been difficult. She stated City and Village Tax will provide

the subdivision's financial information to homeowners. She stated she called and there's over \$9,000 in the subdivision's account.

Adam Bagwell, 1912 Timberwood Crossing Drive, stated he has unsuccessfully attempted to communicate with Mr. Timmermann and resolve the matter several times. He stated he believes there are currently no legitimate trustees since a trustee's term is three years and an election has not been held in over 10 years. In order to conduct an election, he believes three interim trustees must be appointed. He asked the Council to appoint Lisa Clever, Doug Clever, and himself as interim trustees so that an election can be conducted to elect three trustees. With a full board, the detention pond issue could be addressed.

Mrs. Singleton asked how many of the Timberwood Crossing subdivision homeowners present this evening wished to be a trustee. Five audience members raised their hands.

Mr. O'Keefe stated by general principal, for example, a Council member is elected to a three year term and it terminates. However, the Council member serves until a successor is elected and qualified. The need to perform the function of the office supersedes a disruption. The fact that trustees are inactive doesn't mean they aren't trustees and there may be three trustees. Whether or not they're qualified to serve is undetermined. However, the Council isn't equipped to adjudicate the matter.

After additional discussion, it was agreed the interested subdivision residents should meet and the matter could be placed on a future Council agenda, if necessary.

Paul Muldrow, 908 Timberwood Crossing Circle, suggested the residents meet and anyone interested in being a trustee could place their name on a list. Then, flyers with the list of names could be sent to all homeowners and an election could be held.

Mr. O'Keefe stated the process outlined in the indentures should be followed.

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS	No items were added to the September 14 Council work session agenda.
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MML ANNUAL CONFERENCE	Mayor Robinson stated, although all funding for attending conferences was cut from the budget, he feels it's important for him to attend the upcoming Missouri Municipal League conference in St. Louis because he's a board and committee member and is running for vice-president.
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There were no objections.

BOARD APPOINTMENTS	Mayor Robinson nominated Margo McNeil of 124 St. Stanislaus Court for appointment to the Pension Plan
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Board of Trustees and Lisa Clever of 1917 Timberwood Crossing Drive for appointment to the Civil Service Board.

Mrs. Singleton moved, seconded by Mrs. Stroker, to approve the appointment of Mrs. McNeil to the Pension Plan Board of Trustees and Mrs. Clever to the Civil Service Board. The motion passed unanimously.

Mrs. Wolf will invite Mrs. McNeil and Mrs. Clever to the September 21 Council meeting to receive their oaths of office and commission certificates.

CITY MANAGER'S REPORT

AGREEMENT WITH BOMMARITO RE: MESSAGE BOARD Mr. Zimmerman reported after the Council granted the variances for Bommarito Toyota's electronic message board, which qualifies as a billboard, staff approached them about utilizing the sign for display of City messages.

Messages would be limited to public service announcements or would promote the City. Bommarito consented and an agreement has been drafted. The agreement is similar to the previous two agreements for the signs at Gateway Buick GMC and Hazelwood Plaza.

Mr. Aubuchon moved, seconded by Mr. Parkin, to concur with the staff recommendation to authorize the agreement with Bommarito TMC of St. Louis for City use of the electronic message board at Bommarito Toyota 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.

ACCEPTANCE OF HLC PUBLIC IMPROVEMENTS Mr. Zimmerman reported a bill has been drafted to accept the public improvements in Hazelwood Logistics Center.

Brent Miles of NorthPoint Development reviewed the history of the development project. He stated completion of the environmental remediation is just weeks away. The next step is dedication of the infrastructure to the City. Curbs and storm boxes have been replaced, meters have been set for street lights, etc., over the last several months. Mr. Miles gave a PowerPoint presentation showing construction progress at the center. He stated the current investment is \$56 million. Construction of the next phase, Buildings 3 and 4, represents an additional \$40 million investment and is expected to be completed and hopefully leased by 2016/2017. He gave an update on occupancy of Building 1 and stated Building 2 is currently under construction and has two prospective tenants.

Mr. Zimmerman stated the original agreement required NorthPoint to complete repairs on the public improvements installed by McEagle. Some of the repairs hadn't been completed properly and others had deteriorated. The City agreed to waive the

requirement for 90 percent of the lots to be completed before acceptance of the improvements. Most of the improvements have been properly completed. However, approval from Laclede Gas and Missouri American Water is still needed and staff must verify that the street lights are in proper working order. Therefore, staff recommends postponing first reading of the bill to accept the improvements to a future Council meeting. In addition, the original plan was to hold existing escrow funds in the event there are issues with the improvements. However, each lot has its own separate LLC and is put into Chapter 353 separately for tax abatement. Therefore, funds would be held from one LLC as a pledge against expenses of another separate LLC. Therefore, the City Attorney is working on language for the escrow agreement.

The bill to accept the public improvements in Hazelwood Logistics Center will be introduced at a future Council meeting.

PROMOTION OF FIRE CAPTAINS Chief Radel announced the promotion of four new fire captains.

Chief Radel stated there will be no difference in the number of firefighters on the fire ground, but the model for manning will change. In the past, when there was a shortage on one of the trucks, the battalion chief in the command vehicle would leave the vehicle unattended and go on the truck. In the future, the battalion chief will stay in the command vehicle. The change will make manning consistent with mutual aid departments that all have a full-time command vehicle. It will also allow the battalion chief to fulfill the command function. To accommodate the change and replace one retired captain, it was necessary to promote four firefighter/paramedics to fire captains to serve as command on the trucks.

HABITAT FOR HUMANITY Public Works Director David Stewart gave an update on the Habitat for Humanity project.

Mr. Stewart reported the project is moving ahead quickly. The Phase 1 homes will be constructed at the following locations: 259 Gladys Avenue, 266 Buddie Avenue, 187 Bascom Drive, and 305 Reasor Drive. The house on Gladys has been demolished by City crews. To control costs, equipment was rented and staff did the demolition work. They did an excellent and efficient job with work they're not accustomed to doing. Two homes will be constructed on the Buddie property which was once a double lot with one house. The Bascom and Reasor lots are also currently vacant. The basements have been excavated on Gladys and Buddie. Footings and foundations are scheduled to be poured next week. Excavation for the Bascom and Reasor lots should occur in one to two weeks. Estimated completion for all homes in Phase 1 is late spring 2017. The neighbors are ecstatic about the improvement. Habitat for Humanity is planning a wall raising ceremony on Friday, September 30, at 9 a.m. and the Council is invited to attend.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT

FINAL DISPOSITION OF CITY RECORDS

Mrs. Wolf reported the Missouri Secretary of State's Office Records Management and Archives Service has a schedule of the minimum time required to retain certain local government records and a process for recording disposal of those records in the Council minutes.

After the retention period has lapsed, records may be disposed of or destroyed. Following is a list of records that have been destroyed, including the manner of destruction and the date destruction was complete:

FILE TYPE	DISPOSITION		SHREDDING COMPLETE
VARIANCE APPEAL: Board of Adjustment, Architectural Board of Review, Board of Appeals	Denied, Withdrawn, Taken in Error, Lapsed	1967 – 2008	05/10/2013
		1981 – 1992	05/18/2015
		2010	01/18/2016
REZONING	Denied, Withdrawn	1972 – 2008	11/13/2013
		1984 – 1997	05/18/2015
SIGN VARIANCE	Denied, Withdrawn	1974 – 2007	08/07/2013
		1980 – 1995	05/18/2015
		2010	01/18/2016
SPECIAL LAND USE PERMIT	Denied, Withdrawn, Ceased Operation, Transferred, Lapsed	1970 – 2008	11/13/2013
		2001 – 2009	05/18/2015
		1966 – 1996	05/18/2015
		2009, 2010	01/18/2016
SUBDIVISION	Denied, Withdrawn	1998 – 2007	11/13/2013
		1988, 1990	05/18/2015
		2010	01/18/2016

COMMISSION AND BOARD REPORTS

Mr. Taylor moved, seconded by Mr. Aubuchon, to receive and file the minutes of the August 8 Neighborhood Watch Commission meeting, the August 9 Community Enrichment Commission meeting, the August 11 City Plan Commission meeting, and the August 22 Historic Preservation Commission meeting. The motion passed unanimously.

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP EXPANSION Mayor Robinson called for the first reading of a bill to

8700 PERSHALL RD. grant an expansion of the Special Land Use Permit for a fast food, drive-in restaurant at 8700 Pershall Road to include a second drive-in.

There were no objections and Bill 4616 was read by title only:

AN ORDINANCE AMENDING ORDINANCE 3320-02 BY GRANTING AN EXPANSION OF THE SPECIAL LAND USE PERMIT FOR A FAST FOOD, DRIVE-IN RESTAURANT AT 8700 PERSHALL ROAD TO INCLUDE A SECOND DRIVE-IN AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Bill 4616 will be on the agenda for second reading on September 21.

AGREEMENT Mayor Robinson called for the first reading of a bill to approve an agreement with Bommarito TMC of St. Louis, Inc., regarding City usage of an electronic message board.

There were no objections and Bill 4617 was read by title only:

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF HAZELWOOD AND BOMMARITO TMC OF ST. LOUIS, INC. REGARDING CITY USAGE OF A FREE-STANDING ELECTRONIC MESSAGE BOARD SIGN.

Bill 4617 will be on the agenda for second reading on September 21.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4615 Mayor Robinson called for the second reading of Bill 4615 to
AMEND CHAP. 405 amend *Chapter 405: Zoning Regulations, Section 405.620: Landscaping Requirements*, relative to landscaping to new development.

Mr. O'Keefe stated the Council has been provided with draft Bill 4615.1 which contains revisions to the original bill.

Mrs. Hendon moved, seconded by Mrs. Singleton, to amend Bill 4615 by the text of Bill 4615.1. The motion passed unanimously.

There were no objections and Bill 4615, as amended, was read by title only:

AN ORDINANCE AMENDING *CHAPTER 405: ZONING REGULATIONS, SECTION 405.620: LANDSCAPING REQUIREMENTS*, OF THE HAZELWOOD CITY CODE PERTAINING TO LANDSCAPING TO NEW DEVELOPMENT.

Mrs. Hendon moved, seconded by Mr. Taylor, the adoption of Bill 4615, as amended, as an ordinance. The following vote was recorded on the motion:

AYE - 9

NAY - 0

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

Bill 4615, as amended, was unanimously adopted as Ordinance 4504-16.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced a Council work session will be held Wednesday, September 14, at 6:00 p.m. in the Council Chambers and the next regular Council meeting will be held Wednesday, September 21, at 7:30 p.m. in the Council Chambers.

ADJOURNMENT There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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