

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
MAY 3, 2017**

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, May 3, 2017, 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:

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

Council member Warren H. Taylor was not present. Mrs. Thomas declared a quorum was present. Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and City Clerk Christine Thomas.

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 Mrs. Stroker, the adoption of the consent agenda as printed. The following vote was recorded on the motion:

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

The motion passed unanimously and the consent agenda was adopted.

APPROVAL OF MINUTES

Mr. Todd moved, seconded by Mrs. Stroker, to approve the minutes of the April 5 regular and closed Council meetings as submitted. The motion passed unanimously.

SPECIAL ORDER OF BUSINESS

WHAT'S NEW

Communications Coordinator Tim Davidson provided the What's New in Hazelwood report.

CITIZENS' SERVICE CITATION

Police Chief Gregg Hall presented a Citizens' Service Citation award to Kevin Boyd.

Chief Hall stated in December 2016 there was a series of home burglaries. Mr. Boyd noticed suspicious activity in his neighborhood and reported it to the police. Due to Mr. Boyd's detailed description of the suspicious vehicle at his neighbor's home and the suspicious activity taking place, police were able to apprehend the suspects who were later found to be involved in several other burglaries in the neighborhood.

PROCLAMATIONS AND RESOLUTIONS

BUILDING SAFETY PROCLAMATION

Mayor Robinson called for the reading of a proclamation designating May 2017 as Building Safety Month.

There were no objections and Proclamation 1706 was read.

Mr. Aubuchon moved, seconded by Mr. Todd, the adoption of Proclamation 1706 designating May 2017 as Building Safety Month. The motion passed unanimously.

The proclamation was presented to Code Administrator Pat McSheehy and Code Enforcement staff.

POLICE WEEK PROCLAMATION

Mayor Robinson called for the reading of a proclamation designating the week of May 14 through May 20 as Police Week 2017.

There were no objections and Proclamation 1707 was read.

Mr. Parkin moved, seconded by Mr. Ryan, the adoption of Proclamation 1707 designating the week of May 14 through May 20, 2017 as Police Week 2017 and publicly saluting our law enforcement officers for their countless hours of dedicated service. The motion passed unanimously.

The proclamation was presented to Chief Gregg Hall.

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.

PUBLIC HEARINGS

SLUP
7025 F HOWDERSHELL Mayor Robinson called to order the public hearing to consider a petition received from 5 Star Liquor & More, Inc., for a Special Land Use Permit for a fast food restaurant at 7025 F Howdershell Road.

City Planner Earl Bradfield reported the current use of the site is a liquor and wine store and the proposal is to add a fast food restaurant. The restaurant would serve items such as fried and baked chicken, grilled burgers and steak, fish and other seafood, hot sandwiches and bakery goods. The hours of operation are 8 a.m. to 11 p.m., Monday through Thursday; 8 a.m. to 12 a.m., Friday and Saturday; and 9 a.m. to 10 p.m., Sunday. Mr. Bradfield stated staff recommends approval.

Frank Abdeljabbar, owner and manager of 5 Star Liquor & More, gave a presentation on the building layout and improvements.

Mr. Aubuchon asked if food would be available for carry-out only. Mr. Abdeljabbar replied affirmatively.

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

Nasheed Anwar, representing the mosque at 7011 Howdershell Road, asked for clarification on the hours of operation. Mr. Bradfield restated the hours. Mr. Anwar stated concerns with the hours of operation, traffic and drawing the wrong type of crowd.

Mr. O'Keefe stated the store is an existing, permitted use. The sale of liquor is not under question, just the sale of food.

Mr. Anwar stated he is concerned for the safety of the neighborhood and undesirable activity.

No one else 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 fast food restaurant located at 7025 F Howdershell Road. She stated the motion passed unanimously.

Mrs. Hendon moved, seconded by Mrs. Singleton, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a fast food restaurant at 7025 F Howdershell Road and 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.

SIGN VARIANCE
6041 N. LINDBERGH Mayor Robinson called to order the public hearing to consider the appeal by Complete Auto Body & Repair, Inc., for a variance of the requirement for all structural elements supporting pylon signs to be architecturally treated as approved by the City to permit the poles to be painted rather than wrapped at 6041 North Lindbergh Boulevard.

Mr. Bradfield reported the request is to paint the pylon sign poles instead of adding architectural treatment. Mr. Bradfield read the section from the municipal code stating all structural elements supporting the pylon sign shall be architecturally treated as approved by the City.

Kurt Barks, owner of Complete Auto Body and Repair, stated he was before the Council three years ago with the same request when the sign was replaced after the tornado and it did not meet Code. He showed photos of the sign and its location in the asphalt approximately 60 feet from Lindbergh Boulevard. He stated he believes architectural treatment of the sign would not improve aesthetics in the industrial district.

Mrs. Singleton reminded the applicant when he was before the Council three years ago he stated he would replace the sign in three years and wanted to know if he is still considering replacing the sign. Mr. Barks stated they have had to invest in other improvements due to growth and replacing the sign has not been considered.

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. Aubuchon moved, seconded by Mr. Ryan, to grant a variance of the requirement for all structural elements supporting pylon signs to be architecturally treated as approved by the City to permit the poles to be painted rather than wrapped at 6041 North Lindbergh Boulevard with the condition that if the sign is replaced it shall be brought into conformance with the City code. The following vote was recorded on the motion:

AYE - 8

NAY - 0

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

The motion passed unanimously.

COMMUNICATIONS

ST. LOUIS COUNTY Information concerning the fiscal year 2018 Community Development Block Grant application, application process and public hearing was received from St. Louis County.

BOUNDARY COMMISSION Notification of amendments to the By-Laws and Rules of the St. Louis County Boundary Commission was received.

PROPOSAL TO AMEND ZONING REGULATIONS A proposal to amend Chapter 405: Zoning Regulations relative to short-term rentals was received from City Planner Earl Bradfield.

BOARD RESIGNATION A letter of resignation from the Neighborhood Watch Commission was received from Daniel Wibracht.

A letter thanking Mr. Wibracht for his service to the City was sent.

Mr. Todd moved, seconded by Mrs. Stroker, to refer the proposed to amend the Zoning Regulations to the City Plan Commission and to receive and file all communications. The motion passed unanimously.

UNFINISHED BUSINESS - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS No items were added to the July 12 Council work session agenda.

BOARD/COMMISSION APPOINTMENTS Mayor Robinson nominated the following for reappointment to their respective board or commission: Annette Vrabel, Civil Service Board; Greg Fowler, Historic Preservation Commission; and Tamara Willis, Parks and Recreation Board.

In addition, Mayor Robinson nominated Clara Faatz, of 8 Bon Vue Drive, for appointment to the Neighborhood Watch Commission.

Mr. Aubuchon moved, seconded by Mrs. Hendon, to approve the preceding appointments. The motion passed unanimously.

Mrs. Thomas will invite the newly appointed and reappointed board and commission members to the May 17 Council meeting to receive their oaths of office and commission certificates.

CITY MANAGER'S REPORT

DEADLINE EXTENSION PHASE II AVIATOR BUSINESS PARK Mr. Zimmerman stated Mark Branstetter, representing Aviator Business Park, wasn't able to be present at the April 19 meeting to give an update on the development prior to introduction and first reading of Bill 4654, which is on this agenda for second reading and would grant an extension for completion of Phase II.

Mark Branstetter, representative of Aviator Business Park, gave a report on the project. Mr. Branstetter stated the project was conceived in 2008 and demolition of the buildings started right away. All aspects of the project have been complicated including demolition, recycling of construction materials and environmental remediation. In addition, due to the economic downturn from 2008 to 2013, there was zero demand and no financing available. A total of 1.4 million square feet of new buildings have been constructed and approximately 250 full-time positions have been generated to date, not including buildings under construction.

PURCHASE DUMP TRUCKS Public Works Director David Stewart reported staff recommends the purchase of a 2017 Ford F-650 dump truck with a 10 foot salt spreader and 10 foot plow from Dave Sinclair Ford of South County at the cost of \$95,381, less \$9,400 for trade-in.

Mr. Stewart reported the current fiscal year Capital Improvement Fund budget includes funds to replace a 17 year old dump truck that includes a plow and salt spreader. Mr. Stewart stated four bids were received and the low bidder was Dave Sinclair Ford of South County in the amount of \$95,386. The trade-in amount for the 2000 Ford F-650 is \$9,400 for a net cost to the City of \$85,986. Mr. Stewart explained the net cost is over the original budget amount. However, it is less than the cost currently factored into the fiscal year 2017 budget estimate.

Mrs. Hendon moved, seconded by Mr. Parkin, to concur with staff recommendation to purchase one 2017 Ford F650 dump truck, plow and salt spreader from Dave Sinclair Ford of South County at a net cost of \$85,986 with trade-in. The motion passed unanimously.

INTERNET SERVICES Assistant City Manager Robert Frank reported staff recommends authorization of a three year contract with Charter Communications, Inc., for internet services at the Hazelwood Community Center for a cost of \$399 per month and at City Hall for a cost of \$949 per month.

The cost savings are due to the efforts of Law Enforcement Information Specialist Glen Robinson. City Hall costs will decrease from \$1,350 to \$949 per month and Community Center costs will decrease from \$500 to \$399 per month. In addition, data transfer will increase from 60 Mbps to 100 Mbps at City Hall and from 10 Mbps to 25 Mbps at the Community Center.

Mr. Ryan moved, seconded by Mrs. Hendon, to concur with the staff recommendation to authorize the contract with Charter Communications, Inc., for internet services at the Hazelwood Community Center and City Hall 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.

AMEND CHAPTER 405 Discussion on short-term rentals continued from the April 5 **SHORT-TERM RENTALS** meeting.

Mr. Zimmerman stated the Council passed Ordinance 4529-17, on March 15, to amend the Zoning Regulations by deleting the definition of "Bed and Breakfasts" and adding a definition of "Short-Term Rental" to include bed and breakfasts and rentals booked over the Internet. At that time, the Council chose not to adopt Bill 4642 that would have regulated short-term rentals. Therefore, short-term rentals are currently a permitted use in all residential districts with no regulations. After additional consideration, Council ultimately decided to ban the use. Two draft bills have been prepared to accomplish the prohibition. The first bill would repeal Ordinance 4529-17 and amend the Zoning Regulations to delete the definition of "Bed and Breakfast" add a definition of "Short-Term Rental" which would prohibit the use by definition. The second bill would amend the hotel/motel tax Code to define and prohibit short-term rentals.

Mayor Robinson stated he thinks the decision to ban short-terms rentals is being rushed and regulations have not been fully considered. He believes it would be in the best interest of the residents if more consideration was given to regulations before prohibiting them.

Mrs. Singleton stated she appreciates Mayor Robinson's concerns. She thinks the Council has talked about this topic extensively, thoroughly considered information and testimony and has reached a good decision.

Mrs. Singleton moved, seconded by Mrs. Hendon, to repeal Ordinance 4529-17 and amend Chapter 405 of the City Code pertaining to the use of dwellings for short-term rental occupancy and to place the draft bill on this agenda for introduction. The motion

passed by a vote of seven in favor and one opposed, with Mayor Robinson casting the dissenting vote, and the bill was added to the agenda as item 17.c.

AMEND CHAPTER 607 SHORT-TERM RENTALS Mrs. Singleton moved, seconded by Mrs. Hendon, to amend Chapter 607 of the City Code pertaining to hospitality businesses and to place the draft bill on this agenda for introduction. The motion passed by a vote of seven in favor and one opposed, with Mayor Robinson casting the dissenting vote, and the bill was added to the agenda as item 17.d.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS - None

NEW BUSINESS - None

INTRODUCTION AND FIRST READING OF BILLS

SLUP Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a fast food restaurant at 7025 F Howdershell Road.

There were no objections and Bill 4657 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO 5 STAR LIQUOR & MORE INC., FOR A FAST FOOD RESTAURANT AT 7025 F HOWDERSHELL ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4657 will be on the agenda for second reading on May 17.

CONTRACT Mayor Robinson called for the first reading of a bill to authorize a contract with Charter Communications, Inc., for internet services at the Hazelwood Community Center and City Hall for a three year period.

There were no objections and Bill 4658 was read by title only:

AN ORDINANCE AUTHORIZING A THREE YEAR SERVICE AGREEMENT WITH CHARTER COMMUNICATIONS, INC., FOR INTERNET SERVICE AT CITY HALL AT THE RATE OF NINE HUNDRED FORTY-NINE DOLLARS (\$949) PER MONTH AND AT HAZELWOOD COMMUNITY CENTER AT THE RATE OF FOUR HUNDRED FORTY-NINE DOLLARS (\$449) PER MONTH.

Bill 4658 will be on the agenda for second reading on May 17.

AMEND CHAPTER 405 Mayor Robinson called for the first reading of a bill to repeal Ordinance 4529-17 and amend Chapter 405 of the City Code pertaining to the use of dwellings for short-term rental occupancy.

There were no objections and Bill 4659 was read by title only:

AN ORDINANCE REPEALING ORDINANCE NO. 4529-17 AND AMENDING CHAPTER 405 OF THE HAZELWOOD CITY CODE PERTAINING TO THE USE OF DWELLINGS FOR SHORT-TERM RENTAL OCCUPANCY.

Bill 4659 will be on the agenda for second reading on May 17.

AMEND CHAPTER 607 Mayor Robinson called for the first reading of a bill to amend Chapter 607 of the Hazelwood City Code pertaining to hospitality businesses.

There were no objections and Bill 4660 was read by title only:

AN ORDINANCE AMENDING CHAPTER 607 OF THE HAZELWOOD CITY CODE PERTAINING TO HOSPITALITY BUSINESSES.

Bill 4660 will be on the agenda for second reading on May 17.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4653 Mayor Robinson called for the second reading of Bill 4653 to
SLUP grant a Special Land Use Permit to MiTek USA, Inc., for manufacturing of metal products at 310 James S. McDonnell Boulevard.

There were no objections and Bill 4653 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO MITEK USA, INC., FOR MANUFACTURING OF METAL PRODUCTS AT 310 JAMES S. MCDONNELL BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Mr. Aubuchon moved, seconded by Mr. Todd, the adoption of Bill 4653 as an ordinance. The following vote was recorded on the motion:

<u>AYE - 8</u>	<u>NAY - 0</u>
Mayor Robinson	
Mr. Todd	

Mrs. Hendon
Mrs. Singleton
Mrs. Stroker
Mr. Aubuchon
Mr. Ryan
Mr. Parkin

Bill 4653 was unanimously adopted as Ordinance 4541-17.

BILL 4654
DEADLINE EXTENSION Mayor Robinson called for the second reading of Bill 4654 to extend the deadline for completion of Phase II of the Aviator Business Park.

There were no objections and Bill 4654 was read by title only:

AN ORDINANCE EXTENDING THE DEADLINE FOR COMPLETION OF PHASE II OF THE AVIATOR BUSINESS PARK REDEVELOPMENT PROJECT.

Mr. Aubuchon moved, seconded by Mrs. Singleton, the adoption of Bill 4654 as an ordinance. The following vote was recorded on the motion:

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

Bill 4654 was unanimously adopted as Ordinance 4542-17.

BILL 4655
STREET ACCEPTANCE Mayor Robinson called for the second reading of Bill 4655 to accept Laurel Bluffs Drive, Upper Laurel Bluffs Court and Laurel Green Court for maintenance, including the sidewalks and street lights.

There were no objections and Bill 4655 was read by title only:

AN ORDINANCE ACCEPTING LAUREL BLUFFS DRIVE, UPPER LAUREL BLUFFS COURT AND LAUREL GREEN COURT FOR MAINTENANCE, SAME HAVING BEEN DEDICATED AS PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF HAZELWOOD, MISSOURI, TOGETHER WITH THE SIDEWALKS AND STREET LIGHTS LOCATED THEREON.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4655 as an ordinance. The following vote was recorded on the motion:

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

Bill 4655 was unanimously adopted as Ordinance 4543-17.

BILL 4656
CONTRACT

Mayor Robinson called for the second reading of Bill 4656 to approve a contract for the purchase and installation of playground equipment and surface material at Howdershell Park.

There were no objections and Bill 4656 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH GAMETIME, INC., FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AND SURFACE MATERIAL AT HOWDERSHELL PARK AT A COST NOT TO EXCEED ONE HUNDRED SIXTY-NINE THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$169,425).

Mrs. Hendon moved, seconded by Mrs. Stroker, the adoption of Bill 4656 as an ordinance. The following vote was recorded on the motion:

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

Bill 4656 was unanimously adopted as Ordinance 4544-17.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, May 17, 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 8:50 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Christine Thomas, MRCC - City Clerk
City of Hazelwood, Missouri