

**CITY OF HAZELWOOD
REGULAR COUNCIL MEETING
JANUARY 3, 2018**

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, January 3, 2018, 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:

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

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, Mr. Taylor moved, seconded by Mrs. Singleton, the adoption of the agenda as printed. The motion passed unanimously.

CONSENT AGENDA

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

Mr. Aubuchon
Mr. Ryan

The motion passed unanimously and the consent agenda, including a closed meeting immediately following the regular meeting to discuss a matter of proprietary interest in accordance with the provisions of RSMo 610.021(15), was adopted.

APPROVAL OF MINUTES

Mrs. Hendon moved, seconded by Mr. Aubuchon, to approve the minutes of the December 20 closed Council meeting 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.

PRESENTATION OF 2016/2017 CAFR

Michelle Graham, of Botz, Deal and Company, briefly reviewed the fiscal year 2017 Comprehensive Annual Financial Report and audit.

Ms. Graham stated the City received an unmodified opinion, which is the best of three opinions. It means the financial statements include accurate amounts, all significant disclosures, all additional statistical information and the required supplementary information in accordance with generally accepted accounting principles. Ms. Graham noted there is a significant amount of long term debt. She stated the net pension liability improved over the last year. Net pension liability is the difference between the total pension liability and the assets set aside to pay current employees, retirees, and beneficiaries. Ms. Graham stated there were no adjustments made to the monthly reports.

PROCLAMATIONS AND RESOLUTIONS - None

CITIZENS 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.

PARK CONCERNS

Monte Haynes, 242 Palm Drive, repeated concerns expressed at previous Council meetings.

Mayor Robinson stated the City Manager and staff do the best job they can with the resources they have for park maintenance and the Council supports their decisions in regards to Mr. Haynes' requests.

NORTHPOINT DEVELOPMENT

Robertson Fire Protection District Fire Chief Don Miner stated the Council has been provided with copies of a letter

that was sent to Mr. O’Keefe and Mark Grimm of Gilmore & Bell requesting postponement of the second reading of Bill 4707 that would approve an industrial development plan and agreement for an area north of Park 370.

PUBLIC HEARINGS

SLUP EXPANSION 7323 N. LINDBERGH

Mayor Robinson called to order the public hearing to consider the petition by Hazelwood 67, Inc., d/b/a Hazelwood Phillip 66, for expansion of the Special Land Use Permit for a vehicle service station, convenience store and car wash at 7323 North Lindbergh Boulevard to increase the convenience store area.

City Planner Earl Bradfield reported Hazelwood 67, Inc., is proposing to increase the convenience store area from 1,900 square feet to 3,500 square feet. The existing convenience store will be demolished and replaced by the proposed larger store. Mr. Bradfield explained the site plan shows a new monument sign. A variance for the sign was granted in October 2011. The proposed expansion is phase one of the overall project. Phase two of the project would also require an expansion of the Special Land Use Permit.

Store owner Shiraz Khan gave a brief PowerPoint presentation on the proposed expansion.

Mr. Aubuchon asked if the business will be closed during construction. Mr. Shiraz responded the convenience store will be closed but the gas station will remain open. The car wash will be closed once the convenience store is constructed.

Mr. Ryan asked for a project timeline. Mr. Shiraz responded it’s scheduled to begin February 15 and should be completed in three to three and a half months.

In response to an inquiry from Mrs. Stroker, Mr. Zimmerman stated the new monument sign would be larger than the existing sign and similar to QuikTrip’s sign.

Mr. Aubuchon asked if there is a plan to paint lines that indicate not to block the Elm Grove Lane entrance to help control traffic backups. Mr. Shiraz replied there is a sign that states not to block the entrance. He stated he is open to suggestions.

Mr. Zimmerman stated he will contact Missouri Department of Transportation about getting lines painted.

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 Expansion to increase the convenience store area located in a C-2 General Commercial Zoning District, at 7323 North Lindbergh Boulevard, Ward 1, with the following conditions: a) Vehicles must be parked in a designated parking space and designated spaces shall be striped, b) Directional signage and/or striping indicating exit to North Lindbergh Boulevard and entrance to car wash shall be provided to ensure proper vehicle flow, c) Vehicles visiting the site shall not remain on the property for more than one hour, d) The proposed monument sign shall meet the requirements of the variance approved October 19, 2011, being 15 feet from North Lindbergh Boulevard and 30 feet from Elm Grove Lane, e) An easement on the adjacent liquor store property for the use of the dumpster enclosure and driveway entrance to vehicle wash facility shall be recorded with St. Louis County, and f) The subject property shall at all times be improved, constructed, maintained and used in strict conformity with the site plan and landscape plan prepared by Wolfe Architecture and Design and dated December 14, 2017 and the floor plan dated November 11, 2017.” She stated the motion passed unanimously.

Mr. Aubuchon asked if the monument sign would block the view of drivers turning right from the site onto Lindbergh Boulevard. Mr. Bradfield stated the sign would not be within the sight triangle.

Mrs. Stroker moved, seconded by Mrs. Hendon, to concur with the City Plan Commission recommendation to grant the expansion of the Special Land Use Permit for a vehicle service station, convenience store and car wash at 7323 North Lindbergh Boulevard and to place the draft bill to grant the expansion on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.a.

SLUP
12523 MO. BTM. RD.

Mayor Robinson called to order the public hearing to consider the petition by St. Louis Job Resource Christ Ministry Bible Institute, d/b/a CM Bible Institute, for a Special Land Use Permit for a private school in a portion of 12523 Missouri Bottom Road.

Mr. Bradfield reported the existing use of the building is a church. The private school would use only a portion of the building and enroll 40 students.

Dr. Mulat Aleligne, the representative of CM Bible Institute, gave a brief presentation of the proposed private school. Dr. Aleligne stated the school will provide spiritual training for leadership. The school does not charge tuition and has five volunteer teachers.

Mr. Parkin asked the hours of operation. Dr. Aleligne responded day hours will be 9 a.m. to 2 p.m. and evening hours will be 6:30 p.m. to 9 p.m.

Mr. Aubuchon asked how old the students have to be to attend. Dr. Aleligne replied 18 years.

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 a private school located in a C-2 General Commercial zoning district, at 12523 Missouri Bottom Road, Ward 4.” She stated the motion passed unanimously.

Mr. Parkin moved, seconded by Mr. Taylor, to concur with the City Plan Commission recommendation to grant the Special Land Use Permit for a private school at 12523 Missouri Bottom Road and to place the draft bill to grant the permit on this agenda for introduction. The motion passed unanimously and the bill was added to the agenda as item 17.b.

COMMUNICATIONS

CHARTER PRICE ADJUSTMENTS Notification was received from Charter Communications of price adjustments to become effective January 12.

EWGCG LOCAL BRIEFINGS The December 21 issue of Local Government Briefings was received from the East-West Gateway Council of Governments.

PETITION FOR SUBDIVISION OF 4847 PARK 370 A petition for subdivision of 4847 Park 370 Boulevard was received from Park 370 Investors, LLC; TM 370, LLC, and Bangle Lead, LLC.

Mrs. Hendon 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 - None

MAYOR AND COUNCIL REPORTS

WORK SESSION AGENDA ITEMS No items were added to the March 14 Council work session agenda.

DISCIPLINE OF
LIQUOR LICENSE
7217 N. LINDBERGH

Mr. Zimmerman stated Police Chief Hall has reported concerns relative to violations of *Chapter 600: Alcoholic Beverages* at Jay's Classic Bar & Grill, 7217 North Lindbergh Boulevard.

Police Chief Hall reported in April 2016 the liquor license was revoked for violations of Chapter 600. However, the revocation was stayed for 18 months on the condition there were no additional violations during that period and the license was suspended for 45 days. There have been additional violations since the 18 month period lapsed. The two most recent occurrences were in October and November. On October 16, Dispatch received an anonymous call of shots fired in an area south of the Police Station. As officers were responding, Dispatch received calls from a Metro bus driver and passenger in the area of Dunn Road and Lynn Haven Lane. The driver claimed the bus had been hit by gunfire as it was turning from Dunn onto Lynn Haven and that she had seen gunfire flashes coming from the parking lot in front of Jay's. When the officers arrived on scene around midnight, there was no one on the parking lot. There were three vehicles on the lot with damage including a flat tire, broken window, and holes. At least 16 shell casing, some discharged bullets, and blood on the side of a vehicle were found. The officers asked Dispatch to call the local hospitals to see if they had any gunshot victims. There were two at DePaul who later admitted to officers that they had been at Jay's. One of the victims claimed to be an employee and a relative of the owners. He stated he attempted to break up a fight and asked the combatants to go outside to the parking lot. He stated the combatants got in their vehicle and he told them to leave and walked back towards Jay's. He stated that by this time a crowd had come out of Jay's and the combatants shot at the crowd. Chief Hall stated the employee's story changed several times and he became less cooperative as time went on. Officers made several attempts to identify witnesses, but were unsuccessful. There were no calls made to Dispatch that originated from Jay's. On November 11, there was a fight inside the restaurant. The combatants were asked to leave and fired weapons in the air from their vehicles when leaving the parking lot. In this instance, there were no victims and the manager called police. Chief Hall stated Chapter 600 provides that when the licensee fails to keep an orderly place of business or has permitted disorderly conduct, breach of peace or illegal conduct on the premises, the Council has the authority to hold a hearing and revoke, suspend or discipline the license. He asked the Council to consider holding a hearing.

Mr. Zimmerman stated, pursuant to Section 600.020, he believes there is enough probable cause to hold a hearing. If the Council desires, a subcommittee can be created to hold the hearing and report back to the full Council.

Mr. O'Keefe suggested the Council appoint a committee to conduct the hearing and report to the full Council with the transcript and documentary evidence.

Mrs. Stroker moved, seconded by Mrs. Singleton, to hold a hearing to consider discipline of the liquor license for Jay's Classic Bar & Grill at 7217 North Lindbergh Boulevard. The motion passed unanimously.

After discussion Mrs. Stroker moved, seconded by Mrs. Singleton, to appoint Mrs. Stroker, Mr. Ryan, Mrs. Singleton, and Mr. Todd (as alternate) to the Liquor License Committee. The motion passed unanimously.

CITY MANAGER'S REPORT

AMBULANCE BILLING Fire Chief Dave Herman reported staff recommends authorizing a contract with The Goeggel Company, d/b/a Proclaims EMS Billing, for ambulance billing services, at a cost of 5.85% of collections, for a two year term and with an option to review for additional one year terms.

Chief Herman explained the ambulance billing process. He stated he is unhappy with the current billing service due to high charges, low collection rate, lack of communication and poor training. Based on bids received for the services, he is recommending Proclaims. They are a local company with their own certified coders which helps get the most amount of money for the call. They are also local which makes it easier to train employees. Chief Herman stated he estimates we will net an additional \$40,000 per year by using Proclaims.

Mr. Ryan asked what we currently pay. Chief Herman replied 8% of collections.

Mr. Aubuchon moved, seconded by Mr. Ryan, to concur with the staff recommendation to authorize the contract for ambulance billing 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.c.

PRESENTATION ON MO. BTM. RD. SLOPE FAILURE Civil Engineer/Geotechnical Engineer/Senior Project Manager John Shively of Millennia Professional Services (MPS) gave a presentation on the Missouri Bottom Road slope failure.

Mr. Shively stated MPS will review the existing data that has been collected regarding the slope failure. He stated the bluff above the St. Louis Outlet Mall is windblown silt overlaying shale bedrock which is a common geologic profile for the area. The interface between the soil and the shale is a highly weathered slick surface and the cause of many slope failures. Mr. Shively stated he will interview the engineers who were involved in this project previously to get a full understanding of what has occurred. MPS may need to drill borings, collect additional soil samples, and do a topographic survey.

Mr. Aubuchon asked if previous studies by the firm have led to successful solutions. Mr. Shively responded affirmatively.

Mrs. Hendon asked if Mr. Shively had examples of solutions that have been successful long term. Mr. Shively responded most of the large slope failures have occurred over the last two years.

Bill 4706, to authorize a contract with MPS, is on this agenda for second reading.

CITY ATTORNEY'S REPORT - None

CITY CLERK'S REPORT - None

COMMISSION AND BOARD REPORTS Mrs. Hendon moved, seconded by Mr. Aubuchon, to receive and file the minutes of the November 14 Community Enrichment Commission meeting and the December 14 City Plan 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 grant an expansion of the Special Land Use Permit for a vehicle service station, convenience store, and car wash at 7323 N. LINDBERGH 7323 North Lindbergh Boulevard to increase the convenience store area.

There were no objections and Bill 4709 was read by title only:

AN ORDINANCE AMENDING THE SPECIAL LAND USE PERMIT HELD BY HAZELWOOD 67, INC., D/B/A HAZELWOOD PHILLIP 66, FOR A VEHICLE SERVICE STATION, CONVENIENCE STORE, AND CAR WASH AT 7323 NORTH LINDBERGH BOULEVARD, TO INCREASE THE CONVENIENCE STORE AREA, AND PROVIDING FOR THE REGULATION OF SUCH USAGE.

Bill 4709 will be on the agenda for second reading on January 17.

SLUP Mayor Robinson called for the first reading of a bill to grant a Special Land Use Permit for a private school in a portion of 12523 MO. BTM. RD. 12523 Missouri Bottom Road.

There were no objections and Bill 4710 was read by title only:

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO ST. LOUIS JOB RESOURCE CHRIST MINISTRY BIBLE INSTITUTE, D/B/A CM BIBLE INSTITUTE, FOR A PRIVATE SCHOOL IN A PORTION OF 12523 MISSOURI BOTTOM ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE.

Bill 4710 will be on the agenda for second reading on January 17.

CONTRACT Mayor Robinson called for the first reading of a bill to
AMBULANCE BILLING authorize a contract for ambulance billing services.

There were no objections and Bill 4711 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE GOEGGEL COMPANY, D/B/A PROCLAIMS EMS BILLING, FOR AMBULANCE BILLING SERVICES, AT A COST OF 5.85% OF COLLECTIONS, FOR A TWO YEAR TERM AND WITH AN OPTION TO RENEW FOR ADDITIONAL ONE YEAR TERMS.

Bill 4711 will be on the agenda for second reading on January 17.

SECOND READING OF BILLS AND ACTION ON BILLS

BILL 4702 The second reading of Bill 4702 to authorize an Economic
E.D. LOAN AGREEMENT Development and Tourism Loan Agreement with the
St. Louis Curling Club has been postponed.

BILL 4706 Mayor Robinson called for the second reading of Bill 4706 to
AGREEMENT authorize an agreement for engineering services related to
the Missouri Bottom Road slope failure.

There were no objections and Bill 4706 was read by title only:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MILLENIA PROFESSIONAL SERVICES OF IL, LTD FOR ENGINEERING SERVICES RELATED TO THE MISSOURI BOTTOM ROAD SLOPE FAILURE.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4706 as an ordinance. The following vote was recorded on the motion:

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

Bill 4706 was unanimously adopted as Ordinance 4593-18.

BILL 4707
PLAN & AGREEMENT

Mayor Robinson called for the second reading of Bill 4707 to approve a plan and agreement for an industrial development project with NorthPoint Development.

There were no objections and Bill 4707 was read by title only:

AN ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT AND AUTHORIZING THE EXECUTION OF A MASTER DEVELOPMENT AGREEMENT IN CONNECTION THEREWITH.

Mrs. Hendon moved, seconded by Mrs. Singleton, the adoption of Bill 4707 as an ordinance.

Mr. Parkin asked for clarification on the request received from Mickes & O'Toole, legal counsel for Robertson Fire Protection District (RFPD), to table further consideration of Bill 4707 to the next meeting on the basis the development area is within RFPD boundaries and RFPD is an affected taxing entity.

Mr. O'Keefe stated the RFPD and their representatives are in error and there is no error in the proceedings or plan that is before the Council for adoption. He stated having an opinion doesn't make them right.

Mr. Parkin moved to table Bill 4707. There was no second on the motion and the motion failed.

Mayor Robinson called for a vote on the motion to adopt Bill 4707 as an ordinance and the following vote was recorded:

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

Mr. Parkin recused himself from the vote. Bill 4707 was adopted as Ordinance 4594-18 by a vote of eight in favor, with one recusal.

BILL 4708
CONTRACT

Mayor Robinson called for the second reading of Bill 4708 to authorize a contract for 2018 employee health insurance.

There were no objections and Bill 4708 was read by title only:

AN ORDINANCE AUTHORIZING A CONTRACT WITH CIGNA HEALTH AND LIFE INSURANCE COMPANY FOR EMPLOYEE HEALTH INSURANCE FOR A ONE YEAR TERM BEGINNING JANUARY 1, 2018.

Mr. Aubuchon moved, seconded by Mr. Todd, the adoption of Bill 4708 as an ordinance. The following vote was recorded on the motion:

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

Bill 4708 was unanimously adopted as Ordinance 4595-18.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

CITY HALL CLOSED TO PUBLIC Mayor Robinson announced City Hall will be closed to the public on January 15, Martin Luther King, Jr. day.

COUNCIL MEETING Mayor Robinson announced the next regular Council meeting will be held Wednesday, January 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 9:03 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

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