

**CITY OF BRENTWOOD
REGULAR BOARD OF ALDERMAN MEETING
MINUTES**

**City Hall
Council Chambers**

**March 5, 2012
7:00 pm**

Mayor Kelly called the meeting to order and led with the Pledge of Allegiance. Roll call was taken with the following members present: Alderwoman Clements, Alderman Marshall, Alderman Leahy, Alderman Kramer and Alderman Robertson.

Staff Present: City Clerk/Administrator Akande, Director of Planning and Development/Asst. City Administrator Rottjakob, City Attorney Albrecht, City Treasurer Reynders and Interim Executive Secretary Rutkovitz.

Absent: Alderwoman Krewson, Alderman Harper and Alderman Wynn.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE BOARD OF ALDERMEN MEETING MARCH 5, 2012. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF FEBRUARY 6, 2012.

Alderman Leahy requests a correction made to the February 6, 2012 Meeting Minutes. His request is to change the word "Regular" to "Special" Board of Alderman Meeting. In addition, he requests page 16, last paragraph, second to last line, replace the word "thing" with the word "think."

Motion is made by Alderman Leahy, second by Alderman Robertson to approve the Minutes of the Special Board of Aldermen Meeting Minutes dated February 6, 2012 as amended second made by Alderwoman Clements. All in favor none opposed.

SWEARING IN OF PATROL OFFICER - Mayor Kelly swears in Patrol Officer Benjamin Drexel on the 5th day of March 2012. The Drexel family is in attendance.

BIDS – None.

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Susan Ryan, 9324 Pine Avenue, is soliciting support so Brentwood homeowners are given the right to due process before the Architecture Review Board. This comment is made with respect to a certain neighbor who has added an extremely large addition to their home. In Mrs. Ryan's

opinion this is a violation of the ARB code. She tells the board of aldermen, that today the homeowners in violation of the city code have submitted plans to the ARB to request for approval for improvements they made to a home that has already been built. Susan says we are asking for your support to maintain and uphold the integrity of the ARB authority on behalf of the taxpaying citizens that reside in this neighborhood. Residents need to submit bid plans for review, comments and approval by the ARB and allow citizens to voice their concerns before construction is started. Homeowners cannot simply be allowed to ask for forgiveness for construction improvements to their home which was not authorized or granted by the ARB. Susan asks for the Board's support and invites them to attend the ARB meeting on March 15.

Maureen Saunders, 2326 Park Ridge Avenue, wants the board of aldermen to wait until after the election so the new board can vote on the new employee manual.

Karen Smith, 8930 Harrison, made comments in regards to Drury Redevelopment presentation at the February 5 meeting. She said that it was stated at the last meeting that the 353 corporation was preferred because it provided better control and influence over what type of development would come into Brentwood. The Mayor had said according to Karen that he had been contacted by a car dealership that had expressed interest in the Brentwood Blvd. and Eager Road corner, but that type of business had not been considered ideal for the entryway into our City. She wants to know if this isn't what the City's code is supposed to do. Her understanding is that the City has different code designations for the type of business that can be located throughout the city. It was her understanding, that according to our code we designate what kind of developments can go in there. Her question is can we do some of these things without the 353 Corporation? It was also stated that Drury was one of our last opportunities for a big development in Brentwood. She reminds everyone that the City is looking at other developments along Manchester Road and she doesn't think that it is the last big development for Brentwood. We need to seriously think about how we are doing these developments in Brentwood. Members of 353 Corporation are talking to developers and MODOT about what can be done along Manchester Road. A lot of us would like to see some improvements and cleanup along Manchester Road. In the Summary that I have read, some of the improvements that MODOT has suggested some activities that could take place and those are positive. But again, a lot of the developers are talking about some of these things needing foot prints and they were going to be expensive and they were going to be asking for even more tools or vehicles to assist in getting developments in. Not only are they going to be asking for the type of support that we have been giving developers but it sounds like they are going to be asking for even more. People are getting tired of using tax dollars for development subsidies or entitlements that have been used in the past. People who are having financial burdens and earning less than the poverty level, don't have access to the insurance, having to use Medicare and Medicaid programs. I don't think we ever envisioned that we would be handing out our tax dollars to companies who are quite well off in order for them to do developments.

Julie Pozzo, 2211 St Clair, the past meeting minutes is not on line and she would like to look at those.

Mayor Kelly responds to public comments: With respect to control over a site wasn't necessarily totally stated with respect to Chapter 353. His comments were in regards to the RFP process and how the City has better control over what types of developments go into an area. We could let that property sit there and if McDonalds wanted to buy it we could have a McDonald's there if that was within the zoning code. But again, there are very few large parcels of property left in the City of Brentwood and that was one of the prime corners. The reason the assistance is justified, and that is what has to be decided on an individual project basis and without public assistance, developers would not be able to do the project. Is Drury a successful and good company, absolutely, but that still doesn't mean that they can pay three times the value for a piece of property and build a development and make a profit. Drury is estimating their rate of return on this project will be 8% and this is with the assistance that they are getting in order to make it come through. If their revenues are better than what they project, then they will be able to pay of the assistance much faster. So everything needs to be evaluated on its own merit. Everyone of the economic development tools that are out there have to be evaluated when they are requested. With respect to Manchester Road the properties that we have talked to, developers and property owners are the ones actually for sale and we wanted to know if what developers thought could actually go there and what would be feasible and reasonable to put on those lots that are for sale along Manchester Road to make those improvements. The problem on Manchester Road is flooding. It's very difficult and would be very expensive to build anything to meet our set back requirements and green space requirements and then plus build the flood plain. We have to look at those things and Manchester Road needs some improvements but we are talking about using and trying to see how we can make improvements to those existing properties that are for sale.

With respect the minutes, I think that the city staff under the leadership of our new city administrator has been very diligent in working on keeping better minutes of all of our sub-committees meetings and making sure that we actually have them and then those minutes are being posted on the website. For a number of years the meetings of the sub-committee minutes were really nonexistent to a certain extent except for what the votes were. Gives us some time to get caught up and get those minutes on the website. Is there is a specific meeting that you want, ask if we have them in hard copy if it's not on the website yet.

Alderman Leahy comments that if he is not mistaken, before you can post the official minutes to the meeting they have be certified by that certain committee and that may account for part of the delay.

INTRODUCTION, READING AND PASSAGE OF BILLS AND RESOLUTIONS

Motion made by Mayor Kelly for the first and second readings of Bill No. 5646 and Bill No. 5647 and 5648. Motion moved by Alderwoman Clements, second by Alderman Marshall. First and second reading. All in favor, Alderman Leahy opposes.

Alderman Leahy comments regarding Bill 5646, if his recollection is correct, this bill has not gone through the Public Works Committee.

Mayor Kelly states this is just for the Strassner.

City Administrator Akande replies that it did go before the public works committee and that Alderman Leahy seconded the motion to approve it and have it placed on the board of aldermen agenda. Alderman Leahy apologizes for having a poor memory and votes in favor of the Bill No. 5646.

City Attorney Albrecht provides first reading for No 5646 by title only, an ordinance authorizing the mayor to execute an addendum to an agreement between city of Brentwood, Missouri with SFP Landscaping, Inc., for the Strassner Drive and Brentwood Boulevard intersection landscape maintenance and providing for the effective date of this Ordinance.

Alderman Kramer provides synopsis for Bill No. 5646. This bill is for an ordinance authorizing the Mayor to execute an addendum to an agreement between the City of Brentwood, Missouri with SFP Landscaping, INC. for the Strassner Drive and Brentwood Boulevard intersection landscape maintenance and providing for the effective date of this ordinance. The contract agreement for landscape maintenance services for the Strassner berm expires at the end of March, 2012. SFP has provided an addendum to the contract agreement, which extends the current pricing for an additional year. The Public Works Committee and Staff are pleased with the quality of the work SFP is doing, and recommend extending the contract agreement for one (1) year as long as the existing pricing is maintained (which it is). The annual cost is \$9,309. SFP has agreed to extend the current pricing an additional year, from April 1, 2012 – March 30, 2013.

Second Reading Bill No., 5646 by title only, an ordinance authorizing the mayor to execute an addendum to an agreement between city of Brentwood, Missouri with SFP Landscaping, Inc., for the Strassner Drive and Brentwood Boulevard intersection landscape maintenance and providing for the effective date of this Ordinance.

Motion is made by Alderman Mike Marshall to adopt Bill No. 5646 into Ordinance form, Seconded by Alderman Robertson.

ROLL CALL: Alderwoman Clements, yes, Alderman Marshall, yes, Alderman Leahy, yes, Alderman Kramer, yes and Alderman Robertson, yes. (Ordinance No. 4322).

City Attorney Albrecht provides the first reading Bill No. 5647 by title only an Ordinance amending Chapter 14 of the revised code of Ordinance of the city of Brentwood, Missouri by adding a new definition to section 14-412, by deleting sections 14-414 and 14-415 in the entirety, and by adding in lieu thereof a new section 14-414, as it relates to automated red light enforcement; provided for the current maintenance of this code; providing for the repeal of all conflicting ordinances; and providing for the effective date of this ordinance.

Alderman Kramer provides synopsis for Bill No. 5647. This bill is for an ordinance amending chapter 14 of the revised code of ordinances by adding a new definition to section 14-412, by

deleting sections 14-414 and 14-415 in their entirety, and by adding in lieu thereof a new section 14-414, as it relates to automated red light enforcement; providing for the current maintenance of this code; providing for the repeal of all conflicting ordinances; and, providing for the effective date of this ordinance. This is a housekeeping matter. The amendment will clarify that our ordinance is intended to be a non-moving violation and that it is the presence of the vehicle in the intersection that creates the violation not the operation of the motor vehicle nor the driver that creates the violation.

Alderman Marshall asks if legislators are looking to turn over the monies generated from the red light camera enforcement program to the school district.

Mayor Kelly states that he doesn't know if there are any bills pending but it is something that comes up in the State legislature almost every year and usually in at the initiation of a state legislator from South County. He was trying to propose a bill for any fees generated from the red light cameras would go to the school districts.

Alderman Leahy comments that summit bill 5647 was voted out of committee and is on the agenda with requests for perfection to work though and that will change. Now that is the Senate Bill the House hasn't made theirs that far but they have a similar measure that is in committee that has to vote out yet.

Alderman Marshall asks how much revenue the city receives from the red light camera enforcement program.

City Administrator Akande responds that last year the City received about \$7,000.

Mayor Kelly comments if we remember when that was being proposed, keep in mind when ATS did their analysis they were projecting about \$1500 or \$2200 per day between the two intersections. Once we implemented our ordinance and provided the county with all our data, they came to Brentwood and increased the timing of the yellow light and traffic more time to go through there. It is his personal opinion that the red light camera has helped reduced accidents. Mayor Kelly also says he thinks the installation of the count-down timers on the crosswalks at various intersections has greatly helped as well. Drivers and pedestrians can see as they are approaching an intersection how much time is left on the cross-walk. But the revenues have not been nearly what had been anticipated for the City of Brentwood.

Alderman Marshall says it is important to point out that the city did not spend any money to install the cameras the cost was strictly that of the vendor.

Alderman Leahy directs a comment to Frank Albrecht, City Attorney. On page 2 of the proposed ordinance, section 9 in the paragraph on liability, it is the owner of the vehicle liable if he has authorized somebody else to use the vehicle when they drive through a red light? Also, for those who rent cars, is the leasing company required to identify the renter of the car and provide this information to the City.

City Attorney Albrecht responds and says that the violation is sent to the owner, and the owner has the ability if they were not the operator of the vehicle to identify the operator of the vehicle. In this case, we have been told, that the car leasing company chooses to pay it and pass that cost to their customers.

Alderman Leahy asks if that has worked for us that way in Brentwood.

City Attorney Albrecht does not know because he is not involved in the administration of that. You would probably have asked the court clerk to see how many times we have dealt with a leased vehicle.

Alderman Leahy was under the understanding that the first ordinance passed would have allowed the city to void the ticket if the violation was issued to a leased vehicle.

Frank did not recall that and stated he would have to look at the ordinance again, but I don't believe that was in the original ordinance. The impetus for this is a recent appellate case involving the City of Creve Coeur. The city was contacted by the state department of revenue. They also contacted other municipalities concerning the wording of our ordinance. The concern was that the violation would create the imposition of point on a moving violation. This amendment would bring us in conformance with an ordinance that the appellate courts have said is valid ordinance and would not result in the imposition of points.

Alderwoman Clements asks if we can please put that this bill has been introduced by the Public Safety Committee and then she would like to move for its adoption as amended. The motion was seconded by Alderman Marshall.

Second Reading Bill No., 5647 by title only, an Ordinance amending Chapter 14 of the revised code of Ordinance of the city of Brentwood, Missouri by adding a new definition to section 14-412, by deleting sections 14-414 and 14-415 in the entirety, and by adding in lieu thereof a new section 14-414, as it relates to automated red light enforcement; provided for the current maintenance of this code; providing for the repeal of all conflicting ordinances; and providing for the effective date of this ordinance.

Motion is made by Alderwoman Clements to adopt Bill No. 5646 into Ordinance form, seconded by Alderman Marshall.

ROLL CALL: Alderwoman Clements, yes, Alderman Marshall, yes, Alderman Leahy, yes, Alderman Kramer, yes and Alderman Robertson, yes. (Ordinance No 4323)

City Attorney Albrecht provides first reading of Bill No., 5648 by title only Ordinance Approving to amend the signage plan for 1966 S. Hanley Road; Providing for the Enforcement of this Ordinance; And Establishing the Effective Date of this Ordinance.

Alderman Kramer provides a synopsis for Bill No. 5648. This bill is for an ordinance approving site plan approval to amend the signage plan for 1699 S. Hanley Road; providing for the enforcement of this ordinance; and, establishing the effective date of this ordinance. The Planning & Zoning Commission recommended approval of an amendment to the signage plan for 1699 S. Hanley (Exhibit 1). The property owner is requesting approval for two new wall signs for the primary building tenant - Whelan Security. Under the existing signage plan for this property, one wall sign is permitted. This amendment would increase the number of wall signs to two, and also increase the area of the wall signs slightly.

Alderman Kramer your honor there was the original development proposal with Richmond Heights he thinks was going to allow Whalen to move their business at one point and then that was done away with and so they have decided to stay with their existing building. Do you remember that conversation?

Mayor Kelly responds Whalen was actually in Richmond Heights and bought the 1699 South Hanley building. And that's where they are now.

Mike Fausler, 1643 Forest View Drive, I represent Whalen Security. We still occupy 1750 South Hanley, which is in Richmond Heights across the street and that is where our Saint Louis operation is located. We also own 1699 South Hanley, the building where we want to put the Whalen Security name on. That is where our corporate headquarters are located. Once the Richmond Heights development goes through, if and when it does, we will move the Saint Louis operations from 1750 South Hanley once that building is sold 1699 South Hanley. Hopefully, they we be moving even sooner than that depending on how things progress.

Second Reading Bill No., 5648 by title only, an Ordinance Approving to amend the signage plan for 1699 S. Hanley Road; Providing for the Enforcement of this Ordinance; And Establishing the Effective Date of this Ordinance.

Motion is made by Alderman Marshall to adopt Bill No. 5648 into Ordinance form, Second by Alderman Leahy.

ROLL CALL: Alderwoman Clements, yes, Alderman Marshall, yes, Alderman Leahy, yes, Alderman Kramer, yes and Alderman Robertson, yes. (Ordinance No 4324)

ACCOUNTS AGAINST THE CITY:

Alderman Marshall your honor the Warrant lists before us tonight in the amount \$35,891.82. I move for the adoption of the warrant list. I want to point out that we have almost \$14,000 worth of pass-through. The motion is seconded by Alderwoman Clements.

Alderman Leahy requests a clarification on the Union Pacific Railroad Corporation and the annual lease the he does not recall this being passed through in the past.

Mayor Kelly responds that he doesn't think that it ever appeared on our warrant list before.

City Administrator Akande we are now including invoices that were not on the list before. But I will research this and provide you with additional explanation. She does not know why it had not been on there before.

Mayor Kelly thinks it's one of those 100 year leases down by the park but we can get some clarification.

Alderman Leahy would like some more clarification to work with. He does know that they own the dyke that separated the parking going into Brentwood Park. But he wasn't aware they had a leasing agreement that they were paying. Alderman Robertson says there is a lease agreement with Union Pacific Railroad for the additional parking and the surface lots at the park.

Alderman Kramer asks Bola about the wireless USA charges for the command radios, just clarifying, is that something that is in budget from the previous allocation or is this a new item?

City Administrator Akande states that this is from last year's budget. The Fire Chief and the Assistant Chief got new vehicles and we are just installing the radios into those vehicles.

All in favor of approving the Warrant List and Alderman Leahy opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS.

Mayor Kelly moves to have the regular Board of Aldermen Meeting schedule for March 19th be rescheduled for the March 14th. Seconded by Alderwoman Clements, second by Alderman Marshall.

ROLL CALL: Alderwoman Clements, yes, Alderman Marshall, yes, Alderman Leahy, yes, Alderman Kramer, yes and Alderman Robertson, yes.

MERIDIAN Transportation Development District

The TDD is assessing a special assessment on their tenants. This will be collected with their county taxes every year. The Meridian Development has been able to qualify their TDD notes so that they can issue those as bonds. That's a good thing for their development. They will get those notes converted into bonds and then they will sell that in the open market.

Next week at the meeting on the 14th we have to do one piece of housekeeping with respect to their TDD and their cooperating agreement that we have with them and the Board will be asked to vote on an amendment to the cooperating agreement that only ratifies the fact the City no longer collects TDD taxes. That is being done by the State now as of 2009 and the special assessment there are going to be paying will be collected by Saint Louis County through the property tax process.

Alderman Leahy asks if the sale of the parking garage to Metro affect their cash flow.

Mayor Kelly, we are still working on that. What Alderman Leahy is referring to that they sold a portion of the parking garage to Metro, a non-profit organization who does not pay taxes. So that portion of the building isn't going into the TIF. But I don't know if that's been resolved yet at this point.

Alderman Leahy comments because they have made the sale of this building, taking it off the tax rolls into a non-taxable, is this what's generating the need for a special assessment - to make up the missing money from the taxable property?

Mayor Kelly comments, no, it a little more involved than that. In order for them to have enough revenue to pay back their notes and get it converted into bonds and out on the open market, they need another source of revenue. This special assessment is being assessed against the property owners. They can assess it against the tenants as a fee, but that is something they would have to make that decision on their own. But this is an assessment that they will be paying every year in addition to their property taxes.

Alderman Leahy, doesn't know if this is the right forum for him to raise the questions, but he is having trouble understanding where they are going with the special assessment if they haven't resolved the first issue in the change in the sale and how that affects the revenue generation that they were projecting and the profits on that sale where did they go?

Mayor Kelly comments the TDD gets its revenue source primarily from the sales tax. It doesn't have anything to do with the property taxes in this instance. Property taxes go to the TIF. In this, they are creating a special assessment or a property tax if they are paying to specifically to the TDD. So it's not the TIF, it is two different issues.

Alderman Leahy, are they trying to make up lost revenue somewhere?

Mayor Kelly, but they didn't have lost revenue. They just don't have enough revenue.

Alderman Leahy wants to get into this conversation at another time regarding the sales tax in that parking garage piece. Mayor Kelly responded, no. The parking garage is free.

Mayor Kelly states that as soon as they get the redevelopment agreement, we are still working on the few fine points with respect to the Drury project, he thinks a summary of the redevelopment agreement went out today and but as soon as they get a good draft completely we will get that to the board of alderman.

Mayor Kelly announced that Chief Neimeyer is officially retiring from the City of Brentwood at the end of April. He will at that point have 50 years of service with the City of Brentwood and

he would like to schedule a date to recognize his 50 years of service during the day so the public can come and celebrate on April the 15 from 2:00 p.m. to 4:00 p.m.

Aldermen Marshal, Ways and Means Committee – no report your honor.

Mayor Kelly the discussion on city facilities will be rescheduled for the meeting in April. He would like to have the entire board in attendance for the discussion.

Mayor Kelly summarizes the reviews that have been made to his credit card statements for the last couple of years. A full report will be complete shortly for those who wish to review it.

He would like to go over a request in particular regarding his involvement with ISCS – International Conference of Shopping Centers. He has been a member and sits on the committee of the ISCS for number of years representing the City of Brentwood. The conference is held in Las Vegas every year. As a result of our being directly related and participating in that conference we have been able to bring stores like Traders Joes and Micro Center and in addition, we landed the Marriott Hotel deal specifically from being involved with the ISCS. A number of cities throughout Saint Louis and the country also attend on an annual basis and he has been a big proponent trying to get our county level official to attend. It is his opinion that ISCS conference is a great benefit to the City of Kirkwood. It's not a secret that he attends these conferences and talks about it all the time.

Further discusses charges for various dinners (fire fighters dinner), and explains that these are annual city events.

Alderman Leahy comments that prior to reviewing the credit card statement he had never heard the term ISCS whatsoever and in the ten years he has been an alderman he does not remember any city report that states what was going on or anybody that had gone, nor, if you are out promoting Brentwood at these events we are told as an elected body that we are not to act independent, that we act as a uniform board. It shouldn't be ten years down the road that we hear we are doing this.

Mayor Kelly responds the he specifically brought back from an ISCS meeting he believes they passed a resolution or the City gave him the authority write a letter on behalf of the City for Trader Joes because they wanted to be insured that they could get a liquor license is they came here to the City of Brentwood. He know that this was done here at the board level at the meeting with them the second year in a row at the ISCS because they had been burned in another city where they were moving forward and building their store and they went to get their liquor license and the city turned them down for their liquor license. So they said they wouldn't come to a new state and a new municipality unless they had a guarantee that they could have their liquor license. He doesn't know why Alderman Leahy know, but it was something they participated in and there has never been a requirement in the past that we write down and submit to the Board what we have done.

Alderman Leahy comments again it is coming out in the audit about the dinners and this is something he didn't know about.

Alderman Marshall comments that we talked on the board level Micro Center, you getting information and bring it back to the Board level when we first started talking about.

Mayor Kelly responds ever year they had a couple different developers representing them and we talked about meeting with them one year after we came back. I know we talked about it because we were actually going to fly to Columbus, Ohio to meet with them and to try to bring them to Brentwood.

Mayor Kelly asks Alderman Leahy if he could explain to the public what the process would be if you thought that I was doing something illegal or wrong, what would be the process of removing a mayor from the fourth class seat.

Alderman Leahy, currently in our Code under Section 2-119 for a city administrative position in Statement HH that states there is a petition of validation. But unfortunately that term is only used in the one sentence and no further definition is provided whatsoever in the Code. But it leads one to believe that a recall is possible in the City of Brentwood because it's in our Code. The city administrator and I have talked about it but haven't taken it any further. I have been working for the last two years with State Representative, John Diehl, since we now have moved the third and fourth class cities based on a vote to the public to go to four year terms. We ask that the four year term cities also be allowed with first and second class cities have and have the power of recall established in a fourth class city that have four year terms. That bill is currently in the legislative review and has yet to be issued into a bill state representative's side to go committee.

Mayor Kelly: So what is the process today?

Alderman Leahy, it is not defined in our Code at this point. And from what he understands, since we are a fourth class city in the state of Missouri and we have a term in our city codes but no definition to it, do we then default to state code?

City Attorney Albrecht, he would have to look at the City Code, but it is he understanding is there is no petition for a recall for a fourth class city unless it's specifically provided for in our code.

Alderman Leahy, right now this Section "HH," makes that reference, but it doesn't give full definition. State Code does not use the term "petition of validation." So there is nothing in State Statutes that I have been able to find to fill in that void either. That is why I have continued working through to get the recall option as a change to State Statute.

Mayor Kelly requests that if anyone has any questions that they ask them here in front of the Board.

Alderman Leahy, he has never identified a single office or officer. He has always been against the four year terms for this Board and the elected officials. Since the citizens have decided to make a four year possible he thinks the citizens need the safeguard and a recall, the way he has approached it with the State is a recall potential possibility for all elected offices. Not unique to anyone. At this point has he never made the request nor has he ever suggested that you or any other member of this Board consider resigning or being recalled.

Mayor Kelly describes the different names of the credit cards were due to banks being brought out by other banks and other minor issues that need to be worked out. When the reports comes out in final all the questions will be answers, but again if you have any questions, please ask them now.

One more item the Mayor wanted to bring up to the Board is whether we want to proceed with the Golf Tournament this year. The Park staff has indicated that they would be able to run the Golf Tournament with the help of the public works as they have done in the past. Staff would set procedures in place and have the full Board decide who the beneficiaries are if we want to make it a charitable golf tournament. The decision right now is really do we want to proceed this year because we would need to start on that in order to pull it off in June.

Alderman Kramer comments when this topic came in the ways and means committee meeting one of the recommendations that came from the audience, was that the Chamber of Commerce consider, it would be a natural fit for them to possibly work on the project, but I haven't heard if they have been asked or if that has been proposed as of yet.

Mayor Kelly replies that he did talk to them and they said they would be willing to help solicit donations, but they really don't have the staff to work on this project.

When City Administrator Akande spoke Chris Albrecht she indicated the reason why most Chambers put on golf tournaments is to raise funds for themselves. But since the Brentwood Chamber is a one person operation and she pretty much does 100% of the work from her home, there is really no need for them to try achieving that additional financial incentive. But they would be willing to use their data bank to send out solicitation notices for sponsorships and donations. But neither the Chamber nor her are really interested in running it.

Alderman Kramer hates to see it go away.

Mayor Kelly It's been a good community event and a lot of people have participated on a regular basis including businesses in the area as well as people who grew up in Brentwood and even those who do not live here participate and make it an annual event.

Alderman Kramer, when it was properly managed last time due to the help of our chief of police and other fine individuals that helped him out that the enterprise did garner some revenue and there was some funds left over and it appeared to be a successful tournament. During the ways and mean meeting it appears that the chief has many other things on his plate

and understandably not willing to do that again. Not that his heart wasn't in it, but it was just the manpower. He feels help wise it would be nice if it was the Chamber of Commerce who could help with so that Christine wouldn't have to do it on her own. They have the leads, they have a lot more commercial attachments and a lot contacts out in the community that we don't have.

Mayor Kelly, states the Chamber of Commerce does not want to be the sponsor of the Golf Tournament.

Alderman Leahy, wants clarification concerning staff being paid out of the fund and making contributions to a charitable organization. Is there a way of setting this up to divide those actions to make sure that general revenue funds may be used to facilitate making the event come about, but the donations come from the revenues generated from the golf club. Can we put something in place to help make that distinction? And has the state auditor given us any suggestions to help us accomplish that.

Mayor Kelly, the golf tournament should cover its own costs. Other tournaments that were a sellout were discussed. It has to cover its costs or we shouldn't do it at all. Gina pointed out that you don't always get full return when you have a golf tournament.

Alderman Leahy discusses separating costs to put on tournament and those made by the tournament

Alderman Marshall, the way the budget is set up now the way the expenses go out you can't buy a thumb tack without filling out forms. So it shouldn't be hard to trace it.

Alderman Marshall states that if there have been people identified at the rec. center who will help run it, he doesn't have a problem with going and doing it again this year and then re-evaluating each year.

Motion is made by Alderman Marshall to continue the Golf Tournament for this year. The motion was second by Alderwoman Clements.

Alderman Kramer, says from his point of view, given everything that has happened to date he would not be in favor of the city being involved in the Golf tournament. However, he would be in favor of the City, if it somehow happens in the future, when the Chamber agrees to undertake this event, since it would be a natural fit, and he would be in favor of the City assisting them.

Motion to proceed with the Golf Tournament Roll Call Vote: Alderwoman Clements yes, Alderman Marshall yes, Alderman Leahy no, Alderman Kramer no, and Alderman Robertson yes.

Mayor Kelly requests that since the tournament was approved in the FY 12 budget, that we notify parks department, let them start putting some numbers together, whether they can actually get those things

done and bring that back to public works and we can bring it back to the next full Board meeting to see if we can to go ahead.

Public Safety – No Report

Public Works – No Report

a. Director of Planning and Development

Ellen provided an undated on the project to redevelop the corner of White Avenue and Brentwood Boulevard at 2301 South Brentwood Avenue. The petitioner (Chris and Pam Thornton) has appeared for a site development plan in March of 2010. They then received a 12 month extension in March of 2011. They have requested an additional 12 month extension of their site development plan approve for the office building at 2301 South Brentwood. They have made this request so that they can finalize some of the site work that they doing, the site cleanup in coordination with DNR and then hopefully get started on their project his year.

This did a full phase two analysis of the site in October and that determined that there was slightly elevated levels (used to be a gas station there), and there were several underground storage tanks that were there, two of which were removed and one which is still there. They contacted the adjacent property owners in order to determine the level of contamination and how to the extent that it's travelled off the site. The property owners did not grant them access to their private property, so they have now requested a permit from the City of Brentwood to place a couple of wells on Patton Avenue to determine what the levels are there. They hope to put those in next week and they will be in place for about a week to monitor and then pull data from that. And hopefully after that they will receive approval from the work plan from DNR to start clearing the site. And again, they hope to do that in early May.

Alderman Leahy, asks is this potential removal of the last storage tank under the Missouri Super Fund Cleanup.

Mayor Kelly, yes.

Alderman Leahy are the wells that they are putting in would they be permanent wells.

Ellen responds no. They would only be in for a week to determine contamination.

Mayor Kelly, right now the property owners who will not allow for contamination testing are taking the chance that they will not be eligible for Tank Fund.

Alderman Marshall asks if there is a time frame when the building with be built.

Ellen comments, it will be demolished in conjunction with the clean up, which would start in May. They waited to demolish the building until they knew what they had to do so it would be one project. The neighbors will receive notice from Patton is there is contamination.

Motion is made by Alderman Leahy for a 12 month extension for the 2301 South Brentwood project. The motion was seconded by Alderwomen Clements. All in favor none opposed.

Mayor Kelley has good news on the Helen Avenue project today. Missouri American Water has finally applied for the permits to move water line down there which has been the delay on that project.

Alderman Marshall addresses Ellen, he doesn't know if people call contractor but the sidewalk is blocked all the way down the street on Manchester.

Alderman Kramer, he has a few planning and development questions. What is the target date that Saint Louis County has given us regarding their traffic analysis for Drury?

Ellen, no we don't have a target date.

Mayor Kelly thought they said it would take two weeks and this was last Friday.

Alderman Kramer, do we have yet the authorization to release the name of the old Borders Book space.

Mayor Kelly, no, he would check to see if there has been a leased signed yet.

Alderman Kramer, do we have an update for the Five Below Store in the Promenade.

Ellen responds that they have applied for their fire permits. As far as a date of when they plan to be open she doesn't have any new information, but she could check on that.

Alderman Kramer asks do we need to give an extension or is there a near term update for The Bread Company came to us for their outdoor space.

Ellen responds they have picked up there permits and want to make some changes. They are making progress and she will check on that. It should be this spring.

Ways and Means – No Report

City Attorney – No Report

City Clerk/Administrator – No Report

Excise Commissioner

George Clements reports St. Mary Magdalen is planning their spring picnic to be held May 18 - 19, 2012. They are asking for a temporary license to sell beer, wine and margaritas for the two day weekend event.

Motion is made by Alderman Marshall for the sale of beer, wine and margaritas for the picnic to be held May 18-19 2012. The motion was second by Alderman Kramer. All in favor none opposed.

Library – Not Present

Municipal League – No Updates

Communications – No Report

Historical Society – Not Present

Unfinished Business

Motion is made by Alderman Leahy to request the Boards authorization to ask the City Attorneys to investigate and report back to the Board what Section “HH” in Chapter 2-119 of the Code. He wants more clarification and for a legal opinion we have to get Board approval.

Alderman Marshall asks Frank to also check and see if it even in the new Code.

Franks asks for a clarification of the motion. Alderman Leahy responds the motion is to get a determination of what a petition of validation is. It’s under the city administrators assigned duties Section “HH,” Chapter 2-119 of the Code. Because it requires a legal opinion, as an alderman you can’t just make it happen individually. It does have to come before the Board for that clarification to be made. The motion was second by Alderman Marshall. All in favor none opposed.

New Business

Alderman Leahy, ward three meeting during the month of March is Tuesday night the 27th at 7:00 PM at City Hall. The Missouri State Caucus will be held on Saturday the 17th of March and the local facility hosting that program is the Ethical Society Building on Clayton Road. Look on the Missouri Caucus website for time.

Public Comment

Karen Smith, 8930 Harrison, in follow-up with the ICSC. All the years she has been coming to these meeting she has not been aware of that term. Given the scope of what the services are and what you are doing for the City she would like to request that when you go to meeting like that you do under your Mayor’s report, just like you do for the Municipal League, report on what you are doing there so that things are out in the open and transparent.

In regards to four year terms, we should have the same options as first and second class cities have the same recall options if things aren’t going well in our city.

Listened to Firefighter tapes and finds things said in them are very disturbing about how credit cards are used in this city and she thinks there should be more than just the Mayor's credit cards looked at. She would like the report included in the minutes so she can look at them.

Mayor Kelly one of the things we used to do when he was an alderman was, and it may be one of the processes we may go back to, but we used as the chairman of the committees, Ways and Means, Public Safety and Public Work, the warrant list would come out every week and the Chairman of those committees actually had to go through the warrant list and approve everyone of the bills before they were paid. We may not want to go to that extreme but he doesn't have any problem with have more oversight over those issues. He thinks we do need that oversight and that is a direction we under our new city administrator and finance director that the City is going to have those things.

Susan Ryan, 9324 Pine Avenue, in regarding to updating the online minutes and agenda, she would like to thank Ellen and Bola for getting the ARB minutes up to date as well as the Board of Adjustments.

Julie Pozzo, 2211 St. Clair, wants to know where we are on the employee manual.

Mayor Kelly commented that he and Bola met with the Police and Fire Chiefs and representative from the police department and tried to address concerns. Bola is incorporating all the feedback from the employees into the employee manual. She got a draft copy this morning. However, I have asked the consultant to incorporate the version that we originally sent out which was the original versus the proposed including the employee comments and once she figures out how to do it without it really being convoluted we will be releasing that document.

Adjournment

Motion was made by Alderman Leahy, second by Alderwoman Clements. All in favor none opposed.

Meeting adjourned at 8:15 p.n.

Pat Kelly, Mayor

Attest:

Bola Akande,
City Clerk/Administrator