

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
MAY 7, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the regular meeting to order at 7:00pm, in the Brentwood Council Room located at 2348 S. Brentwood Blvd. and immediately led the Pledge of Allegiance.

Roll Call

Deputy Clerk Pittman performed roll:

Alderwoman Saunders	Present	Alderman Robertson	Present
Alderwoman Manestar	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	Present
Alderman Toohey	Present	Mayor Kelly	Present
Alderman Kramer	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator (CCA) Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

CONSIDERATION AND APPROVAL OF THE AGENDA

In consideration of attending citizens, Alderman Leahy made a motion to amend the agenda moving Item #10.1 to Item #13.a. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to approve the **Board of Alderman Regular Meeting Agenda May 7, 2012** as amended. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Alderman Leahy made a motion to approve the **Board of Aldermen Special Meeting Minutes March 14, 2012** as submitted. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Alderwoman Saunders requested a correction to the spelling of her name and that specific comments made during discussions be included in the minutes. Alderman Leahy made a motion to hold the **Board of Aldermen Regular Meeting Minutes April 16, 2012** until the next meeting. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Police Chief Disbennett presented a letter of commendation to **Sgt. Jeff Manestar (Brentwood Police)** for his performance and a letter of recognition to **Beth Clay (Brentwood Citizen)** for her assistance in the apprehension of 2 burglary suspects February 6, 2012.

BIDS

None

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

Denise Soebbing 2612 Porter stated her frustration of not receiving answers to questions regarding an issue that occurred December 9th with the trash hauler picking up before curfew. She complained that their emails are still being blocked and they are receiving limited return calls. She also complained of comments made that she should relocate or file a civil suit. She also asked for a status update of the sound study and cleanup efforts in the area of the former sports attic.

Karen Smith 8930 Harrison expressed disappointment of the way the Meridian agreement was handled by the Board; holding the discussion in closed session. She announced several questions in regards to the agreement; who negotiated the settlement agreement, who is accountable for any misappropriation of funds, what is the actual tax percentage that the city will be paying, are any other city resources being used or does the city fund any part of the development, is the city responsible for reimbursing the credit provider if there are any draws, who's paying for bond counsel, is the obligation shown in the budget, what is the shortfall amount, who is the SWAP provider and what is our obligation, and if this is a more risky investment?

Susan Ryan 9324 Pine shared that the May 9th Planning & Zoning meeting will have a petition for the approval of the amendment to Chapter 25 division 8 and expressed appreciation to those that helped move this along.

Mayor Kelly closed public comment. He responded that the sound study engineer is on call and asked that the resident notify the city when noise starts again; the city has determined the Sports Attic site is unsafe and ordered the demolition of the building, it is believed that the company is awaiting a response from their insurance company; and the Truman Bank site is costly to potential buyers. He also spoke in general terms as it relates to the Meridian project; he will verify for the numbers for the TIF amount, but only the revenues generated by a project will pay for the project and he will check with legal counsel to see if he can provide answers to other questions. He added that revenues were almost 7% above the projection. Alderwoman Saunders also provided an explanation that she felt, after listening to the facts and details of the agreement, her vote in favor was in the best interest of the City; she felt that giving the project the go ahead was the best way to go. She did, however, clarify that revenues can only come from Meridian and that the tax percentage may waiver but the funds cannot be taken from outside the project. She added her question of what needs to be done in moving forward, would the city do business with someone that sues us when we are supposed to be partners.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd title only readings of Bill #5668, #5669, #5670, and #5691. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5668 – An Ordinance Granting Approval Of An Amendment To A Site Development Plan At Property Numbered 8503 Manchester Road Which Permits Under The Provisions Of Chapter 25 Of The Brentwood City Code The Development Of That Site; Providing The Conditions Of Such Development; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5668 by title only; Alderman Kramer provided the synopsis. Alderman Leahy asked that corrections be made to properly list Aldermen introducing the Bill. Attorney Albrecht read Bill #5668 by title only. Alderman Leahy made a motion to perfect Bill #5668 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderman Robertson – yes; Alderman Manestar – yes; Alderman Wynn – yes; Alderman Leahy – yes; Alderman Harper – yes; Alderwoman Toohey – yes; Alderman Kramer – yes; **MOTION PASSED.**

BILL #5668 IS HEREBY PASSED AND ORDINANCE #4344 IS ASSIGNED TO SAID BILL.

Bill #5669 – An Ordinance Amending Ordinance No. 4082 Which Approved A Signage Plan As Part Of The Site Development Plan For The Meridian; Amending The Signage Plan To Allow A Wall Sign For La-Z-Boy; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5669 by title only; Alderman Kramer provided the synopsis. After questions from the Board, Director Rottjakob replied that Planning & Zoning requested that the petitioner bring back the full comprehensive signage plan in 30 days with the east elevation and the change is required to amend the signage plan to truly represent the sign; allowing staff a viable plan to enforce. Alderman Robertson made a motion to perfect Bill #5669 into ordinance form. Attorney Albrecht read Bill #5669 by title only. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderman Robertson – yes; Alderman Manestar – yes; Alderman Wynn – yes; Alderman Leahy – yes; Alderman Harper – yes; Alderwoman Toohey – yes; Alderman Kramer – yes; **MOTION PASSED.**

BILL #5669 IS HEREBY PASSED AND ORDINANCE #4345 IS ASSIGNED TO SAID BILL.

Bill #5670 – An Ordinance Authorizing The Mayor To Execute An Agreement Between The City Of Brentwood, Missouri And Gateway Fireworks Displays Inc. For The 2012 Brentwood Days Fireworks Display At Brentwood Park; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5670 by title only; Alderman Kramer provided the synopsis. Attorney Albrecht read Bill #5670 by title only. After questions and comments from the Board, Fire Chief Jury added this is not the company previously used; after following the bid process, Gateway had the best safety record. Alderman Leahy made a motion to perfect Bill #5670 into ordinance form. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderman Robertson – yes; Alderman Manestar – yes; Alderman Wynn – yes; Alderman Leahy – yes; Alderman Harper – yes; Alderwoman Toohey – yes; Alderman Kramer – yes; **MOTION PASSED.**

BILL #5670 IS HEREBY PASSED AND ORDINANCE #4346 IS ASSIGNED TO SAID BILL.

A brief discussion was also held regarding previous safety risks and insurance precautions.

Bill #5671 – An Ordinance Authorizing The Mayor To Execute A First Amendment To The Medical Director Agreement Between The City Of Brentwood Missouri, SSM Health Care St. Louis And Clayton Emergency Croup LLC – 1st & 2nd Reading

Attorney Albrecht read Bill #5671 by title only; Alderman Kramer provided the synopsis. After questions from the Board, Attorney Albrecht replied that a termination from either party will not have an impact because no money is involved in this transaction. Chief Jury added that this is required for certification by state and this is a routine agreement, renewed every year. Attorney Albrecht read Bill #5671 by title only. Alderman Wynn made a motion to perfect Bill #5671 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderman Robertson – yes; Alderman Manestar – yes; Alderman Wynn – yes; Alderman Leahy – yes; Alderman Harper – yes; Alderwoman Toohey – yes; Alderman Kramer – yes; **MOTION PASSED.**

BILL #5671 IS HEREBY PASSED AND ORDINANCE #4347 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

After Board comments, Administrator Akande agreed that dispatcher chairs are expensive, yet durable. Clarification was also added in regards to the uniform services contract for public works; the company provides clean uniforms for workers and invoices on a monthly basis. Alderman Kramer made a motion to approve warrants against the city in the amount of \$38,375.61. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor Kelly presented the updated list of committee appointments with the exclusion of 1 library board member that will be replaced in June. He also explained that 4 members are better to serve on committees; with 3 members, 1 absence would not provide a quorum and 5 members is enough to take action without presentation to the full board. Alderman Robertson made a motion to accept the committee appointments submitted. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Public Safety Committee

None

Public Works Committee

Mayor Kelly announced intentions to discuss plans for the rec center at the next meeting. Staff was asked to prepare a summary.

Director of Planning & Development

Special Use Permit – Vic Krahl (PetSmart) 62 Brentwood Promenade Ct

Director Rottjakob announced the request from PetSmart representatives for approval to conduct an animal adoption event on Saturday May 12th and Saturday May 19th; 10am – 5pm. This use has occurred in the past, they were notified that a permit is necessary for approval; no complaints have been received in regards to previous events; property managers have offered their approval. The adoption event will be held on the parking lot directly in front of the location; to mitigate parking, employees will use the side lot. Alderman Kramer made a motion to approve the special use permit for PetsMart. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Special Use Permit – Nicole Carpenter (Whole Foods Market) 1601 S. Brentwood Blvd

Director Rottjakob announced the request from Whole Foods Market representatives for approval to conduct a grass fed beef event on Wednesday, July 11th; 6pm – 8pm. To mitigate parking, employees are approved to park on the upper level of the parking garage. After questions from Board Members, Ms. Carpenter replied that employees park along Brentwood during the week and in the garage on the weekend; no direction has been given to resolve parking issues during the holiday season. Alderman Leahy made a motion to approve the special use permit for Whole Foods Market. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Ways and Means Committee

None

City Attorney

None

City Clerk/Administrator

Request for Approval – Brentwood Square Shopping Center PILOT Surplus

Administrator Akande announced receipt of \$7,754.07 which represents surplus property taxes from the Brentwood Square Shopping Center. Approval was requested to return the surplus tax to the taxing entities as done in previous years. Alderman Leahy made a motion to approve the surplus return. Motion seconded by Alderman Harper. Mayor Kelly clarified that an agreement was made to pass the revenues through to the taxing districts if they were above the projected amount; this primarily benefits the school district. Alderwoman Saunders questioned, as she believed, extra funds would be used to pay the bond early. Mayor Kelly replied that the bonds are ahead of schedule and stated that this agreement was made previously at the board's discretion; Ways & Means can have that discussion in going forward.

He suggested that we at least retain a significant portion to place in the reserve account. Administrator Akande added that options for usage will be presented to the Ways & Means Committee. Unanimous vote in favor taken; **MOTION PASSED.**

Excise Commissioner

Commissioner Clements announced applications received;

St. Mary Magdalen (8750 Magdalen) is planning a sports trivia night Friday, May 11th; serving beer and wine. Alderman Leahy made a motion to approve the temporary liquor license. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Immerse by Atlas (836 Hanley Ind.) is planning a celebration, June 22nd; serving beer, wine and mixed drinks. Clarification was given that a license is required if alcohol is consumed on the premise. Alderman Leahy made a motion to approve the temporary license for Immerse by Atlas. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.**

Library

There is an upcoming meeting next week.

Municipal League

Mayor Kelly also announced the annual installation dinner and new municipal awards show, sponsored by St. Louis County Municipal League. It will be held Thursday, May 31st, anyone interested in attending should notify Deputy Clerk Pittman.

Communication

None

Historical Society

An updated appointment was not included in the committee list; Alderman Wynn will continue to serve until a change is made. Alderman Wynn also announced many pictures have been submitted for review.

UNFINISHED BUSINESS

Mayor Kelly expressed appreciation to those that assisted and attended the Annual National Day of Prayer. Those that were unavailable were invited to attend next year; it's held annually at noon, 1st Thursday in May.

NEW BUSINESS

Alderman Leahy invited everyone to attend the next Ward 3 May meeting; Tuesday, May 29th in the Board Council Room.

Alderwoman Saunders stated her unawareness and asked that a discussion is held in regards to elected officials being considered employees and receiving equivalent benefits; medical, dental, vision and LAGERS. Administrator Akande replied that cities have different policies; Board members also expressed their appreciation for receiving the benefits. It was suggested to be placed on the next Ways & Means Committee agenda.

Alderman Kramer welcomed Alderman Toohey and stated his eagerness to have a positive working relationship. He also announced his applause to Missouri State Senate for bringing forward the standardization of yellow light timing.

PUBLIC COMMENTS – HEARING OF ANY MATTERS OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Susan Lee 8611 Eulalie questioned the status of the print shop at White and Brentwood.

Denise Soebbing 2612 Porter requested confirmation that emails will no longer be blocked.

Karen Smith 8930 Harrison again questioned who negotiated the settlement agreement; if the city contributes to the draw on the letter of credit, who pays for the bond counsel and the purchase price of the bonds, are the bonds tax exempt; who is the SWAP provider, what are the obligation of the 2 agreements, if the board approved and if she can obtain a copy; location of this item in the budget (recorded in revenue projections).

Kevin McCarthy announced as of 4/16/12, board meetings are being uploaded on youtube; meetings will be uploaded within a few days of the meetings. It can be located by searching Brentwood Alderman although the site title is Brentwood Mo Space Gov TV; a link will be added to the website.

Mayor Kelly replied that results have not been received from testing at the print shop. He also replied that bond and legal fees are generally paid out of the TIF amount; SWAP agreements are a type of financing that swaps rates on a regular basis; these are not obligations of the city, they are obligations of the project revenues; though it should not affect the city's rating, theoretically, it could.

Closed Session

Alderman Wynn made a motion to enter into closed session at 8:25pm to discuss personnel matters pursuant to the litigation, acquisition of land, and personnel exemption in RSMo. 620.021. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 8:31pm, with the following members present: Alderwoman Saunders; Alderwoman Manestar; Alderman Leahy; Alderman Toohey; Alderman Kramer; Alderman Robertson; Alderman Wynn; Alderman Harper; Mayor Kelly. Also present were City Clerk/Administrator Akande; City Attorney Albrecht, and Deputy Clerk Pittman.

A discussion was held of Personnel Matters; no action was taken.

Alderman Leahy made a motion to adjourn the closed session and return to the open meeting at 8:57pm. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

ADJOURNMENT

Alderman Robertson made a motion to adjourn the meeting at 8:59pm. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 21st day of May, 2012.

Mayor Pat Kelly

Attest:

Bola Akande, City Clerk