

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
MAY 21, 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 Bola Akande, City Attorney Frank Albrecht, City Treasurer Gregory Reynders and Deputy City Clerk Octavia Pittman.

Mayor Kelly recognized former Alderwoman, employee and volunteer Lorraine Krewson on her passing. He expressed gratitude for her many years of dedication and led a moment of silence.

CONSIDERATION AND APPROVAL OF THE AGENDA

Alderman Wynn made a motion to approve the **Board of Alderman Regular Meeting Agenda May 21, 2012** as submitted. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Alderwoman Saunders made a motion to approve the **Board of Aldermen Regular Meeting Minutes April 16, 2012**, as submitted. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

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

PUBLIC HEARING – 2013 COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Kelly opened the public hearing at 7:05pm.

Ellen Rottjakob, Planning & Development Director announced the purpose of the hearing to discuss the community development block grant and outline the usage of these funds. A handout listing eligible activities as well as a sign in sheet for those interested in speaking were available. She also stated that advertisement of the public hearing ran in the Pulse News Service, which is distributed to all Brentwood households and was also posted in various locations throughout the city.

Director Rottjakob gave a brief overview of previous years' allocations to the home improvement program. This program is administered through St. Louis County and provides home owners with forgivable loans of up to \$5,000 to make needed repairs on their owner-occupied

properties if they meet certain income requirements. These repairs include such projects as electrical, plumbing, heating and cooling, roofing, concrete work and tree trimming. In addition to the home improvement program, funds can also be used for acquisition of property, improvements to public facilities, clearance activities, public services, privately owned utilities, and the creation of low income housing. Staff recommendation for the FY 2013 funds will be to allocate the funds in the amount of \$20,000 towards "Rehabilitation of Private Property" for the home improvement program.

Mayor Kelly added that residents would submit applications to St. Louis County and they will evaluate and verify eligibility.

There were no comments from Citizens or Board Members.

Mayor Kelly closed the public hearing at 7:09pm

BIDS

None

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

Barry Williams 9001 Pine Ave, announced his attendance to the memorial service for Lorraine Krewson and offered comments of her being such a fixture in the community. He remembered her involvement in the original Madden Fest (the September Festival) and stated she always preferred the Madden name based on the family's history. He suggested, as a tribute, the City bring back the name "Madden Fest".

Julie Pozzo 2022 St. Clair Ave, recalled Alderwoman Saunders' statement of being unaware that Aldermen received benefits and pension identical to those of full time employees. She stated her shock and disbelief that the board should receive these benefits. In researching surrounding cities; Clayton, Richmond Heights, Webster Grove; she learned that neither city offers elected officials pension or medical benefits. She questioned if the board is wrongfully taking advantage of a benefit that does not rightfully apply and stated her belief that as Aldermen, you're elected to oversee the city's budget and ensure fiscal responsibility. Lastly, she questioned the Ways & Means Committee dates and times, as they are not listed on the website.

Karen Smith 8950 Harrison, questioned the Swap agreements for the Meridian Development. The research she has done led her to believe that this was some sort of an investment tool that is used to hedge a risk. She questioned what the risk was, why and if this is an appropriate tool to be using. She also stated she believes we still have an obligation to the original Swap agreement. She questioned if we are taking on unnecessary risk as there is a risk in issuing tax exempt bonds for private development with no collateral. She questioned if we are overstepping our bounds; taking on more risk than we should; what level is the city authorized to take on; and if a finance committee is necessary in going forward. She stated these are complex bond issues and she is not always able to get direct answers to the questions; she wonders if the board understands enough. As she has learned that the board gets clarity from bond counsel but they work in the best interest of the company; she questioned who's looking out for the interest of the city and its tax payers. Lastly she added that the city has taken on a lot of debt to support development at a time when everyone is struggling.

Mayor Kelly closed public comment. He responded to Mr. Williams, stating the idea was great and it will be taken to committee. He also responded in respect to aldermen/employee benefits; this decision was made by the board a while back and many have taken advantage of

it. Many cities are different and offer different salaries to their officials and different benefits to their employees. He does not believe the decision was made to deceive the public or mislead anyone. With respect to the Swap Agreement, TIF or public assistance, this is a battle the city has been fighting since 1994, since the first project. There are economic tools available to us and each are evaluated on an individual basis and like any tool, should be used appropriately. He also stated, in general terms, that all bonds issued with public assistance are tax exempt; a Swap agreement is a variable rate bond and the rate may change every day. The agreement that was entered into with the Meridian in 2007, when the bonds were issued, it was determined that at that time, given the market conditions, to be within the best interested of the City. There isn't any risk on a TIF or TDD to the City of Brentwood, but if not for the assistance you wouldn't have any and if not for the revenue generated you wouldn't be able to pay off the bonds. TDDs are separate taxing entities, they are corporations formed within the state of Missouri, and are of no obligation/risk to the City of Brentwood. Those bonds are issued to collect a special sales tax from the district to pay off the bonds. With respect to the TIF, they are analyzed, issued and the risk goes back to the bondholder that buys the bonds based the rating of the bond, the development and the tenants and they make a decision whether to buy the bonds knowing that if revenues aren't generated from that project by the time the 23 year schedule runs out, that they will not be able to pay them back. With the Meridian, this was the only one the City ensured there was extra protection within the redevelopment agreement because we had never entered into a Swap agreement; the developer backed the bonds with a letter of credit which meant at the end of the 23 years if the bonds weren't fully paid, the letter of credit would be called to pay off the bonds. Using the Promenade project as an example, he explained that there was a \$20million TIF that paid off in a little over 12 years. Prior to that redevelopment, the area generated \$60,000 in property taxes and basically no sales taxes; the school district receives about half. The bond has now been paid off, 2 years in April, and the area is generating almost \$1million in property taxes and the school gets half; its generating almost \$2million in sales taxes and a portion goes to the city of Brentwood. This is an example of a very successful project and the right use of economic development tools available at the time; much effort goes into making the decisions, with hopes of prospering in moving forward.

Alderman Toohey added a comment in regards to the Swap agreements and risks; the risks you attempt to prevent are interest rate risks. He explained you generally pick a fixed rate so that you know how much interest you will receive or have to pay. Mayor Kelly clarified that we have a variable rate with the SWAP agreement.

Alderwoman Saunders explained her understanding of how Swaps work after meeting with Alderman Toohey; if you need to have more of a fixed rate income, a steady flow or something that you can budget then sometimes you will do these. You trade off, you may give up a little in doing this, but you know that you'll receive the revenue or the payment will be fixed. She thought the explanations were helpful and suggested a summary memo is put together in the future to help residents to understand. She also suggested the Board get input from residents regarding the benefits in the future.

Alderman Robertson wondered if it was known how much more taxes would be if the developments from the last 15 years weren't in place; may be interesting to residents.

Alderman Toohey also stated that no government authority can tax another government authority; which is why they were tax free, there was no special privilege. Mayor Kelly added that there would be a higher interest rate on the bonds if they weren't tax exempt.

Alderwoman Saunders clarified that the risk is on the bond holder; they are not obligations on the city.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for 1st and 2nd readings of Bills #5672, #5673, #5674, #5675, #5676, #5677 and #5678. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5672 – An Ordinance Of The City Of Brentwood, Missouri, Granting Approval Of The Site Development Plan For An Outdoor Smoker At Dierbergs Market In Brentwood Pointe; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5672 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance approving site plan for an outdoor smoker at Dierbergs Market in Brentwood Pointe. The placement of the smoker unit in front of the Dierbergs store will lead to two accessible parking spaces relocation. The parking spaces will now be closest to the east store entrance, and one of the accessible parking spaces will now be van accessible, as required by state statute. With the loss of two parking spaces, the site still has excess parking, per the 25% parking reduction authorized by Ordinance 4241, which was approved by the board of aldermen in 2010. This item was forwarded to the board of aldermen by the P & Z commission”.* After questions from the Board, John Koncki, Dierbergs representative responded that there is little or no residual left on cars in the vicinity of the smoker; St. Louis County Dept of Health has approved the portable washing station that’s included, there have been no problems reported at other locations in regards to smoke, the smoker will run year round, there will be no subcontractor, the units are well insulated, and there is a pad lock, fencing and security cameras in the area for safety. Attorney Albrecht read Bill #5672 by title only. Alderman Robertson made a motion to perfect Bill #5672 into ordinance form. Motion seconded by Alderman Wynn. **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.**

BILL #5672 IS HEREBY PASSED AND ORDINANCE #4348 IS ASSIGNED TO SAID BILL.

Bill #5673 – An Ordinance Of The City Of Brentwood, Missouri, Granting Approval Of A Signage Plan At 2235 S. Brentwood Boulevard; Providing For The Enforcement Of This Ordinance; And Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5673 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance approving site plan approval for a signage plan at 2325 S. Brentwood Boulevard. This property was formerly the location of Rug World, and has been vacant for several years. The applicant is also requesting approval for a signage plan that includes maintaining both of the existing ground signs along Brentwood Blvd. The item was forwarded to the board of aldermen by the P & Z commission with a positive recommendation”.* After questions from Board in regards to known tenants and the signage plan approval process, Director Rottjakob explained that in the urban development district, owners can apply for a signage plan that is comprehensive and covers the entire property; if they have a signage plan they don’t have to comply with sign code regulations. The board must approve the signage plan, and it will allow the landlord/owner to pursue tenants with knowledge of the signage package available. Attorney Albrecht read Bill#5673 by title only. Alderman Kramer made a motion to perfect Bill #5673 into ordinance form. Motion seconded by Alderwoman Saunders. **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.**

BILL #5673 IS HEREBY PASSED AND ORDINANCE #4349 IS ASSIGNED TO SAID BILL.

Bill #5674 – An Ordinance Authorizing The Mayor To Execute An Agreement Between The City Of Brentwood, Missouri And Towers Fire Apparatus Company Inc For Structural Firefighting Turnout Gear; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5674 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance authorizing the mayor to execute an agreement between the City of Brentwood and Towers Fire Apparatus Company, Inc. for structural firefighting turnout gear. The National Fire Protection Association (NFPA) recommends replacement of turnout gear for front line fire fighters every five (5) years. The last time the gears were replaced was 20 years ago. The public safety committee recommended approval of Towers Fire Apparatus Co., Inc. as preferred vendor and the board of aldermen affirmed that recommendation at the April 2 meeting”*. Questions were taken from Board Members; Alderwoman Saunders questioned if all equipment has been updated and is currently safe for employees and Alderman Toohey questioned if all vendors had received identical specification due to the difference in bids submitted. Fire Chief Jury replied that all fire fighters’ gear will be updated by next year; in going forward the equipment will be replaced every 5 years; and all bidders received the same information. Attorney Albrecht read Bill #5674 by title only. Alderman Wynn made a motion to perfect Bill #5674 into ordinance form. 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.**

BILL #5674 IS HEREBY PASSED AND ORDINANCE #4350 IS ASSIGNED TO SAID BILL.

Bill #5675 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The City Administrator To Execute The Attached 2012 Community Development Block Grant Municipal Housing And Community Development Supplemental Cooperation Agreement – 1st & 2nd Reading

Attorney Albrecht read Bill #5675 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance that would authorize the city administrator to execute the attached 2012 community development block grant municipal housing and community development supplemental cooperation agreement. The city made application last year for CDBG funds in the amount of \$20,000 to be allocated towards the “Rehabilitation of Private Property”. This program provides assistance to low and moderate-income residents who are below 80% of the median area income. Provided in the form of forgivable loans, eligible citizens use these funds to abate residential housing deficiencies. When the city received noticed last year, that the 2012 funds had been approved, we should have brought the agreement back to the board of aldermen for approval”*. Attorney Albrecht read Bill #5675 by title only. Alderman Leahy made a motion to perfect Bill #5675 into ordinance form. Motion seconded by Alderman Toohey. **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.**

BILL #5675 IS HEREBY PASSED AND ORDINANCE #4351 IS ASSIGNED TO SAID BILL.

After questions, it was announced that this information is distributed to residents that have violations.

Bill #5676 – An Ordinance Of The City Of Brentwood, Missouri, Approving A Final Subdivision Plat Of A Parcel Located At 2605 Mary Avenue Into Two (2) Single-Family Residential Lots And Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5676 by title only. Alderman Kramer provided the synopsis; *“This bill is for an ordinance approving a final subdivision plat of a parcel located at 2605 Mary Avenue (a parcel for a single-family house) into two single-family residential lots and establishing the effective date of this ordinance. This item was forwarded to the board of aldermen by the planning and zoning commission. The P & Z recommends approval of the preliminary and final plat”*. After questions from Alderwoman Saunders, members responded that ARB notices are forwarded to neighboring homes; though it is not required that they are delivered certified mail, they have at times been hand delivered to homes and mailed via USPS. Attorney Albrecht read Bill #5676 by title only. Alderman Leahy made a motion to perfect Bill #5676 into ordinance form. Motion seconded by Alderwoman Saunders. **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.**

BILL #5676 IS HEREBY PASSED AND ORDINANCE #4352 IS ASSIGNED TO SAID BILL.

Bill #5677 – An Ordinance Of The City Of Brentwood, Missouri, Granting Approval Of A Site Development Plan At Property Numbered 8614 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 #5677 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance granting approval of a site development plan at 8614 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. At present, this property which is currently vacant is an existing office building in a commercial district zone with the intent to re-use the building for religious and congregational purposes. The applicant is proposing to renovate the building and site to accommodate a church use. This item was forwarded to the board of aldermen by the planning and zoning (P & Z) commission. The planning and zoning recommends approval of the site development plan”*. After questions by the Board, it was clarified that the tax status would change to exempt and the building has a history of flooding but it is unclear if that has been resolved. Director Rottjakob also responded that parking is based on occupancy which at this time is limited to 70, so there is only a requirement for 20 spaces; they may also look to their neighbors for additional parking. Attorney Albrecht read Bill #5677 by title only. Alderman Leahy made a motion to perfect Bill #5677 into ordinance form. Motion seconded by Alderman Wynn. **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.**

BILL #5677 IS HEREBY PASSED AND ORDINANCE #4353 IS ASSIGNED TO SAID BILL.

Bill #5678 – An Ordinance Amending The Revised Code Of Ordinances Of The City Of Brentwood, Prohibiting Left Turns Out To Eager Road From The Drury Inn And Suites Site Between Certain Hours Of The Day; Providing For The Current Maintenance Of This Code; Providing The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5678 by title only. Alderman Kramer provided the synopsis; *“this bill is for an ordinance amending the revised code of ordinances of the city of Brentwood, prohibiting left turns out to Eager Road from the Drury Inn and Suites site between certain hours of the day. St. Louis County Department of Highways and Traffic has approved a full access drive on Eager Road for the Drury Development site, with the condition that no left turns be allowed between 4pm and 6pm. Any person in violation of this ordinance shall be subject to a fine of two hundred and fifty dollars (\$250.00) per occurrence, plus court costs”*. Mayor Kelly reminded that was a part of the Drury project approved in March. Since that time the City and developer have met with St. Louis County Traffic and Highways. They said that their traffic analysis first indicated that they wanted to restrict access on Agnes and the new entrance on Eager Road to right in and out only; this decision may condemn the property because no business can operate without having access to the site. Through negotiations and analysis, as well as the help staff and St. Louis County it was agreed to restrict the left turns Monday – Friday from 4pm – 6pm. They now have hopes to close on the property no later than June and be under construction within a few months. After discussions regarding the ordinance, Alderman Harper made a motion to amend the ordinance to add no left turn “Monday through Friday. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION**

PASSED. After questions from Board members, Mayor Kelly clarified that there will only be 1 curb cut shifted as close to the creek as possible to make it work, and there was some discussion of several other options including making access across the creek and using parcels outside the development area but the current option was most economical. There will also be an un-signalized dedicated left turn. Alderwoman Saunders requested to make a motion to table this for further review. Alderman Kramer stressed some members concerns of unsafe access. Mayor Kelly added that St. Louis County was adamant about not allowing a signal at this location. Attorney Albrecht read Bill #5678, as amended by title only. Alderman Robertson made a motion to perfect Bill #5678 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**
BILL #5678 IS HEREBY PASSED AND ORDINANCE #4354 IS ASSIGNED TO SAID BILL.

Resolution #979 – A Resolution Providing For The Consumption Of Beer, Wine, And Liquors As Provided For In Section 3.3.1 Of The Brentwood Municipal Code – 1st & 2nd Reading

Alderman Kramer provided the synopsis of Resolution #979; *“Every year the Brentwood Parks & Recreation and West Community Credit Union present the Sounds of Summer Concert Series at Brentwood Park. This year, the series will take place on June 1, July 6 and August 3 from 7-9 p.m. As this park is a designated alcohol free area, staff asks the board of aldermen to consider a resolution that would allow residents and those with appreciation of the concert series to bring coolers with alcohol into the park on these three evenings. This special use permit application would have been presented to the public works committee if they met in May. In the past, this would have been approved as a special use permit only, however to be consistent with other similar board action (city’s veteran’s day celebration in city hall and during the annual holiday part at the community center) staff recommends a resolution be given consideration”.* Alderman Wynn commented that at one point he would have opposed passage, but it is already being done. He stated his concern with continuing to broaden the places and opportunities to drink when many have problems being able to deal with it. Alderman Leahy made a motion to approve Resolution #979. Motion seconded by Alderman Toohey. **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 – no; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer noted a number of items come from a specific budget with the exception of Gilmore & Bell which will be reimbursed by the TDD

Alderman Kramer made a motion to approve the warrant list as submitted in the amount of \$3,835.00. Motion seconded by Alderman Wynn. **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.** Alderman Kramer reminded members of their option to abstain from voting on items that they were not party to the discussion or have not been exposed to.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly reminded members to inform Deputy Clerk Pittman of their interest to attend the St. Louis County Municipal League’s Installation Dinner and Awards Show. Board members were encouraged to attend; the City may receive an award. Mayor Kelly also announced the Boards’ upcoming summer schedule; one monthly board meeting will be held June – September. He asked the Board if they were willing to reschedule the June 18th meeting to June 11th as he has a conflict; he is also hoping to begin at 6pm to dedicate the first hour to

the discussion of the rec center with the regular business meeting following at 7pm. Alderman Wynn made a motion to reschedule the Board Meeting to June 11th at 6pm for dedicated rec center discussion and 7pm for regular business. Motion seconded by Alderman Harper. Alderman Toohey stated his conflict with the meeting beginning at 6pm. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – no; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Mayor Kelly led a discussion regarding the recreation center. He stated the board needed to make some decisions to give staff direction on where the board wants to go; it is necessary to determine if there is a need to keep the ice rink. It's known that the Freon system will need to be updated within the next couple of years; the building needs a new roof, it needs to be brought up to compliance with our fire code and a suppression system is needed. After this is determined then the discussion can move on to the meeting rooms, expansions, etc.

Alderman Robertson stated the public works committee agreed to keep the ice rink in addition to expanding the rec centers uses, renovating the building and making it visible from the street. Mayor Kelly stated his understanding and expressed the need for the board to vote to move forward.

Alderman Leahy stated his difference with Alderman Roberts' interpretation of the public works committee's finding; options and figures were entertained the but committee came to no consensus as to maintaining keeping the ice or not. This board last entertained whether or not we will hire additional engineering services to evaluate proper cost for potential to change the rec center. I raised the issue at the board level asking that they not move forward to consider both the rec center and the city hall building and to determine which may better suit in going forward. He stated he had heard rumors that there had been discussions with the city of Brentwood and a commercial entity about potentially utilizing the city hall site for something else, which he found rather disturbing since this board has made no decision; he's curious how we move in that direction without the board's knowledge or discussion on it. Yes we need to do something with the rec center, but according to the survey that we did and the parks departments numbers, we are getting a 12% usage rate from the citizens of Brentwood but you subsidized that rec center facility by a tune of almost \$600,000 per year. The City of Clayton is having a meeting this Thursday to consider what they potentially may or may not be doing with their skating center in the Shaw Park complex. I think we need to discuss what the options are with the 2 properties before we proceed on an avenue. Mayor Kelly stated his agreement of that's why a decision needs to be made and a vote taken on which direction to go.

Mayor Kelly also added, in respect to the city hall property, that he has stated publicly that CVS Pharmacy (a couple of years ago when the city was looking to do the new fire house) had met and were interested in the congregational church property and the property behind that and I told them that we were looking at a new fire station so I don't know how they would do that; they were also looking at the nw corner of White & Brentwood. I sent them an email just to get/give some ideas of the discussion of the rec center to maybe move city hall over there for a 16,000 sq ft addition and that's as far as that went, I haven't heard from them. To let the residents know where I stand, I think there is a lot of sediments and sentimental feelings toward the building and I would not like to see the property sold, but I think we had to at least ask that question. As far as this building, it will be costly to renovate at whichever time we do that, but I think it's something the city needs to preserve. If I were to vote in the event of a tie I would vote in favor of keeping the rink. I think we have a great relationship with Richmond Heights and Maplewood and we offer our residents as much or more than any community in St. Louis County at a very reasonable price. Cities need to look for those kinds of things in moving forward, ways to save money and make sure we can provide services to our residents; you can't keep raising taxes and building new development.

Alderman Robertson again remembered the public works committee approving the discussion to move forward to the board of aldermen with plans to keep the ice rink and expand the rec center. Alderman Leahy disagreed with this remembrance. Administrator Akande interjected; there was a 3 to 1 vote.

Alderman Kramer stated another topic of discussion at that meeting was to seek a conceptual drawing of what it would look like from an engineering firm if we were to square off the existing building, also keeping the ice rink, also keeping the other facilities, and possibly adding a workout room and multipurpose meeting rooms. The component he believed to be awaiting was the receipt of a conceptual drawing of what it would look like. Going back to the initial study of the topic, (he had his hand written minutes from May 9, 2007, which was the very first meeting held on the subject – the rec center work session) a mission stated was created, reading only a part of it, it speaks a little to the decisions we came up with early on “in recognition of resident input to the city’s 2006 comprehensive plan and the 2002 Brentwood parks and recreation needs assessment study regarding our existing recreation center, the board of aldermen have undertaken a focus study and further request resident and community input regarding the recreation center needs of our community” it goes on to talk about expenses. This was brought up is because the data that we were given and the polling that was done pointed to two different things in terms of what the residents wanted and what the residents were using and it seem to me as though we had a disparity of what they wanted; swimming pool, workout facility meeting rooms, fitness; and the use of the facility we had; ice skating rink and how many of our own residents are using it, though many disagreed with the number. I do see the value of the ice rink attracting those outside the community. But we have to take the data from polling our residents and mix that with the common sense the residents have elected us to put in effect. We have people that like the ice rink and people that use it, but the percentage of residents is very low. Going forward, I see more people would like to have our very own workout facility. If there’s a way to have a workout portion, meeting rooms, ice rink and have a bond issue that was lower then I’m for that. But for just the ice rink, I don’t think enough residents use it and the offset of getting the benefit from it is far inferior to the benefits residents would get to using a workout facility if it was one against the other.

Alderman Toohey commented that there are numerous gyms and alternatives that people can use at a fairly reasonable price and that he’s not so sure that entering into an industry that the private sector is already controlling would be a good alternative. He also requested more time to study the ice rink to be aware of the financial costs and questioned the percentage of the total operating costs.

Alderwoman Manestar commented that usage of the ice rink may have changed for many residents since the study was conducted in 2002-2003 and questioned what affect this would have on the co-op agreement the city has with the Heights.

Mayor Kelly responded with respect to overall percentages; at different times we received different numbers; that is something we would have to get clarity on.

Alderman Harper commented that it’s important to remember that even if it is a low percentage of residents, patrons generally spend money at other locations; restaurants and retails shops.

Mayor Kelly reported comments he’s received from people in regards to keeping the ice rink. He asked for a motion tonight of whether or not to keep the ice rink.

Alderman Toohey raised the question if citizens received detailed information including financial when they were asked to take the survey.

Alderman Wynn offered comments regarding the change in the economy. He also added that we need to think of the next generation.

Alderwoman Saunders mentioned her comments to residents regarding her support of the ice rink, however it was without having all of the information. After reviewing, it also appears that the comprehensive plan needs to be updated.

Alderman Leahy asked the board to consider moving everything out of city hall to the rec center, remodel city hall to provide everyone's needs and put the rec center up for sale once its complete. Mayor Kelly clarified that the current city hall site is land locked and there is no additional land to build. A discussion was held regarding the city's co-op agreement and the amount of funds being subsidized.

Alderman Kramer offered comments of the cost to run the ice rink and the importance of knowing what that cost is before moving forward; it is unlikely that it is feasible without a bond issue.

Alderwoman Saunders stated her agreement in favor of the ice rink but needs numbers to visualize the project moving forward.

After comments from Mayor Kelly, Alderman Leahy made a motion to assign staff to raise the figures to run the parks department and estimate any subsidy is given to the parks department due to the fact that we are running a skating rink and to have the information available to the board at the June 11th meeting; and that we also include the last 3 sets of minutes from the public works committee where the discussion was held regarding the topic. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION CARRIED.**

Public Safety Committee

Alderman Wynn had no new report.

Public Works Committee

Alderman Robertson had no new report.

Director of Planning & Development

Special Use Permit – Bed, Bath, and Beyond (54 Brentwood Promenade Ct)

Director Rottjakob announced the application submitted for a special use permit for allow placement of 10 storage containers at the back of the store to temporarily stock materials for college students beginning June 15th for a 90 day duration. Alderman Robertson made a motion to approve the special use permit for Bed Bath and Beyond. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manester – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; **MOTION PASSED.** BBB representative announced their “Pack and Hold Program” which allows Wash U and SLU students to order materials (from the Brentwood Store only) to be held until they return to school. Alderman Leahy commented on the inconsistency when Walgreens made a request for a single container and was denied; he was afraid that there may be some backlash from other businesses. Mayor Kelly explained that Walgreens had made the request each Christmas for 6-

8 years. As a condition of their permit, they agreed to build a permanent facility, when they renege their request was denied. Alderman Kramer commented that the ongoing storage at Walgreens complicated their parking. Alderman Harper also commented that this was his rationale for voting in the negative. Mayor Kelly added that the busiest time of the year for the Promenade is the school season and he likes the fact that they are doing this.

Director Rottjakob also updated the status of 2301 Brentwood Blvd, (former printing company) the property owner agreed to drill an additional well, the results were received and acceptable. After a 60 day turnaround from DNR they should be ready to submit their plans to the city for demolition and remediation.

Ways and Means Committee

Alderman Kramer reported the committee is awaiting previous meeting minutes and may have them to present at the next meeting. The next ways & means meeting will be held June 12th @ 4:30pm with the main topic of the employee handbook. Alderman Leahy announced the vote taken on what to do with the surplus money; 2 to 1 to take to the board of aldermen. Administrator Akande stated it will be added on the next meeting. Mayor Kelly informed residents that we received the pass through amount of approximately \$357,000 in additional sales tax and ways and means voted to use the funds to pay down the bonds instead of putting into city revenues. Alderwoman Saunders stated her intention to also bring this issue up under new business after speaking with Alderman Leahy; members agreed that the discussion can continue. Alderwoman Saunders made a motion that the \$356,687.21 in municipal revenue from the Brentwood Square Shopping center be transferred to the redemption fund to call additional bonds as approved by the ways and means committee to pay down the debt. Motion seconded by Alderman Leahy. Mayor Kelly explained that doing this will not knock any time off the bonds, they are scheduled to be paid off in the fall of 2014. The payments are scheduled to make 2 a year, with a little over a million for the final payment. In contributing this money to the bonds at this point, we will save some on interest but at the end we will just get the money back, this money only equals a third of a payment. Another concern was that we would use all the revenues to pay off the bonds as soon as possible and I agree with that to a certain extent, we've done that in our redevelopment agreement. It specifically says in this agreement that if we met a certain level of sales we would have those pass through amounts. Alderwoman Saunders questioned why this information was not available; it should have been presented at the meeting. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – abstain; Alderman Kramer commented that he didn't know detailed information and was against using all of the funds for the purpose in which they were voted on. Alderman Leahy called for the point of order; the discussion should have been taken prior to the vote. Alderman Kramer stated his reason for the no vote is that the amount of money being allotted is not going for the purposes in which he voted against and voted no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.** Mayor Kelly stated the money will be used to pay down the bonds; though he would have like to see the money be put in reserves, the city will get it back in two years. We are saving interest but not making any interest as well.

City Attorney

Attorney Albrecht had no new report.

City Clerk/Administrator

Administrator Akande reported that the MSD Board has approved the \$500,000 reimbursement cost and will return the properties at 2761 and 2805 Mary Ave to open space. Alderman Leahy questioned if the environmental study proving there is no hazardous materials in taking the building down; it has yet to be done.

Excise Commissioner

Commissioner Clements had no new report.

Library

Alderman Wynn had no new report.

Municipal League

Mayor Kelly had no new report.

Communication

Alderman Robertson had no new report.

Historical Society

Alderman Wynn had no new report.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Saunders made a motion that the following standing committees; Ways & Means, Public Safety, and Public Works, have regularly scheduled monthly meetings and if needed, an optional second regularly scheduled monthly meeting in order to better facilitate the committee members regular attendance, thereby allowing the committee members to fulfill the obligations of their position, and provide better transparency to the residents of when the meetings are held. Motion seconded by Alderman Leahy. Alderman Harper stated his agreement to the idea; this allows him to schedule time off for the meetings. Alderman Kramer stated his opposition to the measure because of his previous experience with committee meetings being centered around the business of the city and his belief that city business should not have to wait until a regularly scheduled meeting. There have been many times that you end up with long meetings due to the laundry list of items that needs to be discussed and often times the city administrator may need immediate action. He pledged to poll committee members, giving them an opportunity to select from a couple of dates and even schedule the meetings in the evenings and offers up the most possibility to citizens for their input. Alderman Saunders stated the committee is where a lot of work gets done and we are moving in a direction with professionals, this is a courtesy that is provided in the professional world; as a volunteer for many organizations, her commitment is taken seriously and though she may not be able to make every meeting, an effort will be made to make all meetings. Alderman Wynn stated the committee members should be able to get together to determine when the meetings will be held but what can you do if the person does not want to schedule a meeting. **ROLL CALL:** Alderman Saunders – yes; Alderman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – no; Alderman Robertson – yes; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.**

Alderman Leahy announced the May Ward 3 meeting will be held May 28th at 7pm in the Council room if anyone wants to attend. He also mentioned the MSD bond issue on the upcoming election. They previously removed a fee to residents for impervious surfaces and may be coming back now. He requested the public works committee review the ordinance adopted requiring residents pave their driveways upon change of ownership.

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

Karen Smith 8930 Harrison, questioned the meaning of Limited in limited obligation, if the entities took out loans on their own would they be taxed and if all of the spaces of the Drury where public parking. Alderman Toohey clarified that you don't pay taxes on borrowed income.

She also commented that all police, fire, and public works employees need proper equipment to work with.

Mayor Kelly responded that the developer used their money to develop their site. Once the project was completed, their notes (money borrowed and used to build) turned into bonds and issued to the general public for purchase. They are tax exempt because it makes the interest rate lower; they are willing to accept a lower rate bond that's guaranteed by taxes. With respect to the parking, the only part that is not public is parking designated for the restaurant and the last floor of the garage.

Julie Pozzo 2211 St. Clair, expressed appreciation for the vote to have fixed dates for committee meetings.

John Gephart 9360 Pine (P&Z Chair), asked the board to view the storage containers approved for Bed, Bath & Beyond for their appearance; the containers are incredibly messing and once the Drury is built, half of the residents will look down on this site.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:35pm. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with corrections the 11th day of June, 2012.

Mayor Pat Kelly

Attest:

Bola Akande,
City Clerk/Administrator