

# REVISED

## CITY OF BRENTWOOD SPECIAL BOARD OF ALDERMAN MEETING MINUTES

**City Hall  
Council Chambers  
7:00 pm**

**March 14, 2012**

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, Alderman Robertson, and Alderman Harper.

Staff Present: City Administrator Akande, City Attorney Albrecht, Assistant City Administrator/Director of Planning and Development Rottjakob, Chief Jury, Chief Disbennett, Public Works Superintendent Nahmensen, Business Manager Krewson, Recreation Supervisor Barbeau and Interim Executive Secretary Rutkovitz.

Absent: Alderwoman Krewson and Alderman Wynn

**CONSIDERATION AND APPROVAL OF THE AGENDA FOR THE SPECIAL BOARD OF ALDERMAN MEETING MARCH 14, 2012.** Motion made by Alderwoman Clements, second by Alderman Robertson to accept the agenda as submitted. All in favor none opposed.

**CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMAN MEETING OF MARCH 5, 2012.**

Alderman Leahy: If I may I would like to correct the minutes. I had referenced a section in the code that is incorrect. I am on page 11 of the minutes starting with the last paragraph: Code under Section 125 should actually read Section 2-119. In the 5<sup>th</sup> line down the State Representative is John Diehl. On page 11 in the 5<sup>th</sup> paragraph starting with Alderman Leahy, the Section should read HH. I did say GG but it is HH. Then going to page 16 under Unfinished Business in the last paragraph again the Section should be HH and the Chapter should be Chapter 2-119. Now this correction, Your Honor, if I understand Parliamentary Procedures correctly, the minutes are written correctly as referring to the conversation that took place in the minutes. The correction is necessary in order to draw future readers to the right Codes and Sections that we need to go and that is the only exception to making amendments to minutes on conversations that do not actually take place during the discussion. So if I may make a motion to amend those changes please. Motion moved by Alderman Leahy, second by Alderwoman Clements, to accept minutes as amended, all in favor none opposed.

### **BIDS**

City Administrator Akande - We received bids for a project to Laser Level Ball fields 1, 2 & 3. The three (3) bids submitted were from Shaeffer-Meyer Seed Sod at \$16,950.00, Perfect Play Fields & Link at \$16,915.00, and St. Louis Ballfields & Turf at \$16,380.00. The low bid was submitted by St. Louis Ballfields & Turf at \$16,380.00.

Mayor Kelly: Are you looking for approval of the Board tonight? Yes. The reason this is put on is this is time sensitive and staff would like to have the fields ready for the season. The contract will come before us at the April 2 meeting?

City Administrator Akande: Yes we will have that available.

Mayor Kelly: But we'll let them go ahead and proceed?

City Administrator Akande: Yes, exactly.

Motion made by Alderman Marshall, second by Alderman Robertson. And again just so you understand, we are going to approve the low bid, let them proceed with the work and we'll have the formal contract at our next meeting.

Alderman Leahy: Your Honor, could we read who that was from again.

Mayor Kelly: The low bid

City Administrator Akande: St. Louis Ballfields & Turf at \$16,380.00.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED.

**HEARING OF ANY MATTERS OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT**

**Susan Ryan – 9324 Pine Avenue**

I want to thank you for the opportunity to be here tonight. I read the minutes and it paraphrases what I asked at your last meeting. I am here again because the ARB meeting is tomorrow evening. I would like to thank Alderman Clements and I would like to thank Alderman Harper for actually coming to my home and viewing the build in question. It's a little bit bigger in person than it is on a piece of paper so I would like to share with you this week a notice that went out to the neighbors for this build and it said that the applicant is requesting approval for revisions to plans approved by the ARB at the December, 2010 meeting. This build is complete and it stands in violation, with at least 6 violations, including the foundation. So the foundation was poured to the east much larger, making the addition much larger than it was initially supposed to be, as well as, there are added windows on each side of this build which is in violation. These are not minor violations. These are flagrant violations and again I am asking that each of you take a look at the photos I have provided. We are first on the agenda I believe tomorrow evening, and to walk through and understand just how we got from 2010 ARB approved plans to the build as it stands. Again, from my perspective and our home this is specifically against Code and the Code that I am talking about is 2513-E where it talks about once a project is approved there can be no changes to the outward appearance without having gone before the ARB. We were not given due process throughout this entire situation. I find it sad we have been very neighborly to our neighbors for quite some time. They have been our neighbors for 14 years. As well, I would say that there are issues with the Code that talks about 25114, same inconsideration, this build compared to anything around it in the back is excessive, intrusive and from our perspective, because we live on the corner and our house is lower and set back further, and there is no driveway separation between us. This is intrusive and .... There is no good word for this, so I would really appreciate all of your attendance at the ARB meeting tomorrow evening to hear how we got from the approved 2010 to the build as it stands today and I appreciate all the efforts of Bola and Ellen to help me understand the process. I appreciate Barb and Anthony specifically coming out and viewing it. I do honestly appreciate that and thank you.

**Maureen Saunders - 2326 ParkRidge**

I just wanted to make the comment you know that I am really glad that we have this state audit going on right now within the City of Brentwood and I am really happy that the residents made this happen that they got on board and they were willing to sign the petition and although the Mayor and most of the Board didn't sign the petition I am glad that they at least

put the press release out on the day that I filed the petition saying that they would like to request an audit even though you can't go through with that process. Now we are all on board and we're all united on this, and it is a really good time because former Senator John Danforth has asked Tom Schweich to consider running for Senator. They are forming an exploratory committee and I think that Tom Schweich's office would want to do a really good look at our City especially if he is going to go and try to clean up at the Federal level as a Senator. So, I am encouraging all of you, Board of Alderman, and residents, those things that you never really thought much of before and you let it pass but it continues to gnaw at you. Now, it light of everything that has happened, it comes back to mind, make sure that you contact the auditors while they are here. I think, Bola, you have it on the website, how to get a hold of them or you can get a hold of me, but I would encourage you to make sure right now that we have the auditors go back and look and really give us a clean bill of health. I am hoping too that the auditors can give some suggestions to how perhaps maybe we can recover some of this, you know. I don't know like the \$30,000 that Chris, you know he took the money in October, November, and June of 2010 and I wondering if there is like some liability on either our auditors part for missing things or with the budget. Gina found that the golf tournament was always budgeted at a loss and our auditors didn't catch this and yet we still paid the money out even though it was in the budget, not intended to make money through the entire process and I am wondering maybe if there is some liability even through a civil process either on or auditors or Chris or someone. But anyway maybe we can get some answers and maybe even recover some of the money, especially too like since we paid Chris some accrued benefits and yet he acted unilaterally on the contract for the T-Mobile and it seems like in authorizing overtime and other things maybe there is some civil process that we can recover some of those funds but I really want to encourage anyone that if they can think of anything this is the time now to make sure that we go back and recollect what's been done. Thank you very much.

**Denise Soebbing – 2612 Porter**

First of all I want to say thank you to our arborists, I guess we had called to let them know there was a bad tree in our park, we called and within 2 weeks he had come and taken that tree down and it's a safety issue in the park, Oak Tree Park right at the top where a lot of kids play in the park and everything so we just want to say thank you and recognize that it was fabulous service. Bola you had sent some information to us this week and we appreciate it. Thank you. I do have a question, I know this Board approved a sound study for the noise issues that we have been having and I think we are kind of getting conflicting information as to whether it is going forward or it is not so just would like to have an update on that if you would. Thank you.

**Barry Williams – 9001 Pine Avenue**

It has been quite a year in Brentwood. It was one year ago this week that Chris Seemayer resigned, on March 11<sup>th</sup> and Chris was a friend of mine and I think he did a lot of good for our City and I just would like to remember him on this anniversary and wish him well. I was down there for the sentencing at the Federal Courthouse in October and I guess he should be released from house arrest in about a month or something like that. My topic today is the curious robo-calls that many of us received in Brentwood over the weekend. Mine came in on Saturday morning at 11:52 a.m. and I transcribed a little of it. Did any of the seven of you receive these calls? This is an automated call from a St. Charles Limited Liability Corporation called Survey Missouri, LLC and I wasn't home my answering machine engaged and recorded some of it and this was the first part, "This is a very brief 30 second poll on the April 3 election. This past year the City of Brentwood has faced a number of administrative issues, administrative issues that have resulted in strong remedial actions. This survey will determine if you are satisfied with the changes that have been made in your City. Question 1: Do you feel the City's immediate endorsement for a state fiscal audit was appropriate? Then there is a prompt system, you press 1 for yes, 2 for no, or 3 for not sure and Mayor I think you wrote that question. That sounds like your handiwork. I am curious, I think it's perfectly fine, I mean a

lot of steps have been taken in recent months to try to gain control over our financial situation in the City and that's all to the good and I certainly have no problem with that. I am just curious about it, did the City pay for this with tax payer money and if so do you know how much.

*Mayor Kelly:* The City was not involved in this.

*Barry Williams:* So no one on the City payroll talked with Survey Missouri about this to arrange this. Isn't that strange? I mean it's a for profit company did they just like throw a dart at the map of Missouri and it landed on Brentwood and they decided well we're going to do a gratuitous gift of charity to this town we're going to find out what's on the people's minds in Brentwood and they are going to do a survey. Very strange, are you puzzled by it too as much as I am?

*Mayor Kelly:* We can address it in a second so go ahead.

*Barry Williams:* I just wonder I know a number of people in my neighborhood did receive the calls and I'd be interested to know I can't think of anybody other than the City Government who would care really about the content or discontent of the citizens so I just assumed it was the City who did it but would you be willing to investigate that and find out who did authorize it and how much money was spent.

**Karen Smith – 8930 Harrison**

I did not get the robo-call so I don't know what was on it but the question that Barry read it sounded like that the City was on-board with the audit and that Council members and the Mayor signed a petition. I'm not sure if I heard it all quite correctly, but anyway, sounded like the City was on-board with it and I don't think that was the case so I think that's misleading. I think that should be corrected. I'm not sure that the robo-call is finished or not but the petition was a citizen led effort, that was not a City led effort. I can thank Maureen for that but that's not a City effort so that's misrepresenting what actually occurred there. So actually what I really wanted to talk about, I wasn't planning on saying anything about the robo-call because I didn't get that, but on the agenda it looks like there is 2 or 3 bills, one is a Re-stated Cooperation Agreement for the Hanley/Eager project, another, it's hard to tell from the way they bills are worded on the agenda I was not able to really understand everything that is going on with all these bills but I think we are having some bills that you are going to be asked to approve today to facilitate the taxing vehicles for Drury and I was just wondering who at the City negotiated these agreements like who do we have at the City that is looking out for the taxpayers money on that? Maybe you can answer that in your session. I mean how do these bills get pulled together and who is looking out for the citizen, the taxpayers in this and specifically related to the Meridian I am interested in knowing whether we are going to be spending 57.65% of the bottom half of the EATS or are we going to be forgoing that? Will Brentwood be forgoing \$3.6 million in additional pledged revenue and are we going to be asked to pay \$150,000 to pay down the principal? I would also like to know the sequence of the flow of the funds, who gets paid first? I think it's important to make sure that we're incenting all the various entities that are involved in making this thing work so that everybody does what they are supposed to be doing so in other words, like if, I think the most important thing is to get that debt paid down and the interest paid and I think at one point the way the re-development agreement was read some of the people involved, like us and I'm not sure who all else, but was paid first so we got our payment first and so the incentive to pay, we will be incented to get that interest and debt payment down faster if we get paid last. So I am interested in understanding how the debt flow is going to occur through there. And then the last is in the Drury development, in the last meeting it was mentioned that we needed to provide some subsidies to the developers because of the high cost that they paid. The comment was made and I think it's been out there for awhile, that they paid 4 million dollars

for the property that they acquired from the Missouri Department of Transportation and I want to know if anyone looked over the cost structures for this development and who is responsible for that because the taxpayers are really helping to subsidize that overpayment and yet the taxpayers are not getting any say so at all in this development so we are not given the opportunity to vote on it. It's sort of taxation without representation, so I would like to understand, when we do these taxing vehicles, who is looking out for the taxpayers and looking over the costs that the developers are putting forward and are we really negotiating the best deal for the taxpayers. And the last thing, as I did get a chance to see the site development plan and I am disappointed that we are going to have another asphalt parking lot in Brentwood. Thank you.

**Julie Pozzo – 2211 St. Clair**

I am just following up to Barry's thing about the robo-call. I also was, not about the robo but about the City newsletter that came out and it was I think very deceptive in saying that the City was on board with the audit. That is not true and we all know that.

Mayor Kelly: With respect to the sound study we have solicited bids and we are hoping to proceed with the approval by the Board tonight for the engineering company that is going to do the sound study.

With respect to the robo-calls or the survey, Barry you were right, I did write that question. That survey I did myself, I paid for it myself. I think as Mayor of the City of Brentwood, I wanted to get an idea of what our residents thought. I think they were very normal questions. Did they agree with our hiring of a new City Administrator, a Finance Director? Did they agree that the City acted appropriately and fast enough, you know general questions like that for my knowledge and I paid for and it's my information and there's nothing wrong with that. I think as an elected official I like to know what the pulse of the City is and instead of hearing all the rumors and getting it from this person and that person I decided to just do a poll and get the information for myself and that's where it is. So, it's for my use and that's it. Anybody else has the right to do a poll if they want to do it as well. The company, you can pay them just like I did.

To answer some of the questions with respect to the Meridian project, Bill No. 5657 we will be placing on hold, which is the 8<sup>th</sup> Amendment to the Re-development Agreement for the Meridian project which deals with the TIF and all those questions that were asked there. I think over the period of the 2 ½ weeks we will be able to answer some of those questions or they can be addressed at the next meeting when we bring up this Ordinance.

I think we will be able to address the Drury project going through some of the questions and answers tonight. With respect to the negotiations, really the Board of Alderman took the recommendation of the 353 Commission that has members of the school district, and members of the council as well as P&Z on it, took their recommendation and basically used that to develop the re-development agreement, which we have been talking about for months now. The only addition that we have added to that was we added another \$200,000.00 of assistance for the burying of the utility lines, which are basically at the north corner of Eager and Brentwood and go over to the Drury project so there isn't a telephone pole in front of the new fountain and those lines go across Eager Road. We wanted to try to get those buried so we increased it. The developer has agreed if it goes over \$200,000.00 that they would pay an additional \$50,000.00 if it got higher than that and then if it gets higher than that then they'll have to come back to see if we're willing to pay the difference. The original estimate was between \$125,000 and \$175,000 but you never know until UE goes out there and you get it done, they very good at not giving good estimates. So, that was really the only addition we did from the recommendation from the 353 Corporation and I guess some of those things will be talked about tonight.

With that, we have two Public Hearings tonight.

Alderman Kramer: Before we get to those would you mind if I addressed one of the comments made this evening?

Mayor: Sure

Alderman Kramer: And if I could follow up with Bola or Ellen what is the most recent status on, there was an initiative we had discussed maybe it was at the Committee level or also here at the Aldermanic level, about the ARB appeal process, where is that?

Ellen Rottjakob: That is on the Agenda for Planning & Zoning. That came out of Public Works so the appeal process that Susan Ryan had brought up here first, Public Works recommended that it be discussed at Planning & Zoning and once they make a recommendation it will go back to Public Works and to the Board of Alderman.

Alderman Kramer: Following up also, Ms. Ryan also mentioned that we've got the ARB meeting tomorrow night, under the current scenario, will she be able to seek any or receive any relief or redress at that meeting?

Ellen Rottjakob: She has actually requested, she submitted a letter requesting how she would like some of these issues to be mitigated and we forwarded that in the ARB packets to them so they are aware of her request, which includes some changes to the site to try to mitigate some of the construction that was done without permit.

Alderman Kramer: And I understand there may be, I guess, some punishment sought out for this if that even comes up but you can't un-pour the foundation. We can't undo that is that correct?

Bola Akande: I am not sure punishment is how we would like to phrase it. We would ask that they abate whatever changes that were put into plan without our permit approval.

Mayor: With that we have 2 Public Hearings tonight so I would like to open the first Public Hearing it is now 7:29 p.m.

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR RETAIL HOBBY SHOP AT 8829 MANCHESTER ROAD**, for those of you unfamiliar that is a little building that sits behinds Baumann's Meat Market, used to be a daycare for a number of years and this will be a new tenant for that building, so I will turn it over to Ellen.

Ellen Rottjakob: As the Mayor stated, the site is located on the north side of Manchester Road just west of Brentwood Boulevard and it's a single family home that's currently vacant. It most recently was utilized as the place of business for Bright Beginnings, which relocated last year to a site on South Brentwood Boulevard. The request is to operate a retail hobby shop at this location and the reason why they are required to get a conditional use permit is because the site is less than a half acre, so, it therefore becomes a conditional use permit request. The site improvements that the Planning & Zoning Commission has reviewed and is recommending approval of until some improvements to landscaping and the planting area in front of the home, here is Manchester Road, this is the building where Baumann Meats and Robertson Hearing Aid is located and there is the actual proposed location of the retail hobby shop. They are also going to add ADA parking sign, pavement logo and striping and they are going to relocate the dumpster that's currently on-site that shared between the two buildings and replace it with a six foot high, wood trash enclosure. Planning & Zoning Commission is

recommending approval of this request. The hours of operation are Monday-Saturday from 12:00 p.m. - 8:00 p.m.

If anyone would like to address the Board with respect to the conditional use permit for this site please come forward and give us your name and address. Hearing none, public hearing closed at 7:31p.m. Thank you.

**SECOND PUBLIC HEARING - OPENED 7:31 P.M. - PETITION OF A GRANT OF CONDITIONAL USE PERMIT FOR AN 8 STORY HOTEL TO BE LOCATED AT 1512 SOUTH BRENTWOOD - DRURY HOTEL PROJECT**

Ellen Rottjakob: The Planning & Zoning Commission initiated its review of this request for site plan approval and a conditional use permit on January 25, 2012. They then set a special meeting schedule so they could thoroughly review the plan in anticipation of the developer's request that the site plan approval process be completed before April. So they actually, subsequent to the January 25<sup>th</sup> meeting, they met on February 8<sup>th</sup>, February 15<sup>th</sup>, February 22<sup>nd</sup> and they completed their review on February 29<sup>th</sup> when they scheduled their special meeting to make a final recommendation. The project consists of 210 hotel rooms with a restaurant outparcel. The restaurant is not included in this request currently. They will have to come back for a conditional use permit and site plan approval once the restaurant tenant is identified. The subject property is approximately 3.97 acres, and includes the vacated MODOT maintenance area located at the southeast quadrant of Brentwood Boulevard and Eager Road. This hotel is proposed to be 8 stories plus a lower level and they are proposing to provide 310 parking spaces. The zoning code requires 360 spaces, so, they requested, as they are allowed to under our Code, a reduction in parking. Crawford, Bunte, Brammeier reviewed their request and recommended a reduction down to 296 spaces, however, 310 parking spaces are being provided, 89 are structured parking underground and 221 are surface parking spaces. This site plan had a couple of variance requests that had to be considered by the Board of Adjustment. It went to the Board of Adjustment on February 28, 2012 to request a reduction in the stream buffer set-back requirement from 50 feet to 5 feet and a reduction in the front yard requirement from 15 feet to 10 feet. The Board of Adjustment recommended approval consistent with Stock and Associates recommendation of both variance requests and then it returned back to the Planning & Zoning Commission to their February 29<sup>th</sup> meeting where they completed their review of the site landscape plan, the elevations, and signage and recommended approval with several conditions. But first I wanted to talk about the sight coverage bonus that's requested. 60% site coverage is allowed for a hotel in planned development district. They are proposing 70% site coverage, which is a 10% bonus request. The Planning & Zoning Commission has recommended approval of this request; in exchange their recommendation was that the developer provides the undergrounding of the utilities at Eager and Brentwood and the developer has agreed to do that. That is a condition of approval of their ordinance. A signage plan request is also part of this proposal. The developer is requesting approval for three (3) signs on the site as well as the signs that are depicted on the building elevations. On the building there is a sign at the corner of Eager and Brentwood, there is a sign at the Eager/Brentwood entrance, and also a development sign which will include the restaurant tenant signage and the hotel signage that is just east of the Eager access on the east side of Black Creek. The Planning & Zoning Commission recommended approval of the Site Development Plan, Signage Plan, Parking Reduction, and Conditional Use Permit with the following conditions: that the developer undergrounds the electric utilities at the intersection of Brentwood and Eager in exchange for a 10% site coverage bonus. The Site Development Plan is approved with the exception of the proposed Eager Road access entrance. The Site Plan shall be returned to the City for final review and approval of the Eager Road entrance after St. Louis County Department of Highways and Traffic has determined its configuration. No curb cut on Eager shall be installed or utilized until City approval of this entrance. The landscape plan shall include shrubs at the island northwest of the future restaurant. The developer is aware of this and they have actually added that to their landscape

plan. We wanted to make sure that the fire hydrants that the fire department requested are included so that is a condition of approving the ordinance; however that has been added to the site plan as well.

Mayor Kelly: If anybody in the audience would like to come forward and has any specific questions with respect to the Conditional Use Permit of the Drury project please come forward and give us your name and address.

Maybe it would best now, I know that the developer is going to ask for one change or one request with respect to what Planning & Zoning's recommendations are so maybe you want to come forward now and speak to that.

George Stock with Stock & Associates Consulting Engineers

I am here tonight on behalf of Drury Development joining me tonight is Mr. Drury, Mr. Hasselfeld both with Drury Development, Mr. Josh Barkus with Stock & Associates. I want to start with, "Thank you" to the Planning Commission and also to Ellen for such a thorough job. Over the course of the last several weeks there have been numerous meetings, subcommittee meetings with the Planning Commission and a lot of valuable input from the City that has caused us to do significant changes with the plan in as much as the placement of the building, the orientation of the building, also vertical elevation relative to the finished floor, access to the garage, the garage configuration. I think Ellen did a very thorough job of describing the plan; the number of stories, the number of rooms, the number of surface parking spaces. The surface lot is concrete – it's on a structural concrete subterranean parking garage. There were a lot of issues and a lot of concerns that range from landscaping to flood plain to Agnes Avenue to the neighbors, and through the course of those working sessions, I believe we had a recommendation from the Planning Commission with conditions that are acceptable. One of the items that came up at the Planning Commission was traffic and we are very sensitive to traffic, as is the City, the residents, and the patronage that will be using the Drury Hotel. The traffic impact study, which was put together by CBB on behalf of the City of Brentwood, dated February 22<sup>nd</sup> was very thorough. It included counts – backing up it included a meeting, an early meeting of St. Louis County to scope what the Traffic Impact Study would. We were part of those meetings with St. Louis County and a lot of the issues focused around Eager Road. As many of you know this site has a full drive access to Eager Road that is currently closer to Brentwood. The only thing that we could see in the site planning was to try to optimize the spacing from Brentwood, so, move it as far east as we possibly can up to Black Creek. Our desire for a sustainable hotel development is to have full access. We had even suggested a traffic signal. St. Louis County has shown their concerns with that. Eager Road is a 6 lane road but they have been open-minded to give consideration. We have not met with St. Louis County since that scoping meeting and initial meetings that Mr. Hasselfeld and I had. The Traffic Impact Study was completed by CBB and was presented to the Planning Commission and they went through a number of scenarios of Eager Road, from right in-right out access, three-quarter access, full access under a stop condition, full access with a traffic signal. With what work they have done, they were of the opinion that a three-quarter access would be their recommendation to Eager Road. It is not uncommon for multiple traffic engineers to look at developments. CBB and the City of Brentwood was gracious enough to provide the Drury Development team all of the data and not just the Traffic Impact Study but the actual counts that they had performed in addition to the signal timing of both the signalization on Brentwood and Eager Road. Most recently, in the last several months, our firm worked hand-in-hand with a firm called DKS Associates. DKS Associates is a professional transportation firm out of Tampa, Florida. They are also the transportation consultants that are doing the Chesterfield Outlet Mall. That is a 489,000 square foot mall on North Outer 40 at Boone's Crossing. Eager Road and Brentwood is unique, there is no question there is a lot of traffic. There is close separation of signalizations. Chesterfield Airport Road/Boone's Crossing has close signalizations. There is a new signal being constructed on Boone's Crossing within a few

hundred feet of other signals. DKS is highly respected, as is CBB, both with St. Louis County and MODOT. We ask DKS to take the information provided and do some additional testing above and beyond some modeling from what CBB had done. We did not ask CBB to go beyond, so there is still the opportunity for them to look at it but what they were able to conclude is that full access to Eager Road, either under a stop condition and/or a signalized condition would provide acceptable, safe ingress/egress to the Drury Development. We have a two page memo which more or less symbolizes, maybe we can pass that out; it is dated March 13, 2012. DKS had a previous commitment and was not able to be here. We wouldn't be billing a firm that's not familiar with St. Louis County or MODOT before you; but basically in their modeling what they were able to do, and I think this is something that CBB touched upon as being a possibility, by simply adjusting the signal timing at the Eager Road and I-170 and the signal timing at Brentwood and Eager that you could actually accommodate the signal without any delays in traffic and/or the fear that was at the Planning Commission that CBB, due to the fact they didn't do this simple modeling, could not demonstrate that they would not be cueing back into the intersections, which would obviously be a bad thing. The other thing that was a concern was, and it is still a concern, it's a discussion on for St. Louis County, is the fact that they do have Access Management Guidelines and under those guidelines it says, "Signals shall have certain amount of separation". Well there are exceptions to that and generally it's for the public safety when those exceptions are granted. I think where we're prepared to move forward with St. Louis County with the information of the CBB traffic study with the supplemental information of DKS, work in conjunction with the City of Brentwood and work with St. Louis County to facilitate full access to Eager Road. I am not standing here tonight before telling you we are going to have a signal at Eager Road. What we are asking for is full safe vehicular access so that the hotel is sustainable and so we would ask your consideration and your support of the project and allow us to move forward to St. Louis County. If there is anything specific relative to the site plan that you would like to ask me I am happy to answer those questions but I think Ellen did such a thorough job in her report and her presentation I don't know what else there is. She has been incredibly responsive in working with the Drury's architectural/structural/mechanical, and landscape architect. It's been a quick turnaround to, turn the building, lift the building, move the driveway over here, create the landscape buffer along the wall, change the modular walls to pre-cast walls with form lines, put a sidewalk out to Brentwood Boulevard, put a sidewalk out to Eager, make it linear, make it curved, and it was all done in a short time and it was actually pretty fun so I think we have a good plan of action and we feel real good about where we are with the traffic information that we have and happy to answer any questions.

Mayor Kelly: Any questions? Let's have the Board ask questions.

Alderman Leahy: George if the City of Brentwood agrees to give you the agreement that will look towards a full access, St. Louis County says thank you very much but no, what happens to the project?

George Stock: Mr. Hasselfeld and Mr. Drury are going to have to make a decision what happens. I can't answer that question.

Alderman Kramer: I want to state for the record how excited I am that Drury has jumped through hoops, jumped over all types of bales, and put forth an enormous amount of effort to make the City as happy as the City can be and the residents therefore as happy as they can be. I am excited to see this go forward I do have a couple of issues though. One is that I am specifically not in favor of a signalized access but I am in favor of full access without a signalized interchange there and I understand that we may be taking a leap of faith with St. Louis County tonight, I am prepared for that and I guess we'll see how it turns out but I want to let you know that I am looking forward to the development and hopefully helping the developers ensure a maximum impact at that southeast corner. It is a very important corner of

the development. We do have water features all around, not asking for a water feature, but I am looking forward to it being very nice and I know that Drury is a first class developer and we are eager to see you move forward. Thank you.

Mayor Kelly: Any other questions from the board, none. Does anybody in the audience have another question before I close the public hearing?

Larry Hasselfeld, Vice President, Drury Development

My name is Larry Hasselfeld, I am Vice President of Drury Development and one important introduction I wanted to make I do not leave out which I did at the last meeting was Chuck Drury. Chuck's son Charlie Drury is here, he is home from school on Spring Break, and attending the meeting tonight, so he is also representing Drury Development. I just want to personally respond to some of the comments that were made before the meeting. I just wanted to address the process again that we have been through and I know George has been through a little bit. The City put forth a request for re-development of this site in November of 2008 a little over, almost 3 ½ years ago. We responded to that request in December of 2008 and were very happy to do so, it's a wonderful site. We've had meetings with the Board of Alderman on March 2, 2009, September 19, 2011, and January 6, 2012. We have met with the re-development corporation regarding the blighting and the assistance twice in the months of November and December. We've had 4 meetings with their Planning & Zoning Commission and, as George described, a very thorough process of review and I think not only did the Planning & Zoning Commission, but there have been consultants that were hired by the City, the developer Drury has paid and will pay for all the consultants that have been hired by the City to review the project. As George talked about there is one open item that remains and that's the access to the site. Proper access is critical to the success to this development. Whether it be for a Drury Hotel, an adjacent restaurant, a retail center, an office or any other commercial development that might come to this sight if we weren't the ones to develop it. In our discussions with the city representatives, both the traffic consultants that have been hired for this site and the St. Louis County Traffic Department with about 6 people present, all agree that the Drury project is a favorable traffic answer for this site in comparison to possible users that could possibly come to this site. In contrast to what you've heard earlier, Drury does not own this site. Drury does have the site under contract and assuming we have approval will close on the site. We do not own any pieces of property within the development as of today and are not obligated to own pieces of the development within the site. If this property is to be developed as a Drury, we do need to maintain full access to Eager Road. We will be asking St. Louis County for full access as described and that's what is on the site plan in front of you for approval tonight; the full access. There is no request for the light in the plan in front of you, there's no telling where the plan will end up. We are really asking St. Louis County to review and give an answer they will approve since they control access to the site. In section 2 of the proposed ordinance, P&Z had recommended that the site plan be returned to the city for final review and approval of the entrance after St. Louis County Department of Highways and Traffic has determined it's configuration. Final approval by St. Louis County could be as much as 4 – 6 months from now. We continue to make significant additional investments on this project on a daily basis, but more importantly our options to acquire the site are going to run out and we are going to have to make a decision on whether we acquire the site or not, probably before we have a final approval of the access. As a result, we need to know that the decision by St. Louis County is final and we respectfully request that you delete the condition in section 2 of the proposed ordinance regarding the submission to the city for approval after St. Louis County has determined the access configuration. Thank you and we will look forward to bringing this project to a conclusion.

Alderman Leahy: Do we have any time frame of how long St. Louis County would take to come up with a decision?

Mayor Kelly: Were not playing back and forth here but George probably has a better feel on that.

George Stock: In 60 days we have all the information to go to them for traffic studies. In addition to that I would say it is highly likely their going to come back and want more reports. So there is really not telling what the time frame will be.

Alderman Leahy: But the limit, as I understand it, is your options on the property versus your St. Louis County decisions as to working out. As you point out what do you do with that big of a gap?

Larry Hasselfeld: We work it out and the answers aren't always here today and that is true with all developments, we'll get some options extended, we may make decisions to acquire sites that we might not otherwise acquire if it wasn't approved, but that will come as we work this through over the next few months. I don't want to sound negative to the project we believe in the project, we believe it is a good project. We'll talk about what's necessary regarding the writing and the assistance later in the agenda I think. I think what is important is, from our perspective, and I hope to you, is that we think this project can be successful under the terms and conditions as laid out. We are a company that is local. As Chuck likes to say we do live here we drive by it on a daily basis. Having said that, development today is very tough and we are under construction on 4 hotels around the country in various cities but we would really like to do this project and we will do everything we can to make it work.

Alderman Kramer: Your honor could I pose one thing to Larry real quick?

Alderman Kramer: As excited as we are, and I think it is going to be a valuable asset for Brentwood if you are successful, and we hope that you are. The residents will be happy I think in the end. The one thing they continually ask about, which is an amenity that you are going to bring hopefully to the table, which is the restaurant. I know we are putting the cart before the horse a little bit but I know there is a lot of advanced timing in this. Once upon a time we had a valuable amenity in Brentwood known as T.G.I. Fridays and I think it is a Tri-Corp or something that is the Franchisee so I am just suggesting that a lot of the residents would be really ecstatic if that came back to our town.

Larry Hasselfeld: Let's put it this way, we will definitely talk to them and in fact we have had discussions with them. There are many options out there and I think the restaurant will be very favorably reviewed regardless of which restaurant is there. It is a good site for a restaurant. We have installed, as part of the project proposal, the proper parking underground and everything else so that the hotel and restaurant guests can both share in that parking and it will really work well. So we have had interest from 3 parties, 2 of them very serious. I am not prepared to announce names here tonight but I think all of them would be looked upon favorably.

Alderman Kramer: Thank you sir.

Mayor Kelly: Does anybody in the audience have any questions? Public comment closed

Mayor Kelly adjourned the Public Hearing at 7:55 p.m.

As requested, Alderman Leahy make a motion to place Bill #5657, which is the 8<sup>th</sup> Amendment to the Redevelopment Agreement for the Meridian project placed on hold. Motioned seconded by Alderwoman Clements. All in favor none opposed.

Motion for First and Second reading of Bills #5649, 5650, 5651, 5652, 5653, 5654, 5655, 5656, and 5658. First and Second reading only. Motion moved by Alderman Leahy, second by Alderman Marshall. All in favor none opposed.

First Reading Bill No., 5649, by title only, an Ordinance authorizing the Mayor to execute an agreement on behalf of the City of Brentwood, Missouri for dispatch and holding services to be provided to the City of Rock Hill for Police, Fire, and Ambulance calls by the City of Brentwood, Missouri. Synopsis: Yes your Honor, Bill 5649 is one that would authorize an Ordinance for the Mayor to execute an agreement on behalf of the City of Brentwood, Missouri that for dispatch and holding services to be provided to the City of Rock Hill for Police, Fire, and Ambulance calls by the City of Brentwood, Missouri. The City of Brentwood has contracted with the City of Rock Hill previously to provide their dispatch and holding services for the past 9 years. This agreement is for a contract amount of \$54,636.00 for dispatch services and \$15.00 per day for prison or housing and to provide meals and clothing, as needed. This agreement not only serves as providing affordable dispatch services to the City of Rock Hill, but also allows the City of Brentwood to increase dispatch staffing during peak shifts, thereby increasing the level of service to our Brentwood citizens.

Alderman Kramer: On page 2 under Exhibit 1 point number 8 in Terms and Conditions, expenses related to the systems upgrades to the Brentwood dispatch systems to be borne by the City of Brentwood. This does not take into consideration the universal radio communications that the County is working towards. This would only be our current status of our communication to work with.

Alderman Marshall: Your Honor, I think I have brought this up on past contracts but when somebody who has been detained at the police station gets sick we have to take him to the hospital, we have to cover that bill, don't we, if there is no insurance. Do we pay for that?

Mayor: I think they take care of their prisoners on that.

Alderman Marshall: They will take care of their prisoners?

Mayor Kelly: We may have to transport them.

Alderman Kramer: Your Honor, I believe this contract amount represents a 3% increase over previous.

Second Reading Bill No., 5649, by title only, an ordinance authorizing the mayor to execute an agreement on behalf of the City of Brentwood, Missouri for dispatch and holding services to be provided to the City of Rock Hill for police, fire, and ambulance calls by the City of Brentwood, Missouri.

Motion moved by Alderwoman Clements that Bill 5649 be perfected into ordinance form, second by Alderman Leahy.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - yes, Alderman Kramer, yes, Alderman Robertson, yes, Alderman Wynn - yes, Alderman Harper - yes. MOTION PASSED. (Ordinance 4325)

First Reading Bill No., 5650 by title only, an ordinance authorizing an agreement with the Metropolitan St. Louis Sewer District relating to MSD's provision of up to \$500,000.00 to assist the City with the cost of demolishing the structures located at 2761 and 2805 Mary Avenue and return the property to permanent open space and providing for the effective date of this ordinance.

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Synopsis: Bill 5650 is one that authorizes an ordinance for an agreement with the Metropolitan St. Louis Sewer District, otherwise known as "MSD" relating to their provision of up to \$500,000.00 in assistance to the City of Brentwood with the cost of demolishing the structures located at 2761 and 2805 Mary Avenue and to return the property to permanent open space. Also, providing for the effective date of the ordinance, City staff submitted a letter to MSD on February 16, 2012 that requested renewal of MSD's commitment of financial assistance to clear 2761 and 2805 Mary Avenue, property the City acquired through donation on December 23, 2011 from its owner. MSD's staff is requesting the City to approve the agreement so that it can be sent to MSD's Board of Directors at its April budget meeting. This item comes to the Board of Alderman of Brentwood without a recommendation from Public Works as there was no quorum at the March 14<sup>th</sup> meeting and this is a very time sensitive item.

Alderwoman Clements: We have a drawing, a schematic here, and just to clarify the Mary Avenue their showing - is it the 2 that are closest to Manchester or the other 2?

Ellen Rottjakob: It's actually, I don't know if you can see on your plan, lot 1 and adjusted lot 2, so it's the 8 buildings located on those 2 parcels.

Alderman Leahy: The City is planning to have a Hazmat material verification of inside the buildings prior to demolition.

Second Reading Bill No., 5650 by title only, an ordinance authorizing an agreement with the Metropolitan St. Louis Sewer District relating to MSD's provision of up to \$500,000.00 to assist the City with the cost of demolishing the structures located at 2761 and 2805 Mary Avenue and return the property to permanent open space and providing for the effective date of this ordinance.

Motion moved by Alderman Marshall, second by Alderman Leahy.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4326)

First Reading, Bill No. 5651, by title only, an ordinance granting approval of the Site Development Plan and Conditional Use Permit at property numbered 8829 Manchester Road, which permits under the provisions of Chapter 25 of the Brentwood City Code the development of that site for use as a retail hobby shop providing the conditions of such development and providing for the effective date of this ordinance.

Synopsis: Yes your Honor, Bill 5651 is one that sets up an ordinance granting approval for the Site Development Plan and Conditional Use Permit at the property numbered 8829 Manchester Road, which permits under the provisions of Chapter 25 of the Brentwood City Code, the development of that site for use as a retail hobby shop providing the conditions of such development and providing for the effective date of the ordinance this conditional use permit and site development item were reviewed and recommended for approval by our City's Planning and Zoning Commission.

Alderman Leahy: Under the rationale conditional use permit arrangement conditional use findings and rationale in Number 1 I believe that the street Marshall Road should read Manchester Road if we may correct that. Thank you.

Alderman Marshall: Do we know when the last inspection as far as electrical and all the other code requirements were done? Do we know if the inspections will be done? I know the building was very old and I just wanted to make sure that was current.

Bola Akande: Yes, that's standard operating procedures for us.

Alderman Leahy: Bill 5651 in the synopsis and Bill 5651 on the handout are not congruent.

Second Reading, Bill No. 5651, by title only, an ordinance granting approval of the Site Development Plan and Conditional Use Permit at property numbered 8829 Manchester Road, which permits under the provisions of Chapter 25 of the Brentwood City Code, the development of that site for use as a retail hobby shop, providing the conditions of such development and providing for the effective date of this ordinance.

Motion moved by Alderman Robertson, second by Alderman Leahy to perfect Bill No. 5651 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance No 4327)

First Reading, Bill No. 5652, by title only, an ordinance authorizing the Mayor to execute a contract with American Banner Amusements, Inc. for the provision of rides and other services for Brentwood Days in 2012 and providing for the effective date of this ordinance.

Synopsis: This Bill is 5652, for an ordinance authorizing the Mayor of the City of Brentwood to execute a contract with American Banner Amusements, and they are incorporated, for the provision of rides and other services for Brentwood Days in 2012. Also providing for the effective date of the ordinance the American Banner Amusement Company has provided rides and/or concessions for the City of Brentwood's Annual Brentwood Days event for the past 6 years. This company has consistently complied with the requirements and deadlines, as outlined in our contractual agreements. They have an excellent safety record with the State of Missouri. This item comes to the Board of Alderman without a recommendation from Public Works as, once again, there was no quorum at the March 14<sup>th</sup> meeting and this is a time-sensitive item.

Second Reading, Bill No. 5652, by title only, an ordinance authorizing the Mayor to execute a contract with American Banner Amusements, Inc. for the provision of rides and other services for Brentwood Days in 2012 and providing for the effective date of this ordinance.

Motion moved by Alderman Leahy, second by Alderman Marshall to perfect Bill No. 5652 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4328)

First Reading, Bill No. 5653, by title only, an ordinance authorizing the Mayor to execute a contract on behalf of the City of Brentwood, Missouri with State Mechanical Services, Inc., 10510 Lackland Road, St. Louis, Missouri 63114, for a Brentwood Recreation Complex refrigeration HVAC heat recovery system for 1 year commencing on April 9, 2012 providing for the effective date of this ordinance.

Alderman Leahy: Correction: I believe the bill we have is for 2 years.

Bola Akande: It is for 1 year with an extension of an additional year.

Alderman Leahy: Mine says 2, so this is a 1 year contract with a 1 year option.

Bola Akande: Yes

Synopsis: The explanation for Bill 5653, in layman's terms, is that a proposal's in ordinance authorizing the Mayor of our City of Brentwood to execute a contract on behalf of the City with State Mechanical Services, located at 10510 Lackland Road in St. Louis for the Brentwood Recreation Complex for refrigeration HVAC heat recovery system for 1 year commencing on April 9, 2012, providing for the effective of the ordinance and State Mechanical has shown dedication. Their expertise has been instrumental in ensuring the systems of our City remain operational in the most efficient, optimal manner possible. This item comes to the Board of Alderman without a recommendation from the Public Works Committee, as there was no quorum at the March 14<sup>th</sup> meeting and this is a time sensitive item.

Second Reading, Bill No. 5653, by title only, an ordinance authorizing the Mayor to execute a contract on behalf of the City of Brentwood, Missouri with State Mechanical Services, Inc., 10510 Lackland Road, St. Louis, Missouri 63114, for a Brentwood Recreation Complex refrigeration HVAC heat recovery system for 1 year commencing on April 9, 2012 providing for the effective date of this ordinance.

Motion moved by Alderman Robertson, second by Alderman Leahy to perfect Bill No. 5653 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4329)

First Reading, Bill No. 5654, by title only, an ordinance vacating certain rights-of-way and other interests held in trust by the City, which were previously dedicated to the City of Brentwood and are no longer necessary for the purposes for which such interests were dedicated.

Synopsis: Bill No. 5654 is a bill for ordinance vacating certain rights-of-way and other interests held in trust by the City of Brentwood, which were previously dedicated to the City of Brentwood and are no longer necessary for the purposes for which such interests were originally dedicated. Drury Development Company has acquired several parcels of property which it seeks to consolidate for development purposes. The consolidated property contains alleys and streets which were previously designated as public rights-of-way and/or public utility easements.

Ellen Rottjakob: Correction, they do have options on the contract they are not actually purchasing that yet.

Alderman Leahy: Aren't we a little premature in vacating this if the whole process has not been designated that it will go through, since we do have a conditional potential of maybe not having a project through, vacating these alleyways at this time may be premature. Mark, correct me if I am wrong but, they don't take effect unless the project goes forward?

Mayor Kelly: Correct me if I'm wrong, but they don't take effect until the project goes forward.

Mark Grimm, Attorney, Gilmore & Bell, P.C.: Right.

Alderman Leahy: I don't remember reading that, Mark, in this bill.

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Ellen Rottjakob: Also this would not be effective unless the ordinance that authorizes the City Administrator to sign the vacation deed has been signed. The ordinance would not be effective unless she actually signed the vacation deed, so she wouldn't do that without everything else being in place.

Second Reading, Bill No. 5654, by title only, an ordinance vacating certain right-of-way and other interests held in trust by the City, which were previously dedicated to the City of Brentwood and are no longer necessary for the purposes for which such interests were dedicated.

Motion moved by Alderman Marshall, second by Alderwoman Clements to perfect Bill No. 5654 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4330).

First Reading, Bill No. 5655, by title only, an ordinance for the City of Brentwood, Missouri declaring the CLD Brentwood Redevelopment Area to be blighted approving the CLD Brentwood Redevelopment Area development plan and making certain other findings, approving a re-development agreement and authorizing certain actions relating thereto.

Synopsis: Just as a point of note, this Bill will probably require a good afternoon of reading plus a study guide sitting next to you to help you understand, but here is a brief synopsis. This is for an ordinance for the City of Brentwood, Missouri declaring the CLD Brentwood Redevelopment Area to be blighted approving the CLD Brentwood Redevelopment Area development plan and making certain other findings, approving a re-development agreement and authorizing certain actions relating thereto.

Second Reading, Bill No. 5655, by title only, an ordinance for the City of Brentwood, Missouri declaring the CLD Brentwood Redevelopment Area to be blighted approving the CLD Brentwood Redevelopment Area development plan and making certain other findings, approving a re-development agreement and authorizing certain actions relating thereto.

Motion moved by Alderwoman Clements, second by Alderman Kramer to perfect bill No. 5655 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - no, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4331).

First Reading, Bill No. 5656, by title only, an ordinance granting approval of the Site Development Plan and Conditional Use Permit to Drury Development Corporation for a hotel at property numbered 1512 South Brentwood Boulevard, which promotes under the provisions of Chapter 25 of the Brentwood Code of Ordinances the development of that site providing the conditions of such development and providing for the effective date of this ordinance.

Synopsis: Bill No. 5656 is a Bill that requires an ordinance to be approved, Site Development Plan and Conditional Use Permit of Drury Development Corporation for a hotel at property numbered 1512 South Brentwood Boulevard, that promotes under the provisions of Chapter 25 of the Brentwood Code of Ordinances the development of that site providing for the conditions of such development and providing for the effective date of the ordinance. Drury Development Corporation applied for approval of a Site Development Plan and a Conditional Use Permit to operate a 210 room hotel with up to 9 stories, 8 stories plus a lower level located

at 1512 South Brentwood Boulevard. The application was submitted to the Planning and Zoning Commission for its investigation and report. The commission has recommended the Site Development Plan be approved subject to conditions as stated in the Bill.

Alderman Leahy: If I may your Honor, I would like to correct or amend Bill No. 5656 and I believe it should be handled as a separate action because we are changing a recommendation from the Planning and Zoning Commission. Do we need super majority to do this?

Ellen Rottjakob: To remove a condition related to the Site Plan is a simple majority.

Alderman Leahy: Your Honor, on page 2 in Section 2 the second bullet point for the Site Development Plan, as approved, the site shall return to the City for final approval after St. Louis County if we may strike that portion from the Bill.

Alderman Leahy made a motion to remove the condition that once they have approval for the access from St. Louis County, whatever that approval is, if they bring that back for a final determination from the City. Motion seconded by Alderman Marshall.

Mayor Kelly: I did want to make one comment on that. I think it is important for all of us to understand that St. Louis County is the overriding authority and I think by making the Developer come back is putting another question mark in their ability to get this approved. I don't understand why P&Z would want to review what St. Louis County has approved unless they were going to make it more restrictive, which they can do, but I think that adds some uncertainty to the process and also makes the process a little bit longer. Another thing that is important for us to remember, and I know this was stated by the Developer, but whatever development goes there, they are going to have access issues. It was pointed out in our own traffic report, because the question has been brought up with the access to Rose Avenue, and the traffic engineer said that would not really impact this site specifically from a traffic standpoint. It would be good for all of the neighbors around there to have that access and that cross-access but that it wouldn't solve the access problems for this site. So, again, I agree with removing this stipulation, letting them go to St. Louis County and getting the determination from St. Louis County and working to that end.

Alderman Kramer: In this isolated circumstance only, do I feel that St. Louis County has the ability to review the safety of its residents and citizens regarding this particular interchange and I look forward to the thorough review of the same.

Alderman Marshall: Your Honor, you talked earlier about the 10% trade-off for the bonus tract, utilities. I show in the ordinance and in the rationale the 10% but I know we talked about a limit as far as how much money we were talking about the costs. I don't see any kind of dollar amounts in this.

Mayor Kelly: That is actually a separate tract. That's part of the public assistance and that is covered in the re-development agreement. So this is just for the removal of the stipulation we had the first and second.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED.

Second Reading, Bill No. 5656, by title only, an ordinance granting approval of the Site Development Plan and Conditional Use Permit to Drury Development Corporation for a hotel at property numbered 1512 South Brentwood Boulevard, which promotes under the provisions of

Chapter 25 of the Brentwood Code of Ordinances the development of that site providing the conditions of such development and providing for the effective date of this ordinance.

Motion moved by Alderman Leahy to perfect Bill No. 5656, as revised, into ordinance form. Motion seconded by Alderman Marshall.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4332).

First Reading, Bill No. 5658, by title only, an ordinance authorizing the execution of an Amended and Restated Cooperation Agreement and authorizing certain other actions in connection with the execution and delivery of said agreement - a Transportation Development District (TDD) cooperative agreement (Hanley/Eager Road TDD).

Synopsis: This is for Bill No. 5658, an ordinance authorizing execution of an Amended and Restated Cooperation Agreement and authorizing certain other actions in connection with the execution and delivery of said agreement, a Transportation Development District (TDD) cooperative agreement for Hanley Road and Eager Road TDD. This is a house keeping item. The changes acknowledge the City is no longer collecting the TDD tax. This is now done by the State of Missouri and ratifying the special assessment to be collected by St. Louis County Department of Revenue with their annual taxes.

Mayor Kelly: Correction: St. Louis County will not be collecting the taxes. The property owners will make a direct payment to the trustees on an annual basis it does not go through St. Louis County, so I wanted to correct that.

Alderman Leahy: In doing this, Your Honor, do we lose our pass-through money also. I thought we got a pass-through for this collection.

Mayor: We still get that from the State.

Alderman Leahy: That's interesting.

Mayor Kelly: We still get the 1%, on all of the other projects we do. Now are they going to change that because of this?

Alderman Leahy: My problem is, in doing that, how does that affect our current budget if that income is not recognized as income? Wouldn't this be additional income that we didn't plan on?

Mayor Kelly: No, this is something that we would have had in the budget. Let me clarify because first of all when the State took over the collection of TDD's in 2009 we did not lose the 1%. We have been getting those funds from the State. Again, the reason we are making this change is because we are coming up with the new agreement and we need to bring it up to the current state law that says they collect it. I don't know that that's going to change by 1%. The State isn't being notified of this change but as of right now we still get the 1% for the TDD's. Mark do you know any different? So my suggestion would be not to notify the state.

Alderman Leahy: Whether they know or not doesn't hurt me, it's a matter of whether or not the income that we have got in this year's budget is or is not a reality because I know we ran tight with the budget.

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Mayor Kelly: If they were going to take it from one of them they would take it from all of them. I don't think they can pick and choose. I think they still pass that 1% through. We do still do some paperwork with respect to the TDD's.

Second Reading, Bill No. 5658, by title only, an ordinance authorizing the execution of an Amended and Restated Cooperation Agreement and authorizing certain other actions in connection with the execution and delivery of said agreement - a Transportation Development District (TDD) cooperative agreement (Hanley/Eager Road TDD).

Motion made by Alderwoman Clements, second by Alderman Marshall to perfect Bill No. 5658 into ordinance form.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - yes, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED. (Ordinance 4333).

**ACCOUNTS AGAINST THE CITY**

Warrant List proposed tonight in the amount of \$50,754.79.

Alderman Marshall: I did have one question, on the second item and on the third item, both Drury projects, are those pass-through costs? Do we get reimbursed for those?

Bola Akande: The first one isn't just Drury he does other things for the City. Some of the cost was for the Drury project but what I was trying is just to provide you a little bit more description of what this position has been doing for the City so this cost specifically is for Drury.

Alderman Marshall: So that amount and the third amount would be passed through?

Ellen Rottjakob: Drury related costs are reimbursed with the preliminary funding. So it should show up on the other side as a pass through.

Motion moved by Alderman Marshall to adopt the Warrant List in the amount of \$50,754.79, second by Alderwoman Clements; all in favor none opposed.

Alderman Kramer: Other questions about the Drury amounts were just covered but I do have one item I think you should bring up for the public's benefit. Speaking, for myself only and potentially for the other members of the Ways and Means Committee, and perhaps the whole board, there has been a question about the auditing firm Hoschchild Bloom & Company. I think it was, once again, my own feelings, and others may wish to chime in, that we not retain Hoschchild Bloom in the future but based upon the anniversary date and the timing of this annual audit we were not able to get an RFP out in time to make that proposal for other operators to come forward. Just a note this bill is for that most recent audit and if it were up to me, this would be the last one for that company.

Alderman Marshall: I would have to agree with Alderman Kramer. I think it is going to be better moving forward if we have a fresh eye on the budget or on the audit every other year.

Bola Akande: I concur, and with Gina on board we will be going through an RFP process so the expectation is that we will have a new audit firm this time next year.

## REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

MAYOR

Mayor Kelly: The last item I have is a Proclamation that I would like to read. I put this together this last few weeks.

PROCLAMATION

**WHEREAS,** St. Mary Magdalen Parish was founded by Father Joseph C. Fehlig in 1912 in the rural St. Louis County community known as Maddenville; and

**WHEREAS,** On March 17, 1912, Father Fehlig celebrated the first mass at St. Mary Magdalen Catholic Church in a renovated building at the corner of North and South (Brentwood Blvd.) and Russell Avenue, with the 45 founding families of the parish in attendance, and

**WHEREAS,** After moving across the street a year later, the church was forced to relocate again a few years later following a damaging flood, moving to the parish hall at the corner of Manchester Road at what is today Brentwood Blvd.; and

**WHEREAS,** The first parish school opened in 1922 with 120 students and three Dominican Sisters as the first teachers. The second floor of the school building, which was an auditorium, became the fourth home of the church in 1929 when the floor collapsed in the old parish hall; and

**WHEREAS,** Father Fehlig led St. Mary Magdalen for many years, including the parish's silver anniversary in 1937 and the parish grew to 300 families with more than 200 students in the parish school. During this time a number of parish organizations were started, including the Altar Society, founded in 1912, and the St. Vincent de Paul Society, formed in 1922; and

**WHEREAS,** Father Bernard Wegman, the second assistant pastor, was instrumental in opening the parish to black Catholics in the early 1930s. The first member of St. Mary Magdalen Parish to die serving his country in World War II was African-American parishioner Donald Munroe. The first vocation from St. Mary Magdalen was Father Wilfred Charleville, who celebrated his first Mass in June 1944; and

**WHEREAS,** The convent was built in the late 1930s for the sisters teaching at the school and Father Gerald McMahan initiated the construction of a new church in the early 1940s; due to delays in construction because of World War II, the Church was completed and dedicated by Archbishop Joseph Ritter on May 25, 1947, and still remains a fixture of the Brentwood community. In 1951 a chapel was added to the convent and with a student body of over 700, and the third pastor, Msgr. Thomas F. Durkin, opened the new school in January 1962; and

**WHEREAS,** The parish continued to grow and by the mid-1970s reached more than 1,300 families; and

**WHEREAS,** St. Mary Magdalen continued to have dedicated, caring pastors: Msgr. James Finley 1975 – 1983, Father John M. Kilcullen 1983 – 1994, Father Bernard J. Wilkins 1994 -2009 and Msgr. C. Eugene Morris from 2009 – 2010; and

**WHEREAS,** Today the current pastor, Father Jack Siefert, continues the mission of the pastors that have led the parish the past 100 years: “witnessing Christ”;

**NOW, THEREFORE, I Pat Kelly, Mayor of the City of Brentwood do hereby proclaim March 17, 2012, as**

***St. Mary Magdalen Day***

**In the City of Brentwood and ask all citizens and organizations to join in this observance and recognition for St. Mary Magdalen Church as a cornerstone and foundation of the Brentwood community on this 100- year anniversary of their first mass.**

Alderman Leahy made a motion to approve the proclamation for St. Mary Magdalen Day. Motion seconded by Alderman Harper; all in favor, none opposed.

Mayor Kelly will try to present to Father either Friday or Saturday.

**PUBLIC SAFETY**

No report

**PUBLIC WORKS COMMITTEE**

No report as of yet, we will have one from today’s meeting

**DIRECTOR OF PLANNING AND DEVELOPMENT**

Mayor Kelly: Since you really haven’t been doing anything, Ellen do you have anything to report?

No report

**WAYS AND MEANS COMMITTEE**

No report

**CITY ATTORNEY**

No Report

**CITY CLERK/ADMINISTRATOR**

Bola Akande: Yes your honor, staff met earlier this week to review our request for a professional engineering services for a sound study and we have selected an engineering firm, McClure Engineering and what we are asking them to do is to make a sound measurement at the property line of a business and resident in the City of Brentwood. The data will be used to determine the compliance with the sound code in place in the City of Brentwood.

Mayor Kelly: Are you looking for a motion to approve? Yes.

Alderman Kramer: Could you state the engineering company one more time?

Bola Akande: McClure Engineering.

Alderman Kramer: Do you have the cost?

Bola Akande: Total is \$2,440.00.

Alderman Leahy: Your honor, we have gone around and round with this and the resident has dealt with the problem for 10 years at this point I am still opposed with the City going forward with this study since this whole group approved it 7-8 weeks ago both residents have given us both oral and written statements to decline having the study done. One of the residents has even stated that they don't feel bound or obligated by any results of the study. We have conflicting requests as to where this actual sound is now coming from and whether or not the offending piece of equipment is or is not running, to work with. I do know that they hear a problem with it. The City has provided the residents with a letter that basically informed them that if they wished to carry it further that they have private, civil matters that they can take on but I don't think that this is in the best interest of the City to proceed with.

Mayor Kelly: Again, that's one of the reasons we brought it back to get approval because the City had approved it once and so I will entertain a motion to approve the engineering and sound study to move forward.

Alderman Marshall: Your Honor, I make a motion to approve the presentation from McClure Engineering by our City Administrator in the amount of \$2,440.00 for a sound engineering study.

Motion seconded by Alderman Robertson.

Alderman Kramer: I was unaware that the resident asking for help would then reject the study that we haven't even done yet, is that the case?

Mayor Kelly: Again, I am not going to speak to that specifically. I think the City has an obligation to do this sound study to see if it is in compliance with our codes. At that point, whether it is or isn't the City can take the appropriate action and we can resolve this issue. If the resident doesn't want to abide by the study at least we have done everything in our power to resolve it. I'll be perfectly frank, we've been doing this since I was an Alderman, it's time to resolve it and get it over with and that's my recommendation.

ROLL CALL: Alderwoman Clements - yes, Alderman Marshall - yes, Alderman Leahy - no, Alderwoman Krewson - absent, Alderman Kramer - yes, Alderman Robertson - yes, Alderman Wynn - absent, Alderman Harper - yes, MOTION PASSED.

EXCISE COMMISSIONER

No report

LIBRARY

Not present

MUNICIPAL LEAGUE

No report

COMMUNICATION

No Report

HISTORICAL SOCIETY

Not present

UNFINISHED BUSINESS

Alderman Marshall: Ellen can we get an update on the Helen Avenue MSD project?

Ellen Rottjakob: Jim Nahmensen is here and he has been working with the contractor.

Jim Nahmensen: As of last week Missouri American Water Company has requested locates to move a water main from Cecilia down to Ruth along Manchester Road so once that is complete they will be able to finish and cross Manchester Road.

Alderman Marshall: Did they not know where the water mains were?

Jim Nahmensen: I think they did but the timing of the winter and Missouri American wanting to tie up, they were anticipating water main breaks but we didn't have a very bad winter this year.

Alderman Kramer: I noticed, with glee, that the Pam Thornton property seems to have track hoe and bulldozers on it lately.

Ellen Rottjakob: Yes, they are working on doing the analysis on the leakage and the tank from underneath.

Alderman Kramer: So, the tank has been there since when?

Mayor Kelly: Who knows? There is still one remaining under the building is the one. The other ones have been removed.

#### NEW BUSINESS

Alderman Leahy: Ward 3 meeting for the month of March is Tuesday night the 27<sup>th</sup> of March at 7:00 and the last meeting we talked about the Missouri caucus that is taking place this weekend. Bola asked the question at what time does the caucus it is 10 am at the Missouri Ethical Society on Clayton Road.

Alderman Harper: Since Jim is here tonight I just wanted to publicly thank Jim – we had a concern of a tree over on St. Clair I contacted Jim and they were on it right away so I just wanted to thank him for the fast service that we received.

#### PUBLIC COMMENTS

##### **Susan Ryan – 9324 Pine Avenue**

In April we're coming up on 1 year of the construction in the home next to me and since the first wall went up in early August I have worked with the City to address concerns and to move to implement safeguard measures for all Brentwood taxpayers to ensure that true due process is available and equal protection is afforded all citizens. This is the ARB appeal text that they were discussing that will be brought forward in April but in response to Alderman Kramer's question, what I heard was, "Will I have that protection?" and the answer, I believe, is no. My husband and I have submitted corrective actions, that we think are fair, and reasonable given this situation and we also think that it is respectful to all surrounding neighbors. In the P&W meeting this evening it was my understanding that homeowners can decline the ARB's recommendations and then have an appeal process to this Board. However, I am not afforded that opportunity and I can tell you that so currently we have no recourse beyond civil. My husband and I have lived on the corner of Pine and Hatton for 14 years. We have invested hundreds of thousands inside of our home as well as in the landscaping on that corner. I can tell you that everyone enjoys our property, including the new fence that we put up next to my neighbors large build. So we have invested hundreds of thousands in our property and we have sat there quietly doing nothing and we have \$10,000.00 in legal bills to try and help protect our home from someone who is in violation, egregious violation. So I am asking if the homeowners do not accept the corrective actions and they come before this Board that all the

facts and understanding be completely understood before any decision is made with regards to this homeowner. In any case, thank you very much. It has been a long hard road for us and it has been an interesting experience. Having said that you've never met me before and I have lived in Brentwood for 14 years. But anyway thank you very much.

**Julie Pozzo – 2211 St. Clair**

This is in reference to the robo-call again and the newsletter. Now that we know that you're the one that did it I find it very deceptive in nature both those things I feel like we're done for political reasons before the audit is complete and most importantly before the April 3 election. As a resident I don't like being lied to I feel shame on all of you. Your husband made a derogatory remark in the audience a few meetings ago towards Maureen. I am very disillusioned by this whole political process. I think you're very deceitful and disingenuous Mr. Mayor.

**Denise Soebbing – 2612 Porter**

As I have indicated on numerous occasions that last time the sound study was done it was done by the corporation that the sound is emanating from and we have spoken to the former production supervisor who was the production supervisor for over 20 years at that facility who has told us that that facilities upper management, who are still there, knew that they were going to do this sound study then because they are the ones who had set it up and purposely shut down that sound room and the granulation room so I ask that if you do that sound study that it's done when the noise is at the highest level otherwise it's not a true reading because that is what happened the last time and you're right it has been 10 years. It's been 10 long years and I've lived in Brentwood for almost 25 years so I am happy that somebody's at least trying to do something but I don't know that it's going to be a fair reading it depends on when the sound is going at the highest level so I do ask that when you do that sound study that we know for sure, and if you contact the facility I suspect it's going to be the same thing, they'll shut the granulation room down. I will tell you for the last couple of weeks it's been, knock on wood, quiet, they are not doing the production run of the product that they need to run that double furnace at. Thank you.

Public comment closed.

Alderman Marshall: One question, tomorrow night's meeting at the ARB that is not the appeal process meeting?

Ellen Rottjakob: No – this is where the ARB considers the Weidel's request to approve retroactively the work that they have done that's in violation of their permit.

Alderman Marshall: I haven't reviewed any of the copies of what was submitted or what the accusations are versus, I don't have any of the data that the City has as far as what she is talking about and what the City has already done. Is there any way to get a paper trail as far as that goes?

Ellen Rottjakob: Sure, I can email the staff report out, if all the Board members would like the staff report that went with the ARB and the violation letters that kind of summarizes what the violations are.

Alderman Marshall: I apologize, if you sent that I don't think I received it.

Ellen Rottjakob: And then also, we have the plans that were submitted as well as extra copies of the building permit plan, the plans that were actually permitted but that the violations occurred to. We have those on file in our office. So if you could come by, they are full set plans so we can't actually email those.

Alderman Marshall: I will try to get over and look at them.

Ellen Rottjakob: We'll have that file – it's always available for public viewing so we will have that for you tomorrow. I had Bola distribute the information from my perspective and the violations out last week and I believe they were emailed out to all of you.

**Adjournment**

Alderman Leahy made a motion to adjourn the meeting at 8:51pm. Motion seconded by Alderwoman Clements; all in favor, none opposed.

**Approved the 7<sup>th</sup> day of May, 2012.**

Attest:

\_\_\_\_\_  
Pat Kelly, Mayor

\_\_\_\_\_  
Bola Akande,  
City Clerk/Administrator