

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
AUGUST 5, 2013**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the meeting to order at 7:00pm, in the Board Council Room of Brentwood City Hall 2348 S. Brentwood Blvd., Brentwood, MO 63144 and immediately led the Pledge of Allegiance.

ROLL CALL

Deputy Clerk Pittman performed roll:

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

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, City Treasurer Greg Reynders and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen August 5, 2013

As requested, Alderman Robertson made a motion to move Item #11c Reports from Director of Planning & Development up to Item #4d. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy requested that a courtesy is granted to Alderman Saunders in her absence and made a motion to postpone decisions on Boy's Hope Girl's Hope (Bill #5785 & Bill #5786). Motion was seconded by Alderman Manestar. Mayor Kelly announced that the applicant is present and would have to agree. Brian Hipp (BHG Rep) disagreed and stated his desire to move forward also understanding that approval requires an affirmative vote of 6 members of the board. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – no; Alderman Leahy – yes; Alderman Manestar – yes; Alderman Saunders – absent; **MOTION PASSED.**

After announcement of disappointment, Alderman Wynn made a motion that Boy's Hope Girl's Hope remains on the agenda for approval. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – no; Alderman Manestar – yes; Alderman Saunders – absent; **MOTION PASSED.**

Alderman Kramer made a motion to add to the agenda Item #4e, approval of Board of Aldermen Special Meeting Minutes July 30, 2013; they were included in packets for review. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Kramer made a motion to approve the August 5th meeting agenda as amended. Motion seconded by Alderman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – no; Alderman Manestar – yes; Alderman Saunders – absent; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Special Board of Aldermen Regular Minutes June 24, 2013

Alderman Leahy made a motion to approve the meeting minutes as submitted. Motion seconded by Alderman Kramer. **VOICE VOTE:** 6 – yes; Saunders – absent; Harper – abstain; **MOTION PASSED.**

Special Board of Aldermen Meeting Minutes July 15, 2013

Alderman Leahy made a motion approve the meeting minutes as submitted. Motion seconded by Alderman Toohey. **VOICE VOTE:** 6 – yes; Saunders – absent; Harper – abstain; **MOTION PASSED.**

Board of Aldermen Regular Meeting Minutes July 15, 2013

Alderman Kramer made a motion to approve the meeting minutes as submitted. Motion seconded by Alderwoman Manestar. **VOICE VOTE:** 5 – yes; Saunders – absent; Harper & Robertson – abstain; **MOTION PASSED.**

Director of Planning & Development

Curb Cut Request (2301 St. Clair Avenue)

Director Rottjakob announced the request for a driveway expansion allowing more area for parking cars which would entail a second curb cut on White Ave. The property is a corner lot, at St. Clair Ave. and White Ave. There is also currently one driveway and there is no garage. Staff recommends approval of the new curb cut. Per Section 25-127 (b)(6), the subject property has greater than two (2) times the minimum front yard width required for the B Single Family Residential zoning district. In addition, per Section 25-127(b)(4) the new curb cut will be further from the intersection than the existing curb cut.

Alderman Leahy made a motion to approve the Curb Cut Request at 2301 St. Clair Avenue. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Special Use Permit (Marc Weiter Gateway Fireworks Displays)

Director Rottjakob announced the request by Marc Weiter for a special use permit to display fireworks at the annual Brentwood Maddenfest event. The event date included in this request is Saturday September 21 from 8:45 – 9:00 p.m. They will start setting up the fireworks display at 4 p.m. that day. Through the bid process and subsequent approval by the Board of Aldermen at the May 7, 2012 meeting (Ordinance # 4346), the City of Brentwood entered into a contract with Gateway Fireworks Displays Inc. to provide a Fireworks display for the annual Maddenfest celebration. The approved contract included a clause which stated as follows: “The City of Brentwood shall have the option to renew this contract for 2013 at the same rate; not to exceed \$14,000”. The Board of Aldermen approved a two-year contract with Gateway Fireworks Displays last year. This is the second year of the contract.

Alderman Leahy made a motion to approve the Special Use Permit for Marc Weiter. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Board of Alderman Special Meeting Minutes July 30, 2013

Alderman Kramer made a motion to approve the meeting minutes as submitted. Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Proclamation Recognizing John Geppert

In honor of John Geppert's retirement as Chairman of the Planning and Zoning Commission after 23 years, Mayor Kelly presented a proclamation in appreciation of his dedication to the community.

PUBLIC HEARING

A Petition For A Rezoning/Amendment To The Brentwood Zoning Map For 8817 Madge Avenue From "B" Single-Family Residential To "PD" Planned Development District

Director Rottjakob announced the request to rezone 8817 Madge which is currently zoned "B" Single Family Residential. The petitioner, Boys Hope Girls Hope, is requesting approval to rezone 8817 Madge to "PD" Planned Development to facilitate the redevelopment of 8817 and 8815 Madge for a Children's Home use. 8815 Madge is already zoned "PD" Planned Development. The proposed project is to redevelop two parcels consisting of approximately .76 acres, located just west of Brentwood Boulevard and consists of constructing two two-story residential wings connected by a single-story wing to house Boys Hope Girls Hope administration offices. The residential component will house up to 20 scholars (10 girls and 10 boys) plus live-in staff (7).

Surrounding zoning within Brentwood is "B" Single Family Residential to the west and south, "PD" Planned Development to the north and east. Surrounding land uses can be considered to be even more important than surrounding zoning. Single-family residences are located across the street to the south and west along Madge Avenue. A multi-tenant office building is located to the north (H&R Block building) and a restaurant (Pasta House Pronto) and retail uses are located to the east, along Brentwood Boulevard. A Sprint retail store is located southeast of the subject property. The future land use recommended in the 2006 Brentwood Comprehensive Plan's Future Land Use Map for this area is "Neighborhood Mixed Use". The stated purpose of this land use designation is "to designate areas where the use of the land will be reserved for the preservation, expansion, or new construction of neighborhood mixed-use projects on individual or multiple parcels in accordance with the regulations of the appropriate Zoning Districts." Such uses may include retail/entertainment, office, residential and/or civic/cultural/recreation functions. The Future Land Use Map depicts land use categories in general terms, and is not parcel specific. Its purpose is to provide guidance during future land use deliberations. Zoning is the implementation tool for the land use plan. Zoning changes provide the legal mechanism for authorizing or denying actual changes in use of individual parcels. The proposed project and this rezoning request are consistent with the 2006 Brentwood Comprehensive Plan. The applicant has attempted to design the proposed building to be compatible with the surrounding neighborhood, as depicted in the application materials and stated in their application. The building is intended to look residential, with the office wing in the middle and set back from the boy's and girl's wings. The applicant is providing a landscape buffer along the west property line for screening, as well as a 6' solid fence. The proposed building will be further from the home at 8819 Madge than the existing home at 8817 Madge is. Impacts on traffic should also be considered to determine the impact of the proposed project on neighborhood character. The City's traffic engineer, Crawford Bunte Brammeier (CBB), reviewed the project for traffic impacts and finds that the proposed use will generate very few trips, and as such impacts to the existing residential street should be minimal to non-existent. CBB recommends a parking supply of 23 spaces, and Boys Hope Girls Hope is providing 23 parking spaces on site.

The Planning & Zoning Commission, at its June 12, 2013 meeting, recommended approval of the rezoning request. The Commission noted that there was a presumption that needed to be overcome that the property was zoned correctly as "B" single family residential, and that Boys Hope Girls Hope has done this. Specifically, the Commission felt that the evidence provided with regards to the sink hole positioned between 8815 and 8817 Madge, and the cost of that abatement and remediation, demonstrated a private detriment consistent with the requirements of the presumption.

John Geppert (Former P&Z Chair) added that when reviewing the 2006 comprehensive plan, it is correct that we did not do a future land use map on a parcel by parcel basis; we did not identify the use of each parcel. The philosophy was indicated that Brentwood Blvd needed to have a wide enough corridor in order to provide for vibrant redevelopment; planning and zoning saw the BHGH project to be completely consistent with that plan.

Kathy Thomas (9016 Madge Ave) stated that she had originally signed a petition in opposition of the project and now regrets that decision. She was initially opposed to the structure and BHGH addressed her concerns. Others were concerned of unruly kids and that has also been addressed. She added comments of her belief that property values have not declined in Town & Country or Kirkwood and that BHGH presence will not tarnish the neighborhood reputation. She stated that the organization seems to be fair but needs more space to add 5 children and we need to embrace these kids.

Ronald Wagner (Madge Ave) commented that he was previously an at risk child until he was given a break at an earlier age; he asked that these children are given that same opportunity and that they are embraced by our students and our neighborhood.

Jenny Testa (2001 St. Clair) announced support on behalf of her husband and son. She stated that the program represents core values that her family believes in; helping others and commitment to the community. She also read a letter of support from fellow resident, **Jennifer Edgar (Madge Ave)**.

Mayor Kelly reminded everyone that public comments will be limited to 3 minutes each. Alderman Leahy made a motion to extend the time residents are allowed to speak. **MOTION DIES DO TO LACK OF SECOND.**

Carl Hesse (9133 Madge) announced his support of the BHGH stating that they deserve a chance.

Joann Reynolds (Wakefield Dr. Rolla, MO) stated that she is an alumni parent and announced her daughters' ability to go on to college and get her degree due to BHGH. She shared her experienced and added that they have a rigorous screening process. She asked the BHGH is allowed an opportunity to come to this community.

Mark DeLaurent (homeowner of 9131 & 9135 Madge Ave) stated that he previously signed the petition against BHGH but after learning more he regrets it and likens the project to a resident's hall for a scholastic academy. He commented on the deplorable condition of the current structure and offered his support for the project.

Jim Malone (Middlesex) announced receipt of a mass email filled with innuendoes, misstatements and lies about BHGH which prompted him to attend meetings. He announced facts as he knows them and stated that we need to start doing what's right for the community. He added that everyone is looking to see if we will step up to the plate and those that stand for BHGH will be remembered doing elections and from now on.

Dave Carney (Town & Country, MO) announced that he has served on the Board as Alderman and Mayor of Town and Country and during his term, BHGH discussed building their home on Conway; the board was skeptical but they were welcomed. Since that time in 1998 they were wonderful partners with maybe one or two police calls; staff and the kids are all wonderful. He added comments of the project not causing harm to home values and encouraged Brentwood to welcome them to this community.

Kathy Beckman (E. Swan Circle) added comments that, based on the code of ordinances, they are not in compliance; the size of the structure does not fit the area; too big for the area and too small for 20 kids. The issue is not who lives in the home.

Don Gunn (Attorney) announced his previous representation of BHGH in 1997 when they built their first home in St. Louis City on Oakland; this build was not without contention. But when building the second home down the street a couple of years later, there was no one in attendance that spoke against the project. He added that they are good citizens that care for their neighbor hoods and would be a wonderful addition to Brentwood.

Jacob Winslow (Northfield Overland, MO) stated that he is a BHGH collegiate scholar. He shared his experience in the home and encouragement to attend college, in which he is scheduled to obtain his Bachelor's degree in May. He accredited his success to the help from BHGH and Dr. Hipp and asked that this project is given a chance in the community.

Kim Sully (8711 Rosalie) voiced support on behalf of her family. She commented on how her kids have experienced advantages and disadvantages of the small school settings which has helped them to grow, much like the scholars at BHGH who will have to defend themselves for who they are. She's learned over the years that kids want to learn and grow and asked that they received the support of our community.

Faith Beckerman (Madge Ave) stated her objection based on the size of the structure in comparison to other area homes and the increased traffic that will be caused. She commented that if they are allowed to take this residential property what would stop them from taking others.

Anne Stecher (2422 Annalee) stated that it sound like a great project but the wrong location. The 23 parking spaces will affect traffic, it does not fit the area and will hurt property values. She stated that the project is not proper for Madge Ave.

Cindy Pennington (8780 Pine) offered comments in opposition, stating that everyone has their own story. She loves the mission of BHGH, but not the location on a residential street, with the many dangers of Brentwood Blvd and with no monitoring or security.

Catherine Genety (8819 Lawn) announced belief that most would agree with the success of the program. The issue is not with the program itself, the issue is with proposed plan; encroaching into the neighborhood, allowing multiple variances and changes of codes to accommodate businesses at the expense of residents. The negative impact includes traffic, parking, noise, food and trash smells. She stated that just because the Aldermen and P&Z approves it doesn't make it a good idea and provided examples of other projects with poor locations, i.e., Starbucks and OB Clark's.

Andy Hartnett (2648 Cecilia) commented that he grew up in Brentwood and has now purchased is home. He stated that he wanted to be able to tell his kids that it was approved because this is the city of warmth.

Susan Reeves (9347 Pine) stated support of the project and suggested that we listen to those that are supposed to make the right decision; its understood that the Aldermen haven't gone against P&Z decisions, why start now. Also, BHGH reps should know what location is proper; they wouldn't put their long standing success record in jeopardy. She also commented that smaller homes are often demolished and rebuilt bigger and added that Starbucks and OB Clarks has nothing to do with this project.

Don Beimdiek (33 Sussex) stated he was chairman of the 2006 comp plan committee; it was intentionally developed to avoid the question of what should be done. The area in question was

recommended for neighborhood mixed use. He added that it should not be difficult to accept the plan, the project does fit into a neighborhood fixed use.

Nora Durham (74 Yorkshire) announced her recent graduation from Brentwood High; in reflecting back she feels privileged to have grown up here. After learning of BHGH interest and doing some research she found that the many area youth are in support of the project and she comes as the youth representative. She commented that there have been recent reasons to be embarrassed of actions and decisions made by the Board and asked that this is not one. She added her of taking advantage of the opportunity to help people in need, embrace diversity and creating a culture of acceptance.

Steven & Mary Lochmoeller (8831 Madge) shared their experience of growing up in Brentwood before buying their own home. He stated that Madge is a small street with small homes and residents don't deserve to look at the size of this structure every day; this project does not fit the scale of the neighborhood. He asked that the concerns of residents are heard be there is enough commercial property that you don't need to start taking residential.

Susan Ryan (Pine) stated that she struggles with the project as she also had a large scale home built next door; which was allowed by ARB but she has no issue with BHGH. She has followed this project closely because she wanted to make sure that consideration was being given to the neighborhood. Efforts have been made for them to be good neighbors and to blend into the neighborhood. She asked that we move forward with good neighbors.

Fred Rauch (2443 Annalee) stated that the City ran his home as a daycare, youth, senior citizen and civic center; with various equipment. He offered comments of the difficulty faced to convert the property into residential living space. He stated that he is in support of BHGH and expressed that they too will have much difficulty in moving forward that all of the people will have to pay for.

Brad Schneider (8909 Cardinal Terrace) expressed interest in raising his family in Brentwood; stating it is most important to consider the neighbors and BHGH should be a part of that. He encouraged the Board to vote in favor.

Louise Charboneau (8833 Madge) expressed concerns of economic loss and asked if the city can afford another non-profit organization; as they would not be required to pay taxes. She stated that BHGH is not needed on Madge; ending what could be the future to this redevelopment area.

Terrance Locket (BHGH Scholar) shared his experience attending BHGH and explained that they help kids that may not have otherwise had an opportunity. He stated that they have a strict structure and the reps serve as mentors and guardians to help you stay focused; he asked that the opportunity is continued.

Dennis Keller (2538 Bremmerton) expressed frustration with continuously hearing "not in my neighbor" for new project; he stated that one day the tables will turn. Although Brentwood is the city of warmth, it has not been shown during this petition. He stated his support for BHGH and commented that this is one of the better developments.

Hearing no additional comments, Mayor Kelly closed the public hearing at 8:51pm. He also clarified the comparison comments heard; the Kimberling building is 16,000 sq ft per floor and 5 stories tall. He added that no one likes the placement of Starbucks, but the city had no control over it.

A Petition For Conditional Use Permit And Site Plan Approval For A Children's Home (A Residential Facility For Up To 20 Scholars And The Boys Hope Girls Hope Administrative Offices) At 8815 And 8817 Madge Ave

Director Rottjakob explained that prior to the Planning and Zoning Commission taking a vote, the application had to go to the Board of Adjustment for the following variances 1) reduction in the 50' side yard building setback requirement from the west property line, 2) reduction in the 25' landscape buffer yard requirement from the west property line, and 3) reduction in the minimum lot width requirement in the PD District.

The Board of Adjustment voted to approve all 3 variances. The conditional use is to operate a children's home which is a residential facility to house up to 20 scholars. In presenting any application for a special use permit, the burden of proof shall rest with the petitioner to clearly establish that the proposed conditional use meets the standards set forth in section 25-85 of the Brentwood zoning code. If the factors listed in that section are NOT existent, the conditional use permit must be approved. As stated in Section 25-85 of the Brentwood Code of Ordinances, "The Board of Alderman shall approve a conditional use unless it finds that the application and evidence indicated that the proposed conditional use 1) will increase traffic hazards or congestion, 2) will increase fire hazards, 3) will affect the character of the neighborhood, 4) will affect the general welfare of the community, 5) will overtax public utilities, 6) does not comply with all other applicable provisions of this chapter including performance standards presenting in article VI, division 6 and the standards of this chapter in regards to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs, 7) will not contribute to and promote the community welfare and convenience at the specific location, 8) will cause injury to the value of neighboring property, 9) does not comply with the city's comprehensive plan or plans for any applicable neighborhood or sector of the city thereof and other applicable zoning district regulations and provisions of this chapter, 10) will not provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this chapter, 11) will not be compatible with the surrounding area and thus will impose a burden or have a negative impact on surrounding or adjacent uses or on community facilities or services.

At its June 12, 2013 meeting, the Planning & Zoning Commission recommended approval of the site development plan/conditional use permit.

Rottjakob also announced that today a petition was received in favor of the application with 525 signatures in support of the rezoning and CUP.

Elizabeth McDonald (8823 Lawn) presented an additional page to the petition in opposition to the construction from residents on Lawn, Bridgeport and Moritz. She stated that it intrudes on homeowners and they are concerned that they are constantly endangered by the city's rezoning plans; the lot is way too small and is in the wrong place. She commented that the trend seems to be to squeeze things into small, inadequate lots and it affects property values. Although she was previously assured that the development of OB Clarks would not hurt the value of her property, when attempting to sale last year, it set on the market for 5 months before anyone would look at it. She added that it is unfair for the city to pit little groups of homeowners against popular projects.

Christine Lewis (Pine Ave) addressed a letter of support that was distributed throughout the community. It explained that neighbors see this as a wonderful opportunity for the community and this piece of land. She asked that the board consider when voting that over 529 people signed the letter of support which included 200 from Madge Ave; she also submitted an additional 11.

Vivian Howell (8634 White) explained her experience being raised in a small town and the reason she chose Brentwood as her home is because of the comparison. She questioned the

benefits to residents and stated that she can't imagine a better compromise for this space than a group home. She stated with citizen pride and enthusiasm, that we should be the village the helps to raise these kids.

Heidi Frey (9102 Madge) stated her support for the project. She stated that the size of the building continuously comes up but it is important to keep in mind that it is a 2 story project that is on 2 lots. She added that she would love to say that she is a neighbor of this project.

Hearing no additional comments, Mayor Kelly closed the public hearing at 9:04pm.

BIDS

Internal Controls and Financial Policies and Procedures

Administrator Akande announced that at the request of the Board of Aldermen, staff went out for a request for qualifications for internal controls and financial policy review and 5 firms responded; BKD CPA and Advisors, Brown Smith Wallace, Schmersahl Treloar, Eidle Bailey, and Anders CPA and Advisors. Staff interviewed 3 firms and based on the outcome, it was determined that each of the firms could easily do this job. There was a similar methodology, philosophy and approach to the project, however, in considering the cost, Schmersahl Treloar was lowest and recommended for the project. Because it is a project not included in the budget, it would be necessary for the Board to discuss funding it from the fund balance.

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

Denise Soebbing (2612 Porter) stated that she is still experiencing the barking dogs at the Watering Bowl and the fence has still not been erected. She stated that she still had unanswered questions in which that she hopes Administrator Akande will answer and offered comments to Alderman Robertson on recent interactions with her husband and stated that he should be mindful that he serves all people in his ward. She also asked if the recent drop in the bond rating is due the state audit and questioned the status of submitting a claim for the surety bond for failed employee performance and reimbursement for the state audit fees.

Mayor Kelly responded that we will need to get an update on the Watering Bowl. But with respect to the bond rating; although no municipality would like a decrease, we received a minimal reduction from AA3 to A1 (1/3 point drop and same rating at FY2000). The bonds are still secure and highly rated. According to financial analyst, 80% of the municipal bonds evaluated this year have been downgraded. The rating may also be in part by the state audit, the reflection of the overall economy and the risks of cities around the country either declaring bankruptcy or declaring to do so. Alderman Toohey also added that with the approval of internal controls later on the agenda, we would be taking a step in the right direction.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bills #5783, #5784, #5785, #5786, #5787, #5788. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5783 – An Ordinance Readopting Ordinance No. 3153, Section 2-471 Of Chapter 2 Of The Revised Code Of Ordinances Of The City Of Brentwood For 1987; Providing For The Current Maintenance Of This Code; Providing For The Repeal Of All Conflicting Ordinances; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5783 by title only. Alderman Kramer provided the synopsis, "This Bill re-adopts Ordinance No. 3153 which approved the City's Personal & Financial Disclosure Policy as required by State Law. This Bill is adopted annually by cities with an operating

budget over one million dollars and sets forth rules and policies for disclosing personal and financial information for elected officials and the City Clerk/Administrator. Staff checked with the Missouri Ethics Commission and because the city has an annual budget that exceeds one million dollars, only the City Administrator (purchasing agent per municipal code) is required to complete the form annually. Furthermore, according to our ordinance, elected officials are only required to complete the form if they have business transactions over \$500 or more with the city". Attorney Albrecht read Bill #5783 by title only. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5783 IS HEREBY PASSED AND ORDINANCE #4454 IS ASSIGNED TO SAID BILL.

Bill #5784 – An Ordinance Approving Site Plan Approval For A Signage Plan For Metro Lighting Located At 929 Hanley Industrial Court; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5784 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance approving site plan approval for a signage plan for Metro Lighting located at 929 Hanley Industrial Court. Metro Lighting is requesting approval for a signage plan as a result of code enforcement action related to their flag. The "Metro Lighting" flag is considered a sign because it is a commercial message, and therefore is not permitted by the Brentwood Sign Code. Due to the fact the subject property is located in the "PD" Planned Development District this business may request a signage plan, within which a sign mounted on a flag pole could be approved. Planning and Zoning Commission recommends approval. Attorney Albrecht read Bill #5784 by title only. Alderman Leahy made a motion to perfect Bill #5784 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5784 IS HEREBY PASSED AND ORDINANCE #4455 IS ASSIGNED TO SAID BILL.

Bill #5785 – An Ordinance Amending The Zoning Map Of The City Of Brentwood To Rezone Certain Property Numbered 8817 Madge Avenue From "B" Single Family District To "PD" Planned Development District And Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5785 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance amending the zoning map of the City of Brentwood to re-zone certain property numbered 8817 Madge Avenue from "B" Single Family Residential to "PD" Planned Development. Planning and Zoning Commission recommends approval".

Brian Hipp (Boy's Hope Girl's Hope) explained steps taken and offered comments of the desire to construct the development of a children's home housing 10 boys, 10 girls, and live in administrative staff in the City of Brentwood, to become a neighbor in the community and to clarify any additional concerns.

After a brief recess, Alderman Leahy requested clarity on his suggestions of additional sites (no other feasible site was identified), required state licensing (2 separate licenses will be issued – 1 each for 10 boys and girls), any conflicts with the code (none were noted), and the overflow parking agreement (10 years with Kolache Factory and the option for a 10 year extension). After request for a personal opinion, John Geppert responded that BHGH has a reputation to be wonderful stewards of their property and wonderful neighbors; all of their neighbors have attested to this. He stated that he thinks that they will manage their property in a style consistent with that behavior. Alderman Harper questioned the major factors considered by P&Z. Geppert replied that 8815 had been under/undeveloped for many years and is deteriorating; it is also likely that any proposed use may require augmenting the site. He added that variances are commonly needed for redevelopment and also that the sinkhole is a

community hazard and this property owner is willing to invest to solve this problem. Discussions were held after additional comments from Alderman Leahy, Hipp responded that he does not foresee any issues with receiving the proper licenses from the state if approved by city. Special Zoning Counsel Stephanie Carr further clarified the definition of a children's home and stated that she does not see an issue. Alderman Toohey offered comments that P&Z has reviewed this; we can verify that the professionals are doing their jobs but we need to let them. Alderman Harper commented that many issues have been piled on to this also putting the kids in the middle. He stated that he is for diversity, remembering those that no longer have homes to return to on Evans but he disagrees with tearing down any more residential property for planned development. Geppert added that the Evans area was taken down because it was blighted. Alderman Wynn added that he also voted against tearing down Evans because one lady did not want to sell, but there were many others that were for it. Alderman Robertson commented that this is a voluntary transaction between two property owners. Mayor Kelly commented that the important thing is the use for this property (residential) not just the zoning. This is an opportunity for the City to stabilize this piece of land and it will be an asset to the community. There's been contention on properties in the past but overtime we learn to work with them. After a call for the question, Attorney Albrecht read Bill #5785 by title only. Alderman Wynn made a motion to perfect Bill #5785 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – no; Alderman Toohey – yes; Alderman Leahy – no; Alderwoman Manestar – no; Alderwoman Saunders – absent; **MOTION FAILED.**

Bill #5786 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Boys Hope Girls Hope Saint Louis For A Children's Home At Property Numbered 8815 And 8817 Madge Which Permits 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 – 1st & 2nd Reading

Alderman Robertson made a motion to remove Bill #5786 from the agenda. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5787 – An Ordinance Amending Chapter 12 Of The Revised Code Of Ordinances Of Brentwood, Missouri By Deleting Article XIII In Its Entirety, And By Adding In Lieu Thereof A New Article XIII As It Relates To A Pilot Program For Mobile Food Vendors; Providing For The Effective Date Of This Ordinance; Providing For The Current Maintenance Of This Code; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5787 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance that would allow a pilot program for mobile food vendors for a period of twelve (12) months from the adoption of the ordinance in order to discern the impacts of mobile food vendors on the City of Brentwood, its businesses and inhabitants. Planning and Zoning Commission recommends approval". Alderman Kramer requested for review by the committee and Alderman Wynn made a motion to place Bill #5787 on hold. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5788 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into An Agreement With Schmersahl Treloar & Company To Provide An Internal Controls And Financial Policy And Procedure Review For The City Of Brentwood; Providing For The Repeal Of All Conflicting Ordinances; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5788 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the mayor and/or city administrator to approve an agreement with Schmersahl Treloar & Co. for an Internal Control and Financial Policy review. Staff was authorized to issue a Request for Qualification for an Internal Control and Financial Policy review. This firm is able to perform the duties and responsibilities associated with scope

of service outlined in the RFQ. Their proposal and approach to the engagement is very thorough. In addition, their methodology, philosophy and approach to the project is in line with the scope of service outlined in the RFQ". Mayor Kelly reminded that this item was not included within the budget and it would be necessary to make a budget adjustment or authorize allocation from the reserves (\$26,400). Attorney Albrecht read Bill#5788 by title only. Alderman Kramer made a motion to perfect Bill#5788 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**
BILL #5788 IS HEREBY PASSED AND BECOMES ORDINANCE #4456.

Resolution #997 – A Resolution Of The Board Of Aldermen Of The City Of Brentwood, Missouri, Providing For The Approval Of A Ten (10) Foot No-Build Area In Hanley Industrial Park, Adjacent To 700 Hanley Industrial Court

Alderman Kramer provided the synopsis "A Resolution of the Board of Aldermen of the City of Brentwood, Missouri whereby taking a formal action; a voice vote taken by the Board of Aldermen at the July 15, 2013 Board of Aldermen meeting to approve a no-build area in Hanley Park of 10 feet parallel from the existing building line. This approval would allow the owner of 700 Hanley Industrial Court to construct a new window in the existing building. The benefit is that it would mitigate an existing safety concern due to the fact three windows are already located in the same wall of this building. In addition, it was important for the building to have a window that looked outside, otherwise it would be similar to his current building in another city that had no windows and felt like a dungeon". Alderman Kramer made a motion to approve Resolution #997. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of **\$26,090.20.** Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly reported the interest serve by Jennifer Colin Hensen; Alderman Kramer made a motion to approve the appointment of Jennifer Colin Hensen, 8548 Eulalie, to fill the vacancy on the Planning and Zoning Board. Motion seconded by Alderman. **VOICE VOTE:** 6-yes; Saunders – absent; Leahy – abstain; **MOTION PASSED.**

Mayor Kelly also offered reminders of the upcoming Annual MML Conference held in Branson September 15th – 18th; and of National Night Out August 6th at Swim Club.

Public Safety Committee, Alderman Wynn had no new report.

Public Works Committee, Alderman Robertson had no new report. Alderman Leahy announced concerns of 5 water main brakes on Manderly within 2 years and requested Missouri American make repairs before conducting scheduled street maintenance.

Ways and Means Committee, Alderman Kramer offered a reminder of the budget forum for residents on August 29th at beginning at 4:30pm. He also reported committee members request for permission at the last meeting and made a motion to form an audit Advisory Committee; its members will consist of qualified residents, no Alderman and will report to the Ways and Means Committee. Motion seconded by Alderman Toohey. A discussion was held regarding suggestions to also include business owners allowing a greater pool of representation and the need to set perimeters and the motion was withdrawn. Efforts will be made to gather

previous information submitted to draft perimeters and bring forward to the next Ways & Means meeting for discussion.

City Attorney Albrecht had no new report.

City Clerk/Administrator Akande had no new report.

Library, Alderman Wynn had no new report.

Municipal League, Mayor Kelly had no additional report.

Historical Society, Alderman Wynn had no new report.

Closed Meeting was held immediately following the open session.

Alderman Wynn made a motion to enter into executive session at 11:00pm to discuss legal matters pursuant to RSMO 610.021(1). Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 11:07pm with the following members present: Alderman Harper, Alderman Wynn, Alderman Robertson, Alderman Kramer, Alderman Toohey, Alderman Leahy, Alderwoman Manestar. Also present were City Administrator Akande, City Attorney Albrecht, and Deputy City Clerk Pittman. Alderwoman Saunders was absent.

Brief discussions were held and updates were provided regarding pending legal matters. Alderman Toohey made a motion that the City “stay in” or participate in the class action suit against Ameren UE. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

Alderman Wynn made a motion to adjourn the closed meeting and reconvene open session at 11:10pm. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Leahy invited everyone to attend the Annual National Night Out held August 6th; 5:00-9:00pm at the Swim Club. He also announced that the Ward 3 meeting will be held August 27th.

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

Karen Smith (Harrison) expressed appreciation of Alderman Harper’s reminder of the lost diversity in the community. She commented that the Board needs to be mindful of these

decisions and asked for another way to inform citizens of these types of developments. Mayor Kelly responded that the City is unaware until they present their request.

Alderman Leahy announced that Aldermen can disagree on issues however it should be handled courteously.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 11:11pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted on the 9th day of September, 2013.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator