

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
DECEMBER 15, 2014**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the meeting to order at 7:00 pm, in the Council Room of City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144.

ROLL CALL

The following members were present

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

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, Planning Director Justin Wyse and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen December 15, 2014

Alderman Leahy made a motion to approve the meeting agenda as presented. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Special Meeting Minutes December 1, 2014

Alderman Wynn made a motion to approve the meeting minutes as submitted. Motion seconded by Alderman Harper. **VOICE VOTE TAKEN; 5 – yes, 2 – absent; Kramer – abstain; MOTION PASSED.**

Board of Aldermen Regular Meeting Minutes December 1, 2014

Alderwoman Saunders made note of requested amendments and made a motion to approve the meeting minutes as amended. Motion seconded by Alderman Leahy. **VOICE VOTE TAKEN; 5 – yes, 2 – absent; Kramer – abstain; MOTION PASSED.**

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

A Petition To Amend Chapter 19 Of The Brentwood Code Of Ordinances As It Pertains To Sign Regulations (Continued)

This public hearing is again continued to the next meeting for further review by Planning and Zoning.

BIDS

None

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

Denise Soebbing, 2612 Porter, requested an update of the status of the violations presented last meeting. She asked Alderman Leahy why his emails are directed to his employment and why he is not using Brentwood emails as others are. She asked for an update of other open issues; board on Hanley @ Manchester, Route 66 signs, and mesh trash can at the bus stop on Manchester. Lastly, she questioned, in regards to the Rosenblum court case, who selected the special prosecutor.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Wynn made a motion to remove from hold, Bills #5904 and #5932. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to for the 1st & 2nd readings of Bills #5904, #5932, #5942, and #5943. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5904 – (ON HOLD) An Ordinance Amending Chapter 14 Of The Revised Code Of Ordinances For The City Of Brentwood, Missouri By Repealing Section 14-159 Of Said Chapter Relating To Designation Of Certain Streets; Enacting In Lieu Thereof New Sections 14-159 And 14-159.1; Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And, Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Previous discussions were held and this bill was referred to the Public Safety Committee for further review and recommendation. The Committee reviewed and recommends this Bill is removed from consideration. Alderman Wynn made a motion to remove Bill #5904. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5919, amended – (ON HOLD) An Ordinance Amending Chapter 19 Of The City Of Brentwood Municipal Code, Pertaining To The Regulation Of Signs, Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

This bill remains on hold.

Bill #5932, amended – (ON HOLD) An Ordinance Amending Title IV, Chapter 400 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Deleting Title IV, Chapter 400, Division 8 Relating To Flood Hazard Control, Enacting In Lieu Thereof New Title IV, Chapter 400, Division 8; 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 #5932 (amended) by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance amending Title IV, Chapter 400 of the revised code of ordinances of the City of Brentwood by repealing Title IV, Chapter 400, Division 8 pertaining to the Flood Hazard Control Regulations within the City of Brentwood in compliance with FEMA regulations for participation in the National Flood Insurance Program and adopting the new Flood Insurance Rate Maps for St. Louis County effective February 4, 2015. The Planning and Zoning Commission recommend approval by a vote of 9-0”. A discussion was held and Alderwoman Saunders announced her concerns regarding the method of notification and that the Countian (newspaper) is not widely publicized in our area. Director Wyse explained that the FEMA handles the notification in regards to the actual changes, Brentwood holds the public hearing for the adoption into our code. Attorney Albrecht also clarified that he is comfortable with the use of the Countian as it is widely used and has been considered acceptable. After additional questions, Director Wyse explained that these changes are not

unique to the city of Brentwood, it is a model that FEMA uses; this bill different from the bill previously introduced regarding substantial improvement requirements and that “repetitive loss” is a classification used by the government and is unrelated to substantial improvements. Alderwoman Saunders made a motion to further amend Bill #5932 by correcting that the floodplain administrator is the building officials in all related sections of the bill. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.** Attorney Albrecht read Bill #5932 (amended) by title only. Alderman Kramer made a motion to perfect Bill #5932 as amended into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent; Alderman Leahy – yes; Alderwoman Manestar – absent; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5932 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4599

Bill #5942 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement With Brentwood Material Company; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5942 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the mayor and/or city administrator to execute an agreement between the City of Brentwood and Brentwood Material Co. for earthen materials. The Public Works Committee recommends that this be forwarded to the Board of Aldermen”. Attorney Albrecht read Bill #5942 by title only. Alderman Leahy made a motion to perfect Bill #5942 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent; Alderman Leahy – yes; Alderwoman Manestar – absent; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5942 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4600

Bill #5943 – An Ordinance Granting Amended Site Plan Approval To Millman Lumber For Construction Of Two Lumber Storage Canopies And Related Site Improvements At Property Numbered 3021 S. Brentwood Blvd. Which Permits Under The Provisions Of Title Iv, Chapter 400 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

Attorney Albrecht read Bill #5943 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance granting an amended site plan approval to Millman Lumber for construction of two additional open sided lumber storage canopies on the northern eastern portion of the site for covered lumber storage and related site improvements at property number 3021 S. Brentwood Blvd. which permits. The Planning & Zoning Commission recommends approval of the site development plan / conditional use permit by a vote of 9-0”. Attorney Albrecht read Bill #5943 by title only. Alderman Leahy made a motion to perfect Bill #5943 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent; Alderman Leahy – yes; Alderwoman Manestar – absent; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5943 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4601

Resolution #1025 – FY2014 Budget Amendment

Alderman Kramer provided the synopsis, “this resolution is for the Board of Aldermen of the City of Brentwood to amend the adopted the FY 2014 Budget as Ordinance No. 4480 on December 2, 2013. The Brentwood Municipal Code Section 130.100 allows budget amendments as necessary. Furthermore, this allows the City to comply with auditing regulations”. The budget amendment includes general fund in the amount of \$331,400 revenues and \$315,775 general fund expenditures; capital improvements in the amount of \$359,428 in revenue and \$359,428 in expenditures. Alderman Kramer made a motion to

approve Resolution #1025. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer announced the warrant list in the amount of \$113,805.11 and made a motion to approve as submitted. The motion was seconded by Alderman Leahy. Alderman Leahy questioned the unneeded supply of police vehicle tires and asked if they could be returned. It was explained that it is not a bad idea to keep them as they will be used in the future; however, payment will not be authorized until it is asked if they can be returned at minimal cost. Unanimous vote was taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly asked the board to consider authorizing the City Administrator to approve change orders related to the recreation center renovation in an amount up to \$10,000 so that the project is not held up. A discussion was held of Aldermen concerns of going over the budgeted amount for the project; Administrator Akande added that all change orders will be included in the weekly report. Alderman Wynn made a motion to authorize the city administrator to approve change orders not to exceed \$10,000. Motion seconded by Aldermen Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent; Alderman Leahy – no; Alderwoman Manestar – absent; Alderwoman Saunders – no; **MOTION PASSED.**

Mayor Kelly also announced as a follow up to the previous meeting, that staff will be asked to present a resolution at the next meeting regarding same sex marriage for employees for inclusion in the city's benefits, as done with the police and fire pension.

Public Safety Committee, Alderman Wynn had no new report.

Public Works Committee, Alderman Robertson had no new report.

Director of Planning & Development, Director Wyse had no new report.

Ways and Means Committee Alderman Kramer reported the next meeting is scheduled for Tuesday, January 13th at 6:30 p.m.

City Attorney Albrecht had no new report.

City Clerk/Administrator

Request to Write Off EMS Billing Charges – Fire Chief Jury received a request for a write off of non-resident/uncollectable ambulance bills not covered by insurance. The amount of the bill was \$664.00 and the attorney is requesting a write off settlement in the amount of \$400 for service generated in February; the request does fall within the guidelines adopted by the board. Alderman Kramer made motion to approve the EMS billing write offs. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Excise Commissioner Report

None

Library, Alderman Wynn had no new report.

Municipal League, Mayor Kelly reported that the City of Chesterfield has filed, in state court, a challenge to the sales tax pool and redistribution of the 1¢ sales tax. He added that he

reviewed a listing of the municipalities and their collections from the 1¢ sales tax; Brentwood is the 6th largest producer of sales taxes in St. Louis County – which is pretty good for a city this size.

Historical Society, Alderman Wynn had no new report.

Closed Meeting

- i. **Legal** RSMo 610.021(1)
- ii. **Personnel** RSMo 610.021(3)

Alderman Wynn made a motion to enter into executive session at 7:44 p.m. to discuss legal and personnel matters pursuant to the exemption in RSMo 610.021(1)(3). Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent; Alderman Leahy – yes; Alderwoman Manestar – absent; Alderwoman Saunders – yes; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 7:48 p.m. with the following present: Alderwoman Saunders, Alderman Leahy, Alderman Kramer, Alderman Robertson, Alderman Wynn, and Alderman Harper. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

Legal

A discussion was held but no action was taken.

Personnel

A discussion was held but no action was taken.

Alderman Leahy made a motion to adjourn closed session and re-convene to open session at 7:59 p.m. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – absent; Alderman Leahy – yes; Alderman Toohey – absent; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

The meeting reconvened to open session at 8:00 p.m.

UNFINISHED BUSINESS

Alderman Wynn offered comments of this being his last Christmas serving on the Board and expressed a special appreciation to Mrs. Wynn for her support over the years.

NEW BUSINESS

Alderman Leahy announced that the Ward 3 meeting will be held on 12/30 at 7 p.m.

Alderwoman Saunders offered comments of Chik-Fil-A; the conditional use permit is an administrative process and we have to be very careful especially since a restaurant was already in that location. There seemed to be some confusion at P&Z and she wanted to ensure that they were consulting with the attorney. Mayor Kelly added his agreement and stated that the difference with this application is that they will be a drive thru window which triggers the conditional use permit; however, there are 11 criteria that must be met and if so the code states that the board will approve the application. It is not P&Z role to state their opinions publicly; there are plans to have working sessions next year to review roles and responsibilities. Alderwoman Saunders stated the importance of the public knowing this as it is the easiest way for the city to get sued.

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

Denise Soebbing, 2612 Porter, questioned when she should expect a response from Alderman Leahy as well as when and who will be responding in regard to the decision to appoint the special prosecutor.

Mayor Kelly replied that the question was previously answered that the Board made the decision about the prosecutor.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 8:00 p.m. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 5th day of January, 2015.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator