

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
OCTOBER 5, 2015**

MEETING CALLED TO ORDER

Mayor Christopher Thornton 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 and immediately led the Pledge of Allegiance.

ROLL CALL

The following members were present

| | | | |
|----------------------|---------|----------------------|---------|
| Alderman Plufka | Present | Alderman Toohey | Present |
| Alderman Slusser | Present | Alderman Leahy | Present |
| Alderman Lochmoeller | Present | Alderdwoman Manestar | Present |
| Alderman Kramer | Present | Alderdwoman Saunders | Present |
| Mayor Thornton | Present | | |

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Kevin O'Keefe, Treasurer Greg Reynders and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board Of Aldermen October 5, 2015

Motion was made by Alderman Leahy and seconded by Alderdwoman Manestar to approve the meeting agenda as submitted. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Rescheduled Regular Meeting Minutes September 24, 2015

Motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to approve the meeting minutes as submitted. **VOICE VOTE TAKEN;** 5 – yes; Saunders, Manestar, Slusser – Abstain; **MOTION PASSED.**

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

None

BIDS

Bid Results – Comprehensive Plan Update

Presenter: Justin Wyse, Director of Planning Development

A Request for Proposals (RFP) to update the comprehensive plan was issued, earlier in the year, as a follow up to the formal review which laid out several options and recommendations for updates. Bids were received from 3 firms, each included a base bid and alternate option items of an economic development component, review of existing codes in light of the updated plan, and creation of residential design guidelines as recommended; The i5 Group - \$65,000 + 30,000 alternates; Houseal Lavigne Associates - \$100,000 + \$30,000 alternates; H3 Studios -

\$98,000 + \$59,170. The Planning and Zoning Commission reviewed the request at the September 9, 2015 meeting and highlighted Houseal Lavigne's commitment to public engagement and expansive experience in comprehensive planning. The Commission recommended Houseal Lavigne to be selected for this project for the full amount with alternates. The FY15 budget included \$130,000 for the update to the City's Comprehensive Plan. The initial review of the plan cost \$14,000; leaving \$116,000 for the update. Savings from the Department of Planning and Development from times when the department was not fully staffed will be utilized to cover the additional costs.

Aldermen questioned the justification of not selecting the lowest bidder and Director Wyse explained that the selection was based on experience, qualifications and quality of work. Houseal has also conducted the ground work for the comprehensive plan (having conducted the initial review). In terms of outreach, their enthusiasm and goals are parallel to those of the city.

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

PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board.)

Louise Charboneau, 8833 Madge, expressed appreciation to the city and public works department for refurbishing the veteran's memorial in front of city hall.

Aldermanic Response

None

UNFINISHED BUSINESS

Alderman Leahy questioned a follow up to his request to have Bill #5981 researched for case law as noted at the previous meeting. It was explained that the Attorney had responded via email and there was no request to have the topic placed back on the agenda.

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6016 – An Ordinance Providing For The Adoption Of The Second Amendment To The Fifth Amended And Restated Police And Fire Fighters' Pension Plan; Providing For The Repeal Of All Conflicting Ordinances; And Providing For The Effective Date Of This Ordinance

Attorney O'Keefe read Bill #6016 by title only. Alderman Kramer provided the synopsis" This bill is for an ordinance providing for the adoption of the second amendment to the fifth amended and restated police and fire fighters' pension plan; providing for the repeal of all conflicting ordinances; and providing for the effective date of this ordinance".

Presentation by Larry Sewell, Pension Attorney and Greg Reynders, City Treasurer

The amendment recommended by the Pension Board makes two substantive changes to the plan. First, if a participant terminates with over 10 years of service before age 55, of which they are entitled to retirement benefits at age 55 but there is no death benefit. This change provides a spousal death benefit payable at the point they would've turned age 55. Secondly, the plan currently states that if someone terminates or retires after age 55 they are not entitled to a pension unless they have 20 years of service. This amendment makes the correction that if someone retires after age 55 with at least 10 years of service they would receive a benefit, they however would not receive a COLA benefit.

Questions by Aldermen

After questions, it was explained that the actuary conducted an evaluation and reported that there is no additional cost to the plan for the spousal benefit. There is also a modest reduction in cost as a result of the change from 20 years to 10 years. A discussion was held regarding questions of comparing the plan to other local plans and how it is determined if the plan is competitive. It was explained that review has been conducted of similar defined benefit plans as well as the actuary firm in the recent decision to reduce the salary assumptions and interest rates. Over time, a review is conducted of other plans to determine the plans position.

Bill No. 6017 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Professional Service Agreement On Behalf Of The City Of Brentwood, Missouri, With Houseal Lavigne Associates; And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6017 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the mayor and/or City Administrator to enter into and execute a professional services agreement with Houseal Lavigne Associate for an update of the City’s Comprehensive Plan and including residential design guidelines, an economic development component, and a review of existing codes in light of the updated plan. The Planning and Zoning Commission reviewed the request on September 9th and unanimously recommended the approval of Houseal Lavigne Associates to perform the comprehensive plan update including the architectural design guidelines, economic development component, and review of codes”.

Presentation By Justin Wyse, Planning Development Director

There was no additional information.

Questions By Aldermen

Discussion was held regarding questions of contract language. It was explained that the intent of section 6C is not to change any review or compatibility with the existing neighborhood but to provide some guidelines and/or standards for developers of what the city is looking to maintain and for ARB to base their review. A review of the municipal code will also be needed to ensure that any additional language needed to reference the guidelines is added.

BILLS TO BE GIVEN A SECOND READING ONLY

Bill No. 6003 – An Ordinance Amending Chapter 500 Of The Revised Code Of Ordinances For The City Of Brentwood By Creating Article XVI: The Explosives Code; 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

This Bill is on hold until December 21, 2015

Bill No. 6004 – An Ordinance Amending The Scope Of Services Of Existing Contractual Agreement With County Of Saint Louis, Missouri For Code Enforcement Services

This Bill is on hold until December 21, 2015

Bill No. 6013 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And Building Works, Inc.; And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6013 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the mayor and/or city administrator to execute a contract for electronic data management for the recent Recreation Center Renovation. This service will provide a comprehensive digital filing system for all of the information generated during the construction process. The Public Works Committee recommends approval”.

Perfection of Bills

Alderman Leahy made a motion to perfect Bill #6013 by title only. Motion seconded by Alderman Slusser. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6013 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4666

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6014 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And R.V. Wagner Inc.; And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6014 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance authorizing the mayor and/or city administrator to enter into and execute an agreement for the repair of a retaining wall between Hanley Industrial Ct. The existing wall was found to be unsafe during an adjacent project being completed and emergency repairs are necessary. Alderman Lochmoeller noted his abstention to the vote as he is related (through marriage) to both the Dierbergs family as well as RV Wagner. A discussion was held regarding the inability to pass this bill given the fact that there were three aldermen absent on September 24, 2015 and Alderman Lochmoeller’s abstention. Mayor Thornton expressed interest in invoking authority granted in the emergency provision of the code (Sec. 115.120) to proceed with the agreement and to formally validate the ordinance at the next meeting. The request is for a motion to ratify this bill”. Attorney O’Keefe read Bill #6014 by title only.

Questions By Aldermen

It was clarified that the initial funding for the project was through the HRCTDD. This easement was deeded back to the City of Brentwood and the city of Brentwood is responsible for the cost.

Perfection of Bills

Motion was made by Alderman Slusser and seconded by Alderman Leahy to perfect Bill #6014 into ordinance form. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – no; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6014 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4667

Bill No. 6015 – An Ordinance To Confirm, Ratify And Approve The Rate Of Tax To Be Assessed And Collected For Each One Hundred Dollars (\$100) Of Assessed Valuation For The Year 2015 For: (A) General Municipal Purposes; (B) To Provide The Annual Contribution To The City Of Brentwood’s Police And Firemen’s Retirement Fund; (C) To Pay Principal And Interest As The Same Matures On Indebtedness Of The City Of Brentwood Evidenced By Bonds; (D) To Pay For The Maintenance Of The Public Library Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinances

Attorney O’Keefe read Bill #6015 by title only. Alderman Kramer provided the synopsis, “The ordinance (Bill #6008) presented to the Board of Aldermen on September 24, 2015 had the Brentwood Public Library Residential Tax Rate listed as \$.2110 instead of \$.2100. With this amendment, we are able to re-submit this to the Collector of Revenue, St. Louis County Department of Revenue. There is no penalty assessed on the City for this oversight. Attorney O’Keefe read Bill #6015 by title only.

Perfection of Bills

Motion was made by Alderman Slusser and seconded by Alderman Lochmoeller to perfect Bill #6015 into ordinance form. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6015 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4668

RESOLUTIONS

Resolution #1041 – A Resolution Of The City Of Brentwood, Missouri Authorizing The City Administrator To Apply For A Grant-In-Aid From The Municipal Parks Grant Commission Round #16

Alderman Kramer provided the synopsis, “This resolution authorizes the City Administrator to apply for a Grant-In-Aid from the Municipal Parks Grant Commission Round #16 for funds to build a combination pavilion and restroom building. The project would also include the design for a rain garden in the area where the old playground was located. This project would address two areas staff gets the most complaints about in the park system, which are: Oak Tree Park needs bathrooms, especially with the installation of the new playground; The area where the old playground used to be located floods, primarily from water running down the hill. A necessary document for the grant application is a resolution adopted by the Board of Aldermen that must be adopted within six months prior to the application deadline. The grant application is due October 31, 2015”. Hearing no opposition, **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – no; Alderman Toohey – yes; **RESOLUTION PASSED.**

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Slusser and seconded by Alderman Kramer to approve the warrant list in the amount of \$1,676,660.91. After questions, Administrator Akande explained that the Vandiver Group charged a rate at approximately \$200 per hour to provide communications guidance to the city’s spokesperson for the ammonia incident. They also coordinated consistent communications on site and helped to develop the press release. Unanimous vote in favor taken; **MOTION PASSED.**

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton had no report.

Public Safety Committee, Alderman Plufka announced that the next meeting will be held on October 15th at city hall.

Public Works Committee, Alderman Toohey announced the next meeting will be held on October 14th at city hall.

Director of Planning & Development had no report.

Ways and Means Committee, Alderman Slusser had no report.

City Attorney O’Keefe had no report.

City Clerk/Administrator Akande had no report.

Excise Commissioner

Temporary Liquor License – Knights of Columbus (Aldermen Leahy recused himself as he is the applicant)
Alderman Manestar announced the request from Knights of Columbus for a special use permit to conduct a trivia night on November 21st; 6pm-10:30am; selling beer at St. Mary Magdalen. Hearing no objections, unanimous vote in favor was taken for approval; **MOTION PASSED.**

Library, Alderman Manestar announced the next meeting on October 6th at 6:30pm; they will discuss strategic planning, long term goals and cataloging. Individuals have also been announced interest in filling the library board vacancies.

Municipal League, Mayor Thornton had no new information to report.

Historical Society, Chief Fitzgerald had no new information to report.

ANNOUNCEMENTS

Alderman Leahy announced the next Ward 3 meeting to be held on October 27th at 7pm.

Alderman Plufka announced the next Ward 1 meeting to be held on October 13th at 6:30pm.

NEW BUSINESS

Alderman Toohey stated that a behavior policy was previously before the board for review and it spoke of what is considered acceptable and unacceptable behavior from the Board; this was brought about due to some interactions between the board and staff. He added concern of the 2 recent resignations from administrative staff and noted behavior by Alderman Saunders. 1) repeatedly, exceeding authority in directing staff despite recommendations from legal representatives which may have directly lead to the resignations of Julie McMillian and Gina Jarvis; 2) repeatedly violate sunshine law by copying at least 5 aldermen and discussing city business via email – some of these emails also violate the confidence of closed session by recapping the meetings making the closed session become public record; 3) reaching out to other municipalities saying she represents the city requesting information as a city representative and she does not have this authority – this may be a detriment to our relationships with other cities of the way the requests have been made and the way they have been handled; and 4) publicly disparaging city employees, professional staff and elected officials in a non-professional manner. He made a motion of censure towards Alderman Saunders. Motion seconded by Alderman Plufka.

Alderman Saunders requested that all of the accusations are documented. She asked for the emails and the requests. She stated that she has never spoken directly with Gina other than one time. She has only spoken with Chief Jury 3 times. She stated Alderman Toohey needs to look at his inappropriate text, calling the attorney against another alderman and poor behavior in general. She added that she will go back and review her emails, they are always directed to Bola and cc to whomever else is appropriate. She stated that she does not deliberate, she just puts in the email the information that she needs. She stated that she is very specific in what she ask for because over the years when she requests a documents it may take up to 7 emails before she gets what she wants. In general most business practices would get the general idea and provide the support. Her emails always include please and thank you. Her request really began her first 2 years because she had firsthand knowledge of a lot of the behavior that happened prior to 2009. She has reviewed the Meridian document and knows issues in this regards. She has requested documents where all of the red flags have indicated fraud. She stated that she takes offense to Alderman Toohey, he is a CPA and voted twice against a compensation survey, he flips his vote and is unsure where his judgement comes from.

Mayor Thornton explained that the motion for censure is a disciplinary action, it is a formal recognition by the board that the action alleged against Alderwoman Saunders are disapproved by the Board, if the motion passes it will be the board formally disapproving those actions and warning Alderwoman Saunders that she should not continue in those actions.

Alderwoman Saunders stated that it is funny that this comes when we had one compensation workshop when there was a full quorum. There was then a second compensation workshop with a quorum. It was asked that it is located closer to Brentwood and it was located in St. Charles, there was still a quorum but the meeting was cancelled at 1:15pm the day the meeting was supposed to be out there. This topic has been a top priority, as Mayor Thornton has said, for him and all of us. We paid \$30,000 for the survey and promised the public that it would be addressed before this years budget; actually last year but we had to wait for this years budget. I took the means available, as it is the responsibility of the legislators to legislate. It is our job to get the job done and is upon us, as we said it was top priority that we meet to discuss compensation because we didn't get through half of the material. I called a special meeting as permitted by ordinance, if there are 4 members of the board requesting; I had 5. Alderman Leahy disapproved the way I went about it, but why have it in the ordinances if it is not there to be acted upon. It allows us to legislate if the mayor does not agree and that is why it is there. I emailed staff and Mayor Thornton for 2 days asking if I would have a recorder and tables. I offered to set up and even provide tables but never got a reply from staff or Mayor Thornton. There is a long history and unfortunately I am the only individual that has been involved with the city for a long time and knows a lot of the past. I had to come in and be the one to open Pandora's Box and point out a lot of the misgivings and things that happened. And, you have to take into account that the newer aldermen, they come in and have a fresh professional staff and that's great and easy. I came under a different administration that tried to tie my hands at every turn and not allow me to have a document.

Alderman Plufka stated that he didn't make any accusation, he simply seconded a motion for censure. He stated that he seconded it because he believes that it is time to have the conversation in open forum, not because he is especially interested in seeing anyone censured. He stated that he can understand the mindset; forged by the embezzlement and malfeasance described in the 2011 audit to view aldermanic role as that of a watch dog. He added that he could see how someone elected during that time might believe it is there primary mandate to fair it out with must be other instances of corruption in our city and protect the tax paying residents from more abuse. But, in his opinion, when that mindset makes it okay to micromanage individual employees, second guess staff actions and make sometimes punitive demands on staff time, the time has come to have the conversation. If it is allowed to continue without objection, we will paralyze the very employees we hope to empower and will perpetuate a level of dysfunction that will be difficult to overcome. Our role is to provide guidance for the future, adopt philosophies and strategic goals and then hand them to senior staff to implement; they are who we hold accountable to that guidance. Hopefully our guidance is well considered, logical and sustainable. Certainly, we will not tolerate criminal behavior on the part of our employees, but, when we second guess and take them to task about the very manner in which they are trying to do their jobs, we treat them as criminals before the fact. And, I would like to personally see that stopped.

Alderman Kramer stated that as the previous chair of ways and means, he wrote a draft of an alternate version of the code of conduct for the City of Brentwood, it proposed the idea of censure; unknowing that it would come up. However, this code didn't pass and didn't get to the point of being adopted or affirmed. He asked the City Attorney, without the code of conduct in place, how do we approach the topic of censure in this case?

Attorney O'Keefe replied that Roberts Rules of Order states that any organization has the inherent authority to discipline its members, which can take a variety of forms. Censure is an

expression of opinion by the body, an opinion of disapproval of conduct of a member. It is inherent in the organization. The city codes also references RRO as a standard by which you will conduct yourself in the absence of a specific provision in the code. RRO recognizes levels of discipline short of expulsion, in this case under chapter 79 and under the Missouri constitution, removal from office by impeachment. RRO recognizes that there are lesser levels of sanction that will include censure. He stated that it is his view that the board inherently has the authority to censure its members and express its opinion.

Alderman Kramer stated that as he initially envisioned as he wrote the draft that he takes the topic very seriously, while not expressing an opinion either way, he likens the proceedings similar to a trial. To vote affirmatively he would need to see the allegations in writing as well as the rebuttal. If the vote is tonight, he cannot vote in favor but would be willing to take a look at all of the fact in writing in the future.

Alderman Leahy stated that he was sighted as not agreeing with the second call of the workshop. It is his opinion that the aldermen are allowed to request the mayor to call a special meeting. He believes that the group that called the meeting got aggressive in the fact that they not only called the meeting but established their own date and time and at no point gave the mayor the opportunity to agree. He thought it was rushed and unfortunately a date he could not make. He would love to have had a chance to maneuver a more convenient time for all members. Mr. Toohey's complaint that at times actions were taken that were done but were not done as an authorization from this board; yes, I believe that certain actions have been taken were the board was not granting any individual authority to move forward. Contentious, yes, everyone comes with different opinions and they all should have a right to express them; rather we agree or disagree is when you take a vote. I am disappointed in email traffic, not only from Alderwoman Saunders, but from others in which yes, matters were addressed in executive session seem to come out in public communication. I agreed that even after executive session there has to be further fact searching, but not in an email. You come to the city attorney and ask; putting it in an email defeats the whole purpose of taking it into executive session. Intent, I don't believe anyone had the intent to circumvent or contradict the law; it is just the way we go about doing business. I agree with Alderman Kramer, if this board wishes to move forward with this type of action, it is in the board's best interest to do a much better job of specifically documenting what the actions were so that if the board votes in the affirmative it is related to a specific. Alderwoman Saunders response allude to a few things that Mr. Toohey brought up but she is bringing up other issues that may not be in the confines of what we are talking about. He agreed with Alderman Kramer's request to do it specifically not just stay general.

Alderwoman Saunders stated that it is evident that Alderman Plufka knew this was coming specifically because he had a prepared statement; it would have been nice to have known too. She stated that Alderman Plufka discussed and reached out to cities for their texting ordinance and she has to go through Bola to get all of hers; as a result she decided to reach out to other cities to see what they were doing for compensation this year because our compensation survey is already getting out of date because it is from 2014. She took it upon herself because others didn't seem interested and Alderman Plufka had done the same with his texting and when any of the cities were all very agreeable; some explained that I should go through the city administrator and I responded back that I wasn't getting it but if that's what they preferred I would be fine. They all supplied the information and one asked me to share what I had. Alderman Kramer and Alderman Toohey both went to see the Richmond Heights mayor regarding Brentwood Forest. When I asked after the meeting was canceled when the next would be scheduled; Mayor Thornton answered - good luck getting 7 or 8 of us together. Since that was my response and at his mayor coffee that my husband attended he said it was it top priority, I took it upon myself to try to coordinate a meeting because time is of the essence. The budget is coming and we have pushed and kicked the can down the road. Even after ways and means, Alderman Slusser and I were talking and if it is not going to happen as a board

then it should happen at ways and means where it initiated. And, compensation is a part of ways and means but again we are not getting it done. I have all of my emails so I can go back and I will show you time and time again where I get shut down even though I'm asking for things that I am entitled to. I ask that you give me documentation of the accusations made a chance to review like Alderman Kramer said. As for tonight and disagreeing with Mayor Thornton, I believe that's how government should work, it is passionate and didn't continue but I do believe that I have to say that I would give up the floor and I didn't give up the floor. It was a disagreement and was handled, he overruled. Vehemently, I still disagree and am entitled to my opinion. Sometimes I disagree with attorneys, our city attorney disagrees with the state auditor. He's not an accountant but we are all professionals and a lot of things are based on nothing but opinion. You have to look, you can take in their expertise and you can listen to their guidance but at the end of the day, it is never wrong to ask a question and look a little deeper. I am tired of hearing that the past does not matter. I wanted to file the bond and 5 people voted no, including Alderman Toohey – even filing the bond, people had received some benefits that they shouldn't have and they still got to vote on that. I asked for a forensic audit – no; I asked for data mining – no, but I moved forward and never asked for them again. At the last meeting of ways and means I had to reference the past because I felt we hadn't addressed compensation via the budget vs via the ordinance and we are bringing that forward that elected officials will be done under a separate ordinance. But, the frame of reference is the past and controls are put in so that you don't say I think this or that person is trust worthy. The idea of a control is to minimize having any conflicts, fraud or mistakes; that is just part of controls. I think that when I asked those questions, I think sometimes just because individuals are not prepared to the level that I would expect someone that receives the salary and benefits that we pay here, I think the residents deserve that. I've been on this board a lot longer than some and I have fought for this city the entire time and if you want to censure me Alderman Toohey go right ahead but you better document it well because I will document your misgivings.

Alderman Plufka commented that Alderwoman Saunders last comments get exactly to the heart of why I seconded this and I prepared something to be said. Because it gets to a very precise issue and that I think what she recently said is precisely the problem of the misinterpretation of our role as alderwomen/men. I can see how you can fall into that idea that because there was well documented instances of criminal activity and that audit demonstrated more than a dozen of serious instances of malfeasances. But the problem with looking back to the extent that the alderwoman has recommended here, has indicated and has defined herself as, the problem you have is that the people you we have hired under process and procedure don't have any way to answer for themselves. They are trying to do their jobs and are being kept for being able to do so because they are preoccupied with how every decision that they make is going to be viewed through the prism of aldermanic oversight in the name of watchdog or in the name of protecting the tax payers of the city of Brentwood; we are very seriously making dysfunctional our city employees. Our level of oversight extends to the senior...we are charged with providing guidance and leadership and are charged with oversight of the folks that are here at this meeting tonight and who are helping implement the policies that we are enacting. It is not our job to go beyond them, around them, through them or under them to get at the individual people that are trying to do their jobs based on what these senior people are instructing them to do. If we have a problem with the way business is being carried out in the city, it is not up to us to go to those individual employees and make those complaints. It is up to us to talk to Bola, Justin, or the replacement for Gina to voice those concerns in a respectful way and I think we have gotten away from that. We think that it is okay because of the past and the way that Brentwood has conducted itself, in the well documented way that Brentwood has conducted itself, that we feel that it is somehow our job or duty to behave this way and my personal opinion is that it is not.

Alderman Toohey commented that this censure is not a motion against someone's character, or their intent against the board, it is just the behavior. I have just found the behavior to be

obstructive and even the last comment made by Alderwoman Saunders. We are oversight and I'm bringing up issues that I find obstructive. Basically her reply has been, well here is everything you've done wrong and now you've done this, I'm going to come after you with a censure. If my behavior was so bad you should have brought it up before. Without any threat or negativity from you towards me, I thought your behavior was destructive and has been that way for a while. These 2 employees leaving is really putting us in a bad situation. All municipal employees communicate and Brentwood is getting a bad reputation. I think the requests to other cities, city administrators are taking a negative reaction. When we want to hire new people in Brentwood, they will say, don't go there because their Aldermen just treat you awful and create a hostile work environment. We will end up with substandard employees or have to pay a lot more than what we are and that is not the direction we want to go into. This motion had nothing to do with me being vindictive because I got called out on something; to me that is the most troubling fact.

Alderwoman Saunders asked why didn't you bring this out while things were happening if you had trouble with my behavior. Now you are just dumping and I have the same; a whole history list from you. But I didn't think that we weren't getting the work done. Alderman Plufka, the point I was making is that I tried for the bond, the audit and data mining, I did not win and I moved forward. I didn't vote for ECDC and I moved forward. But at the end of the day I know what you are saying as far as professionals but our charge is the budget and the comprehensive plan and I have said that over and over. There is a lot of muddy water that we have to go through. I have moved on and have talked to Aldermen Slusser about the way we are going and have not been dwelling in the past. I am passionate, there is no doubt about it. If I go back and look, you will see there are different standards for different aldermen. I don't believe my key opens the same doors that Alderman Kramer's does.

Mayor Thornton announced that the recommendation is that the motion for censure be voted on by ballot; however Alderwoman Saunders will be unable to vote. Alderman Leahy requested clarification of the motion and asked if it will be amended to include the request for specific documentation before voting. Mayor Thornton explained that the motion on the floor is to censure; a vote in favor means you disapprove of the behavior referenced and a vote against means you approve of the behavior referenced, however, that motion had not been amended. Alderwoman Saunders stated for the record, that she needs to know the specific section of RRO that says the vote should be done by ballot and Mayor Thornton responded that the recommendation was that it be conducted by ballot and asked for any objections from the Board; hearing none, the vote was taken by ballot. Ballots were distributed and counted; 2 votes in favor were collected and 5 against; **MOTION FAILED.**

Alderman Kramer announced that he will come before the Public Works Committee meeting for the purpose of discussing the protocol for special use permits; specifically exterior storage containers.

Alderwoman Saunders commented that when she met with Mayor Thornton when he was a candidate, he mentioned censure and stated that he had looked at the tapes of every time she was inappropriate or frustrated and it is interesting that it comes up tonight. Also, there are professionals, Bola, and they are told many times that they do an excellent job. But there are also a lot of long term employees here and it is funny that this all comes up when discussing compensation and maybe we aren't going to be so free with our compensation and benefits. It has always been employees that go around asking for money, asking to increase the taxes, asking for support, so they know where the money comes from, from us the residents. It is interesting that they had no qualms being paid higher than any other city by considerable amounts and that is the time now that we are getting ready to make these tough decisions and censure comes up.

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

PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board. Total time allotted for this section shall not exceed 15 minutes)

Susan Ryan, Pine Ave, announced her disappointment of the loss of the Finance Director, especially after the efforts of the audit. She added that she is a CPA and would not work here and be treated as she has witnessed by employees that have come here and have been treated when they have come to help. She stated that she has witnessed disparaging and demeaning behavior by more than one, and it is not funny.

Karen Smith, Harrison Ave, stated that she is shocked at the demeanor of the meeting and added that she does not understand how meetings are being run anymore. She attends for discussion and education and does not understand why some people are shut down when issues are raised. Everyone is entitled to their own thoughts and it is unfortunate that each were not entitled to be prepared for tonight and even after speaking to aldermen from other cities, they also say that every alderman has the right to ask for information. She stated her disappointment and also asked to see the accusations against Alderwoman Saunders.

Aldermanic Response

None

CLOSED MEETING

None

ADJOURNMENT

Motion was made by Alderman Leahy and seconded by Alderman Slusser to adjourn the meeting at 9:01 pm.

Approved as submitted on the 2nd day of November, 2015.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator