

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
DECEMBER 7, 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	7:05pm
Alderman Slusser	Present	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderwoman Manestar	Absent
Alderman Kramer	Present	Alderwoman Saunders	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Kevin O'Keefe, Financial Consultant Ronna Alaniz, and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen December 7, 2015

Motion was made by Alderman Plufka and seconded by Alderman Leahy to add to the agenda item 5A, executive session for personnel. Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderman Lochmoeller and seconded by Alderwoman Saunders to amend the agenda moving item 12A to 10C and item 5A to 19A. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – absent; Alderman Plufka – yes; Alderwoman Saunders – no; Alderman Slusser – yes; Alderman Toohey – no; **MOTION PASSED.**

Motion was made by Alderman Slusser and seconded by Alderman Plufka to postpone Bill No. 6029 until the second meeting in January. Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderman Leahy and seconded by Alderman Toohey to approve the amended agenda. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Special Meeting Minutes November 2, 2015

Hearing no objections, unanimous vote in favor was taken for approval of meeting minutes.

Board of Aldermen Special Meeting Minutes November 16, 2015

Hearing no objections, unanimous vote in favor was taken for approval of meeting minutes.

Board of Aldermen Regular Meeting Minutes November 16, 2015

Hearing no objections, unanimous vote in favor was taken for approval of meeting minutes.

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

A Request For Conditional Use Permit And Site Plan Approval For A “Dry Cleaning Plant Or Laundry” Use At 2590 S. Brentwood Blvd

Mayor Thornton opened the public hearing at 7:18 pm. Director Wyse announced the proposal to operate a dry cleaning plant or laundry at 2590 S. Brentwood Blvd. The property is a 0.41 acre site and is currently zoned “PD” which requires a conditional use. In addition to operating at the site they are proposing several modifications; landscaping along Brentwood, removing the existing pole signage to build a sign that conforms with the city’s sign regulations, they will be making upgrades to façade, removing the architectural feature in the rear of the building and conform to the city’s parking regulations. Planning and Zoning have reviewed and recommend approval with several conditions; that all dry cleaning takes place within a closed system, that only one non-incidental window sign is permitted, use of the chemical “Perk” is not permitted, Store hours are between 7am-7pm; Monday – Saturday and that the site shall comply with section 400.2550 pertaining to toxic matter.

There were no comments from the public; the public hearing was closed.

Adoption Of The Budget Of The Fiscal Year Commencing January 1, 2016 And Concluding December 31, 2016

Mayor Thornton opened the public hearing at 7:20 p.m. Administrator Akande announced that the proposed budget being presented is balanced and was prepared under the direction of the Ways and Means Committee, via meetings held with departments to outline and discuss the goals and priorities of the board and ways and means and provided an overview of the FY2016 budget; total revenue - \$20,245,188 and total expenditures - \$19,910,686. There are no cuts to core services and we are able to maintain low local taxes. We continue to meet the goals of the fund balance adopted in 2013; general fund is at 39%, stormwater park improvement 15%, sewer improvement 15%, capital reserves is at 4.90%, and stormwater is at 36.27%.

Explanations were given of budget details and a summary of revenue was presented which includes the impact SB5 has on courts; general fund is being reduced by 4.1% as collections for parks related activities programs and services are being transferred to stormwater park improvement, capital improvement 19%, stormwater parks improvement decreases by 44% to pay for budgeted renovations, and sewer later improvement stays the same.

Overall expenditures for all funds shows a 17.26% decline from the previous year; increases shown are primarily due to new positions being proposed – Public Works Director/Engineer, Public Relations Official, Receptionist, Part-Time Code Enforcement Officer, Park Maintenance Superintendent. Funds totaling \$312,523 for these positions were modeled into the pay classification plan recently approved by the Board of Aldermen. These positions were a result of meetings with department heads to fill gaps in service and maximize efficiency.

Priorities for FY2016 include additional new programs; the Knox Box for commercial and residential properties, flood and rescue equipment, CALEA accreditation, improvement in the city’s green space, comprehensive plan updates and other alternatives for flood water mitigation on Manchester. At the direction of the board, an application will also be made on the STP grant; an update will be provided to the Public Works Committee.

Louise Charboneau, 8833 Madge, offered comments regarding the proposed increase of personnel; it was her belief that investments would be made in capital. She suggested funding areas to back for increased savings and less spending.

Karen Smith, Harrison, stated her appreciation for changes made over the last couple of years for a more professional and accountable city. She commented that she previously suggested positions with analysis capability of which she does not see in the positions proposed. She also questioned if the city has determined its place in the market for compensation and suggested to consider cutting back

Catherine Zahniel, announced concerns of the positions being added to the budget and asked that the board carefully consider if they are needed. She asked for a breakdown of the cost of the salary adjustment.

There were no additional comments from the public; the public hearing was closed.

BIDS

None

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.)

None

Aldermanic Response

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6033 – An Ordinance Authorizing The Amendment Of The City Of Brentwood’s Current Employee Handbook Providing A Policy For Electronic Tablet Usage

Attorney O’Keefe read Bill #6033 by title only. Alderman Kramer provided the synopsis, “This bill amends the current handbook to include a policy on use of tablets for staff members that are provided a tablet for City business. The bill would include the policy into the handbook and include acknowledgement forms that must be signed prior to being issued a tablet for City use. This process identifies acceptable use of the device to reduce abuse of the technology”.

Presentation by IT Manager Zlatic

The intent of the tablets is to provide consistent access by the mayor and board to agenda items, internet, email, and to offer a consistent platform of the hardware and software that will be used. The information will be available to the mayor and board from any location, meeting packets and agenda items; replacing the paper packets currently being distributed. The tablet includes a pooled data plan that would be shared among users.

Questions by Aldermen

Discussions were held regarding the amount of data, of which it is not estimated that the plan would be exceeded. With regards to data storage and the sunshine law; the city utilizes cloud storage which is linked to the city’s server. After discussion of syncing of personal emails, it was explained that sunshine law applies to matter related to public business.

Bill No. 6034 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To CD One Price Cleaners For A Dry Cleaner At Property

Numbered 2590 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

Attorney O'Keefe read Bill #6034 by title only. Alderman Kramer provided the synopsis, "This bill would approve a Conditional Use Permit and Site Plan for CD One Price Cleaners to operate at 2590 S. Brentwood Blvd. (location of the current Shoe Stop). Site improvements will include updates to the building façade, removal of the peak on the rear of the building, addition of parking to meet minimum parking requirements, addition of landscaping along the Brentwood Blvd. frontage, and removal of the existing pole sign to be replaced with a new monument sign. The Planning and Zoning Commission has reviewed the request and recommends approval with the conditions identified in the Conditional Use Permit.

Presentation by Director Wyse during public hearing

Questions by Aldermen

Clarifications were given of the sign plan submitted and the petitioners also explained that one price denotes there would be one price for laundry services and one price for dry cleaning services and the build out time is anticipated at 90 days.

Bill No. 6035 – An Ordinance Adopting The Annual Budget For The City Of Brentwood For The Calendar Year 2016; And Providing For The Effective Date Of This Ordinance

Attorney O'Keefe read Bill #6035 by title only. Alderman Kramer provided the synopsis, "this Bill adopts the annual budget for the City of Brentwood for the calendar year commencing January 1, 2016 through December 31, 2016. Total revenue budget for all funds is \$20,245,188 and total expenditure budget is \$19,910,686. Notable additions to the budget include increased funding for street work to mill and overlay all asphalt streets within the City by the end of 2019 and the addition of several new positions to increase provision of service. The Ways and Means Committee has reviewed the budget and a motion was made for it to be forwarded to the Board of Aldermen".

Presentation by Administrator Akande during public hearing

Questions by Aldermen

It was clarified that the streets and sidewalks that were not completed this year will be rolled into next year. Clarification was granted on the proposed budget including the transfer of line items to the storm water and parks fund, the impact of SB5, the proposed new positions and compensation and also regarding the use of reserve funds. Alderman Kramer stated his hope that the city revisit the topic of sales tax insurance.

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. 6025 – An Ordinance Amending Title III Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Repealing Section 355.100 As It Relates To Parking For The Physically Disabled And Adopting In Lieu Thereof A New Section 355.100;

Providing For The Repeal Of All Conflicting Ordinances; Providing For The Effective Date Of This Ordinance

Attorney O'Keefe read Bill #6025 by title only. Alderman Kramer provided the synopsis "this bill is for an ordinance amending Title III of the Revised Code of Ordinances by repealing section 355.100 as it relates to parking for the physically disabled and adopting in lieu thereof a new section 355.100. During the recodification of the municipal code last year, the section granting authority to designate disabled parking spots for eligible residents was omitted. This bill re-establishes that authority and provides the correction, in accordance with RSMO 310.143, that the Board of Aldermen are granted the authority to approve the designation of a disabled parking spot by requests of eligible residents via ordinance or resolution. It also provides for the use of disable parking placards issued by all states".

Perfection of Bills

A motion was made by Alderman Leahy and seconded by Alderman Toohey to perfect Bill #6025 into ordinance from. **ROLL CALL:** Alderman Kramer – yes; Alderman Plufka – yes; Alderman Leahy – yes; Alderwoman Saunders – yes; Alderman Lochmoeller – yes; Alderman Slusser – yes; Alderwoman Manestar – absent; Alderman Toohey – yes; **MOTION PASSED.**
BILL #6025 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4681

Bill No. 6026 – An Ordinance Amending Section 340.160 Of The Brentwood City Code Relating To Careful And Prudent Driving

Attorney O'Keefe read Bill #6026 by title only. Alderman Kramer provided the synopsis, "This ordinance amends City Code relating to careful and prudent driving. State law (Sec. 304.012, RSMo.) and city ordinance (Sec. 340.160) require the operator of a motor vehicle to exercise the highest degree of care and prohibit careless and imprudent driving so as not to endanger the well-being and property of others. This bill acknowledges that conveniences and capabilities built in and attendant to modern vehicles have an increasing capacity to distract drivers from the most critical and core responsibility incumbent on all motorists. It is the desire of the Public Safety Committee that all drivers on the road in the City of Brentwood focus their full and undivided attention on the operation of their vehicle and the activities of motorists and pedestrians in the vicinity. This amendment will enhance public safety to more fully articulate some of the more distracting and dangerous circumstances which detract from a driver exercising the highest degree of care.

Perfection of Bills

Motion was made by Alderman Leahy and seconded by Alderman Plufka. Alderman Slusser reiterated comments in opposition and other comments were offered that this legislation expands the definition included for enforcement. **ROLL CALL:** Alderman Kramer – yes; Alderman Plufka – yes; Alderman Leahy – yes; Alderwoman Saunders – yes; Alderman Lochmoeller – yes; Alderman Slusser – no; Alderwoman Manestar – absent; Alderman Toohey – no; **MOTION PASSED.**
BILL #6026 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4682

Bill No. 6027 – An Ordinance Amending Section 105.060 Of The Brentwood City Code Regarding The Order Of Names On The Municipal Election Ballot

Attorney O'Keefe read Bill #6027 by title only. Alderman Kramer provided the synopsis, "This ordinance amends Code Section 105.060 allowing the process to place candidate names on the ballot of the General Municipal Election to be consistent with State Statute. In 2015, based on legal advice, the City changed the filing processes to coincide with RSMo 115.124 as it was believed that the City Code section was a direct conflict of this statute. The intent was that a revision of City ordinance would be brought forward for subsequent years to reflect the new process. The process prior to 2015, allowed each candidate on the day of filing to pull a number as determined by random drawing when they meet with the Deputy City Clerk to file.

The number they pulled determined their position on the ballot. Each day after that, candidates were placed on the ballot in the order in which they appear in the clerk's office. With the approval of this bill, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers drawn".

Perfection of Bills

Motion was made by Alderman Slusser and seconded by Alderman Saunders to perfect Bill #6027 into ordinance form. **ROLL CALL:** Alderman Kramer – yes; Alderman Plufka – yes; Alderman Leahy – yes; Alderwoman Saunders – yes; Alderman Lochmoeller – yes; Alderman Slusser – yes; Alderwoman Manestar – absent; Alderman Toohey – yes; **MOTION PASSED.**
BILL #6027 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4683

Bill No. 6029 – An Ordinance Amending Title I Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Chapter 115: Officers And Employees, Adding A New Section 115.030 Conflicts Of Interest; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances
Postponed until January 19, 2015

Bill No. 6031 – An Ordinance Submitting To The Qualified Voters Of The City Of Brentwood, Missouri, For Their Approval At The General Municipal Election To Be Held In The City On The 5th Day Of April, 2016, A Proposition To Authorize The City To Continue Applying And Collecting The Local Sales Tax On The Titling Of Motor Vehicles, Trailers, Boats, And Outboard Motors That Were Purchased From A Source Other Than A Licensed Missouri Dealer

Attorney O'Keefe read Bill #6031 by title only. Alderman Kramer provided the synopsis, "this bill submits the issue of continuing to apply and collect local sales tax on titling of motor vehicles, trailers, boats and outboard motors purchased outside of Missouri to the qualified voters of the City of Brentwood, Missouri, for their approval at the general municipal election on the 5th day of April, 2016. Prior to July 2013, municipalities had the ability to collect use taxes for the titling of motor vehicles, boats, trailers, out board motors, etc. sold out of state. Due to a bill passed by the general assembly, it is now required that voters approve the collection of the sales tax for titling those vehicles. Municipalities have until November 2016 to receive voter approval to continue to impose the local sales tax on vehicles purchased by their residents from out-of-state vendors".

Perfection of Bills

Motion was made by Alderman Slusser and seconded by Alderman Plufka to perfect Bill #6031 into ordinance form. **ROLL CALL:** Alderman Kramer – yes; Alderman Plufka – yes; Alderman Leahy – yes; Alderwoman Saunders – yes; Alderman Lochmoeller – yes; Alderman Slusser – yes; Alderwoman Manestar – absent; Alderman Toohey – yes; **MOTION PASSED.**
BILL #6031 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4684

BILLS TO BE GIVEN A FIRST AND SECOND READING

None

RESOLUTIONS

Resolution No. 1044 – A Resolution Of The City Of Brentwood, Missouri, Adopting A Tablet Usage Policy For Elected Officials

Alderman Kramer provided the synopsis “this resolution adopts the tablet usage policy as this new policy document that applies to the Mayor and Board of Aldermen that use tablets for City business. Use of technology will streamline agenda preparation, publication, and dissemination and will allow for greater ease in providing the Mayor and Board of Aldermen information in a timely fashion. Prior to purchase of the tablets, the Board determined a policy was necessary to prevent abuse in the use of the tablets. The Ways and Means Committee has reviewed the policy and recommends approval”.

Motion was made by Alderman Slusser and seconded by Alderman Toohey to adopt Resolution #1044. A discussion was held regarding personal usage and/or syncing the tablets with personnel and Alderwoman Saunders suggested that section is removed from the policy. Attorney O’Keefe clarified his opinion that city business should not be conducted on personal device and that it doesn’t prohibit you from having personal data so that the item becomes useful.

Alderwoman Saunders made a motion to amend the resolution to remove any reference that allows syncing personal devices with the tablet. Motion seconded by Alderman Toohey. Unanimous vote in opposition was taken; **MOTION FAILED.**

ROLL CALL: Alderman Kramer – yes; Alderman Plufka – yes; Alderman Leahy – yes; Alderwoman Saunders – yes; Alderman Lochmoeller – yes; Alderman Slusser – yes; Alderwoman Manestar – absent; Alderman Toohey – yes; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Slusser presented the warrant list in the amount of \$620,367.81 and motioned for approval. Motion seconded by Alderman Leahy. **VOICE VOTE TAKEN;** 6 – yes; Alderman Leahy – no; Alderwoman Manestar – absent; **MOTION PASSED.**

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton announced appointments the Library Board; Randall Herrington and Jeanette Oesterly. Motion was made by Alderwoman Saunders and seconded by Alderman Slusser to approve appointments. Unanimous vote in favor taken; **MOTION PASSED.**

He also announced county council efforts to approve a measure of police standards. During a recent meeting with Mayors of 14 cities, Councilman Pat Dolan was encouraged not to support these measures, in which he sponsored and voted in favor. There are now at least 2 different law suits in opposition, one of which being handled by our attorney law firm. He added his opinion that county does not have this authority and will soon recommend participation to preserve the rights in the most cost effective way. The Board will continue to be updated.

Alderman Leahy announced the 6th anniversary of the reopening of 64/40. He asked that correspondence is sent to County reminding of Brentwood Blvd and Mayor Thornton commented that he is opposed to sending such correspondence.

Lastly, Mayor Thornton offered comments of the compensation ordinance passed by the board. The plan passed was recommended by the consultant and the major benefit is that the city is now able to impose a cap on salaries that allows payroll to stop growing and begin reaching payroll limitations.

Public Safety Committee, Alderman Plufka reported the next meeting on December 17th at 5:30pm.

Public Works Committee, Alderman Toohey reported the next meeting on December 9th at 4:30pm.

Director of Planning & Development Wyse announced a development proposal at the intersection of Hanley and Manchester that will be at Planning and Zoning on December 9th. Aldermen were encouraged to attend.

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 Manestar had no report.

Library, no report.

Municipal League, Mayor Thornton had no report.

Historical Society, Chief Fitzgerald had no report.

ANNOUNCEMENTS

Alderman Plufka announced that the Ward 1 meeting has been cancelled.

Alderman Leahy expressed appreciation for Boy Scout Troops 361, 656 and Adventure Troop; the scouting for food program collected 182 boxes of canned goods. He also announced the Ward 3 meeting on December 29th at 7pm.

NEW BUSINESS

Alderman Kramer questioned if Bill 6019/Ordinance 4674 may contain some errors. Mayor Thornton explained that an error would be something that was passed and not reflected as published. Kramer questioned if the data reflected what was previously discussed; Administrator Akande was not made aware. Alderman Leahy added that the chart included within Bill 6019 matches the chart within the Higbee report. The only difference is the chart for the 7 step plan, as Higbee based it on the 12 step plan but the board agreed to 7.

Mayor Thornton explained that there needs to be an affirmative motion or action for the board; none were heard.

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)

Hearing no comments originally, Alderman Kramer made a motion to reopen public comments. Motion seconded by Alderman Leahy. **VOTE BY HAND TAKEN; 6 – yes; 1 – no; 1 - absent; MOTION PASSED.**

Catherine Zahniel, offered comments that Bill 6019 does include 75th percentile.

Aldermanic Response

Alderman Saunders commented that the board did agree to the 75th percentile and announced her concerns with paying at that level.

CLOSED MEETING

Personnel – RSMO 610.021(3)

Alderman Leahy made a motion to adjourn the meeting and enter into executive session at 9:57 p.m. to discuss personnel matters pursuant to RSMO 610.021(3). Motion seconded by Alderman Slusser. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderman Manestar – absent; Alderman Plufka – yes; Alderman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Mayor Thornton called the closed session to order at 10:04 p.m. with the following members present: Alderman Kramer, Alderman Lochmoeller, Alderman Leahy, Alderman Plufka, Alderman Saunders, Alderman Slusser, and Alderman Toohey. Also present were City Attorney O’Keefe and Assistant Katherine Henry, and Deputy City Clerk Pittman. Alderman Manestar was absent.

Motion was made by Alderman Slusser and seconded by Alderman Toohey to set the pay of the City Clerk/Administrator for the fiscal year 2016 at step 9 in a range of 30 for a pay of \$134,114.02. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderman Manestar – absent; Alderman Plufka – yes; Alderman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Alderman Leahy made a motion to adjourn the closed session at 10:50 p.m. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderman Manestar – absent; Alderman Plufka – yes; Alderman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

ADJOURNMENT

The meeting adjourned at 10:50 p.m.

Approved as submitted on the 21st day of December, 2015.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator