

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
JUNE 15, 2015**

MEETING CALLED TO ORDER

Mayor Chris 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.

ROLL CALL

The following members were present

Alderman Plufka	Present	Alderman Toohey	Present
Alderman Slusser	Present	Alderman Leahy	Absent
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 Frank Albrecht, and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen June 15, 2015

Alderdwoman Saunders made a motion to accept the meeting agenda as presented. Motion seconded by Alderdwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes May 4, 2015

Board of Aldermen Regular Meeting Minutes May 18, 2015

A request was made by Alderman Leahy and by unanimous consent it was agreed to place the meeting minutes on hold until the July 20th meeting.

PRESENTATION/RECOGNITION

2014 (CAFR) Comprehensive Annual Financial Report, 2014 Financial Audit Results, Report on Internal Control Related Matters and Advisory Comments

Jim Torte presented the results of the annual audit of the city’s financial statements of the year ending December 31, 2014. As detailed results were presented at the June 9th Ways & Means Committee, a summary was provided. An overview was provided of the Comprehensive Annual Financial Report.

The auditors’ responsibility is to plan and perform the audit to obtain reasonable assurance that the financial statements are free in material statements. The audit resulted in the issuances of an independent auditors report related to the financial statements. An unmodified opinion has been issued, meaning the financial statements are fairly presented in all material respects in conformity with accounting principles generally accepted in the United States. It was pointed out that while the CAFR is more than 80 pages long, on pages 4-12 are the management discussion and analysis (where management provides an overview and analysis of the city’s financial activity for the year) and everyone was encouraged to review this section carefully. The city was commended for all of the effort that went into the preparation of the CAFR; it goes above and beyond what is required. The content of the report conforms to the highest standards for preparing government financial statements. The purpose is to

enhance the accountability to the Mayor, the Board of Aldermen and the citizens of Brentwood by providing a clear and concise picture of the city's financials. In addition to the CAFR, a report was issued titled Report on Internal Control Related Matters and Advisory Comments where comments and suggestions are stated for strengthening internal controls and operating efficiency. In this report, management's responses to suggestions are also included. In addition, the report provides the status of prior year recommendations; there are no new findings or recommendations and the prior year recommendations were either implemented or are in the process of being implemented. Significant improvement has been seen over the last 3 years. The final report is the report to the Board of Aldermen that provides various communications as required by professional standards. Staff was commended for the courtesies extended during the audit.

Motion was made by Alderwoman Saunders and seconded by Alderman Plufka to move item #15H (Excise Commissioner's report) to #5 on the agenda. Unanimous vote in favor taken; **MOTION PASSED.**

Excise Commissioner Report

Commissioner Clements announced the annual liquor license renewals. Alderwoman Saunders made a motion to approve liquor license renewals for **American Legion Goff Moll Post, Arch Energy (Mobile), Artistic Affairs Catering, Bommarito Wines, Bonefish Grill, Buffalo Wild Wings Grill & Bar, Cost Plus World Market, Dierbergs, Double D Lounge, Drury Inn & Suites, Frank Papa's Ristorante, Houlihan's, Hunan Wok Restaurant, Ionia Atlantic Imports, Mai Lee Restaurant, OB Clark's, Schnuck's, Sideline Bar & Grill, Springhill Suites, Target Store (T-1102), Trader Joes (692), Twin Oak Wood Fired Fare, Walgreens (6432), Whole Foods Market, William K Busch Brewing Co.** Motion seconded by Alderman Plufka. Unanimous vote in favor taken; **MOTION PASSED.**

PUBLIC HEARING

2016 Community Development Block Grant

Mayor Thornton opened the public hearing at 7:12 p.m.

Justin Wyse, Planning & Development Director announced the purpose of the hearing to discuss the community development block grant and outline the usage of these funds. A handout listing eligible activities as well as a sign in sheet for those interested in speaking were available.

Director Wyse gave a brief overview of previous years' allocations (\$20,000) to the home improvement program administered through St. Louis County which provides home owners with forgivable loans of up to \$5,000 to make needed repairs on their owner-occupied properties if they meet certain income requirements. These repairs include such projects as electrical, plumbing, heating and cooling, roofing, concrete work and tree trimming. Previous years' funds are currently being utilized causing a waiting list for 2015 with 6 pending approval. In addition to the home improvement program, funds can also be used for acquisition of property, improvements to public facilities, clearance activities, public services, privately owned utilities, and the creation of low income housing. As the program is well utilized, staff recommendation for the FY 2016 funds will be to allocate the funds in the amount of \$20,000 towards "Rehabilitation of Private Property" for the home improvement program. For the past several years, the board has also authorized staff to waive the costs of permit fees for projects being funded through the community development block grant program.

After questions from Aldermen, it was clarified that applicants receive funding in the amount of their specific project "up to \$5,000", which sometimes could be less but it is more common that the homeowner use the entire amount. There were no comments from Citizens.

The public hearing closed at 7:16 p.m.

A Petition To Amend Sections 400.020, 400.1320; 400.1330; 400.1340; And 400.1350 Of The Brentwood Code Of Ordinances Pertaining To The Definition And Separation Requirements For Group Home

On March 11th, 2015 the Public Works Committee asked that the Planning and Zoning Commission review the 2,500 foot distance separation for group homes within the residential district regulations of the Zoning Ordinance. This recommendation was based on a settlement from the City of St. Peters where a distance requirement of 2,500 feet was challenged by HUD and the Department of Justice. The City Code adopted in November of 2014 included a distance separation of 2,500 feet for group homes within the residential districts within the City of Brentwood. In reviewing the issue, the Planning and Zoning Commission requested a legal opinion of which Attorney Karr recommends two options for the City:

1. Repeal the distance requirement altogether; or
2. Amend the definition of "Group Home" so that those homes with three or fewer disabled residents are not included for purposes of the distance requirement. The definition would then read: "Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, other than a family as such is defined in this Code, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped residing in the home." Option 2 would allow the smaller group homes (which otherwise would be considered a "family") without any distance requirement and would prevent the clustering of larger group homes which would more likely lead to an institutional environment. The Planning and Zoning Commission reviewed the Request and unanimously recommended approval of the amendment.

Alderman Plufka requested clarity on the 500 foot separation referenced in Attorney Karr's recommendation and Director Wyse explained that Attorney Karr's review was based on the discussion held at the time; amending the 2500 to 500 to be consistent with the City of St. Peters. It was further added that the opinion was that the 500 foot separation along with the change to the definition of family would be defensible in a legal challenge. Alderman Plufka offered comments that the courts are making clear that they do not want any ordinance surviving that would seem to dissuade or discourage people to gather into group homes. In response to other questions from Aldermen, Director Wyse added that there is one known group home in the city, surrounding municipalities differ but there is a growing trend of moving to 500, and staff will review to verify the listing in the municipal code. There were no comments from the public.

The public hearing closed at 7:24 p.m.

BIDS

None

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

Ed Wright, 20 Stratford Lane, commented on behalf of the Brentwood Historical Society. He congratulated Mayor Thornton and the newly elected board members. He has been following a thread online of Brentwood memories. In light of the city celebrating the centennial in four years, he questioned if the city has any plans and suggested a video interview. He also suggested the formation of a committee and suggested working with the historical society.

Martha Lopiparo 8842 Eager, offered comments of the construction in Manhassatt Village that is underway. Richmond Heights does not allow anyone to go down McCutcheon so there is an increase of truck traffic on Eager Road. Citizens have complained of the use of streets in

Brentwood Forest and a request for no construction traffic signs. It appears that the city is taking the blunt of the construction; Brentwood residents have been suffering while Richmond Heights is protecting their citizens. She requested electric speed trailers as the construction trucks are also speeding. As the process is scheduled to go until 2022 she requested that the previous bills are reintroduced and that Richmond Heights is brought into the conversation.

Patricia Ebeling 1430 Peacock Ln, says that she was told the Mayor would meet with Richmond Heights but the Mayor was not in attendance and the aldermen were not aware. The City Administrator was in attendance but does not have the authority to negotiate for the citizens. She requested representation of Brentwood Forest.

Caroline Harris 8734 White, offered comments that the sidewalks in Brentwood are unsightly due to the construction on Brentwood Blvd. She asked if someone can clean them up. She also requested information in regards to National Night Out.

Aldermanic Response

Alderman Kramer thanked the residents of Brentwood Forest for coming out. He added that a full board will be in place at the July meeting and he hopes that there would be an opportunity to engage in serious conversations about the failed bills (regarding Richmond Height construction). There is a temporary sign at Brentwood Forest now prohibiting construction traffic and there may be legislation to back them up at the next meeting.

Alderwoman Saunders stated her support of Alderman Kramer and the construction bills. She recalled an alternate route mentioned by Alderman Toohey for the construction traffic and thanked Mr. Wright for his mentioning of the centennial committee. She later commented that she is looking to reach a compromise with Richmond Heights.

Alderman Toohey suggested that there are already curb cut outs on Eager that the trucks could use to limit the amount of time they are on Eager Road; it is still the quickest way to get to the highway. He added that even if something was put in place to ban the trucks it may not always be followed unless an officer is constantly there. He has found Richmond Heights to work with the contractors after noting other issues. He added that it is important to try to keep diplomatic relations with out neighboring city.

Alderman Plufka commented that Public Safety has its first committee meeting this week and National Night Out is on the agenda for discussion. Det. Eisenbeis will provide an update and is scheduling block parties for Tuesday, August 4th.

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill #5982 – An Ordinance Amending Chapter 400 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Sections 400.020, 400.1320; 400.1330; 400.1340; And 400.1350 As It Relates To The Definition Of Group Homes And Separation Requirements For Group Homes In Residential District; 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

Attorney Albrecht read Bill #5982 by title only. Alderman Kramer provided they synopsis “This Bill is for an ordinance amending Sections 400.020, 400.1320; 400.1330; 400.1340; and 400.1350 of the Brentwood Code of Ordinances pertaining to the definition and separation requirements for group homes. The City Code currently includes a 2,500 foot distance separation for group homes permitted within the residential zoning districts. The bill would

modify this separation requirement to 500 feet and amend the definition of group home to clarify when group homes are considered a family unit. The Planning and Zoning Commission reviewed the amendments after the Public Works Committee recommended the review. The Planning and Zoning Commission, with legal advice, has recommended approval of the changes. This is a housekeeping effort to be complaint with HUD and Justice Department requirements. Furthermore, there is case law that shows if the City were not to change it, we could possibly be challenged and sued. Also, another municipality in the St. Louis region that had similar distance requirements were challenge by HUD and the Justice Department last year and lost the case. It is our goal to avoid a similar outcome.”

Questions By Aldermen

Alderman Plufka commented that he did not see reflected in the ordinance the carving out the exception of family home. Director Wyse explained that the language now reads, other than a family as such defined in this code”; since the definition of a family home is not being altered it is not a part of the ordinance change.

BILLS TO BE GIVEN A SECOND READING ONLY

(ON HOLD) Bill #5981 – An Ordinance Amending Section 110.270 Of The Code Of Ordinances Of The City Of Brentwood, Missouri By Deleting Sections 110.270 (A) Appointment, And Section 110.270 (B) Members – Number And Requirements, In Their Entirety, And Replacing Them With A New Section 110.270 (A) Appointment, And Section 110.270 (B) Members – Number And Requirements, In Their Entirety, 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

At the request of Aldermen Leahy, it was agreed to postpone this bill until the July 20th meeting.

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill #5983 – An Ordinance Authorizing The Mayor And/Or The City Administrator To Exercise An Option On Behalf Of The City Of Brentwood, Missouri To Extend Its Medical Director Agreement Between The City Of Brentwood Missouri, SSM Health Care St. Louis And Clayton Emergency Group LLC For One (1) Year Commencing On May 22, 2015; And Providing For The Effective Date Of This Ordinance

Attorney Albrecht read Bill #5983 by title only. Alderman Kramer provided the synopsis “This Bill is for an ordinance authorizing the mayor and/or the city administrator to extend its medical director agreement between the City of Brentwood, SSM Health Care St. Louis and Clayton Emergency Group LLC for one (1) year commencing on May 22, 2015. The EMS Medical Director service is provided free of charge and as a courtesy to the hospital to help the Brentwood Fire Department establish and maintain quality life support services to the community. The current agreement expires on May 21, 2014”.

Presentation By Staff

Fire Chief Jury explained that the City has been with SSM for many years. Every year before renewal, there are discussion with officers and paramedics to ensure that they are happy with the service being provided; which is mainly training. There often seems to be delay in getting the contract back for approval and thus contracts have expired before being presented. They do a good job and after looking at other entities Brentwood is the only one not being charged a fee but this may change soon.

Questions By Aldermen

Alderman Plufka questioned the process for approval through the Public Safety Committee allowing an opportunity for comments and it was explained that in the past it would be presented to the committee first and there is not an issue.

Attorney Albrecht read Bill #5983 by title only.

Perfection of Bills

Alderman Kramer made a motion to perfect Bill #5983 into ordinance form. Motion seconded by Alderman Slusser. Alderman Plufka asked that the bill is voted down and brought up in July after Public Safety has had an opportunity to allow citizen comment and allowing the public to be a part of the process. Alderwoman Saunders questioned the interaction with residents and the relationship of the medical director. Chief Jury explained that the interaction is between the medical officer and chief level and that they provide training to staff.

ROLL CALL: Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – no; Alderman Manestar – yes; Alderman Plufka – no; Alderman Saunders – no; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION FAILED.**

Bill #5984 – An Ordinance Granting Amended Site Plan Approval To Dierbergs For A Building Addition And Sign Plan Approval At Property Numbered 8424 Eager Rd. 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

Alderman Lochmoeller announced family relation and recused himself from the discussion/room. Attorney Albrecht read Bill #5984 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance granting site plan approval for building modifications and amended sign plan approval at the Brentwood Pointe development. The 270 square foot addition will allow for carts to be stored indoors and for interior renovations. The proposal also modifies the previously approved sign plan”

Presentation By Staff

Director Wyse announced that that subject building is at the site of Brentwood Pointe, “Building B.” On the left side of the building they are looking bump the wall out five feet. This is where they currently store their carts and hopefully they will be moved inside. They will have some interior shifting inside. They are also requesting changes to signage; flipping the florist and pharmacy sign, adding new tenant space on the right side of the building and the left most entrance. Planning and Zoning reviewed the request. A primary consideration was the Metrolink Station east of the building but pedestrian access is still maintained. P&Z made a recommendation for approval of both the site plan and the amended sign plan for the property with both readings being conducted in one meeting.

Questions By Aldermen

Alderman Kramer stated that there has been some discussion about an adjustment to the ingress and egress to Metrolink on the Dierbergs lot but this is not related to this project.

Attorney Albrecht read Bill #5984 by title only.

Perfection of Bills

Alderman Slusser made a motion to perfect Bill #5984 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – absent; Alderman Manestar – yes; Alderman Plufka – yes; Alderman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

RESOLUTIONS

None

ACCOUNTS AGAINST THE CITY

After recommendation by Alderman Slusser the warrant list was approved by unanimous consent.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton made recommendation of committee appointments:

Reappointment of Greg Reynders as City Treasurer

Reappointment of Greg Reynders and Alderman Toohey to Police & Firefighter Pension Board

Appointment of Alderwoman Manestar as Excise Commissioner

Appointment of Alderwoman Manestar as Library Liaison

Reappointment of David Dimmit to Planning and Zoning Commission

There were no objections to appointments as submitted; **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderman Manestar – yes; Alderman Plufka – yes; Alderman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes;

MOTION PASSED.

Mayor Thornton also reported that he along with Aldermen Lochmoeller and Plufka attended the MML Newly Elected Official Training in Columbia and found it to be a very valuable experience. In regards to the Centennial, it may be a good time to bring together the many groups and individuals that have announced interest in getting involved. It is unlikely that the city will do anything in terms of forming a committee; it is generally best done by groups of interested citizens within the community. It was also clarified that he had previously communicated that he would be attending a meeting with Richmond Heights and apologized for the miscommunication as he was away on vacation. He has been in contact with Mayor Jim Beck and County Councilman Dolen and a number of others regarding Brentwood Blvd, Manhassatt Village and other issues. He confirmed that they are on the radar screen and are not being forgotten.

Public Safety Committee

Alderman Plufka reported the upcoming meeting on Thursday, June 18th at 5:30 p.m.

Public Works Committee

Alderman Toohey reported the discussion of goals and direction of the committee at its last meeting. Resulting recommendations include increase emphasis in code enforcement and taking pride in our neighborhood as well as ways to drive more residents to use the new recreation center. There was also a presentation from Great Rivers Greenway regarding a feasibility study to connect the Deer Creek Greenway to Rogers Parkway which would be very valuable to the city.

Director of Planning & Development

Appointment to the 8750 Manchester Road Community Improvement District

Director Wyse announced that in 2007/2008 the city approved an ordinance creating the establishment of the 8750 Manchester Road Community Improvement District under Missouri state statute and subsequent to that entered into a cooperative agreement which explains the requirements of the board of directors. Each year the CID submits their board of directors to the city; the members have been requested without change from the previous year: Chairperson John P. Davis, Vice Chair Daniel K. Stegmann, Secretary/Treasurer Lori Reichert, Assistant Treasurer Sabrina Stegmann, Director Ben Stegmann, Executive Director John P. Davis. Motion was made by Alderman Kramer and seconded by Alderwoman Saunders to accept the 8750 Manchester Road CID Board Appointments. Unanimous vote in favor taken;

MOTION PASSED.

Ways and Means Committee, Alderman Slusser reported audit presentations by Schowalter and Jabouri at the previous meeting, along with discussions of the financial policy manual presented by Schmersahl Treloar. Aldermen were asked to submit any suggestions or concerns

regarding the financial policy manual to the city administrator in preparation of the follow up meeting this week; it is intended to finalize the financial policy manual at the next ways and means meeting for a recommendation to the full board. The committee has agreed to a new meeting schedule; beginning in August, meeting will be held the first Thursday of each month at 6:00 p.m.

City Attorney Albrecht had no report.

City Clerk/Administrator Akande had no report.

Library, there was no report.

Municipal League, there was no report.

Historical Society, there was no report.

ANNOUNCEMENTS

Mayor Thornton announced that this month's Mayor's Happy Hour has been rescheduled to Tuesday, June 16th at 5:30 p.m. and added that this meeting along with the Coffee With The Mayor is a better forum to hold such discussions as the Manhassatt Village Apartment construction.

Alderwoman Saunders announced that the Ward 1 meeting, which will be hosted by both ward 1 aldermen, will restart beginning in August, it will be held on the 2nd Tuesday of each month.

NEW BUSINESS

None

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

Karen Meyer 8726 Pine, stated her confusion about the definition of resident versus group homes discussed earlier. It was suggested that she contact the City Administrator to get more details.

Aldermanic Response

None

CLOSED MEETING

Real Estate – RSMO 610.021(2)

Alderman Slusser made a motion to enter into executive session at 8:19 p.m. to discuss real estate matters pursuant to RSMO 610.021(2). Motion seconded by Alderman Lochmoeller.

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

Mayor Thornton called the closed session to order at 8:25 p.m. with the following members present: Alderman Kramer, Alderman Lochmoeller, Alderwoman Manestar, Alderman Plufka, Alderwoman Saunders, Alderman Slusser, and Alderman Toohey. Also present were City Administrator Akande, Assistant City Administrator/Planning Director, City Attorney Albrecht, and Deputy City Clerk Pittman. Alderman Leahy was absent.

Real Estate

Alderwoman Saunders made a motion to close the executive session and reconvene to open session at 8:53 p.m. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

The open meeting reconvened at 8:55 pm.

ADJOURNMENT

Motion was made by Alderwoman Saunders and seconded by Alderman Slusser to adjourn the meeting at 8:55 p.m. Unanimous vote in favor taken; **MOTION PASSED.**

Approved on the 20th day of July, 2015.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator