

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
APRIL 3, 2017**

MEETING CALLED TO ORDER

Mayor Christopher Thornton called the meeting to order at 7:02pm, 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 O'Neill	Present
Alderman Wegge	Absent	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderman Sims	Present
Alderman Kramer	Present	Alderman Dimmitt	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Administrator Bola Akande, City Attorney Kevin O'Keefe and temporary City Clerk, Courtney Currin.

Board of Alderman April 3, 2017

The agenda was approved by acclamation.

CONSIDERATION AND APPROVAL OF MINUTES

Board of Alderman March 20, 2017 – Alderman Leahy made the motion, and seconded by Alderman O'Neill to amend the minutes to reflect his as a Yes instead of a No on Bill No. 6114. The minutes were approved by acclamation.

PRESENTATION/RECOGNITION

Oath of Office – Major McIntyre introduced new Brentwood Police Officer Michael Collins. After which, Mayor Thornton administered the oath of office.

PROCLAMATION

Mayor Thornton proclaimed April 28, 2017 as Arbor Day in the City of Brentwood.

PUBLIC HEARING

None

BIDS

None

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

David Ray, 2519 Louis Ave - Mr. Ray expressed disapproval of the recent decision by the Architectural Review Board (ARB) on December 15, 2016 to approve the design plans at 2517 Louis Avenue without allowing for public comment from the neighbors within 300 feet. Furthermore, that the plans for the property is totally out of character and size with the neighborhood. Demolition notices were distributed to Louis Ave. neighbors on March 3rd of this year as the only notice to neighbors. He is requesting that the Board of Aldermen halt any further activity and restart the planning process from the beginning. In addition, he questioned the city's notice process at the Board of Alderman meeting on March 6, 2017 and says the director of Planning admitted on March 9, 2017, that notices were not sent to Louis Ave. residents.

Margaret Donnelly, 2515 Louis Avenue - Ms. Donnelly says she seconds Mr. Ray's statements. She is asking the Board of Aldermen to please restart and review the process so that the existing homeowners can express their concerns since they did not receive notification prior to the ARB. She also feels this is possible because as of today the tear down has not started and no new ground has been broken.

Roger Bettlach, 2517 Louis Ave - Mr. Bettlach is the owner of 2517 Louis Avenue and expressed his desire for the Architecture Review Board's original approval to stand. He says that the property that they are building is not 4000+ sq. ft. It satisfies all ordinance and zoning requirements for the city. They have gone through a lot of detail to meet all the criteria for the city. He closes by saying it is an attractive house and a benefit to the neighborhood.

Karen Smith, Harrison Ave - Ms. Smith questions Bill No. 6122 and asks about the two agreements attached to the ordinance. She thought the City had settled all outstanding issues and lawsuits filed related to this development project. She asks if someone could explain the difference or impact to the City as to whether this is a better proposal or worse. She also stated that any Alderman who accepted contributions from the Meridian Developer should declare a conflict of interest and abstain from voting on this bill.

Melanie Hancock, 2627 Louis Ave - Ms. Hancock spoke on behalf of her neighbors who live up the hill on Louis Ave. She says that Louis Ave has been improved by the infill and she is not against the infill. She asks that the standards be the same for everyone. When she heard that her neighbors up the street didn't receive a notice about the tear down and development it bothered her. Rules are the rules and they need to be the same for everybody. She also mentions that there has been an empty mud pit four properties up from her home and would like for that to be addressed and somehow moved along. Asks if they could get something built or something planted in the empty lot on Manchester Road near the Public Works Department.

Carl Karlen, 2510 Louis Ave - Mr. Karlen stated he is on the Architecture Review Board (ARB) and was not present to vote on the project. He understands that notices were mistakenly mailed to the wrong residents and this was an honest mistake. He is a little concerned about the reputation of the ARB because they present a useful function to the city. He says the issue is that the process just didn't happen correctly this time. He agrees the process has to be fulfilled and maintained. If we lost the whole process it would be a big loss to the city. He thinks we should respect all the parties and give people their voice that is important without discouraging people.

Phil Massey, 2532 Louis Ave – Mr. Massey stated he wanted to make a quick point on the perception of the tear down and the rebuilt notion. He stated that it is his believe that a tear down is a benefit to the neighborhood and it brings something to the neighborhood. In addition, he stated that he and his neighbors are not anti-construction and not against progress being made in the neighborhood. Rather, it has something to do with the process, and doing things the right way. He would like for the neighborhood to have the ability to come before the board to express their concerns. Furthermore, that the neighborhood would like to make sure property values are maintained and that the character of the neighborhood is preserved.

Aldermanic Response

Mayor Thornton stated that the Architecture Review Board (ARB) process is supposed to include public opinion, but that the City made an error by not notifying the proper residents about the ARB meeting on the property at 2517 Louis Avenue. There were two items on the agenda that evening. Staff sent out notices to one neighborhood and no notices to the Louis Ave neighborhood. That was our mistake. The question is now how do we fix it. He says the neighbors suggestions of going back to the beginning is well and good except the people who own the property are trying to move the project forward. He explained that he the Aldermen and Staff are working on a solution to remedy the situation and apologized on behalf of the City. His goal is to make sure that you all have a chance to be heard just as you would've been if you had been able to attend that meeting. He says he met with Director of Planning and Development Lisa Koerkenmeier and City Administrator Bola Akande to figure out the best way to make that happen. He will continue to stay involved. His goal is to remedy the situation; and apologizes for the city's mistake. It was not intentional and they take that responsibility very seriously. On the issue of infill housing in general, the Mayor expressed his desire to update the City's Comprehensive Plan to address this issue.

Alderman Leahy stated that he believes that because the property at 2517 Louis Avenue was purchased before the Architecture Review Board became involved with the development, then the owner should have to go back to the ARB and start over. That way, the process will be followed correctly. Mayor Thornton stated that any decision on this matter should be made during NEW BUSINESS instead of during the HEARING OF ANY MATTER OF PUBLIC INTEREST. Alderman Lochmoeller agreed.

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

None

BILLS TO BE GIVEN A SECOND READING ONLY

Bill No. 6119 and Exhibit A – Innovative Financing for Energy and Water Projects Show Me PACE Clean Energy District - Attorney O'Keefe performed the 1st and 2nd reading of Bill No. 6119 by title only. Alderman Kramer provided the synopsis: The City of Brentwood has been asked to participate in Show Me PACE Clean Energy District. This program would allow commercial property owners in the City of Brentwood to obtain innovative financing for their

energy and water projects, and strengthen their bottom line. State statute requires local municipalities to participate in a clean energy district for their property owners to take advantage of PACE financing. There are a number of municipalities in the St. Louis area who participate in this program. Namely, Creve Coeur, Chesterfield, Crestwood, Maryland Heights, Manchester, Shrewsbury, University City, Wentzville and St. Charles. The Public Works Committee unanimously recommends to the Board of Aldermen the consideration of an ordinance approving the City of Brentwood's participation in the PACE program.

Jan Schumacher, Program Manager for Missouri Energy Initiative- Show Me PACE, stated that Missouri state statute allows municipalities in the state to participate in a clean energy district for the municipalities to take advantage of PACE financing. Participation in the program allows commercial property owners (does not include residential property owners) to obtain innovative financing for energy efficiency, water conservation, and renewable energy projects. Currently, there are several municipalities in the St. Louis region participating in the program which include the municipalities of Creve Coeur, Chesterfield, Crestwood, Maryland Heights, Manchester, Shrewsbury, University City, Wentzville, and St. Charles. PACE can pay for any item that improves the energy-efficiency of a building above and beyond what is required by code. This includes, but is not limited to: new heating and cooling systems, lighting improvements, solar panels, water pumps, insulation, and almost any improvement affixed to a commercial property – large and small commercial, industrial, non-profit, and agricultural.

She stated that PACE projects must meet the following criteria for financial approval:

- Project must be permanently affixed to the property
- Project must reduce energy or water consumption or created renewable energy on the property
- Project must save more money than the cost of the project
- Project must be located in a participating municipality

The PACE program provides financing for all upfront costs of energy efficient (EE) upgrades, renewable energy (RE) upgrades, and energy audits for businesses. The financing comes through private funds and is repaid through annual property assessments; no taxpayer funds are required. Property owners can finance 100 percent of a project up front and then repay their financing through annual property assessments; this makes both retrofits and new construction of energy-efficient measures affordable. By eliminating the obstacles to reasonable financing, PACE also provides the funding necessary to stimulate local job growth. These jobs further promote the clean energy movement within Missouri.

PERFECTION OF BILL:

A motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to adopt Bill No. 6119 as amended in ordinance form.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent

Alderman Kramer yes Alderwoman O’Neill yes

MOTION PASSED

BILL NO. 6119 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NO. 4772.

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6120 – Enhanced Time and Service Module – Upgrade to the City’s Payroll Software – ADP Agreement – Attorney O’Keefe performed the 1st and 2nd reading of Bill No. 6120 by title only. Alderman Kramer provided the synopsis: “Staff would like to upgrade the ADP software. We have been discussing this for some time. One of the strengths that I saw when we were recruiting for the Finance Director position is that Karen Shaw has experience in implementing accounting, payroll software. A significant project we were yet to undertake. There is never an ideal time. But after continued conversation with the Management Team, a recommendation is brought forward to implement the upgrade at this time. This will yield greater efficiency for staff. There are funds in the FY 17 Capital Improvement Budget. The Ways and Means Committee unanimously recommends to the Board of Aldermen an upgrade to the ADP “Enhanced Time” software.”

Finance Director Karen Shaw stated that she has met several times with the Fire Chief and Assistant Fire Chief, the Police Chief and Assistant Chief and the Parks and Recreation Director because their departments would greatly benefit from this new system. The ADP system that we have now would be great if we were an 8-5 M-F organization. But we are not. We have those who work shifts. The firemen work 24 hour shifts. The police officers work 12 hour shifts. There are those who work in the Parks and Recreation Department who work two different types of jobs with two different rates of pay. All these different things create a manual process. A manual process is prone to error. This is not good in a payroll system to make errors. The upgraded system will give a report and show the different exceptions. The cost for this does go up and there is a onetime implementation fee of not quite \$11,000. Right now we are paying about \$15,000 a year for our current system. She believes it will more than make up for the amount of time that the two safety service departments spend on getting their payroll right. This new system will be much more automated. The management staff is very excited about getting the new system.

Mayor Thornton made a comment that he is very excited that this piece and a couple of other pieces we have are going to be implemented this year. He is thrilled about it.

Perfection of Bill

Motion was made by Alderman Dimmitt and seconded by Alderman Leahy to adopt Bill No. 6120 as amended into ordinance form.

ROLL CALL:

Alderman Plufka yes Alderman Dimmitt yes
Alderman Leahy yes Alderman Lochmoeller yes

Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O'Neill	yes

MOTION PASSED

BILL NO. 6120 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NO. 4773.

Bill No. 6121 – Hanley Industrial Court Pedestrian Improvements – Federal Project No. STP-5577(632) TIP# 6306-15- – Attorney O’Keefe performed the 1st and 2nd reading of Bill No. 6120 by title only. Alderman Kramer provided the synopsis: “This bill is for an ordinance authorizing the city administrator to enter into an agreement for the acquisition of temporary construction easement, permanent sidewalk and permanent wall and sidewalk easement between the City of Brentwood and The Postal Hanley Building Inc. Furthermore, this agreement also calls for additional improvements as stated in the attached March 16, 2017 letter. This is the last parcel to be acquired for this project. In December 2016, the Board of Aldermen had authorized staff to proceed with eminent domain action so as to acquire the necessary easements in order to move forward with the completion of the project rather than risk losing appropriated federal funds. Once the City Attorney filed the petition for eminent domain and it was assigned to a judge, the parcel owner contacted the city and resumed negotiations. Acquiring the needed rights for this parcel is crucial to the completion of the project. Based upon the information from O.R. Colan and the city’s engineer, Horner Schifrin, the proposed agreement appears reasonable, prudent and is in the public’s best interest. Therefore, a settlement of \$10,000 including the following four construction features at a cost of \$16, 350 which equals a total cost of \$26,350 is recommended. Following Board approval of the easement, the city attorney should be directed to notify the circuit court judge to dismiss the condemnation lawsuit.

The Surface Transportation Program (STP) grant provides federal funds which cover the cost of a pedestrian improvement project consisting of sidewalks and streetlights which will bring much needed improvements to an area that experiences a heavy volume of pedestrian traffic. This project will expand the sidewalk system within Hanley Industrial Court. Total project cost is \$938,881 (Federal Match 80% - \$751,105, Local Match – 20% - \$112,776, HIC Association (\$50,000) and Pelagic Match (\$25,000).”

Dan Gummersheimer stated that the City of Brentwood has approved a program for the improvement of sidewalks and ADA curbs along Hanley Industrial Court and Strassner Drive. This project requires obtaining temporary construction easements and permanent sidewalk easements from several property owners along Strassner Drive and Hanley Industrial Court. Parcel 9 at 1227 Hanley Industrial Court represents the last required easement to secure the necessary project right-of-way.

The following is a synopsis of events subsequent to the initial offer and communication silence:

- After numerous contact attempts to reach an agreement, the property owner failed to make contact with O.R. Colan or provide a counter-offer.
- At the January 3, 2017 Board of Aldermen meeting, Resolution Number 1065 was passed which provided approval for condemnation proceedings at this property.

- In a letter dated January 10, 2017 from the City Administrator, the property owner was notified to respond to the initial offer of \$13,500 by January 18, 2017. The property owner did not respond and O.R. Colan tried making contact again.
- On February 10, 2017, the city attorney filed case filing EF8840158 as the CITY OF BRENTWOOD V. THE POSTAL HANLEY BUILDING, INC. with the St. Louis County-Circuit Court. Mr. Postal received a copy of the filing and requested a meeting.
- On February 17, 2017, Mr. Postal, O.R. Colan, Horner & Shifrin, and City of Brentwood staff met on site to discuss Mr. Postal's concerns and possible changes for consideration.
- Horner & Shifrin prepared a cost estimate for the proposed design changes which included shifting the proposed sidewalk along Hanley Industrial Court to behind the curb, conversion of rolled concrete curb to 6" vertical curb, replacement of asphalt curb with concrete curb, and extension of the proposed retaining wall. The shifting of the sidewalk to behind the curb provides more green space behind the sidewalk rather than narrow green space straddling the sidewalk. The revisions were estimated at \$16,350 of which 80% or \$13,080 will be reimbursed via the STP funds.
- On March 7, 2017, the city attorney informed staff that the hearing on the order of condemnation was scheduled for April 6, 2017 at 9:00 a.m.
- On March 17, 2017, O.R. Colan offered Mr. Postal a settlement offer of \$10,000 and agreed to the design revisions discussed on February 17, 2017. Mr. Postal signed a letter agreement documenting the offer. Revised easement exhibits are required to adjust the permanent and temporary easement areas. Mr. Postal received court notification on the condemnation hearing and does not want to be subject to legal action.
- On March 27, 2017, O.R. Colan completed a revised Administrative Settlement. Horner & Shifrin prepared the revised sidewalk and wall construction plans. With the sidewalk shifting to the back of the curb along the entire frontage on the east side of Parcel 9, the permanent sidewalk easement was eliminated. The retaining wall was shifted directly behind the proposed 5' sidewalk and with this new layout, the retaining wall is on right-of-way and the permanent wall easement was eliminated. With these revisions, only temporary construction easement (TCE) of 7,297 square feet is required.
- 1227 Hanley Industrial Court (Parcel 9) - Easement rights negotiated at \$10,000.00. Design revisions will be incorporated into the construction plans.

The easement rights were settled as just compensation based upon the fair market value of the property as determined by O.R. Colan Associates, LLC. The revised Temporary Construction Easement of 7,297 square feet at \$0.65 compensation per square foot is worth \$4,743. Adding the Temporary Construction Easement value to the tree compensation estimate totals \$10,343.00.

The compensation check to Postal Hanley Building, Incorporated is \$10,000. The curb, retaining wall, and property improvements were estimated at \$16,350 (no payments just

improvement to property). The cash settlement and property improvements are two unique values associated with the finalized property acquisition settlement.

Alderman Leahy asks are we picking up the bill for long term maintenance or does the retaining wall become the property owners responsibility after its done. Director Dan responded saying that he can double check with the engineer. It could go either way because the old wall was on his property and now the new wall is on the line. Alderman Leahy asks can we get that clarified so that we don't end up having the problem that we have with the metro wall that we had to replace.

Alderman Kramer asked what are the next steps required from now to completion. Director Gummertsheimer explained that it would be to provide all the acquisition files to MoDOT for review and concurrence after which they would give the City to notice to proceed. The City would then advertise and bid the project. He states that he would like to get everything completed in 2017.

PERFECTION OF BILL

A motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to adopt Bill No. 6121 as amended in ordinance form.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O'Neill	yes

MOTION PASSED

BILL NO. 6121 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NO. 4774.

MOTION PASSED

Bill No. 6122 - Meridian Tax Increment Financing Settlement - 1st & 2nd Reading -

Attorney O'Keefe performed the 1st and 2nd reading of Bill No. 6122 by title only. Alderman Kramer provided the synopsis: "The Board is being asked to adopt an ordinance which approves a Final Settlement Agreement and a First Supplemental Trust Indenture implementing the Settlement in order to resolve an ongoing dispute concerning allocation of TIF proceeds associated with the Meridian TIF Project. By way of background, since 2010 the City, the Developers and the Trustee have been involved in several lawsuits relative to two series of tax increment bonds issued by the City (the "Bonds") with respect to development of the commercial and retail property at 8300 Eager Road, Brentwood, Missouri, commonly known as the "Meridian at Brentwood" (the "Meridian"). There have been two previous dispute settlements among the parties. A 2011 Settlement addressed several issues based upon a document entitled "Outline of Settlement Terms and Conditions" dated September 9, 2011. Following further disagreements as to some of the financial obligations of the several parties,

another Settlement Agreement was entered into as of November 7, 2014. 'Subsequent to the 2014 Settlement Agreement: (i) the City and the Developer entities have had an ongoing disagreement as to the utility taxes revenue to be paid by the City into the Special Allocation Fund for the TIF Obligations; and (ii) Developer entities have commenced litigation against St. Louis County and other parties to recover certain revenue from sales taxes enacted after the TIF was established that the Developers believe should be paid to the Special Allocation Fund for the TIF Obligations. The City staff agrees that the City has an obligation to make some payment from utility tax revenue from the TIF area and recommends these new settlement terms: (i) making a payment for back utility taxes to the Special Allocation Fund (from funds that have been escrowed for this purpose); (ii) agreeing to making future payments of \$8,798.00 per month from all future utility taxes revenue of the City from the TIF area to the Special Allocation Fund; (iii) a full release from all the other parties hereto relative to payment of utility taxes to the Special Allocation Fund; (iv) confirmation by all parties to the Agreement of the terms of the Settlement Agreements; (v) a release and covenant by the other signatories not to sue the City as to any of the obligations resolved by the Settlement Agreement as set forth therein; and (vi) modification of the bond documents associated with all TIF obligations to assure that all future holders of any of the TIF obligations acknowledge and are bound by the covenant not to sue/release of the City and the terms of the Settlement Agreement."

City Attorney O'Keefe states that the long series of disputes is finally coming to an end. The terms reflected in the agreement the city undertakes to pay no more than they have been obligated to pay. That is to pay the economic activity taxes associated with the development and to pay special classification. The city held to the position that we recognize some obligations were difficult to quantify especially the utility tax and have proposed a method to get them to a fixed amount so that uncertainty was minimized but before the city would agree to make those payments we wanted to be sure that all parties were on board. This would be the final and end of all disputes that the city was involved in. They believe that this agreement reflects that there is no obligation that the city has to take on beyond those opposed by the law already. The funds for the back payment of the utility taxes are in hand because we have been setting them aside for this purpose. He also mentions that they have achieved bringing all the parties to the table and recognizing the importance to the city of a final resolution and as result we have changed the bond documents to reflect that the city is out of this as to those matters. We believe that this is the path to see the city to the other end of this process with the less risk and the least complicated.

Alderman Plufka asks would it be accurate to say that from the conclusion of the 2014 settlement up until today there has been this lingering dispute with regard to the calculation of utility taxes to be paid into the TIF. Would it be fair to say that the city on its own accord prior to now has been escrowing money based on calculation that the city thought was an appropriate calculation of trapping the appropriate amount of utility tax eligible for that tiff payment. City Attorney O'Keefe responds with yes.

Alderman Lochmoeller asked if the amount going forward of \$8,798 was a negotiated amount or is that based on the formula we were using back to escrow utilities. City Attorney O'Keefe responded by saying that it is based on the city's formula and it is not a negotiated amount. It is an amount the other side has come to accept. The city's consultant engineer calculated that based on models of occupancy utility consumption and after some discussion the other side has come to accept that it was not a negotiated amount.

PERFECTION OF BILL

A motion was made by Alderman Dimmitt and seconded by Alderman Plufka to adopt Bill No. 6122 as amended into ordinance form.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O'Neill	yes

MOTION PASSED

BILL NO. 6122 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NO. 4775.

Mayor Thornton wanted to add that he really appreciate the help of the city attorney O'Keefe, Mark Grimm, Gilmore Bell and Michael Lause at Thompson & Coburn. They were really very helpful to the city and to him. He thanks them very much for their hard work.

ACCOUNTS AGAINST THE CITY

Alderman Dimmitt announced review of the warrant list in the amount of \$198,892.33 and made a **motion** for approval. Alderman Plufka seconded the motion.

ROLL CALL:

Alderman Dimmitt	yes	Alderwoman O'Neill	yes
Alderman Kramer	yes	Alderman Plufka	yes
Alderman Leahy	yes	Alderman Sims	yes
Alderman Lochmoeller	yes	Alderman Wegge	yes

MOTION PASSED

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton – Encouraged everyone to exercise their right to vote in the April 4th election.

Public Safety Committee, Alderman Plufka announced the next meeting will be the 3rd Thursday of April 20th at 5:30pm in the City Hall Conference Room.

Public Works Committee, Alderman Leahy announced that the next meeting of the committee is April 12th at 4:30pm in the Council Chambers.

Director of Planning & Development, Director Koerkenmeier presented a Special Use Permit Application request for Bed Bath and Beyond located at 53 Promenade Court, Brentwood, Missouri. Per Section 400.020 of the Brentwood Code of Ordinances, special use permits may be approved for a use of property on a temporary basis, which the current zoning of the

opening events, temporary off-street parking for special events, seasonal or holiday events, carnivals or picnic with more than fifty people, and the use of temporary structures or special events, construction or storage. Special use permits may be approved by staff. However, if staff feels further review is warranted, special use permits may be forwarded to the Board of Alderman for final review and approval. Based on the nature of the special use permit application described below, staff is forwarding this application to the Board of Alderman for consideration.

For the past several years, Bed, Bath & Beyond, located at 53 Brentwood Promenade Court, has requested the temporary use of twelve (12) storage containers to meet the store's storage needs for their "College Pack N Hold" Program for area colleges and universities. The proposed location of the storage containers will again be behind the store and north of Rose Avenue. The duration of time has been shortened to June 15th to September 1st (79days). In the past, the duration has been over 120 days. The store manager verified that the Brentwood store is the "point of sale" from sales generated from this special event/promotion.

Earlier this year, staff corresponded with the store manager that the City may be reviewing and possibly amending code revisions related to the temporary use of storage containers and trailers. Although at this time, no amendments have been made to the current requirements.

Lisa recommends the Board of Alderman approve the request with a condition that the time period of June 15th –September 1st be strictly adhered to or fines may be assessed in accordance with the Municipal Code.

Brian Worthmann Bed, Bath & Beyond Store Manager came up and spoke about the program and the use for the storage containers.

Alderman Leahy asked Planning and Development Director Koerkenmeier if the City had received any complaints from the adjourning neighbors by allowing the extra storage containers behind the facilities. Mrs. Koerkenmeier responds that she has not.

A motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to approve the special use for Bed, Bath & Beyond.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O'Neill	yes

MOTION PASSED

Ways and Means Committee, Alderman Dimmitt announced they will meet on April 6th at 6:00pm in the Council Chambers.

City Attorney Kevin O’Keefe had no report.

City Administrator had no report.

Excise Commissioner had no report.

Library Board, Alderwoman O’Neill had no report.

Municipal League, Mayor Thornton had no report.

Historical Society, Chief Fitzgerald had no report.

ANNOUNCEMENTS

Alderman Lochmoeller announced that Ward 3 will have a meeting on the last Tuesday of the month at 7:00pm in the Council Chambers.

Alderman Kramer announced that on behalf of Alderwoman O’Neill and himself he would like to extend a heartfelt thanks to our Police Department, the detective bureau and the officers for a fine neighborhood watch meeting. It was held in the police department the past Thursday. It was a nice meeting and the residents enjoyed it.

Alderwoman O’Neill announced that she would like to extend a thank you to the staff member, who has put in nice plantings outside City Hall and along the parking lot. She asked City Administrator Akande to convey to the grounds people a thank you. As well as those who changed the flags as we now have a clean American Flag flying.

NEW BUSINESS

Alderman Leahy announced that staff is requesting a change order in the amount of \$10,000 for the Oak Tree Park project so as to complete the project.

Motion was made by Alderman Leahy and seconded by Alderman Kramer to authorize \$10,000 expenditure for the Oak Tree Park project.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O’Neill	yes

MOTION PASSED

A motion was made by Alderman Leahy and seconded by Alderman Lochmoeller that a review of property 2517 Louis Avenue be sent back to the Architecture Review Board and have the city

provide proper notice for the residents in the neighborhood. City Attorney O’Keefe addressed the Board stating that it was not proper procedure for the Board of Aldermen to reverse an ARB decision that did not follow the appeals process outlined in the Brentwood Municipal Code. Alderman Leahy and Lochmoeller withdrew their motion.

Alderman Plufka made a motion asking staff to investigate the City’s mistake during the ARB process when approving the review of 2517 Louis Avenue to see what can be done to give the residents of Louis Avenue an opportunity for public comment.

ROLL CALL:

Alderman Plufka	yes	Alderman Dimmitt	yes
Alderman Leahy	yes	Alderman Lochmoeller	yes
Alderwoman Wegge	yes	Alderman Sims	absent
Alderman Kramer	yes	Alderwoman O’Neill	yes

MOTION PASSED

Alderman Leahy stated that the Board of Aldermen passed a transparency bill stating that the City website would be updated within 24 hours of a candidate filing with their campaign finance information of all candidates for office. As of the day of the meeting, not all the campaign finance information was available on the website. City Administrator Akande addressed the Board stating that all candidates had provided their campaign information to Staff and the information would be uploaded to the website before the election on April 4, 2017.

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

None

CLOSED SESSION

ADJOURNMENT

Motion was made by Alderman Leahy and seconded by Alderman Kramer to adjourn the regular meeting at 8:42pm. Unanimous vote in favor taken; **MOTION PASSED**

Christopher A. Thornton, Mayor

Attest:

Bola Akande, City Clerk/Administrator