

**CITY OF BRETWOOD
BOARD OF ALDERMAN MEETING
May 1, 2017**

MEETING CALLED TO ORDER

Mayor Christopher Thornton called the meeting to order at 7:00pm, in the Council Chambers 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	Alderwoman O’Neill – Present
Alderman Wegge – Present	Alderman Leahy – Present
Alderman Lochmoeller – Present	Alderwoman 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.

APPROVAL OF AGENDA

A motion was made by Alderman Plufka to move item 16 G.1 to item 5 it was seconded by Alderman Kramer.

The agenda was approved by acclamation.

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen April 3, 2017

The agenda was approved by acclamation.

Board of Aldermen April 17, 2017

A motion was made by Alderman Wegge to hold approval of April 17, 2017 meeting minutes until May 15th it was seconded by Alderwoman Sims.

PRESENTATION

Cook & Riley, LLC

Daniel Cook presented documentation on the Citywide Sales Tax Revenues. Cook and Riley were asked to review the City’s overall sales tax revenues for the calendar years 2014, 2015 and 2016 to see if there were any revenue streams due to the City which were not being paid over to the City. To facilitate this review, the City provided C&R with sales tax data from the Missouri Department of Revenue (MDOR) and from St. Louis County (the County).

Cook and Riley determined that for the thirty-six month period of their review, each of the top 25 businesses remitted sales tax to the City. There were no missing periods for the top 25 during the thirty- six (36) month review period. Again, after reviewing the next sixty businesses, beyond the twenty-five initially reviewed, it was their conclusion was that there were no missing tax periods for any of these businesses during the thirty-six months of their review. Cook and Riley could not opine on whether the amounts remitted to the City by the MDOR were correct because that would require reviewing the individual sales tax returns over a thirty-six month period for all of the businesses within the City. This would require reviewing thousands of sales tax returns in Jefferson City at the offices of the MDOR. Cook and Riley say that they have reviewed the State distributions and they include the major sales tax paying businesses in the City and that the annual remittances of these businesses are fairly consistent on a year-over-year basis. In this top 25 group we saw a gain of roughly 1.74% from 2014 to 2015. For this same top 25 group, there was actually a small year-over year decrease from 2015 to 2016 of 0.28%. For the total universe of Brentwood sales taxpayers, the year-over year gains were 2.84% from 2014 to 2015 and 0.19% from 2015 to 2016. C&R then looked at all five of the tax distributions shown in the table on page one to determine if there were any obvious distribution errors for any of these five tax types. Their conclusion is that the distributions are proportionately consistent when reviewed as a whole and, therefore, that there were no "surface errors" for these distributions. Next Cook and Riley reviewed the distributions the County made to determine if these distributions were consistent with the revenues that the MDOR passed to the County each month. Their review of this data showed that the County was using the same figures supplied by the state less the MDOR's one percent (1%) processing fee and also reflecting subtractions for TIF diversions. This was true for both of the taxes remitted by the County, the one percent (1.0%) general sales tax and the one-quarter percent (0.25%) local option sales tax. As noted earlier, both of these County remitted taxes are "pooled" with the electing pool cities in St. Louis County. Cook and Riley did not attempt to review the County's computation of the pool's share as dictated by HB 618 (1994). However, with regard to the one quarter cent local option sales tax, C&R did verify that the sharing of this tax consistently hit the upper limit allowed by the statute of 14.32% each month. The City provided C&R with a list of business license holders. C&R compared the list of business license holders against the sales tax filers list provided by the MDOR. This review led Cook and Riley to the conclusion that there were not any apparent significant sales tax filers missing from the MDOR's list of Brentwood retailers. The comparison of the license holder list with our top 85 sales tax payer list provided confirmation that there were no apparent large retailers located in the City that had simply been left off of the MDOR's roster of Brentwood sales taxpayers or which had been coded to the wrong municipality for tax purposes during the review period. Their review did show a significant number of businesses that remit sales tax to the City, but who are not holders of a City of Brentwood Business License. It is very possible that these sales tax filers simply have no physical office in the City and, therefore, would not be required to obtain/hold a City Business License. Nevertheless, Cook and Riley say they have appended their comparison of the sales tax filer list to the City License holders list to the back of this report for the City's review. This finding has been discussed with City officials.

Alderman Plufka asks that if they were to go back and look at the revenues at a time when it was being separated by the County and the state and it was easier to track before the TIF

expired and when it expired can that analysis be the basis to go back and collect that kind of money. Alderman Plufka asks if a certain amount of money was to come in at the TIF's and it didn't materialize does it mean the money went somewhere else or did it disappear? Daniel Cook responds that he would have to go back and aggregate on a business by business basis the revenue stream. In summary it would be possible to go through future data streams and aggregate that after the TIF's has been paid off but not before.

Alderman Plufka asks Daniel Cook would it make any practical sense at the level of analysis that you have done already to expand further dollars to go deeper or look for money that may have been diverted improperly. Daniel Cook explains that the first step would be to just quickly look at how much sales were in each of those two previous TIF's and check into how those compare to 2013 and then get an idea of how much we thought should materialize and then see whether that's off from what should have been received.

Alderman Dimmitt says following up on questions being asked by Alderman Plufka, he says you looked at the numbers for 2013 and 2014 before the two TIF's were paid off? Mr. Cook says yes. Alderman Dimmitt continued by asking if they agree that the City should have realized an additional \$100,000 a month after the TIF's were paid off. Mr. Cook once again says yes. Alderman Dimmitt asks if there is something else that Cook & Riley can do in order to tie down whether that increase is result of the paying off of the TIF versus something else. Daniel Cook responds that he thinks there is. Alderman Dimmitt also ask if it turns out that the increase was not in result of the TIF being paid off but for some other reason and were not realizing the approximately \$100,000 a month increase. What conclusion could you draw from that? Daniel Cook states that he wouldn't expect that to materialize it would have been if the sales in the stores that constitute the TIF would have diminished over time. Daniel Cook was asked to estimate how much time it would take to determine if the City is realizing an increase as a result of the TIF's being paid off. Mr. Cook says that would be three to four hours.

Alderwoman O'Neill asks what the gap is? Director of Finance Karen Shaw responds that there is no gap. They did recognize a big increase and that the increase was probably contributing to the TIF.

City Administrator Bola Akande explained that the city did receive 1.1 million as a result of paying off those two TIF's. We over projected how much more we would continue to receive the following year. The year after the TIF's were paid off, there were a number of retail stores that closed for a greater part of the year. Also, the new stores that came online did not do so until the fall of that following year. Therefore, there was a significant decrease in revenue that the City realized and what was projected to be realized. This information is reflected in the September through December 2015 Monthly Financial Report. City Administrator Akande recommends caution before the City spends more monies on additional City-wide Sales Tax analysis only to receive information that validates the comments she just made and the conclusion in the memo presented by Cook and Riley.

PROCLAMATION

Mayor Thornton proclaimed May 15 – 21, 2017 as National Police Week in the City of Brentwood.

Mayor Thornton proclaimed May 21 – 27, 2017 as Public Works Week in the City of Brentwood.

PUBLIC HEARING

Mayor Thornton gavelled into order the Public Hearing on P & Z # 17-05 Text Amendments to the Urban Development (UD) District amending Subsection D of Section 400.1400 of the city's zoning code pertaining to site plan approval requirements in the UD District in order to require site plan approval for alterations, expansions or changes to an existing development within the district and amending Subsection E of Section 400.1400 of the city's zoning code pertaining to building regulations for developments within the UD District.

Director of Planning and Development Lisa Koerkenmeier presented a petition to amend Chapter 400.1400(D) in order to require site plan approval for alterations, expansions or changes to existing buildings within the UD, Urban Development District, and clarify the application of setback requirements to such existing buildings and further to amend 400.1400 (E) to allow greater flexibility with regard to building height and size (but not setbacks or lot coverage) in the UD District. Director Koerkenmeier provided an overview of the creation of the UD District in 1999 and the use of the UD District to the present time noting that the three existing UD Districts; Hanley Station, the Villas and Metro on Manchester projects are all very unique and distinct from each other. She noted that in 2000, the UD District off-street parking and loading requirements was amended to allow the Planning and Zoning Commission and Board of Aldermen to permit a reduction in the parking requirements under certain conditions. The proposed UD amendment presented this evening is similar in that it would allow greater flexibility with regard to building height and size based upon a development's unique land uses, site conditions and site considerations. Additionally, she noted that the second proposed amendment would clarify that any existing buildings which may be rezoned to UD would still require future site plan approval by the Board of Aldermen for all alterations, expansions or changes.

Alderman Leahy asks was any of this submitted to the Comprehensive Plan stake holders and different groups. Director Koerkenmeier stated that the zoning changes would not have been. Typically a review of a community's zoning ordinance follows adoption of a Comprehensive Plan. These text amendments have not been presented at a meeting other than to the Planning and Zoning Commission at their April 12th meeting.

Alderman Dimmitt proposed a question what limitations are there on hypothetically someone to come and build a 10 story or 12 story building. It's a very subjective standard. Director Koerkenmeier explained that she wouldn't say subjective, but rather the proposed text amendment, as it is written, includes several criteria the Board must consider to ensure proper density and building height for quality development.

Alderman Lochmoeller states that maybe we should form two types of UD or maybe the one we have currently will stand in place. One could be called A) for residential areas that we could watch the height requirement; and then B) that would be more useful in the Hanley Industrial Court where the sky could be the limit far as height and structure are concerned. Director Koerkenmeier responded that would be another approach to try to achieve the same effect as the amendments that have been written. She stated we could look at some of the criteria to see what is appropriate.

Alderman Leahy asks the City Attorney Kevin O'Keefe if we remove height restrictions and we get a proposal in front of us to build a 12 story building and then we decide we don't like the 12 story building and vote it down. The person takes us to St. Louis County to appeal our decision and there's nothing in the code that says he or she can't build a 12 story or higher

building, doesn't he stand a better chance of having the courts agree with him and over rule our decisions. City Attorney Kevin O'Keefe explained that these districts are designed as stand-alone districts, so the decision to zone property to these districts and adopt a site development plan for them are legislative decisions of the Board of Alderman, not Administrative decisions.

Alderman Dimmitt asked if other municipalities have a similar approach to UD. Director Koerkenmeier responded that she is not aware of another city calling a similar district by the same name; Urban Development, but she stated there is certainly other community's which have similarly designed codes that does allow more discretion or review to take place based on what's occurring around that site.

Alderwoman O'Neill asked how does the decision of what is appropriate is made. Director Koerkenmeier explained that it is being addressed as part of the community's planning process. A part of the planning implementation is to not only take what people's vision and ideas are but then incorporate that into meaning something and then go and apply that throughout the community.

Karen Smith, Harrison Avenue - Stated that she likes the idea of having flexibility for the developers. She thinks it presents challenges for some of our commissions especially when you have to actually approve something, She also thinks we should have a criteria whether the propose changes that are being made to a property is in line to what's going on in the community and neighborhood. She says when you don't have a certain criteria it places a burden on our city. She says a lot of the residents are concerned about what's happening with green space and density. They want to be able to make sure that what we are going to be developing in the future helps us maintain what we do have here which is a certain look and feel. She says it would make more sense to see what the comprehensive plan brings forward as far as what the community really wants us to look like before we start approving these kinds of things.

BIDS

None

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

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6123 - P&Z #17-04 - Amended Signage Plan for Birthright Counseling - Attorney O'Keefe performed the 1st reading of Bill No. 6123 by title only. An Ordinance Approving Site Plan Approval For A Signage Plan (sign elevation) For 2525 S. Brentwood Boulevard; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance. Alderman Kramer provided the synopsis: The property at 2525 S. Brentwood Blvd. is governed by a signage plan that was approved by the Board of Aldermen in 2010. The two (2) existing 8 square foot wall signs for Birthright Counseling on the north and south elevations of the building were approved as part of the original signage plan for the property. Birthright Counseling is requesting an amendment to the signage plan to remove the two (2) existing 8

square foot wall sign cabinets on the north and south elevations of the building and replace with signage consisting of new channel letters. The proposed new signs are each 21.75 square feet in size. The Planning and Zoning Commission recommends approval.

Director of Planning and Development Lisa Koerkenmeier presented an amendment to the comprehensive sign plan for Birthright at 2525 S. Brentwood. Boulevard. She says that the subject property at 2525 S. Brentwood Blvd. is governed by a comprehensive sign plan that was approved by the Board of Aldermen in 2010. Birthright Counseling is requesting an amendment to the signage plan to remove the two (2) existing 8 square foot wall sign cabinets on the north and south elevations of the building and replace with signage consisting of new channel letters. Each sign is 21.75 square feet in size.

Alderman Plufka asks does it seem confusing that you have the signing for the Refind Room directly below where the lineup for this sign might be and that people might be confused as to where to go? Director Koerkenmeier responded that there is a sign on the door in the back. So if one were to park their car in the rear lot, one would see the entrance for Birthright Counseling.

Mayor Thornton asks wouldn't placing a sign on the south side of that building violate our current signage code because it doesn't face the street? Director Koerkenmeier explained the advantage of having a comprehensive sign plan is that you have all the signage for the property reviewed at one time so you can come and request things that may be above what the standard sign code allows. The comprehensive sign plan is what governs this property because they got it back in 2010.

Alderman Wegge asks what the general sign requirement for square footage and the maximum size sign would allow for the property. Director Koerkenmeier states that the measure is based on linear property and she is not sure what the maximum size is but she will calculate it and can report back to the Board.

Alderwoman O'Neill asks if it is permitted and if it is in the code because they are doubling in size? Director Koerkenmeier responds that two signs would be removed and replaced with two new signs. The sign area has increased. Under the provision of a comprehensive sign plan you can ask for greater signage allowance than just what the conventional code allows.

Bill No. 6124 – P&Z #17-05 – Text Amendments to the UD District – Attorney O'Keefe performed the 1st reading of Bill No. 6124 by title only. An Ordinance Amending Subsection D Of Section 400.1400 Of The City's Zoning Code Pertaining To Site Plan Approval Requirements In The Urban Development District In Order To Require Site Plan Approval For Alterations, Expansions Or Changes To An Existing Development Within The District. Alderman Kramer provided the synopsis: The Planning and Zoning Commission reviewed proposed text amendments to amend Chapter 400.1400, the "UD", Urban Development District, specifically 400.1400 (D) in order to require site plan approval for alterations, expansions or changes to existing buildings within the "UD", Urban Development District, and clarify the application of setback requirements to such existing buildings, and 400.1400 (E) to allow greater flexibility with regard to building height and size (but not setbacks or lot coverage) in the "UD" District. It is recommended that the Board of Aldermen consider the "UD" District be amended which would still require site plan approval by the Board of Aldermen utilizing the site plan approval process on the recommendation of the Planning and Zoning Commission for all

proposed developments, alterations, expansions or changes in the "UD" District, however, the ambiguity of a sentence stating that existing buildings and uses within the "UD" District shall be exempt from this requirement where the construction contemplated is due to the expansion and improvement of a single property provided the applicable development standards are met and the proposed improvement would not cause the violation of any pre-existing conditions of approval for the existing property would be deleted. Additionally, the Board shall consider amendments allowing greater flexibility with regard to building height and size and reviewing the site plans for each development on a case by case basis, taking into consideration each development's proposed mixed use, special site conditions and site considerations. The present "UD" District building regulations are not clear if the bulk and height of buildings, as regulated by acreage size, is to be applied by the size of the parcel or the size of the district. The amendment would allow the bulk and height of buildings to be determined by the appropriateness of the particular parcel on which they are located and be consistent with the character of surrounding developments and the purposes of the "UD" District. The Planning and Zoning Commission recommends approval.

Mayor Thornton asks for the Board of Aldermen's indulgence by permitting him to move Bill No. 6129 from 11. H to 11.e since this is related to Bill No. 6124. There was no disagreement with the request.

Bill No. 6129 – P&Z #17-05- Text Amendment to the UD District – Attorney O'Keefe performed the 1st reading of Bill No. 6129 by title only. An Ordinance Amending Subsection E Of Section 400.1400 Of The City's Zoning Code Pertaining To Building Regulations For Developments Within The Urban Development District. Alderman Kramer provided the synopsis: The Planning and Zoning Commission reviewed proposed text amendments to amend Chapter 400.1400, the "UD", Urban Development District, specifically 400.1400 (D) in order to require site plan approval for alterations, expansions or changes to existing buildings within the "UD", Urban Development District, and clarify the application of setback requirements to such existing buildings, and 400.1400 (E) to allow greater flexibility with regard to building height and size (but not setbacks or lot coverage) in the "UD" District. It is recommended that the Board of Aldermen consider the "UD" District be amended which would still require site plan approval by the Board of Aldermen utilizing the site plan approval process on the recommendation of the Planning and Zoning Commission for all proposed developments, alterations, expansions or changes in the "UD" District, however, the ambiguity of a sentence stating that existing buildings and uses within the "UD" District shall be exempt from this requirement where the construction contemplated is due to the expansion and improvement of a single property provided the applicable development standards are met and the proposed improvement would not cause the violation of any pre-existing conditions of approval for the existing property would be deleted.

Additionally, the Board shall consider amendments allowing greater flexibility with regard to building height and size and reviewing the site plans for each development on a case by case basis, taking into consideration each development's proposed mixed use, special site conditions and site considerations. The present "UD" District building regulations are not clear if the bulk and height of buildings, as regulated by acreage size, is to be applied by the size of the parcel or the size of the district. The amendment would allow the bulk and height of buildings to be determined by the appropriateness of the particular parcel on which they are located and be

consistent with the character of surrounding developments and the purposes of the "UD" District. The Planning and Zoning Commission recommends approval.

Bill No. 6125 – Amendments to Chapter 215, Offenses, Article XVI, Offenses Involving Hours of Construction and Chapter 500, Building and Building Regulations Article I, In General to determine reasonable enforcement of construction hours and if construction activities are occurring outside of the prescribed construction hours. Attorney O'Keefe performed the 1st reading of Bill No. 6125 by title only. An Ordinance Amending Several Provisions Of The City's Municipal Code Chapter 215- Offenses Involving Hours Of Construction And Chapter 500.020, 500.080- Regulations Governing Construction. Alderman Kramer provided the synopsis:

Director of Planning and Development Lisa Koerkenmeier stated the City of Brentwood Code of Ordinances includes restrictions on construction hours. Presently, the Code addresses construction hours in two sections of the Code; Chapter 215, Offenses, Article XVI, Offenses Involving Hours of Construction, and Chapter 500, Buildings and Building Regulations, Article I, In General, Section 500.020, Construction Hours. The two sections state different hours of construction and contradict each other. It is recommended that the hours listed in Chapter 215 be deleted and the hours listed in Chapter 500.020 remain. The construction hours would remain Monday – Friday 7am – 6pm and Saturday 10am- 4pm. Additionally, she stated complaints have been received by residents bothered by construction activity and it would be useful to have a clearer understanding of what constitutes "*construction activity*" in order to determine if construction is occurring outside of the City's prescribed construction hours and a violation of the Code has occurred. General contractors will now accept some liability and shall be responsible for complying and insuring all workers are complying.

Alderman Lochmoeller asks would this be city wide. Director Koerkenmeier responds saying that it will be applied city wide.

Mayor Thornton proposes a question in the case where a homeowner is doing their own work would they be reliable for their sub-contractors. Director Koerkenmeier explains that it depends if the activity falls in one of those three scenarios that are in the code right now and therefore the prescribed construction hours would be applied. If the homeowner does hire its own contractor she doesn't know if the homeowner would be considered a general contractor. Mayor Thornton requests that this be considered and added to the ordinance.

Bill No. 6127 – Agreement with TDW on Manchester Road – Route 100 Enhancement to the MODOT Project – Attorney O'Keefe performed the 1st reading of Bill No. 6127 by title only. An Ordinance Approving And Authorizing Execution Of Service Agreements With Thouvenot, Wade, & Moerchen, Inc. (TWM, INC.). Alderman Kramer provided the synopsis: The City of Brentwood in conjunction with the Missouri DOT (MoDOT) Manchester Road pavement improvements project (limits from Lindbergh Boulevard to Big Bend Boulevard) requests a separate contract with TWM, INC. the lead design engineer for the Manchester Road pavement improvements project. The work scope includes developing access management control to properties along Manchester Road; enhancing pedestrian lighting, traffic signal equipment, a possible crosswalk at Manderly Drive, wayfinding signage, bus shelters; coordinating with the City's Landscape Architect; preparing federal reimbursement applications; preparing cost estimates; and investigating the feasibility of reconfiguration of Mary Avenue/Dorothy Avenue with regards to the future Great Rivers Greenway/Gloria Rogers Parkway Underpass project.

The Public Works Committee recommends unanimously to the Board of Aldermen the consideration of an ordinance approving the execution of a service agreement with Thouvenot, Wade & Moerchen, Inc. (TWM, INC.) related to project enhancements for the Manchester Road (MoDOT) improvements project.

Director of Public Works Dan Gummertsheimer presented information on the planning improvements for the resurfacing of Manchester Road from Big Bend Boulevard to Lindbergh Boulevard. He states the Missouri Department of Transportation (MoDOT) is planning for improvements which include resurfacing of Manchester Road from Big Bend Boulevard to Lindbergh Boulevard which spans approximately 4.7 miles. The project will not provide additional traffic lanes, but will improve most sidewalks and control access points, i.e. curb cuts. Special enhancements such as pedestrian lights, decorative steel for traffic signals (see photos), wayfinding signage, and the like are not funded with this project. The special enhancements can be funded via the respective municipality. TWM proposal includes coordinating with the City's Landscape Architect to provide a conceptual plan for streetscape elements including; lighting, regulatory wayfinding signage, metro bus shelters and proposed City identification features. Staff contacted Planning Design Studio regarding the existing Work Order 17-01 for the Manchester Renewal project to verify if these services were included in the work order to avoid any duplication of services. The supplemental services required for the TWM Manchester Road Plan agreement are not included in the scope of work for the existing work order. Staff requested Planning Design Studio provide an Additional Services Modification #1 to Work Order 17-01. The modification for additional services includes a fee of not to exceed \$23,790.00. Staff also received a proposal from Arcturis to provide the conceptual plan for streetscape elements which would be incorporated into the Manchester Road Corridor Enhancements Plan. The proposal includes a fee of not to exceed \$19,800.00. At the Public Works Committee meeting held on April 12, 2017, a motion was made by Alderman Dimmitt and seconded by Alderwoman Sims to present this project opportunity to the Board of Aldermen and direct the City Administrator to prepare an engineering services agreement between the City of Brentwood and TWM (consultant) to provide design and cost estimating services for the special enhancements. Discussion was held on the project and the outcome of the project.

Bill No. 6128 – Companion Bill to the Comprehensive City-Wide Traffic Calming Program

– Attorney O'Keefe performed the 1st reading of Bill No. 6128 by title only. An Ordinance Amending Chapter 305 Of The Brentwood Municipal Code Relating To The Designation And Duties Of The City's Traffic Engineer Be It Ordained By The Board Of Aldermen Of The City Of Brentwood, Missouri. Alderman Kramer provided the synopsis: The Public Safety Committee unanimously recommends to the Board of Aldermen a companion bill to the Traffic Calming Toolkit program. This bill would allow the Board of Aldermen to achieve flexibility while avoiding mandatory additional expense if a Director of Public Works is not a Professional Engineer (PE). The Public Safety Committee unanimously recommends an amendment to the Brentwood Municipal Code relating to the designation and duties of the city's traffic engineer.

City Administrator Bola Akande spoke about this bill as a companion bill to the Traffic Calming Toolkit Program. The companion bill gives the Board of Aldermen the authority to designate the Director of Public Works or some other qualified professional to serve as City Traffic Engineer.

BILLS TO BE GIVEN A SECOND READING ONLY

None

BILLS TO BE GIVEN A FIRST AND SECOND READING

None

RESOLUTIONS

None

ACCOUNTS AGAINST THE CITY

Alderman Dimmitt announced review of the warrant list in the amount of \$95,301.01 and made a **motion** for approval. Alderman Leahy seconded the motion.

ROLL CALL:

Alderman Dimmitt – yes
Alderman Kramer – yes
Alderman Leahy – yes
Alderman Lochmoeller –yes

Alderwoman O’Neill – yes
Alderman Plufka – yes
Alderman Sims – yes
Alderman Wegge – yes

MOTION PASSED

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton – Announced National Day of Prayer May 4th, will have prayer in the Council Chambers from 12pm -1pm.

Saturday May 6th will be a shred event at the Brentwood Recreation Center from 9am – 12pm for city residents only.

The Fire & Library Department will be having an Open House from 11am -1pm on May 6th.

On May 25th the City of Richmond Heights is going to have a Memorial Day Observance at the Veterans Memorial in Richmond Heights at 5:30pm.

Public Safety Committee – Alderman Plufka announced that they will have a meeting May 18th at 5:30pm

Public Works Committee - Alderman Leahy announced that they will have a meeting May 10th at 4:30pm. He also gave an update on the Show Me PACE Energy District. Now that Brentwood is a participating municipality in the Show Me PACE Clean Energy District, the City has been told that Show Me PACE Clean Energy District is expanding their open market program to include Residential PACE. This expansion is based on the success of their open market program for Commercial PACE. As a Show Me PACE participating municipality, Brentwood does not need to take any action for homeowners in our city to utilize PACE financing for their energy projects. The residential energy contractors are the ones who inform their residential customers about the program. Show Me PACE is selecting Residential PACE Administrators based on their business practices, qualifications, experience, and capital commitment to the Missouri PACE market. PACE Funding Group has been chosen as the first residential PACE

Administrator and will roll-out their residential PACE program over the next 15 months. Homeowners will be able to choose from a list of approved contractors to handle their energy improvements. With the creation of the Show Me PACE Consumer Protection Policy, our Residential PACE program will include the highest standards of any PACE program in the country.

Director of Planning & Development – had no report

Ways and Means Committee – Alderman Dimmitt announced that there will be a meeting May 4th in the Council Room at 6pm

Alderman Dimmitt presented a request to write-off the EMS billing charges for a case of stolen identity in the amount of \$664.00. Brentwood Fire Department provided ambulance service to a patient on May 26th, 2016. The individual the department believes to be the patient received an EMS bill from Brentwood Fire Department shortly after the date of service on May 26th, 2016. Shortly thereafter, the patient denies that he was ever in need of an ambulance or called for an ambulance on May 26th, 2016. He believes it was his half-brother, who falsified the billing and patient information to the Brentwood Fire Department medics who responded to the call. The patient indicated that his brother has done this to him on several occasions in the past with other agencies. Following the recommendation of City Attorney Stephanie Carr, the department was told they could assist the patient and help clear this up and not hold him responsible for the charges, by having him fill out an official police report at Brentwood Police Department that indicated this his identity had been stolen by his brother. A police department was completed. The police report provides enough support to prosecute the patient for falsely filing a police report in the event he is found to have lied about the stolen identity. The Ways and Means Committee recommends to write-off the EMS billing charges. Fire Chief Terry Kurten and Assistant Police Chief McIntyre presented additional information.

A motion was made by Alderman Dimmitt to Write-Off the EMS Billing Charges and was seconded by Alderman Plufka. Vote was taken by a show of hands 7 (yea) and 1 (nay).

MOTION PASSED

Alderman Dimmitt presented a second request to accept an ambulance bill settlement from Onder, Shelton, O'Leary & Peterson, LLC Law Firm in the amount of \$367.10.

Brentwood Fire Department provided ambulance service to a patient on April 13th, 2016. The patient's attorney, Mr. Michael Dalton Jr. of the Onder, Shelton, O'Leary & Peterson LLC Law firm has requested a settlement on behalf of his client. The ambulance bill was for care and transport for a nonresident of Brentwood. The bill totaled \$698.30. Mr. Michael Dalton Jr. of the Onder, Shelton, O'Leary & Peterson LLC Law Firm, has indicated there are "limited insurance policies" present, and they are asking the City of Brentwood to consider a reduced amount to settle this case per Missouri revised statues section 430.250. They are requesting the City accept a payment of \$367.10. The original ambulance bill was for \$698.30. The settlement amount requested \$367.10. Balance of write off is (\$331.12). Fire Chief Terry Kurten presented additional information.

A motion was made by Alderman Dimmitt to accept an Ambulance Bill Settlement from Onder, Shelton, O'Leary & Peterson, and LLC and was seconded by Alderman Plufka. Vote was taken by a show of hands 8 (yea) and 0 (nay).

MOTION PASSED

City Attorney Kevin O’Keefe had no report.

City Administrator – has no report.

Police Chief Fitzgerald presented information on two settlement offers from the insurance company in regards to the incident on August 2016 with the police vehicle in the Hanley Industrial Court. The two offers are 1) to accept the settlement offer for the total loss amount of \$14,248.28 and take title to the vehicle so as to close out the claim. The second offer is for the City to keep the vehicle, less the salvage value, pursue a resolution with the Ford Motor Company and accept a check in the amount of \$7,527.25.

Alderman Kramer asks if we take the settlement offer are we releasing the vehicle from any further question or opportunity for investigation. Mayor Thornton says yes they will own the vehicle and at that point we can no longer tamper with it.

Alderman Dimmitt asks have we had an opportunity to download the data from the Event Data Recorder (EDR) and if we haven’t when we turn over the vehicle can we still do that. Police Chief Fitzgerald states that the insurance company could but it would be out of our hands.

Alderman Wegge propose the question what else can we do to find out what happened. Police Chief Fitzgerald explains that we could go after the data recorder. City Administrator Bola states that the city would have to hire its own data recorder specialist to retrieve the data recorder and analyze it.

A motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to accept the settlement offer in the amount of \$14,248.28 turn the vehicle over to the insurance carrier.

ROLL CALL:

Alderman Dimmitt – no
Alderman Kramer – no
Alderman Leahy – yes
Alderman Lochmoeller –yes

Alderman O’Neill – yes
Alderman Plufka – no
Alderman Sims – no
Alderman Wegge – no

MOTION FAILED

Alderman Kramer made a motion that the City accepts the proposed settlement amount with the stipulation that the vehicle be turned over within a 45 day time period and within that 45 day time period the city may wish to investigate and/or examine the vehicle further.

MOTION DIES FOR LACK OF A SECOND

Alderman Kramer made a motion the City will like to retain the vehicle for further investigation.

MOTION DIES FOR LACK OF A SECOND

Alderman Leahy made a motion, seconded by Alderman Wegge to instruct staff to assess whether the City may obtain the Event Data Recorder information and analysis and report to the Board of Aldermen at the next meeting.

Alderman Dimmitt – yes
Alderman Kramer – yes
Alderman Leahy – yes
Alderman Lochmoeller –yes

Alderwoman O’Neill – yes
Alderman Plufka – yes
Alderman Sims – yes
Alderman Wegge – yes

MOTION PASSED

Excise Commissioner Alderman Dimmitt 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

Alderwoman O’Neill announced that the after school problem at the library still exists with many of the teenagers coming and hanging out forever. One of the problems is the computers. There are only eight of them. The library staff is thinking of putting some sort of limit on the time frame and how many of those can be accessed by the students, so that other patrons can have a chance to use the computers. Any comments or concerns please take them to the library staff.

Alderman Wegge announces that the storm inlet paintings look fantastic and thinks it was a success.

Alderman Leahy announces that Ward 3 will have a meeting on May 30th Tuesday at 7pm in the Council Chambers. Alderman Leahy also announced that he has noticed some new markings on Magdalen Avenue. There is a parish picnic at St. Mary Magdalen on May 19th and 20th, if the City would coordinate with Missouri American Water to make certain they are not working on Magdalen Way during the period when the picnic is scheduled as this may disrupt traffic.

NEW BUSINESS

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. Total time allotted for this section shall not exceed 15 minutes)

None

Aldermanic Response

None

CLOSED SESSION

Alderman Plufka made a motion to enter into closed session pursuant to Legal – RSMo 610.021 (3) at 9:30pm. Alderwoman O’Neill seconded the motion.

ROLL CALL:

Alderman Dimmitt - Yes
Alderman Kramer - Yes
Alderman Leahy - Yes
Alderman Lochmoeller - Yes

Alderwoman O’Neill - Yes
Alderman Plufka - Yes
Alderwoman Sims - Yes
Alderman Wegge – Yes

MOTION PASSED

ADJOURNMENT

Motion was made by Alderman Leahy and seconded by Alderman Plufka to adjourn the executive session and the regular meeting at 9:30pm. A unanimous vote was taken in favor of this motion.

MOTION PASSED

Attest:



Bola Akande, City Clerk/Administrator



Christopher A. Thornton, Mayor