

## MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING

City Hall  
Council Chambers

January 4, 2007  
7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Kelly, Alderwoman Clements, Alderman Marshall, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn, Alderman Cross.

City Attorney Albrecht, City Clerk/Administrator Seemayer and Executive Secretary Williams.

ABSENT: None.

### **CONSIDERATION AND APPROVAL OF THE SPECIAL BOARD OF ALDERMEN MEETING AGENDA OF JANUARY 4, 2007**

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Agenda of the Special Board of Aldermen Meeting of January 4, 2007. All in favor none opposed.

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

#### **Public Hearing – Conditional Use Permit – Lamar’s Donuts**

Mayor Kelly announced a Public Hearing for Lamar’s Donuts would now be heard at 7:05 p.m.

John Geppert – Chairman of the Planning and Zoning Commission came before the Board and stated that the application is for the operation of a donut shop/food service business at 2542 S. Brentwood Boulevard.

Mayor Kelly asked about the issue with the fence.

Mr. Geppert stated that the fence was discussed. He believes the Planning and Zoning Commission viewed it as a code violation relative to the landlord, as opposed to the applicant. He thought there was communication to the landlord that something needed to be done but he does not know the resolution.

Mayor Kelly asked if there were any comments from the audience.

Mike Horton - 2527 Kentland came before the Board and stated that his house almost backs up to the donut shop. They have concerns because it is a food business and they have had problems with rats in the past. He asked who would be responsible for dealing with the rat problem if it arises again.

Mayor Kelly stated that City staff could contact Vector Control St. Louis County to have the problem taken care of.

Mr. Horton asked if there would be any extra trash pickups early in the morning.

City Administrator Seemayer stated that trash trucks are not allowed within the City prior to 7:00 a.m.

Mr. Geppert stated that Lamar's Donuts is not manufacturing the donuts on site. They have another facility or bakery where the donuts are made and delivered to the Brentwood location. That was one of the concerns of the Planning and Zoning Commission relative to timing of delivery. They wanted no rear delivery before 7:00 a.m. The Commission figured they would be delivering in the front parking area but the other tenants would not be using it at that hour, so they felt it was something that would work out. The applicant indicated to them that most of their left over products at the end of the day is donated as opposed to throwing them away.

With no further comments, Mayor Kelly announced the Public Hearing closed at 7:12 p.m.

**Public Hearing – Conditional Use Permit – Fifth Third Bank**

Mayor Kelly announced a Public Hearing for a Conditional Use Permit for Fifth Third Bank would now be heard at 7:15 p.m.

John Geppert – Chairman of the Planning and Zoning Commission came before the Board and stated that the Planning and Zoning Commission was willing to go along with the plan that is before the Board.

Mayor Kelly asked if there were any comments from the audience.

There were none.

Mayor Kelly announced the Public Hearing for Fifth Third Bank closed at 7:17 p.m.

**INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS**

Motion was made by Alderman Leahy, second by Alderman Marshall to give Bills No. 5360, 5361, 5362, 5363 and 5364 first and second readings. All in favor none opposed.

Bill No. 5360 – Signage Package for Hanley Station

City Attorney Albrecht gave Bill No. 5360, AN ORDINANCE APPROVING A SIGNAGE PACKAGE DETAILING PROJECT AND MERCHANT IDENTITY SIGNAGE; AMENDING ORDINANCE NUMBER 3954 TO INCLUDE THIS APPROVAL; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5360 as a Bill that would approve directional and informational signage for the Hanley Station Development along with sign packages for Houlihans Restaurant and Marriott Spring Hill Hotel. The sign package was reviewed and approved by the Planning & Zoning Commission.

Alderman Cross asked about the illumination of the letters on the Marriott Spring Hill Hotel signs.

Mr. Geppert responded that they were internally illuminated.

Andrew Checkley – MLP came before the Board and stated that each letter is its own individual letter and they are individually and internally illuminated.

Alderman Cross asked about the two signs on the south front elevation and the north rear elevation on the one side of the building.

Mr. Geppert stated that the applicant has agreed to one sign only on the north and south side of the hotel building. The original application came in with one sign centered on the building and another to the east. The applicant has agreed to go with one sign on each of the faces of the building and the Planning and Zoning Commission left it up to the applicant to decide if they wanted it centered or closer to the roadway.

Alderman Kramer asked about the Strassner Road timeline and when it might be opened to traffic.

Mr. Checkley stated that half of Strassner Road would be opened to traffic starting on Monday. For safety reasons, the other half of Strassner Road will be closed off while the condominiums are under construction.

Motion was made by Alderman Cross, second by Alderwoman Clements to approve and adopt Bill No. 5360. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5360 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4051.

Bill No. 5361 – Merchant Identity Signage

City Attorney Albrecht gave Bill No. 5361, AN ORDINANCE APPROVING A MERCHANT IDENTITY SIGNAGE; AMENDING ORDINANCE NUMBER 3683 TO INCLUDE THIS APPROVAL; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5361 as a Bill that would approve a ground monument sign for Walgreen's at 2401 South Brentwood Boulevard. The Planning & Zoning Commission reviewed and approved this proposal.

Scott Kensaw – 3265 Regency Woods came before the Board and introduced himself as the store manager for Walgreen's Brentwood.

Alderman Kramer stated that the signage package is one that was very similar, if not identical, to the one that was with the original development but it was never constructed.

Mr. Kensaw stated the sign package was approved in 2003 but it was never acted upon by Walgreen's. He has been pushing to get a monument sign.

Alderman Kramer stated that there has been some concern about temporary signage placed in the front lawn area of the building. He asked if that was something they plan to continue to do.

Mr. Kensaw stated that they have temporary signage for inkjet refills and for the Clinic to get the word out. They can be taken down if the Board chooses, but they have not received any complaints about the signs.

Mayor Kelly requested the signs be taken down.

Alderman Kramer asked if Walgreen's or their management had increased the candlepower of their parking lot lighting affronting Brentwood and Litzsinger Roads, and additionally if they had installed any new lighting boxes aimed at the existing backlighted Walgreen's signage on the eastern and northern fronts of their building.

Mr. Kensaw asked if more light was a bad thing, but said that none of these changes were made to his knowledge.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt Bill No. 5361. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5361 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4052.

Bill No. 5362 – 8812 Madge

City Attorney Albrecht gave Bill No. 5362, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR PARKING LOT MODIFICATIONS FOR AN OFFICE BUILDING AT PROPERTY NUMBERED 8812 MADGE AVENUE WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25, SECTIONS 126 AND 260 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5362 as a Bill that would approve a site development plan for 8812 Madge Avenue for an insurance office building. The existing residential dwelling will continue to serve as the office building. The site plan improvements include extending the driveway and planting trees. Regulations concerning signage are also covered. The Planning & Zoning Commission reviewed and approved the proposed site plan.

Mr. Geppert stated that the structure itself was originally built as a residential unit in the neighborhood. At some point, it was rezoned to a commercial zoning category, which would allow a business use there. It is a transitional zone by which you have a commercial use that is available for this residential structure. The business owner wants to improve the property to increase the parking in the back for business use and add some signage on the east side of the building that will be visible from Brentwood Boulevard. In typical fashion, this would be a relatively simple commercial type of thing but because it is kind of a residential property and there are residential uses around it makes it a little unusual. The applicant is gaining some business use of the property and is showing them to be a very good neighbor to their adjacent property owners.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5362. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5362 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4053.

Bill No. 5363 – Conditional Use Permit – Lamar’s Donuts

City Attorney Albrecht gave Bill No. 5363, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO LAMAR’S DONUTS D/B/A/ HORGAN ENTERPRISES, WHICH PERMITS UNDER CERTAIN CONDITIONS THE CARRY-OUT SALES OF FOODS; PROVIDING THE CONDITIONS OF SUCH USAGE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Leahy stated that the Bill states that there is a 7:00 a.m. time limitation on deliveries. He asked the applicant how do they plan to accommodate stocking for the daily uses.

Jan Horgan – 2542 South Brentwood Boulevard came before the Board and stated that the delivery truck will make deliveries in the front of the building. The store hours will be approximately from 5:30 a.m. to 2:00 p.m. The deliveries will be made around 5:00 a.m.

Mr. Geppert stated that the idea of a commercial site that is gaining delivery at the front of the building is certainly not normal, but it is the preferential use versus the rear delivery at that early hour. The other tenants of that shopping center are not there at those hours.

Alderman Cross asked about the location of the dumpsters.

Mr. Geppert stated that they are in the back.

Alderman Cross stated that the applicant should agree that they will not haul trash out to the dumpster before 7:00 a.m.

Ms. Horgan stated that would not be a problem. She does not think they will be disposing of anything that early.

Alderman Cross asked if a second delivery is needed after 7:00 a.m. would it be in the rear of the building.

Ms. Horgan stated that their deliveries would take place once a day. They have vendors that will be bringing other goods, and since they are small vehicles they could bring them in the front or the back entrance.

Alderman Kramer stated that according to the Bill the sign package would be left up to the building official. He asked the applicant what was their idea for the sign.

Ms. Horgan stated that they were planning to have the same sign that is very similar to the ones at the other stores.

Mr. Geppert stated that the landlord of the property has had a certain consistency to the sign package and it will go according to the sign code.

Alderman Marshall asked if other items would be sold at the store.

Ms. Horgan stated that they will be selling donuts, bagels, muffins, coffee, drinks and maybe some take out sandwiches.

Alderman Kramer read a synopsis of Bill No. 5363 as a Bill that approves a Conditional Use Permit for 2542 South Brentwood Boulevard for Lamar's Donuts. The CUP restricts

the use to a bakery with carry out sales of foods, limits rear deliveries until after 7:00 a.m., requires signage conformance to Brentwood Municipal Code Chapter 19 and voids the CUP upon sale of the business. The CUP was reviewed and approved by the Planning and Zoning Commission.

Mayor Kelly stated that there is a retaining wall and a stockade fence behind the building. The residents have been very patient in working with the property owner. Over the years, as a section of the fence would fall down the owner would replace the one section and pieces of the retaining wall. Mayor Kelly requested that an inspector inspect the fence to make sure it is stable for the entire boundary of property, as well the retaining wall.

Motion was made by Alderman Cross, second by Alderman Leahy to approve and adopt Bill No. 5363. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5363 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4054.

Bill No. 5364 – Conditional Use Permit – Fifth Third Bank

City Attorney Albrecht gave Bill No. 5364, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO FIFTH THIRD BANK, WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A BANK WITH DRIVE-IN FACILITIES; PROVIDING THE CONDITIONS OF SUCH USAGE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5364 as a Bill that approves a Conditional Use Permit for 2435 South Brentwood Boulevard for Fifth Third Bank. The Planning & Zoning Commission has reviewed and approved the CUP.

Alderman Leahy stated that this property has a cross access agreement that has been filed with St. Louis County. He asked if there is a mutual cross parking agreement with the Recreation Center because of the TGI Friday's request. Does that agreement continue with this applicant or has it been terminated?

Mayor Kelly stated that the cross access dealt with the shared parking agreement as well. One of the reasons for the cross access agreement was to give the Recreation Center access to Litzsinger Boulevard.

Stuart Patterson representing Fifth Third Bank – 2435 S. Brentwood Boulevard came before the Board and stated that Jennifer Denton sent him an email granting access to the parking.

Alderman Wynn asked where did the name Fifth Third Bank originate.

Steve Bill – Fifth Third Bank came before the Board and stated that Fifth Third Bank originated out of Cincinnati. There used to be two different banks. The Fifth National Bank of Cincinnati and the Third National Bank of Cincinnati merged in the late 1800s forming the name Fifth Third Bank.

Alderman Kramer stated that some questions came up during the Planning and Zoning Commission's discussion about the island between Walgreen's and TGI Friday's.

Mr. Patterson stated that it is no longer an issue. They have been working with St. Louis County and they would not allow them to remove any part of the island. They will be improving the landscape.

Alderman Kramer stated that he is assuming that the Planning and Zoning Commission was okay with the drive-thru in the back as it relates to the cross access not overflowing or intermixing with each other. They are two separate items to go through from parcel to parcel. The orientation of the building has brought the actual building closer to Brentwood Boulevard where the current TGI Friday's building exists. What is the final setback from Brentwood Boulevard to the front of the new building?

Mr. Patterson stated it is probably 75 to 80 feet. It is about six feet closer to Brentwood Boulevard than Walgreen's because they are trying to use the existing parking with pavement that TGI Friday's is currently using. They are also trying to keep it in line with the landscaping and site coverage requirements.

Alderman Kramer said his question was in reference to the island change and building setback. Based upon past Planning and Zoning discussions regarding any new curb cut or changes that St. Louis County would have to approve in that stretch of Brentwood Boulevard. He understands that they would come predicated only upon a minimum of a 50 foot building setback from the Brentwood Boulevard curb, on the west side of the street. In this case, Fifth Third Bank would be in conformity despite the County's rejection.

Alderman Cross stated that the design of the building falls below the standards of the other banks that Brentwood currently enjoy. She asked if they would consider investing in a better design.

Mr. Bill stated that the building is a colonial style. They decided on the building because it fits 99% of the markets they go into with the architectural standards. They have built over 900 of those buildings across the United States.

Alderman Cross stated that it is an unattractive building. The windows could be larger; some type of cover or canopy could be placed approaching the walkup to the door.

Mr. Geppert stated that the photo everyone is looking at is a photograph of a prototypical site that they have in another place. It is not what Brentwood's site is going to exactly

look like. The building is going to look very much like the photo. It has a colonial look to it, which is what they build. There are some slight variations to the elevations and look to the site plan for how the landscaping is going to fit into it. From the Planning and Zoning Commission's point of view when they looked at the building, knowing that it was a colonial style, it did not look imbalanced to them at all.

Alderman Marshall asked about the sign on the side of the building.

Mr. Bill stated it is an individual freestanding sign that extends from the building about eight inches. Above the windows is soldier coursing in the brick. They could add a cultured stone half to pronounce the windows.

Alderman Cross asked about putting a canopy over the door.

Mr. Bill stated that would cause security issues for them. They have camera placement throughout, which they need to be able to position and pickup. It has all been strategically designed for that.

Alderman Leahy asked about the location of the trash dumpster.

Mr. Bill stated that they do not use a dumpster. On the side of the building there is a mechanical screen wall that surrounds the air conditioner units and they use roll around 90 gallon trash cans.

Alderman Kramer stated that since the City has adopted the new Comprehensive Plan, one of the items they have to look at in the conditional use permit request is how the proposal adheres to or takes into consideration the Comprehensive Plan. As new developments are put up along Brentwood Boulevard, the residents have spoken in regards to the special small town atmosphere that they want to have for our City. Some of the newer developments have gone to great lengths to make their appearance different, nice and perhaps unique to Brentwood. He believes that is what Alderman Cross and the others are trying to get across to the applicant.

Alderman Wynn stated that he has never had a phone call or spoken to anybody that complained about those types of buildings. They have to be careful that the people that are interested in it and really care about it are not necessarily the majority of the people that live in Brentwood. There are probably a lot of folks out there that this does not bother at all.

Alderman Leahy asked about the timeline from demolition to construction and access in and out of the property.

Mr. Patterson stated that they should not have to shut anything down. As far as the timeline, a lot hinges on the building permit approval, St. Louis County and MSD approvals. They are hoping to start in April 2007.

Mr. Bill stated usually from start to finish on a project like this is about 120 days including demolition of an existing building.

Motion was made by Alderman Cross, second by Alderwoman Krewson to amend Bill No. 5364 to add a stone header and sill to the window finishing. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5364 as amended. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5364 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4055.

Mayor Kelly asked if the back driveway that is currently the cross access is going to be rebuilt.

Mr. Patterson responded no.

Mayor Kelly stated that the area between Walgreen's and the Recreation Center is in need of attention because of the amount of traffic that uses it. He requested, if feasible, that part of the asphalt be replaced.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderman Robertson to accept the warrant list dated January 4, 2007. All in favor none opposed.

### **Executive Session**

Mayor Kelly announced the Executive Session/Real Estate and Legal Matters has been cancelled.

### **MoDOT Meetings**

Mayor Kelly stated that MoDOT would be holding informational meetings for residents and businesses along the corridor on Tuesday, January 30<sup>th</sup> from 4:00 p.m. to 7:00 p.m. at the St. Louis Science Center and Tuesday, February 13<sup>th</sup> from 4:00 p.m. to 7:00 p.m. at the St. Louis County Library. There is also one scheduled for Tuesday, February 6<sup>th</sup> from 4:00 p.m. to 7:00 p.m. at Brentwood High School Cafeteria.

Representative Joan Bray is holding a meeting tomorrow from 2:00 p.m. to 4:00 p.m. at the County Library regarding the Highway 64/40 project.

Minimum Wage Law

Mayor Kelly stated that in the ballot issue that was passed by the voters of Missouri back in November with respect to the minimum wage law there was a stipulation in it about the 40-hour workweek. It has been determined by a couple of attorneys that it applies to the firemen as well in that after 40 hours a week, it would be mandatory that they get time and a half pay. Because the firemen work 24-hour shifts their salaries would have to be almost doubled. There is no way the City could absorb that kind of increase. Since the voters approved it, it comes down to the interpretation of the Department of Labor and the federal law that covers public safety employees.

Update on Helen and Litzinger Project

Mayor Kelly stated that MSD has discontinued their contract with the contractor that was working on that project. In the next couple of days they will be patching the street because it will have to be dug up again. They will bid out the remainder of that phase of the project as soon as possible. Then they have to get approvals from their board in order to get another contractor to finish the job.

Mayor Kelly stated that they have had a number of delays with utilities and school traffic on the Litzinger project. It will start when school lets out.

**ADJOURNMENT**

Motion was made by Alderman Leahy, second by Alderman Cross to adjourn the meeting at 8:25 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk