

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

November 5, 2007
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

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

City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development/Asst. City Administrator Dailey, Treasurer Reynders, Executive Secretary Williams.

ABSENT: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 5, 2007

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Agenda of the Regular Board of Aldermen Meeting of November 5, 2007. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 15, 2007

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen Meeting of October 15, 2007. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Alderman Marshall pointed out that in the last meeting minutes when he mentioned the snow filled sidewalks being impassable he was referring to commercial properties.

BIDS – None

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

Mark Rubin came before the Board and stated that his family owns the property at 8698 White Avenue. His father purchased it about 20 years ago and a survey was never done. They also did not know that part of the driveway and fencing on the east side of the property is in the City's right of way. It has caused a problem with subsequent contracts and people looking to purchase the house. He requested that the City vacate or transfer ownership of part of the right of way where the fence and driveway is located, so that it could be used by them or another property owner if the property is sold.

Mayor Kelly stated that it is his understanding that the lot as it sits today would be a nonconforming lot.

City Administrator Seemayer stated that if the house were to come down it would have been very difficult to put another house back up unless they build the exact same house.

Mayor Kelly suggested that Mr. Rubin's request be sent to the Public Works Committee for review.

Alderwoman Clements stated that Mr. Rubin stated in his letter that part of the driveway and fencing on the property was in the said City's right of way when his family purchased it. She asked if they had any problems with it then.

Mr. Rubin responded that a survey was never done. The new buyer did a survey and they want to tear down the house and build a new one, which reverts to modern zoning, setbacks, etc.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

First and Second Readings

Motion was made by Alderwoman Clements, second by Alderman Marshall to give Bills No. 5404 and 5405 first and second readings. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Bill No. 5404 – No parking except by permit

City Attorney Albrecht gave Bill No. 5404, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW PARAGRAPH TO SECTION 14-1038, SCHEDULE LL, NO PARKING EXCEPT BY PERMIT; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Marshall asked for support of Bill No. 5404. He stated that the residents and the businesses that it affects are in favor of it, and he and Alderman Wynn are in favor of it as well.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5404. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5404 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4091.

Bill No. 5405 – Conditional Use Permit – 8300 Eager Road

City Attorney Albrecht gave Bill No. 5405, AN ORDINANCE AMENDING THE CONDITIONAL USE PERMIT PREVIOUSLY GRANTED BY ORDINANCE NO. 3746 FOR THE MERIDIAN DEVELOPMENT LOCATED AT 8300 EAGER ROAD; PROVIDING AMENDED CONDITIONS OF SUCH CONDITIONAL USES; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5405 as a Bill that would amend the Conditional Use Permit for the Meridian Development at 8300 Eager Road. The new CUP will allow up to 141,975 sq. ft.

of retail of which 20,000 sq. ft. may be used for restaurant space. This amendment to the CUP was reviewed and approved by the Planning & Zoning Commission.

Alderman Leahy asked if employee parking is included in the total number of parking spaces under roof.

Mr. Cannon responded yes.

Alderman Kramer asked if the change in the parking arrangement is reflected in Bill No. 5405.

Mayor Kelly stated that it was reflected in the site plan that has already been approved, but it was not reflected in the Conditional Use Permit, which is why the amendment is being made to the Conditional Use Permit.

Alderman Kramer asked if they needed to address the parking in the Conditional Use Permit.

Mayor Kelly responded no, because it has already been approved in the site plan.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt Bill No. 5405. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5405 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4092.

Alan Skop – DCM Development came before the Board and stated that as of October 31st building 4 is about 21% complete. The building on the south side next to the parking garage is 45,000 square feet and it is 66% leased. They are anticipating one or two restaurants on the lower level.

Alderman Kramer asked about the Hanley Road corridor and the possibility of the Eager/Hanley traffic using that road behind the Meridian.

Mr. Skop stated that they are putting in the underground retention basin in front of building 5. The crane has to go into the garage, which abuts the existing garage and crawl its way east, which will take until spring. At that point they would like to get the road opened. It is not safe to open the road because it is a construction zone. Steel is going up in one building and a detention basin on the other side.

Alderman Kramer asked about the certainty of the road becoming a route for Eager/Hanley traffic.

Mayor Kelly stated that it would be the main entrance to Eager Road from southbound Hanley.

Public Hearing Continued – 7:15 p.m. – Conditional Use Permit/Truman Bank

Mayor Kelly announced a Conditional Use Permit for Truman Bank would now be continued at 7:15 p.m.

Director of Planning and Development Dailey came before the Board and stated that since the petitioner did not obtain the necessary variances, the Planning and Zoning Commission will not be able to make their final recommendation until its November 14th meeting. She requested the public hearing be continued to the November 19th BOA meeting.

With no comments from the audience, Mayor Kelly announced at 7:16 p.m. that the public hearing would be continued to the next BOA meeting.

Public Hearing – 7:25 p.m. Conditional Use Permit/8300 Eager Road

Mayor Kelly announced a public hearing for a Conditional Use Permit for Eager Road would now be heard at 7:25 p.m.

Director of Planning and Development Dailey came before the Board and stated at the August 20th meeting the Board of Aldermen adopted Ordinance No. 4082 approving a site development plan for the Meridian Development at 8300 Eager Road. Due to the timing of the City's review of the application a public hearing on the requested Conditional Use Permit could not be held at the August 20th meeting, as such the bill attached for consideration is to amend the existing Conditional Use Permit to update the total square footage permitted for retail and restaurant uses at the Meridian Development based on the site plan that was approved on August 20th.

Lee Cannon – Senior Traffic Engineer for CBB came before the Board and stated that he has prepared a parking study for the Meridian at Brentwood based on the most current site development plan including restaurant space. Prior to the MetroLink station opening they collected parking usage data at the site. At that time, the Best Buy, Sports Authority, Men's Warehouse, EverBank and the office space above those sites were occupied, so they knew what the existing parking demand was. Based on what has opened since that time, which is the MetroLink station, the parking garage for MetroLink Meridian, and there is some retail space in that lower portion of the first garage, they calculated the parking demands for that area of the development. There is future development which will have some retail component in its first floor as well as an out lot building that will be located on the southeast corner of the site which will house office and retail spaces. They took the parking requirements under the Code and compared them to their demand estimates for each use and they found that while the proposed number of parking spaces on the site does not meet Brentwood's Code specifically as calculated, it will meet the needs of the site. The City's Code is based on freestanding land uses. This project is a mixed-use project and some of the peak times of parking demand will be offset. For instance, the needs of the Metro parking garage will be different peak times than the needs of retail versus the office, versus the restaurant space. There are 950 spaces in the MetroLink garage that are not accounted for in the traffic study. The MetroLink spaces may be available to the users of the Meridian site and the Meridian spaces may be available to the users of MetroLink depending on the time of day, special events, weekends, etc. Their demand for these parking supplies overlap. They are trying to come up with an effective parking number of spaces without making the garage too high or exuberantly expensive to construct.

Alderman Marshall asked if Zone 4 is the old Purina site.

Mr. Cannon stated that the Purina building was demolished and when they counted Zone 3 had parking spaces in it. Now it is closed as a construction site. When they counted Metro Meridian garage was not open yet and is now. Those parked cars have moved into the garage and Zones 3 and 4 account for 399 parking spaces. Prior to the garage opening, with MetroLink in service, there was a total demand of 489-parked cars on the site with 784 spaces available. No additional development has opened and they have taken away 399 spaces, but opened 1,360 so they have had a net increase of nearly 1,000 spaces on the site with hardly any additional demand at this time until the newer facilities open.

Alderman Marshall asked what kind of impact would the construction have on the parking.

Mr. Cannon stated that they are parked throughout the site but there is plenty of surplus parking in the garage and it does not seem to be strained even up front in the surface lot in front of Sports Authority and Best Buy, with additional parking underneath Best Buy and Sports Authority. The opening of the crosswalk has encouraged the office tenants to park in the garage and walk across to the office building.

That crosswalk has added value to the parking and has attracted those people to park there for the office spaces.

Alderman Kramer stated that Mr. Cannon mentioned the load factor on Zone 1 and 2 in front of the Best Buy and Sports Authority. He asked if there is any signage directing visitors that there is an additional parking area underneath.

Mr. Skop came before the Board and stated that there is a sign above the garage and beneath Best Buy and Sports Authority that lists their names.

Alderman Kramer stated that it seems to him that the area of Best Buy and Sports Authority faces a lot of demand regularly. He asked if it would be practical to contemplate some sort of signage in the Zone 1 area directing additional parking under the building.

Mr. Skop stated that they had a sign at one time and they will consider putting it back.

Mr. Cannon stated that is more of an operational issue. If it becomes a problem it makes a lot of sense for the owner to do that. The facilities that are being added are on the other side of the site. The area is serving three retail tenants up front. The additional development is going to be on the south and the west side and that is exactly where this new second garage is going to be located.

Alderman Marshall asked if the road on the west side of Zone 1, coming off Eager Road, is closed to the traffic going behind the building.

Mayor Kelly responded that it is open to the underground parking and the MetroLink garage, but not to through traffic.

Mayor Kelly asked if there were any questions from the audience regarding the Conditional Use Permit for 8300 Eager Road.

With no comments from the audience, Mayor Kelly announced the public hearing closed at 7:38 p.m.

Resolution No. 945 – Serving of Beer and Wine

City Administrator Seemayer stated that Resolution No. 945 allows the City to serve beer and wine at the Veterans Day Observance on Thursday, November 8th at City Hall and at the Holiday Open House on Monday, December 10th at the Recreation Center.

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve Resolution No. 945. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to accept the warrant list dated 11/5/07. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly reminded everyone of the Veterans Day Observance on Thursday, November 8th at 6:00 p.m. in the Council Chambers of Brentwood City Hall.

Mayor Kelly stated that the City has received a commitment from Pace Properties to help fund landscaping improvements at the intersection of Strassner Road and Brentwood Boulevard, thanks to the efforts of Ellen Dailey. They have entered into a contract with SWT, professional landscape architects. SWT has designed a couple of different options for adding additional landscaping to the northeast corner which would be the area in front of Applegate's as well as adding additional landscaping on the opposite side of Strassner Road. Improvements will be made to the crosswalks as well. They hope to have those implemented in spring of 2008.

Mayor Kelly stated that the City would have control of a big part of the property opposite Walgreens. The County has given the City their excess property on that corner. He would like a monument to be put up there and possibly get the residents and businesses involved in the funding of the addition to the community.

Mayor Kelly requested that Alderman Robertson be appointed as the Chairman of the Public Works Committee.

Motion was made by Alderman Wynn, second by Alderman Kramer to appoint Alderman Robertson as Chairman of the Public Works Committee. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Mayor Kelly stated that Brentwood Square is ahead of schedule this year. Part of the agreement with the Brentwood School District was if they met certain sales levels that they would do a pass through on the extra taxes. This year the City will be sending a check to the Brentwood School District in the amount of \$107,329. Brentwood Square is doing extremely well. The addition of the Container Store and the full year in operation has really helped.

City Administrator Seemayer stated that in addition to the Brentwood School District the other taxing districts would be receiving money as well.

Mayor Kelly stated that St. Louis County will receive \$18,456, City of Brentwood \$20,864, Zoo and Muny \$7,623, MSD \$6,219, Shelter Workshop \$2,608, Special School District \$29,891, St. Louis Community Colleges \$6,620 and the State of Missouri \$1,003. The total pass through is \$200,616.80.

Alderman Leahy asked if the Brentwood School District would be able to issue a check to the City of Brentwood for the remodeling of the driveway at Mark Twain School.

Mayor Kelly stated that was part of the agreement. The Brentwood School District had already agreed that if there was a pass through they were going to pay \$8,000, which is half of the cost of the driveway.

Alderman Marshall clarified that the improvements was on the public right of way and it went to the Public Safety Committee for review and was approved to widen that part of Litzsinger for the benefit of Mark Twain School because vehicles were having trouble getting through.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator

City Administrator Seemayer stated that the City recently closed on the property at 416 Hanley Industrial Court, the former Children's Aquarium. The bulk of that was paid for through a SEMA grant. The City received \$197,000 and will be receiving some additional funds for the demolition of the property. The entire process has to be completed by January 31st. That property will be converted into parkland.

Special Use Permit/Walgreens – 2401 S. Brentwood Blvd.

City Administrator Seemayer stated that Walgreens is requesting a Special Use Permit to allow the existing storage containers to remain for a period of 120 days. When they added the in store clinic storage space was needed.

Ed Cattani District Manager for Walgreens came before the Board and stated that they have had the storage containers there for about a year now since they added the clinic. The store manager lost about 1/3 of the stocking space. Without a viable solution on the interior to amend the stock room they needed to add two storage units in the back to give them room for extra storage of goods. It was brought to their attention that the storage units were in violation of City ordinance because a Special Use Permit is needed to have those storage units out back. As it sits right now, that type of space is not available inside the store to accommodate the volume.

Alderman Kramer asked if there was contemplation when they initially proposed the formation of the clinic of what to do with the lack of storage.

Mr. Cattani stated that when the initial plan to roll out clinics into stores came about there was never anything communicated to them as to what that storage solution was going to be. Since this is a high volume store they cannot get by without more storage.

Mayor Kelly stated that one of the issues with the trailers in the back would probably be an aesthetic issue, so if it is something that is going to be there long term then they may want to come up with something to make it more appealing.

Alderman Wynn stated that he has never had any complaints about the trailers in the back of Walgreens, but it still needs to be legal.

Alderman Kramer asked if there is a load factor or engineering report that would address some storage on the upper part of the western end of the building.

Mr. Cattani responded that he does not know.

Alderwoman Clements asked about the usage of the clinic.

Mr. Cattani responded that the Brentwood Clinic is the number 1 clinic in St. Louis.

Alderwoman Clements stated that she had not noticed the storage bins in the back and she frequents the store.

Alderman Leahy asked what type of product is stored in the storage bins.

Mr. Cattani responded that they store the carry over from the seasonal goods and possibly paper goods that are not sensitive to temperature.

Motion was made by Alderwoman Clements, second by Alderman Marshall to grant the Special Use Permit to Walgreens to continue using the storage units for 120 days. All in favor none opposed.

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication

Alderman Marshall requested that some information regarding the money the taxing districts will be receiving from Brentwood Square be uploaded on the website.

Insurance Committee – No report

Historical Society – No report

UNFINISHED BUSINESS

Alderman Marshall stated that there is a sign on Swim Club Road with information on it. In 2001, Ordinance No. 3779 was passed. The Ordinance gave Mrs. Barnes a quitclaim deed to the property. It was reported that he was on the BOA at the time and he in fact was not. As far as the sign on the right of way, he would like it kept on a professional basis. The resident that has been putting information on it is attacking the Swim Club and other members in the neighborhood. He does not have any problem with factual information, but he does not want anything suggesting he is doing something improper.

Alderman Kramer asked for an update on the Promenade water feature and the red light cameras.

Director of Planning and Development Dailey stated that they are trying to schedule a meeting within the next two weeks to go over the items that were discussed at the last meeting on the water feature.

City Administrator Seemayer stated that the red light camera company has submitted requests for two permits from St. Louis County. One at Rose and Brentwood and one at Manchester and Brentwood. The permit for Rose and Brentwood is nearing approval from St. Louis County. The one at Brentwood and Manchester is being held up because the County said that they needed to get permission from the Society for the Blind because one of the instruments is going to be on their property. The Society for the Blind verbally said that they would give them that permission. The Society for the Blind has told City staff to expect the documents around Wednesday of this week. Once the City receives permission from the Society for the Blind it will be given to ATS and they will take it to St. Louis County and submit it along with the other information for that intersection. From the time they get their permits from the County it is suppose to be about 30 to 45 days for the total construction period. He believes at best they are looking at the end of the year for the cameras to be up.

Alderman Kramer asked about the topic brought up about Eager Road and Brentwood Boulevard and sharing with Richmond Heights.

City Administrator Seemayer stated that it has been brought up between himself and ATS and between them and Richmond Heights. There was agreement on all sides to do sharing but Richmond Heights has not finalized the contract as of the last time they spoke with them.

Alderman Marshall asked if other municipalities have had problems with the red light cameras.

City Administrator Seemayer stated that there had been none permitted by St. Louis County to this point. All of them that are up and running are on state roads. The County said that Brentwood was the first to apply on a county road. ATS stated that St. Louis County had no process. They had been changing requirements throughout their application process for the permits and that St. Louis County now has a set of specifications that they are going to require.

Alderman Leahy stated that he would be willing to send this issue to the Public Safety Committee for review and he will make the motion.

Mayor Kelly stated that ATS is having problems with St. Louis County but it goes back to the presentation ATS made to the Board when they implied that they had all the issues already resolved. That they had everything worked out with St. Louis County and would be able to proceed and they did not.

NEW BUSINESS

Ward 3 meeting

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, November 27th at 7:00 p.m. in the Council Chambers.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderwoman Clements to adjourn the meeting at 8:08 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk