

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

September 17, 2007
7:00 p.m.

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

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

ABSENT: Alderwoman Krewson.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF SEPTEMBER 17, 2007

Motion was made by Alderman Cross, second by Alderman Wynn to approve and adopt the Agenda of the Regular Board of Aldermen Meeting of September 17, 2007. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF AUGUST 20, 2007

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen Meeting of August 20, 2007 as amended.

Add the following comments after the first paragraph on page 12, "Alderman Kramer requested that the 2007 property tax rates be restated. City Administrator Seemayer stated that the 2007 property tax rates are as follows: residential is 51.7 cents, down 7.8 cents and commercial is 62.9 cents, down 9.4 cents."

The total amount of the warrant list under "Accounts Against the City" should be \$541,393.30.

BIDS – None

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

Kurt Becker – District Vice President Firefighters Local 2665 came before the Board to thank the City of Brentwood for its generosity in allowing them to conduct a workshop

two weeks ago. During that workshop their attorney put together packets for about 150 members who had previously not been protected by a living will durable power of attorney to obtain that documentation. A representative from a retirement company worked with the members to explain the necessity of doing a better job in preparing themselves for retirement and to make sure that they are saving enough money. Those two topics have been heightened lately in South Carolina where they had nine firefighters die earlier this summer. Eight of the nine firefighters left their families without wills. Their estates are still tied up in probate. Their attorney was kind enough to prepare the packets for their members at no charge. It would not have been possible if it were not for the generosity and support of the City of Brentwood. In recognition of that he presented a plaque to the Mayor.

Ron Cottrell – Shop Steward/Brentwood Firefighter came before the Board and stated that Kurt worked very hard to have the workshop set up. They contacted the Parks Department and it was hosted at the Brentwood Recreation Center. It was a tremendous program. Their people were not prepared, but they are now taking steps to become prepared.

Public Hearing Continued – 7:30 p.m. Amend Sign Code Ordinance

Mayor Kelly announced a public hearing would now be continued at 7:30 p.m. regarding the amendment to the sign code ordinance.

Director of Planning and Development Dailey came before the Board and stated that the text amendment proposes allowing for temporary construction signs. The Public Works Committee and the Planning and Zoning Commission had been working on the text amendments for the last several months. At this time, since the Board has discussed sending the proposed amendment back to the Public Works Committee, she requested that the public hearing be continued to the next Board of Aldermen meeting.

Mayor Kelly announced at 7:32 p.m. that the public hearing would be continued to the next BOA meeting.

Public Hearing Continued – 7:45 p.m. Conditional Use Permit/8300 Manchester

Mayor Kelly announced a public hearing for a Conditional Use Permit for 8300 Manchester would now be continued at 7:45 p.m.

With no comments from the audience, Mayor Kelly announced at 7:46 p.m. the public hearing would be continued to the next Board of Aldermen meeting.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

1st and 2nd Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Wynn to give Bills No. 5398 and 5399 first and second readings. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

City Attorney Albrecht gave Bill No. 5398, AN ORDINANCE IMPLEMENTING THE 2007 VIDEO SERVICES PROVIDERS ACT AND THE 2001 PUBLIC RIGHTS OF WAY LAW BY ESTABLISHING REGULATIONS FOR THE PROVISION OF VIDEO SERVICES AND FOR THE PLACEMENT OF UTILITY AND SIMILAR FACILITIES IN THE PUBLIC RIGHTS OF WAY AND ON PRIVATE PROPERTY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first reading.

City Administrator Seemayer requested that Bill No. 5398 be given one reading this evening. There is a section of the Bill that requires a text amendment to the zoning code, which has to go to the Planning and Zoning Commission for review. The Bill came about because of legislation that was passed at the Missouri General Assembly this year, which stripped municipalities of most power in regulating cable franchises. What limited power is left is in the proposed Bill No. 5398. It will be placed on the October Planning and Zoning Commission meeting agenda and then brought back to the Board after that.

Motion was made by Alderman Cross, second by Alderman Leahy to place Bill No. 5398 on hold. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

Bill No. 5399 – Amending Chapter 19

City Attorney Albrecht gave Bill No. 5399, AN ORDINANCE AMENDING CHAPTER 19 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTIONS 19-3, 19-5 AND 19-10 BY ADDING THE DEFINITION OF “CONSTRUCTION SIGN” IN 19-3; ADDING NEW SECTIONS 19-5(2) a. 10, 11 and 19-5(2) b. 13; REPEALING SECTION 19-10 AND ENACTING IN LIEU THEREOF A NEW SECTION 19-10; ALLOWING TEMPORARY CONSTRUCTION SIGNAGE FOR NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS; 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 reading.

Alderman Leahy stated that in Sections 10, 11 and 13 on page 2 of Bill No. 5399 there are three different sizes of signs and he is at a loss why they need three different sizes to make it work. He would like to look at reducing the sizes to a consistency across the board. The other question is regarding the lot for commercial sizes. If they take the Litzsinger Manor Development that’s being built right now, since it is more than three residential lots and they will build up to ten houses, what happens when they sell seven or eight of the ten lots. Do they still get the 72 square feet sign and move it down to the last

two lots because there still two houses left to be built out of the ten or do they reclassify the whole thing to two lots only. He thinks they are making it cumbersome. If they keep one consistent size they may find it easier to work with.

Director of Planning and Development Dailey came before the Board and stated that a project like Litzsinger Manor falls under the residential district signage. With the text amendment that is proposed, they would be allowed to have up to 48 square feet in gross sign area per face with a maximum of two faces, if they are placed back to back. Because they have two street frontages, they could have (1) 48 square feet sign with a maximum of two sign faces back to back or (1) "V" shaped sign with two faces not to exceed 48 square feet per face located where the two street frontages intersect. The 72 square feet signs are committed to the commercial districts. If a project like Litzsinger Manor with three or more lots wanted to have larger than 48 square feet signs, they would need to request that from the Public Works Committee.

Alderman Leahy asked if there is a constructional need for the larger signs in a development.

Director of Planning and Development Dailey stated that if a developer were standing before you they would say that they needed to have the biggest sign possible. After discussion in the Public Works Committee, Planning and Zoning Commission and subcommittee meetings, they felt that this was a reasonable square footage to allow based on what other communities were doing.

Motion was made by Alderman Leahy, second by Alderman Cross to change Section 19-5 (2) 13, from 72 square feet to 48 square feet.

Alderman Marshall asked if they would be allowed to have two 72 square feet signs.

Mayor Kelly stated that it would be double sided.

Alderman Wynn stated that he is for the bigger signs.

Alderman Kramer stated that when the Public Works Committee looked at the bill it was a little less constructed. When it went through the Planning and Zoning Commission they assigned quite a bit of thoughtfulness to it. From a distance, depending on the development, the 72 square feet sign could be oversized if it was a small development, but if it was a larger Meridian development that size would probably be a good location signage. He does not see in the bill, which Alderman Leahy might be addressing, the not to exceed 72 square feet in gross sign area isn't triggered by anything, not to exceed that, so maybe there is a parameter by which they would be allowed to go up that high based upon the lot size or based upon the size of the building.

Alderman Cross stated that the Public Works Committee looked at it and what they sent to the Planning and Zoning Commission was a lot simpler than what this is. They worked on it for a few months and it never came back to them for any discussion because

there were questions whether or not that was the correct process. They could send it back to the Public Works Committee for further discussion if the rest of the Board is comfortable with that.

Alderman Leahy withdrew his motion and Alderman Cross her second.

Alderwoman Clements asked if the size of the commercial lots pertaining to the size of the signs were discussed in committee.

Director of Planning and Development Dailey stated that the draft of the text amendment that came out of the Public Works Committee had separate provisions for one or two lots versus three or more lots for residential. The square footage of signage was what was different. The Public Works Committee's recommendation included 48 square feet for commercial. It was smaller than what came out of the Planning and Zoning Commission. They did not discuss size of the lot compared to size of the sign.

Alderman Marshall asked if the MSD sewer signs in Ward 2 would have to conform to this ordinance if passed.

Mayor Kelly stated that those signs are 4X8. They do not require MSD get sign permits.

Motion was made by Alderman Cross, second by Alderman Leahy to place Bill No. 5399 on hold and send it to the Public Works Committee for further review. All in favor none opposed.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to adopt the warrant list dated 9/17. All in favor none opposed.

Alderman Kramer asked about the two items on the warrant list with the description of legal services.

City Administrator Seemayer stated that one is the prosecuting attorney's bill for a two-month period and the other is the labor attorney's bill.

Alderman Kramer asked if they were budgeted items.

City Administrator Seemayer responded yes.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Committee Appointments

Mayor Kelly requested that Pat Smith be appointed to the Library Board, Ed Johnson from the Brentwood School District and Matt Saunders from St. Mary Magdalen be appointed to the Rec Center Committee and Paul Turner/Whitehall Court be appointed to the ARB.

Alderman Cross asked if someone could be appointed from Immaculata to the Recreation Center Committee.

Mayor Kelly stated that his concern is if you get a committee too big it is hard to get anything done, if they have somebody that really desires to be on the Committee that would be fine.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve the appointments as stated. All in favor none opposed.

Madge Avenue Parking

Mayor Kelly stated that he believes that Aldermen Leahy and Robertson received an email from a resident on Madge Avenue concerned about parking. He responded to the email and said that the Public Safety Committee could look at the parking issue. The resident stated that the new insurance company and the Pasta House Pronto has directed their employees not to park on their lots which is causing the street to be tied up with employees parking during the day.

Mayor Kelly stated that they should verify the parking problem first and then they can take some action to get that situation corrected.

Former Mayor Ed Wright

Mayor Kelly stated that he attended the open house for former Mayor Ed Wright. They had a very large turnout. A proclamation was read on behalf of the Board of Aldermen. The Parks Department will be putting a plaque up on Diamond #3 in honor of Mayor Ed Wright.

Executive Session/Personnel Matter

Mayor Kelly stated that an executive session/personnel matter would be held after the regular meeting.

Public Safety Committee – No report

Public Works Committee

A Public Works Committee meeting will be held on Wednesday, September 19th at 4:00 p.m.

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator

Special Use Permit/Optimist Club

City Administrator Seemayer stated that the Optimist Club is requesting a Special Use Permit to sell Christmas trees on the Optimist lot located between Brentwood Lanes and Gene-Del Printing from December 1st through December 25th.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the Special Use Permit for the Optimist Club to sell Christmas trees on the dates specified. All in favor none opposed.

Excise Commissioner – No report

Library – No report

Municipal League

Alderman Wynn stated that he attended the Annual Missouri Municipal League Conference in Kansas City and it was a very enjoyable conference. They had some good sessions. One of the great things about going to the conference is when you come home you feel happy you are from Brentwood after listening to others talk from other cities.

Mayor Kelly echoed Alderman Wynn's comments. It was a good meeting and he believes it was the largest crowd they have ever had at the MML Conference.

Communication

Alderman Marshall requested that the Recreation Center Committee meetings minutes and the presentation from those meetings be uploaded on the website.

Insurance Committee – No report

Historical Society – No report

UNFINISHED BUSINESS

Update

Alderman Kramer asked for an update on the Strassner Road extension.

Mayor Kelly stated that they are trying to get most of their equipment shifted to the south side of the street in hopes of coordinating with the police and fire chiefs and the fire marshal to allow them to open two lanes on the north side of the street.

Alderman Kramer asked if there is anything in the TDD or the development agreement that addresses a timeline.

City Administrator Seemayer stated that he did not get a chance to look into that today, but he did correspond by email with Andrew Checkley who echoed what Mayor Kelly said.

City Administrator Seemayer stated that they are very close to completing the skin on the north buildings. As soon as they complete that the equipment can be removed. It looks like they are very close to completing that part of it.

NEW BUSINESS

MetroLink

Alderman Marshall stated that he had received some complaints that the Dierbergs and Metro ramps are not very well lit at night and people going down to the ramps are leaving carts in the street. There are no markings identifying that there is a pedestrian area there. At one time there was some talk about Dierbergs worrying about people parking on their lot and using the MetroLink. He asked if it is a possibility that Metro or Dierbergs would consider putting steps to the parking lot as opposed to the back of the development.

Mayor Kelly stated that he has talked about that with Jerry Ebest/Dierbergs in early summer and they were surprised at the amount of traffic they are getting from Metro.

Cable Service

Alderman Kramer stated in regards to Bill No. 5398, he had a chance to talk to some people in management with AT&T about the new U-verse service which is an option to get cable type entertainment through your telephone line. AT&T would have to operate within the confines of this new legislation. The question has come up if someone was not having a great time with Charter, perhaps if they wanted another option, when would that option be coming. It has been sent in writing from the management of AT&T that the fourth quarter of this year or early next year would be an opportunity for the residents of our city to take advantage of a package of services that would have that video entertainment opportunity. There is a test market going on in the City of St. Louis that has this service already up and running and they are monitoring it for conformance and quality. They will have a competitive opportunity in the near future.

City Administrator Seemayer stated that he received a call from John Steinbeg with AT&T who stated that they expect to be operating in Brentwood by the end of the year. They will be making their application with the State shortly.

Alderman Leahy asked if there is a time frame on Bill No. 5398 that they would have to have this or some similar legislation in place prior to a franchise agreement being issued by the State.

City Administrator Seemayer stated that he has spoken to the Special Counsel today who stated that he is comfortable if the legislation is passed by mid October. It should be done prior to them starting service in Brentwood otherwise they would not have to follow the legislation or pay the City a fee.

Alderman Leahy asked what would trigger that dividing line.

City Administrator Seemayer responded their application and approval by the State of Missouri. If they made their application and were approved by the State prior to the City's legislation being adopted then they would be exempt from it.

Brentwood Days

Alderman Leahy complimented the Parks Department the Brentwood Days weekend, which was wonderful. He has heard nothing but good compliments from residents and from guests that participated in Brentwood Days. He had the pleasure of helping with the Knights of Columbus booth. About 20 minutes to 10:00 p.m. on Saturday when they had finished taking down their booth; $\frac{3}{4}$ of the fair grounds was already picked up and cleaned of trash. He was impressed by how efficient they were at getting all of that done. The Parks Department did a great job making this program happen for the city.

Alderman Wynn stated that at no time did he see anyone acting out. The Brentwood citizens need a pat on the back.

Alderman Marshall thanked the Public Works Department who were instrumental in the whole process of Brentwood Days.

Ward 3 Meeting

Ward 3 meeting will be held on September 25th at 7:00 p.m. Council Chambers.

Recess

Executive Session/Personnel Matter

Motion was made by Alderwoman Clements, second by Alderman Robertson to reconvene the meeting at 7:46 p.m. All in favor none opposed.

Regular Board of Aldermen Meeting Minutes
September 17, 2007

Motion was made by Alderwoman Clements, second by Alderman Robertson to enter into an executive session/personnel matter at 7:47 p.m. All in favor none opposed.

The Police Department Study was distributed to all Board members. Discussion took place. The Board will review further with labor attorney.

After discussion with no action taken, motion was made by Alderman Leahy, second by Alderman Cross to exit the executive session at 8:50 p.m. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Cross to adjourn the meeting at 8:51 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk

SYNOPSIS OF BILLS & RESOLUTIONS
9/17/07

Following is a brief summary of each Bill & Resolution that will be considered on this evening's agenda. For detailed information please refer to the specific Bill or Resolution.

BILL #5393: THIS BILL WAS PLACED ON HOLD AT THE AUGUST 20TH BOARD OF ALDERMEN MEETING. This Bill would authorize an election to be held in November to ask the voters to consider increasing the business license fee for financial institutions from the current fee of ten cents per sq. ft. or \$500, whichever is greater, to a flat fee of \$12,500 annually. A simple majority is required for approval. This will be placed on the ballot as proposition "A". The Ways & Means Committee has reviewed and approved this ballot measure.

BILL #5398: This Bill establishes new regulations for video service providers due to changes in recently enacted State legislation. The Bill also provides for Right of Way regulations for all utilities and establishes provisions for placement of utilities in the Right of Ways and on private property. This Bill was drafted by the City's Special Counsel. Section 4 of the Bill deals with zoning regulations and therefore requires approval of the Planning & Zoning Commission. Once the Planning & Zoning Commission has approved the Bill it will be considered for adoption by the Board of Aldermen.

BILL #5399: This Bill amends Chapter 19 of the Brentwood Municipal Code by allowing temporary construction signage for new residential and commercial developments. This Bill was reviewed and approved by the Planning & Zoning Commission.