

## **MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING**

City Hall  
Council Chambers

March 3, 2008  
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

City Attorney Albrecht and City Clerk/Administrator Seemayer.

**ABSENT:** Alderwoman Krewson, Director of Planning and Development/Asst. City Administrator Dailey and Executive Secretary Williams.

Mayor Kelly stated that this is the first Board of Aldermen meeting since the tragic events occurred at the Kirkwood City Hall. He asked for a moment of silence for the victims and families of the Kirkwood tragedy.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 3, 2008**

Motion was made by Alderwoman Clements, second by Alderman Leahy to amend the Agenda of the Regular Board of Aldermen meeting of March 3, 2008 by adding Bill No. 5433 for consideration.

Mayor Kelly stated that Bill No. 5433 came in after the agenda had been sent out. The settlement agreement as part of the Bill has to be approved by the Board so that it can be processed by next week.

Roll call to amend the agenda: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Agenda of the Regular Board of Aldermen meeting of March 3, 2008 as amended. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF FEBRUARY 4, 2008**

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen meeting of February 4, 2008 as submitted. All in favor none opposed.

Mayor Kelly recognized scouts from Troop 361/St. Mary Magdalen attending the meeting for Citizenship in the Community Merit Badges.

**BIDS** – None

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

Clementine Frick - 8502 Eulalie Avenue came before the Board and stated that traffic has not diminished on Eulalie Avenue and because of the development on Hanley Road, vehicles are coming through there all the time. People are also using Eulalie Avenue to get to Walgreens. Doing away with the stop sign is ridiculous. The people on Mari-Kay Court have to stop going east and if they want to make a left turn, so why would the City take away the stop sign that delays the traffic coming up the hill. She stated that if the stop sign were removed she would probably never get out of her driveway. She requested that the Board reconsider taking away that stop sign.

Sheila Madras – 8813 Powell Avenue came before the Board and stated that she lives close to the corner of Brentwood Boulevard and Manchester Road where the new red light camera is being installed. She stated that she is curious how the red light cameras passed through the planning commission because they appear to be contradicting to Section 25-256. The issue she has with the cameras is every time a picture is taken a strobe light flashes. It flashes into her house and when she walks out of her house she is hit with the light. It is very distracting, interrupting and is a health hazard because it triggers her migraines. She asked if something could be done like removal or relocation of the strobe lights away from her house.

Mayor Kelly responded that the cameras just became operational today. Unfortunately every time it flashes is when someone is in violation. They will certainly see if the lights can be adjusted.

Alderman Leahy stated that they spent an hour last night surveying the flashing of the cameras. He recommended that ATS look at the direction of the cameras. They could be picking up Manchester Road and not Brentwood Boulevard. They started a little more than two years ago with Gary Earls to try to get better lighting for the Brentwood/Manchester intersection. If that could be accomplished would it be able to eliminate the strobe requirement.

City Administrator Seemayer responded that he did not think so because they need a flash. He stated that he would contact ATS tomorrow.

Alderman Leahy stated that if they need the strobe to enforce the photos what is helping them provide the video feed for the incident, since the strobe would only be at the time that the shutter goes for the camera.

City Administrator Seemayer responded that video is darker. The strobe allows them to get a clear shot of the license plate, which is required. The video shows the car, but not the license plate number.

Charlie Ponciroli - 2411 Mari-Kay Court came before the Board and stated that the stop signs on Mari-Kay Court and Eulalie Avenue do not do any good, especially the westbound sign.

#### Public Hearing – Amendment to Chapter 25/Parking Requirements

Mayor Kelly announced a public hearing to amend Chapter 25 pertaining to parking requirements would now be heard at 7:20 p.m. The amendment has been forwarded to the Board with a positive recommendation from the Planning and Zoning Commission.

Alderman Kramer read a synopsis of Bill No. 5431 as a Bill that amends the City's parking regulations. In the fall of 2007 the City received a grant to study our current parking requirements. The results of the study are numerous and detailed within the Bill. In general, the City will have more flexibility in requiring parking spaces based upon updated information from ULI studies. In many cases a parking study by a professional engineer will be permitted to help determine the number of spaces needed. The Planning & Zoning Commission and the Board of Aldermen will retain final authority for approving any proposal with regard to parking. This Bill was reviewed and approved by the Planning & Zoning Commission. A public hearing is required prior to consideration by the Board of Aldermen.

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

Hearing none, Mayor Kelly announced the public hearing closed at 7:23 p.m.

#### Public Hearing – Amendment to Chapter 25/Stream Buffer Protection

Mayor Kelly announced a public hearing to amend Chapter 25 regarding stream buffer protection would now be heard at 7:25 p.m.

Alderman Kramer read a synopsis of Bill No. 5432 as a Bill that adopts water quality measures as required by the Stream Buffer Protection Act. The City of Brentwood is one of 60 co-permittees along with MSD within the St. Louis Metropolitan Small MSD Storm Water Permit area. Our current permit expires March 9<sup>th</sup>, 2008 and we are required to adopt an ordinance protecting the water quality and streams within Brentwood. The Bill was reviewed and approved by the Planning & Zoning Commission. A public hearing is required prior to consideration by the Board of Aldermen.

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

Hearing none, Mayor Kelly announced the public hearing closed at 7:26 p.m.

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

Alderwoman Clements requested that Bill No. 5422 remain on hold.

First and Second Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Robertson to give Bills No. 5431, 5432 and 5433 first and second readings. All in favor none opposed.

Bill No. 5433 – Settlement Agreement with Sprint

City Attorney Albrecht gave Bill No. 5433, AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH SPRINT AND THE CITY OF BRENTWOOD AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE, its first and second readings.

City Administrator Seemayer stated that Bill No. 5433 is regarding the cellular telephone settlement with Sprint/Nextel. The total dollar amount of the settlement is \$345,574.44, which includes the two years of back payments and the amounts they have paid under protest that are being held separately. This Bill also contains language where the City would contribute \$9,895.00 of that amount to the St. Louis County Municipal League.

Alderman Marshall asked for clarification, if it is a standard agreement that the Municipal League put together for all the municipalities.

City Administrator Seemayer responded that the attorneys representing the cities put together the agreement.

Alderman Kramer stated that going back to the previous bills and approvals for the settlements did they frame them with the escrow amount separate.

City Administrator Seemayer stated that they approved the entire amount. In this case the two years of back taxes is approximately \$195,000 with the remainder being that amount that was paid under protest and held separately in escrow by the City.

City Administrator Seemayer stated that he will provide for the Board the breakdown of the settlement amount for the two years of back taxes and the amount paid under and held in escrow.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5433. Roll call: Alderwoman Clements, yes; Alderman Marshall,

yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5433 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4116.

Bill No. 5431 – Parking Requirements

City Attorney Albrecht gave Bill No. 5431, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTIONS 25-2, 25-279, 25-288 and 25-289 PERTAINING TO THE CITY'S PARKING REQUIREMENTS AND RELATED DEFINITIONS; 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 he has some questions regarding Bill No. 5431. He requested time to go back and review the Bill.

Motion was made by Alderman Leahy, second by Alderman Marshall to place Bill No. 5431 on hold. All in favor none opposed.

Alderman Kramer asked if there is anything pending that Bill No. 5431 would affect.

City Administrator Seemayer stated that he checked with Director of Planning and Development Dailey and there is nothing pending.

Mayor Kelly stated that over a period of time the City has run into parking situations with different projects and the Planning and Zoning Commission and staff thought those adjustments needed to be made. He does not believe there is anything pending with respect to the parking.

Bill No. 5432 – Stream Buffer Protection

City Attorney Albrecht gave Bill No. 5432, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING ARTICLE VI, DIVISION 9 SECTIONS 25-504 THROUGH 25-513; 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.

Mayor Kelly stated that the change is to keep the City in compliance with Storm Water Phase II and MSD.

City Administrator Seemayer responded that it is a model ordinance that is used by St. Louis County and reviewed by the City Engineer and City Attorney.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5432. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5432 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4117.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the warrant list dated March 3rd. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Kramer asked if there is anything on the warrant list connected with the sprinklers for the new public works garage.

City Administrator Seemayer responded that there is an amount in connection with the garage. However, it is not along the vein of purchasing the building. The equipment that lifts the cars needed replacement parts, which would have been performed whether it was at the old garage or the new one.

### **REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

#### **Mayor's Report**

Mayor Kelly stated that he is not sure if Dierbergs has adjusted the lights on their parking lot. MoDOT has requested the same because of complaints.

Mayor Kelly stated that Borders had an accident with the breaking of a line from the sprinkler system. The water raised the floor of the building about two feet. The entire lower level floor has to be taken out and replaced before the store can be reopened. They will be closed for at least six to eight weeks.

Mayor Kelly stated that it appears that shopping center sales seem to be at their normal level. He has had some concerns expressed to him from some of the smaller businesses in the area which are the ones they said would be hurt the most by the I-64/40 shutdown. He still contends that the second year will probably have more of an affect on the city of Brentwood. A lot of the traffic is still using this area to get to I-64/40 going to the city of St. Louis. Next year when that section is cut off they will no longer be using I-170, Hanley Road and Brentwood Boulevard to get to the city of St. Louis.

Mayor Kelly announced an executive session/real estate matter would be held following the regular meeting.

Public Safety Committee

Alderwoman Clements stated that a Public Safety Committee report was submitted for the record.

Alderwoman Clements stated that the curb cut request from the Thornton family on McKnight Road was discussed in the Public Safety Committee meeting and no one seemed to have any objections to granting the curb cut.

Alderman Robertson stated that he thought they were going to get a sketch of the area.

Alderwoman Clements responded that she would ask for a drawing from the family.

Alderman Leahy asked if there is a 48-foot distance from the corner of Tilles Drive and McKnight Road and if it would apply in this case. Rough measurements indicate that they have more than enough room to be able to accomplish that.

Alderman Robertson stated that he is a contractor and whenever things are done verbally there is too much room for misunderstanding. Even with a drawing people sometimes misinterpret things. He believes they should at least have a sketch.

Mayor Kelly stated that he has spoken to representatives of Southside Roofing and they were supposed to get something to City Hall regarding the curb cut request.

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 – No report

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

Recreation Center Committee

Alderman Marshall stated that schedules for the Recreation Center meetings for public involvement would be going out shortly. He requested that residents who are chosen to participate in the surveys please participate. If the residents have any questions, they are more than welcome to attend the meetings.

Alderman Marshall stated that they have traffic data for 1997 and 2003. The police department will be putting out the traffic counter for Rosalie and Eulalie Avenues to see what kind of impact Strassner Road has had. They need to increase the speed on Strassner Road to alleviate some of the traffic going through the neighborhoods.

**UNFINISHED BUSINESS** - None

**NEW BUSINESS**

Alderman Leahy announced a Ward 3 meeting on Tuesday, March 25<sup>th</sup> at 7:00 p.m. in the Council Chambers.

Recess

Motion was made by Alderman Robertson, second by Alderwoman Clements to recess the meeting at 7:45 p.m. All in favor none opposed.

Executive Session/Real Estate Matter

Motion was made by Alderman Wynn, second by Alderman Marshall to reconvene the meeting at 7:55 p.m. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Leahy to enter into executive session on a real estate matter at 7:56 p.m. All in favor none opposed.

After discussion on acquiring a parcel in Brentwood, motion was made by Alderwoman Clements, second by Alderman Wynn to present a contract for 8318 Manchester Road at \$400,000. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderman Leahy, second by Alderman Marshall to return to open session at 8:23 p.m. All in favor none opposed.

**ADJOURNMENT**

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 8:24 p.m. All in favor none opposed.

Regular Board of Aldermen Meeting Minutes  
March 3, 2008

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk