

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

City Hall  
Council Chambers

November 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, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn, Alderman Harper.

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

**ABSENT:** None.

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

Motion was made by Alderman Kramer, second by Alderman Robertson to place Bill No. 5468 on hold and send back to the Public Works Committee for review. All in favor none opposed.

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

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 20, 2008**

Correction:

Page 7, fifth paragraph, should read, "Alderman Kramer asked what channel is Brentwood's channel on Uverse".

Motion was made by Alderman Kramer, second by Alderman Wynn to amend the Minutes of the Regular Board of Aldermen meeting of October 20, 2008. All in favor none opposed.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve and adopt the Minutes of the Regular Board of Aldermen meeting of October 20, 2008 as amended. All in favor none opposed.

**PROCLAMATION**

Alderman Wynn stated that it was an honor for him to read the proclamation for Veterans' Day because of what all the men and women have done and are doing to this day for our country. The proclamation is attached to the minutes.

Motion was made by Alderman Leahy, second by Alderwoman Clements to accept the proclamation by acclamation. There were no objections.

Mayor Kelly announced that there would be a Veterans' Day celebration on Tuesday, November 11<sup>th</sup> at 6:00 p.m. in the Council Chambers of Brentwood City Hall. He invited everyone to come out and support the veterans.

**BIDS** – None

**HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT** – None

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

Motion was made by Alderman Marshall, second by Alderwoman Clements to give Bills No. 5466 and 5467 first and second readings. All in favor none opposed.

Bill No. 5466 – Agreement with Network1

City Attorney Albrecht gave Bill No. 5466, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NETWORK1 COMMUNICATIONS LLC; FOR THE IMPLEMENTATION OF A WIRELESS NETWORK IN THE CITY OF BRENTWOOD; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second reading.

Alderman Marshall stated that the Communication Committee and the City's counsel reviewed the agreement. The City will receive Internet access free of charge.

City Administrator Seemayer stated that if the City utilizes it fully it could be a savings of up to \$2,000 a month.

Alderman Kramer read a synopsis of Bill No. 5466 as a Bill that would allow Network1 Communications Company to operate a non-exclusive wireless Internet service in Brentwood. The fee-based service would be available to all residents and businesses in Brentwood and would work at other locations within the metropolitan area where Network1 operates. The City would receive service at no charge to all municipal buildings and in public safety vehicles. This agreement was reviewed by the City's Special Counsel, City Attorney and the Communications Committee and is recommended for approval.

Alderman Leahy stated that it is his understanding that Network1 has this agreement in place with other municipalities. He asked Mr. O'Neal to describe the history of Network1.

Mark O'Neal/VP Business Development – Network1 came before the Board and stated that they are a local company headquartered in Fenton, Missouri. They have been in business for close to two years offering broadband, wireless, and Internet services for municipalities in the St. Louis County and St. Charles County areas. Currently, they have about 318 square miles under contract, which includes about 22 municipalities. At this time they have stopped negotiations with additional municipalities, except for Brentwood, just because of the enormous amount of network rollout they are in the process of doing and they plan to catch up with that. They currently have about 55 or 60 square miles that are operational with residential and business customers. Some of their largest customers are the cities themselves and they are able to use the backbone of their network at no charge. The City of O'Fallon, Missouri is saving about \$100,000 a year in communications with all their city and police vehicles and interoffice communications amongst seven to eight buildings.

Alderman Leahy stated that his biggest concern with going wireless is how do they secure the network for proper use of the system within the police department versus making it vulnerable to somebody hacking into their files.

Mr. O'Neal responded that he is not an IT expert. He is in the business development side of it and they have radio frequency engineers that design the network. The Cities of O'Fallon police and Clayton are using it right now for a 90-day demo. They have wireless video surveillance systems up. They do have 128-bit encryption for security that changes multiple times every second, so as far as somebody hacking into the system for Brentwood Police and carving out an SSID off of their network, he doesn't want to say it is impossible but it would be very difficult.

Alderman Leahy stated that if the City is looking to move towards this direction he would like to make sure that they are staying within a secure network and that they aren't getting into something that's vulnerable. The contract does not address that issue.

Alderman Marshall stated that the issue came up in the Communication Committee meeting. The police department has to follow Regis' guidelines. They cannot use this equipment unless they meet those guidelines, so the possibility of hacking in would be the same as it is now because they would have to meet those standards.

Alderman Leahy asked if Network1 complies with Regis' criteria for security.

Mr. O'Neal responded yes.

Alderman Kramer asked what is the approximate fee schedule the residents could expect to pay and what type of service would they receive.

Mr. O'Neal responded that the entry-level packages are about 1 to 1.5 meg, which starts in the mid \$20 range. They have business class services up to 38 meg point to point, which could range from \$500.00 to \$5,000 a month. There is no dialup service. The smallest amount would be \$25 to \$29 a month and there are monthly or quarterly promotions from the marketing department.

Alderman Kramer stated that if a resident wanted to take advantage they would open their laptop or turn on their system and Network1 would be one of the networks that would pop up. If they choose to use Network1, they would have the opportunity to purchase the service and get a password.

Mr. O'Neal stated that they would create a password and login and then anywhere within the network footprint whether it is in Brentwood, Kirkwood, Clayton, Florissant, O'Fallon or Dardene Prairie, they would be able to use their Internet account that they have at home with Charter or AT&T, etc. and take it anywhere on their PDA or laptop. It adds a lot of mobility and flexibility to the service.

Alderman Kramer asked if that would require the use to have any different type of card or network device, etc.

Mr. O'Neal stated that if the user has their laptop, which is equipped with wireless modems, PDS' are equipped with wireless devices as well, and they were mobile they would be able to pick it up wherever. In some cases they have to install CPE or customer premise equipment inside the house or business, which is a booster that will boost their signal in the house or business.

Alderman Marshall stated that the box that will be mounted on the top of the telephone poles are about half of a lunch box and they are painted to match the pole, so you don't see the equipment outside.

Alderman Leahy stated that upon approval of this action how long will it take Network1 to be up and running in the city.

Mr. O'Neal stated that they have a deployment schedule that they are working from right now. They are in the process of building out Kirkwood and have started the RF analysis in Kirkwood and have about 95% completed. Clayton's demo will be completed at the end of November and then they have several other communities right around Brentwood that are going to be installed and they plan to do Brentwood at the same time. They have to do their analysis first which could take anywhere from four to six weeks. After that they put you on the build out schedule and the contractors mounts the equipment on Ameren's utility poles. It takes about 20 access points per square mile. Currently, they are between 10 and 15 access points a day. It could take three to six months to do it, depending on where you fit in the roll out schedule.

Alderman Leahy asked if another company wishes to compete and do the same type of service would they need to put their own boxes up also.

Mr. O'Neal responded yes. Network1 has agreements with Ameren UE, Kirkwood, and Quiver River in St. Charles County.

Alderman Kramer stated that there is a 5% commission disclosed for subscriber and advertising revenues. Is there any tax that would go along with this in comparison to Charter services for example that the City would get or would that be charged to the resident?

City Administrator Seemayer stated that the City would get the 5%.

Mr. O'Neal stated that it is a wireless service and there is no tax at this point.

City Administrator Seemayer stated that the 5% fee would be on every customer's bill, just like it is with Charter's franchise fee.

Mr. O'Neal stated that it would state on their bill that it is a Brentwood City tax of 5% and it would be collected from them quarterly. They offered it to everybody and 75% of the municipalities chose not to add the 5% tax.

Alderman Leahy, directing his question to City Attorney Albrecht, stated that if he is not mistaken, the Board of Aldermen cannot bind future Boards for more than a period of three years. This is a 20-year contractual agreement. Do they have any issue with that going into effect?

City Attorney Albrecht stated that he did not look at that portion of the agreement. The agreement was put together by special counsel.

Mayor Kelly stated that franchise agreements are a little bit different. They have a 20-year Ameren agreement and he is sure in the state law there is a stipulation for that. Typically it is one year for a contract, although the City enters into longer contracts for certain services. The agreement was reviewed by Ken Heinz of Curtis Heinz Garrett & O'Keefe PC.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5466. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5466 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4151.

Bill No. 5467 – Vacate ROW 8675 Rosalie

City Attorney Albrecht gave Bill No. 5467, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS ALLOWING THE CITY OF BRENTWOOD TO VACATE A SPECIFIC PORTION OF CENTRAL AVENUE RIGHT OF WAY WHICH ADJOINS THE WESTERN BOUNDARY OF PROPERTY NUMBERED 8675 ROSALIE AVENUE; AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5467 as a Bill that would authorize the Mayor to vacate the 25' ROW adjacent to 8675 Rosalie Avenue. This ROW abuts Swim Club Rd. This Bill was defeated at the October 6<sup>th</sup>, 2008 Board of Aldermen meeting by a vote of 4 -3 and a request was made to bring it back for reconsideration.

Alderman Marshall asked why does the third whereas need to be in Bill No. 5467, which references the previous ordinance for the White Avenue property.

City Attorney Albrecht responded that it does not need to be in there but it can be in there.

Mayor Kelly stated that it is a continuation of vacating the same easement, so it makes sense.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt Bill No. 5467. Roll call: Alderwoman Clements, yes; Alderman Marshall, no; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, no; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5467 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4152.

#### Resolution No. 951 – Consumption of Beer and Wine

City Administrator Seemayer stated that Resolution No. 951 is to allow beer and wine to be served at the Veterans' Day observance on Tuesday, November 11<sup>th</sup> and at the City's Holiday Open House on Monday, December 8<sup>th</sup>, 2008.

Motion was made by Alderwoman Clements, second by Alderman Leahy to adopt Resolution No. 951. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, yes.

#### ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 11/3/08.

Alderman Kramer asked about the expenditure for the trees.

City Administrator Seemayer stated that Street Superintendent Nahmensen usually removes trees in the spring, summer and winter in residential areas and they try to plant them in the fall in various locations throughout the city.

Alderman Kramer stated that he had residents inquire about the evergreens across from Applegate's that are turning brown and dying. He asked if that would be taken care of by the TDD.

City Administrator Seemayer responded yes, if they have to be replaced. They have tried to treat the trees and are waiting on the results. It would be in the cost of the TDD, not in the City's.

Alderman Kramer asked about the cost for the prisoner's exam and if it is what they would normally expect to pay.

City Administrator Seemayer responded that it depends on the complexity of the alleged ailment. Once they claim an illness or injury the City has to take them in for treatment.

Alderman Kramer asked if there was anything on the warrant list pertaining to the public works facility.

City Administrator Seemayer responded nothing to the facility itself.

Alderman Marshall asked if the City could try to recoup the cost for the medical treatment.

City Administrator Seemayer responded that they do. There is occasion where there is health insurance or other means but often times it is difficult.

Alderwoman Clements asked about the charge for Ideacom Midwest.

City Administrator Seemayer responded that it is the maintenance contract cost for the telephone system.

Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

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

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

Mayor Kelly stated that Asst. City Administrator Dailey has been working on getting the applications together for a number of the property owners who were affected by the flood and want to be bought out through SEMA. In conversations with MSD, and going back

to the history of the previous buyout in Hanley Industrial Court, which was the old children's aquarium building, the City was the applicant and MSD was the registered agent. MSD was supposed to pay the 25% matching funds on that project. MSD kept delaying it and the City wanted to move the project forward, so they paid the matching funds in order to close on that property. In talking with MSD about that process, they had forgotten about that and agreed to reimburse the City the 25%, which amounts to \$72,000. The City should be receiving the \$72,000 at the first of the year.

Mayor Kelly stated that the City had the Strassner Road project pre-construction meeting today. The contracts have been signed. They probably will not start on any major work until after the first of the year. There will be landscaping and putting street trees on the Applegate's side of the roadway. It will be a nice improvement for that area as you move down Brentwood Boulevard.

Mayor Kelly stated that they plan to start the search for the new police chief. One of the things that were recommended was that they use the Missouri Police Chiefs Association to help with that process. The City has been in contact with MPCA and they would be more than willing to help with that process which will cost about \$7,000. One of the biggest things is it will include all of the advertising which will be multi-state advertising in order to make sure that the City gets the best candidates. An employment ad in the St. Louis Post Dispatch can cost over \$2,000. They will come in, assess the department, and take into consideration their future plans and needs in order to understand what is required for the leadership and management of the department. They will look for technical qualifications that best suites the City's position. They will include all advertising and media marketing costs, marketing campaign design and implementation. They will also work on professional application and staffing, law enforcement candidate screening, processing and written exams for all of the applicants. They will bring the applicants in, put them in a situation and ask them how they would handle that situation and the panel will interview and make recommendations to the Board. There will probably be about six weeks of advertising through December and the first part of January, so they could start interviewing by mid January and make the recommendation to the City of Brentwood. He believes this would be a good approach for them to move forward in that search process.

Alderman Marshall stated that he is very happy about the process. He does not think any of them have the ability to interview the position of the police chief. Hiring a board takes that away from them. They would ask the appropriate questions and know the appropriate answers. They would know that what they are looking at is not just a beefed up resume. It is good that they would have a third party.

Mayor Kelly stated that the \$7,000 would include the traveling costs and expenses for the panel.

Alderman Harper asked if it would be beyond the scope of the human resource director that the City hired.

Mayor Kelly stated that to a certain extent it is. She will help through that process. One of the things Ms. McGrail did was to create a job description for the police chief. She has also developed the actual advertisement for the position. This is getting into the technical aspects of the position and the job requirements. The people that will be doing the interviews are the professionals in the field and know a lot more about the position than they do or the human resource director.

Alderman Harper asked if this action would set precedence when other department heads retire, to have outside boards come in and do interviews.

Mayor Kelly stated that he does not know if it does but it is always an option if they want to do that. This was brought to his attention because Shrewsbury just went through the process and he believes Creve Coeur did as well and used the same Association.

Alderman Marshall stated that one of the concerns he has about hiring anybody is he doesn't think they can any longer trust what their previous employer says because you have to be very careful with their recommendation of that employee's work. They cannot go into details of if they were dismissed for legal reasons. He does not think they get a true picture of the employee and they have seen that in the past at the City level.

Mayor Kelly stated that one of the things that make it exciting is because of their broader spectrum and their ability to advertise multi-state and surrounding areas. If the City did that they would probably spend more than the \$7,000 just in the advertising. This way they will get a number of qualified applicants to interview.

Alderman Leahy asked, with the permission of the Mayor and Chairman of Public Safety, if it would be permissible to allow him to shadow through the process of the interviewing and screening efforts. He would like to be in the room as they are working with the different applicants to see what is going on and learn from it.

Mayor Kelly stated that they are trying to take the political aspect out of this process.

Alderman Leahy stated that he would like to do it more for education versus being a participant in the room.

Mayor Kelly stated that from an interview standpoint people are coming in interviewing for the job that have other jobs and he doesn't know that they want spectators during the interviewing process. Mayor Kelly stated that he will pass the information onto Alderman Leahy but he believes that would be a very difficult thing to do.

Alderman Kramer asked if the Board will be receiving the recommended applicants' information and then would it be up to them to conduct the interviews or will the interviews be conducted before they receive that information.

Mayor Kelly stated that the Association would conduct the interviews. They will do the advertising, screening, background checks, etc., and then the Association will make recommendations to the Board of Aldermen.

Director of Human Resources McGrail came before the Board and stated that it is an all-inclusive package. They will conduct the intake of every applicant that responds to the job posting. They will do an initial screening against the City's job description to make sure they are narrowing it down to those that meet the essential criteria. From there, they will delve further, question the applicants and narrow it down to a group of five to seven candidates that will proceed to the written exam and panel interview portion. They will provide the City with a report on each candidate's performance within each individual category like the testing, the in-basket exercise and the overall ranking of the candidates.

Alderman Kramer stated that he would like to echo Alderman Harper's sentiments or perhaps his question in general. Is this something that the human resource director would not normally want to entertain in house and why.

Director of Human Resources McGrail responded that the unique characteristics of the position for the police chief has many in-depth technical requirements beyond just their state imposed certification. Their leadership skills, technical requirements, the management policies and procedures, and their familiarity with them, are best assessed by other law enforcement personnel. It would not set precedence for future hiring standards for other department heads because it is the unique nature of law enforcement with the stressful type of situations they encounter. The in-basket exercise is part of the interviewing process where they put them in hostile or negotiation situation, or media interview to see how they would react.

Alderman Kramer asked if the Association would come to the City with the recommendations and shadow the Board as they interview them.

Director of Human Resources McGrail stated that the interview panel would consist of police chiefs and professionals from throughout the state that are members of the Association. They will hand over their overall recommendation and ranking of the candidates. They can conduct a follow up with whom they choose to be hired, but they would not go through and re-interview or assess each candidate after the Association has already submitted their recommendation.

Alderman Kramer asked once they receive the recommendation which department would it go to.

Mayor Kelly responded the Public Safety Committee.

Alderman Kramer stated and then they would make a recommendation to the Board.

Mayor Kelly responded that ultimately it is at the recommendation of the mayor. He has to make the recommendation to the Board. The initial report will go to the Public Safety Committee.

Director of Human Resources McGrail stated that it is not uncommon for cities to utilize the Missouri Police Chiefs Association or the International Association of Chiefs of Police even in having an HR director in place for this particular position's hiring process.

Alderman Harper stated that he is assuming it is on some sort of a point system where they rank the candidates. Do they give any preference to in-house police officers?

Director of Human Resources McGrail stated that with in-house applicants, all considerations would be taken just the same for any other applicant. In addition, their criteria would be their previous performance evaluations and history.

Alderman Leahy stated that based on the way he hears this process moving forward it is very possible that the Board of Aldermen will be asked to approve an appointment on someone that they may or may not know. It will just be a name to them or a letter from the Association.

Mayor Kelly responded that the Board would see the qualifications and why they picked that person.

Alderman Leahy stated that he would feel more comfortable knowing and hopefully meeting the potential candidates to decide who he would like to be the police chief of Brentwood.

Mayor Kelly stated that he understands what Alderman Leahy is saying but it has been the direction of the Board in the past to make sure that they have the most qualified person. In this instance because of the technical aspect of the job they will leave it up to the professionals in the field to make that recommendation. They do not have to accept that recommendation. At that point they could decide that they want to talk to the top two candidates and have them come in and talk with the Public Safety Committee or meet with the Mayor. His feeling is that they want to try to keep as much of the political aspect out of it, so if they as elected officials start doing interviewing and those kinds of things, then it becomes more of a political issue or who they interview and think they are the best interviewer as opposed to who is really qualified for the job. This is the best direction to go in order to make sure that they get a number of good qualified applicants including some within their own department and also that the recommendation is made by professionals in the field. He does not know the right questions to ask or have the technical aspect to determine what the true qualifications are for the police chief.

Alderwoman Clements stated that she feels this process will bring the cream to the top.

Motion was made by Alderman Marshall, second by Alderwoman Clements to move forward with the Missouri Police Chiefs Association for the interviewing process for the

hiring of the new police chief. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

Mayor Kelly stated that they are looking at a potential start date of May 1<sup>st</sup>, 2009.

Alderman Kramer stated that just to let the residents know, Asst. Chief Disbennett is manning the post.

#### Committee Appointments

Mayor Kelly asked for the reappointment of the Brentwood 353 Corporation members with no changes.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the reappointment of the Brentwood 353 Corporation members. All in favor none opposed.

#### Public Safety Committee

Alderwoman Clements stated that in her absence Alderwoman Krewson has been taking care of public safety matters. She referred to her to see if she had anything to report.

Alderwoman Clements stated that Pure Entertainment has been postponed because the study has not been completed on the parking situation.

Mayor Kelly stated that they had indicated at the last meeting that they had the information that was needed in order for staff to move forward and yet they did not have that information. Staff is still waiting for that and once they receive it they will evaluate it.

Alderman Kramer stated that they did not receive a recommendation pro or con about that potential application but he understands the matter was discussed at one of the meetings but he was not sure which one. Do they have the minutes or the information from that meeting?

Alderwoman Clements stated that it was discussed at the Public Safety Committee meeting and she will get her notes together from that meeting. There was no vote taken.

Alderman Kramer stated that he is looking for any background information that would have been brought up at the meeting that would be helpful in making a decision.

Alderwoman Clements stated that she does not think there was anything in their discussions that would help Alderman Kramer make a decision. Pure Entertainment made somewhat of a presentation to the Public Safety Committee but it was not as detailed as the one that the Board got at the meeting.

Request for a curb cut on McKnight

Alderwoman Clements introduced Chris Thornton a resident requesting a curb cut from Tilles Drive onto McKnight Road.

Chris Thornton – 9421 Tilles Drive came before the Board and thanked everyone for allowing him to present his case. He stated that they would like to take an oddly designed driveway and turnaround space and put it through to McKnight Road. The reason the driveway is oddly designed is that the ARB, in granting the permit for the house to be built, requested that the design of the house be turned 180 degrees. The driveway is on the west side facing McKnight. The original design for the house called for the driveway to be on the south side of the house facing Tilles. The results of that decision which was carried out in a meeting on April 6<sup>th</sup> was the driveway was placed as close as possible to the stop sign on the corner of McKnight and Tilles Drive. Pulling out of the driveway is an interesting maneuver. When cars are going northbound on McKnight Road and are making a right turn onto Tilles Drive they are blinded to anybody pulling out of the driveway and the driver in that driveway is pulling out very close to the intersection where cars are coming around the corner. It also makes the driveway nearly impossible to use in terms of getting in and out of the garage. They are proposing to put the driveway through to McKnight Road. It will make it safer and easier to use that part of the property. Right now they are doing this convoluted maneuver to back out on Tilles Drive and they are doing it right in front of a stop sign where cars are stopped or are turning from McKnight Road. They would like to make it so they could head out either onto McKnight Road or Tilles Drive. The idea would be no matter where you are you could always pull head in to traffic as opposed to backing into traffic in the proximity of that stop sign.

He pointed out that if they were permitted to do it, it would be no different than if you were sitting at the stop sign at McKnight and Tilles and you were pulling head into traffic onto McKnight. It is the same as if you are sitting at the driveway, which is only 24 feet to the north, and you are pulling out onto McKnight. He knows that the public policy against curb cuts is generally a public nuisance because you get the backing traffic across sidewalks and into traffic. In this particular case, it is allowing them to always be pulling head in no matter which way they are entering or exiting the house.

The requested curb cut is about 15 feet south of the curb cut of the house that was torn down at 2336 McKnight. There was a curb cut just a few feet up the street on McKnight Road when the old house was torn down. They are not asking for anything that's so different from what was there, except that it will be used for head out traffic as opposed to back in traffic onto McKnight.

Mayor Kelly asked if Mr. Thornton owned the house when it went to the ARB.

Mr. Thornton responded no, it was owned by the developer.

Alderman Kramer asked if St. Louis County has any purview over that.

Mayor Kelly stated that it is Brentwood's roadway.

Alderman Kramer asked if there is any information or feedback from the building commissioner or director of planning and development.

Director of Planning and Development Dailey stated that Mr. Thornton emailed the site plan of the requested curb cut and she reviewed it. Since the City currently does not have curb cut standards for residential districts it was reviewed in relation to St. Louis County's standards for curb cuts on a corner. It would meet their basic criteria for a curb cut location giving its proximity to Tilles Drive. It meets general engineering design standards as required by St. Louis County. However, they are currently working with Crawford, Bunte, Brammeier to finalize some best practices for curb cut requirements so they can better process the curb cuts. These best practices are consistent with the City's current practice of not allowing new curb cuts on certain roadways, particularly minor arterials which is what McKnight Road is classified as in the Comprehensive Plan. She recommended at the Public Safety Committee meeting that the curb cut request not be approved and Crawford, Bunte, Brammeier reviewed it and had the same recommendation.

Mayor Kelly asked if it was because of entering and exiting onto that arterial.

Alderman Leahy asked if they had a request for another curb cut on McKnight Road at the north end.

Director of Planning and Development Dailey stated that a property at #1 Whitehall Court was subdivided last year. They never moved forward with that development. At that time when they talked to the applicant they indicated that they would require both curb cuts to be on Whitehall Court.

Mr. Thornton stated that it is quite close from where the stop sign is to where the driveway is located. If you are coming around that corner with a little bit of speed you will hit them hard.

Mayor Kelly stated that it is important to note that it meets the County's standards.

Mr. Thornton stated that if flow is the concern then it is no different than being stopped at the corner of Tilles and McKnight and making a right turn out of his driveway onto McKnight. If he was foolish enough to try to make a left turn out of his driveway onto McKnight then there might be an issue, but that is not how the driveway will be used. There will be no reason to make a left turn out of McKnight when you could simply go to Tilles and go in the other direction.

Alderman Harper asked about the previous house and the curb cut.

Mr. Thornton stated that the previous house had a curb cut on McKnight Road that was fifteen feet north of where he is proposing to put in the curb cut.

Alderman Harper asked if there is any history on why the ARB asked that the house be turned 180 degrees.

Mr. Thornton stated that the garage was in front of the front door and the front facing garage. The garage being in front of the front door was not deemed desirable, so they asked if they could reverse the house and put the garage on the other side. The builder, being eager to get the permit, said they could, and they did. They then said that the issue is the driveway being so close to the stop sign and the recommendation was that the driveway be put as close as permissible to the stop sign and that is the way it was done.

Alderman Leahy asked what is the location of this driveway in relationship to the Tilles Park entrance across the street.

Mr. Thornton said that the Tilles Park entrance is directly across from Tilles Drive, so it would be approximately 24 feet north of the entrance to Tilles Drive.

Alderman Kramer asked if there was anything in Crawford, Bunte, Brammeier or St. Louis County's feedback that had anything to do with the proximity to the proposed driveway and the intersection of Litzsinger and McKnight.

Director of Planning and Development Dailey responded no. For clarification St. Louis County did not actually review it. Staff reviewed it per St. Louis County standards.

Alderwoman Clements stated that in exiting onto McKnight, you have no site obstacles at all. The resident would have an open view of both northbound and southbound McKnight. Also there is a traffic light at Litzsinger and McKnight, which helps to stop the northbound traffic and gives you the opportunity to get out.

Mr. Thornton stated that the site line is better with regards to northbound traffic on McKnight as it is at the Tilles intersection.

Mayor Kelly stated that in order to receive a curb cut it takes the approval of the Board of Aldermen.

Alderwoman Clements stated that the Public Safety Committee talked about the curb cut and the Committee did not unanimously vote for the curb cut. She believes they were split 2 and 2.

Motion was made by Alderwoman Clements, second by Alderman Harper to approve the curb cut for 9421 Tilles Drive as submitted in the site plan.

Alderman Marshall stated that he usually listens to what staff recommends but this is a situation where they caused part of the problem. As he sees it on the drawing, it is a safety hazard. Ordinarily he would not support something like this but tonight he will.

Mayor Kelly stated that they had a reverse situation for a resident farther north that was doing the opposite thing. Staff did not want to allow them to put the curb cut on the side street because it was too close to the corner, but ultimately they did. He thinks the Board overruled staff on that recommendation.

Alderman Marshall requested that the curb cut issue be forwarded to the ARB so that they could use it in looking at other plans down the line, so it does not happen again.

Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Public Works Committee

Alderman Robertson stated that he has requested that the Public Works Committee meeting be cancelled that was scheduled for tomorrow because of lack of quorum.

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 of Brentwood

City Administrator Seemayer stated that the Optimist Club of Brentwood is requesting a Special Use Permit to sell Christmas trees on the Optimist lot on Manchester Road next to Gene-Del Printing. The lot will be opened from November 29<sup>th</sup> through December 24<sup>th</sup>.

Motion was made by Alderman Marshall, second by Alderman Wynn to approve the Special Use Permit for the Brentwood Optimist. All in favor none opposed.

Excise Commissioner – No report

Library – No report

Municipal League

Mayor Kelly announced that the Municipal League would be having its legislative breakfast on November 22<sup>nd</sup> if anyone would like to attend.

Communication

Alderman Marshall stated that they are currently looking at different policies for Internet and email usage by City employees.

Historical Society - No report

Recreation Center Committee

Alderman Marshall stated that they had a meeting last week. One of the things that have become glaringly apparent to him is the lack of information some of the residents attending the meeting have. He has repeated the website address that they can go to and get the information including going up to City Hall. He has been talking to the head of the Parks and Recreation Department Frankowski and they are putting together something to put in the Pulse on a monthly basis to let the residents know how they are progressing with it. He is open for suggestions on getting the information out to the residents.

**UNFINISHED BUSINESS**

Mayor Kelly stated that Microcenter attended the site plan review meeting last week. One of the things that's very exciting about their application is that as part of their site plan they are going to be taking down the Promenade signs and putting up a new pylon sign which will be of a much better architectural look than the existing signs. The other sign on the western side will be about 25 feet tall but it will be a monument sign instead of another pylon sign. The new sign will be about 25 feet higher than the existing sign. They got permission to drive on the new flyover ramps for Highway 40 and were able to download the visibility of the existing sign and the future sign and how that will be able to be seen from Highway 40 as people go by. The existing signs would not be seen at all going by that area on the flyover ramp. They are hoping to start construction in December. They would like to be opened the first quarter of next year. There is a remainder of 12,000 square feet left in that building. They have another tenant that will take the 12,000 square feet, which will fully lease out the Promenade.

Mayor Kelly stated that he believes Circuit City is looking at closing 155 stores across the country. You will know tomorrow morning if one of them is the Brentwood store. It will have a closed sign on it and then they will open up the next day with a closeout sale. It is hard to determine whether the Brentwood store will close. He is hoping it is not because it is one of their better stores in the market but that does not necessarily mean it is the store they want to keep open because of the high rent. There are some options for that building if it does close.

Alderman Robertson asked if the square footage of the store is approximately 25,000 square feet.

Mayor Kelly states that he believes it is less than 30,000 square feet. Whole Foods has wanted to expand since about six months after moving into that location. They looked at plans for expanding into the Arhaus Furniture space when it was vacant but there is a five-foot grade change, which does not work very well with grocery carts. There is about a two-foot grade going to the Circuit City side, which he is sure, given the elevation to the building, they would be able to raise that floor and make it work. Worse case scenario, they would see a much larger Whole Foods store.

Mayor Kelly stated that Target is on schedule for their remodeling. They plan to start the first week in January. Petmart's manager stated that they are still waiting to see the affects of the Highway 40 project. Their sales are actually up and he does not think they want to interrupt their business right now with construction.

Alderman Marshall stated that he was happy to find out from staff today that the City is going to replace the trees between the Urban and Spanish neighborhood by the YMCA to cut down on the noise.

### **NEW BUSINESS**

Alderman Leahy stated that in the month of November the Greater St. Louis Area Boy Scouts do a Scouting for Food Program. Bags will be distributed throughout the city of Brentwood on November 15<sup>th</sup> and the boys will come back and pick them up on November 22<sup>nd</sup>. The Scouting for Food Program started in the St. Louis area and became a nationwide project. This is their 36<sup>th</sup> year of doing the program. Because of the status of the economy and the need, it is unfortunately a great task to try to meet the needs of the public. The beauty is that all the food collected in the program in the Greater St. Louis area stays in the area's food pantries to service the needs in St. Louis. He asked that everyone be very generous.

The Ward 3 meeting will be held on Tuesday, November 25<sup>th</sup> at 7:00 p.m. in the Council Chambers. All are invited.

Alderman Marshall requested that the Public Safety Committee review the dog ordinances. There is a situation with a pit bull chasing down residents. He does not think the Code directly looks at what they can do for chronic problems. They could keep fining people but he would like to look for some kind of resolution for those residents. He is not looking to get rid of pit bulls or any other dog. He just thinks that for residents who are not paying attention to their animals and who let them run around chasing people; they need something to help protect the other residents.

Alderman Kramer stated that the City has an ordinance that precludes potential violators from stealing trash from various front yards. However, he does not believe there is anything in the Code that precludes people from stealing political or yard signs. Many

yard signs have been taken from homes. He does not know if there are model ordinances in other municipalities that have anything to do with that topic.

Mayor Kelly stated that it would fall under theft. He has not heard any of those complaints. During every political campaign you have a certain amount of problems with kids playing around with signs. If it were a chronic problem he would recommend that the resident report it to the police department, so they could patrol those areas and keep track of it so that it does not escalate.

**ADJOURNMENT**

Motion was made by Alderman Leahy, second by Alderwoman Clements to adjourn the meeting at 8:27 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk