

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

December 1, 2008
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

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

ABSENT: Alderman Wynn and Alderman Marshall.

Mayor Kelly stated for the record that Alderman Marshall was tied up at work and could not leave and Alderman Wynn is ill.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF DECEMBER 1, 2008

Motion was made by Alderman Leahy, second by Alderman Kramer to amend and approve the Agenda of the Regular Board of Aldermen meeting of December 1, 2008 by placing Resolution No. 953 on hold and sending it back to the Ways and Means Committee for further review. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 17, 2008

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Minutes of the Regular Board of Aldermen meeting of November 17, 2008 as submitted. All in favor none opposed.

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 Kramer, second by Alderman Robertson to remove Bill No. 5468 from hold. All in favor none opposed.

First and Second Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5468, 5471 and 5472 first and second readings. All in favor none opposed.

City Attorney Albrecht gave Amended Bill No. 5468, AN ORDINANCE AMENDING CHAPTER 20 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AND ENACTING IN LIEU THEREOF NEW SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AS IT RELATES TO SOLID WASTES CONTAINERS, COLLECTION PRACTICES AND 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 Kramer read a synopsis of Bill No. 5468 as a Bill that would update Chapter 20 of the Brentwood Municipal Code (Solid Waste) by adding recycling to the definitions and regulations. This matter was reviewed and approved by the Public Works Committee. This Bill was defeated at the October 6th, 2008 Board of Aldermen meeting by a vote of 4 – 3 and a request was made to bring it back for reconsideration. THIS BILL WAS PLACED ON HOLD AT THE NOVEMBER 3RD, 2008 BOARD OF ALDERMEN MEETING.

Alderman Leahy asked City Attorney Albrecht for clarification on Section 20-1 of Bill No. 5468. The paragraph prohibits any person from parking a garbage truck in the city of Brentwood on private or public property. He asked if that would make the City's ownership of its own trash trucks and parking them in the city a violation of its own ordinance. Alderman Leahy asked if the words, "City owned vehicles would be exempt from the requirement" should be inserted in the paragraph.

City Attorney Albrecht responded that City vehicles would be exempt but it certainly would not hurt to specifically the exemption of City owned vehicles in Section 20-1.

Alderman Leahy stated that he would like to add that sentence at the very end of Section 20-1 that City owned vehicles would be exempt from the requirement in Sec. 20-1.

Motion was made by Alderman Leahy, second by Alderman Kramer to amend Bill No. 5468 as amended by inserting the words "City owned vehicles would be exempt" from Sec. 20-1. All in favor none opposed.

Mayor Kelly stated that in a conference of the Municipal League it was mentioned that if a bill is amended after the first reading there should be two more readings. Mayor Kelly requested that Bill No. 5468 be given two more readings.

City Attorney Albrecht gave Bill No. 5468, AN ORDINANCE AMENDING CHAPTER 20 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AND ENACTING IN LIEU THEREOF NEW SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AS IT RELATES TO SOLID WASTES CONTAINERS, COLLECTION PRACTICES AND 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 second and third readings.

Motion was made by Alderman Kramer, second by Alderwoman Clements to approve and adopt Bill No. 5468 as amended. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5468 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4155.

Bill No. 5471 – Site Development Plan

City Attorney Albrecht gave Bill No. 5471, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR A 2,400 SQ. FT. TRAINING AND STORAGE FACILITY ADDITION AT PROPERTY NUMBERED 350 HANLEY INDUSTRIAL COURT WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5471 as a Bill that would approve by the Planning & Zoning Commission approves an addition of 2,400 sq. ft. for Carboline, located at 350 Hanley Industrial Court. The addition will be used as a storage and training facility.

Alderman Leahy asked if the 2,400 sq. ft. addition on the roof would change the parking requirement.

Mayor Kelly responded no. The addition is all storage.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt Bill No. 5471. Roll call: Alderwoman Clements, yes; Alderman

Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5471 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4156.

Bill No. 5472 – Plat for Subdivision

City Attorney Albrecht gave Bill No. 5472, AN ORDINANCE APPROVING A PLAT FOR SUBDIVISION OF A PARCEL LOCATED AT 8720, 8730 and 8740 MANCHESTER ROAD INTO TWO (2) LOTS AND ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5472 as a Bill that would approve a new plat for 8720, 8730 & 8740 Manchester Road. This is the site of the Ace Hardware & Office Depot. The new plat will create two lots, with one of the new lots being utilized by Arby's Restaurant. This Bill was reviewed and approved by the Planning & Zoning Commission.

Mark Doering – President of Doering Engineering came before the Board and stated that he has spoken with representative of Arby's restaurant and they don't see Arby's going up this fiscal year. They are thinking it will be 12 to 18 months before construction starts.

Alderman Kramer asked if the timeframe is economy related or site related.

Mr. Doering responded that it was not on their plans to move forward yet.

Alderman Leahy asked if there is a requirement for a safety rail because the wall is more than 30 inches high.

Mr. Doering responded that the minimum requirement under the building code is if the wall is greater than four feet tall and if there were a walking surface within two feet on the high side of the wall within the wall then you would have to put a safety rail there. Most likely the parking will go right up to that wall and at that point a safety rail would be required. If they have parking within ten feet of the wall on green space and it is not considered a walking path, then a safety rail would not be required.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt Bill No. 5472. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5472 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4157.

ACCOUNTS AGAINST THE CITY

Alderman Kramer asked about the expenditure for SWT Design.

City Administrator Seemayer stated that the expenditure for SWT Design does not belong on the warrant list. It is to be paid through the Strassner Road TDD.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the warrant list dated 12/1/08 with the removal of the SWT Design expenditure. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly reminded everyone about the Chamber holiday party at the Recreation Center on Thursday, December 4th from 5:00 to 7:00 p.m. Brentwood holiday open house will be held on Monday, December 8th at the Recreation Center from 5:00 to 7:00 p.m.

Mayor Kelly stated that the advertisement went out over the weekend for the police chief's position. It was his understanding that they have already received about four applications over the weekend.

Mayor Kelly stated that the closing and opening of Highway 64/40 would take place on December 15th. On the 14th of December, a number of activities will be taking place on the new portion of Highway 64/40 including a 5K race in the morning at 9:00 a.m., a bicycle race and some other type of bicycle event and there will be a ribbon cutting at 2:30 p.m. He encouraged everyone to attend if they have the opportunity. This will be a once in a lifetime event to be able to walk on Highway 64/40. Please come out and join them in celebrating half of the highway success.

Public Safety Committee

Pure Entertainment/Business License Request for Dance Hall Use

Alderwoman Clements stated that everyone has a memorandum from Director of Planning and Development Dailey concerning the requirements and necessary things that were asked of Pure Entertainment. Pure Entertainment has completed all the information that they have requested and has met all the necessary code requirements for a business license.

Alderman Leahy stated that he believes the discussion still has to take place on fire and building code compliance.

Mayor Kelly stated that those issues are occupancy issues not business license issues.

Alderman Kramer extended thanks to Director of Planning and Development Dailey and Asst. Fire Chief Kurtz for their extensive work on this particular item. After the last opportunity to discuss this at the aldermanic meeting they have put forth an extreme amount of effort and have been working with the petitioner for quite some time. The Board was fortunate to get a nice report that answered many questions and he appreciates it.

Alderwoman Clements seconded Alderman Kramer's comments.

Mayor Kelly stated that under the zoning code this particular type of business needed approval from the Board of Aldermen to acquire a business license. This is for the ability of Pure Entertainment to apply and allow a business license to be issued to Pure Entertainment for a dance hall.

Motion was made by Alderman Robertson, second by Alderman Harper to approve the business license for Pure Entertainment for a dance hall use. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee

City Administrator Seemayer stated that the 2009 budget would be presented to the Board at the December 15th meeting.

Mayor Kelly stated that a lot of effort on staff's part went into putting the budget together this year. They all made it half way through the Highway 64/40 project and have many concerns about next year, which has made trying to budget for 2009 a little bit difficult. He thanked City Administrator Seemayer and staff for putting it all together.

City Attorney – No report

City Clerk/Administrator Seemayer – No report

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No further report

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS – None

NEW BUSINESS

Alderman Leahy stated on behalf of the Greater St. Louis Area Council, Alderman of Ward 3 and a Boy Scouts Leader for 30 something years, that he would like to thank the residents of the city of Brentwood and the Brentwood Fire Department. On the 22nd of November the Boy Scouts held their 26th annual Scouting for Food drive. They generated over 2.2 million canned goods for the St. Louis area pantries. The Boy Scouts get the credit for running a nice community service program but without the help of the residents in the area and some of the businesses that made sure that can goods were on sale that week, the residents again came through and they had over 361 boxes of canned goods come through the Brentwood Fire House that day. He thanked the residents for participating in the program. They are up 6% from last year. Last year they had a very hard year to get through. The need is great and will not go away just because of one day's effort, so during the holidays if you're feeling a little blue go out and buy some more food and drop it off at the local churches and pantries. They could always use the kindness of others to help make the season a little bit better for everyone else.

The Ward 3 meeting will be held on Tuesday, December 30th at 7:00 p.m. in the Council Chambers for anyone that want to find out what is going on in the city of Brentwood.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 7:28 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk

Regular Board of Aldermen Meeting Minutes
December 1, 2008