

MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

March 24, 2009
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.

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

ABSENT: Alderman Wynn and Alderman Harper.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE SPECIAL BOARD OF ALDERMEN MEETING OF MARCH 24, 2009

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the Agenda of the Special Board of Aldermen meeting of March 24, 2009 as presented. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 2, 2009

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve and adopt the Minutes of the Regular Board of Aldermen meeting of March 2, 2009 as amended. All in favor none opposed.

Correction:

Page 2 reads "Joan Manestar" should read "Jill Manestar".

BIDS – None

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

Tom Martin – 78 York Drive came before the Board and stated that he was there with Carol Knefel. He stated that the members of the Board and Mayor undoubtedly remember the letters that have been going back and forth between him and the City Prosecutor Mike Shelton. They are not here to argue or quibble with the decision that Mr. Shelton made in the obscene telephone call case that happened in October 2008, but rather to suggest that in view of his decision this

body needs to address whether another ordinance needs to be adopted to protect the City and its residents against the kind of obscene phone call that was received in their home last October. He and Carol Knefel have lived at 78 York Drive for the past 22 years. She is his fiancée and he is an attorney, but is not in the private practice. He is an associate general counsel for a New York stock exchange company. Carol is the owner, with her sister, of four apartment buildings in Clayton, which gave rise to the obscene phone call incident. She is also employed by Sak's Fifth Avenue. She has lived in Brentwood longer than the 22 years he has mentioned. He happens to have lived at the same address, 78 York Drive, since 1972. He suggested that the Board consider adopting a new ordinance similar to the harassment ordinance and perhaps the city attorney would be interested in doing that if the Board agrees. The incident that happened in October involved an obscene phone call from a man named Rick Wolf who lives in Richmond Heights. He called and left a message on Carol's business answering machine with which she conducts business for the tenants' apartments she manages. Mr. Martin read the pertinent section of the current harassment ordinance as "a person commits the crime of harassment if for the purpose of frightening or disturbing another person he makes a telephone call and uses course language offensive to one of average sensibility". He stated that he has sent a compact disc of the call/message to the Board. However, he has a transcript of that call. He does not know if the Mayor thinks he should read the transcript, so the public will understand what they are dealing with.

In response to Mr. Martin's question for the Mayor about reading the transcript, Mayor Kelly stated that he does not think this is the appropriate forum for that. If Mr. Martin would like them to review and look at potential changes to the ordinance that is fine but they do have audience and children that view the meetings. He has listened to the compact disc and does not think they need to repeat it.

Mr. Martin stated that the telephone message had a number of obscenities in it including the use of the "f" word among others. Since the Board has heard the compact disc and knows what the ordinance says, perhaps they have their own opinion as to whether there was a violation of that ordinance or not. Mr. Shelton is the prosecutor and he assumes the Mayor appointed him at some point. As far as he knows the prosecutor's word is final, no one can overrule his decisions, and at this point, his decision stands. However, that is the reason why he believes Brentwood should protect its citizens from calls of this nature. The Board needs to consider adopting a new ordinance, so that there will be no question when somebody makes a call like that to be prosecuted under the ordinance. A message like that, he contends, could offend, disturb, frighten, threaten, shock, or insult the person that is getting that message. He asked the Board to consider if any of them believe that a telephone message like the one he is talking about should not be a violation of an ordinance. In other words, should Brentwood have an ordinance that would prohibit that kind of call?

Mayor Kelly reminded Mr. Martin of the three-minute speaking rule. Mayor Kelly suggested sending the matter to the Public Safety Committee and have them research what other cities have with respect to this type of ordinance, cases, etc. and bring the results back to the Board for discussion. He does not think this is a forum for that discussion.

Mr. Martin stated that there is a Suburban Journal reporter here this evening and he thinks she is very interested in this subject matter, so he would like to be allowed to continue for just a couple more minutes. He is not challenging Mr. Shelton's decision any further and of course, he does not agree with it. He wants to call attention in this public forum to what he considers some unnecessary and hurtful conduct on the part of Mr. Shelton. The worst thing Mr. Shelton has done in some of his later letters is attack Ms. Knefel for no reason. Why would a prosecutor attack a victim of an offense? It was one thing for him to say that he did not think it was a violation but for him to write letters in which he compared her case to the Duke University rape charge case in which that victim, or so-called victim, turned out to be a stripper and a prostitute, is a libelous situation. The second thing he did in one of his letters was to say that she was waffling in her decision, which was completely different from the police report or any of the facts. Furthermore, in one of his letters, he said that she put her financial gain above the safety of Mr. Wolf's daughter, which again is false. He also searched the Internet to get dirt on Ms. Knefel and came up with the fact that thirteen years ago, she was involved in a traffic violation and he mentioned that. Mr. Martin stated that he is not sure what Mr. Shelton's motives were in doing this but he questions whether the Board and the Mayor want that kind of prosecutor who is reckless and irresponsible, making charges and attacking the victim. She has been violated twice by the caller and the prosecutor.

Tony Lafata – 101 Morrow Court came before the Board and stated that he is the Division Director of the Metro Bus facility at 3000 S. Brentwood. Metro is facing a 30% service cut starting on Monday. It was across the board and all through the area. It started many years ago, in the 1980's with the federal government deciding that they were not going to subsidize operating monies for transit properties across the country. State subsidy in the state of Missouri is negligible. The County gives them ½ of their ½ cent, St. Louis City gives them a ½-cent transportation tax, and that is pretty much how they are funded. The MPO and St. Louis County decided some time ago that they were going to build cross county Metro Link exclusively with local funds. The most recent thing was the failure of Proposition M. Any number of things has gotten them to this point. Brentwood is going to come out fairly well in the initial stages. Brentwood service will be relatively unchanged. There will be some minor changes and some timing issues. The Brentwood bus division will cease to exist. The good news is they are trying to keep it a turnkey operation to bring it back up and on line once they achieve some funding in the future.

The bus service that normally ran up and down Brentwood Boulevard was just one line and it was kind of a minimal used line and connected with the Clayton transfer center. In terms of all the activity at Brentwood/I-64 and up and down Manchester Road, service will stay pretty much the same. From a personal standpoint, Metro, and especially at this division, has had a real good working relationship with everyone in Brentwood. The fire department is amazing and the police have been wonderful to work with through the flood and traffic issues, etc. If in the future, Brentwood could throw a little support their way they would definitely appreciate it. They came very close with Prop. M. There are many issues involved in that. They have done themselves a disservice. He has been with Metro for 32 years, but many years ago, it used to be called Public Service and then someone got the idea to merge all the systems and call it Bi-State. From that point, they said that it was not trendy enough and it needs to be Metro. It is not something that everybody uses but it is something that people that need to use it really do get

their monies worth out of it. It has been a very good system up until this point. There are critics that will argue that point with him and tell you that it is horrible but it wins awards throughout the country. It is up for an award for the best-maintained vehicle maintenance fleet in the world.

Mayor Kelly stated that he was very much in support of Proposition M. As a region and as a society, we need to have modern transportation if we want to be a modern society and mass transit is very important to any modern city. The proven success of the new leg of Metro Link is that the numbers are coming in almost three times what they were anticipating and that was before the Highway 64/40 closure. It has been very successful and it shows that the community will support that kind of investment. Mayor Kelly asked Mr. Lafata if Metro has decided at what point they are going to try to go back to the voters for a tax increase.

Mr. Lafata stated that he is not necessarily privy to that information. He has heard that it will be about two years from the previous vote.

Mayor Kelly stated that when he had spoken to representatives a month or so ago he was surprised that they had indicated that they were going to be removing the natural gas tanks that are at this facility. Is that the case?

Mr. Lafata stated that there is no storage for compressed natural gas. It comes in a ten-inch pipeline and then huge compressors pump it into the vehicles. There is no storage to get rid of, just a gas line that they turn off. They have already squared things away with the Department of Natural Resources as far as fuel and tanks in the ground and things of that nature. There will be buses stored there, maintenance activity going on and a small group of people working there.

Alderman Leahy stated that he assumes in maintaining the property there will be ground crews that will take care of the grass because there is a flood conveyance area that needs to be at least kept open and clean.

Mr. Lafata stated that they would take care of all of that. There will be a guard on the property and will still be hooked into the hotline with the fire department in terms of the CNG stuff. The fire marshal has done his inspections and he knows all the plans and has keys to all the locks in the building.

Alderman Kramer stated that he is looking forward to the day when they can resume full service at that location. He hopes it is sooner rather than later. That site has a unique typography. How has the flooding treated the building?

Mr. Lafata stated that the worse flood was this last one. In the past, they would get some water on the side of the building that would come up over Manchester Road a little bit but it would go away in an hour or so. They had no water in their building from the last flood. They had some water on the tops of the tank form, so they had to have water removed from the diesel fuel and gasoline tanks and so forth.

Public Hearing – Conditional Use Permit/1819 S. Hanley Road

Mayor Kelly announced a Public Hearing concerning a Conditional Use Permit for 1819 Hanley Road would now be heard at 7:15 p.m.

Director of Planning and Development Dailey stated that MLP Multi-family Construction has applied to the City for a Conditional Use Permit and revised site plan to construct a two-story mixed use building at 1819 Hanley Road. The mixed-use would be ground floor restaurant retail and the second story would be office. The total square footage of the building would be approximately 13,000 square feet. There is no additional parking required as part of this project. The Hanley Station project already had a significant parking analysis done when it was originally approved and then this particular lot was approved conceptually. Their existing parking will serve the proposed use and there is some additional landscaping that will be provided around the lot as well.

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

Mayor Kelly stated for clarification, that this is part of the Hanley Station project where the Houlihans, Springhill Suites and condominiums are located. This is one of the two remaining buildings on the out parcels on the southwest corner of Hanley Road and Strassner Drive.

Andrew Checkley – 1255 Hafner Place/MLP came before the Board and pointed out on a subdivision plat, lot 9, which is the lot on the far south east side of the Hanley Station development. They are proposing a 13,000 square feet mixed-use building. The base footprint is approximately 6,500 square feet. On the first level, there will be restaurant retail space of approximately 6,500 square feet. On the second level, they will have roughly 5,700 square feet of office space.

Alderman Leahy stated that according to Bill No. 5486 on page 2, section A, establishes that you could get up to five restaurants for 23,000 square feet but Mr. Checkley is using the number 13,000 square feet. Is there a conflict in those numbers?

Mr. Checkley stated that the original ordinance that was passed was universal for the whole site, so they were allowed up to about 22,000 square feet of restaurant space, which would be made up of four different restaurants. The difference for this one is they would make it up to five restaurants per 23,000 square feet for the entire facility. As far as this lot is concerned, they had always proposed to do approximately 5,500 to 6,000 square feet as much as the lot would hold for a restaurant. The addition is the 5,700 square feet second story for the office space. Their company wants to move their headquarters to that location. As far as the exterior of the building, it will be very similar, if not exactly the same, as the other colorations and building materials that are there now. There will be brick on the lower level and stucco on the top. They would maintain the block awning system that exists on the other retail buildings and the same parapet type structures on top to disguise the mechanical systems.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the Public Hearing closed at 7:24 p.m.

Public Hearing - 7:25 p.m. Conditional Use Permit/9030 Manchester Road

Mayor Kelly announced the Public Hearing for a Conditional Use Permit for 9030 Manchester Road would now be heard at 7:25 p.m.

Director of Planning and Development Dailey came before the Board and stated that this petitioner is located at 9030 Manchester Road. It is the new location for a store called White Rabbit. In September after the flood had occurred, the White Rabbit relocated from Rock Hill to this location on a temporary basis because they were flooded out of the Rock Hill property. They did so well at this location that they decided to stay in Brentwood. They had to come through the process and request a Conditional Use Permit since it is a retail business and less than a half acre. The site plan before you indicates their parking and location of their dumpster enclosure. They meet the parking requirements for the Code. They have added a handicap location and adjusted the building to ensure that they have handicap accessibility into the building. The Planning and Zoning Commission has recommended approval of this request.

Mayor Kelly asked if there were any comments from the audience regarding the Conditional Use Permit for White Rabbit. Hearing none, Mayor Kelly closed the Public Hearing at 7:27 p.m.

Public Hearing – 7:35 p.m. – Chapter 25 Text Amendment

Director of Planning and Development Dailey stated that this text amendment was based on a couple of requests that the City received for residential curb cuts. When that occurred, staff realized there really were not any criteria in the Code for reviewing curb cuts. They prepared a draft and working with the City's traffic engineer Crawford, Bunte, Brammeier they came up with a set of best practices based on accepted access management. The practices would provide guidance for the City's review of curb cuts; both residential and commercial. What the text amendment has done is to add some best practices to existing site development review standards for the P&Z Commission and staff's review. It is flexible enough to fit the existing properties. It allows requests for curb cuts to be reviewed on a case-by-case basis but it also provides enough so that both the City and developers who are looking to build new construction or a resident who wants to add a driveway in a different location will have the framework for what is going to be expected during the process. For residential curb cuts, it will allow an administrative review and approval by staff if the best practices are met and commercial curb cuts would still go to the P&Z Commission. Any appeals from staff's administrative review, P&Z Commission's recommendations or Board approval would still go to the Board of Adjustment as they do now.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the Public Hearing closed at 7:37 p.m.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

First and Second Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5485, 5486, 5487 and 5488 first and second readings. All in favor none opposed.

City Administrator Seemayer requested that Bill No. 5485 be placed on hold for further review on the contract.

Motion was made by Alderman Marshall, second by Alderwoman Krewson to place Bill No. 5485 on hold. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

Alderman Leahy stated that the insurance coverage that the contractor has submitted does not meet what was established in the bid procedure. Is that part of the issue that needs to be resolved?

City Administrator Seemayer responded that the coverage is part of it, but the overall bid will be looked at.

Bill No. 5486 – Conditional Use Permit/Site Development Plan

City Attorney Albrecht gave Bill No. 5486, AN ORDINANCE AMENDING ORDINANCE NO. 3954, AS AMENDED BY ORDINANCE NO. 4018, AS AMENDED BY ORDINANCE 4026, GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A TWO-STORY MIXED-USE BUILDING AT PROPERTY NUMBERED 1801-1819 HANLEY ROAD 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.

Andrew Checkley came before the Board and stated that they are pleased with the condominium sales. They have sold 114 condominiums to date of which by the second week in April will have closed and 110 of those will be occupied. That just happened when they started closing the initial sales last January. The traffic as far as all the bad things that are happening in the economy has slowed down a little bit but yet they have sold four condominiums in the last 45 days. He thinks it is just a matter of time and of being aggressive in their sales approach and they are committed to doing that. They have chosen to lease out a static number of the condominiums. The hotel is doing well. He believes the hotel is outperforming most of the hotels in the St. Louis area. He thinks that is based on the brand and the way that Marriot markets their projects online and the location is fantastic. Retail is steady. It has probably slowed down a little for everybody in the retail restaurant business. This building is unique in that they are just adding another piece to it, which is the office, and it can from a parking standpoint, help revenue. The aesthetics of a two-story building in that particular location is going to disguise the garage if nothing else.

Alderman Kramer asked if it was the southwest corner of Strassner Drive and Hanley Road that was going to have an Irish themed restaurant at some point.

Mr. Checkley stated that they were talking with a group that was going to look at that front corner. As far as he knows, the group has halted all of their development for 2009, which is the

case with many of the freestanding restaurants. They will be meeting with a group on Friday that is extremely interested in the building that they are proposing. It will be a sit-down type restaurant.

Alderman Kramer read a synopsis of Bill No. 5486 as a Bill that amends the original site plan for the Hanley Station Development by approving a new site plan for 1801 – 1819 Hanley Road with a 12,932 sq. ft. building which will contain office, retail and restaurant space. The amended site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5486. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

The Mayor thereupon declared Bill No. 5486 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4170.

Bill No. 5487 – Site Plan and Conditional Use Permit/White Rabbit

City Attorney Albrecht gave Bill No. 5487, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR WHITE RABBIT, A RETAIL BUSINESS AT PROPERTY NUMBERED 9030 MANCHESTER ROAD, WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE USE OF THAT SITE AS A RETAIL BUSINESS; PROVIDING THE CONDITIONS OF SUCH USE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Tim Redman/1721 Kenmont Drive came before the Board, introduced himself, and stated that he owns the property at 9030 Manchester Road. Lindsey Mathey/2953 Championship Boulevard stated that she is the tenant.

Alderman Marshall asked them for a description of the business.

Ms. Mathi stated that it is a furniture and home décor business with a mix of vintage and new furniture.

Alderman Kramer read a synopsis of Bill No. 5487 as a Bill that approves a site development plan and Conditional Use Permit for a retail business at 9030 Manchester Road. The new tenant is White Rabbit, a home interior design company. The site plan and conditional use permit was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5487. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

The Mayor thereupon declared Bill No. 5487 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4171.

Bill No. 5488 – Text Amendment Chapter 25

City Attorney Albrecht gave Bill No. 5488, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI; BY AMENDING SECTIONS 25-127, 25-283 TO INCORPORATE BEST MANAGEMENT PRACTICES TO SITE DEVELOPMENT STANDARDS WHEN CONSIDERING APPLICATIONS FOR CURB CUTS IN RESIDENTIAL AND COMMERCIAL DISTRICTS; AND DELETING SECTION 25-414; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5488 as a Bill that amends the City's Zoning Chapter that relates to issuing curb cuts in both residential and commercial area. The amendment sets forth a framework that will be used by staff, Planning & Zoning and the Board of Aldermen when considering new curb cuts. This Bill was reviewed and approved by the Planning & Zoning Commission.

Alderman Leahy stated that he attended the P&Z Commission meeting when they dealt with this ordinance. He is still a little confused with it and he would like to get clarification as to why the Board of Aldermen would allow the residential concerns for curb cuts to be done by staff but commercial curb cuts to be reviewed by the P&Z Commission. He is not sure if he is comfortable with that. If they are allowing curb cuts, the Board should be involved in the process or is he making the process more cumbersome than it should be.

Director of Planning and Development Dailey stated that the purpose was to allow for enough flexibility so the request could be reviewed on a case-by-case basis. When staff was discussing this with the Planning and Zoning Commission it seemed too cumbersome to bring back a residential curb cut request to the P&Z Commission. The P&Z Commission does not review any other residential matters other than subdivisions. They were comfortable with staff handling residential curb cuts because there are now a set of best practices that are stringent enough that it gives enough guidance for staff to review the curb cut request.

Alderman Leahy stated that he is concerned about curb cuts along McKnight Road. He is not so sure that he wants to open that road more towards curb cuttings.

Director of Planning and Development Dailey stated that when the curb cut request came through staff she believes it went to the Public Safety Committee and then to the Board. Staff's recommendation was not to approve it because it did not comply with generally recommended best management practices or access management practices. The Board did approve that curb cut because the property owner had some good reasons for wanting the curb cut and it was a unique situation with it being a corner property. One of the reasons P&Z Commission recommended that staff review the curb cut request was to allow there to be a set of criteria and make it more of a technical review. Of course, if the property owner was not approved for a curb

cut request through staff, P&Z Commission or the Board they could still go to the Board of Adjustment and request a variance based on those standards.

Alderman Leahy stated on a case-by-case review by staff, if staff decides that they are not in favor of granting the resident's request does the current chapter allow an appeal process to go forward.

Ms. Dailey responded yes, but the appeal would not be to the Board of Aldermen. It would be to the Board of Adjustment.

Alderman Leahy asked that under the guidelines of the best practices of the residential lot frontage is the width of the lot as it faces the street of the address.

Ms. Dailey responded that she did make a change to the wording of the amendment for clarification. In number 5, it reads, "one residential driveway is permitted for each single family residential lot. One additional residential driveway is permitted when the single family residential lot frontage is at least two (2) times the minimum front yard lot width for the zoning district. . ." The wording "front yard" is consistent with the definition for yards, so it would be specifically for the front line of the building, whatever street it fronts would be the front yard.

Alderman Marshall stated that if a resident is not in compliance with it as far as the frontage, is it grandfathered when they sell their house or would they have to bring it into compliance. There are several cases where people have u-shaped driveways, so they would have two curb cuts. There is a home by the high school that has a driveway in the front of their house for parking but they also have a garage and driveway on the side of their house. Would they have to change anything with that setup?

Ms. Dailey responded no. They would not need to change anything. They would be considered legally non-conforming.

Alderman Kramer asked if there is anything in the bill that borrows language from another municipality that has been using this successfully or is the language new.

Ms. Dailey stated that Mr. Cannon from Crawford Bunte Brammeier is here and they did use language from St. Louis County, Missouri Department of Highways and some Urban Land Institute information when they were putting the best practices together.

Lee Cannon – Crawford Bunte Brammeier/1830 Craig Park Court came before the Board and stated that this language was crafted specifically to address the concerns that was brought up by the City of Brentwood using examples that also details a variety of different communities, industry standard text like Urban Land Institute and Institute of Traffic & Engineering. There is no one that is using this but it was set up to focus on providing an approach for best practices, which is a critical element, to give safe and efficient traffic flow and manages the access in the streets while not creating non-conforming uses. It is to give developers and staff direction on what the City wants but not necessarily to pigeonhole a specific dimension that may not be obtainable based on the variety of characteristics involved like grades, lot widths and corner

locations. It is really set out to be a guideline but it was cobbled together from various sources to fit the City's specific interests and needs.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5488. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

The Mayor thereupon declared Bill No. 5488 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4172.

Resolution No. 953 – City Vehicle Policy

Resolution No. 953 will remain on hold.

ACCOUNTS AGAINST THE CITY

Alderman Kramer asked for an explanation of the items on the warrant list.

City Administrator Seemayer stated that the item from Planning Design Studio for \$4,500 is part of the design project for the Brentwood/Eager/Highway 64/40 landscaping project. The City is paying those funds, but will be reimbursed in the next few months. The Missouri Police Chiefs Association for \$3,500 is the second half of the payment they made to the Mo Police Chiefs Association for selection of the Chief of Police. GBA Architects Engineers for \$2,800 is the firm they used for part of the stimulus package to put together their three projects that they submitted under the transportation portion of that. One of those was provisionally selected pending the outcome of the Highway 141 extension. They have also taken the other two projects that were not considered for that on Litzinger and rolled them into one and have applied for some TIP funding. Keiser Isuzu for \$4,540.87 and Degel Truck for \$2,788.62 were both for the fire department for repairs to the ambulance and to the fire truck. Bond Wolfe Architects for \$27,710.74 is ongoing expenses for the design of the new fire station. Bobroff Hesse Lindmark & Martone for \$3,926.25 is for some personnel matters regarding an employment claim in the police department. Jim Schnable for \$3,875.00 is for purchase and replacement of furniture at Memorial Park in the building that houses the camps in the summer for the children. Onder Shelton O'Leary & Peterson for \$4,166.66 is for two months service for the prosecuting attorney. Fleetwood Financial \$9,857.33 is for the voice recording system in the dispatch center that stores, retains and logs phone calls. It is leased equipment. Broadway Ford \$2,527.67 is for repairs for one of the sanitation trucks.

Alderman Kramer asked how did the City select Bond Wolfe Architects and what was the process for that.

Mayor Kelly responded that in talking to the fire department and Asst. Chief Kurtz they had done a very good job on the library. Mr. Kurtz was comfortable working with them having gone through that and their experience in public and municipal buildings. It was a preference. With it being professional services, the City does not have to necessarily put that out to bid. Bond Wolfe Architects were also very successful in designing the police department.

Alderman Leahy asked if there is an anticipated date of when they would put the fire department parameter out to bid or possible construction starting.

Mayor Kelly responded that he would cover that under his report.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 3/24/09. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly stated that they had some concerns from some residents at the last meeting regarding the new fire station. He had agreed in talking to a concerned resident to send out a letter to the residents along Eulalie and invite them to an open house meeting at City Hall to show them what the City is planning on doing and try to address any concerns they might have. The construction drawings are being completed now. They are hoping to have it out to bid by May so that if everything goes as planned the construction could start by the end of the summer. It is a sixteen to eighteen month building process.

Alderman Leahy asked if he is correct that this is all contingent upon what the federal stimulus package does or does not come back with the request for funding.

Mayor Kelly responded no. Their goal all along was that the City would issue COPs and pay for the new fire station out of general revenue. The stimulus package was something they applied for because it was made available to them. A determining factor would be the amounts in the bids. He thinks it has already been to the Ways and Means Committee; they have looked at the preliminary numbers, and discussed how they would fund it. The plan was to issue those COPs. There would be no tax increase to the residents. It would come out of general revenue.

Alderman Marshall stated that the resident on Eulalie was under the impression that they were rushing through the process because of the federal money. They started the process long before the federal money was even an issue. It is not a situation where they were rushing through the process. It is a situation where it may be available and they will use it if it is available.

Mayor Kelly stated that the Hanley Road Corridor TDD passed by a vote of the property owners last week. This is a great benefit to the city of Brentwood. One of the primary projects for the TDD is the jug handle road underneath Hanley, with egress to Eager on northbound Hanley and for Eager Road to go north on Hanley which would have been eliminated with the Highway 64/40 project. It is about a \$6.5 million project and is under construction now. It is something that is very critical for the city of Brentwood. For the city of Brentwood specifically, it will also fund the \$1.5 million project at Eager/Brentwood, which will add a great new entranceway to our community. On the MoDOT property there will be included a small lake with a waterfall and a

sign saying Welcome to the City of Warmth. It will be very densely landscaped and be a great addition to our community. The other big project that it will fund is a project at Litzsinger/Rosalie area. Ms. Dailey is preparing a solicitation to some engineering companies for their qualifications to design the bridge on Litzsinger/Rosalie. They will be designing a new bridge that will widen the creek and take the center pier out of the bridge, which is clogged a lot during heavy rains and causes backups, a lot of the street flooding, and routine flooding in Hanley Industrial Court. They are anticipating that to be about a \$400,000 to \$450,000 project. They hope to begin construction as soon as possible; hopefully, by spring of next year. The City submitted three projects under the stimulus package. They are on the standby list for the improvements to Rose Avenue into the Promenade for pedestrian access to improve the sidewalks on Rose Avenue and continue them into the Promenade to the existing sidewalks in front of the stores. Right now, the sidewalks stop at the creek and pedestrians have to walk in the drive lane to get into the Promenade. That project has been approved if the Highway 141 project does not move forward. The projects that were not accepted were submitted under the regular Transportation Improvement Project grants. They combined the landscaping in front of Walgreens and City Hall along with the rebuilding of Litzsinger Road from Brentwood Boulevard to McKnight Road with new sidewalks all the way through the corridor to make that more pedestrian friendly. That will be about a \$1.3 million project once completed. They should find out in May if it will be awarded. This would be the same type of grant that they received for the trail project in Hanley Industrial Court. He thinks they have a very good chance of getting this grant. It would probably be two years out before construction but it would be a 22% match that the City would come up with in order to fund it.

Alderman Kramer asked about the pedestrian access from the Dierbergs Metro Link station to the Promenade through Hanley Industrial Court.

Mayor Kelly stated that project is underway. The TIP grants usually work in stages. Under the grant, they will receive on October 1st the money for engineering at which point they could start the engineering and the second phase, once they design it, funds are allocated for right of way acquisition and then actual construction. Usually these projects are a minimum of two and a half to three years or sometimes as long as five years under the grants because of the way they allocate the money through the process. They tried to get the engineering moved up but because of the funding, it was not allowed.

Mayor Kelly stated that Pace Properties is very close to closing a deal on a letter of intent for the Circuit City site. They hope to make an announcement in the very near future. They do not want him to disclose the tenant because it has not been signed yet but under the tentative agreement, they would turn it over to the operator in September and the new business would be opened in February of 2010. It would be a great addition to the area and they are very excited about it. Micro Center has come to terms again. There was some confusion that had nothing to do with the economy. They were dealing with lease negotiation items. Everything is in place and they are hoping that those documents will be signed. Their goal is still to be open by the end of this year. Arby's is moving forward. They are in the Planning and Zoning Commission process. The application will come to the Board and they will be moving forward with construction. They hope to open by the end of this year or early 2010.

Mayor Kelly thanked Ms. Dailey for all of her efforts in working with GBA Engineers to get the applications and projects submitted first under the stimulus package applications and then under the TIP grants because they were very rushed in getting that done. It took a lot of time and effort on her part. After they were denied, she worked very hard at getting those packaged together again, combining the two and submitting under the TIP application process which she did a great job.

Alderman Leahy asked regarding the Hanley Road TDD, which is to help cover the jug handle that is within the city's boundaries, is he correct that both Richmond Heights and Maplewood are also working to get TDDs or money contributed to help cover that cost.

Mayor Kelly stated that this TDD goes into Maplewood. It includes Sam's, Wal-Mart and Home Depot, etc. Many of the existing TDDs will go away. They are combining them into one TDD and then issuing new bonds. They will pay off the old TDDs. The reason they are able to get the additional funds is that they are proven projects, so they know what their sales are going to be and the life of the overall TDDs are shortened because they know the numbers now. None of the TDDs are going out longer than they were before. They are just combining them and using the additional revenue for the other projects. Brentwood is getting about \$2.5 million in projects. Maplewood is getting about the same. One of the other projects that they agreed to is to work with Maplewood to fund a free trolley car system that would run between the shopping centers from Brentwood to Lowe's. People could park at one center, get on the free trolley service, ride over to the next store, and not have to move their cars back and forth. The City of Richmond Heights is not part of this program.

City Administrator Seemayer stated that the project does not have to be within the boundaries of the TDD. It just has to benefit the TDD in some way.

Alderman Leahy stated that within the Richmond Heights property lines is the potential for that site development which goes from Dale through the new jug handle, where the old children's clinic area was, to eventually become a project that will be a commercial development that the city is working on.

Mayor Kelly stated that he is sure it will. The jug handle is actually within existing property of MoDOT and St. Louis County, so they are not going into that site. That was one of the things in the design of it that made it work because Richmond Heights was against it. The crucial thing that people need to understand is that they were going to cut off access to Eager Road. Eager Road would have in essence become a dead end, except you could have gone south from Eager onto southbound Hanley Road. No traffic from Hanley Road would have had access to Eager Road, except going through the Meridian project, north and southbound. Southbound will still have to go through the Meridian project in order to get to Eager Road. Northbound will be able to make a right turn and go down underneath Hanley Road and eastbound Eager traffic will be able to make a cloverleaf and go north on Hanley Road without having to go through a signal. It is a major improvement to that area and that circulation.

Public Safety Committee

Alderwoman Clements stated that hopefully everybody has seen the new black/whites on the streets. They have been getting many good comments on the new police cars.

Mayor Kelly stated that because of the issue brought up under the public comment section of the agenda they should look at the ordinances and get comments from the prosecuting attorney. He hopes the audience understands that the judicial part of the City is separate from the Board of Aldermen. He does not think this is the place to make accusations and comments with respect to something that is happening with the prosecutor and somebody that has issued a complaint against someone. He thinks there is a very fine line and he hopes he did not offend anybody. Those issues need to be taken up with the City's prosecutor and if it does not work out then the other option is with St. Louis County.

Alderman Marshall stated that if they should move forward and try to change the language in the ordinance he suggested that they also look at the various electronic devices and make sure that they are up to date in the Code. When you hear about lawsuits, the Code does not keep up with the electronic communications. He thinks that the Code needs to be updated to keep up the new technology.

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

Temporary Liquor License/St. Mary Magdalen Parish Picnic

City Administrator Seemayer stated that an application was submitted for the special use permit/temporary liquor license for St. Mary Magdalen Parish Picnic to be held on May 15 and 16, 2009.

Motion was made by Alderman Leahy, second by Alderman Marshall to grant the temporary liquor license to St. Mary Magdalen Parish. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes.

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS

Alderman Leahy asked for an update on the Police Chief's selection process.

Mayor Kelly stated that the City received six recommendations from the Mo Police Chief's Association. Two weeks ago Friday, they interviewed two of those applicants. Yesterday they interviewed two more. This Friday they will interview the remaining three because he had said all along that they would interview all of the applicants from the City of Brentwood that had applied whether they were one of the ones selected by the Police Chief's Association or not. They are still going through that interview process. Once he is finished with that, he will meet with Alderwoman Clements and see what the next step will be. Their goal is to have somebody selected and have them start sometime in May.

Alderman Leahy stated that last month the Board approved a contract with Unison and he has some strong reservations with that contract and would like to request that the Board notify Unison that they would like to further consider the agreement. He understands that the check for \$125,000 for the AT&T rent has been processed through the City. The current contract as submitted and approved does not allow the City to cancel at this point. He would like to have further discussion on this issue if the Board would so indulge him.

Mayor Kelly stated that is fine. He had suggested before the meeting that Alderman Leahy, City Administrator Seemayer, City Attorney Albrecht and himself meet and try to address the concerns and bring it back to the next meeting.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting on Tuesday, March 28 at the City Hall. All are invited to come and have informal discussions about 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 8:26 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk

