

## MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall  
Council Chambers

February 1, 2010  
7:00 p.m.

Mayor Kelly 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, Executive Secretary Williams, Treasurer Reynders, Excise Commissioner Clements.

Absent: None.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF FEBRUARY 1, 2010**

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt the Agenda of the Regular Board of Aldermen meeting of February 1, 2010. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF JANUARY 4, 2010**

Motion was made by Alderwoman Krewson, second by Alderman Leahy to accept the Minutes of the Regular Board of Aldermen meeting of January 4, 2010 as submitted. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF JANUARY 26, 2010**

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Minutes of the Special Board of Aldermen meeting of January 26, 2010 as submitted. All in favor none opposed.

**BIDS** – None

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

Presentation – Metro Transit

Larry Jackson – Vice President of Procurement and Inventory Management for Metro came before the Board and gave an overview of what is currently happening at Metro Transit. He mentioned that Metro had reduced services by 30% in March 2009 due to a budget deficit. In May, the State of Missouri granted the agency a one-time emergency appropriation of \$12 million and the agency also received federal grant bringing the funding to around \$20 million. With these funds, in August Metro was able to restore about ½ of the services previously cut in May. Restored services are temporary because the funds will run out in May of 2010. He stated that Metro continues to work with elected officials, community leaders, and business owners to raise awareness about this important issue. He went over ways that Metro Transit is beneficial to the community and the region and pointed out that 97% of all jobs in St. Louis City and County were accessible by Metro Transit. Metro Transit makes our community a better place to live, alleviating road congestion by taking more than 45,000 cars a day off our roads. They provide the elderly and people with disabilities access to the world beyond their front doors. Dozens of students rely on transit to further their education and become higher wage earners. Metro has a long range plan which includes policy, financial and operational framework for sustaining, improving and expanding transit services for the next 30 years. The plan is necessary to improve the transit system so that they may contribute more to make the region a better place to work, live and help the region compete at a national level for federal funding which will improve our local infrastructure. Additional information on the long range plan can be obtained by visiting [www.movingtransitforward.org](http://www.movingtransitforward.org).

Alderman Kramer asked if there is an update or timeline on the future use of the Brentwood garage/facility.

Mr. Jackson responded that the garage is up and running. They reopened in August of last year.

Mayor Kelly asked Mr. Jackson if he had any updated rider numbers for the Metrolink extension.

Mr. Jackson stated that he doesn't have any updated numbers for this year. The total system was up 18%.

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

Motion was made by Alderman Wynn, second by Alderman Marshall to give Bills No. 5536, 5537, 5538, 5539, 5540, 5541 and 5542 first and second readings. All in favor none opposed.

Bill No. 5536 – Amending Ordinance No. 4148

City Attorney Albrecht gave Bill No. 5536, AN ORDINANCE AMENDING ORDINANCE NO. 4148 WHICH APPROVED A CONTRACT BETWEEN THE CITY OF BRENTWOOD AND PLANNING DESIGN

STUDIO, LLC FOR CONSULTING SERVICES FOR THE BRENTWOOD I-64 GATEWAY PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5536 as a Bill that would amend the existing contract between the City of Brentwood and Planning Design Services to include construction management services for the Brentwood/Eager/I-64 Enhancement Project. The fee for the construction management services will be \$23,840.00. Funding for this project is being provided through the Hanley Road Corridor TDD.

Mayor Kelly stated that it is a very good proposal to the City for these services. Often times when dealing with these types of contracts the fee is a percentage of the cost which can be anywhere from 10 to 20% of the cost of the project. This being a million dollar plus project, there is a big difference in what they are charging the City. They have been on board with the design of it so far, have done a great job and are great to work with.

Alderman Kramer stated that on the back of the Bill No. 5536 there is a picture of the approximate layout which might be very helpful.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5536. 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. 5536 duly passed and signed same into approval thereof. Said Bill was Ordinance No. 4220.

Bill No. 5537 – Agreement for Dispatch and Holding Services

City Attorney Albrecht gave Bill No. 5537, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI FOR DISPATCH AND HOLDING SERVICES TO BE PROVIDED TO THE CITY OF ROCK HILL FOR POLICE, FIRE AND AMBULANCE CALLS BY THE CITY OF BRENTWOOD, MISSOURI, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5537 as a Bill that allows the City to extend the agreement for providing dispatch services to the City of Rock Hill through March 31<sup>st</sup>, 2011. Brentwood will receive \$53,045 annually plus the cost of housing prisoners.

Alderman Marshall asked who is responsible for the bill if a prisoner is being held in Brentwood and there is a medical emergency and they have to go to the hospital.

City Administrator Seemayer stated that if the prisoner was arrested by the Rock Hill Police Department then the City of Rock Hill would pay.

Alderman Kramer asked if the amount for the services is the same as last year.

City Administrator Seemayer responded that there is a 3% increase.

Alderman Kramer asked if it was a prescribed increase or was it negotiated.

City Administrator Seemayer stated that it was predetermined when they submitted the original proposal to them.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve and adopt Bill No. 5537. 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. 5537 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4221.

Bill No. 5538 – Agreement with Hochschild, Bloom & Company LLP

City Attorney Albrecht gave Bill No. 5538, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HOCHSCHILD, BLOOM & COMPANY LLP, CERTIFIED PUBLIC ACCOUNTANTS TO PROVIDE AUDITING SERVICES FOR THE CITY OF BRENTWOOD FOR 2009, 2010 AND 2011; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5538 as a Bill that approves a contract extension with Hochschild, Bloom & Company LLP to provide auditing services for the City for 2009, 2010 and 2011. Their fee will be \$10,500 for 2009, \$10,800 for 2010 and \$11,100 for 2011. The Ways & Means Committee has reviewed the proposal and is recommending approval of the contract.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5538. 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. 5538 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4222.

Bill No. 5539 – Agreement with St. Louis County

City Attorney Albrecht gave Bill No. 5539, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH SAINT LOUIS COUNTY RELATING TO THE MCKNIGHT ROAD RESURFACING PROJECT; PROVIDING FOR BRENTWOOD'S PORTION OF THE LOCAL MATCH FOR THIS PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5539 as a Bill that approves an agreement with St. Louis County for the resurfacing of McKnight Road and authorizes the City to approve funding for the project. The total cost of the project will be \$572,400 with Brentwood's share being \$40,000.

Alderwoman Clements asked when the project will start.

Mayor Kelly stated that he received today in the mail their notice authorizing the bidding for the project, so they may start late spring or early summer.

Alderman Marshall asked since it is so heavily travelled if it will be done at night or during the day.

City Administrator Seemayer responded that he doesn't know.

Mayor Kelly asked if anyone has seen the design of what they are planning to do with the roadway. They should make sure that they are paving up to the sidewalks, redoing the shoulders as well.

City Administrator Seemayer responded that he has not seen the design. He specifically asked that question in the beginning and they said that they will be redoing the shoulders.

Alderman Leahy asked at what point will the City pay them the \$40,000.

City Administrator Seemayer responded at the completion of the project.

Alderman Leahy stated then the City has the ability to leverage discussions if things aren't done the way they would like them to be.

Alderman Marshall asked if McKnight Road will be milled.

Mayor Kelly stated that it will be milled and overlaid.

City Administrator Seemayer stated that they will also be digging some spots out completely where the subsurface is bad.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve and adopt Bill No. 5539. 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. 5539 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4223.

Bill No. 5540 – Re-dedication of Certain Property

City Attorney Albrecht gave Bill No. 5540, AN ORDINANCE ACCEPTING THE RE-DEDICATION OF CERTAIN PROPERTY WITHIN YORKSHIRE ESTATES SUBDIVISION AND FUTURE MAINTENANCE OF SAID PROPERTY AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5540 as a Bill that would dedicate to the City the sidewalk that connects Parkridge Avenue and Whitehall Ct. The City has received the necessary documents from the adjacent property owners.

Alderman Leahy asked about the need for the City to take on the sidewalks. He stated that from his understanding, since the school is no longer there those sidewalks really have no actual value to the city or to pedestrian traffic.

Mayor Kelly stated that he would disagree with that. Even to the extent that when they allowed the site plan for the Yorkshire subdivision they required them to have an additional path that went through the subdivision to York Woods as part of their indentures and part of their project. Pedestrian access is very important. In this situation this path has been there as long as he can remember and has been used by the public. The issue that has come up over the last few years is that one of the adjoining property owners has allowed the vegetation to grow into the path. The neighbors and people that use it are hesitant to trim those back when it is on somebody else's property. Whereas if it is the city's right of way and a public sidewalk the City can maintain the sidewalks and keep the path open as it is heavily used.

Alderman Marshall stated that there are several of these types of paths throughout Brentwood. Kids living in York Woods can use the path as a cut through to get to the high school or McGrath School. It is important to keep and maintain those paths. One of the concerns he has is that work needs to be done to some of the paths.

Mayor Kelly stated that it isn't the Yorkshire path. It is the older one that goes through Whitehall Court. The one inside Yorkshire is going to stay under the control of the subdivision.

Alderwoman Clements stated that children on Whitehall use that sidewalk. They ride their bikes to McGrath and it is heavily used.

Alderman Leahy asked if there are any fences or utility lines that need to be dealt with along the path.

Mayor Kelly stated that the fences along this property are owned by the property owners.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5540. 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. 5540 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4224.

Bill No. 5541 – Amending the Meridian Signage Plan

City Attorney Albrecht gave Bill No. 5541, AN ORDINANCE AMENDING ORDINANCE NO. 4082 WHICH APPROVED A SIGNAGE PLAN AS PART OF THE SITE DEVELOPMENT PLAN FOR THE MERIDIAN; AMENDING THE SIGNAGE PLAN TO ALLOW A WALL SIGN FOR MAI LEE RESTAURANT; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5541 as a Bill that amends the signage plan for the Meridian development by allowing a wall sign on the west parking garage above the Mai Lee Restaurant. The sign amendment was reviewed and approved by the Planning & Zoning Commission.

Director of Planning and Development Dailey stated that the signage that is being requested is the Mai Lee Restaurant signage at the top. When this project was originally developed the Phase 2 site plan included a part of the sign plan. It included signage for the 7-story office tower and for the button signs for the retail uses in the west garage but it did not include signage or the actual retail spaces in that west garage. The signage for Mai Lee Restaurant is the first wall sign for the retail spaces in the Metro garage. It was recommended for approval by the Planning and Zoning Commission at their last meeting.

Alderman Marshall asked if they will have a button sign on the west garage.

Ms. Dailey responded no.

Alderman Marshall asked if Five Guys Burgers & Fries had applied for a button sign.

Mayor Kelly stated that they really didn't qualify because they were in the other building underneath the Missouri College space. The button signs were originally intended for the retail spaces underneath the garages.

Alderman Leahy asked if there is a requirement or a prohibition in the current redevelopment agreement that states the garage is not to be used for advertisement; the same as with the MLP project on Hanley Road.

Ms. Dailey stated that she is not aware of the requirement because she wasn't with the City when the redevelopment agreement was adopted. This is part of the signage plan that has already been approved and it supersedes the previous signage plan.

Alderman Leahy stated that they made the button signs specific and had long discussions trying to figure out how and what would qualify. His intent is that these restrictions exist in both the redevelopment agreements. Right now MLP has the banner sign on their garage and if they start putting signs on the garages in order to encourage businesses, and it's nice to get the businesses in, he hesitates to get the garage spaces to be nothing but a humongous billboard.

Ms. Dailey stated that the signage is specifically for the retail spaces. The sign on MLP garage is temporary leasing signage.

Mayor Kelly stated that the difference is that this garage has retail space in it and it was never intended that the other one would ever have retail space in it. If the Board of Aldermen approves this signage change it supersedes that ordinance.

Alderman Wynn stated that if they can get a well established business to come into a place where it is not necessarily the most desirable place which is a garage space, they are fortunate.

Motion was made by Alderman Marshall, second by Alderman Kramer to approve and adopt Bill No. 5541. 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. 5541 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4225.

#### Bill No. 5542 – Site Development Plan

City Attorney Albrecht gave Bill No. 5542, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR PROPERTY NUMBERED 290 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. 5542 as a Bill that authorizes a curb cut on Strassner Drive for the property numbered 290 Hanley Industrial Court. (The former South Side Roofing building) the Planning & Zoning Commission has reviewed and approved the proposed curb cut.

Chris Mueller – Stock & Associates Consulting Engineers came before the Board and stated that he is representing Kenty, LLC which is the owner of the tract of land. They are requesting permission to add a curb cut off Strassner Road. This existing parking lot is inaccessible off Hanley Industrial Court. For safety and marketing purposes of the property, they would like to add the additional curb cut to prevent the parking lot from staying a dead end parking lot. They have coordinated with CDG Engineers configuration of this existing entrance off Hanley

Industrial Court. They show it to be modified as a right in entrance only off Hanley Industrial Court. The purpose is to prevent people from making left turns into the site and also to prevent people from leaving the site at this location because it is a busy intersection. They are proposing some signage in addition to a concrete median at the existing entrance.

Alderman Leahy asked if in constructing the curb cut they will lose parking spaces.

Mr. Mueller responded probably not. Right now in the parking lot you can hardly see the stripes. Per the parking calculations they only need fourteen spaces based upon the existing use and they are proposing 33 spaces, so they have more than enough.

Alderman Marshall asked if there is any way to make the curb cut so that it only allows people going north on Hanley to make that turn.

Ms. Dailey stated that one of the conditions of approval is that the final design of the right in only be approved by staff. They are still working out the exact design because signage can and will be used, but then they have to configure the entrance to make sure that people can't make a left in or a right turn out of there.

Alderman Marshall stated that he was just thinking about Starbucks Restaurant and how it messed up that intersection where people were turning left into the parking lot from southbound Brentwood Blvd.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5542. 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. 5542 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4226.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the revised warrant list dated 2/1/10.

Alderman Kramer asked if the Code Red expenditure is an annual expense.

City Administrator Seemayer responded yes.

Alderman Kramer stated for the residents who haven't had an opportunity to go on the City's website to register for the Code Red program, it is an awesome program for the protection of all citizens of Brentwood. They have tested the system. It's free and the information is not sold or given out or used for anything other than to make the program work for all of us.

Mayor Kelly stated that the Code Red program, in emergency situations, is a notification system that can be by email or phone that will notify residents and/or businesses in our community of any event that's taking place and any updates and information that they may need during that time.

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 announced an Executive Session, Legal Matter will be held following this meeting.

Mayor Kelly stated that the enhancement agreement is in the 99% completed design phase of the engineering and plans. Once they get the agreement in place and MoDOT finalizes it, it will be put out to bid. The hope is that project will be under construction by early summer.

Mayor Kelly stated that he tried to reach Cheryl Hodges with St. Louis County Highway Department to get an update on the plans for Brentwood Blvd. It seems to be getting worse by the day with the continuous change in the weather. That roadway is supposed to be milled and overlaid this summer as part of the completion to the Highway 64/40 project. The last time they talked it was on schedule.

Alderman Kramer asked if Brentwood Boulevard will be restriped.

Mayor Kelly stated that with its overlay it has to be restriped. They had agreed that if it was Brentwood's wish that they would restripe it back to the two lanes. From Brentwood's standpoint, the traffic has moved better and has been less congested, especially the 5:00 p.m. traffic, and had allowed the traffic on some of the side streets to get out a little easier. They haven't had a significant increase in accidents on Brentwood Blvd. The accidents have been at the same locations that they always have been and that is at the intersections of Eager Road and Rose Avenue.

Mayor Kelly stated that at the Chamber meeting he did a presentation on the media campaign with the playing of the two radio ads that were done in December and also the video that they had put together. It was very well received by the Chamber. Following that meeting, Brentwood Chamber of Commerce gave a \$750.00 check to the City for the media campaign, as well as Jerry Murphy and his law firm also giving the City \$750.00 towards the funding of the media campaign. It shows how well it was received and everybody is hoping that the City will continue it in some way as they move forward.

Mayor Kelly stated that Viking has closed. City staff has been aware of their closing for the last six months. Viking didn't want any announcements because they wanted to get through the end of the year. Around last August, At&t had already signed the lease to take over that space. They will be moving from the Promenade over to the Viking space. They will use that location as their training center for retail employees in this region. There is a small auditorium in the back. They will be making some modifications and opening there. The sign went up for Nordstrom's Rack. Although they are doing some work on the inside of the building, they are still on schedule to open this August.

Alderman Marshall asked for an update on the emergency communications system.

Mayor Kelly stated that they have a board in place to manage and run that system. The board will be taking action to move forward.

Alderman Kramer stated that there have been some questions recently about the Drury Hotel and the creek in the back of the property and whether it will be closed.

Mayor Kelly stated that they have met with representatives from Drury Hotel a few times over the holidays and prior to that Drury representatives had met with MoDOT. They are trying to schedule another joint meeting in the near future. Their last meeting with MoDOT was not one that he would call positive. Even though MoDOT wrote them a letter and said that they were going to sell the property after the Highway 64/40 project was completed and the City has that in writing, Ed Hassinger's response was that they are still agreeing to that but they may hold on to the property before they sell it. The issue is that they feel that they are at the bottom of the market and they don't want to advertise the property and put it up for sale. He pointed out to Mr. Hassinger that most of the commercial property values in the city of Brentwood went up last year, so it's not at the bottom of the market, it's just a matter of finding people with the wherewithal to buy the property. If they can be comfortable with the direction that MoDOT is going in, they will move forward with the redevelopment agreement as well as the TIF Commission and those processes. He doesn't blame Drury because why spend money if you don't think you're going to be able to purchase the property for three or four years. With respect to the creek, they did the preliminary engineering and talked with MSD and they said that the roadway could be done. If they move forward on that phase of the project it would be a City project. The Drury project will not support the \$6 million to build that new roadway over the creek, to enclose it. He understands the environmental concerns about open spaces, but that section especially is filled with debris, weeds, etc. Sometimes you have to balance the issue between the need for safety and transportation. It is a concrete wall creek and it also has concrete on the bottom, it's just covered up with debris. They have checked into grants for the roadway. They would have to come up with some kind of assistance in order to do it.

Public Safety Committee – No further report

Public Works Committee

Alderman Robertson stated that as they explore the Recreation Center project and just the overall plan that they are talking about, including any project at City Hall or anything else, in joint session, perhaps the Ways and Means Committee could work through that as a subcommittee. He would like to see that established.

Alderman Kramer stated that they had a discussion about the Recreation Center and the Steering Committee has been watching over that for quite some time and went through the Ways and Means Committee. Some of the residents may be a little bit more anxious to hear about it than others who may not have been following it but they were kind of geared up towards a deadline for a ballot issue for this coming April for a bond issue. He didn't get a chance to attend the last Public Works Committee meeting where this topic was discussed. It seems as though some very fruitful possibilities exist for a location of the Recreation Center different from what had been previously thought. It seems prudent to bypass the deadline for the current ballot issue which was a possibility and move forward with talks about what could possibly be the new Brentwood Recreation Center. The bond issue deadline has past and hopefully this year will be productive in getting them to the next square.

#### Director of Planning and Development

Director of Planning and Development Dailey stated that the Litzsinger bridge design is about 90% complete. They are doing the geotech and the survey work and then they plan on putting out to bid in late February or early March, so the construction should start on that sometime this summer. Regarding the pedestrian and transit improvement project which is the \$800,000 sidewalk and transit improvement project they received a grant for, they are finalizing their contract with MoDOT. Once that is complete they will be able to start design. The design phase should be completed in six to eight months after it starts. Arby's Restaurant has applied for permits. They were delayed several months by MSD. They now have clearance from MSD, so they will start construction and should be open by mid to late summer.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner

#### Temporary Liquor License Requests

Excise Commissioner Clements stated that St. Mary Magdalen is asking for a temporary beer and wine sale liquor license for Ash Wednesday and the seven Friday nights during lent. Good Shepherd Children and Family Services is planning a fundraiser from 7:00 to 11:00 pm at the Gallery Motor Company on Strassner Lane on February 20<sup>th</sup>. They are requesting to serve beer and wine.

Motion was made by Alderman Kramer, second by Alderman Leahy to approve the temporary liquor licenses for St. Mary Magdalen for their annual fish fries and Good Shepherd Children and Family Services for a one day permit on February 20th. 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.

#### Liquor License Requests

Excise Commissioner Clements stated that Walgreens is getting back into the liquor business. He has received an application for package and package Sunday liquor license for Walgreens.

Alderman Wynn asked if representatives of Walgreens gave a reason for the liquor license request.

Excise Commissioner Clements stated that they haven't said anything to him.

Mayor Kelly stated that CVS is coming into the market and they sell liquor.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the liquor license for Walgreens. 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.

Excise Commissioner Clements stated that Mai Lee Restaurant is requesting a full liquor license and a Sunday liquor license by the drink.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve the liquor license for Mai Lee Restaurant. 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.

Library – No report

#### Municipal League

Mayor Kelly stated that the MML Legislative Conference will be held in Jefferson City on February 17 and 18. It starts at noon on the 17<sup>th</sup>. There will be a few meetings on Wednesday afternoon, then Thursday morning there will be a breakfast meeting and then everyone is encouraged to go over to the capitol and meet with their representatives.

Communication – No report

#### Historical Society

Alderman Wynn announced that if anyone would like to join the Historical Society just go there and sign up. They could use some help.

Recreation Center Committee – No report

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

Director of Communication McCarthy came before the Board and stated that it was brought to his attention last week that Charter had changed Brentwood's channel sometime last month to the 900 series which they include now in their "basic tier". He had discussed this with Mr. Gilb, the governmental relations manager approximately six months ago and was informed that there would be a charge for the digital boxes required for the change. He questioned the original franchise agreement which said that city government channels were to be in the basic tier which apparently this is now and provided at no cost to the residents. Mr. Gilb said that in the interest of progressing to the digital format rather than analog that the residents were going to have to buy the boxes. Mr. McCarthy's position at that time was that the City was going to fight them on that. Now they have made the decision that the change has already been made and their relationship with our residents are to the extent that they will provide the boxes free for six months and then he believes it is a \$5 charge per month that would be required of the residents. He questioned that and was told that's the way it is and that they were also getting new channels, so it's not just Brentwood's channel that's costing the residents. He questioned the franchise agreement and was told that since At&t came in last year with the U-verse services and negated franchise agreements at the state level for the State of Missouri that they felt that the City did not have a franchise agreement in place. He questioned the fact that he was not personally advised of the change of channel and the day that it would happen and he got Mr. Gilb to agree to pay for the cost of re-banding the channels and he said that they would also pay for running an ad in the Pulse to let our residents know that the channel has changed. Unfortunately, it has changed and they never had the opportunity to preface that change with any announcements on the channel. The new Brentwood channel is 993. Television sets built after 2006 will include the digital tuner. They don't need the box. If you have a new television that has the digital tuner built in you would simply have to rescan the channels and it will pick up those channels.

City Administrator Seemayer stated that the City does not have a franchise agreement. The state legislators stripped that away from the City a couple of years ago. The City still receives the tax though.

Alderman Leahy stated that he had been pressing the City and Richmond Heights trying to resolve what should be done about our recreational agreement. They have been waiting and negotiating with Richmond Heights trying to get some type of agreement in place versus working off a verbal agreement. The City has received an ordinance that Richmond Heights

passed a number of years ago. Alderman Leahy requested that the ordinance be put on the March 15<sup>th</sup> agenda for the Board to consider to see if the Board would entertain passing the second half, since the City can't seem to get anywhere with negotiations.

Alderman Leahy stated that three young men with Troop 361 of St. Mary Magdalen Parish will be receiving their Eagle Scout award. The Board will not have a meeting between now and then, so he is requesting that City staff prepare three proclamations for the Eagle Scouts.

Alderman Leahy stated that the Ward 3 meeting is scheduled for Tuesday, February 23<sup>rd</sup> at 7:00 pm in the Council Chambers.

Alderman Kramer stated the he and Alderwoman Krewson wanted to extend a thank you to Director of Planning and Development Dailey for expeditiously and efficiently handling Alderwoman Krewson's request for some signage help on Eager Road. As you may be aware, on Eager Road as you travel west on Brentwood Boulevard, a number of people were getting lost in the Brentwood Square parking lot not knowing that Eager Road continued further west. Ms. Dailey very politely worked out with St. Louis County to put two new signs up. One is at the corner of Eager and Brentwood Boulevard and one is further up at the stop sign inside the complex.

#### Recess

Motion was made by Alderwoman Clements, second by Alderman Leahy to recess the meeting at 8:15 pm. All in favor none opposed.

#### Executive Session

Motion was made by Alderman Wynn, second by Alderman Leahy to reconvene the meeting at 8:21 pm. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderwoman Clements to enter into an Executive Session on a legal matter at 8:22 pm. All in favor none opposed.

Discussion took place on a legal and financial matter concerning the Meridian TIF project.

After discussion, motion was made by Alderman Leahy, second by Alderman Kramer to offer no additional TIF assistance for the Meridian Development. Roll call: Alderwoman Clements, no; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, no; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderman Leahy, second by Alderman Robertson to return to open session at 9:18 pm. All in favor none opposed.

#### ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Harper to adjourn the meeting at 9:19 pm. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk