

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

May 17, 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, Excise Commissioner Clements.

Absent: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF MAY 17, 2010

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Agenda of the Regular Board of Aldermen meeting of May 17, 2010. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MAY 3, 2010

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve the Minutes of the Regular Board of Aldermen meeting of May 3, 2010. All in favor none opposed.

ACCEPT CERTIFIED ELECTION RESULTS

City Administrator Seemayer read the April 6, 2010 certified election results as follows:

Alderman Ward 1

Barb Clements - 365 Unopposed

Alderman Ward 2

Mike Marshall – 224

Frank Leahy – 24

Steve Moelm – 28

Alderman Ward 3

Andy Leahy – 256 Unopposed

Alderman Ward 4

Lorraine Krewson – 149
Gary Bierman – 124

Motion was made by Alderman Wynn, second by Alderman Marshall to accept the certified election results from the April 6, 2010 General Municipal Election. All in favor none opposed.

SWEARING-IN OF ELECTED OFFICIALS

Mayor Kelly administered the Oath of Office to Alderwoman Clements, Alderman Leahy and Alderwoman Krewson. Alderman Marshall's son administered the Oath of Office to his dad.

Mayor Kelly asked the newly sworn in alderpersons how many years of service have they had with the City.

Alderwoman Clements stated that she has about 17 years, Alderman Marshall 9 ½ years, Alderman Leahy 10 years and Alderwoman Krewson 5 years and 30 years as a City employee.

PROCLAMATION - YOUTH ART MONTH

Mayor Kelly announced that Youth Art Month is being celebrated in the month of May and he is very excited to see the students' artwork from the Brentwood School District.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the proclamation for Youth Art Month. All in favor none opposed.

Alderman Wynn stated that it is a pleasure for him to be reading the proclamation for Youth Art Month, since he taught 33 years in the Brentwood Schools District and has a great love for the students and all people interested in Brentwood schools.

Mayor Kelly presented Certificates of Recognition to Will Slatin, Anna Blomstrom, Ilona Kiss, Zahra Faraji, Jordan Tate, Cecelia Rogers and Holly Record and stated that we all appreciate the talented art students and their display of that artwork in City Hall. He stated that for the students that were not able to attend the meeting tonight, they would receive their certificates as well from the art teachers.

Alderman Wynn introduced the new Librarian, Vicki Woods and stated that she is a native of St. Louis/Kirkwood and now lives in Shrewsbury. She was the Director of the Webster Film Series for fifteen years before she decided to become a librarian in 2006. Since then, she has spent one year with the St. Louis Public Library and another year with the University of Iowa as their film and media librarian. She has two fat cats, loves gardening, traveling, movies, reading, and is delighted to be the new director for Brentwood Library.

BIDS – None

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

Public Hearing – Conditional Use Permit – 1740 S. Brentwood Blvd.

Director of Planning and Development Dailey pointed out that the public hearing is for a Conditional Use Permit/Site Plan Approval request for Eovaldi's Deli. They are requesting approval to locate where the Double D Karaoke Lounge is located. They will be operating Monday through Friday from 10:00 am to 2:00 pm, which is opposite hours of the Double D Karaoke business, located in the former Corwin's space. Eovaldi's Deli is hoping to do a lot of business with the office tenants and will be doing some delivery service as well. It will primarily be carryout, with a few tables in the space for people that want to stay and eat, but the sandwiches will be wrapped and prepared to go. The Planning and Zoning Commission unanimously approved the CUP.

Mayor Kelly announced the public hearing for a Conditional Use Permit for 1740 S. Brentwood Boulevard would now be heard at 7:20 pm. Mayor Kelly asked if there were any comments from the audience. There were no objections.

Mayor Kelly announced the public hearing closed at 7:21 pm.

Alderwoman Clements stated that the former Corwin's restaurant had a full kitchen. She asked for clarification, if Eovaldi's will prepare the sandwiches there, or will they bring in prepared food?

Director of Planning and Development Dailey stated that she believes they will be preparing the food there in the kitchen.

Alderman Kramer stated that Double D Karaoke, in its new location, has a limited menu. Is there any chance that they will extend the menu at night with this new opportunity?

Ms. Dailey responded that they have the option to request that but it is not part of this request. She believes, at this time, they are just serving pizzas in the evenings, when the bar is operating. The deli will be operated during the day, from 10:00 am to 2:00 pm.

Alderman Wynn stated that since the businesses will be sharing the same space, is there an understanding of who would be liable for things.

Ms. Dailey responded that her understanding is that the liquor will be locked and kept separate.

Alderman Wynn asked who would be responsible for cleanup of the space in going from one business to another in the same day.

Donna Wideman – owner of Double D Karaoke came before the Board and stated that there is a big kitchen from the previous restaurant. The owner of Corwin’s has removed all of their equipment. Eovaldi’s is going to bring in a refrigerated deli stand and a make table. They will bring in food and prepare the sandwiches as they are requested. Their salads and such will be prepackaged. They will only be using the kitchen. Customers will walk into the bar, order and collect their food, and then they will have the option to sit on the patio or at the tables in the center section of the restaurant because the bar will be closed. The bar will be gated, with locks on the coolers, so that no one will be able to get behind it or use the coolers.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5553 and 5554 first and second readings. All in favor none opposed.

Bill No. 5553 – Site Plan Approval/2525 S. Brentwood Blvd.

City Attorney Albrecht gave Bill No. 5553, AN ORDINANCE APPROVING SITE PLAN APPROVAL FOR A SIGNAGE PLAN FOR 2525 S. BRENTWOOD BOULEVARD; 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. 5553 as a Bill that would allow two (2) 8 sq. ft. wall signs on the north and south side of the building located at 2525 South Brentwood Blvd. The building is currently occupied by H & R Block and Birthright Counseling. The two additional signs would be used for Birthright. The Planning & Zoning Commission has reviewed and approved the signage plan.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5553. 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. 5553 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4236.

Bill No. 5554 – Conditional Use Permit/Eovaldi’s Deli

City Attorney Albrecht gave Bill No. 5554, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO EOVALDI’S INC., WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A DELI; PROVIDING THE CONDITIONS OF SUCH USAGE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5554 as a Bill that would approve a Conditional Use Permit and site plan for Eovaldi's Deli to be located at 1740 South Brentwood Boulevard (Joseph White Bldg). The deli would be located within the Double D Karaoke Bar and would primarily serve the office tenants. Their hours of operation would be Monday – Friday from 10:00 a.m. to 2:00 p.m. The Planning & Zoning Commission has reviewed the Conditional Use Permit and is recommending approval.

Alderman Leahy asked since food will be served from the establishment, if the liquor license conditions change in any way.

Excise Commissioner Clements responded no.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5554. 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. 5554 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4237.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 5/17/10.

Alderman Kramer inquired about the expenditure for Franco Fire.

City Administrator Seemayer stated that the \$9,796.00 was for two air packs.

All in favor of approval of the warrant list, none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an Executive Session/Legal Matter would be held following the meeting.

Mayor Kelly stated that the Committee Appointments are before the Board and the only change to the regular committees is the addition of Alderman Kramer to the Communication Committee. Under the Public Safety Committee, and in talks with the union representative for the fire department, they came up with the idea to appoint fire and police representatives to the Public Safety Committee. The representative from the Fire Department will be Ron Cottrell

and the police department's representative will be Nick Stanze. It will be great for the City to have more open communication within those departments with staff and the elected officials. There were no changes to the TIF Commission. Under the new state TIF laws, he does not know if a TIF Commission is still needed, unless it has to stay in place because of the existing TIFs. Currently, the way the Commission is established, it no longer falls under the guidelines of the state's TIF laws. Once he receives an answer from Gilmore & Bell, either the Commission will be dissolved or the appointments will be made as necessary.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the Committee Appointment list. 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.

Ron Cottrell – Brentwood Fire Department came before the Board and thanked the City and stated that they are very grateful for the opportunity to serve and to work for Brentwood. The relationships they have with the residents, and the elected officials are second-to-none and they look forward to this new endeavor. The Backstopper's BBQ will be held on June 12. They will start serving at 11:00 am until 7:00 pm, and have ordered a lot of food. All proceeds will go to the Rock Hill officer that was injured in the line of duty who is now paralyzed and whose life will never be the same. They are doing some fundraising right now to go into the BBQ with zero cost, so that they are able to give as much money as possible to Officer Matt Crosby.

Mayor Kelly stated that the Bridgeport project would go out to bid soon. The delay came when CDG Engineers were finalizing things and trying to get some approvals from MSD.

Mayor Kelly stated that in light of the smoking ban that was approved by the voters of St. Louis County last year, which will take effect in January of 2011, he would like the City of Brentwood to pass an ordinance banning smoking in all restaurants, bars, and those types of establishments, not just the ones that sell food. He believes it is a health issue and he does not think they should segregate because one sells food and the other one does not. Once City Attorney Albrecht obtains the modeling ordinance, the matter can be discussed in the Public Safety Committee.

Public Safety Committee – No report

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

City Administrator Seemayer announced that the Charity Golf Tournament would be held on Friday, June 18. Registration forms are available on the City's website or by calling City Hall.

City Administrator Seemayer stated that he received an email very late this afternoon concerning Eager Road. They will start the pavement work this week and will be finished by next week.

Excise Commissioner – No report

Library – No report

Municipal League

Mayor Kelly stated that the Municipal League's annual banquet is this Friday night. If anybody is interested in attending from the City of Brentwood, feel free to do so. He will not be able to attend and will be out of town. He was nominated and approved to serve on the executive committee as finance chair for the Municipal League in the upcoming year. He appreciates the selection and nomination.

Communication – No report

Historical Society

Alderwoman Krewson stated that the Historical Society would be contributing \$100 to the Backstopper's BBQ.

UNFINISHED BUSINESS

Alderman Kramer asked who the beneficiaries were for the Charity Golf Tournament this year.

Mayor Kelly stated that the main beneficiary is the Friends of the Dominican Sisters, an organization that helps to take care of retired nuns that do not have medical insurance and those types of things. A group of people at St. Mary Magdalen started the organization. The Brentwood Foundation and Brentwood Football Team will be receiving a portion of the funds as well.

Alderman Kramer asked if there is an update on the timeline for the fire department.

Mayor Kelly responded that it is still the same. They are looking optimistically to October or by the middle of November.

Alderman Marshall asked if there is an update on the leak on Eulalie.

City Administrator Seemayer stated that the City was aware of the leak but a number of calls were received to let staff know. The leak occurred early last week, which was in the service line, not the water main. When it is in the service line, it is the responsibility of the homeowner, not Missouri American Water. A water service line insurance program is in place in St. Louis County that would cover the leak. Staff contacted St. Louis County Department of Public Works early last week and they were working on getting the bids and such. They found out that the house had been foreclosed on and there was nobody there that had been paying any water bills, so it did not qualify under the St. Louis County insurance program. The public works staff contacted the current institution that owns the house and they are sending a plumber out there tomorrow to repair it.

Alderman Marshall asked if there is any way to prevent this from happening again. If there is a situation with a foreclosed property, is there any way the City could have the leak repaired immediately and then put a lien on the house.

City Administrator Seemayer stated that the City could have it repaired, but they would have to look into the possibility of placing a lien on the property. They could investigate to see if the City would be able to recoup the money for the repairs.

Alderman Marshall asked about the start of construction on the new insurance company building at White Avenue and Brentwood Blvd.

Mayor Kelly stated that there are some legal issues involving the property at this time.

Alderman Marshall asked about Arby's and their opening date.

Mayor Kelly stated that they turned in their plans, which were approved about six weeks ago.

Alderman Kramer asked if there is an update on the dog park.

Mayor Kelly stated that the dog park is defunct. The YMCA wanted the City to cover the liability insurance, maintain the park, maintain a list of users and turn it over to them at the end of every year, etc. It was not what they had talked about initially. The Board was very supportive in funding the fence, which they had ordered and had everything in place to start installing it, but at this point it is not going to happen in that area. The Villas will have to be reimbursed the \$4,000 that they contributed to help pay for the fence.

NEW BUSINESS

Alderman Leahy announced that a Ward 3 meeting would be held on Tuesday, May 25 at 7:00 pm in City Hall Council Chambers. St. Mary Magdalen will hold their parish picnic on Friday night and all day Saturday at the corner of Brentwood and Manchester and all are welcome.

Alderwoman Clements asked for clarification, if the summer schedule for the BOA meetings starts on the third Mondays in June, July, August and September.

Mayor Kelly responded yes.

Recess

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

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

Executive Session/Legal Matter

Motion was made by Alderman Leahy, second by Alderwoman Clements to enter into an Executive Session on a legal matter at 7:56 pm. All in favor none opposed.

After discussion, motion was made by Alderwoman Clements, second by Alderman Wynn to retain Thompson Coburn as co-counsel in the Meridian lawsuit, in addition to legal counsel being provided by the insurance carrier. 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.

Motion was made by Alderman Leahy, second by Alderwoman Clements to return to open session at 8:17 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 8:25 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk