

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

July 19, 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 Rottjakob, Executive Secretary Williams, Excise Commissioner Clements.

Absent: None.

Mayor Kelly requested a moment of silence for the family of a graduate of Brentwood High School, Lincoln Louis who passed away last Friday evening.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF JULY 19, 2010

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt the Agenda of the Regular Board of Aldermen meeting of July 19, 2010. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF JUNE 21, 2010

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve the Minutes of the Regular Board of Aldermen meeting of June 21, 2010 as amended by adding Alderman Marshall and Alderman Harper under "Absent". All in favor none opposed.

BIDS – Recodification of Municipal Code

City Administrator Seemayer read bids that were received and opened today for the recodification of the Brentwood Municipal Code as follows:

Municipal Code Corporation	\$15,995
Sullivan Publication	\$16,000

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

Jim Fiete – 2201 Parkridge came before the Board and stated that the Brentwood Lodge #616 donated the flag and the flagpole for the Brentwood Police Station. He has offered to purchase a flagpole for the new fire station and would like to know if the Board will accept his offer.

Mayor Kelly stated that the Board would be very excited and honored by the donation to the fire department.

Tom Dawson – 2516 Melvin Avenue came before the Board and expressed concern about peace disturbance in the middle of the night on his street. He suggested an amendment of “loud talking at night” be added to Article 4, Section 13-76.

Mayor Kelly requested that the Public Safety Committee review the matter.

Alderman Marshall suggested that the Public Safety Committee consider increasing the amount of the fines when dealing with certain issues and repeat offenders.

Public Hearing – Conditional Use Permit/8450 Eager Road

Mayor Kelly announced the Public Hearing for a Conditional Use Permit at 8450 Eager Road would now be heard.

Director of Planning and Development Rottjakob came before the Board and explained that the request is for a Conditional Use Permit amendment for Dierbergs Brentwood Pointe. When the CUP and site plan was first approved, it was approved for one restaurant, which is the Macaroni Grill. Since that time, they have had tenants interested in opening restaurants. In talks with Dierbergs about amending the CUP, they wanted to look at the parking as well, which is the biggest issue with restaurants. There are higher parking requirements for restaurants than there are for regular retail uses. Since the Center has been in operation for a number of years, they wanted to look at what the actual parking demand is and see if there was room to reduce the parking requirements. Crawford, Bunte, Brammeier did a parking analysis and determined that there is plenty of supply for the reduction of 25%, which is part of the new parking standards. In the Planned Development District “PD”, owners can request a reduction in parking requirements if it meets the traffic engineer’s careful analysis. The Planning and Zoning Commission recommended approval of the request for reduction in parking by 25%.

Mayor Kelly asked if there were any comments from the audience. There were none.

Hearing no comments or questions, Mayor Kelly announced the Public Hearing closed.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy stated that he would like Bill No. 5549 to remain on hold.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to remove Bill No. 5549 from hold. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

1st and 2nd Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Wynn to give Bills No. 5549, 5558, 5559 and 5560 first and second readings. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Mayor Kelly stated that Bill No. 5549 has been revised and is before the Board. He has met with representatives from the City of Richmond Heights to talk about the agreement for providing services at the Richmond Heights Community Center to Brentwood residents at the residential rate. Under the revised Bill, the annual fee will be based on two-thirds of the difference between the resident and non-resident rate from the previous year. The City had \$90,000 in total fees and they paid \$60,000 to Richmond Heights. They have about 1,100 total memberships both family and single individual memberships at the Heights, so the two-thirds difference makes the annual payment \$60,000 this year. Previously, there was no stipulation of what that amount would be in the Bill. That amount is stated in the highlighted section of the agreement that is before the Board tonight. The only other change is the date.

Alderman Kramer asked how they arrived at the fee and what is the difference in revenue from the City's budget to Richmond Heights' budget.

Mayor Kelly responded that the fee started at approximately \$25,000 the first year. Each year after that, Richmond Heights has increased it by \$5,000 trying to get to the point where they originally wanted them to pay which is the total difference between the residential and non-residential rates. If the City had agreed to do that, the fee would be \$90,000 today. It is obviously a benefit to them that the Brentwood residents use the Heights for a fee, which is additional revenue for them.

Alderman Leahy stated that he is disappointed in the way the Mayor is proceeding with the agreement. He had approached City Attorney Albrecht to request that Bill No. 5549 be discussed in executive session because they would be talking about a contract that for some strange reason, still is not a document that has been presented to the Board, representing the group. How this Board proceeds can influence the negotiations that have been taking place. He has been pushing for this for over three years. He is disappointed that the Bill has been revised and it still shows him as the one introducing the offer and that it is not where he wants it to be. He requested that the Mayor send the Bill to executive session for next month.

Mayor Kelly stated that most contracts in the negotiation stages would be discussed in executive session but Alderman Leahy brought this Bill to the Board. Alderman Leahy wanted something in writing which is fine. These are the negotiations and the terms that Richmond Heights felt comfortable with and that he feels are fair for the City of Brentwood. There is no reason to go into executive session. They have talked about these numbers for a long time. The agreement is in the form of a Bill that is being considered in order to allocate the funds.

Alderman Leahy stated that he would like it to be reviewed in executive session because he does not think the discussion would be beneficial for the City of Brentwood in a public environment. The Board needs to have a directive before they address how they will proceed. He would like to at least have the courtesy of making this happen to the benefit of the citizens of Brentwood.

Mayor Kelly stated that if Alderman Leahy is making his request in the form of a motion, a second is needed or it will fail. If they agree to go to executive session then the conversation stops.

There was no second to Alderman Leahy's motion.

Alderman Kramer stated that Bill No. 5549 was on hold since April and they removed it. Is there a circumstance whereby if they do not pass the Bill now Richmond Heights will suspend their memberships? Is there a timing issue?

Mayor Kelly stated that they usually make the payment on July 1.

City Administrator Seemayer stated that they have not received the invoice yet. Normally it comes the first week of July.

Mayor Kelly stated that he believes Richmond Heights was waiting until Brentwood finalized something.

Alderman Marshall asked if City Attorney Albrecht has looked over the agreement.

City Attorney Albrecht stated that he has not seen the updated Bill No. 5549.

Alderman Leahy stated that he would renew his request to take it to executive session, if not; he will have to discuss it now.

Mayor Kelly suggested that Alderman Leahy discuss it in regular session.

Alderman Leahy stated that the intent of the City of Brentwood in joining a tri-group arrangement with the cities of Richmond Heights and Maplewood in 2001 was for the

convenience of the citizens of each of the communities to bring something unique to the table and as a cooperative effort to benefit all the citizens with a better parks program. At the same time, in 2001, the City of Richmond Heights opened their new facility and upon doing so realized that in order to make the facility both affordable and economical for the City of Richmond Heights, agreed to open memberships for the other two communities because they had to do partnerships to arrange the financing of their facility and make it affordable without taxing their community. Thus, for whatever reason, the City of Brentwood agreed to get involved with the program. At that time, Brentwood also lost its parks director.

The City agreed to pay a \$25,000 fee with the understanding that it was to help bring everybody together. For the last three and a half years, the City of Brentwood has spent \$67,000 or \$82,000 on a consultant to evaluate the Brentwood Community Center. At this point, there are a few options on the table for that building which is to remodel it, bring it up to Code or to possibly replace it with a completely new parks department, with a bond issue potentially going to the voters sometime in the next year. At that time, he asked the Board of Aldermen at what point do they continue paying the City of Richmond Heights to supplement their parks department if they need and have to facilitate their own parks department. This year, the bill is \$60,000. At what point does the bill get to an extent that it no longer becomes feasible for the City of Brentwood to pay for it because it has to pay for its own facility. For some reason, this three-community agreement for the benefit of all the citizens has become a financial necessity for Richmond Heights at the benefit and the detriment of Brentwood citizens. The last point of this agreement is that there is a \$130.00 discount for the employees of the City of Brentwood to be Richmond Heights members. Some Board of Aldermen members have memberships at Richmond Heights. It is his understanding that the discount for the members of the Board currently is a \$130.00 discount from the resident rate, which would be approximately $\frac{1}{4}$ of the cost of a family membership. That should to be addressed.

Mayor Kelly responded that he pays the non-resident rate of \$27.00 a month like everybody else.

Alderman Leahy stated that the Mayor's yearly fee for being a member is the same as any resident versus the \$130.00 discount cited on page 3, section 7. Since the City has not determined what it's going to do with its community center, continuing this agreement with the City of Richmond Heights, when the Board finally makes the decision is the yearly charge going to be stopped.

Mayor Kelly stated that the agreement is renewed every year, when you make the payment. If the City of Brentwood builds its own facility then they would no longer offer this service to the residents. The agreement would not be renewed on July 1 of that year.

Alderman Leahy asked what would be built in a Brentwood Rec Center. They are making a decision without discussing all of the ramifications of where it is taking them.

Mayor Kelly explained that they need to make a decision right now for the residents and the program they have going forward for this year.

Alderman Leahy stated that they have pushed hard to get the issue resolved. They are getting away from why they are in a tri-community agreement and helping Richmond Heights to afford their facility. An email came in from the City Manager of Richmond Heights informing them that the entire intent of the charge is to help fund the \$1 million cost of running that facility.

Mayor Kelly responded that of course Richmond Heights want the funds to help generate revenue for their facility. Brentwood offers the Richmond Heights membership to its residents as an option and it is a service that Brentwood does not have. Mayor Kelly pointed out that Alderman Leahy made a comment about the fact that the City made the agreement and then lost its parks director. Those two things had nothing to do with each other. She took a job in another community, but since then she has been hired back at Brentwood.

Alderman Leahy responded that was not his intent. He was just putting the timeline together.

Mayor Kelly stated that they have the program in place and the reason it is before the Board is because Alderman Leahy wanted something in writing and now they have it in writing. They know that the fees will be based on memberships as they go forward. If they decide next year to do something different, they do not have to renew it.

Alderman Leahy stated that he would like the Board to figure and picture that if you are paying because of the three-community arrangement, everybody should be bringing a separate piece to the pie. Would Brentwood continue the agreement if it only renovates the ice rink? Would Brentwood discontinue the agreement to build and finance a recreation center and duplicate the facility at Richmond Heights? They interrelate to each other.

Mayor Kelly stated that they need to decide if they want to move forward and then talk about what they want to do with the recreation center. With respect to Brentwood building its own community center of the same capacity as Richmond Heights is not a good use of public funds. They are estimating the cost to be somewhere between \$10 and \$20 million depending on what they are going to build. Then they will have to ask the residents to approve a bond issue for it. They do not have the room to build something like Richmond Heights on the existing site and the membership fees were estimated to be around \$56.00 for the residents. Right now, the residents are paying \$27.00 a month. He does not see how the residents are going to agree to do that. From a community standpoint, he thinks it is very important that municipalities look at ways to cooperate with each other and try to do joint ventures like this so not everybody is building one of these facilities that they cannot afford to pay for. It would be bad for Richmond Heights and Brentwood because then both communities could not support it. They need to make some decisions on which direction they are going in with the Brentwood Recreation Center.

Alderman Leahy stated that he loves what the Mayor just said. He is in favor for the citizens of Brentwood to be able to participate in the three-community agreement. It offers a better parks program. He is not in favor if each party brings a unique piece to the puzzle then they should not be supplementing a non-resident rate. Each facility should have its own membership base and partnership on the membership fees alone. That would generate money for all communities based on the residential uses. If they went to a new facility in Brentwood they would have to have that type of partnership to help fund their own facility, not only building it because that comes off the taxing, but in order to operate on a yearly basis. To continue right now with supplementing a supplement fee for Richmond Heights, he cannot see Richmond Heights returning the courtesy of supplementing Brentwood's cost and also getting their residents to join if Brentwood builds a new facility. He would like to have an agreement to establish the three-community partnership, but without the supplementary fees. He found it very frustrating that the original bill that he brought to the Board asking them to consider was addressed by Richmond Heights in 2002 but never found its way to Brentwood until after they paid the bill in 2009, after two years of Ms. Frankowski and Mr. Seemayer helping to try to facilitate getting it all documented. The partnership does not seem to be a give and take partnership. It seems to be a one-way street. He would like to get it back to a mutual agreement.

Mayor Kelly stated that if you look at it from a pure money standpoint the benefit to the City of Brentwood is that they are able to offer it to residents. For the ones that take advantage of it, for this year, it will cost the City \$60,000 for Brentwood residents to take out memberships and then they would subsidize the rest of the memberships. The City is able to offer the residents the use of that facility and the ability to go to the Maplewood pool at the residential rates and it is only costing the City \$60,000 a year instead of a \$20 million bond issue and a membership fee of approximately \$50.00 a month and the City subsidizing that facility by \$700,000 or \$800,000 a year because it wouldn't cover its cost. There is a huge benefit to the city of Brentwood to have the agreement with Richmond Heights.

Alderman Leahy responded yes, in the community of what you are offering to each other. Your highest usage rate from the citizens of Brentwood was 1,500 memberships and you paid \$40,000. The usage rate last year, according to the Richmond Heights numbers, was 1,180 memberships and now the bill is \$60,000. He does not think that is a reasonable cost for the residents of Brentwood. Because of the way they are proceeding with the agreement, he is not happy. He requested that his name be removed as sponsoring the bill.

Mayor Kelly asked if there are any sponsors for the Bill No. 5549.

All aldermen agreed to be sponsors on Bill No. 5549 except for Aldermen Leahy and Robertson.

Alderman Marshall stated that they have to look at the number of Brentwood residents using their facility versus the number of Richmond Heights' residents using Brentwood's facility. They have one function in Brentwood's facility and that is the ice rink. You cannot look at it as apples

and apples because it is not. It is apples and oranges. They are providing a lot more to Brentwood residents than Brentwood is providing to their residents. He completely understands though. He thinks Alderman Leahy is trying to say that it should be an even cost throughout the three cities but Richmond Heights still has to operate that facility and if they are paying the same amount that Brentwood is paying them and a lot more of Brentwood residents are using the facility, it's not going to work for them. Even if Brentwood decides to move forward with the recreation center, either by updating it, fixing it, building a new one, and a bond issue passes, you are talking a minimum of two years before anything is up and running. The agreement is on an annual review. He does not see a problem with moving forward with it this year as opposed to worrying about what Brentwood is going to have in place. In all the discussions, they have had over the last two years it was never the intention to keep moving forward with Richmond Heights if Brentwood has its own facility.

Alderman Kramer stated that it is important for all the residents to know that Brentwood's attorney reads all of the bills and ordinances and he has read this one just not the change that was made.

Alderwoman Clements asked if she is to assume that depending on the memberships from the City of Brentwood this year that the amount could change also, depending on the membership.

Mayor Kelly responded that is correct. With the agreement and the cooperation with Maplewood and Richmond Heights, Brentwood offers its residents more from a parks standpoint than almost every municipality in St. Louis County. They have the community center with activities, outdoor swimming pool in Maplewood, an ice rink, meeting rooms, ball fields, soccer fields, outdoor inline skating rink, and it is very affordable at this point. It is something they should be proud of that they are able to offer it to the residents. Many communities that build the large facilities cannot afford to operate them once they are built.

City Attorney Albrecht gave Bill No. 5549, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR RECREATION SERVICES BETWEEN THE CITY OF BRENTWOOD, MISSOURI AND THE CITY OF RICHMOND HEIGHTS, MISSOURI, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5549 as a Bill that would approve a contract with the City of Richmond Heights that would ratify an agreement for Brentwood's use of The Heights. The City of Richmond Heights originally adopted this agreement in 2002 but did not notify Brentwood of the contract until 2009. Brentwood currently pays an annual fee to Richmond Heights that allows Brentwood residents, businesses and employees to enjoy The Heights at discounted rates. This bill was placed on hold at the April 19 BOA meeting.

Motion was made by Alderman Marshall, second by Alderwoman Krewson to approve and adopt Bill No. 5549. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman

Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5549 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4240.

Bill No. 5558 – Smoking Regulations

City Attorney Albrecht gave Bill No. 5558, AN ORDINANCE AMENDING CHAPTER 13 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD MISSOURI BY DELETING SECTIONS 13-250 - 13-255 OF ARTICLE XII, AS IT RELATES TO REGULATION OF SMOKING IN PUBLIC AND WORK PLACES, AND ENACTING IN LIEU THEREOF NEW SECTIONS 13-250 – 13-260 TO ARTICLE XII; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first reading.

Alderman Kramer read a synopsis of Bill No. 5558 as a Bill that amends Chapter 13 of the Brentwood Municipal Code as it relates to the prohibition of smoking. The revised Bill prohibits smoking in any public place including public facilities, places of employment and restaurants and taverns. Certain exclusions apply including 25% of hotel rooms, private residences and private vehicles. The effective date of this Bill is January 1, 2011. The Public Safety Committee reviewed this Bill and is recommending its approval.

Alderman Wynn stated that he received the Bill, read it and is wondering how many of the citizens know that the Bill is being considered. He suggested placing it on hold for a month to give everybody a chance to look at it and respond.

Motion was made by Alderman Wynn, second by Alderman Leahy to place Bill No. 5558 on hold. All in favor none opposed.

Alderman Kramer requested that his name be added to sponsorship of Bill No. 5558.

Mayor Kelly stated that a number of them have been supporters of the County's efforts of the new smoking ban in St. Louis. He was always a big proponent that it needed to be done on a larger scale than municipalities. In the County's final negotiations, in the bill that they brought forward, they excluded some operations from the smoking ban, which included taverns that 25% or less of their revenues were generated by food sales. Any operation where 25% or more of their revenue is generated by food sales can no longer have smoking in their facility. It will put a couple of their businesses in the city of Brentwood at a disadvantage for the ones that do not serve food and would fall under the other category. It is important that everybody is on the same playing field and the County ordinance did not do that. He agrees with Alderman Wynn and does not have any objections to placing the Bill on hold to allow people to find out about it. If it is a true health issue, it is a health issue whether it is in a tavern or at city hall.

Alderman Leahy asked for clarification on Section 13-258 and if they are putting in the enforcement of this Code, which they are amending from the St. Louis County code that the fire marshal or possibly the police and fire departments will enforce it. It is his understanding that the St. Louis County ordinance that was approved by the voters is only enforced by the St. Louis County Health Department.

Mayor Kelly stated that the City would enforce its own ordinance. They modeled this Bill after Kirkwood and Ballwin's ordinance.

Alderman Leahy responded that Kirkwood passed its own smoking ordinance. He does not know if Ballwin did or not. His problem is with the changes in Brentwood's code. Will St. Louis County code be less restrictive than Brentwood's ordinance?

City Attorney Albrecht stated that Brentwood's ordinance would be more restrictive than St. Louis County's. St. Louis County would be free to enforce their ordinance on violations and Brentwood is able to enforce its stricter ordinance.

Bill No. 5559 – CUP Brentwood Pointe

City Attorney Albrecht gave Bill No. 5559, AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 3721, WHICH APPROVED REZONING AND A CONDITIONAL USE PERMIT FOR AN AREA KNOWN AS BRENTWOOD POINTE, BY GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR CERTAIN RESTAURANT USES AND A 25% REDUCTION IN THE CITY'S PARKING REQUIREMENTS FOR THE ENTIRE SITE; PROVIDING THE CONDITIONS OF SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5559 as a Bill that amends Ordinance #3721, which approved the rezoning, and Conditional Use Permit for Brentwood Pointe. The amendment approves a new site plan and Conditional Use Permit recognizing the existing three restaurants that occupy the center and allows for a reduction in required parking spaces by 25% based upon the parking analysis performed by Crawford Brunte and Brammeier. The Planning & Zoning Commission has reviewed the amendment and is recommending approval.

Alderman Leahy stated that currently there are 887 parking spaces in the Dierbergs Center. This Bill is establishing the new CUP because there are now three restaurants in that area. Do the 887 spaces constitute sufficient parking spaces for the new usages?

Director of Planning and Development Rottjakob stated that there is an excess of parking over and above what is needed to support the existing restaurant. Crawford, Bunte, Brammeier reported that there are 106 excess spaces that are available for future restaurant usages.

Alderman Leahy asked if it is possible to define the size of the parking spaces in the Brentwood Code. He is afraid of approving a new CUP based on a parking reduction, having them wanting to come in with other facilities and restripe the lot to make the numbers work and then end up with a very tight arrangement of moving cars in and out of small spaces. He would like to prevent that from happening. They made that mistake with the Promenade's lot.

Mrs. Rottjakob stated that a portion of the Brentwood Promenade was approved originally with some compact parking spaces and some of those spaces were removed when Target expanded a couple of years ago. When they went through the Planning and Zoning Commission, Target agreed to remove some of those compact spaces. In Brentwood Pointe, the only way that Center could reduce the size of their parking spaces would be to get approval from the Board of Aldermen. They would have to go to the Planning and Zoning Commission and request it. If they reduce the size without getting City approval, they would be in violation.

Mayor Kelly stated that this is not a reduction in their existing number of spaces. It is a reduction in the requirement.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5559. 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. 5559 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4241.

Alderman Marshall asked if staff verifies that owners comply with things like landscaping, when they request changes.

Mrs. Rottjakob responded yes. They do spring and fall inspections of their CUPs to make sure they are in compliance.

Bill No. 5560 – The Meridian

City Attorney Albrecht gave Bill No. 5560, 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 AN ADDITIONAL PANEL TO THE EXISTING SHOPPING CENTER SIGN; 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. 5560 as a Bill that amends the signage plan approved for the Meridian Development located at 8300 Eager Road. The amendment allows the developer to add one additional panel to the monument sign to include Mai Lee Restaurant. The proposal was reviewed and approved by the Planning & Zoning Commission.

Director of Planning and Development Rottjakob stated that the change is similar to what the P&Z Commission reviewed a couple of months ago for Brentwood Square. The request is to add a panel to the bottom of the sign to give more visibility for Mai Lee Restaurant. They are doing very well but would like a little better visibility from Eager and Hanley for their restaurant. The P&Z Commission recommended approval of the sign change with the condition that none of the tenant panels could be split.

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve and adopt Bill No. 5560. 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. 5560 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4242.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 7/19/10.

Alderman Kramer asked about the expenditure for the Bank of NY Mellon and UMB Bank NA.

City Administrator Seemayer stated that it is the general obligation bonds for the 1993 park bond issue. The trustee for that is the Bank of NY. The UMB Bank NA is for the original 1991, 1992 street bond issue, which was refinanced for interest savings in 1998 and that is the semi-annual payment for that as well.

Alderman Kramer thanked the City of Richmond Heights for the repaving of Eager Road. They donated all the labor and equipment to help repave Eager Road, roughly from the Magna Bank building to Chafford Woods. They have also worked out an equipment agreement with the City of Crestwood to facilitate repair of the broken parking spaces in Brentwood Forest that were damaged from all the water main breaks from the expected Manhasset Heights project. The original bid out for that project was \$240,000 and instead they reduced the cost to \$80,000 by doing the work themselves.

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly stated that he would like a decision made on the architect for the Master Plan for City Hall.

Alderman Marshall stated that he is hoping to have a W&M meeting next week.

Mayor Kelly stated at some point, they need to hash it out at a BOA meeting and make a decision on what direction they want to go.

Alderman Robertson stated that they have talked about it and they are gathering more information to help them make the recommendation hopefully by next month's meeting.

Alderman Marshall stated that they would need to build a buffer for operating cost if a new facility is built.

Alderman Marshall asked if it would be acceptable to have a meeting just to discuss the Rec Center issue.

Mayor Kelly stated that they could have a Public Works Committee meeting to discuss it and the whole Board could be invited.

Alderman Robertson agreed to discuss it in the Public Works Committee meeting.

Mayor Kelly stated that Dierbergs has leased the remaining space next to Office Max. Petco will be occupying that space. They have turn in their building permits. They are very close to making a decision on putting in a bakery next to Mai Lee Restaurant in the Meridian Project.

An executive session, legal matter will be held following the meeting.

Committee Appointments

Mayor Kelly asked for the reappointment of Secretary/Treasurer, Becky Hoffman, Asst Treasurer, Kathleen Davis and Director, Lyndsay Borage to the 8750 Manchester Road CID.

Alderman Leahy asked if the individuals are required to be employees of the CID area.

Mayor Kelly stated that he believes they work for the company that owns the property.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve the appointment of Becky Hoffman, Kathleen Davis and Lyndsay Borage to the 8750 Manchester Road CID. All in favor none opposed.

Public Safety Committee

Alderwoman Clements stated that the Public Safety Committee got a copy of the letter that was sent to Chief Niemeyer praising the response and the quality of care given by our ambulance crew and a Brentwood police officer.

Mayor Kelly stated that the cities of Brentwood, Richmond Heights and Clayton have had a rash of car break-ins in some of the parking garages in the commercial areas. Over the past few days, Brentwood detectives apprehended two individuals and were able to confiscate over \$8,000 of stolen goods. The robbers confessed to most of the break-ins in the cities of Brentwood and Clayton. Congratulations to the police department for doing a good job.

Public Works Committee – No further report

Director of Planning and Development

Director of Planning and Development Rottjakob stated that in early May, staff met with the engineer for the Bridgeport Storm Water project and they had the design for the project just about completed with a few outstanding items from MSD. Since then, they have gotten property owner approval through temporary construction easements. They have meet with the property owners at 9004 and 9008 Bridgeport and they are supportive of the project. They expect to have the bid documents ready in a couple of days and should be able to put that project out to bid very shortly. The Board approved the contractor for the Strassner Road improvements at its June 21 meeting. Shortly after that, staff met with NB West, the selected contractor to talk about the schedule. They are waiting on temporary and permanent construction easements from some of the adjacent property owners. As soon as they have those in place, they will be ready to start construction. Letters have been sent out and they have talked to businesses to express how the construction will affect them. Strassner, in the project area, will be closed for two weeks. Metro is aware of it and they plan to notify the post office. Hopefully, that project will start sometime in August. Litzsinger Bridge design is complete and the project is out to bid. The bid opening is July 30 at 3:00 pm at City Hall. The initial MSD review is completed. They are just waiting for a floodplain development permit and some final negotiations with Missouri American Water on relocating a water line. As soon as that is done, they will be able to finalize the easement documents. They hope to have that project start sometime in September. The Brentwood Gateway project bid date is July 22nd at 10:00 pm. They have all the permits from St. Louis County and MoDOT and a maintenance agreement with St. Louis County that they have approved, which will be placed on the August 16th meeting for approval. They are hoping for a September construction start for that project.

Alderman Leahy asked whose responsibility is it to take care of the green space area off McKnight Road on the east side, just south of the highway.

Mayor Kelly stated that the City is waiting for final release from MoDOT.

Alderman Kramer asked about the sidewalk project in Hanley Industrial Court and the Drury Hotel project.

Mrs. Rottjakob stated that they have gotten approval from MoDOT for the contract, but they are waiting for authorization to release funds for the design phase from Federal Highways. They have met the timeframes and deadlines to keep the funds.

Mayor Kelly stated that regarding the Drury project, they are still in negotiations with MoDOT.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator

City Administrator Seemayer stated that next week the City would be sending out an informational letter regarding Proposition A, the sewer lateral program that is on the August 3, 2010 ballot. The current annual assessment is \$28.00 and Prop. A would authorize it to go to a maximum of \$50.00.

Excise Commissioner

Temporary Liquor Licenses/Special Use Permits

Excise Commissioner Clements stated that Brentwood Days is scheduled for September 17 and 18 and OB Clark's, American Legion Goff-Moll Post 101, Mid-County Jaycees would like to serve beer and the Brentwood Optimist is serving wine only.

Alderwoman Clements asked if the Mid-County Jaycees have done it before.

Excise Commissioner Clements responded it is a new request.

Alderman Marshall stated that the Brentwood Optimist donates a lot of the money to the community. Would it be a benefit to exclude certain applications?

Mayor Kelly stated that in the future, the Board might want to set a limit on the number of applications.

Alderman Wynn asked if they are going to set a limit on how many people can serve alcohol.

Excise Commissioner Clements stated that it is the Board's decision.

City Administrator Seemayer stated that the festival has had three or four vendors serving alcohol off and on.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the Temporary Liquor Licenses/Special Use Permit for OB Clark's, American Legion Goff-Moll Post 101, Mid-County Jaycees and Brentwood Optimist. 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

Alderman Wynn invited everyone to visit the Brentwood Library.

Municipal League – No report

Communication

Alderman Marshall stated that the quote for the updating of the website came in cheaper and it includes two updates.

Historical Society

Alderman Wynn stated that when they went on vacation, they looked at historical society facilities in other areas and they were very thankful for Brentwood's because he remembers the days it was in somebody's basement. He is thankful for the way the City has supported them.

UNFINISHED BUSINESS

Alderman Marshall stated the City is having a problem with dumping in Brentwood Park and he would like to have one of the committees look into it. The parks department keeps the dumpster locked and people will still drive up to it and unload all kinds of debris or trash. He would like to look into putting up a gate and the dumping fees/fines look at.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, July 27th at 7:00 pm in the Council Chambers.

August 3rd is Primary Election Day and there are a couple of municipal issues on the ballot, so he is asking the voters to take the time to become educated on the different candidates and issues and to please come out and vote.

Tuesday, August 3rd is the city of Brentwood National Night Out Against Crime. They are fortunate enough to be invited back to the Brentwood Forest Pool and Clubhouse. It will start at 5:00 pm for the residents to come and meet the officers that make up our excellent police department and the different businesses that support their program. He invited everyone to attend. The pool is available to all.

Alderman Wynn stated 47 years ago today, he married the most wonderful woman in the world and that he loves her.

Alderman Leahy, on behalf of the Board, congratulated Ellen Rottjakob on her recent marriage.

Recess

Motion was made by Alderman Leahy, second by Alderman Harper to recess the meeting at 8:35 pm. All in favor none opposed.

Motion was made by Alderman Wynn, second by Alderman Robertson to reconvene the meeting at 8:38 pm. All in favor none opposed.

Executive Session/Legal Matter

Motion was made by Alderwoman Clements, second by Alderman Marshall to enter into an Executive Session on a legal matter at 8:39 pm. All in favor none opposed.

Discussion was held on a legal matter and City Prosecutor Shelton updated the Board on the Elizabeth McDonald case.

Motion was made by Alderman Leahy, second by Alderman Wynn to offer \$1,001.00 as a settlement offer. 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 Alderwoman Clements, second by Alderman Leahy to return to open session at 8:52 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 8:53 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk