

**CITY OF BRENTWOOD, MISSOURI
REGULAR BOARD OF ALDERMEN MEETING
MINUTES**

**City Hall
Council Chambers**

**January 3, 2011
7:00 pm**

Mayor Kelly called the meeting to order and led with the Pledge of Allegiance. Roll call was taken with the following members present: Alderwoman Clements, Alderman Marshall, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn and Alderman Harper.

Staff present: City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development Rottjakob, Executive Secretary Williams and Police Chief Disbennett.

CONSIDERATION AND APPROVAL OF THE JANUARY 3, 2011 BOA AGENDA

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the BOA meeting agenda of January 3, 2011. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE DECEMBER 6, 2010 BOA MINUTES

Motion was made by Alderman Leahy, second by Alderman Robertson to approve the December 6, 2010 BOA meeting minutes. All in favor none opposed.

BIDS – None

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

Drawing of Names for the Ballot

City Administrator Seemayer stated that on the first day that the offices for filing for elected positions opened, two candidates were present for the Ward 2 position prior to 8:00 am. City Code requires that the two names be drawn to determine whose name will appear on the ballot first and the name that will follow. The two candidates' names were drawn and Lee Wynn's name, the incumbent for Ward 2, will appear on the ballot first and Brandon Wegge will be second.

Presentation – Brentwood Police Department

Police Chief Disbennett came before the Board and stated that every year they present to one of the employees of the Brentwood Police Department an Employee of the Year award. This year's recipient is Detective Nick Stanze. Detective Stanze is a member of the Major Case

Squad. In July of 2010, he was called to Sunset Hills for a murder involving a woman that was involved in domestic violence. Detective Stanze and his partner were assigned the responsibility of interviewing the suspect who was the boyfriend of the victim. They interviewed the suspect and he subsequently confessed to the murder and did a reenactment of the murder. Warrants were issued and the case is pending. Detective Stanze was also a part of the investigation of a bank robbery that took place at the Regions Bank in Brentwood in September of 2010. In addition, another bank robbery took place two days earlier in University City and the perpetrator matched the description of the suspect. An inquiry took place after obtaining a fingerprint from one of the notes that the suspect had left behind and he was later found in southwest Missouri. Detective Stanze and his partner went to southwest Missouri and picked up the suspect. They brought him back and he not only confessed to the bank robbery at the Regions Bank and the robbery in University City, but also twelve other bank robberies as far west as Oregon and Washington, and as far north as Wisconsin.

Chief Disbennett asked Detective Stanze to come forward and he and Mayor Kelly presented him with the Employee of the Year award.

Brandon Wegge, resident at 8537 Douglas Court came before the Board and introduced himself as a candidate for Alderman Ward 2. He stated that if elected, it would be a great honor to serve the citizens of Brentwood.

Leo Lang – Vice Commander of Goff Moll Post 101 came before the Board and stated that he would like to speak in favor of the Board's consideration of the smoking ban exemption for Goff Moll Post 101 in Brentwood. Since they are the only organization of that type in Brentwood, allowing a smoking ban at Post 101 would not be setting any kind of big exemption or exception for organizations like theirs. If exempted from the smoking ban, performing as a private club for legion members or auxiliary members and their guests, they are prepared to limit services and admittance, obtain special licenses and obey all legal requirements. Their Post derives about 80% of its income from the bar and 10% from the meeting rooms. Smoking is now only allowed in the bar area. This income allows them to maintain the building and continue their work. Without allowing smoking, they feel they would lose the bar business. Their competition, which are the Posts in Richmond Heights, Maplewood and Shrewsbury are already advertising that they are going to continue smoking this year with bar areas opening seven days a week. They have invited their members to go there, rather than having to smoke outside on Collier. He is sure that putting Post 101 out of business is an unintended consequence of the smoking ban. The Post was incorporated in 1932 and has served the community of Brentwood for over 70 years. They have about 200 members. They have given tens of thousands of dollars to causes such as Brentwood band uniforms, the flagpole for the new police station was donated by the American Legion Post, they have generously donated Christmas presents to children or servicemen who have been deployed overseas. They have given to Fischer House, which is a house in St. Louis for families of veterans who are in the hospital to come and stay free of charge. They also donate to Boys Town and Girls Town of Missouri and the Special Olympics. In addition, they have given countless hours to over twenty years of flag retirements

on July 4, Memorial Day color guards and Veteran Day parades. It started out as the Maddenfest and has now developed into Brentwood Days, which has been supported by their Post over the years, and they supply color guards for funerals for service members. They also supply rooms free of charge or at a reduced cost for organizations such as the Optimist Club, Lions Club, Tenth District Children's Group and Women's Legion groups. The Post gives its members a place to meet with their friends. It is a place where they could be with people who have common experiences and a place where visiting members, either from the area or from out of town, could go and be welcomed and helped when they are in the area. Having the building on Collier Avenue makes all that they do possible. If you look at the Posts that do not have buildings that meet once a month in a meeting room, they tend to wither and die. They request that the City exempt them from the smoking ban so they can continue their donations and services for Brentwood and people in the area. They commit to obeying all laws and hope that they will have another 70 years to enjoy the friendships and associations that have developed to this point.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Bill No. 5580 will remain on hold until the Public Safety Committee meets.

Alderwoman Krewson asked Mr. Lang if they have taken a vote of their members.

Mr. Lang stated that at their regular meeting in November, they had a vote of the members of the Post and 85% of the members present were in favor of forming a private club. They have looked into the special licensing requirements for liquor and tenant restrictions and do not foresee any problems with it.

Alderwoman Krewson stated that the Public Safety Committee would try to have a meeting as soon as possible, so the American Legion could move forward one way or the other.

Alderman Kramer stated that everyone is still under the smoking ban as of January 1 and this bill would seek to have a retroactive appearance.

City Attorney Albrecht responded yes.

First and Second Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Marshall to give Bills No. 5585 and 5586 first and second readings. All in favor none opposed.

Bill No. 5585 – Signage Plan/2525 S. Brentwood Blvd.

City Attorney Albrecht gave Bill No. 5585, 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. 5585 as a Bill that would approve an amendment to the signage plan for Birthright Counseling, located at 2525 South Brentwood Blvd. The City approved a signage plan in 2010 consisting of four (4) wall signs. (Two (2) were already in place for an existing tenant and two (2) were new for Birthright) The amendment would allow an additional ground monument sign with three tenant panels. The Planning & Zoning Commission has reviewed and approved the requested sign plan amendment.

Director of Planning and Development Rottjakob came before the Board and stated that the Planning and Zoning Commission recommended approval of the ground sign. The ground sign is six feet in height and sixteen square feet. It will include the Birthright Counseling logo and H&R Block's name. There is a third tenant space in the office building, so it leaves space for that tenant as well. The organization came before the Planning and Zoning Commission several months earlier for approval of some wall signs and at that time they did not want to move forward with the ground sign. According to the applicant, based on feedback they received from their clients, they need a little more visibility, so they requested approval for the ground sign.

Alderman Marshall asked how tall is Face & Body's sign.

Mrs. Rottjakob responded that she does not know offhand.

Alderman Marshall stated that it seems that the sign proposed by Birthright is taller than Face & Body's sign. He asked if they are trying to conform to a certain height on the monument signs.

Mrs. Rottjakob stated that the monument signs do not have to conform to standard Code requirements, which is five (5) feet, including a one (1) foot base because it is located in the Planned Development District, so each sign is reviewed as an individual sign plan on its own merit.

Alderman Kramer asked if the owner of the building is also a potential tenant on the site.

Mrs. Rottjakob stated that H&R Block is already there. During the Planning and Zoning Commission meeting, the executive director of Birthright Counseling, a tenant in the building, indicated that H&R Block would take one of the tenant spaces as well. The owner of the building has approved the request.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5585. 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. 5585 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4267.

Bill No. 5586 – Signage Plan/2244 S. Brentwood Blvd.

City Attorney Albrecht gave Bill No. 5586, AN ORDINANCE APPROVING SITE PLAN APPROVAL FOR A SIGNAGE PLAN FOR 2244 S. BRENTWOOD BOULEVARD; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first reading.

Alderman Kramer read a synopsis of Bill No. 5586 as a Bill that would amend the Conditional Use Permit/Site Plan for Dry Clean Spot, located at 2244 South Brentwood Blvd. The applicant has requested to amend the signage plan to add a wall sign between the existing wall sign and the clock and to add a third tenant panel to the existing ground sign. The Planning & Zoning Commission has reviewed the request and is recommending approval with the condition that the clock be repaired and maintained in working order.

Director of Planning and Development Rottjakob stated that the applicant was not able to attend tonight's meeting. There was discussion about the requested signage and it went to subcommittee. The P&Z Commission was concerned that the clock on the tower was going to be lost, so they compromised by allowing the rectangular \$2.50 additional wall sign on the condition that the owner of the Dry Clean Spot repairs the clock. The clock works but someone has to go up in the tower and set it every month. The applicant would have to repair it and maintain it in working order. In exchange, the P&Z Commission agreed to recommend approval of the \$2.50 price point signage on the wall. In regards to the ground sign, they are working with a third tenant for the office space. The office space and all the parking that goes with it was already approved in the initial site plan approval but they did not include a space for that office tenant in the original ground sign. The ground sign that is before you is something that was a compromised between the Planning and Zoning Commission and the applicant to allow a third tenant panel. The address is being relocated to the top of the sign.

Alderwoman Clements stated that she remembers the tower having two clocks. There was one on each side.

Mayor Kelly stated that there are still two clocks on the tower.

Alderwoman Clements responded then the wall sign is only on the one side, which is the southern side.

Mrs. Rottjakob responded yes. The southern side will have the new wall sign.

Alderman Marshall asked if the applicant would have to come back to the Board if they decide to change the \$2.50 price.

Mrs. Rottjakob stated that they would just need to apply for a sign permit to change the face of the sign.

Alderman Kramer asked Mrs. Rottjakob to review the P&Z Commission portion of the discussion where they talked about the \$2.50 portion of the signage. Was there substantial dislike?

Mrs. Rottjakob stated that one or two of the members were concerned about advertising a price but the applicant was very firm in stressing that that is the name of their company. He was very adamant about the need to have the \$2.50 addition to the wall sign.

Alderman Kramer stated that he has no problem with the branding of the Dry Clean Spot. He has never heard \$2.50 as being part of their name, but he does know that is their pricing.

Mrs. Rottjakob stated that the price was something that the applicant felt very strongly about but there was no agreement among the P&Z Commission about that point. Given the amount of discussion and the different options that were brought before the Planning and Zoning Commission, they felt that they needed to maintain the operation of the clock and this was a way to get a compromise.

Motion was made by Alderman Wynn, second by Alderman Marshall to place Bill No. 5586 on hold. All in favor none opposed.

Alderman Leahy asked Mrs. Rottjakob if the \$2.50 price is a part of their business name that is filed with the City.

Mrs. Rottjakob responded that she would check their business license.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 1/3/11. All in favor none opposed.

Mayor's Report

Mayor Kelly stated that representatives from Drury Hotels are here to give an update on the project.

Larry Hasselfeld, Senior Vice President of Drury Development Corporation came before the Board and stated that the City has entrusted to Drury the development of the southeast corner of Brentwood and I-64 at Eager Road. They offered to attend the meeting tonight to review the progress of the project and their expectations for the project for 2011 and 2012. 2009 and 2010 experienced a severe recession in our economy for real estate in general and for hospitality specifically. Real estate prices and the value of developed projects had declined significantly in that period. For most real estate developers, financing for new construction projects is almost unattainable in the current environment. Drury hotels have also experienced a decline, which bottomed out in the second quarter of 2010. With improved results in the second half of 2010 and projected increases in 2011, they hope to be back to 2008 levels for same store revenue by the end of the current year. They view the current economy as a buying and building opportunity because real estate costs in general are lower throughout the country. Construction costs continue to be competitive. They now have under construction three hotels. There is a 180-unit hotel in Independence, Missouri. They have topped out the building and project opening in the summer of 2011. There is a 339 unit hotel in Franklin, Tennessee, which is just south of Nashville on I-65. They are on the fifth floor and project opening in the spring of 2012. They also have a 230-unit hotel in Orlando, Florida. They are concluding the site work and foundations will start later this month with a summer 2012 opening. They have two other projects scheduled for start of construction in 2011. As far as the Brentwood project, they are working towards it as promised and they believe they will complete the development of the Drury Inn & Suites with the adjacent restaurant at this important entrance to the City of Brentwood. They have been dealing with two very significant issues on the Brentwood project. The first issue is timing. The primary parcel for the development is the MoDOT parcel. They began talking with MoDOT in the summer of 2009. At that time, it was unclear whether MoDOT was going to be the seller of the parcel or whether the I-64 project was going to be the seller of the parcel. This did not become clear until the summer of 2010 when MoDOT had agreed that they were able to sell the site. Unfortunately, they also established their price. That leads into the second issue, which is economics. They have a significant difference of opinion on the market value, the real estate within the project, which is between the current owner and their opinion of market value. They believe they have reached agreements on certain parcels west of the MoDOT ground. It also appears that MoDOT is ready to conclude the transaction in the near future. Regarding the economics, they are apart on the asking prices and they do not believe they reflect market value. However, they believe in the next few months that they will be able to reach compromise primarily due to hard cash offers from Drury, which will also offer relatively quick closing on the real estate. They will be working with City representatives over the next few months as they finalize both the economics of the project and the development agreement with the City of Brentwood.

Alderman Leahy stated that the big concern, other than the property, is if Drury would be filling in the creek or putting it under pavement. Has that issue been resolved?

Mr. Hasselfeld responded that they believe that filling in the creek and making it a through street is the best answer for everyone. That part of the project is not the way that they are

pursuing it at this time but the design of the project will allow it to become a public street if the City is able to make that a part of the project. They are proceeding without that as part of the project, so they will have access from the north to the south but it will be through the development as opposed to a public street. It will be located immediately west of the creek.

Alderman Kramer stated that he is very excited that a Drury hotel is coming to Brentwood. Are there any restaurants looking to locate next to Drury?

Mr. Hasselfeld responded nothing specific but several restaurants are interested in the location. They would be happy to talk to any restaurant that is interested.

Public Safety Committee

Alderwoman Clements thanked the Public Works Department for coming in on Christmas Eve and working to make sure residents had safe streets. They did an outstanding job with the snow removal.

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library

Mayor Kelly stated that there is a vacancy on the Library Board and Carolyn Beimdiek has offered to serve. Mayor Kelly requested that Mrs. Beimdiek be appointed to the Library Board.

Motion was made by Alderman Wynn, second by Alderwoman Clements to approve the appointment of Carolyn Beimdiek to the Library Board. All in favor none opposed.

Municipal League

Mayor Kelly stated that some exciting things would be coming out of the Municipal League this year. As elected officials, they have to pay special attention to their state legislators. There are new representatives who have had no political experience, so it is very important that they be a voice and let them know the impact of their decisions on local communities. The Municipal

League will be promoting and letting people know what local municipalities do, especially in St. Louis County.

Communication

Alderman Marshall announced that the City's website has been updated, with many new changes. He encouraged everyone to go to www.brentwoodmo.org.

Historical Society – No report

UNFINISHED BUSINESS

Alderman Kramer asked for an update on the open house for the new fire station.

Mayor Kelly stated that they are going to start the transition into the new firehouse next week. There was a delay with the concrete that was poured in front of the firehouse. They are still in dispute with the contractor. The second pour, when tested, came back worse than the first pour. They do not want to delay the move, so the fire department personnel will move in and then in the spring they will determine what needs to be done to have the slab replaced. In talking to the Fire Chief and the Asst. Chief, they are hoping they could move in the first week of March. One of the things they would like to do during the open house is to have residents tour the new firehouse as well as the old firehouse to see the living conditions that they had and the original part of the firehouse that was built in 1935 as a WPA project. They plan to have a formal open house, ribbon cutting ceremony on a Sunday afternoon and then have another open house during the evening in the same week, so that people that might not be able to come on Sunday would be able to come during the week.

Mayor Kelly stated that the construction started on the enhancement project at Eager Road and Brentwood Boulevard. They were waiting for some of the materials to be delivered which are on the way.

City Administrator Seemayer stated that the report he received from the inspector regarding the Litzsinger Bridge indicated that the bridge would be delivered on January 11.

Alderman Wynn stated that he and Alderman Marshall plan to hold a meeting with the residents in their ward to see if they have any input.

Alderman Kramer stated that he had mentioned a couple of meetings ago about the tax rate for the city of Brentwood and the school district's portion. It was brought to his attention last meeting that there is a synopsis of the rationale behind the school district's tax rate in the most recent Pulse.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, January 25 at 7:00 pm.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Wynn to adjourn the meeting at 7:41 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk