

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

**City Hall
Council Chambers**

**April 4, 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, Director of Planning and Development/Interim City Clerk/Administrator Rottjakob, Executive Secretary Williams.

Mayor Kelly welcomed Alderman Marshall back and presented him with an angel food cake and a balloon on behalf of the Board of Aldermen.

Alderman Marshall expressed thanks to everyone.

CONSIDERATION AND APPROVAL OF APRIL 4, 2011 BOA MEETING AGENDA

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the BOA meeting agenda of April 4, 2011. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MARCH 21, 2011 BOA MEETING MINUTES

Motion was made by Alderman Leahy, second by Alderwoman Krewson to accept the March 21, 2011 BOA meeting minutes. All in favor none opposed.

BIDS – None

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

Tom Gorman, resident at 10 York Hills Drive came before the Board regarding the prohibition of smoking in public establishments; specifically the VFW Post. Mr. Gorman stated that he is a former Marine who has a lot of respect for the VFW and its members. Secondhand smoke can be a terrible thing to anyone. You do not have to smoke in order to suffer the consequences of smoking. Two and a half years ago, he lost a kidney to cancer. Upon diagnosis, they asked if he had been a heavy smoker all his life and he responded that he had never smoked. Then they said that he must have been married or living with someone who smoked and he said that his ex-wife who he was married to for 19 years was a heavy smoker. He mentioned that the US Environmental Protection Agency, US National Toxicology Program, US Surgeon General, International Agency for Research and Cancer, all classify secondhand smoke as a cancer-causing agent.

Ed Hofherr, Commander of the Goff-Moll Post 101 came before the Board and stated that they have done everything that the Board has requested. He asked if there were any questions regarding the smoking.

Alderman Marshall asked if there would be public access if the Goff-Moll Post were classified as a private club.

Mr. Hofherr responded that there would not be any public access.

Mayor Kelly asked about the employees of the Post.

Mr. Hofherr responded that there will be volunteers but they are all members.

Mayor Kelly pointed out that that is not how the Bill is written.

Alderman Leahy responded for clarification, that the Mayor is inferring to the bartenders or anybody working at the bar. The Bill does not prevent the employees from being employees of the Goff-Moll Post. It establishes that the requirement of the environment that needs to be established for employees, in a place of employment, does not take effect inside the building because of the exemption as a private club, so they still may have employees.

Mayor Kelly responded that is his point.

Alderman Leahy stated that they do not have to meet the environmental standards of a place of employment.

Mr. Hofherr stated that the employees are all members of the auxiliary or friends of people who work there.

Mayor Kelly pointed out that the County's ordinance is not written that way. Private clubs cannot have employees working in the facilities.

Alderman Leahy stated that under the County's ordinance they would be exempt.

Mayor Kelly responded if they are a private club.

Alderman Leahy responded no, even at present. They are only running into trouble because of the City of Brentwood because they do not serve food.

Mayor Kelly asked if members only would be able to enter the facility under the private club classification.

Mr. Hofherr responded that members and guests of members could enter with membership cards.

Ed Tasch, Executive Director of the National Council on Alcoholism and Drug Abuse in the St. Louis Area, located in Brentwood at 8790 Manchester Road came before the Board to speak against the exemption. He has been with the National Council on Alcoholism and Drug Abuse for 34 years and has worked

professionally with addictions for close to 40 years. He is a Vietnam veteran and he does not believe that the same veterans who have protected this country and saved lives should be exposing the very people that they protected to the dangerous chemicals of secondhand and direct smoke. Veterans are dying at inordinate numbers, especially Vietnam veterans. He mentioned a website that lists veterans who are dying between the ages of 58 and 63. At least 2 out of 3 are dying from lung cancer or other lung and tobacco related diseases. That alone is shocking, that we are losing so many veterans to tobacco related diseases. In addition, many veterans are suffering from asthma, pulmonary disease, lung cancer, and they cannot even go into a VFW hall. They are, in a sense, discriminated against from being able to be a part of the group. His stepfather who was a World War II veteran died a couple years ago from emphysema. He spent the last years of his life on oxygen, could not drive or go into most restaurants. He would get panic attacks just from walking into hospitals because of the number of people standing outside smoking. Now we have veterans who want to condone and prohibit fellow veterans from being able to participate in a facility, and it is wrong. With all due respect, to his veteran friends who smoke and think they have the right to do it, he firmly disagrees. Every veteran, their family, employees, or the public, should be able to go to those facilities and participate without being subjected, or exposed to the harsh chemicals of secondhand smoke.

Dan Moushey, resident at 2215 St. Clair Avenue, Brentwood, Missouri came before the Board and stated that he is a non-smoker and a Vietnam veteran. Commander Hofherr forgot to mention that the Goff-Moll Post 101 invites children to their facility for Christmas parties and Easter egg hunts, and those children would be exposed to secondhand smoke because of the bar.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made by Alderman Leahy, second by Alderwoman Clements to remove Bill No. 5594 from hold for consideration. All in favor none opposed.

Motion was made by Alderman Wynn, second by Alderman Leahy to give Bills No. 5594, 5596 and 5597 first and second readings. All in favor none opposed.

Bill No. 5594 – Amending Chapter 13

City Attorney Albrecht gave Bill No. 5594, AN ORDINANCE AMENDING CHAPTER 13, ARTICLE XII OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 13-251 (a) (6), AND ENACTING IN LIEU THEREOF A NEW SECTION 13-251 (a) (6), ADDING A NEW PARAGRAPH (7) TO SECTION 13-251, AS IT RELATES TO DEFINITIONS, AND ADDING A NEW PARAGRAPH (e) TO SECTION 13-254, AS IT RELATES TO PLACES WHERE SMOKING IS NOT REGULATED; 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 and second readings.

Alderman Kramer read a synopsis of Bill No. 5594 as a Bill that amends Ordinance #4243, which prohibits smoking in designated locations. The amendment changes the definition for “places of employment”, adds a definition for “private clubs” and adds a Section to locations where smoking is not regulated. This Bill did not receive enough votes for passage at the February 7th Board of Aldermen meeting.

Alderman Marshall asked what happens if Goff-Moll Post 101 decides in the future to allow the public to enter the facility. Will the smoking issue have come before them again?

Mayor Kelly responded yes.

Alderman Marshall stated for clarification that if they decide to become a public facility, it cancels the exemption.

Mayor Kelly responded yes.

Mayor Kelly asked City Attorney Albrecht if Goff-Moll Post would need a different liquor license.

City Attorney Albrecht responded that he believes the Goff-Moll Post will have to apply for a different liquor license.

Alderman Leahy stated that they would have to apply to the State of Missouri for a "private club" liquor license. The Goff-Moll Post has agreed to do so if the City establishes that they exist in that way. Otherwise, their current liquor license is sufficient for their establishment.

Motion was made by Alderman Leahy, second by Alderman Harper to approve and adopt Bill No. 5594. Roll call: Alderwoman Clements, no; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, no; Alderman Kramer, no; Alderman Robertson, no; Alderman Wynn, yes; Alderman Harper, yes.

The votes were four (4) for the Bill and four (4) against it, and Mayor Kelly voted "no". Bill No. 5594 failed.

Bill No. 5596 – Amending Chapter 3

City Attorney Albrecht gave Bill No. 5596, AN ORDINANCE AMENDING CHAPTER 3 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW SECTION 3-8.8, AS IT RELATES TO THE TASTING OF WINE AND MALT BEVERAGES ON CERTAIN PREMISES; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; 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. 5596 as a Bill that would amend Chapter 3 of the Brentwood Code to add a new "Tasting on Premises" liquor license. The additional liquor license category came at the request of one of our existing businesses. While preparing the requested amendment, it came to staff's attention that several businesses will also be able to utilize the tasting license. The Public Safety Committee reviewed the bill and made a positive recommendation.

Motion was made by Alderman Kramer, second by Alderwoman Clements to approve and adopt Bill No. 5596. 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.

The Mayor thereupon declared Bill No. 5596 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4277.

Bill No. 5597 – Amending Chapter 14

City Attorney Albrecht gave Bill No. 5597, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING TWO (2) PARAGRAPHS IN SECTION 14-1035.1. SCHEDULE II-1, AND TWO (2) PARAGRAPHS IN SECTION 14-1035.2. SCHEDULE II-2, AS IT RELATES TO LEFT TURNS PROHIBITED; 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 and second readings.

Alderman Kramer read a synopsis of Bill No. 5597 as a Bill that amends Chapter 14 of the Brentwood Code to remove the prohibition of left turns onto Annalee Avenue from westbound Litzsinger and eastbound Manchester between 7am-9am and 4pm-6pm, Monday through Friday. Since St. Louis County added a southbound lane to Brentwood Boulevard, the need for the “no left turn” onto Annalee has been eliminated. The Public Safety Committee reviewed the bill and made a positive recommendation.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5597. 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. 5597 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4278.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 4/4/11. All in favor none opposed.

Alderman Leahy asked for clarification on the CDG Engineering expenditure.

Interim City Clerk/Administrator Rottjakob stated that the expenditure is for the pedestrian and transit improvement project. It is part of CDG Engineering fees. They were the selected consultant to do the design phase of the sidewalk project through Hanley Industrial, from the Metro Link Station to the Brentwood Promenade. The \$3,971.12 is paid by the City and 80% is reimbursed through the grant.

Alderman Kramer mentioned that they also have the bonus of the path that is going to continue past the Promenade toward the old public works building.

Interim City Clerk/Administrator Rottjakob responded that is correct. The original concept was to place a sidewalk on both sides but once the design phase started, the city engineer determined it was not feasible because of the number of entrances on one side and the needed right of way and grade issues. They got approval from East/West Gateway to remove the sidewalks from one side of the street, and

extend the sidewalk on the other side. Instead of ending at the Brentwood Promenade, it will continue on Hanley Industrial Court to connect with the existing sidewalk on Strassner bringing the connection all the way to Brentwood Boulevard.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced that an Executive Session, legal matter would be held after the regular session.

Public Safety Committee – No further 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 – No report

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

UNFINISHED BUSINESS – None

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, April 26th at 7:00 pm in City Hall Council Chambers. Tomorrow is Election Day. He encouraged registered voters to come out and vote. State Representative John Diehl is having an informative night on Thursday, April 7th at the Brentwood Recreation Center, 7:00 pm.

Mayor Kelly stated that Rep. Diehl, their state representative is in charge of the redistricting of the House seats throughout the state of Missouri. Missouri is losing one of its congressional districts, which will affect the City of Brentwood, and all of St. Louis County. It would eliminate the district that is now held by Rep. Russ Carnahan, Brentwood will go to Representative William Clay, and Representative Todd Akin who has a very small part of the city of Brentwood now would pick up all of St. Louis County.

Mayor Kelly announced that the Coffee with the Mayor will be held on April 29th at 9:00 am and the Guest Speaker would be St. Louis County Executive Charlie Dooley.

Recess

Motion was made by Alderwoman Clements, second by Alderman Wynn to recess the meeting at 7:30 pm.

Reconvene

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

Executive Session

Motion was made by Alderman Leahy, second by Alderman Kramer to enter into an Executive Session on a legal matter at 7:46 pm. All in favor none opposed.

After discussion, motion was made by Alderwoman Clements, second by Alderman Wynn to return to open session at 8:20 pm. All in favor none opposed.

ADJOURNMENT

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

Pat Kelly, Mayor

Attest:

Ellen Rottjakob
Interim City Clerk/Administrator