

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

**City Hall  
Council Chambers**

**August 15, 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, Alderman Kramer, Alderman Robertson, Alderman Wynn, and Alderman Harper.

Staff present: City Clerk/Administrator Akande, Director of Planning and Development/Asst. City Administrator Rottjakob, City Attorney Albrecht, Executive Secretary Williams, Police Chief Disbennett, Excise Commissioner Clements and Fire Chief Jury.

Absent: Alderwoman Krewson.

**CONSIDERATION AND APPROVAL OF THE AUGUST 18, 2011 BOA MEETING AGENDA**

Mayor Kelly requested that the August 18, 2011 Agenda be amended by adding an item B, 1, Oath of Office for Fire Chief Jury and City Administrator Akande, as well as Bill No. 5619.

Motion was made by Alderwoman Clements, second by Alderman Marshall to amend the Regular BOA Meeting Agenda of August 15, 2011. All in favor none opposed.

Alderman Leahy asked City Clerk/Administrator Akande about the date the 2011 tax rates are due into the County.

City Administrator Akande responded that the rates are due in October, not in August.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the Agenda of the Regular BOA Meeting of August 15, 2011 as amended. All in favor none opposed.

**CONSIDERATION AND APPROVAL OF THE JULY 18, 2011 BOA MEETING MINUTES**

Alderman Leahy asked for clarification regarding the comment that Alderman Marshall made about the forensic audit. He asked what is a forensic audit and if the document exist.

Police Chief Disbennett came before the Board and stated that it is in evidence and is not available publicly at this time, but it will be in the future.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt the Minutes of the Regular BOA Meeting of July 18, 2011 as submitted. All in favor none opposed.

**CONSIDERATION AND APPROVAL OF THE JUNE 2, 2011 SPECIAL BOA MEETING MINUTES**

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Minutes of the Special BOA Meeting as submitted. All in favor none opposed.

**Oath of Office**

Mayor Kelly administered the Oath of Office to Bola Akande, City Clerk/Administrator and Ted Jury, Fire Chief.

**BIDS** – None

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

Jim Fiete, resident at 2201 Parkridge Avenue came before the Board and stated that he would like to praise Alderman Leahy for his words that he spoke at the last meeting and his apology. The citizens of Brentwood deserve and need this type of information and willingness to apologize for mistakes made. He thanked him for the way he treats his constituents.

Maureen Saunders, resident at 2326 Parkridge Avenue came before the Board and asked if the fire department's incentive overtime pay was part of the union contract or was it paid on the side.

Mayor Kelly responded that the City of Brentwood do not have a union contract.

Ms. Saunders asked if the overtime pay was budgeted.

Mayor Kelly responded that it was within the overtime budget, but it was not a line item.

Ms. Saunders asked if the 2011 budget is available because it is not on the website.

City Administrator Akande responded that it is on the website.

Ms. Saunders asked if any of the firefighters were forced to resign or disciplined in any way as a direct result of the overtime incentive pay.

Mayor Kelly responded that he is not going to talk about personnel matters, in any respect, in open session.

Ms. Saunders responded that she is not asking about specific people. It comes under the Sunshine Law. To be more specific, she asked if in the last six to eight months, a vote was taken in closed meetings where one or more of the firefighters were disciplined in any way including forced resignation.

Mayor Kelly responded that he would let the minutes from those meetings speak for themselves.

Ms. Saunders asked if they have access to the minutes.

Mayor Kelly responded that the access is to minutes that are open to the public.

Ms. Saunders asked City Attorney Albrecht if they are allowed to have that information under the Sunshine Law, just if they were fired, hired, etc.

City Attorney Albrecht stated that the positions of employees could be requested. Specific disciplinary actions are closed records.

Ms. Saunders asked what about the vote.

City Attorney Albrecht responded that is a much more difficult question to answer without specifics.

Elizabeth McDonald, resident at 8823 Lawn Avenue came before the Board with questions about the Conditional Use Permit with the site plan for OB Clarks approved in June 2008. The Conditional Use Permit allowed them to add the deck and reconfigure their parking lot. She asked why after three years the plan for the parking lot and site change has not been fully implemented. Specifically, one of the items that have bothered her is that they were required under the zoning code to have a 15-foot buffer between their parking lot and their residential neighboring property, and that was reduced to three feet in their site plan. Since they park on their green space, it is reduced to zero on the Lawn Avenue portion. She asked Mrs. Rottjakob and was told that staff was still working on it. Three years later, she has come back and the site plan has not been enforced. She is wondering why it has taken three years, other than the fact that there is not enough parking on the property and they are parking on their green space.

Mayor Kelly responded that they would have to look at the site plan, verify some things, and will provide a written report.

City Administrator Akande stated that she had spoken to Ms. McDonald on Friday and told her the same thing. They are in the midst of looking at that and should have a response by the end of the week.

Ms. McDonald pointed out that at the time the site plan was changed there was asphalt paving in that area. The asphalt was removed, gravel was put down and after a few months, they

started parking on it. It is a violation of the zoning code since you can no longer construct gravel driveways in Brentwood. Once they are in, she understands that they are grandfathered but you cannot construct and use them. She would appreciate the City's attention to this matter.

Jeff Harrison, resident at 2519 Annalee Avenue came before the Board and asked how Mr. Kurtz could still be employed by the City in what looks like double dipping. It looks very bad. He does not know the exact details because it is a personnel matter. There would appear to be no punishment. In fact, it seems like he has benefited from the situation.

Mayor Kelly explained again that they are dealing with personnel matters and that they cannot comment.

Mr. Harrison asked if there is any recourse for the citizens of Brentwood. He asked why Mr. Kurtz was hired for the building official's position. The City could not find another person that was not accused of defrauding our city.

Alderman Leahy responded that Mr. Kurtz was already in the job, serving as both the building official and the assistant fire chief at the same time.

Mr. Harrison asked if they are part time jobs because they are paid like full time jobs.

Mayor Kelly stated that Mr. Kurtz was doing the building official's job part time.

Alderman Leahy stated that Mr. Kurtz has stepped down from his position as asst. fire chief and stayed in the building official's position.

Mr. Harrison asked if both positions pay over \$80,000 a year.

Mayor Kelly responded that Mr. Kurtz was paid hourly as the part time building official.

Susan Lee, resident at 8611 Eulalie Avenue came before the Board and asked about the agreement with St. Louis County regarding the condition of Brentwood Boulevard. She asked if the agreement was to restripe Brentwood Boulevard after the highway was completed or was St. Louis County to resurface and restripe Brentwood Boulevard.

Mayor Kelly stated that his recollection was that the County made an agreement with the City to add additional southbound lanes and in order to do that they put the micro surfacing over the top of the roadway. The agreement that Garry Earls had made with him was that they were going to do the micro surfacing, restripe, and then following the Highway 64/40 project, if the City wished, they would restripe it back to the original striping and resurface the roadway.

Ms. Lee stated that the newspaper reported that the County is not going to do anything until 2015.

Mayor Kelly stated that Garry Earls is no longer the head of Public Works for the County. He is the assistant to County Executive Dooley. There is a resolution on the agenda tonight voicing the Board's concerns and recommendation that they proceed with the overlay.

Ms. Saunders came before the Board and stated that Missouri Statutes states that the vote on any final decision to hire, fire, discipline or promote an employee of a public governmental body shall be made available, with a record of how each member voted, to the public within 72 hours of the close of the meeting where such action occurs. Ms. Saunders asked if the Board took a vote in executive session.

Mayor Kelly responded that he would let the minutes speak for themselves.

Ms. Saunders asked about the 72-hour posting of the minutes from the closed sessions.

Mayor Kelly stated that the minutes would have been posted.

Ms. Saunders asked where those minutes are.

City Administrator Akande responded that she cannot speak to that, but she is sure staff made them available. The minutes from the executive sessions can be provided after the meeting.

Todd Ingersoll, resident at 2224 St. Clair Avenue came before the Board and asked if any of aldermen would be willing to sponsor a bill to prevent employees from collecting a pension as well as a full time salary in the future. For clarification, he is speaking of an employee collecting a full pension from the same City that is paying their full time salary, as in the issue with Building Official Kurtz. He is wondering if any aldermen would be willing to sponsor a bill to prevent that from happening in the future.

Alderman Leahy asked City Attorney Albrecht if State statutes address this issue.

City Attorney Albrecht responded that he would have to research it. His understanding is that ERISA, as well as State law protects pension benefits. He stated that the resident is not calling for prevention of the pension benefits. He would like legislation to prevent the hiring of an individual when they are collecting a pension from the City that pays them the salary, in this case, the City of Brentwood.

Mayor Kelly stated that it would have to be researched to see if it can legally be done. If someone has earned their pension, they have a right to retire, take the pension, and then apply for another position.

Mr. Ingersoll stated that he is asking the question as a concerned citizen. In the best dollar amount and the best bang for their buck as citizens, it does not make sense to pay a pension as well as a full time salary. A part time salary, he can imagine. In addition to that, the way that

the building official's requirements are written in the ordinance requires that the building official have some sort of engineering background. He did not see that because he does not have access to Mr. Kurtz's resume or any of his background information, so it is hard for him to understand how Mr. Kurtz has the requirements to meet that position based on how the law is written.

Jeff Harrison came before the Board and asked if the agreement for the fire department is to give eight percent back in future raises.

Mayor Kelly responded that he would not comment on personnel matters.

Mr. Harrison stated that it is public and is in the newspaper. How did the paper find out about it?

Mayor Kelly suggested that Mr. Harrison ask the reporter.

Mr. Harrison asked about the time clock situation and stated that instead of having people self report, as they have for 24 years, there should be some accountability and something tractable going forward.

Mayor Kelly responded that they would like to implement citywide, the computerized time clock system as soon as possible. The City is getting bids.

City Administrator Akande responded that they are establishing a process to go out and request for bids on which one would be cost efficient for the City, and then it will be brought to the Board for approval.

Mr. Harrison asked if it is a common practice that fire, police, and civil employees draw big pensions while they are working full time for the City.

Alderman Leahy stated that the pension program is not under the control of the City's board. It is under what the voters have approved in the pension program and formula in place. Based on the years of service, and average pay arrangement, the math in the formula works out that way. You can collect your pension upon stepping down from active employment. There is nothing illegal, immoral or anything to those actions, and the citizens approved it all by vote.

Mr. Harrison explained that he is not suggesting there is anything illegal. They need a little more transparency in the City of Brentwood. He thinks that the citizens of Brentwood would agree with that. It would be good to know if it is a common practice that many of the employees have retired from somewhere else and are collecting a big pension, double dipping in the City of Brentwood. He promises that the Board is setting themselves up for an election contest. He does not want the job but he can find some people that would like the jobs. They will take back their city. It does not look good and there is a very bad smell emanating from the building.

Mr. Fiete asked if the building official's position went from part time to full time.

Mayor Kelly responded yes.

Mr. Fiete asked if the position was publicized. Did the City accept applications or was Mr. Kurtz just given the job.

Mayor Kelly responded that the position was filled from within.

Denise Soebbing, resident at 2612 Porter Avenue came before the Board and stated that she was pension analyst and it is not normal practice in the corporate world for people to collect a pension and to be earning a salary as a full time employee. Normally when that happens, people's pensions are suspended while they are continuing to earn as an active employee. She stated that she is before the Board because they are having a noise issue in their subdivision that is emanating from a former KV Pharmaceutical facility that is now PDI, Particle Dynamics Incorporated. They are continuing to have this issue and have had it for ten years. In years past, it was protected because it was a military supply facility and it is not now. They are asking for somebody on the Board to step forward. They know they do not bring in as much tax revenue as KV or DPI but they are residents and they are entitled to have a decent night's sleep. There are ordinances on the books that deal with nuisance and peace disturbances. Several of the neighbors have filed peace disturbance complaints and it has gone nowhere. She is asking somebody to help them bring their neighborhood back to being a peaceful neighborhood. They are not asking that PDI be put out of business. There are too many people unemployed. They would like somebody to help them sit down with PDI and come up with an amicable resolution, so they can get sleep at night, where there is no noise 24 hours a day that sounds like a freight train coming through their bedroom windows with the windows shut and the televisions on.

Julie Pozzo, resident at 2211 St. Clair Avenue came before the Board and stated that the Special BOA meeting minutes of June 2 states that after discussion, the consensus was to authorize the letters of understanding with the firefighters union. If they are not in a union what does that mean?

Mayor Kelly stated for clarification that fire department employees are in a union. The City does not have a formal agreement with the union.

Ms. Pozzo asked if the letters of understanding are public record.

Mayor Kelly responded no.

Ms. Pozzo asked if the City knew about the embezzlement in March why was not a letter sent out to the community at that time before the April election.

Mayor Kelly responded that at the time the matter was still under investigation.

Ms. Pozzo stated so while it was under investigation the City could not let the community know that it was even under investigation.

Mayor Kelly responded that they were looking into it at that point and trying to figure out exactly what had taken place. It was not until June that they resolved it to an extent, and that was when word got out, and actions were taken.

For clarification, Ms. Pozzo asked if that City staff felt that it was not necessary to put it out there in March.

Mayor Kelly responded yes.

Alderman Marshall commented that he keeps hearing that they are not doing their jobs. They are doing everything that the personnel attorney is recommending to protect the City. They do not want to have lawsuits against them, so when the attorney tells them not to do something, they have to listen.

Alderwoman Clements added that the embezzlement charges were not only being investigated by Brentwood's police but also by the federal prosecutor, and the City could not do anything until they decided what they wanted to do. It was not something that they could just tell everybody.

Alderman Marshall explained that they would love to defend themselves but they were told not to say anything by their counsel to protect the City.

Carl Horstman, resident at 8921 Bridgeport Avenue came before the Board and stated that there are no better employees than the Brentwood paramedics. If he needs an ambulance, he will call Brentwood for sure because they will be at his house within three and a half to four minutes. Had they not been there, he would not be here today. They also take care of the equipment and make sure that it is working right and is ready to go. His personal opinion is that he does not want to see the firefighters and the paramedics suffer or have any problems because they are the best-trained, good people, and they know what to do. He had to call them for his wife, but unfortunately, it was too late. There has never been more heart helping people when they had to tell him the news about his wife. Nothing that the City is spending to train the employees, and maintain things, should be changed. If you do, shame on you.

Karen Smith, resident at 8930 Harrison Avenue came before the Board and stated that in regards to the comments made by the resident before her, she agrees that the Brentwood firefighters are the best. They are paid well, and one of the highest paid, but it does not justify fraudulent activity. She thinks they need to get that fixed. She would disagree with the resident in saying that not all of the people that reside in Brentwood would support continuing to do what the City was doing before. In the warrant list last month, she had noticed that there was a charge for Margaret Welch, Communication Consultant. She did a little research because

there was not a lot of detailed description in the comment section of the warrant list. She understands that Ms. Welch is a communication consultant that is paid \$200.00 an hour for her work. She does not see her listed on this warrant list and believes there is a limit on the dollar amount that is required to be put on the warrant list. She would like to know what the City would be paying out to her. The description that she read was that Ms. Welch was hired to handle some of the communications surrounding some of the lawsuits. She is not sure which lawsuits she was hired for. Again, she wishes they could get honest communication from their representatives and not have to pay someone \$200.00 an hour, especially when the City has a communications person on payroll. The Mayor commented last month that the City has been open about the Meridian lawsuit but it is still unclear to her why the City would be sued. She went over to St. Louis County Courthouse and looked at documents. Her understanding is that the City found out about some of the sales tax revenues. They were not being put in the right fund accounts. The City became aware of that in March and yet by September, had not done anything about it. She is curious why that did not happen and would like an explanation at some point.

Mayor Kelly responded to Ms. Smith's comment about the Meridian lawsuit that it was March of 2009. What transpired is a very complicated process but in essence, the businesses within the Meridian were sending in their sales tax to the state and were not calculating their sales tax returns properly. For instance, if one of the businesses had put the name of their business it would go into the general revenue account. If they put the name of their business with the correct address, then it went into the TIF account. The State collects the funds and then distributes them to the City by fund. They wire to the City the money that goes into the general fund and the specific TIF funds. The City became aware of the problem and started researching it. In working with the State, it took almost four or five months to get all the documents, and to get all the returns and to calculate the correct amounts. In November of 2009, the City reimbursed the TIF account with approximately \$460,000. The process had actually been going on for over a year. One of the businesses had not quoted any of their returns properly. They tried to take action as quickly as possible to rectify the situation when it was brought to their attention.

Alderman Wynn stated that he has been in Brentwood a long time, taught school in Brentwood, and has served many of the kids for 32 years, and is serving on the Board. He feels terrible. There were many nights when he could not sleep. It really hurts when people think ill of him because that is not the way he lives his life. He thinks most of them would say the same thing. He has no problem saying that he has made some mistakes. His biggest mistake is being too trusting. They just trust people. He has mentioned to City Administrator Akande that they have to do some things different, but he does not want to go completely to the other side where he does not trust anybody. He is very sorry and is heartbroken that this situation happened while he is on the Board. This is his last term and he will not be running again. He did not want to go out like this. For the mistakes he has made, he is truly sorry. They will try to get it straighten out the best way they can.

Mayor Kelly stated that following their last meeting and the issue with what the process was for a state audit, he knows that a group of residents went out and started collecting signatures. He was gone the week of August 25. When he returned the following week, he talked to all the Board members, got a consensus, and they all agreed that they thought it was in the best interest of the city to proceed with a State audit. That is why they sent a letter to the state auditor's office saying that they support the process. It was at that time that he was told that the City could not request a State audit. That it is to be done through petition because there is nothing in State statute that allows them to do that. At the same time, the City is proceeding to implement some of the things that are very important in order to reinstate the confidence of the residents. One of those things is a computerized time clock system for all of the employees. They will be looking at the internal controls. Many of the things that the auditors were making recommendation on were being used but were not in a written policy form. The auditors recommended that the procedures and policies be put into a written form, so that everybody knows what is taking place and knows what the checks and balances are. One of the comments from an audit was that they had multiple people making wire transfers. The employees authorized to make a wire transfer calls the bank or notifies the bank by email that they plan to initiate a wire transfer. The bank is required to call the City to verify from the finance office that it is an approved wire transfer. That policy was not written down. They need to put those things in writing so that everybody knows the process, so that if there is a problem or something is not being done correctly, they will know. He thinks they need to work as quickly as possible to get the policies in place. They all have the same goal. The State audit will be painful because of some of the things that have been discovered. They need to look at, redo and make sure that they are doing things the right way. He thinks it is something that they should do so that they can get back to the community that they all love, and accomplish positive goals for the community. They have a lot going for them. Brentwood is probably in the best financial state it has been in for many years. Its finances are better than most of the cities in St. Louis County, and the City's future look bright. It is because of the things they have worked hard to do over the last fifteen or twenty years that will carry them forward for the next 15 or twenty years as well. As a community, they have too many things to be positive about, and if they work together, they can get back on that track in order to do those things. He appreciates everybody's patience and hope they can work together to accomplish the same goals.

Alderman Leahy stated that according to the newspaper the petition has been turned in to the state auditor. He asked Ms. Saunders how many signatures were turned into the state auditor.

Ms. Saunders responded 946.

Alderman Leahy asked about the procedure for the State audit.

Mayor Kelly stated that the state auditor's office has forwarded the petition and signature list to the St. Louis County Board of Elections who will verify the signatures. At that time, the state auditor's office will contact the City, as well as the petitioned group. They will come to a Brentwood public meeting and announce that they will do a City audit, along with the

procedures. His understanding is that they would hope that the audit would start by the end of the year or the first part of next year.

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

Mayor Kelly announced that the Public Hearing for a Conditional Use Permit amendment for 1740 S. Brentwood Boulevard would now be heard.

Director of Planning and Development Rottjakob came before the Board stated that the request is for a Conditional Use Permit at 1740 Brentwood Boulevard for Double D Kareoke, Inc. Donna Wideman, the applicant is here if there are any questions. Double D Kareoke originally received a CUP for 1740 Brentwood Boulevard in October of 2009. They have been operating the bar during the evening hours and have approval from the Joseph White Company for use of the parking garage for those hours of operation. In the last couple of months, Eovaldi's Deli has left and Double D Kareoke would like to take over the deli operation going forward. The CUP has to be amended to include additional hours of operation that would be both for the deli and the operation of the bar. The daily hours of operation are being extended, and they are requesting to be open on Sunday as well. They have not applied for a Sunday liquor license. If at some point they decide to serve alcohol on Sunday, they will be back before the Board for approval. The Planning and Zoning Commission recommended approval of the Conditional Use Permit. The hours of operation are 11:00 am to 1:30 am, Monday through Sunday. The petitioner has to submit a signage plan acceptable to the Director of Planning and Development to include directional signage informing patrons that parking is available in the Joseph White building parking garage and surface lot.

Mayor Kelly asked if there were any comments from the audience.

Elizabeth McDonald, resident at 8823 Lawn Avenue came before the Board and stated that this also ties into the problems with OB Clarks which is how will the City monitor the hours of operation after 5:00 pm. Mrs. Rottjakob suggested that the police could be called if they violate the hours of operation. Ms. McDonald stated that since the hours of operation include opening until 1:00 am is the City leaving it up to the citizens to monitor the hours because it seems there is no way to enforce hours of operation.

Mayor Kelly stated that he believes most of the ordinance violations are reported by residents. The police would be called to verify that a violation has taken place. The State's liquor board also controls restaurants hours of operation.

Public Hearing – Conditional Use Permit/ 8606 Manchester Road

Director of Planning and Development Rottjakob came before the Board and stated that the applicant Joe Paton is the owner of Paton Landscaping. He is requesting a Conditional Use Permit for a commercial office at 8606 Manchester Road. The Conditional Use Permit received positive recommendation from the Planning and Zoning Commission at their last meeting. The

site plan that he has submitted shows the parking lot being improved with striping. The parking spaces meet the current parking requirements. Per the condition of the ordinance, they would also need to make sure that they park any work vehicles in the demarcated parking spaces, and any plants or materials be stored inside the building.

Mayor Kelly asked if there were any questions from the audience.

Alderman Marshall asked if there were going to be any issues with storing chemicals or fertilizers in the building since it is in the flood plain.

Director of Planning and Development Rottjakob responded that Mr. Paton has not indicated whether he will be storing those types of materials.

Joe Paton, Paton Landscaping came before the Board and stated that they are a design company. They do not deal with any fertilizers, mowing or anything like that. They construct, do concrete work, build decks, patios, irrigation systems, lighting systems, etc.

Alderwoman Clements asked for clarification on the building location.

Mrs. Rottjakob responded that the building is currently vacant. There was a karate operation in there.

With no further comments, Mayor Kelly announced the public hearing closed.

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

#### **First and Second Readings of Bills**

Motion was made by Alderwoman Clements, second by Alderman Robertson to give Bills No. 5613, 5614, 5615, 5617, 5618, and 5619 first and second readings. All in favor none opposed.

#### **Bill No. 5613 – Readopting Ordinance No. 3153**

City Attorney Albrecht gave Bill No. 5613, AN ORDINANCE READOPTING ORDINANCE NO. 3153, SECTION 2-471 OF CHAPTER 2 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD FOR 1987; 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 reminded everyone that the synopsis is posted on the City's website.

Alderman Kramer read a synopsis of Bill No. 5613 as a Bill that readopts Ordinance No. 3153, which approved the City's Personal & Financial Disclosure Policy as required by State Law. This Bill is adopted annually by cities with an operating budget over one million dollars and sets

forth rules and policies for disclosing personal and financial information for elected officials and the City Clerk/Administrator.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5613. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5613 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4294.

#### Bill No. 5614 – Cooperation Agreement

City Attorney Albrecht gave Bill No. 5614, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION AGREEMENT OF 2012-2014; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings

Alderman Kramer read a synopsis of Bill No. 5614 as a Bill that authorizes the mayor to execute the Municipal Housing and Community Development Cooperation Agreement with St. Louis County for continued participation in St. Louis County's Community Development Block Grant and HOME Investment Partnership and Emergency Shelter Grant programs.

Motion was made by Alderman Kramer, second by Alderman Leahy to approve and adopt Bill No. 5614. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5614 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4295.

#### Bill No. 5615 – Amending Chapter 18

City Attorney Albrecht gave Bill No. 5615, AN ORDINANCE AMENDING CHAPTER 18 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 18-36 IN ITS ENTIRETY AND ADDING A NEW SECTION 18-36, AS IT RELATES TO CUSTODY AND DISPOSAL OF PROPERTY; 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. 5615 as a Bill that amends Chapter 18 of the Revised Code of Ordinances of the City of Brentwood, by deleting section 18-36 in its entirety and adding a new section 18-36 as it relates to custody and disposal of property. The amended Section authorizes the Chief of Police after 90 days (it was previously 10 days) from the

disposition of the cause in which the property was used as evidence, to sell the item to the highest bidder for cash, at a public sale, which may include sale at auction by electronic means (and removing the requirement for publication). All proceeds shall be deposited in the general fund of the City.

Alderman Marshall asked for clarification on the items that could be sold.

City Administrator Akande stated that it would be items that the City can legally and lawfully sell, with no pending litigation or possible court settlement.

Alderman Leahy asked City Attorney Albrecht if the City approves the bill the way it is written and they eliminate the written public notification that the property needs to be claimed or it will be sold, do they still maintain the written notice that the City must give to the owner of the property if known.

City Attorney Albrecht asked Alderman Leahy if he is referring to lost property, etc.

Alderman Leahy responded yes.

City Attorney Albrecht stated that the police chief is directed to conduct an investigation as to the ownership of the property. If there is any indication of locating the owner, the property will not be put up for auction. If after 90 days they are unable to determine ownership, then it can be put up for auction.

Alderman Leahy asked if after 90 days of all court proceedings and everything has been resolved staff could send a letter to the owner saying that the property is now available for claiming.

City Attorney Albrecht responded that there are two scenarios. One is lost property, for instance if someone finds a bicycle. The other one is evidence in a criminal case. Evidence in a criminal case is required to be maintained until all appeals have been exhausted. If it is stolen property, it is to be returned to the owner of the property, unless the owner cannot be identified.

Alderman Leahy stated that the way Bill No. 5615 currently reads, striking out what is currently there, in its entirety and replacing it, the City of Brentwood has no written obligation to notify an owner that the property is free to be claimed and how to do so. The City could then turn around after 90 days of all legal actions, take the property and sell it.

Police Chief Disbennett stated that the property that will be auctioned could not be identified by owner, whether it is lost, recovered or seized in a wreck. If they knew the owner, they would clearly give the property back. It is accumulated property in the evidence room that just sits there year after year.

Mayor Kelly stated that for instance the police department had a bag of very nice clothing that was confiscated. They knew the store that it came from because all the cloths had tags, but the store did not want the cloths back, so it is unclaimed property.

Alderman Leahy stated that what he is looking for in the Bill is a written obligation of the City of Brentwood to provide notification to a known owner that the property is available to be reclaimed prior to selling the property.

City Attorney Albrecht pointed to subparagraph (a), which states that “if such property is provided to be stolen property and its possession . . . not unlawful, and the owner of the same is not known”, then, they could sell it. If they know the owner of the property, they cannot sell it.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5615. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5615 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4296.

#### Bill No. 5616 – Trial or Test Disposition Services Agreement

City Attorney Albrecht gave Bill No. 5616, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A TRIAL OR TEST DISPOSITION SERVICES AGREEMENT WITH PROPERTYROOM.COM, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5616 as a Bill that authorizes the mayor to execute a trial or test disposition services agreement with Propertyroom.com to provide electronic services in the disposal of abandoned property.

Alderman Leahy stated that he would like to send Bill No. 5616 back to committee because they are agreeing to allow a firm to set up an EBay or Craigslist account to sell property at the cost that is in the bill. Additionally, the agreement has an automatic renewal after a test or trial with no real report coming back to them. The agreement needs to be looked at very carefully. It is something the City can accomplish without incurring a 50% split.

Police Chief Disbennett stated that the agreement came about when they found out that Creve Coeur, Kirkwood, St. Louis County were using this company. It would be very difficult for the police department to put on an auction and to take the time and effort to post the property. They came across propertyroom.com, talked to other cities that are using them and that had great results with the company. The money will not go to the police department. It will go into the general fund. The City will not collect a large amount of money from the sale of the

unclaimed property. It is an opportunity for them to eliminate the property that has been sitting for years.

Alderman Leahy stated that he would agree with Chief Disbennett in that he would prefer to have the police officers on the streets. The dilemma is that between the police department's record keeping and the IT services provided by Mr. Schilling and City personnel, he thinks the City could establish its own Craigslist or EBay account, photos, and set up a PayPal account. They will accomplish the same task of liquidating the storage area and getting it open and at the same time not incurring a revenue stream for propertyroom.com to do the same thing online. He does not see it as a feasible way of opening up the storage space, other than propertyroom.com ending up with a nice revenue stream. The formula for payment is not reasonable for the service that propertyroom.com is offering.

Police Chief Disbennett pointed out that most of the items are going to get a minimal cash return to the City.

Alderman Marshall asked if the items could be donated.

Chief Disbennett stated that they do almost everything they can to find an owner. He does not know if they are able to donate the property to an organization.

Alderman Marshall asked City Attorney Albrecht to look into it.

City Attorney Albrecht responded that he will and pointed out that the agreement is not an exclusive agreement. If after a period of time it is determined that the City does not like the way it is being handled, they can stop shipping property to the company.

Alderman Leahy stated that after six months the service agreement will auto renew for one year unless either party gives a 30-day written notice for termination without cause.

City Attorney Albrecht explained that it is not an exclusive agreement. It would not prohibit the City from using other sources as well.

Alderman Kramer stated that this item did not go through Ways and Means Committee review but he researched the Bill. His understanding is that it represents an efficient way for the police department to use the service as a tool to get rid of some of the items. This particular website has a following, and has a proven amount of turnover regarding those items. If it does not work out after a period, they will not continue to do it.

Mayor Kelly asked if anybody else on the Board would like the Bill sent back to committee.

There was none.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5616. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5616 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4297.

Bill No. 5617 – Amending Ordinance No. 4206/Double D Kareoke, LLC

City Attorney Albrecht gave Bill No. 5617, AN ORDINANCE AMENDING ORDINANCE NO. 4206 GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO DOUBLE D KAREOKE, LLC., WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A BAR; 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. 5617 as a Bill that amends Ordinance No. 4206 for a site development plan and conditional use permit to Double D Kareoke, LLC., to amend the hours of operation of a bar and restaurant at 1740 S. Brentwood Blvd.

Alderman Leahy asked if the parking in the Joseph White building is reserved for each individual office space that is already there.

Mrs. Wideman responded that deck three (3) is open parking to visitors of tenants and the surface lot behind the building is for tenants and overflow visitors parking.

Alderman Kramer stated that before them is an addendum to the lease from the Joseph White building regarding the hours of operation. It looks like they are okay with the time change requested. The Mayor referred to the Corwin's operation that was there before. He believes that Corwin's had tokens for the parking. Is that going to be required for this to take place?

Mrs. Wideman responded that it is public parking on deck three (3) and it requires a token to exit the parking garage. If you visit a tenant who does not purchase their tokens then you could put money into the machine as well.

Alderman Kramer stated that there had been some complaints about some of the patrons using the parking across the street at Brentwood Square, and going back and forth through all those lanes of traffic, sometimes without a clear mind. He asked Mrs. Wideman if she found a way to remind her patrons not to do that.

Mrs. Wideman responded that they have outside security patrolling all the lots and across the street. As they are able to get the patrons when they are parking, they educate them. If they are not able to get them as they are parking on the lot, they are being educated at the door.

Mrs. Wideman stated that they have talked to the P&Z Commission about putting up a sign at the front door that states that their parking is in the garage or on the surface lot behind the building.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5617. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5617 duly passed and signed same into approval. Said Bill was given Ordinance No. 4298.

Bill No. 5618 – Paton Landscaping

City Attorney Albrecht gave Bill No. 5618, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO JOE PATON OF PATON LANDSCAPING AT PROPERTY NUMBERED 8606 MANCHESTER ROAD WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE FOR USE AS A COMMERCIAL OFFICE 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. 5618 as a Bill that introduces an ordinance for a site development plan and conditional use permit for a commercial office. The owner at 8606 Manchester Road, Joe Paton of Paton Landscaping, proposes to utilize the existing building for an office for a landscaping business, including indoor storage of some landscape materials.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5618. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5618 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4299.

Bill No. 5619 – Repealing Ordinance No. 4291

City Attorney Albrecht gave Bill No. 5619, AN ORDINANCE REPEALING ORDINANCE NO. 4291, AND AUTHORIZING AN STP-URBAN PROGRAM AGREEMENT WITH MODOT RELATING TO THE LITZINGER ROAD IMPROVEMENTS PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5619 as a Bill that repeals Ordinance No. 4291 that authorized the mayor to execute an agreement for the STP Urban Program Agreement with Missouri Department of Transportation (MoDOT) relating to the Litzinger Road Improvements Project. This was approved at the July 18 Board of Aldermen meeting. Staff received notice

from MoDOT that they accidentally deleted section 12(B) from the previous agreement. This revised agreement includes section 12(B), standard boilerplate MoDOT wording included in all STP Urban Agreements. Staff is placing this on tonight's agenda rather than waiting until the September meeting to keep the Litzsinger Road Improvement Project on schedule. Once the updated agreement is fully executed, the city will be able to issue an RFQ for engineering services for the design phase.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve and adopt Bill No. 5619.

Alderman Leahy asked if there is a definition for "other obligations" mentioned on page 4, section 12 (B).

City Attorney Albrecht responded that he thinks it is any obligation.

Mayor Kelly stated that federal funds are allocated to East-West Gateway. They approve the project, and then allocate the funds to Brentwood.

Alderman Leahy stated that as long as the City does not get into the middle of doing something and then have somebody tell them there is not enough money and have the City come up with more money to make the project work.

Mayor Kelly responded not after the project has been approved.

Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5619 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4300.

**Resolution No. 975** – Repaving and restriping of Brentwood Boulevard

Mayor Kelly thanked Alderman Kramer for putting Resolution No. 975 together.

Alderman Kramer read a synopsis of Resolution No. 975 as a Resolution that supports the City's request to the governing body of Saint Louis County for the prompt repaving and re-stripping of Brentwood Boulevard from just north of Eager Road to a point just north of Marshall Avenue.

Alderman Robertson asked if the request is for the road to remain as is or restripe it to the previous lanes.

Mayor Kelly stated that it could be taken to the Public Safety Committee for discussion. When they first talked about it, the City was very concerned about the traffic flow and the narrowing of the lanes and that it would increase accidents. Once it was restriped, it improved the flow of

traffic on Brentwood Boulevard, especially the 5:00 pm traffic southbound. On a regular basis, Brentwood Boulevard traffic has backed up to City Hall. They had agreed that they would restripe it back to two lanes southbound if that is what the City wanted.

Alderman Marshall asked Mayor Kelly if St. Louis County would consider widening Brentwood Boulevard.

Mayor Kelly stated that their long-term goal is to widen Brentwood Boulevard, but they do not have enough right of ways along the corridor.

Alderman Kramer stated that he is not certain of the exact protocol or how they would normally convey something such as the Resolution to the County Council; however, if there were an option, he would certainly be happy to present the Resolution to them in person. He is somewhat disappointed in some of the information that seems to be appearing in the newspapers regarding St. Louis County telling them that Brentwood Boulevard does not qualify until 2015. Many portions of the road are substandard to any other road nearby. Clayton Road is one example. They did research and Clayton Road carries at least half of the traffic that uses Brentwood Boulevard, as well as some of the other roads that are being paved around it at the expense of the County. Even though Brentwood Boulevard is not on the proper line item or the proper code, anniversary date, they made a promise and the City should expect them to make good on it.

Mayor Kelly stated that he agrees. If Alderman Kramer wants to present it to the County, he could attend one of their meetings. The City needs to forward the Resolution to the St. Louis County Council.

Motion was made by Alderman Kramer, second by Alderman Leahy to approve and adopt Resolution No. 975. All in favor none opposed.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 8/15/11.

Alderman Kramer asked about the expenditure for Central Auto Body for police car #33 repair and bodywork.

Police Chief Disbennett stated that one of the police officers made a turn, did not go through the turn properly, and struck a fire hydrant causing damage to the car. Unfortunately, with the City's deductible it was not going to be covered, so the City had to pay the bill.

Alderman Leahy asked for clarification on the expenditure for Evans Facility Consultants, office furniture for City Administrator. He believes the \$3,634.00 was spent on more than just one office.

City Administrator Akande responded that it was spent on the City Administrator and the Asst. City Administrator's offices.

Alderman Marshall pointed out that the furniture in the City Administrator and Asst. City Administrator's offices were in there for over 25 years.

#### **REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

##### Mayor's Report

##### Executive Session – Legal and Personnel Matters

Mayor Kelly announced an executive session, legal and personnel matters would be held following the meeting.

Mayor Kelly stated that Pam and Chris Thornton closed on the property located at White Avenue and Brentwood Boulevard in June. They have been working with the Department of Natural Resources and the Missouri Petroleum Storage Tank Insurance Fund, which is an organization that collects the fees from gas stations in order to use the insurance for cleanup. They submitted the reports and Missouri Petroleum wanted an additional phase two report to be done. They did not accept the original report that they had submitted to them. That has been done, and it will be submitted to both of the departments. If accepted, they will proceed with a new action plan on how to clean up that site. The initial evaluation is that they will probably have to remove dirt from the site of about 8 feet deep. There is still one tank there. They are hoping to start work on the site early in September. The insurance fund is the key. There is no way that they would be able to clean up that site without the insurance fund helping them with it.

##### Public Safety Committee – No report

##### Public Works Committee – No report

##### Director of Planning and Development

Director of Planning and Development Rottjakob came before the Board and stated that irrigation is currently underway for the Brentwood Gateway project located at Eager Road. It is taking a little longer than expected because of the fill that MoDOT left behind before they turned the property over to them. The fill has rocks. The contractor has been negotiating with MoDOT and it should be completed by the end of the week. A joint epoxy will be applied to the wall to reduce the amount of water that is blowing from the waterfall into the drainage system. The drainage system is operating correctly but the joint epoxy will be used to help reduce the amount of water used. The epoxy will be in by the end of August and will be applied. At that

time, the waterfall can be turned on again. The landscaping is scheduled to commence following Labor Day.

Alderman Wynn asked if the epoxy would be applied to the front or behind the blocks.

Mrs. Rottjakob responded that the epoxy will be applied to the front joints of the blocks but it will match the colors of the blocks, and will not be visible.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – Special Use Permit/Walgreens

City Administrator Akande came before the Board and stated that Walgreens located at 2401 S. Brentwood Boulevard requested a special use permit to place a storage container at the rear of the store. They estimate that the container will be on site for approximately three months to store seasonal merchandise. There is text in the ordinances that gives authority to the zoning administrator, the building official, and fire chief to approve the special use permit. Unless the Board wishes to call it up for approval, it will stand.

Mayor Kelly stated that Walgreens has made the request for a number of years. Through that process, they were given permission and approval to construct a permanent storage site at the back of their parking lot. Walgreens did not want to spend the money for that because they wanted to ensure that it was aesthetically appropriate, not just an aluminum building. It was supposed to be a brick storage facility, which they had agreed to but then opted not to do it. He is very pro-business but at the same time, they have backtracked a couple of times. They need to build a permanent facility and do it the appropriate way, instead of every holiday season requesting to put large metal containers on their back parking lot for three months.

Alderman Leahy stated that he agrees with the Mayor but unfortunately, the RPM store on Manchester Road has had a self-storage container unit on the property for more than a year. If they are going to apply the ordinance and do it correctly, he thinks they should apply it equally to all of the businesses.

Mayor Kelly responded that he agrees.

Alderman Kramer stated that this particular situation is problematic because the petitioner was told that the last approval was going to be the last time. The Brentwood location is one of their top stores in the country. They have now come back and said that the project is too expensive. Walgreens in the last quarter, earned \$603 million in profit up from \$463 million in profit the previous quarter after selling \$18.38 billion of goods in one year. He cannot get his head around the fact that the Brentwood store which is very successful, and is enjoyed by all, seems disingenuous.

Motion was made by Alderman Wynn, second by Alderman Marshall to approve the special use permit for Walgreens. Roll call: Alderwoman Clements, no; Alderman Marshall, no; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, no; Alderman Wynn, no; Alderman Harper, no.

Excise Commissioner – Temporary Liquor Licenses/Special Use Permit

Excise Commissioner Clements came before the Board and stated that three of Brentwood's local charities and businesses are asking for a two-day permit to sell wine and beer at Brentwood Park on September 16 and 17, Brentwood Days. The organizations are the American Legion Goff-Moll Post 101, the Brentwood Optimist Club, and OB Clarks.

Motion was made by Alderwoman Clements, second by Alderman Marshall to grant the temporary liquor license to American Legion Goff-Moll Post 101, Brentwood Optimist Club and OB Clarks. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, yes.

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

**UNFINISHED BUSINESS**

Alderman Marshall asked if there had been any news from the State about cleaning up Manchester Road. It is in terrible state.

Mayor Kelly responded that he has not heard anything.

Alderman Marshall stated that several parts of the Litzsinger Bridge fence are unfinished. He would like to get those items taken care of.

Mayor Kelly stated that it would be looked into it.

Alderman Marshall stated that he received some phone calls about mud and dirt collecting in the low spots of the first block of Eulalie. He does not know if it is from the construction site up the street. He knows that the street sweeper has gone over it a couple times and it still is not cleaned up. He asked that it be taken care of right away so that the residents are not driving through it.

Alderman Leahy stated that on August 2 the National Night Out Against Crime was to hold its 28<sup>th</sup> annual program for the city of Brentwood. Because of the heat, they agreed to cancel the activities. It is reschedule for tomorrow, August 16 from 5:00 to 9:00 pm at the Brentwood Swim Club.

### **NEW BUSINESS**

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, August 29 at City Hall. Brentwood Days will be held on Friday, September 16 and Saturday, September 17 at Brentwood Park.

The meeting was recessed at 8:40 pm for an executive session legal and personnel matters.

### **Executive Session/Legal and Personnel Matters**

Motion was made by Alderman Wynn, second by Alderman Marshall to enter into an Executive Session on legal and personnel matters at 8:54 pm. All in favor none opposed.

Mayor Kelly provided an update on matters regarding the status of the Meridian litigation.

Mayor Kelly provided an update on matters regarding the fire department.

Motion was made by Alderman Kramer, second by Alderman Marshall to direct City Administrator, Bola Akande to seek legal counsel from the labor relations attorney. Roll Call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

Motion was made Alderman Wynn, second by Alderman Kramer to proceed with search for Finance Director. Roll Call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderwoman Clements, second by Alderman Kramer to return to open session at 10:53 pm. Roll Call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

### **ADJOURNMENT**

Motion was made by Alderwoman Clements, second by Alderman Kramer to adjourn the meeting at 10:55 pm. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Bola Akande  
City Clerk/Administrator