

BOARD OF ALDERMEN REGULAR MEETING - Monday, July 16, 2018

1. CALL TO ORDER AND ROLL CALL

A. Call Meeting To Order

Mayor Thornton called the meeting to order at 7:04 PM.

B. Roll Call

Members Present: Mayor Thornton, Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderman Plufka, Alderwoman Sims, Alderman Wegge

A quorum was present and Mayor Thornton presided.

Staff Present: City Administrator Akande, Deputy City Clerk Todd, City Attorney O'Keefe, Finance Director Shaw, Police Chief Spiess, Fire Chief Kurten, Public Works Director Gummersheimer, Director of Planning & Development Koerkenmeier, Communications Manager Janet Levy

2. PLEDGE OF ALLEGIANCE

Mayor Thornton led the Pledge of Allegiance.

3. APPROVAL OR AMENDMENT OF THE AGENDA

Mayor Thornton recommended a motion to remove Item 10A, Bill No. 6202 Cost Share Agreement with Missouri Highways and Transportation Commission to the next Board of Aldermen meeting, August 20th. Additional information is needed from (MoDOT) Missouri Department of Transportation and we're not prepared to discuss at this time. Recommended motion for 1st and 2nd reading of Bills under New Business with consideration of only one Board of Aldermen meeting in July.

Motion to remove Item 10A, Bill No. 6202 Cost Share Agreement with Missouri Highways and Transportation Commission to the next Board of Aldermen meeting, August 20, 2018. First and second readings of items 10B. Bill No. 6209, 10C. Bill No. 6211, 10D. Bill No. 6212 and 10E. Bill No. 6213.

Motion by David Plufka, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

4. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS & RECOGNITIONS

A. Proclamation- Luis Del Castillo, Eagle Scout Agility Project at the Hanley Dog Park

Alderman Kramer read the proclamation in recognition of Eagle Scout Luis Del Castillo. Mayor Thornton recognized and congratulated Mr. Castillo.

B. City of Brentwood's Centennial Celebration Events - Alderman Lochmoeller

Alderman Lochmoeller provided a schedule of events from the Brentwood Century Foundation through 2019 and stated also available to view online at www.brentwood100.org. There is a barbecue August 9th at the Brentwood Community Center to get volunteers to help with some of the activities that will take place in 2019. August 14th is Brentwood night at Busch Stadium. Tickets are \$20 and can order online at www.brentwood100.org.

5. PUBLIC HEARINGS

A Public Hearing for was held for consideration of a moratorium of up to (6) six months on development, improvements or change of use on property within the Manchester Road Sub-Area as described in the City's comprehensive plan. There were no comments.

6. MAYOR AND ALDERMEN REPORTS

A. Mayor Thornton - Appoint Board of Library of Trustees

Mayor Thornton recommended a motion to appoint (3) three members for the Board of Library Trustees: Libby Wilson, Lori Ashmore-Ruppel and Sheila Lenkmen

Motion by Kathy O'Neill, second by Andy Leahy.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

B. Alderman Dimmitt

No report.

C. Alderman Kramer

No report.

D. Alderman Leahy

No report.

E. Alderman Lochmoeller

No report.

F. Alderwoman O'Neill

No report.

G. Alderman Plufka

No report.

H. Alderwoman Sims

No report.

I. Alderman Wegge

No report.

7. CITY ADMINISTRATOR'S REPORT

A. City Administrator's Report

City Administrator Akande stated she has asked Craig Schluter with Navigate Building Solutions to provide a comprehensive update for the Manchester Renewal Project.

Craig Schluter, Navigate Building Solutions owner representative provided an update for the Manchester Renewal project. Stated no funds were spend on investment costs in May 2018. The direct project costs of \$76,820.55 was spent in the month of May on Manchester Road Improvement's preliminary design and on the 353 Redevelopment Plan. The indirect costs of \$50,826.65 was spent on property acquisition legal fees, project Management fees, surveying, STP grant application and printing of project plans. A schedule update included right-of-way plans due on July 23, 2018. MODOT will start working on the property acquisitions, scheduled to start October 2018 with a projection to complete by December 2019. Final drawings will be completed by April 2020. Permit/approvals projected completion is June 2020. Bidding/procurement projected completion is September 2020 and construction will take two years. A lot of movement is happening behind the scenes and will see more activity once the right-of-ways are done and start the property acquisitions this fall. Phase 1 flood mitigation included property acquisitions that have been going on quite some time. The next phase of property acquisitions will start this week with letters being issued. Design/permitting will begin, assuming the Board of Aldermen approves Jacob's contract tonight. That will start the design of the flood mitigation, Phase 1. It's a very critical milestone for this project. The design will take eighteen months and hope to start an early construction/demolition package next spring, completing the overall project in March 2020. That project is currently scheduled to be a two-year time frame which would allow that flood mitigation phase to be done in March of 2022.

8. CONSENT AGENDA

A. Minutes Approval Monday, June 18, 2018

B. Standing Committees Reports

No Report.

C. Approval Of Licenses

None.

D. Approval of Bid Openings - Professional Services Agreement for Investment Services

F. Warrant List - 2018 Budget

G. Warrant List - Manchester Road Project Warrant List - COP Funds

H. Resolution 1100- Design Team Agreement for the Manchester Renewal Project - A Resolution Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And CH2M Hill Engineers, Inc

Alderman Plufka asked with this agreement for the Manchester Renewal Project, what we are deciding tonight is the 15% of the of the anticipated overall design cost, authorizing a little over two million dollars to begin the process.

City Administrator Akande stated that is correct.

I. Resolution 1101 – Investment Services - A Resolution Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And Prospera Financial Services /Arbitrage Management Group

J. Resolution 1103 -Obsolete Fire Helmets - A Resolution Authorizing The Fire Chief To Disburse Obsolete And Non-Compliant National Fire Protection Association Fire Helmets To Retired And Current Firefighters

K. Task Order - Planning/Zoning Services and Land Use Visioning Session

Motion to approve the consent agenda as presented.

Motion by David Dimmitt, second by Brandon Wegge.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

9. OLD BUSINESS

None.

10. NEW BUSINESS

A. Bill No. 6202– Cost Share Agreement with Missouri Highways and Transportation Commission – An Ordinance Approving And Authorizing Execution Of An Agreement Between The City of Brentwood and Kirkwood And The Missouri Department of Transportation (MoDOT).

Motion remove 10. A Bill No. 6202 Cost Share Agreement with Missouri Highways and Transportation Commission and place on the next Board of Aldermen, August 20, 2018.

Motion by David Plufka, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

B. Bill No. 6209 – Moratorium on Manchester Renewal Project Area – An Ordinance Imposing A Moratorium Of Up To Six Months On Development Or Change Of Use Of Property Located Within The Eastern Portion Of The Manchester Road Sub-Area Plan (“Study Area”) To Allow Sufficient Time For A Proper Land Use Study, Effective Community Engagement, Comprehensive Plan Update If Necessary, And Consideration Of Any Appropriate Zoning Text Amendments Or Other Actions.

Mayor Thornton called for first reading of Bill No. 6209 by title only.

City Attorney O'Keefe provided the first reading of Bill No. 6209 by title only.

Discussion:

Planning and Development Director Koerkenmeier stated following the adaption of the 2018 Comprehensive Plan this past April, the number one priority was to fix the flooding on Manchester Road. This Moratorium will allow us the time to take planning and the zoning to the next level with more level of detail and redevelopment and allow us to work with PGAV planners in the next six months. It will allow us time to engage with the community again and put together a master plan for the redevelopment of Manchester Road. It would also allow us time to review our existing zoning requirements and if need, amend based on the master plan and vision for the area. The Moratorium would be for development applications or change of use to property in this area. We would not entertain development applications or change of use of property for these 80 some parcels that are in the study area.

Alderman Plufka stated the Moratorium keeps individual property owners within the flood mitigation area from bringing forward proposed changes in the zoning of their properties as they exist.

Planning and Development Director Koerkenmeier stated correct. We would not entertain rezoning applications, conditional use permits or major site plan changes.

Alderman Plufka asked is this required because without it the Planning and Zoning would have to entertain the applications.

Planning and Development Director Koerkenmeier stated correct, it would be business as usual and we would accept the applications.

Alderman Plufka asked if a conversation and explanation with applicants would be sufficient.

City Attorney O'Keefe stated absent the Moratorium, the City doesn't have the right to say an application will be delayed or will not be approved because we envision there might be something else required by our regulatory scheme after a

given time. In order to preserve the status quo, avoid property owners wasting their time and money on projects which are problematic and appropriate planning and visioning can take place, the Moratorium allows everyone to stand down. The property owners are fully a part of the conversation. Then develop the regulatory scheme going forward and have it in place. Everyone can make informed judgments about how they want to deal with the property.

Alderman Lochmoeller stated the Moratorium was brought before Planning and Zoning on July 11th and asked if they had any concerns.

Planning and Development Director Koerkenmeier stated they've been so involved with the process as well from the beginning and through the 2018 Comprehensive Plan update, they were excited to see it. They understand this is the next increment that we take in terms of the look regulatory control Comprehensive Plan that deals with land use. It is the framework and you really don't get into the regulatory part of it until you address the zoning. This is an extension of what was already started with the comprehensive process. It was recommended for approval (7) seven ayes (0) zero nays.

Alderman Dimmitt asked is there a time limit on how long this Moratorium can last.

City Attorney O'Keefe stated (6) six months by ordinance.

Alderman Dimmitt asked other than the ordinance, are there any limitations imposed by their legal standards that you can't have it for more than (6) six months.

City Attorney O'Keefe stated there is case law from a constitutional perspective supporting Moratorium of well more than a year. We came up with (6) six months with respect to a realistic estimate of the work involved. If more time is required, an extension can be asked for as well if the regulations are before you and in place, the Board can act to terminate.

Mayor Thornton called for second reading of Bill No. 6209 by title only.

City Attorney O'Keefe provided the second reading of Bill No. 6209 by title only.

Motion to Perfect Bill No. 6209 into ordinance form. Bill No. 6209 passes and upon signature of the Mayor becomes Ordinance No. 4847.

Motion by David Dimmitt, second by Brandon Wegge.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

C. Bill No. 6211 - Restriction to Digging and Removing Items from Brentwood Parks – Amendment to Section 225.040 of the Brentwood Municipal Code.

Mayor Thornton called for first reading of Bill No. 6211 by title only.

City Attorney O'Keefe provided the first reading of Bill No. 6211 by title only.

Discussion:

None.

City Attorney O'Keefe provided the second reading of Bill No. 6211 by title only.

Motion to perfect Bill No. 6211 into ordinance form. Bill No. 6211 passes and upon signature of the Mayor becomes Ordinance No. 4848.

Motion by Kathy O'Neill, second by Steve Lochmoeller.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

D. Bill No. 6212 - County-wide Next Generation 9-1-1 (NG 9-1-1 System - An ordinance Approving and Authorizing Execution of A Contract With St. Louis County, Missouri For Next Generation 9-1-14 Service.

Mayor Thornton called for first reading of Bill No. 6212 by title only.

City Attorney O'Keefe provided the first reading of Bill No. 6212 by title only.

Discussion:

None.

City Attorney provided the second reading of Bill No. 6212 by title only.

Motion to perfect Bill No. 6212 into ordinance form. Bill No. 6212 passes and upon signature of the Mayor becomes Ordinance No. 4849.

Motion by Sunny Sims, second by Steve Lochmoeller.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

E. Bill No. 6213 -Condemnation Proceedings - An Ordinance Authorizing the City of Brentwood, Missouri To Initiate Condemnation Proceedings And Authorizing Certain City Officials To Execute All Instruments Necessary To Carry Out The Intent Of This Ordinance And Ordinance No. 4845.

Mayor Thornton called for first reading of Bill No. 6213 by title only.

City Attorney O'Keefe provided the first reading of Bill No. 6213 by title only.

Discussion:

Alderman Plufka asked if the form letter to the property owners was drafted from proposed legislation.

City Attorney O'Keefe stated the letter reflects the elements required by the condemnation statutes.

City Attorney O'Keefe provided the second reading of Bill No. 6213 by title only.

Motion to perfect Bill No. 6213 into ordinance form. Bill No. 6213 passes and upon signature of the Mayor becomes Ordinance No. 4850.

Motion by Steve Lochmoeller, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

11. CITIZEN COMMENTS

Barbara Hughes, resident at 2001 Urban Drive stated what jumps out at me on this Moratorium Bill are the words effective community engagement. Wondered if someone could address exactly what that is going to entail.

Patty Fitzgerald, resident at 8743 Radley Court stated this is the weirdest meeting she's been to in a long time, could have been phoned in. No discussion, synopsis or questions. Stated just yes, yes yes and done in 30 minutes. Understands the Board doesn't want to have the synopsis and that it could be wordy but, asked if there could be a compromise and provide a two line explanation. There's no explanation, discussion of any of the items or reports from any of the committees.

Karen Smith, resident at 8930 Harrison Avenue stated she would echo the previous commenter and this was a very different meeting. Understands can't see what properties the City is acquiring while negotiating. After the negotiations are done, would like to know the specific properties that were acquired for Manchester Road improvements, the specific properties acquired for flood mitigation and the specific properties acquired for the GRG connector. Was under the impression that any other development that might happen along Brentwood would be parcels of property that needed to be acquired in order to make those other three things happen. Stated concerned that we're doing a little bit of a land grab here and is a firm believer in property rights. Very hopeful that our City isn't doing some of the things that it has done previously. I don't know if the laws have changed but, around 2004 when there was some redevelopment happening and there was several of us in the community that were interested in seeing a Moratorium until we could get more public engagement and understand what was really happening in our community. We were told a Moratorium, wasn't allowed. I find it interesting that now all of a sudden, we can do Moratoriums in Brentwood. Thanked the Board of Aldermen.

Mayor Thornton stated the goal of the Moratorium is to look at the Comprehensive Plan that was developed for that sub-area and at the type of zoning that was recommended. Now that the Manchester Renewal project is further down the road, we want the public engaged and provide a more detailed implementation of the recommendations and to see if any changes need to be made in the Comprehensive Plan. Planning and Development Director Koerkenmeier and her team have done a really good job of making sure that all business owners are involved in every step of the way. That is the public engagement that is being talked. The other part is to look at what the Comprehensive Plan recommended as development for that area. Determine type of property use that would be best for the community, in the best interests and to engage the public in discussion. They're all open meetings and not restricted to any groups.

City Attorney O'Keefe stated both the Comprehensive Plan process and the zoning process require public hearings at which any member of the public can be heard. It's not more emphasis of one owner or one group than another. The Moratorium is designed to allow opportunity for everybody to have input.

12. CLOSED MEETING

None.

13. ADJOURNMENT

Motion to adjourn the meeting at 7:45 PM.

Motion by Andy Leahy, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge