

BOARD OF ALDERMEN REGULAR MEETING - Tuesday, September 4, 2018

1. MEETING CALLED TO ORDER

A. Meeting Called To Order

The meeting was called to order by Mayor Thornton at 6:00 PM.

B. Roll Call:

Members Present:

Mayor Thornton, Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Member Absent:

Alderman Plufka

A quorum was present and Mayor Thornton presided.

Alderman Plufka arrived at 6:30 PM.

Staff Present:

City Administrator Akande, Deputy City Clerk Todd, City Attorney O'Keefe, Finance Director Shaw, Police Chief Spiess, Fire Chief Kurten, Parks Director Gruenenfelder, Public Works Director Gummersheimer, Director of Planning & Development Koerkenmeier, Communications Manager Lavy

2. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Thornton.

3. APPROVAL OR AMENDMENT OF THE AGENDA

A. Approval or Amendment of the Agenda

Agenda approved as presented by acclamation.

Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Absent: Alderman Plufka

4. PUBLIC HEARINGS

A. Rezoning from LI, Light Industrial District to PD, Planned Development Overlay District for property located at 200 Hanley Industrial Court.

Mayor Thornton opened the public hearing at 6:07 PM.

Director of Planning & Development Koerkenmeier stated three months ago we had a meeting with Post Holdings representatives. Post Holdings has been a business in Brentwood for a long time and have several facilities that they lease or own in order to accommodate all their employees. A few months ago, they came to the City with a project and wanted to know what our thoughts were about it. The project includes purchasing the Hampton Envelope building at the corner of Hanley Industrial Court and Hanley Road. It's about three and a half acres. When Hampton Envelope left, it's been vacant and been one of the eyesores of our community. We talked about their plans and it seemed to work best even though what they wanted to do would have been permissible in the light industrial district, there was more benefits to rezone plan development and the area as proposed, rezoning matched what our comprehensive plan states. Our comprehensive plan passed in April suggested for the Hanley Industrial Port Sub area is to start looking at the areas that were light industrial and possibilities to rezone those to plan development. By code, rezoning to plan development requires a site plan. The ordinance before you is to rezone the property and also to approve the site plan that was part of your packet. We were asking for first and second reading on this because it's an area that again has been vacant and an eyesore. We didn't have anyone attend any of the meetings with comments or concerns. Also, it's surrounded by commercial property. There has to be one revision on the ordinance on section three. When we get to that point, we'll look at changing the project site plan date to August 15th instead of August 3rd. The whole team is here to present or answer questions.

No public comments.

Mayor Thornton closed the public hearing at 6:11 PM.

Mayor Thornton reconvened the public hearing at 7:04 PM for Bill No. 6217.

Ed Bremer, property owner at 132 Hanley Industrial Court and business owner of EnGraphics Architectural Signage stated has been in the City of Brentwood since 1984 and actively participates in community functions and boards and committees. Proud to be a business member of the community and couldn't be more excited as a member of the Hanley Industrial Court Association as well as an adjacent land owner. Thinks it's a great add to the community and it's going to bring people and revenue, business and a lot of activity to Brentwood that other proposals in the past maybe didn't do such a good job. Offered his support of the application.

Mayor Thornton closed the public hearing at 7:10 PM.

5. CITIZEN COMMENTS

No comments.

6. MAYOR AND ALDERMEN REPORTS

A. Mayor Thornton

No report.

B. Alderman Dimmitt

Alderman Dimmitt stated the citizen budget forum is scheduled at the next Ways and Means meeting, Thursday, September 6th at 6:00 PM. Invited the public to attend and give their opinions as to how we should be spending money and budgeting for 2019.

C. Alderman Kramer

No report.

D. Alderman Leahy

Alderman Leahy stated the Ward 3 meeting is September 25th at 7:00 PM.

E. Alderman Lochmoeller

Alderman Lochmoeller stated the next Public Works Committee meeting is Wednesday, September 12th at 4:30 PM.

F. Alderwoman O'Neill

Alderwoman O'Neill stated the Ward 4 meeting will be held Tuesday, September 25th at 6:00PM at the Brentwood Forest Clubhouse.

G. Alderman Plufka

No report.

H. Alderwoman Sims

Alderwoman Sims stated the Ward 2 meeting will be held Wednesday, September 5th at 7:00 PM.

J. Alderman Wegge

No report.

7. CONSENT AGENDA

A. Standing Committees Reports

B. Special Use Permit Application For Brentwood Days - Craft Beer Cellar of St. Louis, MO

C. Special Use Permit Application For Brentwood Public Library

Motion to approve the consent agenda as presented. 7B. Special Use Permit Application For Brentwood Days - Craft Beer Cellar of St. Louis, MO and 7C. Special Use Permit Application For Brentwood Public Library.

Motion by Alderman Leahy, seconded by Alderwoman Sims.

Final Resolution: Motion Passed

Approved by acclamation.

Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Absent: Alderman Plufka

8. NEW BUSINESS

A. Bill No. 6217 - Amendment of the Zoning Map for Impact Real Properties, LLC - An Ordinance Authorizing An Amendment of the Zoning Map to Rezone "LI" Light Industrial District to "PD" Planned Development Overlay District, property located at 200 Hanley Industrial Court.

Request by Mayor Thornton for 1st reading of Bill No. 6217 by title only.

The title of the bill was read the first time by Attorney O'Keefe.

Motion by Alderman Leahy to amend section 3, striking the date August 3rd and insert the date August 15th. Seconded by Alderman Wegge.

Approved by voice vote.

Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Absent: Alderman Plufka

Alderman Leahy stated if the current building has the envelope name in the building itself, asked if this is because we're going to plan the PD district a monument sign on this property and is there a difference between the light industrial and PD signage.

Director of Planning & Development Koerkenmeier stated no to the last question. For this project, they have to go through corporate for everything and at this point they have not submitted their signage package. The one condition that was in the site plan approval for the ordinance was that this wasn't to be construed in any way that there would be signage approved as part of this package. There would have to come back for approval.

Alderman Lochmoeller asked if they are vacating their current locations and consolidating to this new location.

Director of Planning & Development Koerkenmeier stated that is her understanding. Their representative is here if would like additional questions answered.

Alderwoman Sims stated the notice for the public hearing was published for 7:00 PM.

Mayor Thornton stated he will resume the public hearing at 7:00 PM and will defer further action on the bill.

No objection of the Board.

Request by Mayor Thornton for the 2nd reading of Bill No. 6217 by title only.

The title of the Bill No. 6217 was read the second time by Attorney O'Keefe.

Motion by Alderman Leahy perfect Bill No. 6217 as amended into ordinance form. Seconded by Alderwoman Sims.

Roll Call: Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderman Plufka, Alderwoman Sims, Alderman Wegge

Alderman Lochmoeller stated after all the work that staff and citizens have done on the new comprehensive plan, this project falls right into this vision and excited about it.

Alderman Kramer asked what the proposed timeline for the project.

The petitioner stated would like to be in this area by the end of 2019, may be very aggressive but will try.

B. Bill No. 6218 – Engagement Agreement For Underwriter Services - An Ordinance Authorizing An Engagement Agreement For Underwriter Services Relating To Potential Municipal Securities Transactions For The Manchester Renewal Project Phase 2 Bond Issue

Request by Mayor Thornton for 1st reading of Bill No. 6218 by title only.

The title of the bill was read the first time by Attorney O'Keefe.

Alderman Leahy asked for project clarification for the funding source of 2018 or 2019 series certificates of participation.

City Administrator Akande stated the budget source is for the year 2019.

Alderman Wegge asked why requesting first and second reading.

City Administrator Akande stated they've already started providing the City the information.

Alderman Wegge asked if there are underwriters on phase one already.

City Administrator Akande stated correct, they have a history of long term relationship with the City that goes back to the year 1998.

Alderman Dimmitt asked since this is not dealing with the COPD proceeds, how would they be paid.

City Administrator Akande stated they will not be paid unless the City issues debt.

Request by Mayor Thornton for 2nd reading of Bill No 6218 by title only.

Motion by Sunny Sims, seconded by Alderwoman O'Neill.

Approved by voice vote.

Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Absent: Alderman Plufka

The title of the Bill No. 6218 was read the second time by Attorney O'Keefe.

Motion by Andy Leahy to perfect Bill No. 6218 into ordinance form. Second by Alderman Lochmoeller

Final Resolution: Motion Passed

Roll Call: Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderwoman Sims, Alderman Wegge

Absent: Alderman Plufka

9. PRESENTATION

A. Presentation Manchester Renewal Update

Craig Schuler, principal of Navigate Building Solutions provided a Manchester Renewal update for Phase 1 and Phase 2.

Alderman Lochmoeller asked on the second phase of Deer Creek Greenway (DRG) originally, we were looking at a whipsaw ADA accessible way to get across the tracks. It sounds like now we are going to run along Brentwood Boulevard. Asked if this a cost-saving measure.

Craig Schuler stated it wouldn't be a cost-saving measure. We had heard about potential concerns about the use of that bridge and maybe not being desirable for pedestrians. This was an alternative path to achieve the alignment that we're looking for assuming the phase 2 funds are allocated. It's up to design team to present multiple alignments even beyond the two that you have seen for a group to agree and determine what alignment they want.

Mayor Thornton stated in order go over to Brentwood Boulevard you'd have to acquire more property. The money saved not building a cement bridge, is spent acquiring more properties, roughly. Any alignment follows that same deal.

Alderman Lochmoeller stated on the Missouri Department of Transportation (MoDOT) portion, they'll be starting around 2020 in our area but that stretches all the way down the Lindbergh. Asked how the whole project comes together.

Craig Schulte stated doesn't know the overall Missouri Department of Transportation (MoDOT) project schedule but, in the City of Brentwood their dates that presented concludes the center of 2022 is when they'll be done. He will find out.

Alderman Wegge stated when we first started this project, the \$70-million-dollar number thrown around was very notional. Asked what confidence level we have that the \$74 million is the total we will spend and is there analysis to substantiate the number.

Craig Schulte stated we've done appraisals of properties and received conceptual engineering estimates for all the different construction projects. With everything we know now, we're confident with that number.

Alderman Wegge asked if one of the options is still available for the crossing the railroad tracks. Having a difficult time understanding why these very expensive options are required for a train track that's seldom used.

Craig Schulte stated one of the alignments is to cross the railroad tracks. Currently we're aware of two. One that goes over and the other that goes across the street level. Mentioned earlier, if we fund these, we will study other options to present back to you. Have had prior experience with the UP Railroad and they stick with their rules and they don't want to make any changes. Mr. Schulte personally talked to a UP Railroad representative for this portion of track and explained the limited use of that track. That track only goes to various parcels and he didn't really seem to be accommodating even with that was limited use. He stated that in some sort of event, they may need to store trains there even though he couldn't tell me when that happened. We are trying to come up with a design that benefits Brentwood and works with UP Railroad guidelines.

Alderman Wegge stated if you go out to Brentwood Boulevard, you're going to across at street level.

Craig Schulte stated they are agreeable with that because there's already a cross established.

Mayor Thornton stated what we have received isn't the final design.

Alderwoman O'Neill asked to continue working on and refining the functionality of the 10-foot multi-use path.

B. Presentation Manchester Renewal Phase 2 Funding Source

City Administrator Akande stated we're making progress positive. We're spending tax payer's dollars wisely and hopes all agrees that we're doing that positive. We're leveraging multiple partnerships and there are others that we have upcoming meetings scheduled. I'm getting calls from developers who are also interested in property acquisition in the project area. We're going to be talking to the Board tonight about consideration of the economic development sales tax. We knew that in order to fully fund the project, that would be the most reasonable funding source for the City to take a look at. There are many options with the ability to retire the debt sooner which would be positive. There will be legislative action that will be taken by the Board in January. You all have taken a lot so far and the prudent way, in my opinion, to ensure the entire project is completed is as follows. We have City staff in place and a great project consulting team. We're working very well together. We're doing phase one and ready to proceed with phase two. We have contracts with consultants and we've built in cost savings through vigorous negotiations. The total project cost is \$74,519,000. In April, the Board approved \$39,225,000. The remaining funds that are needed is \$35,294,000. The economic development funding source gives the City authorization to impose the economic development sales tax by RSMo.67.1305. The sales tax shall not be more than shall not be more than one-half of one percent ($1/2$ of 1% = \$0.50). The tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election. 100% of the sales tax kept by the City of Brentwood.

Andy Struckhoff, Vice President of PGAV Planners stated the firm was retained several months ago to produce an analysis for taxable sales activity in the City of Brentwood, review the Brentwood sales tax rates in comparison to other jurisdictions and give the City an idea of where Brentwood fits in the competitive retailing landscape in St. Louis County. The sales tax rate on food is different than the total sales tax rate because the total State sales tax rate doesn't apply to your food purchases and portion the County sales tax rate also doesn't apply to food purchases. Research indicates that people don't pay much attention to the sales tax rate when they're shopping. If the public knows that there's going to be an increase in sales taxes, research indicates that there may be a stocking up effect where people go out and they hit the shops before the sales tax increases. May see a month or two of increased sales activity followed by a slump of a month or two but then after time passes and people get accustomed of the new sales tax rate, then sales picks back up. When people are shopping, the primary concerns are do they have what I want, is it convenient for me to get there and shop, is the price competitive and is it a good shopping experience, do I have a good service and when can I get it.

Alderman Dimmitt asked what was mentioned regarding the tax rates dependent upon where the what is installed and under what circumstances.

Mr. Struckhoff stated if someone's buying lumber or kitchen cabinets at Home Depot to be installed in their home, those purchases are sales taxed at the home's address rather than the point of sale because they'd be affixed to the real estate.

Alderman Dimmitt asked for the source of the key factors in consumer decision making provided in the presentation.

Mr. Struckhoff stated the source is my own personal experiences in ten years of evaluating taxable sales performance of retail shopping centers and communities for clients.

Alderman Lochmoeller stated if we are looking to raise sales tax, it could be detrimental if we had competition across the street with a lower sales tax. I guess what you're saying here is due to the uniqueness of our shopping here and our location sales tax is not a

contributing factor to why people come here. It's those other things such as location and uniqueness.

Mr. Struckhoff stated he would agree. The City of Brentwood accounts for four percent of all retail sales activity in the St. Louis County in which is outstanding considering the size of the community. The only closer competition for Brentwood is the Chesterfield Valley.

Alderman Leahy asked if internet sales apply to the economic development sales tax.

City Attorney O'Keefe stated we not collect sales tax on internet transactions unless the seller has a place of business in the State of Missouri. If they do, then our sales tax rate applies accumulative of all local sales tax.

10. WORKING DINNER

A. Board of Aldermen Discussion

B. Board of Aldermen Next Steps

City Administrator Akanda stated Jim Lahay, Managing Director and John Klaus from Stifel, are present to discuss the funding source analysis and answer any questions.

Jim Lahay provided the funding source analysis for Manchester Renewal project and answered questions from the Board.

Rod Wright, Unicom Arc stated prior to the Board making the decision to place the item on the ballot, the goal of the overall program is to raise considerable understanding of the issue and provide input along with community engagement and ownership.

C. Mayor Thornton - Appointment of the Community Engagement Task Force Members

Motion by Alderman Wegge to approve including at least the community engagement task force members as presented. Seconded by Alderman Dimmitt.

Final Resolution: Motion Passed

Approved by voice vote.

Roll Call: Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderman Plufka, Alderwoman Sims, Alderman Wegge

Alderman Dimmitt stated he is concerned with the timing, not the project.

11. CITIZEN COMMENTS

A. Citizen Comments

None.

12. ADJOURNMENT

A. Adjourn Meeting

Motion to adjourn the meeting at 8:02 PM.

Motion by Alderman Leahy, second by Alderwoman Sims.

Final Resolution: Motion Passed

Approved by voice vote.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Alderman Wegge
Roll Call: Yea: Alderman Dimmitt, Alderman Kramer, Alderman Leahy, Alderman Lochmoeller, Alderwoman O'Neill, Alderman Plufka, Alderwoman Sims, Alderman Wegge