

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
MAY 5, 2014**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the meeting to order at 7:00 pm, in the Council Room of City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144 and immediately led the Pledge of Allegiance.

ROLL CALL

The following members were present

Alderman Harper	Absent	Alderman Toohey	Present
Alderman Wynn	Present	Alderman Leahy	Present
Alderman Robertson	Present	Alderman Manestar	Present
Alderman Kramer	Present	Alderman Saunders	Present
Mayor Kelly	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen May 5, 2014

Alderman Wynn made a motion to remove executive session from the agenda. Motion seconded by Alderman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Saunders made a motion to approve the agenda as amended. Motion seconded by Alderman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes April 21, 2014

Alderman Saunders submitted insertions to the minutes for review and made a motion to table the minutes until the next meeting. Motion seconded by Alderman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

PROCLAMATION - MUNICIPAL CLERK 'S WEEK MAY 4 - 10, 2014

WHEREAS, The Office of Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be over mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Pat Kelly, Mayor of the City of Brentwood, do recognize the week of May 4 through May 10, 2014, as

MUNICIPAL CLERKS WEEK

and further extend appreciation to our Municipal Clerks, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to communities they represent.

PROCLAMATION - MISSOURI LOCAL GOVERNMENT WEEK MAY 5 - 9, 2014

WHEREAS, local governments in Missouri make important decisions that affect the lives of all Missourians; and

WHEREAS, local governments are the level of government closest to the people; and

WHEREAS, local governments include city councils, county commissions, school boards among others; and

WHEREAS, local governments are the ultimate expression of grassroots democracy; and

WHEREAS, local governments play an essential role in the quality of life in Missouri communities

NOW, THEREFORE, I, Pat Kelly, Mayor of the City of Brentwood, do hereby proclaim May 5-9, 2014

LOCAL GOVERNMENT WEEK

in the City of Brentwood of St. Louis County and urge all Missourians to join me in recognizing local governments as they serve their communities.

Motion was made by Alderman Leahy and seconded by Alderwoman Manestar to approve the proclamations presented. Unanimous vote in favor taken; **MOTION PASSED.**

PUBLIC HEARING

A Petition To Amend Chapter 25, Article VI, Division 8 Of The Brentwood Code Of Ordinances As It Pertains To Regulations For Flood Hazard Control

Mayor Kelly opened the public hearing at 7:02 pm.

Director Wyse announced the process which started in 2013; the city completed a preliminary study to mitigate flooding at Deer Creek. There was a recommendation within the study to pursue the CRS (community rating system) a program designed by the Federal Government through the process of the NFIP (national flood insurance program), to reduce flood damage to insurable property and incentives programs that support the actuarial rating of property within the special flood hazard area by offering discounts on insurance premiums. In summer of 2013, the State Emergency Management Agency (SEMA) came to the City of Brentwood and conducted a Community Assistance Visit or audit of the city's regulations as well as the administration of the flood plain regulations in place. As part of this review, SEMA stated that the City needed to update our current ordinance and noted changes to Sec 25-477 referencing the current flood insurance study, Sec 25-479 pertaining to map panel numbers, Sec 25-494 clarifying the requirements for recreational vehicles, and addition of definitions to Sec 25-503 adding several new **terms**. These changes are required to maintain good standing in the National Flood Insurance Program. This is important because we participate in the NFIP, meaning that our property owners within the flood plain are able to get flood insurance; this insurance is sometimes required if you have a federal mortgage lender. The reductions in premiums are becoming increasingly important as the Biggert-Water Flood Insurance Reform Act begins to raise flood insurance rates for structures constructed prior to the adoption of the flood insurance rate map (pre-firm **structures**). 79% of the structures within the floodplain in the City of Brentwood are currently subsidized and will subject to removal of the subsidies on these policies; subsidized insurance rates are being eliminated.

In addition to these changes SEMA proposed the city adopt changes to the current definitions for substantial damage and substantial **improvement**. Under the City's regulations, a structure is required to comply with the current floodplain regulations when a substantial damage or substantial improvement is **triggered**. Currently, these calculations are done on a one time review and a substantial improvement is considered any project where the scope of work exceeds 50% of the market value of the structure.

SEMA proposed that the City adopt a cumulative standard that would track improvements over a ten year **horizon**. Under this scenario, if improvements over this period of time exceed 50% of the value of the structure, the structure would be required to comply with current floodplain **regulations**. The changes to the definitions for substantial damage and improvement are not mandated but would promote the City's effort to become a CRS community.

The required changes to maintain good standing in the National Flood Insurance Program and the optional changes to adopt a cumulative standard for improvements was considered by the City's Planning and Zoning Commission in February, March, and April. After the February meeting, notices of the March meeting to discuss the item were sent to all properties that would potentially be impacted by the proposed **changes**.

After consideration at the April meeting, a motion was made to recommend approval of both the required changes and the optional definition changes and the motion was **seconded**. A motion to amend the original motion was then made to remove the optional changes to the definitions for substantial damage and substantial **improvements**. This motion died for lack of a second. Upon roll call, 2 commissioners voted in the affirmative and 5 commissioners in the **negative**. As such, both the changes necessary to maintain good standing in the National Flood Insurance Program as well as the changes to alter the definitions of substantial damage and substantial improvement to further the City's efforts to become a CRS community have received a negative recommendation from the Planning and Zoning Commission. As such, Sec. 25-74 requires a vote of $\frac{3}{4}$ of the board of aldermen to overturn the recommendation of the planning and zoning commission.

Alderman Leahy questioned the decision by Planning & Zoning if it is required for compliance with FEMA. Director Wyse speculated that Planning and Zoning members may have been confused by the way their motions were made. There were no objections initially to the first set of requirements; the confusion may have come when it was proposed to include the second set of language. Leahy also questioned the impact the 180 day parking requirement included in will have on businesses located within the flood plain that offer parking service specifically, Sure Lock & Storage. Director Wyse clarified that this verbiage has not changed - it was originally included; FEMA required a change to the formatting structure to clarify what is necessary. After further questions of how the vehicles are currently being monitored, Wyse responded that we have no inspection records, the primary concern is if a flood comes the vehicles can be moved readily quickly.

After questions from Alderwoman Saunders, Wyse responded the SEMA audit was a result of the city making application to CRS. Administrator Akande added that after submitting the necessary information, they offered the city an opportunity to correct deficiencies but we have the initial points (500) to enroll in the program. Alderwoman Saunders asked if the first bill is mandatory to continue as a part of the NFIP (yes). After questions of P&Z's confusion, Alderman Toohey reported his attendance at the meeting and noted that members appeared confused by the motion to add language to the bill.

Mayor Kelly clarified that the first bill includes mandatory requirements to stay complaint with NFIP. The second bill, the issue appears to be the way of calculating improvements to buildings. Whereas today, if you do 50% of improvements to a building you have to also bring the building into compliance with flood regulations; a one-time analysis, later improvements would be a different analysis. The change would be that every time you make an improvement in 10 years, that percentage would be added together and once you reach the required amount you must bring the building into compliance.

Steve Marsh, 7110 Cornell (U. City) stated he has once served as chair for the U. City Planning Commission and understands what it is like to attract and retain investments in inner tier suburbs; and also served in the banking business. He commented, from the bankers prospective, that it is difficult to

make loans in a flood plain. He announced concerns of the unknown costs for flood proofing the property down the road and what long term impacts it will have. He asked if there will be a gradual disinvestment because people are unable to make the investments in their property.

Gene Huttsman (commercial real estate manager) announced that they manage over 2 million sq feet of commercial real estate including 200,000 in Brentwood. The owners have stated their concern of the cumulative substantial improvement trigger for flood proofing and its implications and consequences; the unknown cost, etc. He asked how many will be able to afford to make the necessary changes, if they are economically viable and functional and questioned the potential for a chain reaction that includes a loss of property taxes and owners avoidance of any investment. He stated his support in passing legislation to meeting the minimum standards for the flood insurance program by he is opposed to the second bill.

Steven Kling (Jenkins & Kling) offered comments in regards to the CRS program and engineering. The CRS program is not a requirement for being in compliance with NFIP, it provides incentives for discounts. He explained that the program assigns you to a class based on points; there are almost 15,000 points available. You get 90 points for the cumulative substantial improvements but you can get better discounts and more points for plans and educations. He also commented on the feasibility and that there is no objective criteria that spells out the impact and point benefits are very minimal.

Lindsay Rinlin (McCarthy Leonard & Kaemmerer-representing DDR) stated agreement with many concerns mentioned in regards to the cumulative substantial improvements. She added, with respect to Brentwood Promenade, that they are concerned with the unknowns, the potential that a development such as the Promenade that is partially in and partially outside the floodplain; if the cumulative effect is triggered do you flood proof the entire development including what is not located within the floodplain?

Daniel Hollendar, 2646 Dorothy, echoed previous comments and added that there are too many unknowns to rush ahead. Also in attendance at the P&Z meetings, he disagreed with the statements that members were confused. He stated that it appeared the issue was presented as an opportunity for discounts and then changed to a public safety issue. His understanding of the P&Z meetings is not that they didn't understand; some vote for it and other against it.

Mark Manion (Manion Properties) stated his interest in 5 different buildings in Hanley Industrial Park; some within the floodplain and others not as well as property on Manchester. He questioned the integrity of the Industrial Park and retail along Manchester if landlords are cannot afford or are unable to invest the funds necessary into their properties; what will happen to the values of the other properties and will the retail along Manchester go dormant?

Joe McCall (attorney representing Hanley Corners LLC) stated the owners opposition of the cumulative substantial improvements for many of the reasons previously stated; adopt of this ordinance would not be in the city or property owners best interest.

Phil Russo (owner of property on Manchester) announced his attendance to the P&Z meeting and added that there is not enough information. He added that it states that you have to be compliant with FEMA regulations; it would not be feasible to meeting the regulations for elevations and paraplegic parking. He suggested everyone get on the same page to fix the creek itself.

Mayor Kelly closed the public hearing at 7:45 p.m.

BIDS

None

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

Pat Ebling, 1430 Peacock Lane, addressed the Board with concerns of Manhasset Village in Richmond Heights. When originally demolished, Richmond Heights insisted that Eager Road was within their city

limits and it would be used for their trucks, a sign was placed on McKutchen that stated no construction traffic, and there were plans for them to repave Eager when done (this was done but Brentwood was charged half the cost). This issue has come up again with the reconstruction of Manhasset Village. Its not fair to burden Brentwood tax payers and the residents on Eager Road; they should use their own streets.

Cecilia Nangle, 9212 Eager, agreed with the previous comments and stated that the burden should not be on Brentwood residents. She also asked that the increased traffic is considered.

Dorothy Needles, 9040 Swan Circle, echoed the previous statements.

Debra Barrington (Brentwood Forest), echoed previous statements and also asked to consider the impact of the increased construction trucks will have on Brentwood businesses and residents.

Carol Schmidt, 1414 Oriole, stated her opposition to the construction.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Wynn made a motion for the 1st & 2nd readings of Bills #5868, 5869, 5870, 5871, and 5872. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5866 - An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Section 25-477, Section 25-479, Section 25-494, And Section 25-503 As It Relates To Flood Hazard Control; 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 - 1st & 2nd Reading

Attorney Albrecht read Bill #5866 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance amending chapter 25 of the revised code of ordinances of the City of Brentwood, Missouri by amending Section 25-477, Section 25-479, Section 25-494, and Section 25-503 as it relates to Flood Hazard Control. Furthermore, the ordinance has the required language needed to address the current deficiencies in the City's Flood Hazard Ordinance. These changes are critical in maintaining good standings with FEMA on the City's participation in the National Flood Insurance Program (NFIP). As the Commission failed to pass a motion for recommendation on either of these areas, a ¾ vote will be required to overturn the recommendation of the Commission". Concerns were announced that the documents were presented to P & Z as one and separated as two bills when presented to the board for approval; the question was raised that P & Z members may not be clear of the issues at hand. It was also mentioned that there were 12 recommendations to come from CRS; the others have been addressed but these were required to be adopted by ordinance. Alderman Leahy made a motion to send Bills #5866 and #5867 back to P & Z. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey -yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - yes; **MOTION PASSED.**

Motion was made by Alderwoman Saunders and seconded by Alderman Leahy to place Bills #5866 and #5867 on hold. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5867 - An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Section 25-503 As It Relates To Definitions Of Flood Hazard Control Terms; 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 - 1st & 2nd Reading

On hold.

Bill #5868 - An Ordinance Authorizing The City Administrator To Enter Into Temporary Construction Easement Agreements Between The City Of Brentwood And Children's Home Society Of Missouri, Michael D. And Catherine A. Leahy H/W, And Brentwood School District - 1st & 2nd Reading (Alderman Leahy announced that he has no relation to the parties of this agreement.)

Attorney Albrecht read Bill #5868 by title only. Alderman Kramer provided the synopsis, "An ordinance authorizing the mayor and/or city administrator to enter into temporary construction easement agreements

between the City of Brentwood and Children's Home Society of Missouri, Michael D. and Catherine A. Leahy H/W, and Brentwood School District". Alderman Leahy made a motion to perfect Bill #5868 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey - yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - yes; **MOTION PASSED.**
BILL #5868 IS HEREBY PASSED AND ORDINANCE #453 1 IS ASSIGNED TO SAID BILL.

Bill #5869 - An Ordinance Authorizing The City Administrator To Enter Into A Permanent Sidewalk Easement Agreement Between The City Of Brentwood And Brentwood School District - 1st & 2nd Reading

Attorney Albrecht read Bill #5869 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the mayor and/or city administrator to enter into a permanent sidewalk easement agreement between the City of Brentwood and Brentwood School District". Attorney Albrecht read Bill #5869 by title only. Alderman Leahy made a motion to perfect Bill #5869 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey - yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - yes; **MOTION PASSED.**
BILL #5869 IS HEREBY PASSED AND ORDINANCE #453 2 IS ASSIGNED TO SAID BILL.

Bill #5870 - An Ordinance Authorizing The Mayor And/Or City Administrator To Execute An Agreement On Behalf Of The City Of Brentwood, Missouri For Dispatch And Holding Services To Be Provided To The City Of Rock Hill For Police, Fire And Ambulance Calls By The City Of Brentwood, Missouri - 1st & 2nd Reading (Alderwoman Saunders left the room)

Attorney Albrecht read Bill #5780 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the mayor and/or city administrator to enter into an agreement with the City of Rock Hill for dispatch and holding services until June 1, 2014. The current agreement with the City of Rock Hill expired on March 31, 2014. This extension would provide continuous dispatch and holding services for police and fire and ambulance service through June 1, after which there will be a separate holding service agreement only going forward. Public Safety Committee recommends approval". Attorney Albrecht read Bill #5870 by title only. Alderman Leahy made a motion to perfect Bill #5870 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey - yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - absent; **MOTION PASSED. BILL #5870 IS HEREBY PASSED AND ORDINANCE #453 3 IS ASSIGNED TO SAID BILL.**

Bill #5871 - An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Sponsorship Agreement With Whole Foods Market; Providing For Authorization To Use The Name Materials And Logo; And Providing For The Effective Date Of This Ordinance - 1st & 2nd Reading

Attorney Albrecht read Bill #5871 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the mayor and/or city administrator to enter into an agreement with Whole Foods for a new parks program - Make It and Bake It: Presented By Whole Foods Market. The Parks and Recreation Department has secured a sponsorship with Whole Foods for a program the City would like to offer starting in May 2014. Public Works Committee recommends approval". Attorney Albrecht read Bill #5871 by title only. Alderman Wynn made a motion to perfect Bill #5871 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey - yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - absent; **MOTION PASSED.**
BILL #5871 IS HEREBY PASSED AND ORDINANCE #453 4 IS ASSIGNED TO SAID BILL.

Bill #5872 - An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Execute The Attached 2014 Community Development Block Grant Municipal Housing And Community Development Supplemental Cooperation Agreement - 1st & 2nd Reading (Alderwoman Saunders returned)

Attorney Albrecht read Bill #5872 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the mayor and/or city administrator to execute the attached 2014 Community Development Block Grant Municipal Housing And Community Development Supplemental Cooperation

Agreement. Each applicant if approved may receive up to a maximum of \$5,000. These are forgivable home improvement loans to low and moderate income homeowners. A public hearing was scheduled on June 17, 2013 and held over until June 24, 2013 when the rescheduled board of aldermen met to discuss the allocation of \$20,000". Attorney Albrecht read Bill #5872 by title only. Alderman Leahy made a motion to perfect Bill #5872 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper - absent; Alderman Wynn - yes; Alderman Robertson - yes; Alderman Kramer - yes; Alderman Toohey - yes; Alderman Leahy - yes; Alderwoman Manestar - yes; Alderwoman Saunders - yes; **MOTION PASSED.**

BILL #5872 IS HEREBY PASSED AND ORDINANCE #453 5 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of \$29,526.36 which includes \$8,235.10 of grant pass through. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly provided an update of an emergency incident with a Public Works employee. While performing a sewer lateral repair on Bridgeport, the mud in the trench began to react as quicksand trapping the employee for almost 2.5 hours. With the help of Brentwood Fire and Police as well as other agencies and municipalities the employee was pulled to safety and transported to the hospital; there were no major injuries and he is doing fine.

Public Safety Committee , Alderman Wynn had no new report.

Public Works Committee , Alderman Robertson had no new report.

Director of Planning & Development announced that the next Planning and Zoning meeting is scheduled for May 14th; Bills #5866 & 5867 will be moved to that agenda.

Ways and Means Committee , Alderman Kramer reported the next meeting on May 7th at 5:30 pm.

City Attorney Albrecht , Attorney Albrecht had no report.

City Clerk/Administrator , Administrator Akande had no report.

Excise Commissioner

No Report

Library , Alderman Wynn had no report.

Municipal League , Mayor Kelly had no report.

Historical Society , Alderman Wynn had no report.

Closed Meeting

None

UNFINISHED BUSINESS

Mayor Kelly responded to earlier concerns of the Richmond Height development on Eager. He stated that he will reach out to address the issue as it is important to maintain relationships with neighboring communities. During discussion, he also stated that he will inquire of the density of the development.

NEW BUSINESS

Alderman Leahy announced the next Ward 3 meeting on May 27th at 7 pm; all are invited.

Alderwoman Saunders announced that next Ward 1 meeting on May 13th at 6:30 pm; all are invited.

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

None

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 8:27 pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator