

Summary
Board Bill Number __
Introduced by Alderman Tom Oldenburg
January 13, 2023

The proposed bill would establish the St. Louis Hills Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, and set its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters within the proposed district, and uses to which tax revenue may be put; create a board of commissioners; and contains severability, effectiveness, and emergency clauses.

BOARD BILL NUMBER __ INTRODUCED BY ALDERMAN THOMAS OLDENBURG

An ordinance establishing the St. Louis Hills Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, and setting its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters and uses to which tax revenue may be put; creating a board of commissioners; and containing severability, effectiveness, and emergency clauses.

WHEREAS, petitions signed by property owners requesting the establishment of a Special Business District in the area hereinafter described have been filed with the City Register; and

WHEREAS, pursuant to Section 71.792 RSMo, a survey and investigation of the desirability and possibility of forming a Special Business District has been conducted by the Board of Aldermen; and

WHEREAS, it is desired that a Special Business District be formed in that portion of the City of St. Louis within the maximum commonly known boundaries described in this Ordinance: Beginning at the point of intersection of Hampton Avenue and Gravois Avenue, and proceeding southwesterly along the center line of Gravois Avenue to its intersection with the center line of River Des Peres, then proceeding northwesterly along the center line of River Des Peres to the center line of Chippewa Street, then proceeding northeasterly along the center line of Chippewa Street to the center line of Hampton Avenue, then proceeding southerly along the center line of Hampton Avenue to the point of beginning.

WHEREAS, this Board of Aldermen hereby finds that the establishment of a Special Business District for said area described above is in the best interest of the City of St. Louis and that the property owners and tenants of said area and the public in general will benefit by the

establishment of said Special Business District and the increased level of services and improvements provided by the proposed additional tax revenues from said district; and

WHEREAS, this Board of Aldermen has passed a Resolution, Resolution Number ___ declaring its intention to establish a Special Business District in said area and has held public hearings on the matter; and

WHEREAS, said public hearing, duly noticed, was held at 1:00 pm on January 26, 2023, by the Committee on Ways and Means of the Board of Aldermen; and

WHEREAS, said district shall be known as St. Louis Hills Special Business District.

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

SECTION ONE. St. Louis Hills Special Business District. A Special Business District, to be known as the “St. Louis Hills Special Business District” (hereinafter referred to as the “District”), is hereby established for the area of the City described as follows: Beginning at the point of intersection of Hampton Avenue and Gravois Avenue, and proceeding southwesterly along the center line of Gravois Avenue to its intersection with the center line of River Des Peres, then proceeding northwesterly along the center line of River Des Peres to the center line of Chippewa Street, then proceeding northeasterly along the center line of Chippewa Street to the center line of Hampton Avenue, then proceeding southerly along the center line of Hampton Avenue to the point of beginning.

SECTION TWO. District Tax. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in

this ordinance, and incidental to the leasing, construction, acquisition, and maintenance of any improvements authorized herein or for paying principal and interest on bonds or notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the District which shall not exceed eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax shall be imposed during the 2023, 2024, 2025, 2026, 2027, 2028, and 2029 tax years only, and subject to the renewal of such tax by the qualified voters of the District pursuant to the procedure set forth in Section 71.800 of the RSMo (2000).

B. If the proposition submitted to the qualified voters in the District receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Nine, the initial rate of levy which shall be imposed upon real property within the District shall be thirty-five cents (\$.35) on the one-hundred dollars (\$100.00) assessed valuation.

C. Real property subject to partial tax abatement under the provisions of Chapter 353 of the Revised Statutes of Missouri, shall, for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement; provided, however, that the owners at such real property are strongly encouraged to make additional equitable, annual donations to the District in lieu of the additional District taxes.

D. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes because of charitable, religious, educational or other public or private uses; provided, however,

that the owners of such real property are strongly encouraged to make equitable, annual donations to the District in lieu of District taxes.

E. The tax provided for by this ordinance shall be collected by the Collector of Revenue and held in a special account to be used only for all purposes authorized hereunder, as provided by law.

SECTION THREE. Board of Commissioners. There shall be a Board of Commissioners to administer the District. The Board of Commissioners shall be selected as follows:

A. Membership: The Board of Commissioners shall consist of seven (7) members who shall be eighteen-years (18) of age or older at the time of their appointment by the Mayor. Members of the Board of Commissioners shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom: five members shall be owners of real property within the District or their representatives; and two members shall be renters of real property in the District or their representatives.

B. No employee or elected official of the City of St. Louis shall be a member of the Board of Commissioners.

SECTION FOUR. Commissioner Terms of Office, Removals & Vacancies.

A. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31 of the designated year or when their successors are appointed as provided herein, whichever is later.

B. Initial Members and Terms: The initial members shall be appointed for the terms set forth as follows: one (1) member shall be appointed for a term expiring December 31, 2024; two

(2) members shall be appointed for a term expiring December 31, 2025; two (2) members shall be appointed for a term expiring December 31, 2026; and two (2) members shall be appointed for a term expiring December 31, 2027.

C. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

D. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal, resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the Board of Commissioners. The vacancy shall be filled in like manner as an original appointment no later than thirty (30) days after the date of said report to the Mayor. Appointments to fill vacancies shall be for the unexpired portion of a term only.

E. Compensation: The members of the Board of Commissioners shall serve without compensation of any kind.

SECTION FIVE. District Revenues.

A. All District revenues collected hereunder by the Collector of Revenue, except for those revenues expended for the necessary costs of the establishment and administration of the District, and for collection fees for tax revenue collected hereunder, may be used to carry out any and all of the following improvements, services and activities of the District:

1. To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part;
2. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop

shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement;

3. To landscape and plant trees, bushes and shrubbery, flowers and each and every and other kind of decorative planting;
4. To install and operate, or to lease, public music and news facilities;
5. To purchase and operate buses, minibuses, mobile benches, and other modes of transportation;
6. To construct and operate child-care facilities;
7. To lease space within the district for sidewalk cafe tables and chairs;
8. To construct lakes, dams, and waterways of whatever size;
9. To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district;
10. To maintain, as hereinafter provided, all city-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality;

11. To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;
12. To prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
13. To lease, acquire, dispose of, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;
14. To promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the district; and
15. To provide special police and/or security facilities, equipment, vehicles and/or personnel, and install, improve and/or maintain useful, or necessary, or desired, security related improvements for the protection and enjoyment of the property owners and the general public within the District.

SECTION SIX. District Powers. The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

1. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

2. Enter into any agreement with the City, any other public agency, any person, firm, or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 RSMo.;
3. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, providing for coverage of such risks and with such limits as the Board of Commissioners may deem proper;
4. Accept gifts, grants, loans or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations; and
5. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the Board of Commissioners may deem advisable; the District may also contract with independent contractors for any such assistance.

SECTION SEVEN. Annual Budget & Annual Report.

A. Annual Budget: The Board of Commissioners shall file with the Board of Aldermen an annual budget for the District, which shall set forth the projected revenues and expenditures for the ensuing year, not later than one-hundred and eighty (180) days prior to the start of said fiscal year; provided, however, that no such proposed annual budget shall be filed with the Board of Aldermen until after the date the Board of Commissioners conducts a public hearing within the District on any such proposed annual budget. Notice of any such public hearing shall be published at least ten (10) days prior to the hearing in a daily, twice-weekly, weekly or bi-weekly

newspaper of general circulation within the District; and provided further, that in addition to showing the time, date and place of the hearing, the notice shall also show the complete proposed annual budget. The Board of Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said budget by Resolution within ninety (90) days of its filing, said budget will presume to have been approved by the Board of Aldermen.

B. Annual Report: The Board of Commissioners shall also file an annual report with the Board of Aldermen, which shall set forth the programs, revenues, and expenditures of the District for the previous fiscal year, not later than sixty (60) days following the end of said fiscal year.

SECTION EIGHT. Municipal Funding Not to Be Decreased. The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION NINE. Ballot Proposition. The tax levy authorized in Section Two of this ordinance shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at a special election in the District to be held on April 4, 2023, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT

Shall a tax in a sum not to exceed \$.85 per \$100.00 valuation be imposed for the seven tax years of 2023, 2024, 2025, 2026, 2027, 2028, and 2029 on all real property located in the St. Louis Hills Special Business District as defined in Ordinance No. _____, approved on _____, __ 2023, as Board Bill No. ___ for the purposes as set forth in said Ordinance?

___ YES. ___ NO

SECTION TEN. Certification of Election. Immediately upon the passage and approval of this Ordinance, the City Register shall certify a copy thereof to the Board of Election Commissioners for the City of St. Louis for action and proceedings by said Board in accordance herewith and as required by law.

SECTION ELEVEN. Notice of Election. Notice of the election on such proposition shall be published and said election shall be conducted in the manner provided by law.

SECTION TWELVE. Severability. If any section, subsection, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be separate, distinct and independent provisions of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION THIRTEEN. Emergency Clause. This being an ordinance calling and providing for an election and vote by the people and fixing a tax rate, it is declared to be an emergency measure as defined by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and shall take effect and be in force from and after its adoption and approval by the Mayor.