

ORDINANCE 71257

BOARD BILL NUMBER 98 INTRODUCED BY: ALDERMAN JOHN COLLINS-MUHAMMAD/ ALDERMAN JOSEPH VOLLMER/ ALDERWOMAN MARLENE DAVIS/ ALDERMAN JOSEPH VACCARO/ ALDERWOMAN CAROL HOWARD/ ALDERWOMAN TAMMIKA HUBBARD/ ALDERWOMAN BETH MURPHY/ ALDERWOMAN CARA SPENCER/ ALDERMAN THOMAS OLDENBURG/ ALDERWOMAN PAMELA BOYD/ ALDERWOMAN SHAMEEM CLARK-HUBBARD

1 An ordinance establishing the O’Fallon - Penrose Special Business District pursuant to Sections
2 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial
3 rate of levy subject to the approval of the qualified voters, bonding authority, and uses to which
4 tax revenue may be put; creating a board of commissioners; and containing severability and
5 emergency clauses.

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

8 **WHEREAS**, pursuant to Section 71.792 RSMo, a survey and investigation of the
9 desirability and possibility of forming a Special Business District has been conducted; and

10 **WHEREAS**, it is desired that a Special Business District be formed in that portion of the
11 City of St. Louis within the maximum commonly known boundaries described in this Ordinance:
12 beginning at Mark Twain Expressway on the north going easterly along Bircher Ave. in City
13 Block 4403.26 easterly to Von Phul in City Block then southernly along Linton Ave., to West
14 Florissant Ave, in City Block 3600.00 to Mary Ave. continue Easterly towards Warne Ave in
15 City block 5037.00 continuing southernly to Kossuth Ave. then heading west to Fair Ave in City
16 Block 3613.00 along City Park Fair Ground Park Southernly to Natural Bridge Boulevard
17 (centerline) on the East. Continuing West on Natural Bridge Boulevard, (center line on the
18 South), to Shreve Avenue. (center line) on the west, with the Western boundary the north-south

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1 alley in City Block 4388.66 prolongating Shreve Ave to Bircher Ave in City Block 4403.26,
2 being the point of beginning.

3 **WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special
4 Business District for said area described above is in the best interest of the City of St. Louis and
5 that the property owners and tenants of said area and the public in general will benefit by the
6 establishment of said Special Business District and the increased level of services and
7 improvements provided by the proposed additional tax revenues from said district; and

8 **WHEREAS**, this Board of Aldermen has passed a Resolution, Resolution Number 30
9 declaring its intention to establish a Special Business District in said area and has held public
10 hearings on the matter; and

11 **WHEREAS**, said public hearing, duly noticed, was held at 1:00pm on October 28, 2020,
12 by the Committee on Ways and Means of the Board of Aldermen; and further hearing, duly
13 noticed, is to be held at 1:00pm on October 28, 2020 by the said Committee; and

14 **WHEREAS**, the said district shall be known as the O’Fallon - Penrose Special Business
15 District.

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

17 **SECTION ONE.** O’Fallon – Penrose Special Business District. A Special Business District,
18 to be known as the “O’Fallon - Penrose Special Business District” (hereinafter referred to as the
19 “District”), is hereby established for the area of the City described as follows: That portion of
20 the City of St. Louis within the maximum commonly known boundaries beginning at Mark
21 Twain Expressway on the north going easterly along Bircher Ave. in City Block 4403.26 easterly
22 to Von Phul in City Block then southernly along Linton Ave., to West Florissant Ave, in City

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1 Block 3600.00 to Mary Ave. continue Easterly towards Warne Ave in City block 5037.00
2 continuing southernly to Kossuth Ave. then heading west to Fair Ave in City Block 3613.00
3 along City Park Fair Ground Park Southernly to Natural Bridge Boulevard (centerline) on the
4 East. Continuing West on Natural Bridge Boulevard, (center line on the South), to Shreve
5 Avenue. (center line) on the west, with the Western boundary the north-south alley in City Block
6 4388.66 prolongating Shreve Ave to Bircher Ave in City Block 4403.26, being the point of
7 beginning.

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

9 A. For the purpose of paying for costs and expenses incurred in the establishment and operation
10 of the District, the provision of services and facilities and improvements authorized in Sections
11 Six and Seven of this ordinance, and incidental to the leasing, construction, acquisition, and
12 maintenance of any improvements authorized herein or for paying principal and interest on
13 bonds or notes authorized for the construction or acquisition of any said improvement, there may
14 be imposed a tax upon all real property within the District which shall not exceed seventy-five
15 cents (\$.75) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions
16 of Section Nine. Such tax shall be imposed during the 2021, 2022, 2023, 2024, 2025, 2026, 2027,
17 2028, 2029, and 2030 tax years only, and subject to the renewal of such tax by the qualified
18 voters of the District pursuant to the procedure set forth in Section 71.800 of the RSMo (2000).

19 B. If the proposition submitted to the qualified voters in the District receives in its favor the
20 votes of the majority of the qualified voters voting at the election conducted pursuant to Section
21 Nine, the initial rate of levy which shall be imposed upon real property within the District shall
22 be ninety cents (\$.85) on the one-hundred dollars (\$100.00) assessed valuation.

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

9 D. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes
10 because of charitable, religious, educational or other public or private uses; provided, however,
11 that the owners of such real property are strongly encouraged to make equitable, annual
12 donations to the District in lieu of District taxes.

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

16 **SECTION THREE. Bonds.** For the purposes of paying costs and expenses to be incurred in
17 the acquisition, construction, improvement, expansion and/or maintenance of any facilities of
18 the District, the District may incur indebtedness and issue bonds or notes for the payment thereof
19 under the terms of, and subject to, the requirements set forth by law.

20 **SECTION FOUR. Board of Commissioners.** There shall be a Board of Commissioners to
21 administer the District. The Board of Commissioners shall be selected as follows:

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1 A. Membership: The Board of Commissioners shall consist of seven (7) members who shall be
2 eighteen-years (18) of age or older at the time of their appointment by the Mayor. Members of
3 the Board of Commissioners shall be appointed by the Mayor with the advice and consent of the
4 Board of Aldermen, of whom:

5 1. Five (5) members shall be owners of real property within the District or their
6 representative, and at least one (1) of whom must be a resident and owner of real property
7 within the O’Fallon Neighborhood at the time of their appointment and for the duration
8 of their term on the Board of Commissioners, and at least one (1) of whom must be a
9 resident and owner of real property within the Penrose Neighborhood at the time of their
10 appointment and for the duration of their term on the Board of Commissioners; and at
11 least two (2) of whom shall be business owners within the district at the time of the
12 appointment and for the duration of their term on the Board of Commissioners. members
13 shall be renters within the District or their representatives; provided, however, that no
14 employee or elected official of the City of St. Louis shall be a member of the Board of
15 Commissioners.

16 2. Two (2) members shall be renters within the District or their representatives.

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

19 **SECTION FIVE. Term of Office.**

20 A. Each member of the Board of Commissioners shall serve for a four (4) year term (except as
21 provided herein with respect to the initial members), with terms expiring as of December 31st

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1 of the designated year or when their successors are appointed as provided herein, whichever is
2 later.

3 B. Initial Members and Terms: The initial members shall be appointed for the terms set forth as
4 follows: one (1) member shall be appointed for a term expiring December 31, 2021; two (2)
5 members shall be appointed for a term expiring December 31, 2022; two (2) members shall be
6 appointed for a term expiring December 31, 2023; and two (2) members shall be
7 appointed for a term expiring December 31, 2024.

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

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

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

18 **SECTION SIX. District Revenues.** All District revenues collected hereunder by the Collector
19 of Revenue, except for those revenues expended for the necessary costs of the establishment and
20 administration of the District, and for collection fees for tax revenue collected hereunder, may
21 be used to carry out any and all of the following improvements, services and activities of the
22 District:

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1 A. To provide special police and/or security facilities, equipment, vehicles and/or personnel for
2 the protection and enjoyment of the property owners and the general public within the District;

3 B. To construct, install, improve and/or maintain useful, or necessary, or desired, security related
4 improvements.

5 C. To construct or install sidewalks, lighting, bus stop shelters, benches, traffic sign, kiosks,
6 trash receptacles, walls and barriers, murals, information signage, and each and every other
7 useful, necessary or desired improvement.

8 D. To promote activities in the District by, but not limited to, advertising, decoration of any
9 public place in the District, promotion of public events which are to take place on or in public
10 places, furnishing of music in any public place and the general promotion of activities in the
11 District.

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

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

16 B. Enter into any agreement with the City, any other public agency, any person, firm, or
17 corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

18 C. Contract and be contracted with, sue and be sued and provide for insurance of all projects
19 and property owned or managed by the District and for insurance covering all members of the
20 Board of Commissioners and employees and agents of the District, providing for coverage of
21 such risks and with such limits as the Board of Commissioners may deem proper;

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1 D. Accept gifts, grants, loans or contributions from the City, the United States of America, the
2 State of Missouri, political subdivisions, foundations, other public or private agencies,
3 individuals, partnerships, or corporations; and

4 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other
5 assistance as the Board of Commissioners may deem advisable; the District may also contract
6 with independent contractors for any such assistance.

7 **SECTION EIGHT. Annual Budget & Annual Report.**

8 A. Annual Budget: The Board of Commissioners shall file with the Board of Aldermen an annual
9 budget for the District, which shall set forth the projected revenues and expenditures for the
10 ensuing year, not later than one-hundred and eighty (180) days prior to the start of said fiscal
11 year; provided, however, that no such proposed annual budget shall be filed with the Board of
12 Aldermen until after the date the Board of Commissioners conducts a public hearing within the
13 District on any such proposed annual budget. Notice of any such public hearing shall be
14 published at least ten (10) days prior to the hearing in a daily, twice-weekly, weekly or bi-weekly
15 newspaper of general circulation within the District; and provided further, that in addition to
16 showing the time, date and place of the hearing, the notice shall also show the complete proposed
17 annual budget. The Board of Commissioners shall not expend any funds collected by the
18 Collector of Revenue inconsistent with or until an annual budget for the expenditure of such
19 funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not
20 act on said budget by Resolution within ninety (90) days of its filing, said budget will presume
21 to have been approved by the Board of Aldermen.

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

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

9 **SECTION TEN.** Ballot Proposition. The tax levy authorized in Section Two shall not be
10 effective unless and until the following proposition, submitted to the qualified voters residing in
11 the District at a special election in the District to be held on April 2, 2019, shall receive in its
12 favor the votes of the majority of the qualified voters voting at said election for or against said
13 proposition. Said proposition shall be in substantially the following form:

14 OFFICIAL BALLOT

15 Shall a tax of \$.85 per \$100.00 valuation be imposed for the ten tax years of 2021,
16 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030 on all real property located
17 in the O’Fallon - Penrose Special Business District as defined in Ordinance No._____,
18 approved on _____, __ 2020, as Board Bill No. __ for the purposes as set forth in
19 said Ordinance?

20 ____ YES

21 ____ NO

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

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

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

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