

RESOLUTION NO. 86

Calling on the Intergovernmental Affairs Committee to Hold Hearings

WHEREAS, The St. Louis City Charter subject to the limitations of the Charter vest in the St. Louis City Board of Aldermen which consist of a President, and twenty-eight members **the legislative law making powers** of the City of St. Louis ; and

WHEREAS, As such the Board of Aldermen as a legislative body prepare and introduce Board Bill that are read on three different days in open session before its adoption, and no bill becomes an ordinance unless a majority of all the members vote in favor of its adoption and the President signs the same in open session; and

WHEREAS, The Board Bill is then sent to the Mayor's Office for his approval or disapproval and once the Mayor signs a Board Bill or fails to return said bill as vetoed within a certain time period the Board Bill becomes an ordinance. No ordinance, unless it be an emergency measure shall take effect until thirty days after its approval by the Mayor or thirty days after adoption over his veto. Either way thirty days after the approval of the Mayor or adoption over his veto an ordinance becomes law in the City of St. Louis and as such the laws should be obeyed by the Citizens and the agencies and boards that service the City of St. Louis and

WHEREAS, The Board of Public Service was created by the Charter and consist of the President of the Board of Public Service, and directors who shall be known as, The Director of Public Utilities, Director of Streets, Director of Welfare, Director of Parks, Recreation and Forestry, Director of Health and Hospitals and Director of Public Safety and all of the members of the Board of Public Service are appointed by the Mayor of the City of St. Louis; and

WHEREAS, The St. Louis City Charter requires that the Board of Public Service present to the Mayor and the Board of Aldermen such data and information as may be required, or which it may from time to time deem necessary; prescribe rules and regulation necessary and proper to carry out its function, and keep a record of its proceedings which shall be open to the public; and

WHEREAS, The Charter provides that the Board of Public Service shall have power to grant permits to occupy or use portions of any public ground, highways, streets, alley or other public place, consistent with the public use thereof and **not inconsistent with any law or general ordinance**; and

WHEREAS, On July 28, 2009 Ordinance 68547 was signed in to law prohibiting property know as 2848 Kingshighway Memorial Boulevard and 4959, 4957, 4955, & 4953 Terry from being used as specifically as an automobile service or gas stations and said ordinance is a typical land use ordinance used by many members of this Board of Aldermen to stabilize and make plans for future land use for property in the Communities they represent; and

WHEREAS, The land at 2848 Kingshighway Memorial Boulevard has not been used as a gas station for approximately 10 years and 4959, 4957, 4955, and 4953 Terry has never been

used as a gas station, additionally the properties on the 4900 block of Terry are zones B-Two Family Residential and the property on Kingshighway is zoned F-Neighborhood Commercial; and

WHEREAS, F-Neighborhood Commercial Business are supposed to serve the needs of the immediate surrounding Residential Community and as such should fit into the Residential Neighborhood not violate and destroy the surrounding Community.

WHEREAS, Gas Stations are not a permitted use in an F-Neighborhood Commercial Business District and in this case are strictly prohibited by ordinance 68547. Conditional Use permits are not allowed to be issued where ordinance strictly forbid such use. Additionally, as per Ordinance 69198, 62588 and the City Code 26.40.027 section 10 & 11, gas station driveways shall be no closer than 20 feet to any residential use or dwelling district and no pump island shall be nearer than 200 feet to any property line. That it appears that a gas station has been built at the corner of Terry Avenue and Kingshighway Memorial Boulevard that violates all of the above restrictions and attempts to override legal ordinances passed into law by this Board of Aldermen and aid permits to build the gas stations were issued by the Board of Public Service; and

WHEREAS, As such there is no such need or requirement in the surrounding Kingsway East and Kingsway West Community for a Gas Station to be located on Terry Avenue and Kingshighway Memorial Boulevard as there are 3 Gas Stations on Natural Bridge 6-8 blocks away, 5 on Dr. Martin Luther King Drive spanning from City Wellston Loop to Vandeventer including a gas station located at Dr. Marti Luther King and Kingshighway located 9 blocks away, and 2 other gas stations located on N. Kingshighway Boulevard between Delmar and Page; and

WHEREAS, The 4900 block of Terry is a quiet residential street with 85-90 percent of the properties are single family substantial brick home and most are owner occupied and The Board of Public Service and its members in direct violation of Ordinance 68547 granted a permit to build and operate a 24 hour gas station on land which is directly prohibited from being built by ordinance 68547 and granted a permit to put the entry to the gas station on the residential street of Terry which would mean putting all of the commercial traffic to go to the gas station on Terry and make it inconsistent with the current public use; and

WHEREAS, Intergovernmental Affairs Committee of the Board of Aldermen is authorized to evaluate and monitor the efficiency and effectiveness of all programs initiated through the legislative authority of the Board of Aldermen and/or other matters of legislative concern to the City; and

WHEREAS, Assuring the Citizens of the St. Louis that the Board of Public Service and its members who are appointed by the Mayor are following the laws of the City of St. Louis and treating all Citizens fairly and equally is of grave legislative concern to the City and the members of the Board of Aldermen.

NOW THEREFORE IT BE RESOLVED That The St. Louis Board of Aldermen direct the Intergovernmental Committee convene a hearing with subpoena power for the purpose of

examining, investigating and gathering information regarding how the Board of Public Service, Zoning, The Board of Adjustment, and other are involved as it pertains to granting permits to build and operate a gas station that are inconsistent with the general use and laws and or specifically prohibited by general ordinance of the City of St. Louis.

Introduced on the 8th day of July, 2016, by:

The Honorable Sharon Tyus, Alderwoman 1st Ward

Adopted the _____ day of _____, 2016, as attested by:

Timothy O'Connell
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen