

**MINUTES
BOARD OF ALDERMEN
May 8, 2023
DES PERES GOVERNMENT CENTER**

The Regular Meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road 63131, commencing at 7:00 P.M. on Monday, May 8, 2023.

ROLL CALL

The City Clerk took roll call with the following elected officials physically present: Alderman Barrett, Alderman Concagh, Alderman Fitzpatrick, Alderman Kleinschmidt, Alderman Osherow and Alderman Pound. Mayor Becker was also present.

Staff members present included the City Administrator, Assistant City Administrator, Director of Public Works, Director of Public Safety, Director of Parks and Recreation, and City Attorney.

All present rose for the Pledge of Allegiance.

PUBLIC HEARING

- **On the Recommendation to amend Appendix C. Zoning of the Municipal Code of the City of Des Peres Regulating Operation of Comprehensive Marijuana Facilities**

PETITIONER: Planning & Zoning Commission

The City Clerk read aloud the nine exhibits relative to the Public Hearing on the amendment to Appendix C:

1. Notice of Public Hearing of May 8, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on April 18, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on April 18, 2023
3. Article/Notice of Public Hearing published in Webster Kirkwood Times on May 5, 2023
4. Minutes of the Planning & Zoning Commission Meeting Held April 12, 2023 Relative to Recommendations Pertaining to Zoning Amendments Requiring a Conditional Use Permit for Operation of Comprehensive Marijuana Dispensary Facilities
5. B23-2993 An Ordinance Amending Sections 402.002, 404.055 and 408.015 of Appendix C. Zoning of the Municipal Code of the City of Des Peres
6. B23-2992 An Ordinance Calling an election to be held November 5, 2024 to Ban All Non-Medical Microbusiness Dispensary Facilities and all Comprehensive Marijuana Dispensary Facilities from Being Located or Operating in the City of Des Peres (Introduction)
7. Amendment #3 Article 14 of Missouri State Constitution
8. Emails and Letter from Des Peres Residents stating their oppositions.
9. Municipal Code of the City of Des Peres, Missouri

Mayor Becker stated the nine exhibits are received and made apart of the record.

Director of Public Works gave a presentation on the Comprehensive Marijuana regulations. City Attorney Chris Graville gave a brief synopsis on the term “unduly burdensome”.

PUBLIC HEARING - CITIZEN COMMENTS

Dan Welch – Representative of Root 66 – expressed his thoughts on staffs ordinance. Mr. Welch stated City Staff has done an outstanding job creating a thoughtful ordinance and thanked Anna Ahrens and the Planning and Zoning Commission for the work have done. However, he hoped the Board will consider three things related to parking: 1. traffic demands 2. square footage 3. site specific study be done.

Joe Delia – Present/Head of Security of Root 66 – spoke about the interior security measures Root 66 provides. Mr. Delia stated the average age of a dispensary goer is 40+ and they are usually in the store for five to seven minutes.

City Attorney, Chris Graville, stated the public hearing is for the Board to listen and let the citizens speak, and B23-2992 is only on the Agenda for first reading.

Dr. Pat Amato – 1417 Lawnwood – Spoke in opposition of Marijuana. Dr. Amato stated Marijuana is not family friendly, and is two doors down from Mathnasium. Root 66 will produce too much traffic and is too close to Des Peres Park.

Jeanne Fluri – 1820 Grump – Stated the City needs to look out for the children and protect them from crime. Mrs. Flurri requested a residential buffer zoned 1,200 ft be put into place.

Sherry McCann – 11949 Paradise Lane – Spoke in favor of Marijuana. Stating she is the face of Medicinal Marijuana due to her arthritis.

Eileen Bader – 12100 Georgian Trail – Spoke in opposition of Marijuana and the residential buffer.

Sandy Smith – 12341 Creekhaven Drive – Spoke in opposition of marijuana and spoke about how the board is focusing on the 2024 election instead of now. Ms. Smith spoke about how the Board has a lack of concern of businesses such as Mathnasium, which is 20 ft away from Root 66.

Sam Eversman – 1308 Bansbach – spoke in opposition of marijuana and the lack of a residential buffer.

Arlene Frossard – spoke in opposition of marijuana and has personal experience with a family member using marijuana and Ms. Frossard asked the board not to allow.

Katie Harrington – 12371 Creekhaven Drive – spoke in opposition of marijuana and the different types and the long list of the bad side effects marijuana has.

Parker Ferguson – 2007 Firethorn Drive – Harvard Student - spoke in support of marijuana. Mr. Ferguson stated he is the face of adult use and mentioned how alcohol is an equal of an issue if not worse.

Susan Cunningham – 12459 Ballas Meadows – spoke in opposition of marijuana and stated she is speaking on behalf of the children. Ms. Cunningham gave the City Clerk a handout on Youth Risk Behavior which included data summary and trends report.

Cathleen Kolthoff – 1525 Breezerigde Drive – spoke in opposition of marijuana. Ms. Kolthoff spoke about how her daughter works at Mathnasium and she isn't comfortable with Root66 being so close to Mathnasium.

Jennie Ojeda – 1016 Ridgebrook Road – spoke in opposition of marijuana and expressed her concern on family owned businesses.

Carla Kramer – 18 Morris Place Lane – aggressively questioned Des Peres residents Ms. McCann and Mr. Ferguson for being in support of marijuana. City Attorney, Chris Graville reminded the audience the point of the public hearing is to listen, not ask questions. Ms. Kramer then stated her opposition for marijuana.

Robert Barringer – 1322 Bansbach Road – spoke in opposition of marijuana and talked about having more regulations to the residential buffer.

John Stanley – 12125 - Wash U Student – spoke in favor of marijuana and gave data of how it has helped individuals who have cancer, Parkinson's and other medical issues. Mr. Stanly also commented on the fact that residents keep commenting on all of the safety measures that are going into Root66 and reminded everyone that Des Peres already has a business that have high security and they are called banks..

Jay Staley – 12322 Gate Royal – spoke in opposition of marijuana and stated we just got rid of cigarette smoke.

Mayor Becker asked if there was anyone else who would like to speak. Hearing no further comments or questions, Mayor Becker closed the Public Hearing at 8:47pm.

AMENDMENT TO AGENDA

Staff requested an approval of an emergency repair to a chiller at The Lodge at a cost of \$47, 200 with corresponding amendment to the Park Fund Budget for building maintenance. B23-3694 Contract with TRANE for a new chiller at the lodge, will be added to the agenda under new business letter c.

CONSENT AGENDA

Mayor Becker announced that there were eight (8) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Barrett read aloud those items individually:

1. Minutes of the Board of Aldermen Meeting of April 24, 2023
2. Warrant List Dated May 4, 2023
3. R23-3688 Adopting a Revised Fund Balance Policy
4. R23-3689 Authorizing a Unit Price Contract with Tramar Contracting for Street Striping and Parking Lot Striping at an Estimated Cost of \$41,399.26
5. R23-3690 Authorizing an Agreement by and between the City of Des Peres and MSD for Maintenance of Certain Storm Water Improvements Being Constructed at the Street Maintenance Facility Located at 942 Des Peres Road
6. R23-3691 Designating Wireless USA as Sole Source Provider Under Section 2-323 of the Municipal Code OF Radio Equipment Manufactured by Motorola Solutions and Authorizing an Agreement for Purchase of Two (2) Portable Fire Radios for use by the Department of Public Safety
7. R23-3692 Authorizing a Unit Price Contract with E. Meier Contracting for Improvements to Streets in Apple Hill and Hardwood Hills Subdivisions at a Cost of \$509,990.71; Accepting an OMCI Grant from MSD in the Amount up to \$50,191.00 Relating to the Project; Authorizing use of Infill Reserve Funds for a Portion of the Project

8. R23-3693 Renewal of Liquor Licenses for the Year Beginning July 1, 2023 Year

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Kleinschmidt made a motion, seconded by Alderman Barrett to approve the eight items on the Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

REPORTS OF OFFICERS AND COMMITTEES

- **Report of the Mayor**
 - Mayor Becker issued a Proclamation for Public Works Week.
 - Mayor Becker reminded the Board of Appointments to Boards and Commissions and Election of Board Officers.
- **Reports of Boards and Commissions**
 - Report of the Audit and Finance Commission Meeting held April 26, 2023

Mayor Becker asked if there were any questions or comments relating to the report. Hearing none, he ordered them filed and received.

LEGISLATION

UNFINISHED BUSINESS – NONE

NEW BUSINESS –

- a. **B23-2992** An Ordinance Calling an Election to be held November 5, 2024 to Ban All Non-Medical Microbusiness Dispensary Facilities and all Comprehensive Marijuana Dispensary Facilities from Being Located or Operating in the City of Des Peres (Introduction)

Alderman Osherow read B23-2992 for the first time.

Mayor Becker stated B23-2992 will be held until the May 22nd Board of Aldermen Meeting for second reading and for potential passage/approval at that time.

- b. **B23-2993** An Ordinance Amending Sections 402.002, 404.055 and 408.015 of Appendix C. Zoning of the Municipal Code of the City of Des Peres Relating to Comprehensive Marijuana Facilities (Public Hearing and Introduction)

Alderman Pound read B23-2992 for the first time.

It was brought to the boards attention, on page 7, paragraph 9, of B23-2993 it should state "present" evidence, not "prevent". Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to amend B23-2993 to read "present", instead of "prevent" on page 7, paragraph 9. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman

Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Mayor Becker stated B23-2992 will be held until the May 22nd Board of Aldermen Meeting for second reading and for potential passage/approval at that time.

- c. R23-3694 Designation TRANE USA as a Sole Source Vendor for Purchase of Parts and Replacement of a Variable Frequency Drive (VFD) for a Chiller #1 at the Lodge and Authorizing an Amendment to the 2023 Park Fund Budget in the Amount of \$47,000 for this Repair.

This line item was added under amendment to agenda at the begging of the meeting. Alderman Osherow made a motion, seconded by Kleinschmidt to approve R23-3694. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

The Meeting of the Board of Aldermen took at 5-minute break at 8:57pm.

MISCELLENOUS BUSINESS –

1. Reports from Staff

Public Works Director, Steve Meyer, Craig Shutter with Navigate and Justin with the Farnsworth Group presented on the following topics:

1. Street Garage Project
2. Government Center Project Update
 - a. Electrical Service
 - b. Park Lot Improvements
3. Public Safety Building Project
 - a. Building Architecture Discussion

2. Report of the Mayor

Mayor Becker stated he would like to appoint Timothy Callahan, at the request of Alderman Kleinschmidt, to the Planning and Zoning Commission to fill the term of Johnathan Young whose term expired in 2025. Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to appoint Timothy Callahan to the Planning and Zoning Commission. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

3. Report of the City Attorney

City Attorney, Doug Harms made a quick announcement that Assistant City Administrator, Scott Schaefer was awarded Assistant City Manager of the Year at their annual MCMA conference at Camden on the Lake.

REQUEST FOR EXECUTIVE SESSION

Staff has not been notified by the Mayor or City Attorney of a request for Executive Session.

ADJOURNMENT

Alderman Barrett made a motion, seconded by Aldermen Fitzpatrick to adjourn the Regular Meeting at 9:32 P.M.

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 22nd day of May, 2023.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk

DRAFT