



November 15 Meeting in Pagedale

The next League meeting will be held at 7:30 pm on **Thursday, November 15 at the new Pagedale City Hall**, 1420 Ferguson Ave. (Directions: from northbound I-170, exit at Page Avenue eastbound. Go about 2 1/2 miles to a traffic light at Ferguson Ave. Turn left (north) on Ferguson and City Hall is approximately 1/2 mile on the right. From southbound I-170, exit at St. Charles Rock Rd. eastbound. Go about 2 1/2 miles to a traffic light at Ferguson Ave. Turn right (south) on Ferguson and City Hall is approximately 1/2 mile on the left. We will include a map with the mailing to mayors, board chairmen, and chief administrative officers before the meeting.) The meeting is on the 3rd Thursday due to Thanksgiving.

Program: Homeland Security—Missouri Style. Tim Daniel has recently been appointed as Director of Homeland Security for the State of Missouri. He will offer his initial view of our challenges and explain how local officials can help support national and state efforts to create the resources necessary to protect our citizens.

All agenda items will be mailed to mayors, board chairmen and chief administrative officers prior to the meeting.

League Seminar Survey Enclosed

In an effort to provide our members with training and information on topics of interest, we have enclosed with this Newsletter a survey of possible seminar topics. Some of those we have listed would apply to elected officials and some to city hall staff. Please take a few minutes to look over the survey, note which programs you or your staff may be interested in, and mail or fax it back to the League office. This input will be very helpful in determining the types of programs that meet your needs.

MSD Stormwater Workshop Planned

The Metropolitan Sewer District will hold a meeting and workshop on Phase II Stormwater Regulations and Missouri Stormwater Grants and Loans. It will be held from 2:30 to 4:00 p.m. on Tuesday, November 13 at the new Clayton Community Center, #50 Gay Avenue (off of Ladue Rd.). All municipal officials interested in stormwater management are encouraged to attend.

In the area of stormwater regulations, the Federal Government has finalized Phase II regulations and the Missouri Department of Natural Resources is proposing new regulations to comply. A cooperative partnership between MSD, municipalities and the County may be the best way to comply with the law. Current MSD functions will continue to be performed by the District. However, there are areas of stormwater activity the new rules cover that may be the responsibility of municipalities. These include siltation control and planning and zoning activities. MSD staff will outline the impact of these regulations on local government.

The second portion of the meeting will present an opportunity for officials in those cities that have submitted stormwater grant and loan applications to ask questions about the grant and loan process. Each city was notified in early October about the availability of funds and grant applications were due on November 5.

If you have questions regarding the workshop on November 13, contact the MSD Public Affairs Office at 314-768-6267 or 6238.

League Trivia

What three cities in St. Louis County have one council member per ward, instead of the more common two per ward? Answer on page 4.

October Meeting Synopsis

At the October League meeting the membership heard a presentation from Kirkwood Police Chief Jack Plummer about how municipal officials can prepare for a large scale emergency. While he acknowledged that St. Louis County is an unlikely location for terrorist activity, other disasters can and do occur and local officials should have plans in place to address the needs of the citizens and to ensure the ongoing management of the day-to-day activities of the city.

Chief Plummer noted that if a major tragedy occurs, the National Guard would very likely be called in to assist local governments. He indicated that there is a very strong emergency management system in place in St. Louis County. For example, over 200 public safety officers are trained in the handling of hazardous materials. He also stated that St. Louis County government has a particularly strong emergency management staff through the County police department.

Chief Plummer suggested that municipalities work with local fire districts to develop agreements on the roles and responsibilities of each entity in responding to an emergency. Regular meetings of all public safety providers should be scheduled to maintain communications. He also recommended that public safety officers be trained in specific areas of response so that all aspects will be covered by a trained individual. This can be accomplished by working with police and fire personnel to develop a checklist of all response steps to ensure that each one is met in the event of an emergency. This cannot be assigned to a department or unit—individuals must be trained to act in specific ways.

In the second part of the program, Mike Duncan from the County Planning Department, presented new sales tax projections for the year 2002, with new population figures from the 2000 census. With year 2001 revenues flat and a slight growth in the “B” pool population, it is estimated that pool municipalities will experience a slight decrease of \$2 in per capita sales tax receipts for the one cent tax unless the economy picks up.

The League will mail to all cities the estimates from the one cent county-wide sales tax, the capital improvements sales tax, and the 1/4 cent but

the per capita estimates generally are as follows:

One Cent “B” Pool—\$120
Capital Improvements Pool—\$51.75
1/4 Cent General Revenue Pool—\$2.25

Following the program, the membership adopted the 2002 Legislative Priorities as presented by Legislative Affairs Committee Chairman Joe Adams, Mayor of University City. The priorities are:

1. Telecommunication Act, Franchise Authority and Taxation
2. Preservation of Local Sales Tax and Utility Tax Authority
3. Statewide Investment Pool for Municipalities
4. Municipal Personnel Rules and Retention of Current Public Employee Labor Law
5. Sustainable Development
6. State Transportation Funding and St. Louis Regional Transportation Issues
7. Retention of Municipal Land Use Authority, Including Billboard and Streetscapes

We appreciate the warm welcome from Mayor Frank Kenney of Clayton, and the opportunity to see the City’s fine new recreation center.

Committee to Review League Dues

When the membership adopted a new formula for assessing League dues in 1992, it was envisioned that this method would serve until the time the 2000 Census figures were released. The current dues are based on a flat amount for seven population groups for all cities, with an added amount for per capita sales tax receipts for the “A” point-of-sale cities. The Committee will review whether this method is still a logical formula or whether it should be modified. Any recommendations for By-laws amendments will be forwarded to the membership for consideration. The members are:

Mayor Jim Brasfield, Crestwood, Chairman
Mayor Bill Bergfeld, Warson Woods
Mayor Virginia Bira, Vinita Park
Mayor Bert Gates, Shrewsbury
Mayor Betty Humphrey, Richmond Heights
Mayor Rick Lahr, Des Peres
Mayor Robert Lowery, Florissant
Mayor Tony Monaco, Glendale
Mayor John Nations, Chesterfield
Mayor Gerry Welch, Webster Groves

Court of Appeals Upholds Creve Coeur Board of Adjustment

This article was prepared by Creve Coeur City Attorney Dudley McCarter.

Several property owners sought a variance from an ordinance of the City of Creve Coeur that required buildings in the City's core business district to have 50% of the building elevation located 15 feet from the right-of-way. The purpose of the ordinance was to foster a pedestrian streetscape by encouraging the placement of buildings adjacent to the street, with parking in the rear. The property owners requested a variance for the construction of a new commercial office building that would be 249 feet from the street. The Board voted 3-2 to approve the variance, which constituted a denial because 4 affirmative votes are required for approval by Section 89.090 RSMo. The property owners appealed to the Circuit Court, which reversed the Board's decision. The Court of Appeals reversed the Circuit Court, however, and affirmed the Board denial of the variance in State of Missouri ex rel. Sander v. Board of Adjustment of the City of Creve Coeur, No. ED 78934 (Mo.App.E.D. 2001).

The Court's review of a Board of Adjustment decision is limited to determining whether the decision is supported by competent and substantial evidence on the whole record. In so doing, the Court views the evidence, and the reasonable inferences from the evidence, in the light most favorable to the Board's decision. Here, the reports and testimony of the City staff established that a granting of the variance requested would violate the spirit and intent of the City's zoning ordinance. The City's evidence also established that the requested variance did not arise from a condition unique to the property or one that was not ordinarily found in the same zoning district. The evidence demonstrated that there were no site characteristics that prevented the site from being developed in accordance with the required set-back. Because the presentation by the City at the Board hearing established substantial and competent evidence supporting the Board's findings, the Court does not consider whether, as the property owners contended, other evidence supported a contrary determination. If substantial and competent evidence supports the Board's findings, the Court may not substitute its discretion for the Board's discretion, even if different findings are permissible.

League to Survey Membership on Local Recycling Needs

Earlier this year the League received grants from the County Solid Waste Office and the St. Louis-Jefferson Solid Waste District. The purpose of these grant is to fund a part-time staff position in the office to work with our members that are interested in addressing and enhancing local recycling programs.

To determine the level of interest among our members we have mailed to each mayor or board chairman a survey of your current solid waste and recycling programs. It also requests information on how willing the elected officials would be in working with the League to enhance the rate of recycling among the citizens.

As the space in local landfills becomes tighter, costs for collection and disposal are likely to increase. Recycling can help reduce or delay these increases. Recycling and re-using materials also leaves future generations with more natural resources. We ask that mayor (and board/council, if necessary) complete the survey and return it to the League office. For those municipalities that express an interest in assistance with recycling program, the League will work with you to create a workable program that can meet the State's goal of a 40% reduction of waste going to local landfills. As always, we appreciate your assistance with this effort and we look forward to working with you on this project.

NLC Survey Reports Stress On Municipal Budgets

The National League of Cities (NLC) has released its latest survey and found that one in three American cities report decreased local spending, and municipal revenues but increases in public safety. The survey of 401 cities conducted by the NLC from October 5 through October 10, found that among larger cities (over 100,000 population), 59 percent reported weaker economies. Half of the larger cities will seek state or federal aid to defray higher security costs. Among cities and towns of all sizes, 41 percent said their economies had weakened, 31 percent said municipal revenues had decreased, 28 percent said public confidence is down, and 31 percent said public safety spending increased.

League Newsletter on Our Website

Each month the staff posts the current Newsletter on our website. If the post office is late in getting the Newsletter to you, please look up the latest version at www.stlmuni.org. It will give you the location of the upcoming membership meeting and other timely information. League meetings are generally held on the 4th Thursday of the month (with occasional exceptions for holidays) at locations throughout the County. All members are welcome and encouraged to attend.

Model Ordinances on the League Website

- 1) Updated Court Costs for crime victims and spinal injury fund.
- 2) Blood alcohol lowered to .08.
- 3) Changes to Sunshine Law Related to Disclosure of Police Records.

Websites Related to Terrorist Activity

- 1) Postal Service: www.usps.com/news/2001/press
- 2) Centers for Disease Control: www.bt.cdc.gov
- 3) Terrorism & Law: <http://jurist.law.pitt.edu/terrorism.htm>
- 4) NLC survey on city responses to terrorism: http://www.nlc.org/nlc_org/site/files/reports/tsurv.pdf
- 5) Building Engineers: www.nspe.org/buildingletter.asp

City Vehicles Need Emissions Inspections

Over the years, federal laws have attempted to reduce pollution in order to protect public health. Over 20 years ago, lead was removed from gasoline. Catalytic converters and other auto emission controls were required. Gasoline pump handles now recover vapors that used to be inhaled during refueling. But “dirty” vehicles continue to be a problem.

To meet federal air standards, Missouri has created a relatively new set of inspection stations in the St. Louis area to thoroughly check cars for emission exceedences. THIS LAW COVER GOVERNMENT VEHICLES. The League sent a letter to all members recently suggesting that city vehicles be inspected this year before the program becomes more restrictive.

For more information, contact the League or the State contractor at 1-888-717-4227.

Trivia Answer (from Page 1)

The Charters for the Cities of Berkeley, Florissant and Hazelwood provide for one councilmember per ward. In addition, Berkeley elects a councilmember at-large, along with the mayor.

