



CITY OF CREVE COEUR

MEETING NOTICE

AGENDA

Creve Coeur Economic Development Commission

Friday, November 18, 2005

8:00 - 9:00 a.m.

City Council Chambers

Creve Coeur Government Center

(Use Front Entrance of the Government Center)

- 1) Discussion on City Council's review of Eminent Domain
- 2) Discussion on Funding Public Improvements
- Follow-Up to 10/27 Discussion
- 3) Downtown Implementation
- 4) Economic Development Strategy
- Marketing and Public Relations Efforts
- 5) Meeting Schedule:
Next EDC Meeting – December 15, 2005

cc: Mayor Harold Dielmann
Theresa Lynch, City Council Liaison
Mark Perkins, City Administrator
Matt Brandmeyer, AICP, Planning Director
Michael Hurlbert, AICP, City Planner

potential retailers would be worthwhile. Ms. Lynch stated that we have the City to market and should not have to wait for the downtown. Ms. Murphy asked how specific do we want the message to be. Discussion followed. Mr. Kalicak stated that once a message is defined it is important to make sure that the council buys into it.

Council's review of eminent domain

Mr. Perkins stated that a draft of the resolution that Councilmember Bryant wrote was in the Commission members' packets for their review.

The mayor suggested that a possible ad hoc committee be formed to review all the issues before council votes. Ms. Lynch stated they agree that such a review is warranted. Mr. Zemitzsch stated that the State of Missouri is looking at this issue and changes are probably going to occur. Ms. Murphy stated that the Chamber of Commerce is looking at two roles in this process. The first is to provide support and input to the State during their review. The second is to provide an objective for the City of Creve Coeur. The Chamber is preparing to conduct a panel discussion on the issue to get input from other Chambers. The Chamber is looking for some reassurance. Mr. Zemitzsch stated that the EDC can't really do much until after the State makes changes. Mr. Kalicak said that businesses may not be able to be reassured. Mr. Brandmeyer stated that the city's track record with a limited use of eminent domain can help provide some assurance. Mr. Zemitzsch said that the issue is important to discuss but may not be proper to legislate. Ms. Lynch stated that the Missouri Municipal League expressed that cities should use caution prior to enacting legislation against eminent domain. The League asked the question, why would cities want to box themselves in? Mr. Ambrose said that an article in the paper or city's newsletter showing the city's history can provide assurance to people. Mr. Perkins stated that the Downtown Plan helps to provide some of that assurance as well. Ms. Murphy stated that the Supreme Court decision about eminent domain came after the Downtown Plan was adopted. A member said that eminent domain should be the last option. General discussion followed.

Downtown Plan implementation

Mr. Brandmeyer gave an update of staff's actions working on implementation. He said that we are currently in the middle of researching to develop design guidelines and architectural standards. The MLP project provides some lessons to the city on what type of architecture and materials the downtown should contain.

Ms. Murphy asked how MLP was allowed to build a building that wasn't approved. Mr. Brandmeyer stated that they made unilateral changes without city review and approval as is required. Mr. Perkins stated that developers will often make field changes to plans after approval by the city. In this case, the developer made changes without receiving approval from the city. Mr. Brandmeyer said the changes are usually not as extensive and are usually brought to the city's attention before construction begins.

Mr. Brandmeyer, getting back to the implementation process, stated that staff is currently reviewing other downtown projects. He said that there will probably be a need to amend the Zoning Ordinance to allow for the urban form, uses, and densities that are called for in the

Economic Development Commission Summary

Subject: Meeting Summary
Meeting Date: Thursday October 27, 2005
Time: 8:00 a.m.
Location: Creve Coeur Government Center
300 N. New Ballas Road
Creve Coeur, Missouri 63141
314-872-2500
Date Prepared: October 28, 2005
Prepared by: Michael E. Hurlbert, AICP, City Planner

MEMBERS PRESENT:

Paul Zemitzsch, Chair
Susan Murphy
Diane Davis
Don Kalicak
Joe Ambrose

CITY STAFF PRESENT:

Mark Perkins, City Administrator
Matthew Brandmeyer, Planning Director
Dan Smith, Finance Director
Amy Cutrell, Communications
Michael Hurlbert, City Planner

OTHERS PRESENT:

Harold Dielmann, Mayor
Theresa Lynch, Council Liaison

Economic Development Strategy – Marketing & Public Relations Efforts

Mr. Duke Worthington of Forever Studios gave a presentation about how his company's video productions would be a good tool to use as part of the City's marketing effort. Mr. Worthington thanked the Commission for its time and left the meeting.

Ms. Lynch stated that we need to figure out what and who the target market is, and use the Downtown area as a starter. Mr. Perkins stated that there is not much to show with the downtown area yet. Mr. Zemitzsch stated that conceptually the video production sounds like a good idea, however with \$15,000 available, would that cover the costs? The Mayor stated that the cost would be \$1 per disk, and \$5,000-10,000 for production. Mr. Kalicak stated that we need to figure out the message as a company like this would just be the messenger. Mr. Ambrose stated that they would like to take a look at the ED Strategy's marketing component for some direction as they are not sure we have a message yet. Mr. Brandmeyer stated that retailers tend to have a 1-2 year rollout; so, it may not be too early to focus on the downtown plan. He said if the city is looking forward to an economic benefit to the downtown, marketing directly to

Downtown Plan. He cited "multi-family" as an example of a use that is heavily regulated in the existing CB zoning district. Ms. Murphy stated that multi-family was regulated this way because in the past people felt that the city had too much multi-family. However multi-family is now being rethought. Mr. Zemitzsch asked about the possible inclusion of an Architectural Review Board into the process. Mr. Perkins stated that the P&Z Commission has that power currently. Mr. Zemitzsch stated that it might be helpful to have another layer of review if it is not overbearing. Possibly keep it to the Downtown Area only. Mr. Ambrose said that it would be a good way to provide assurance to residents about the quality level of new projects.

Ms. Lynch stated that there has been a fair amount of interest from downtown property owners. They seem to be waiting for a decision from the City. Mr. Perkins stated that staff is looking at various financing mechanisms for public improvements in the CBD, one of which is Tax Increment Financing (TIF). Ms. Murphy asked what the process for establishing a TIF is. Mr. Perkins stated that there are many steps including conducting an analysis to determine if the area qualifies for TIF. Other financing mechanisms may be useful as well. The Mayor stated that a possible resolution from the EDC to the Council recommending that the city explore the possibility of establishing a TIF would be helpful.

General discussion followed. Mr. Zemitzsch commented that it appears that EDC agrees on the topic and asked if they were comfortable in making a recommendation. He said, at the very least, they could recommend that the city explore potential incentive packages. Member Joe Ambrose made a motion to recommend to City Council that the EDC supports the exploration of mechanisms for funding of public improvements, including streetscape, sidewalks, and potentially public parking. The motion was seconded by Member Don Kalicak. Mr. Zemitzsch called for the vote:

Joe Ambrose – Aye
Don Kalicak – Aye
Diane Davis – Aye
Susan Murphy – abstained
Paul Zemitzsch – Aye

The motion passed.

Business Leaders Reception

Mr. Brandmeyer explained that the previous Business Leaders Reception was not that well attended, probably due to the summer date. He said that he is looking for direction in when to schedule the next one, as well as where. Mr. Zemitzsch stated that it would be better to wait until after the holidays to schedule the next one, possibly the end of January or first week of February, to allow letters to be sent out. Mr. Ambrose stated that ColorArt has agreed to host the next reception. Ms. Lynch said that two receptions a year would be best, one in late winter or early spring, and the second during the fall.

Insider Newsletter

Mr. Brandmeyer stated that an article about TIF and other economic incentives will be included in an upcoming issue of the Insider. Ms. Davis stated that this would be a good opportunity to show people how TIF can be a catalyst for high quality development. Mr. Brandmeyer said that throughout the downtown planning process, people immediately linked eminent domain to TIF. He said that he explained that they are not one in the same, and explained how incentives may be necessary particularly for the amount of land and improvements that would be dedicated to public improvements. The article can be a chance to educate the public. Mr. Ambrose stated the article should provide a context of the Downtown Plan as a tool to create a town center for the city and to improve the quality of life for residents, instead of it just being viewed as a tax grab like Sunset Hills and Manchester.

Mr. Brandmeyer said that another article will be about before and after scenarios with specific developments. It will include pictures of sites that show each before it was developed/redeveloped and after. This will aid an increase in awareness by residents and businesses of the strive for quality development by the city.

Meeting Schedule

The next regularly scheduled meeting is Thursday November 17, 2005 at 8:00 a.m.

Mr. Perkins asked the members if the third Thursday of each month was still the best date for everyone to meet. The members agreed that the third Thursday of each month still works best.

REVISED RESOLUTION NO. 661

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR,
MISSOURI THAT STATES THE CITY COUNCIL'S INTENTION TO LIMIT
THE USE OF EMINENT DOMAIN.**

WHEREAS, the City Council desires to express its intention that the use of the power of eminent domain for the benefit of a private developer solely for a private economic development project having no other public purposes is contrary to principles of sound government; and

WHEREAS, to reassure the residents and businesses of Creve Coeur of the City Council's position in this regard, the City Council puts forth its intention not to authorize the use of eminent domain by a private developer solely for a private economic development project having no other public purpose, while reserving the right to use eminent domain for those traditional areas in which eminent domain has always been used such as building of roads, development of parks and other public uses; and

WHEREAS, before authorizing the use of eminent domain in connection with any private redevelopment project, the City should first seek the partnership of local interests in areas contemplated for redevelopment and should proceed only with the concurrence of substantial numbers of the affected parties or if necessary to eliminate conditions that the City Council considers to be harmful to the public welfare; and

WHEREAS, the City has not previously used and will not in the future use its power of eminent domain to blight property solely for private economic development purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby establishes a policy that it will not grant a private developer the use of eminent domain primarily for a private economic development project as set out above unless supported: (a) in the form of signed endorsements of the affected property owners other than the developer and its affiliates; or (b) by sale contracts by at least 75% (in number and by acreage) of the affected property owners other than the developer and its affiliates and evidence that all other affected property owners are offered and can accept the same economic terms of sale.

SECTION 2. The City Council hereby establishes a policy that it will not authorize the use of eminent domain for any purpose unless at least six council members vote in favor of such action.

SECTION 3. The City Council will promptly consider amending the Charter to protect the private property rights of all Creve Coeur residents and businesses by incorporating the provisions of this Resolution.

SECTION 4. The City Council pledges to partner with its State Representatives to seek equitable legislation that would create a level playing field for all Missouri property owners. Compensation should be significantly above the fair market value of the property and include assurances that all losses related to condemnation are recovered such as attorney's fees, relocation costs and other costs and losses related to, or resulting from, delays between the announcement of a project and consummation of a taking.

ADOPTED this _____ day of _____, 2005.

Harold Dielmann, Mayor

Attest:

LaVerne Collins, CMC
City Clerk

