

**MINUTES
BOARD OF ALDERMEN
JULY 17, 2023
DES PERES GOVERNMENT CENTER**

The Special 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 6:00 P.M. on Monday, July 17, 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, Director of Public Works, Director of Finance, Director of Public Safety, City Clerk and City Attorney.

AMENDMENT TO AGENDA

Mayor Becker announced that while Citizen Comments was not included on the agenda for this special meeting, citizen comments will be allowed and everyone will be given an opportunity to speak. Mayor Becker asked that all respect a time limit in their remarks and focus on the legislation being debated; try not to be redundant of remarks previously made at the public hearing or subsequent meetings; and for everyone needs to be respectful of the speakers.

LEGISLATION

UNFINISHED BUSINESS –

a. Unfinished Business from Meeting of June 12, 2023

1. 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 (As Introduced May 8, 2023 and 2nd Read June 12, 2023)

- B23-2993.2 Substitute Bill for B23-2993 Proposed to Be Considered by the Board as an Amendment to B23-2993 in lieu of B23-2993.1 Discussed but not adopted as an amendment June 12, 2023.

Mayor Becker asked the City Attorney to address the legislation in question, Mr. Graville stated that the legislation being considered is the regulatory framework for how the city will regulate the time, place and manner of operation of comprehensive marijuana dispensaries. Amendment #3, approved by voters in November 2022, established that the sale of recreational marijuana is legal in the State of Missouri, established detailed rules and regulations regarding sales via the Department of Health and Senior Services; and provided an opportunity for local governments to opt into local regulation as to the time, place and manner of operations as long as those regulations were not unduly burdensome and not in conflict with the constitutional amendment.

Mayor Mark Becker stated B23-2993 is not specific to Root 66 but are regulations that apply citywide including the site at 12095 Manchester where Root 66 already possesses a medical marijuana dispensary permit.

Alderman Osherow questioned what would happen if the board didn't adopt the legislation in its current form or with amendments tonight or before the current moratorium ends. The City Administrator Harms indicated that if the city doesn't adopt local zoning regulations on comprehensive marijuana dispensaries, they become a permitted use under our code since they are expressly allowed in Amendment #3. In that case, a dispensary would only need an Occupancy Permit and Business License both of which are administrative functions not providing for review by the Planning & Zoning Commission or Board of Aldermen.

Mayor Becker stated that he would now open Citizen Comments calling first on speakers who have completed a speaker's card following which he would certainly afford those who did not file speakers' cards with the clerk an opportunity to do so. However, all questions and comments should be addressed to the Board of Aldermen and not to the audience.

Andrew Mullins – President at MO Can Trade Association – provided statistics on the impact of legalization of marijuana by both Amendment #2 and Amendment #3 on jobs created in the State of Missouri in the growth, processing and distribution and the tax dollars those activities have created for the state and the cities in which those facilities are located.

Sam Eversman – 1308 Bansbach Road – stated that he had provided the board of aldermen with proposed amendments to substitute bill B23-2993.2 via email, which he had asked be addressed by the board. Specifically, an amendment to Section E.3 to add a 500 foot buffer for any property zoned residential in addition to the parks buffer and to Section E.5 to change the proposed 120 feet buffer from any existing single family residential property to be a 500 foot buffer from any residentially zoned property. Such amendments would offer the same protection to our homes as it does our parks and does not discriminate against any property owners who may own vacant residential property - they should get the same protections as existing homeowners.

Mr. Eversman stated that the proposed buffer of 120 feet measured from the nearest residential structure is not use anywhere in the zoning code and asked why in this instance? The City Attorney stated that in drafted the legislation the city did look to the zoning code and use of a buffer for placing nursing homes and assisted living centers in commercial districts has similar language as does Amendment #3.

Luci Fikes – 1884 Candlewick Drive – spoke in general about marijuana; asked what testing exists to measure the levels of intoxication and if there are age limits for those who can purchase marijuana. She was advised that the amendment allows sales only to adults over the age of 21 under the constitution,

Kevin Quigley – 1308 Kendon Drive – spoke in opposition of marijuana stating that the regulation of time, place and manner in the constitution is simple: the time is never, the place is not Des Peres and the manner is irrelevant since it should not be allowed.

Robert Barringer – 1322 Bansbach Road – stated that the preamble to bill are technically correct but substantially inaccurate. Planning & zoning did not recommend the residential buffer on a tie vote but 3 members of the commission were absent and indicated later that had they been present, they would have voted for the residential buffer of 120 feet from residentially zoned property and would have voted for a buffer for minor-oriented businesses. The substitute bill as written is inadequate and does not provide a reasonable buffer for residential property and ignores needed safeguards for the children.