

**BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI**

**TRANSCRIPT OF  
BC2203 PLAN OF INTENT PUBLIC HEARING  
CITY OF BALLWIN SIMPLIFIED BOUNDARY CHANGE: ANNEXATION OF  
CHARLESTON OAKS SUBDIVISION**

**AUGUST 24, 2022**

**COMMISSION ATTENDANCE:**

<b>Commissioners</b>	<b>Present (P)/Absent (A)</b>
Rick Dorsey	P
Tom Mooney	A
Ann Pluemer	P
Stephanie Robinson	A
Tom Schneider	P
Kathleen Schweitzer	A
Ben Uchitelle	P
Steve Wegert	P

**OTHERS PRESENT:**

Michelle Dougherty, Executive Director

Michael Hart, Legal Counsel

CHAIRMAN WEGERT: It's 8 o'clock. We're about to start our second public hearing of the evening. And because we have some new arrivals, I'm forced ... I'm forced to go through my spiel again. So ... so folks that have heard it, be kind.

DOUGHERTY: Just talk faster.

CHAIRMAN WEGERT: Yes, yes. This is a public hearing to hear a proposal from the City of Ballwin the proposed annexation of Charleston Oaks via a Simplified Boundary

Change and, again, that's important because timelines change. I'm going to reiterate some of our comments related to the Structure of the Boundary Commission. We're an independent government body that reviews boundary changes ... boundary change proposals in St. Louis County. Our authority comes from State Statute and from St. Louis County Ordinance. The Commission is comprised of eleven members along with our two staff members, Executive Director, Michelle Dougherty, and our Legal Counsel, Mike Hart. The eleven commissioners are all appointed according to the following scheme. Four of us are appointed through the St. Louis County Municipal League on behalf of the mayors of small, mayors of midsize, and mayors of large cities. Four members are appointed by the County Executive, and three members are joint appointments of the Munny League [Municipal League] and the County Executives.

We meet monthly with additional public hearings scheduled as necessary to consider Map Plans and Boundary Proposals. Tonight's informational public hearing provides an opportunity for the City of Ballwin to explain and comment on proposed annexation. The area assigned for this public hearing is BC2203. Public comment will be directed towards the annexation being discussed tonight and the commission ... the staff will be available after the meeting to answer any questions regarding the proposal, the process.

Tonight's public hearing is unique in that we have several options for participation. We have those of you who are here in person. We have members of the Commission ... no, we don't. We have public attending via the Zoom, and we are live streaming to the ... live streaming the hearing to our Commission's YouTube channel. We ask for your patience should we encounter any technical issues during the hearing. We welcome your participation in the public comments section of tonight's public hearing; however, for those present in person you'll need to fill out and present to Michelle the Public Comment Form that can be found on the back table. We ask that you do this prior to the end of St. Louis County's presentation. For those of you connected via Zoom, we ask that you indicate via the message feature if you wish to make a comment and to be sure it happens before the end the County's presentation. And as a reminder, those who are attending via Zoom, please mute your microphone and turn your video off until called upon to speak. For those watching live stream, we invite you to send your comments to the Commission via email or US mail. Contact information can be found in the information box on our channel. Although all commenters are allowed five minutes, we ask that you keep your comments brief and try to avoid repeating what a previous commenter has stated. For members of the public who signed up to speak but couldn't because of time restrictions, please know that the Commission will also take public comment either by letter or email for up to 21 days after tonight's meeting. The deadline for written public comment is September 14. Those comments will also be part of the public record. You can get our contact information by visiting our website at [www.boundarycommission.com](http://www.boundarycommission.com) or picking up an information sheet in back.

A reminder no decision will be made tonight. The Commission will review the information and the proposal by Ballwin, and your comments and any comments that we receive within the next 21 days. We have four months to make a decision, but those four months begin with the acceptance of this proposal which was June 29th. So the decision date is October 29 of this year.

Ballwin will have 15 minutes followed by a Q&A by the Commission. Then St. Louis County will 15 minutes for their presentation followed by Q&A from the Commission after which begin the public comment section. There'll be no Q&A from the Commissioners during that public ... during that public comment. We ask everyone to respect time guidelines, and I will now ask the Commission members to introduce themselves and include their residence and appointing authority. So, Tom, let's start with you.

SCHNEIDER: Tom Schneider. I'm from Florissant and appointed to the Municipal League by the Mayors of Large Cities.

DORSEY: Rick Dorsey. I'm in Unincorporated North County, and I was appointment by County Executive Charlie Dooley.

UCHITELLE: Ben Uchitelle from Clayton, appointed by the Mayors of Mid-Size Cities of the Municipal League.

PLUEMER: Ann Pluemer, Unincorporated South ... South County, and I was appointed by Steve Stenger.

WEGERT: And I'm Steve Wegert. I was appointed by the Mayors of Large Cities, and I'm from Ferguson.

So, we'll ask the representative from Ballwin to step up and pull the microphone down a little bit so we keep the folks at home happy. All yours, sir.

BALLWIN: Good evening. My name is Shawn Edghill. I'm Planning Technician for the City of Ballwin. Together with me here are the Mayor of Ballwin, Tim Pogue; City Administrator, Eric Sterman; several Aldermen as well as City Staff.

BACKGROUND QUESTION: \_\_\_\_\_

BALLWIN: I'll make sure it to be a bit louder.

COMMISSION: Thank you. Thank you.

BALLWIN: My apologies. As mentioned before but given the fact that we have several new groups of people, as the Boundary Commission did state, Simplified

Boundary Change: Annexation is one which promotes public input. A Simplified Boundary Change: Annexation can only be sought after when up to 75 percent or greater of the registered voters within an area proposed to be annexed fill out ... sign a verified petition and we are allowed to submit that together with our Plan of Intent together with a Simplified Boundary Change provides the opportunity for expedited review by the Commission down from the usual nine-months review period for a normal annexation to a four-month review process. It also provides them the opportunity to approve internally without having the matter being brought to a vote although if such a course is decided, that is also an option.

To provide the location that is under consideration for this proposal, Charleston Oaks is located on the southwestern quadrant of the intersection of Ries and Big Bend. We share approximately 25 percent of their boundaries, and we are the only municipality which comes into direct contact with them. As mentioned previously with the Cascades Subdivision, Charleston Oaks is within an area of St. Louis ... I'm sorry, rather the City of Ballwin's Annexation Plan for which there was no overlap with any surrounding municipality. The great area within this visual aid shows that there is no overlap from areas such as Wildwood, Ellisville, Manchester, or Valley Park.

To provide Compactness of Area, there is only one street connection that goes into Charleston Oaks Subdivision, Charleston Oaks Drive to Big Bend. The connection is directly adjacent to Ballwin's current boundaries. No major impact is expected on the efficiency of the delivery of our system ... of our services. No barriers exist either artificial or natural which we believe would impede efficiency of our delivery of service to the subdivision and we can see no detrimental impact to St. Louis County in the transfers of this subdivision to the City of Ballwin in regards to their services including items such as police or public works.

If this annexation were to be successful, most of the services currently provided by County would be turned over to Ballwin. This includes policing of the area, parks and rec, as well as our trash services, code enforcement, permittings such as mechanical, electrical, plumbing permits, building permits, or fence. All that is done inhouse.

For all public right-of-way, we would take over streetlights, and for all public right-of-way we would also access through our Public Works for street maintenance, sidewalk maintenance as well as seasonal options for leaf removal in the autumn, snow ploughing in the winter. We do want to also state that with trash removal services per State law, we cannot require that any newly annexed area be required ... be brought into our trash contract for a two-year period. During that time, residents are allowed to voluntarily introduce themselves in although we do recommend that it be done as a whole for the community rather than individual by individual as that could prove detrimental to your streets having two separate trash providers at the same time.

Impact on Tax Base. In looking at the area subject to the boundary change, adjoining areas, the existing municipality, as well as the County at large, we believe that there will be nominal to no impact from the tax base or revenue generation perspective.

To provide a year's consideration towards what the source of revenue to the City of Ballwin is expected to be, this table shows what the revenue would be under taxes, fees, or permits that we would collect in a 12-month period.

We do want to point out to residents that there will be no change for real estate tax or personal property tax as the City of Ballwin has not had either taxes for several decades now as what you currently pay through the County will not change.

Sales Tax and Utility taxes would be expected to increase. Sales tax for the purchase of vehicles would increase by 1.0 percent from 7.738 to 8.738 percent, and the utility tax would increase by 2 percent from 5 to 7.

The Current Zoning of the subdivision is St. Louis County's R-4, which is appropriate for this location given that it is entirely made up on single family residences. Our proposed zoning for the area would fall under Ballwin's R-3. It is comparable zoning to the surrounding subdivisions within the City of Ballwin, and we believe is appropriate to the area regulations. We have a caveat within our R-3 Single Family Zone which provides for parcels as intense as 10,000 square feet to fall within our R-3 so long as there is pre-existing building and sewer access for them.

And building off of what I mentioned earlier, the effective date of the proposed boundary change depends on the results if they do decide to approve internally, then it would be a 90-day period between their termination and inclusion to the City of Ballwin. If the item is decided to be brought forward to the ballot, it would have to wait until the April election after which point a six-month period would have to elapse before it could be part of the City of Ballwin putting you at a worse case scenario of October 2023 for inclusion.

Finally, as mentioned with Cascades Subdivision, we would like to point out to the Boundary Commission that the City of Ballwin's Board of Aldermen unanimously approved the submission of this Map Plan to you as well as taking into consideration the location's small size and population together with the petition signed by 75 percent of the registered voters in the affected area, we would like to request humbly that the Commission move to recommend if you so choose within interior without bringing it to an election to best expedite the process. Thank you very much. Any questions?

CHAIRMAN WEGERT: We'll start ... Ann?

PLUEMER: No.

CHAIRMAN WEGERT: Ben?

UCHITELLE: Question. The area immediately to the, I guess, the west, in other words, two areas to be subject to annexation, the one you're talking about now

BALLWIN: Yes.

UCHITELLE: Next to it is unincorporated.

BALLWIN: Correct. Next to it to the west ...

UCHITELLE: What is the status of that area with respect to possible annexation?

BALLWIN: Yes. So as our City Administrator had mentioned in the last presentation, given the fact that we were not forcibly injecting our space ... ourselves into these areas and allowing the subdivision themselves to come forward with a request to annex through petition areas such as what you're talking about which would be Arbor Oaks Subdivision ...

UCHITELLE: What are you hearing?

BALLWIN: For those areas, we haven't heard anything. So we haven't received statements from them requesting to be annexed, and so I can't speak to ...

UCHITELLE: Part of your Map Plan?

BALLWIN: Uh-uh. Yeah, the entire area to the south of Ballwin, almost everything north of the Meramec River is effectively part of our Map Plan annexation.

UCHITELLE: Is that area one subdivision?

BALLWIN: For ... the one to the west of Charleston Oaks?

UCHITELLE: I'm not sure which way I'm looking.

BALLWIN: The one to the west of Charleston Oaks is Arbor Oaks. It is one subdivision. For the majority of the area approaching to the south, I believe that is Castlewood directly to the south, and then directly south of Charleston Oaks is Arbor Glen. There's also Arbor Crest as well as a brand-new subdivision I believe being built south of Arbor Crest as well. None of those subdivisions came forward during this annexation Map Plan process. We brought these forward as they were subdivisions with HOA's that wished to speak with us and provide us with petitions.

UCHITELLE: Thank you.

CHAIRMAN WEGERT: Rick.

DORSEY: Addressing the issue of the streetlighting again, you say it's provided by the subdivision right now, and again you said Ameren UE.

BALLWIN: Yes. So ...

DORSEY: Would you clarify the City of Ballwin under their contract with Ameren?

BALLWIN: Would take over for the streetlighting, yes.

DORSEY: And you believe that the streetlights comply with Ballwin's zoning code so that they would be dedicated if the subdivision so chooses?

BALLWIN: If they so choose. Correct.

DORSEY: Okay. What about the streets and the sidewalks? Are those private or are those public?

BALLWIN: These are public.

DORSEY: These are public.

BALLWIN: These are public.

DORSEY: Okay. I have nothing further.

CHAIRMAN WEGERT: Tom, anything from you?

SCHNEIDER: No.

UCHITELLE: Just one more. There's just one entrance to this subdivision. Is that what you said?

BALLWIN: Yes.

UCHITELLE: So all cars, trucks, garbage, everything goes in and out of that one street from Big Ben.

BALLWIN: Assumedly, yes.

CHAIRMAN WEGERT                      With no property tax real or personal, I'm going to assume, and we know that gets us in trouble, lion's share then is the sales tax that's generated?

BALLWIN:                      Correct, yes, so ...

CHAIRMAN WEGERT:                      Pool or point-of-sale?

BALLWIN:                      I believe that is a pool ... it is a pool.

CHAIRMAN WEGERT:                      Okay. And the majority of the sales tax is Manchester Road corridor?

BALLWIN:                      Correct, that would be the \_\_\_\_\_.

CHAIRMAN WEGERT:                      That would be all I have. Any other questions?

BALLWIN:                      I'm sorry. Real quick. It is both a pool and ... and point-of-sale.

CHAIRMAN WEGERT:                      So it just depends where in the \_\_\_\_\_. Any other questions from the Commissioners? All right. The County comes up and does their thing.

TRIMBLE:                      I'm the Acting Director of Planning at St. Louis County, and I'd like to thank everyone here to hear the County's perspective to date on this request and thank the Commission for ... for letting me be here, and I'd like to thank my friends and colleagues from the City of Ballwin for what they've said so far this evening.

So, to reiterate some of what you've heard, this is a Simplified Boundary Change which under the Revised Statutes of the State of Missouri means that there has been a verified petition signed by at least 75 percent of the registered voters within this area that is proposed to be annexed, and this area is primarily residential in character and has an average residential density of not less than one dwelling for every three acres, and if this were approved as a Simplified Boundary Change by the Commission, it would not require a vote of the people.

So, every request in front of the Boundary Commission does have to go through a substantive review, and the Commission is being asked to determine if a boundary change is in the best interest of the municipality which is proposing the change, the unincorporated area that is proposed to be annexed and the areas of the County around the proposed area that is proposed to be annexed. And when they do that substantive review, they are considering eleven factors that are enumerated in State Statute, and I have them here, but we take those eleven here at the County and we use sort of broadly group them into four different types of categories. There are geographic



concerns, there are service provision concerns, there are financial concerns, and there's zoning and land use concerns that the Commission is being asked to determine.

So, before I jump into the specifics of this request, I just want to jump out ... back a bit about St. Louis County. St. Louis County is the most populous county in the State of Missouri with just north of a million residents. And St. Louis County Government is the local government service provider for our unincorporated residents, which is about a third of the County, 315,000 residents, a third of the land area. Additionally, the County does provide contracting services of one form or another to more than 90 percent of our municipalities. And the County's service philosophy is based on the idea that residents should have direct contact with professional staff and in terms of political representation this area is represented by the Seventh Council District by Councilman Mark Harder, and he does have a full-time assistant, Ann Gassel [sounds like] to assist residents with any questions and concerns they have.

So, the geography of this request, you can see the City of Ballwin is in the dark gray, the other municipalities are in the light gray, and unincorporated areas are here in tan. You can see this request is the orange, the little orange box down at the southern end of the City of Ballwin. The red is the previous ... is the previous action.

So, this Annexation Area – At a Glance, it's approximately 40 acres in size. There is an estimated population of 271 residents, 103 total housing units with an assessed valuation of about \$7.5 million dollars.

So, jumping into the Geographic issues at play. First, legal description and compactness. Revised Statutes of Missouri do state that you do have to be at least 15 percent contiguous. This does meet that. This is approximately 25 percent contiguous with the City of Ballwin, and kind of like our last ... at our last Public Hearing, again, I've had some conversations with the City of Ballwin in regards to the legal descriptions, and in this case, we just want to make sure that Ries Road ... if this were to go through, Ries Road is either ... is fully inside of the City of Ballwin so the legal descriptions can be amended, I'm, you know, certain if the Commission does find that the request is reasonable.

So, moving on to Zoning and Land Use in the area. It is currently zoned R-4 Residential District in St. Louis County. It is 100 percent single family detached housing. Additionally, there is some common ground in the area.

So, moving on to financial impacts of the request. As stated by the City of Ballwin, they do not have a property tax levy, residential, commercial, or personal property, but I have here listed out all of the taxing jurisdictions that your property is subject to because your total tax bill is actually ... it's kind of like an onion. It's multiple layers of taxing jurisdictions that actually create your taxing ... your total tax rate of which St. Louis County is just one piece so if you're ... you're being assessed in a residential rate for,

you know, a 6.93 for very hundred dollars of assessed valuation, the County is getting about .42 cents of that. The largest is typically and almost always your school district, in this case, Parkway at \$3.63.

The one change, the one big change that residents will see is going to be an increase in your sales tax. So, there is there a 1 percent difference between the County's and the City's sales tax so it will go up to 8.738 percent, and what you'll notice ... you'll really notice that when you go to purchase new vehicles. You know, the average car in the United States is approximately \$47,000.00 which means that a resident in the annexation area if you purchased a new vehicle would see about a \$500.00 increase in your sales tax. And, as also noted by the City of Ballwin, they do have a higher utility tax rate. The County's utility tax is capped at 5 percent. It is 5 percent. It's capped at 5 percent. It can never go higher. Municipalities can go higher than the County though.

So, moving on to Revenue that is lost by St. Louis County, we are estimating that with this action that would lose approximately \$48,000.00 to County Revenue.

So, in terms of service provision, I'm actually going to jump over a lot of this. You know, we do provide it through ... police services, our Department of Transportation and Public Works provides street, sidewalk, bridge maintenance, snow removal, as well as permitting, inspections, and code enforcement. Our Parks and Recreation do provide services, and our Public Health Department provides Vector Control which is rat and mosquito abatement. Animal Control services which are done county-wide, and Waste Collection. And additionally, the sewer lateral program, which we find to be one of the best, if not the best in our region.

So, jumping to the Department of Transportation [and] Public Works, there have been ... in this annexation area, there have been 15 re-occupancy permits that have been issued since 2021. There have been no citations for, you know, tall grass or anything like we saw in the other ... in the other one.

The street in this case is public, and so the County does keep a database of all of it's public rights of way to determine the ... the ... how the streets are doing in terms of their quality. It's done on a sliding scale of one to ten, with 9 and above being Excellent, 8 – very good, 5-7 –good, and as you can see here, there's a ... the road through this area is approximately 1.27 miles which the County does maintain, and all roads have a PCR of 5 or greater in this subdivision.

So, in summary, this ... approval of this would represent a financial impact on both the County ... there would be some loss to the County, and there would be some financial impacts to residents, but it would be fairly limited. The proposed annexation does not present practical difficulties for service provision to the remaining unincorporated areas and, to our knowledge, this effort has been initiated by the residents in the proposed

annexation area and as such, the County has no substantive concerns regarding this proposal.

And so with that if you have any questions that I could address.

CHAIRMAN WEGERT: Thank you. Ann, we'll start with you.

PLUEMER: Well, \$48,000.00 revenue will be lost to St. Louis County.

TRIMBLE: Yes.

PLUEMER: Now, in giving that ... giving that the services, of that \$48,000.00, how much is St. Louis County going to save by not providing the services?

TRIMBLE: At this point, I haven't done an analysis of an exact cost of what ... if there would be any cost savings to the County. You know, at this point, we wouldn't ... this isn't the kind of thing where we wouldn't ... we wouldn't have fewer officers. Our officers simply wouldn't go to these communities any longer. You know, in terms of our street service, you know, this street is relatively small, so it would be one small street that we don't provide snow removal to so that's not going to necessarily be a significant cost savings to the County. In general, I think that the cost savings are going to be fairly limited as well.

CHAIRMAN WEGERT: Ben.

UCHITELLE: Yeah, just to paraphrase once again ... let's see if I get this right. You have no substantive concerns about this annexation.

TRIMBLE: Yes, that's correct.

UCHITELLE: Thank you.

CHAIRMAN WEGERT: Rick.

DORSEY: That \$48,000.00, follow up on that. That's going to be ... mostly be taxes, right? But the County would also lose permit fees and some other things like that too.

TRIMBLE: Yeah, that's correct.

CHAIRMAN WEGERT: You're easy tonight.

CHAIRMAN WEGERT: Tom.

TRIMBLE: I like easy questions.

CHAIRMAN WEGERT: Just a procedural question on my part, you mentioned this subdivision had ... had no tall weeds/grass violations compared to the other one that had a dozen or so complaints. Are those complaints ... I'm just curious how the County ... how the County discovers those? Is that by complaint or is that by inspection? Like a sweep?

TRIMBLE: So typically, a lot of what the County ... it's a complaint. A lot of them are ... we received calls to our Neighborhood Preservation in the Department of Transportation/Public Works in which a resident has said, "Hey, my neighbor's grass has gotten a little out of control" or ... and this happens quite frequently too, because we have thousands of County employees, it's almost like we've got folks all over so when they're driving a round, sometimes they'll say "Hey, let's take a look at," you know, "this property. I noticed that there was some ... some weed issue here." And those, in the five from the previous subdivision, I don't know exactly how those came to ... how those came to be, but that's typically those kind ... those are the routes that typically the County ... the County finds these types of things.

CHAIRMAN WEGERT: Thank you. Got any other questions from the group? All right then, we'll open this up to the public portion.

DOUGHERTY: We just have one person who signed up, and her name is Diane Luth, and Diane said that she may not so you can call on Diane and see if she wants to talk.

LUTH: That's me.

CHAIRMAN WEGERT: Would you ... would you like ...

LUTH: ... speak on behalf of ....

CHAIRMAN WEGERT: Well, come on up and do your ... do your thing.

LUTH: So, good evening. My name is Diane Luth and I live in Charleston Oaks Subdivision. I'm speaking on behalf of ... I'm one of four committee members who went around seeking the signatures for support. So, my husband and I are original owners and we bought our house in 1995. At the very first HOA meeting, everybody went to it because it was the very first one, it was brought up "How can we become part of Ballwin?" And since then, it's ... it's, it's been a topic often discussed. So, at our March HOA meeting, one of three ... one of our Trustees, one of our three Trustees had contacted the City of Ballwin to find out how we could become part of Ballwin and he talked about it, and we had great support from the people present. Overwhelming support from the people present at our meeting. So, we formed a committee and started

the process of going door-to-door in April and May. We received so much positive and incredible support. People told us how excited they were about better snow removal services ... sorry, St. Louis County ... better street maintenance, having a leaf removal service, having our streetlights covered by Ballwin, having lower trash and recycling costs, and being able to have a resident rate ... pay resident rate at the wonderful Point and Ballwin Golf Club and Parks recreational services. We have a lot of ... we're a subdivision of a very, very, varied ages and diverse, you know, population, and so we have a lot of little kids, we have a lot of older kids... older people. It's been wonderful to see that in our neighborhood, and so many people have used The Point, so ... I mean, right there, that was the selling point that you could get the resident rate.

So, we obtained signatures from a little over 75 percent of the 259 registered voters in our neighborhood, and I am speaking today on behalf of those present so if you're here from Charleston Oaks, would you please stand, or wave so let them know you're here and that you're in support of this. So we are so excited to become part of the City of Ballwin. We thank you for this opportunity. Thank you.

CHAIRMAN WEGERT:                    If there are no other public comments.

DORSEY                                Mr. Chair, I move we adjourn the meeting.

UCHITELLE:                        Second.

CHAIRMAN WEGERT:                All those in favor?

VOTE:                                AYE.

CHAIRMAN WEGERT:                Any opposed? Thank you everyone for coming out.  
We appreciate it.



