



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 12, 2013**

Mayor Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on August 12, 2013, at 6:15 PM. Mayor Pro Tem Brian Hill made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion. Councilman Bill Garnos seconded.

Roll Call Vote: All “aye” – Councilman Bill Garnos, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (3-0).

Councilmember Carol Suter was also present at the Closed Executive Session.

PRESENT: Mayor Jean Moore
Mayor Pro Tem Brian Hill
Councilmember Carol Suter
Councilman Bill Garnos

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor Randall Thompson
City Clerk Cathy Swenson

Item 2. on the Agenda. ROLL CALL.

Mayor Jean Moore opened the Regular August 12, 2013, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

Mayor Jean Moore welcomed everyone who attended the meeting in person and also those watching the meeting on-line. Mayor Moore said she and the City Council thanked everyone for their interest and involvement in City government.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Moore stated it was an honor to have Public Safety Director Mike Hasty lead the Pledge of Allegiance, in which all joined.

Item 4. on the Agenda. APPROVAL OF THE JULY 22, 2013, REGULAR CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Brian Hill moved to approve the July 22, 2013, Regular City Council Meeting Minutes, as presented. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0)

Item 5. on the Agenda. FIRST READING BILL NO. 13-25, appointing Gary Markenson to fill the City Council seat left vacant by the resignation of former Councilman Barry McCullough.

Mayor Pro Tem Brian Hill moved to place **BILL NO. 13-25** on its First Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the First Reading of **BILL NO. 13-25**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the Second and Final Reading of **BILL NO. 13-25**, and to enact the Bill as **Ordinance 4.245**. Councilmember Carol Suter seconded.

Councilmember Suter thanked all who applied for the Council position. It is a wonderful situation in Gladstone that we have had for several years, where, most of the time, a lot more people want to serve than there are openings. There were wonderful people who applied who had a great history of public service, and it was a difficult job for the City Council to make their selection. Councilmember Suter said she was very excited about the professional background of Gary Markenson, and the connections he has around the State will be very helpful to the City of Gladstone.

Mayor Pro Tem Hill stated he agreed with Councilmember Suter’s remarks.

Roll call vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0).

Item 6. on the Agenda. CITY COUNCIL OATH OF OFFICE TO GARY MARKENSON.

Mayor Moore invited Mr. Gary Markenson to join City Clerk Cathy Swenson at the dais for the City Council Oath of Office, which was followed with applause from the audience, as Councilman Markenson took his seat at the Council dais.

Mayor Moore invited Councilman Markenson to make comments at this time, or if he preferred, wait until the Communications from the City Council item on the Agenda.

Councilman Markenson thanked the City Council for selecting him, and said he hoped he would fulfill their expectations. Councilman Markenson said he was really excited to work with the City Council to improve the City of Gladstone.

Item 7. on the Agenda. CONSENT AGENDA.

Following the Clerk’s reading, Councilmember Carol Suter moved to approve the Consent Agenda as presented. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-39**, authorizing acceptance of proposal from Builders Development Corporation in the amount of \$20,000.00 for neighborhood preservation and sustainability as it relates to Gladstone 2050. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-40**, authorizing acceptance of a proposal from Dick Smith Ford, Inc., Raytown, Missouri, for the purchase of two (2) Ford Police Interceptor all-wheel drive (AWD) utility vehicles for the total purchase amount of \$52,052.00. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-41**, authorizing execution of a contract with Agua Fina Irrigation and Landscape, LLC, in the total amount not to exceed \$165,974.60 for the 6800 Block North Woodland Drainage Improvements. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-42**, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-43**, authorizing the execution of a utility easement for the east side of the Heights at Linden Square site. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-44**, expressing the City of Gladstone Missouri’s support for bringing the Republican National Convention to the Kansas City region in 2016. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL FOR** The Lost Bar & Grill, LLC, 7632 North Oak Trafficway; Class AE Liquor by the Drink License. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

REGULAR AGENDA

Item 8. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 9. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Bill Garnos had no comments at this time.

Councilmember Carol Suter stated the real estate development on M-1 Highway, which is called The Parkway, or a similar name, now has houses being sold. She and her husband visited the development to see how things were going, and had an interesting conversation with the realtor, who is handling most of the houses there. The realtor said an interesting thing about that development is that almost everyone who comes in thinks it is in Gladstone. Almost everyone is disappointed when they find out it is not. The realtor said they could sell the houses faster if the development was in Gladstone. Councilmember Suter said they found that interesting, and it was nice to know there is prestige attached to

being in the City of Gladstone. Councilmember Suter said people recognized that they would not have the snow removed from their streets by Gladstone.

Councilmember Suter stated, on a sober note, she recalled this afternoon, that this was the fourth time since she had been on the City Council where members of a public body were shot and killed in the performance of their duties at a meeting. It occurred to her that there had not been an update regarding safety training, since the other members of the Council had been in office, as they had been in office for less time than she, so she asked City Manager Davis and Public Safety Director Hasty if they would arrange a safety briefing to provide an update on safety procedures, in light of the risk that comes with one serving their community.

Mayor Pro Tem Brian Hill welcomed Councilman Markenson and said he looked forward to working with him on the City Council, and the knowledge he brings with him from the Missouri Municipal League.

Mayor Jean Moore said she had no comments at this time.

Item 10. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis reported that on August 21, 2013, a bus will be leaving City Hall for the Google offices in Westport. Google has extended an invitation for a tour to see what their product will look like and to see some of their technology. The bus will leave at 4:45 PM. City Council members and members of the public are invited. Folks would need to contact Public Information Officer Richard King to sign up for the bus.

City Manager Davis encouraged everyone to visit Linden Square every week. There were good crowds last weekend and good crowds are anticipated this weekend. City Manager Davis said he was pleased the attendance is doing better, and he encouraged everyone to come out and enjoy themselves.

City Manager Davis reported at 4:00 PM, August 29, 2013, Dentistry for Children would be holding a ribbon cutting. This is the Dr. Pollina building.

Item 11. on the Agenda. PUBLIC HEARING: for consideration of a Special Use Permit subject to certain conditions to the Kansas City Landsmen, LLC dba Budget Car and Rental for operation of car and truck rental services on property at 7412 North Oak Trafficway.

Applicant: Budget Car and Truck Rental. Owner: Tom and Maryann Simms.

Mayor Moore opened the Public Hearing, and said that first comments would be heard from staff, followed by comments from the applicant, and finally comments would be heard from anyone in favor or in opposition to the application.

Staff Presentation

Planning Specialist Chris Helmer provided a brief overview of the process for the staff's report this evening, and began by stating that members of staff have a lot of day-to-day interaction with people at the beginning stages of an application. This particular case was not exempt from that. Staff had been in communication with Budget Corporation for quite some time, as far as their intent and desire to locate in Gladstone. During the course of the Planning Commission's Public Hearing process, there was a unanimous recommendation for approval to move forward to the City Council.

Mr. Helmer said in regard to the history of Special Use Permit applications that the Commission and the Council have heard over time, there have been a lot of renewals; predominately being at-home day cares, and hair or nail salons. This meant that in many times the underlying zoning was not sufficient or was not compatible or adequate for the type of use that was being proposed. That is not to say that use is not unique. In most cases, most all communities have those types of uses in them. Mr. Helmer said that is not to say that we do not have other more substantial or larger Special Use Permit applications. One example in our most recent history was approval of a Special Use Permit application for Gladstone Gardens, where there was a combination of zoning classifications that did not all meet the underlying zoning, but in the end preserved that underlying zoning along with a series of land use conditions that are often times unique to that particular application.

Mr. Helmer stated the City Council has been provided a lot of information by staff for this application. Some of the information was initially presented to the Commission. The previous City Council Public Hearing was continued, which allowed staff additional time to understand any issues that arose, as well as to have additional conversations with the applicant and the property owner. In this particular application, the underlying zoning is not the overall issue. It does support many aspects of the application in the technical aspects that staff often works with on a day-to-day basis, and the technical performance requirements that are associated with the Zoning Ordinance that has been adopted and approved by the Commission and the City Council. In this particular case, in going beyond the underlying zoning classification, there is a significant outdoor component to this application, which then triggers a number of approaches, either a Site Plan revision or at a minimum a Public Hearing process, such as this one this evening that addresses additional land use guidelines, or in this particular case, conditions that are associated with the Special Use Permit application.

Mr. Helmer continued by saying in addition to some of the comments that were provided by the Commission, the meeting minutes of their Public Hearing indicate there was not a lot of significant changes in any of the conditions, but he did wish to point out the hours of operation time frame in condition Number 8. were tightened up from the initial time frame

to 7:30 AM until 6:00 PM, and some additional clarification was made on the outdoor display of items on Number 11., with some minor tweaking on that condition to avoid displays that start to get into an ingress or egress or entryway of the business. Mr. Helmer said when the Site Plan initially came to staff, they had highly recommended that the applicant get someone on board to work on a conceptual plan to identify their intent of the overall outdoor component of this application. Mr. Helmer indicated on Exhibit "A", the Site Plan, an area on the Site Plan that indicates smaller use vehicles, being economy type vehicles that most people use during the day. The second area of the Site Plan identifies the outdoor component of goods for this application, which is immediately south of the site layout plan, and is identified for the larger box trucks. The City Council received a memorandum from Mr. Helmer with additional clarification as to what the vehicles would look like, and why the images were added to the Site Plan to hopefully illustrate a little better where the outdoor component is to be.

Mr. Helmer said there was some additional conversation by the Commission on the other future intent of this site layout. In the middle component of this proposal is an additional tenant space where there is an opportunity for the property owner to utilize roughly about 3,000 square feet immediately behind the primary area of Budget Car and Rental, who will be using the most frontage area to North Oak Trafficway, which is roughly 1,600 square feet. Mr. Helmer said these are the major components of the Site Development Plan, and in addition, the City Council has received a comprehensive package of what the exterior signage should be. That was one of the primary items that staff had recommended to the applicant to comply with as quickly and efficiently as possible. Moving this application forward, staff always advises applicants when it comes to these types of applications to have all of those aspects bundled together, allowing the City Council to make their recommendation. In this particular case, if the Council were to approve this application, this sign package and development plan would be ready for the next stages of permit approval in the Community Development Department.

Mr. Helmer stated staff is recommending approval of this application based on the conditions and recommendations provided by the Planning Commission.

Councilman Markenson asked, in regard to Condition No. 11., "All materials, products, or other items offered for sale or lease shall not be displayed in any drive area", what does any drive area mean? Is that the driveway to the street?

Mr. Helmer pointed out that in the area, which is immediately to the west of the southernmost drive going into the site, there is an area that is about 38 feet, and it is the beginning point of where the small vehicles would be displayed. The intent of this condition was to eliminate or impede the use of putting signage in these areas, which in a lot of cases was an issue along our major corridors, and why we have additional regulations for things like temporary business signage that is only allowed within a certain time frame. Mr. Helmer said this provides some additional leverage through the Ordinance

so if staff starts to notice some things that are not issued or labeled on the conceptual Site Plan, those would be in violation of this particular application.

Mayor Pro Tem Hill said it appeared from the Site Plan shown on the screen in the Council Chambers that the southern drive would be closed off, as it has the “hatched” area all the way across.

Mr. Helmer replied there was no identification of any drive being closed on this Site Plan. Within the Development Plan, the “hatched” area on the southern portion directly south of the building is identifying where the predominate outdoor display would be; which, in this case, is vehicles. Right above that it states “Existing Parking for Standard Sized Vehicles Hatched”.

Assistant City Manager Scott Wingerson suggested that Mayor Pro Tem Hill might be referring to the “hatched” area from the building south towards the parking lot. That is a striped walkway.

Mayor Pro Tem Hill asked if the large rectangle at the northerly part that becomes a narrower rectangle, and then a triangle – is that the walkway?

Mr. Helmer replied that was correct. As Mr. Wingerson stated, that is a marking on the existing site, but in this particular case, it is not identified for any type of infrastructure change.

Mayor Pro Tem Hill stated in the Open Study Session, there was discussion on extending a lane of traffic farther south, just to the north of this property, and asked if there would be a future need by the City to have a wider right-of-way here, and should that be addressed as part of this Site Plan.

Mr. Helmer replied not to his knowledge, but staff could certainly look into it, but he did not know.

Assistant City Manager Scott Wingerson began by saying that Mr. Helmer’s remarks brought us through the Planning Commission hearing, and his role tonight was to provide information from the Planning Commission meeting forward to tonight. In the Council’s packet was additional information that was not provided to the Planning Commission, and it primarily consists of excerpts and explanation of the Comprehensive Plan, and he hopes Council members had an opportunity to review that information. The concerns heard since the Planning Commission were really three-fold. Number one is what is the relationship of this Special Use Permit request to the City’s adopted Comprehensive Plan. The reason that is important is because the Comprehensive Plan had an enormous amount of public participation, and we want to make sure decisions are consistent with the goal of the Comprehensive Plan. Number two is that it is a guide way. It is a desired feature that we are all working to get to, so it is supposed to be a unifying document. One downside to the

Comprehensive Plan is that it has no regulatory authority, so decision making based solely on the contents of the Comprehensive Plan is not appropriate. What is appropriate is consideration of our current Zoning Ordinance. How the Council implements the Comprehensive Plan is through a series of amendments to the existing Zoning Ordinance to make it say what the future should say. In the case of this Special Use Permit, what the Comprehensive Plan called for was an area study, and to give an example of what an area study is, it was some of the documents the Council saw related to the Village Center eighteen months to two years ago, up until five years ago, evolving the concept for a new development pattern on that section of North Oak, from 72nd Street to 76th Street.

Mr. Wingerson stated another concern heard was that the Special Use Permit could hamper future redevelopment opportunities. That was a good and valid point, and people can disagree on that subject. Mr. Wingerson said he would suggest that in the course of a redevelopment, it is very complex and there are so many factors; one of which is the current tenancy or vacancy rate within the area to be developed. Mr. Wingerson said he would suggest that there are 50 other equal conditions, including a willing owner, which this owner has submitted a letter for the packet explaining his willingness to redevelop in the future. It takes a willing developer, a willing bank, a willing city, the right project, and it takes a lot of things to make that happen. The biggest thing it takes is time. If a redevelopment opportunity were to present itself this week, we would be looking at approximately two, three, or four years for all the ducks to be in a row before redevelopment would begin.

Mr. Wingerson said the last concern heard since the Planning Commission was the location of the trucks in the lower lot. Mr. Helmer described it well – on the southern end, between an existing car lot and the Merry Maids office. Mr. Wingerson pointed out the final two documents, a revised proposed Ordinance, and a revised Exhibit “A”, both of which were at Council’s places this evening. Mr. Wingerson stated beginning with revised Exhibit “A”, the applicant has agreed to some changes to the Special Use Permit application. The first is to remove the lower south lot from the request entirely. So that would not be part of the consideration. As Mr. Helmer said, that area was planned for truck and trailer storage, and those sorts of things. Those are proposed to be located along the north property line on the west end of the property, near the dumpster. There is an existing privacy fence on the north property line, plus or minus, so it is envisioned an additional screening fence projecting into the parking lot to further screen those types of vehicles from North Oak Trafficway travelers.

Mr. Wingerson continued by saying the applicant has also agreed to two other things that are reflected in the revised Ordinance that was at Council’s places this evening. The first is that the Planning Commission recommended for the Council’s consideration a five year term. The applicant has agreed to reduce that to four years, to complement the redevelopment timing consideration that was raised. They have agreed to change their hours from 7:00 AM to 7:30 AM for the protection of any residents who live nearby. Condition Number 12. was changed in regard to the storage of trucks, as referenced on the

Site Plan marked Exhibit "A". If the Council moves forward with this request, the Site Plan would be redrawn to reflect the approval.

Mr. Wingerson said, finally, as always, the Council has choices to make. It can be approved as it was brought from the Planning Commission; it can be approved as revised as just discussed; it can be approved with any additional considerations that the Council might like to add; of course, it can be denied; and the last option is to remand it to the Planning Commission for additional study. Part of the discussion is being crystal clear as to what this application is. Fundamentally, the business operation that happens within the building is allowed under the current zoning of the property. The Special Use Permit is simply to allow outdoor product to be stored in defined areas as discussed. That is the only purpose for the Special Use Permit. Staff tried to attach conditions to that use of the property that protected the neighbors and traveling public on North Oak Trafficway by screening the vehicles and things like that.

Councilman Markenson indicated the southern piece that is no longer a part of the permit application, and asked if it would remain an empty parking lot?

Mr. Wingerson replied yes.

Councilmember Suter asked if the applicant or property owners been provided with a copy of the Comprehensive Plan or relevant sections of the Comprehensive Plan.

Mr. Wingerson replied he would have to check with them; he did not know for sure.

Councilmember Suter asked if that would be something staff would normally provide.

Mr. Wingerson replied, usually not.

Mayor Pro Tem Hill inquired into the 24-foot or 26-foot trucks that would be parked at this location, and asked what the height would be of the trucks. They would be above the six-foot privacy fence. Mayor Pro Tem Hill asked if there were trees to the north that would screen from the north, and would it be possible to have trees planted with some height on them in front of the new fence to further screen, so the box trucks would not stick out.

Mr. Wingerson replied yes, and Mr. Collins with Budget could answer the question regarding the height of the vehicles in his presentation. In regard to the vegetation on the north side of the fence, he believes it is just grass, so the Council could add a condition to add trees.

Mayor Pro Tem Hill stated if this is a four year deal, the trees would not have time to grow, which is a consideration, and he also did not want a wood fence higher than six feet, but he would be more comfortable if there were something to break up the box trucks sticking up.

Applicant Presentation

Joe Collins, General Manager of Budget Car and Truck Rental, Kansas City, said they were excited about the opportunity to come to Gladstone, and they have appreciated the work and the help from the Community Development Department and the Planning Commission, and they appreciated the Planning Commission's approval of their permit at their last meeting. Mr. Collins said he was present to answer any questions about anything – their business or this application.

Mayor Pro Tem Hill asked if there were some type of vegetation that could be planted in front and to the north of the trucks to screen them further.

Mr. Collins replied he was not sure at this point if there is. There is a lot of vegetation and trees in back of the trucks, and the fence, he is told, will block them from the front. Mr. Collins said they would do what it takes, but he would like to say they are primarily a car rental company, and they do not expect to rent a lot of trucks. Their projections are that they will probably rent one or two trucks per day, so they do not expect this to be a big truck rental operation. People would be renting them to move from point A to point B in town, and they do some occasional one way rentals. There would not be a lot of trucks at this location, and since they are going towards the rear of the lot, he does not think they would be a big issue from the street going north or south. Mr. Collins said they would be willing to consider anything that would help.

Councilman Markenson noted that the revised Site Plan really reduces the size of the business operation, and asked the applicant if he were OK with that and would it work for them.

Mr. Collins replied yes, and from what had been explained to them, it seems that it would work for them.

Mayor Moore asked how many trucks would be on site most of the time.

Mr. Collins replied it was anticipated on average four to five trucks. The "24s" are about 25 percent, so it would probably be one or two. They would be kept as far back as possible. They do not want them up front. They come and they go, so they were not talking about many at all, which is a projection as of right now. The majority of the trucks are 15 feet, which is not a whole lot bigger than a SUV.

Comments from those in Favor of the Application

Larry LeFever said he is a business and property owner in Gladstone. Mr. LeFever said he was President and CEO of the Northtown Automotive Group, and has multiple properties up and down North Oak Trafficway. Mr. LeFever said he was present to speak in favor of immediate approval of this Special Use Permit for Budget Rental for a variety of reasons. First and foremost, if there is any sector of the North Oak Trafficway that is in dire need of attracting a major national franchise to send the message that a major business can operate here and pay the bills, it is this section of North Oak. He would encourage the Council to drive up North Oak and look at both sides of the street, east and west. The City of Gladstone needs this type of business. A Budget Rental Car – a national franchise – we are blessed to have them even consider this city as a place to locate their business.

Mr. LeFever said he owns a substantial number of properties up and down North Oak, and when he sees a franchise like this coming in, he knows what that means to the City. There would be sales and use tax revenues off everything they rent. There would be jobs in the City. The property owner, Tom Sims, owns many properties in the City, and he takes very good care of his property. The business owner, Mr. Cooper, is a customer of his, and he buys brand new first class vehicles from him to rent. Mr. LeFever said he in turn uses the services of Budget for substitute transportation for his body shop customers. This is an important part of making a robust business community.

Mr. LeFever, said, speaking candidly, he could not believe the business agreed to some of the conditions in this Special Use Permit. He would never have agreed to them. Restriction of operating hours – he does not know what the purpose of that is, but he believes it would be a huge inconvenience to the operation of this kind of business to shut it down at 6:00 PM, when you have people returning rental vehicles after that hour. People would be getting off work and those sorts of things. Mr. LeFever said he would recommend immediate approval based on Mr. Cooper's agreement to the conditions set forth.

Mr. LeFever said Mayor Pro Tem Hill brought up concerns about the visibility of these trucks which will set way back from North Oak. Mr. LeFever suggested the Council drive by some of his properties - he is at 68th and North Oak, and take a look at the rental trucks that are parked right to the street. We are talking about storage rental vehicles in this application that are way back from the street that don't really need the trees and those sort of things to screen them. They won't even be seen by the traffic driving by. The Community Development members have done a tremendous job wringing out every concession from a business that wants to come into the community, and try to find a way to pay the bills to operate. It is the highest use of the property; it is the perfect property for this type of use. There already are rental operations from Enterprise and Hertz in the City. More competition would drive down prices for the citizens of Gladstone. Having this major national rental company here will get reservations from all over, and some customer might think he is getting a better deal from outside the airport and Kansas City, and go right into Gladstone to rent his car for his visit, and Gladstone would get the benefit of the sales and use tax.

Mr. LeFever said this is a great thing for this City, and the Community Development could not have done a better job of eeking out and tweeking out this proposal. Mr. LeFever said he had several properties in Gladstone, and he was all for the Comprehensive Plan, but what the Plan needs to succeed is robust business already in place. Without that the City would not draw any investors to come into this area. This major national company coming into our City is one of the first pieces to that puzzle. As Mr. Wingerson pointed out, if there were a developer to come in today, it would be three or four years down the road. Let's get three or four years of visibility with this major business here. Let it be successful, and the City will draw others. This is a great opportunity for Gladstone. Mr. LeFever said when the Council votes, let's get it done for these guys, so they can get busy and get their business in here.

Jim Rucker, said he was present to talk in favor of this application being considered. For many years, he was in the banking business in and around Gladstone. Several knew him when he was in that career path. He retired and now he is a real estate investor. He represents a lot of real estate investors, and owns a ReMax franchise, and he is in Gladstone most every day. One of the things he would say before the Council casts their vote is if one were in the car with him for one day with a real estate investor, or someone considering buying a home in Gladstone, these folks say, gosh, North Oak could be more vibrant. There are a lot of vacant buildings, and this particular application being considered is another vacant building, and it is a large one.

Mr. Rucker said Mr. and Mrs. Sims own a lot of property in Gladstone, up and down North Oak. Their properties are always well maintained. He is always delighted to show people what it could be if they started their business in Gladstone, because he can use their property as a prime example. They have been in Gladstone for as long as he can remember. Their taxes are always paid, and the City has an opportunity to get a national concern, Budget, in the City. Mr. Rucker said he urged the City Council's consideration and approval.

Comments from those in Opposition to the Application

There was no one to speak in opposition to the application.

Mayor Moore closed the Public Hearing.

Item 12. on the Agenda. **FIRST READING CONTINUED BILL NO. 13-23**, granting a Special Use Permit subject to certain conditions to the Kansas City Landsmen, LLC dba Budget Car and Rental for operation of car and truck rental services on property at 7412 North Oak Trafficway.

Mayor Pro Tem Brian Hill moved to place **BILL NO. 13-23** on its First Reading. Councilman Bill Garnos seconded. The vote: All "aye" – Councilman Gary Markenson,

Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the First Reading of **BILL NO. 13-23**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the Second and Final Reading of **BILL NO. 13-23**, and to enact the Bill as **Ordinance 4.246**. Councilman Bill Garnos seconded.

Mayor Pro Tem Hill said this first came within his radar when it was presented to the Planning Commission, and he realized the Planning Commission had a unanimous recommendation. He had some concerns, mostly with the issues that Mr. Wingerson discussed in the Public Hearing. The trucks being parked along North Oak, its effect on the long term implementation of the Comprehensive Plan, potential noise from the trucks and effects they might have on the residences to the west of the site. Mayor Pro Tem Hill said he knew that City staff had worked with the applicant, and he had been contacted outside of the meeting by Mr. Rucker to address this. Mayor Pro Tem Hill said it was his impression at this point that with the revisions that have been made in moving the trucks and limiting the number, and the efforts to screen them to a certain extent, and he realized the trucks would be stored pretty far back on the north fence line; that coupled with the reduction in time period for the Special Use Permit to four years, his impression is that this is an acceptable intervening use towards a long term development. Yes, there is some appreciation of having a national franchise, as Mr. LeFever and Mr. Rucker mentioned, and that presence on North Oak Trafficway.

Mayor Pro Tem Hill cautioned that this is a four year Special Use Permit, and he plans to vote for it tonight, but he would not plan on it being continued beyond this initial four year term, because of the desire to have North Oak and the whole section be redeveloped as part of an overall Comprehensive Plan. This, in its current proposed form, is an acceptable relatively short term use of the property, and not a long term use. Mayor Pro Tem Hill encouraged that even if this were to be approved this evening that the owners still look toward long term redevelopment of the area as an option for when this Special Use Permit expires.

Councilmember Suter said there was no one on the Council or in the City who was a stronger advocate for the improvement or redevelopment of North Oak. It has been one of her “hot buttons” ever since she had been on the City Council, so she takes these opportunities seriously, and really has given this a lot of thought. Councilmember Suter said she really appreciated the Sims as property owners, and agreed that not all the owners in Gladstone with commercial property take good care of their property, but they do, and she appreciated that. Councilmember Suter said she appreciated that businesses need to

make a profit on the investments they all have made. She is a real estate investor, herself, in Gladstone, and so she understands it all very well.

Councilmember Suter said she disagreed with the proposition that this is the highest and best use or appropriate use of this property. It really boils down to the outdoor product display issue. The original Site Plan for this site was a restaurant where all product was inside. This is a 180 degree opposite, with all the product outside. The reason this is a Special Use Permit application is because this project would otherwise not comply with zoning. It would not meet the requirements for outdoor product display, and she knows because she served with Council members ahead of her, in the not too distant past. Gladstone City Council, City staff, and Planning Commission all made a very concerted effort to research, analyze, process, be creative, and innovate around how to regulate the appropriate use of outdoor product display. That was because the community at large, as well as those elected officials, perceived that there was too much outdoor product display in Gladstone. That is why we have really quite stringent zoning around outdoor product display. That is her concern with this.

Councilmember Suter said she hoped the Sims could find a great use for this property, but she does not think that outdoor product display is the best use for the property. It is 180 degrees opposite from the original Site Plan, and there is no other way this kind of a business could ever meet the requirements of Gladstone for outdoor product display. It is next to a property that already has been grandfathered in to the outdoor product display, and so the density of the outdoor product display is magnified in this proposal. That magnifies her opposition to this application. The proliferation of outdoor product display is not desired by Gladstone residents, which is clear from every planning document we have done, every development plan that has been done, and every leadership exercise that has been done since she has been involved with the City. Councilmember Suter said she would be voting in opposition to this application.

Councilman Markenson stated this was an interesting situation. It was almost the classic issue of is a bird in the hand worth two in the bush. If you are optimistic, you tend to want the two in the bush, and if you are pessimistic, you take the one in your hand. He tends to be optimistic, but his problem was that he was not sure there were two birds in the bush. Councilman Markenson said he felt the City would be better off with one bird in hand. This is a property that has been vacant for two years, and its use as a McDonalds is not much different from its use as a car rental. The same number of cars would be parked there; they just would not be going in and out, and there would not be all the litter that is often associated with fast food places.

Councilman Markenson said it seemed to him that this would be the best use of this property for a four year period, but he agreed it would be really nice to redevelop the area in a much more appropriate manner, but he did not see that coming in the near future, and he did not want to wake up two years from now and find that empty McDonald's building

still standing there, because it is not useful for very much. This would be one of the few uses that could be made for that building.

Mayor Moore said she appreciated the willingness of the property owner to negotiate with the City and to partner with the City and make some changes and concessions in this application. That has made a big difference to a number of the members of Council, who have struggled with this vote. Although, she is philosophically opposed to this Special Use Permit, just because of the long view of North Oak as Councilmember Suter said, she can find no justification in the zoning on this property to vote no, so she would be voting in support of this application.

Roll call vote: “Aye” – Councilman Gary Markenson, Councilman Bill Garnos, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “Nay” - Councilmember Carol Suter, (4-1).

Item 13. on the Agenda. **FIRST READING BILL NO. 13-24**, authorizing the City Manager to execute a Multi-Agency Cooperative Agreement for creation of a Northland Traffic Safety Task Force.

Mayor Moore explained for the benefit of the audience that this was a cooperative arrangement with a number of law enforcement agencies in the Platte and Clay County area. The Multi-Agency Task Force is for the purpose of enhancing public safety in the Northland, and specifically, for sharing the burden of staffing DUI checkpoints. When one unit does this, it is very expensive, so when there is a partnership, it makes a big difference. This allows departments to participate more effectively and hopefully, deter drunk driving in and around our community.

Councilman Bill Garnos moved to place **BILL NO. 13-24** on its First Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilman Bill Garnos moved to accept the First Reading of **BILL NO. 13-24**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilman Bill Garnos moved to accept the Second and Final Reading of **BILL NO. 13-24**, and to enact the Bill as **Ordinance 4.247**. Councilmember Carol Suter seconded.

Roll call vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

Item 14. on the Agenda. **FIRST READING BILL NO. 13-26**, directing the City Manager to execute a cooperative agreement with the North Kansas City School District No. 74 for a school resource officer at Antioch Middle School.

Councilmember Carol Suter moved to place **BILL NO. 13-26** on its First Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **BILL NO. 13-26**, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **BILL NO. 13-26**, and to enact the Bill as **Ordinance 4.248**. Councilman Gary Markenson seconded.

Roll call vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

Item 15. on the Agenda. **OTHER BUSINESS.**

There was no other business to come before the City Council.

Item 16. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 17. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the August 12, 2013, Gladstone Regular City Council Meeting, Mayor Jean Moore adjourned the meeting.

Respectfully submitted:

Cathy Swenson, City Clerk

Approved as submitted: ____
Approved as corrected/amended: ____

Mayor Jean B. Moore