



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 23, 2015**

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

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
Interim Legal Attorney Chris Williams
City Clerk Ruth Bocchino

ABSENT: Councilmember R.D. Mallams

Item 2. On the Agenda. ROLL CALL.

Mayor Bill Garnos opened the Regular City Council Meeting Monday, November 23, 2015, at 7:40 PM in the Gladstone City Council Chambers. Upon Roll Call by the City Clerk, all Councilmembers were present with the exception of Councilmember R. D. Mallams.

Item 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Bill Garnos asked everyone to please rise and join in the pledge of allegiance to the flag of the United States of America. The Colors were posted by Troop No. 992.

Item 4. On the Agenda. Approval of the November 9, 2015, Regular City Council Meeting Minutes.

Councilmember J. Brian Hill moved to accept the minutes of the November 9, 2015, Regular City Council meeting as presented. **Councilmember Carol Suter** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Item 5. On the Agenda. Approval of October 28, 2015, City Council Closed Session Minutes.

Mayor Pro Tem Jean Moore moved to accept the minutes of the October 28, 2015, Closed City Council meeting as presented. **Councilmember J. Brian Hill** seconded. The Vote: All "aye" –

Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Item 6. On the Agenda. CONSENT AGENDA.

Following the Clerk's reading, **Councilmember Carol Suter** moved to approve the Consent Agenda as published. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-15-76** A Resolution adopting a Mission Statement and Goals for the City of Gladstone, Missouri, for 2015-2016. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-15-77** A Resolution authorizing acceptance of work under contract with Fleshman Construction, Incorporated, for the Gladstone 18 Phase 2 Project, and authorizing final payment in the amount of \$0.00 for Project CO1455. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-15-78** A Resolution authorizing acceptance of work under contract with Complete Construction Service, for the Gladstone 18 Phase 2 project, and authorizing final payment in the amount of \$10,617.15 for Project CD1655. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-15-79** A Resolution declaring certain city property as surplus and authorizing the donation of surplus items to the Surplus Exchange. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Councilmember Carol Suter moved to **APPROVE CITY OF GLADSTONE FINANCIAL REPORT FOR PERIOD ENDING OCTOBER 31, 2015**. **Mayor Pro Tem Jean Moore** seconded. The vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

REGULAR AGENDA.

Item 7. On the Agenda. Communications from the Audience.

There were no communications from the audience.

Item 8. On the Agenda. Communications from the City Council.

Councilmember Carol Suter stated she had a question on a matter that has been bugging her for a while and she was not exactly sure to whom she should address it; but if you have Google Fiber in your home, Channel Two is Kansas City, Missouri, it's not Gladstone. Is there anything that we can do, she doesn't remember when we negotiated this thing with Google about how they are handling this with all the suburbs, but clearly as so many residents in Gladstone are Google Fiber customers, then as Google Fiber gets more and more people hooked up, they are still having trouble, she guessed, in a number of neighborhoods, so people are getting a little frustrated, but that means that fewer and fewer residents can turn to Channel Two and see Gladstone.

City Manager Kirk Davis replied that he will need to check into this, he didn't realize it actually.

Councilmember Carol Suter stated because the City Manager is not watching Channel Two.

City Manager Davis replied he does not have Google.

Councilmember Carol Suter stated oh, you are in one of those neighborhoods. She managed to catch the Kansas City City Council after our last Council meeting, very late at night. She happened to flip on their channel as they were having legislative session during which they were introducing a Resolution to approve a development for a business that's moving into Kansas City, Missouri, from Gladstone. Two Kansas City Councilmembers made a point of expressing their glee at stealing business from Gladstone. She thought that was interesting thing to say for the record, but two of them did. It's probably the only time that Gladstone's ever been mentioned in a Kansas City Missouri City Council session and it was about their glee at stealing business from us, but that reminded her again that night that she would really rather see Gladstone than what Kansas City, Missouri, is doing.

Mayor Bill Garnos stated he wanted to mention a couple of things. Since their last meeting, he had the privilege of speaking to a number of groups: the Mid Continent Public Library's 50th Anniversary celebration, the Student Council at Clardy Elementary, and to Cub Scout Pack 302, and it was all exciting. Councilmember R.D. Mallams and Mayor Garnos also had the privilege of walking through the construction site for the new Linden Woods Village Retirement facility behind Hy Vee last Thursday. Construction is going very well and the pre-leasing of the independent senior apartments is also going well. The developer is happy there. Mayor Garnos also thanked the City Council members for their time and energy last week. They conducted interviews for Board and Commission appointments and they had two long evenings last week. It's great having so many people interested in being a member of a Board and Commission that we rely on so heavily here in Gladstone, particularly the Arts Commission, having so much interest there, he thinks in part because of the progress we have made with the arts here in Gladstone. Friday he had the distinct privilege of attending a luncheon where the Awards for Valor were presented by the Metro Chief's and Sheriff's Associations. Gladstone Police Officer Caleb Breedlove received one of the Awards for Valor and he knows we all commend him for receiving that award. At the luncheon, a couple of things popped into his mind, one of them is he doesn't think a man ever feels as safe as you do in a banquet hall surrounded by several hundred of our Metro area's finest law enforcement officers. He was also noting that the incident for

which Officer Breedlove received his Letter of Commendation and his Award of Valor involved the use of his Taser to immobilize someone who was coming at him with an ice pick, so he is pleased that City Council was able to help fund equipping our officers with the Tasers because that is the exact type of incident that equipment is meant for and he is glad we were able to equip him or it would have gone very badly for the other person. Finally Mayor Garnos stated at that luncheon, they sat there for an hour and a half listening to stories of police officers saving lives, preventing injuries to others, helping people, preventing injuries, helping people with mental issues or suicidal, and of course catching the bad guys and of course one after another, for an hour and a half, they had just nothing but stories of acts of heroism by local law enforcement. For what you see on TV in the last year for police nationwide, it was great to sit there and hear just nothing but stories of heroism and valor from officers in our community. That was the first time he had been to that luncheon and he really appreciated the invite. Mayor Garnos stated Tuesday, November 24, 6:00 pm is the lighting ceremony for the Mayor's Christmas tree in Linden Square. Joe Lauria, the meteorologist from Fox 4 News will be the Master of Ceremonies again this year. We have choirs from the Antioch Middle School, the Linden West Elementary School, and music from the Oak Park Jazz Band. After the lighting ceremony the ice skating rink at Linden Square will be open. We also have hot chocolate being served and Mr. Wingerson will be doing an interpretive ice dance on the history of the City of Gladstone, so don't miss it.

Item 9. On the Agenda. Communications from the City Manager.

City Manager Kirk Davis stated he didn't know if he could top that! Yes the rink is going to be open and we have a number of holiday activities planned over the next five to six weeks and encourages everybody to take advantage of some of those holiday activities. Check the web site, the Parks Department, the Community Center, there is just a number of things going on that he thinks folks can enjoy. In that regard, a reminder we won't have a second meeting in December, which would fall just right after Christmas. Everybody have a good and safe Thanksgiving.

Item 10. On the Agenda. **SECOND READING BILL NO. 15-36** An Ordinance amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri, property commonly known as 5828 North Oak Trafficway.

Mayor Garnos stated at the last City Council meeting on November 9, 2015, they conducted a Public Hearing and approved the first reading of Bill No. 15-36, An Ordinance amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri, property commonly known as 5828 North Oak Trafficway. A unanimous vote is required to waive the rule and to place the Bill on its second and final reading. We had three Councilmembers voting aye, one voting no, and one abstention, so a unanimous vote was not achieved, moving the second and final reading to tonight's agenda.

Mayor Garnos asked if there was a motion to place Bill No. 15-36 on its second reading.

Mayor Pro Tem Jean Moore moved to place Bill No. 15-36 on its second and final reading.

Mayor Bill Garnos seconded. The Vote: "aye" – Councilmember Carol Suter, Mayor Pro Tem

Jean Moore, Mayor Bill Garnos; abstain Councilmember J. Brian Hill (3-0-1). The Clerk read the Bill.

Mayor Pro Tem Jean Moore moved to accept the Second and Final Reading of Bill No. 15-36, and enact the Bill as Ordinance 4.327. **Mayor Bill Garnos** seconded.

Councilmember Carol Suter stated she is opposed to this Bill for a number of reasons and she thought she expressed herself a little bit at the last meeting. The Bill requires us to amend the Comprehensive Plan and she for one is a proponent of adhering to our Comprehensive Plan. We spent a lot of time and energy, we invite citizens in to draft and amend and update our Comprehensive Plan. It's supposed to be a policy statement that guides our Planning Commission as well as the City Council in making decisions about how property is going to be used in the City of Gladstone going forward. We hear all the time the number one kind of complaint in the City of Gladstone is always about the condition of North Oak and the commercial businesses that line North Oak and we are asked all the time what are we going to do, what are we going to do, what are we going to do to upgrade. The Comprehensive Plan has some great strategies for how to upgrade the use of North Oak in compliance with what our citizens really want us to do. This Bill, this Ordinance, would amend the Comprehensive Plan by taking a C-2 category and reducing it to a C-3, and she said reducing because a C-2 category is retail. That is products can be sold. A C-3 is a utilitarian category, commercial category, and that allows for repairs and installation to occur. While she appreciates the time, energy, and efforts of the current applicant, for one to bring a business to Gladstone, which we all really appreciate, but we need to hold the line to make sure the business that come comply with the intent of our citizens and our Planning Commission. While the first use is always kind of an interesting one, she always tends to look at second use issues. That is when this business no longer uses the property, if the property has been rezoned commercial, then any other business in a commercial category can use the building and that includes general fix-it, auto repair, and car washes. It does not seem to her that it is in the best interest of the City of Gladstone to take a property on North Oak that is currently zoned in a way that is appropriate with the Comprehensive Plan and reduce it to a use that clearly, if we asked our citizens, they would not be interested in having there. Once we change the zoning, we can't get it back. You can't upgrade it later on so once it is reduced, it's going to stay that way forever and once it's been reduced the next use may not even ever come to the City Council or to the Planning Commission because as long as the next use meets all the requirements it doesn't have to come back for any kind of a development plan. So she will stand fast on this one and support our Comprehensive Plan and all the citizens who gave time and energy to help us design what is in the best interest of Gladstone and she opposed this Bill.

The Vote: Aye: Mayor Pro Tem Jean Moore and Mayor Bill Garnos; Nay: Councilmember Carol Suter; Abstain: Councilmember J. Brian Hill. (2-1-1). The Second and Final Reading of Bill No. 15-36 failed.

Item No. 11. On the Agenda. FIRST READING BILL NO. 15-37 An Ordinance approving a Site Plan Revision for property at 5828 North Oak Trafficway.

Mayor Bill Garnos asked if the failure of Bill No. 15-36 then affects the First Reading of Bill No. 15-37, since it is a companion piece, and we will be passing on that...

Councilmember Carol Suter stated we can't have it without the zoning.

Mayor Bill Garnos verified that we skip Item 11?

Interim City Counselor Chris Williams stated *'yes you cannot take action, or you should not take action on that Bill because the zoning change did not pass.'*

Item No. 12. On the Agenda. FIRST READING BILL NO. 15-38 An Ordinance authorizing the City Manager to execute an Intergovernmental Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) Solid Waste Management District for the Regional Household Hazardous Waste Collection Program in the amount of \$26,426.40.

Councilmember J. Brian Hill moved Bill No. 15-38 be placed on its First Reading. **Councilmember Carol Suter** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0). The Clerk read the Bill.

Councilmember J. Brian Hill moved to accept the First Reading of Bill No. 15-38, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Carol Suter** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0). The Clerk read the Bill.

Councilmember J. Brian Hill moved to accept the Second and Final Reading of Bill No. 15-38, and enact the Bill as **Ordinance 4.327**. **Councilmember Carol Suter** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Item No. 13. On the Agenda. FIRST READING BILL NO. 15-39 An Ordinance to maintain the Business License Tax Rate on Gross Receipts of Utility Corporations notwithstanding the rate increases approved by the Missouri Public Service Commission.

Councilmember Carol Suter moved Bill No. 15-39 be placed on its First Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill No. 15-39, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All "aye" – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill No. 15-39, and enact the Bill as **Ordinance 4.328**. **Mayor Pro Tem Jean Moore** seconded. The Vote: All

“aye” – Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-0).

Item No. 14. On the Agenda. Other Business.

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

Item No. 15. On the Agenda. Questions from the News Media.

There were no questions from the News Media.


Item No. 16. On the Agenda. Adjournment.

Mayor Bill Garnos adjourned the meeting at 8:04 pm.

Respectfully submitted:


Ruth E. Bocchino, City Clerk

Approved as submitted: ☒
Approved as corrected/amended: ☐



Mayor Bill Garnos