



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 8, 2016**

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

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

**Item 2. On the Agenda.      ROLL CALL.**

**Mayor Bill Garnos** opened the Regular City Council Meeting Monday, February 8, 2016, at 7:40 PM in the Gladstone City Council Chambers. Upon Roll Call by the City Clerk, all Councilmembers were present.

**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 with the colors presented by Troop 992.

**Item 4. On the Agenda.** Approval of the January 25, 2016, Regular City Council Meeting Minutes.

**Councilmember J. Brian Hill** moved to accept the minutes of the January 25, 2016, Regular City Council meeting as presented. **Mayor Pro Tem Jean Moore** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0).

**Item 5. On the Agenda. PRESENTATION OF BOARDS AND COMMISSIONS APPRECIATION PLAQUES.**

**Mayor Bill Garnos** stated: *"We have a couple of folks who weren't able to be here last time and were going to be here tonight. One of them was Carol Rudi, being recognized for her work with the Arts Commission from 2011 to 2015. She contacted me this afternoon and apologized for not being able to be here tonight. We also wanted to recognize Dave Fricke of the Neighborhood Commission. He served on the Neighborhood Commission from 2011 to 2015 and was Vice Chair from 2012 to 2014. Mr. Fricke if you would like to come up front."*

Mayor Garnos presented the plaque to Mr. Fricke.

City Manager Kirk Davis stated: *"Mayor if I can while you are making it back up, a comment about Mr. Fricke. He has served since 1959 and has done just about everything and I will have to tell you he was on the City Council that, like a bad penny, I came back, he hired me back as City Manager at that point in time. Dave has been involved in the better part of a dozen advisory boards and commissions and about every task force that has ever happened. His experience with the City is long term and he has had a profound impact."*

## **REGULAR AGENDA.**

### **Item 6. On the Agenda. Communications from the Audience.**

Bill Grace, 1706 Northeast 68<sup>th</sup> Street, Gladstone, Missouri, approached the Council and stated: *"I am a retired teacher from Oak Park High School and had the pleasure of serving under Dr. Dan Kahler for 21 of his 25 years' service at that place. I want to thank the Gladstone City Council for giving us the opportunity to present this proposal to you for your hopeful approval and support. As you probably know, this past Saturday, February 6, the Kahler family and the Oak Park family observed a memorial service for the 90<sup>th</sup> birthday celebration for the first Oak Park Principal and that was Dr. Dan Kahler. I will do my best to follow his dictum of public speaking by following the three B's: Be bright, be brief, and be gone. Dr. Kahler served as the founding principal of Oak Park from the fall of 1965 through his retirement in 1991. He served as a friend and mentor to literally thousands of students and faculty members during that time and I was fortunate enough to call him a friend and mentor. Not only did he serve the students and the faculty from Oak Park, but after retirement he did several long term subs, so to speak, at Winnetonka. He impressed those students so much that they made him the first Kindest Kansas Citian Award winner, from another high school. Last Saturday, in our choir, we had one student alumni from North Kansas City come up and sing with us. Again, that is Dr. Dan Kahler, all the time. Tonight it is my honor to represent the large group of Oak Park alumni including Jerry Nolte, who was here I believe, as so many more. We have a 1966 graduate here and even the Chief of Police was a 1977 graduate. We would propose that 79<sup>th</sup> Terrace, from North Oak Trafficway to Troost Avenue be renamed the Dr. Dan Kahler Way. We realize that is in Kansas City but we have been told that if you will give your support it will help us with Kansas City when the same proposal is made to them. We ask your approval, your support, and I will be gone."*

**Mayor Bill Garnos** stated his daughter also went to Oak Park so he is sympathetic. He did not have the privilege of knowing Dr. Kahler but his daughter went to Oak Park. He was a pommie

parent, and his wife was president of the Booster Club and PTA so they have roots with Oak Park High School also.

Mr. Grace mentioned Dr. Kahler would know Mayor Garnos' history. They have people there that if they went to Oak Park and ten years later your sister came, Dr. Kahler could still tell you everybody in the family. Phenomenal.

**Councilmember R.D. Mallams** stated: *"I thought my wife Toni was going to be here to speak, but this is what I would like to share with you and also Todd. Personally, I'd like to thank each member who spoke in regard to the renaming of 70<sup>th</sup> Terrace to the Dr. Dan Kahler Way. Through email, I shared with Heather Hall, the City Councilmember for Kansas City representing the Northland, your proposal. Dr. Kahler was a resident of Gladstone for many years and he touched many lives. His legacy will live on for many years. For both my wife, Toni and I, Dan served as our mentor as we completed our administrative degrees and Toni is a graduate of Oak Park and remembers Dr. Kahler as her Principal and the impact that he had on her as a student. I personally support your proposal and I offer my assistance to you."*

**Councilmember Carol Suter** stated: *"I certainly offer our support a well. I'm assuming that you began the process with Kansas City? There is a whole process and a Commission and they really don't care what we think in Gladstone because they only need signatures from Kansas City residents. But, you know whatever we can do to help we would certainly be happy to."*

Mr. Grace stated "not yet."

**Mayor Bill Garnos** stated: *"Maybe we could possibly look at resolution or something on a future agenda of support?" Would that be appropriate?"*

City Manager Kirk Davis replied: *"Sure you can, we'd be happy to put a resolution in support or I don't know if the group is looking for a motion tonight with the Council or what was your pleasure?"*

Mr. Grace stated: *"I don't know what to expect sir, I have not done this before."*

City Manager Davis replied: *"It's really at the Council's pleasure."*

**Councilmember J. Brian Hill** stated: *"Maybe I should just make a motion for a resolution to support the group in furtherance of renaming of 70<sup>th</sup> Terrace from North Oak to North Troost Dr. Dan Kahler Way. I make that motion."*

**Mayor Pro Tem Jean Moore** seconded.

The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0).

**Item 7. On the Agenda. Communications from the City Council.**

**Councilmember Carol Suter** stated she wanted to give a shout out and congratulations to the folks at Flaherty & Collins for having won the Capstone Award from the Business Journal for The Heights. Last year Linden Square got lots of attention, this year it's The Heights and next year it's going to be Northland Innovation Center. It's exciting to see what is coming out of the ground but it's even more exciting to get this kind of recognition of the fact that we are investing in quality and architecture that is worthy of recognition and awards. She thinks that speaks highly of their planning and of the work that the staff puts in to negotiating these.

**Item 8. On the Agenda. Communications from the City Manager.**

City Manager Kirk Davis stated he had a couple of quick items. Number one the City will be closed next Monday for Presidents Day. The second item he offered is last weekend the Community Center received a lot of publicity in the sports world because they had the two largest conference swim meets at the Community Center for the girls high school swim season; this is the finale and anyway we received a lot of publicity because the event was held at the Natatorium and certainly want to shout out to the staff for help working with the school district to make those kinds of events happen.

**Item No. 9. On the Agenda. RESOLUTION R-16-07** A Resolution authorizing the City Manager to execute a Professional Services Contract with Gould Evans Associates L.C. in the amount of \$76,930.00 for the implementation of the Gladstone Community Center Renovation.

**Councilmember R.D. Mallams** moved approval of **RESOLUTION R-16-07** A Resolution authorizing the City Manager to execute a Professional Services Contract with Gould Evans Associates L.C. in the amount of \$76,930.00 for the implementation of the Gladstone Community Center Renovation. **Councilmember Carol Suter** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0).

**Item No. 10. On the Agenda. FIRST READING BILL NO. 16-07** An Ordinance amending Title V, Chapter 155, Sections 5.155.010, 5.155.080, and 5.155.090 of the City of Gladstone, Missouri's Municipal Code relating to the regulation of the sale and distribution of tobacco, alternative nicotine, and vapor products to minors under the age of 21.

**Mayor Bill Garnos** stated: *"As I understand it we may have some folks in the audience who may want to address City Council on the Tobacco 21 Ordinance this evening. As I understand it, normally we do not take public comments as part of the first or second reading of this Bill, but I feel very strongly that if somebody came to City Council to make comments we should try to make arrangements to allow that, so before we get into moving and voting on the Bill, I did want, unless anybody on City Council has a problem with it, to provide the opportunity for public comment for anybody who would like to speak to the Bill before we take the Bill up for a vote. Is there anybody who would like to make any comments on the tobacco 21 Bill? Please come up to the podium and state your name and your address for the record."*

Reshana Peterson approached the Council and stated *"I am the Coordinator for Youth with Vision, a student let group of high school students from Clay, Platte, and Ray Counties. They*

*have taken a vested interest in Tobacco 21 which also passed in Kansas City, Missouri, and Kansas City, Kansas. The students pick a topic to talk about every year and they do a campaign across the Northland in their schools and communities and they did pick E-Cigarettes and nicotine, they did a "Nicotine is Nicotine" campaign, you may have seen the billboards in the Northland. The reason they did that was because they saw an increase in these products especially by their peers in their schools and they wanted to prevent this from happening. When you consider that over 80% of high school seniors are older than 18, 18 or older when they graduate, that's a large amount of students in a high school who have access to these products and as many of our students have said they don't realize that they are doing a disservice to their friends when their friends ask them to purchase these products or things like that. By moving the age to 21 you are taking that whole social network out of the high schools so they really feel strongly about that and especially if you see the rates of E-cigarette use in our schools in the Northland, they have doubled as well as nationally, 25% of seniors in the Northland within the 2014 MSS and we will have new data coming up this year. They also saw that smoking tobacco products may be declining but they are actually starting with the E-cigarettes and vapor products and then you are two times as likely to convert to a tobacco product later on. They really just see this as a health issue and most of our students are seniors so they are 18 and they will be affected by this law and they really see it as a positive move and as adults we are saying we value your health and we really want a future generation that is healthy and productive in our city."*

**Mayor Bill Garnos** asked if there were anyone else who would like to comment. There were no more comments and Mayor Garnos thanked the audience for indulging as he felt very strongly if someone comes to City Council to say something we should make arrangements to hear from them.

**Councilmember J. Brian Hill** moved Bill No. 16-07 be placed on its First Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember J. Brian Hill** moved to accept the First Reading of Bill No. 16-07, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember J. Brian Hill** moved to accept the Second and Final Reading of Bill No. 16-07, and enact the Bill as **Ordinance 4.336**. **Mayor Pro Tem Jean Moore** seconded.

**Councilmember Carol Suter** stated she wanted to express her support for this Ordinance, she thinks it is really important for them as leaders of this community to protect the health of our young people in particular, but it protects the health of the entire community and it certainly goes a long way helping to modify the outrageous cost of health care in America when so many people become ill with heart disease and cancer directly related to the use of tobacco products. Councilmember Suter is particularly concerned and she appreciates the high school students

support for this notion that while tobacco use has been going down in the United States, E-cigarette use is growing wildly and its addiction to nicotine is the hook of course and once you get people hooked you have them for life, so she is particularly concerned that the Council makes sure that all of our smoking regulations apply to E-cigarettes and any other alternative nicotine delivery system that the industry comes up with in the future. Councilmember Suter stated she has been on the Council a long time so she is the only one who was on the Council years ago when they first undertook the topic of smoking regulation for indoor air control in the City of Gladstone and that was such a highly contentious issue that went on for a very long time and had a lot of public interest in and it pleases her now these years later to see that this issue is so easily accepted and there is very little controversy and she understands from one of the reporters she talked to today that the City of Kansas City has already started enforcement of their Ordinance and found good results in very nearby tobacco stores just outside of the city limits of Gladstone where the owners had passed the test successfully with the undercover purchasers who showed up and denied the sale to students who couldn't prove their age of 21. That is encouraging to her all the way around, the universe hasn't shriveled up and died over smoking ordinances but America is definitely getting healthier and she is glad that we can do our part here in Gladstone.

The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0).

**Item No. 11. On the Agenda. FIRST READING BILL NO. 16-08** An Ordinance amending Title V, Chapter 120, Article 2, Sections 5.120.080, 5.120.090, and 5.120.110 of the City of Gladstone, Missouri's Municipal Code regarding the issuance of licenses for coin-operated amusement devices.

**Councilmember Carol Suter** moved Bill No. 16-08 be placed on its First Reading. **Councilmember R.D. Mallams** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember Carol Suter** moved to accept the First Reading of Bill No. 16-08, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember R.D. Mallams** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember Carol Suter** moved to accept the Second and Final Reading of Bill No. 16-08, and enact the Bill as **Ordinance 4.337**. **Councilmember R.D. Mallams** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0).

**Item No. 12. On the Agenda. PUBLIC HEARING:** An Ordinance amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts and Site Plan approval within the City of Gladstone, Missouri, property commonly known as 5828 North Oak Trafficway.

**Mayor Bill Garnos** opened the Public Hearing at 8:05 pm and explained during the Public Hearing, Council will hear first from city staff, the applicant, followed by those in favor of the application and then by those opposed to the application.

Assistant City Manager Scott Wingerson approached Council and stated: *"Mayor, members of the Council, thank you very much. You should be fairly familiar with this application. The Planning Commission heard it in October and the City Council heard it in November. At that time, it was not approved by the City Council. The applicant has waited the required amount of time before refiling the application and is coming before you tonight seeking approval of two actions, one is a zoning change from the existing Zoning of CP2 to a proposed Zoning of CP3 and a Site Plan that goes along with that is the second action along with that for RNR Tires. Your packet includes the minutes from the Planning Commission and City Council hearing in the first application, the original staff report and packet materials, site plan, building elevations, comprehensive plan sections, things like that. At your places tonight are the minutes from the Planning Commission hearing held last Monday night and those were provided to you by email earlier today. After their hearing, the Planning Commission did recommend approval to the City Council coming forward tonight. Jason Barton is the applicant and he is here to make the presentation now unless you have any questions for me."*

Jason Barton, the applicant, 9502 North Adrian Place, Kansas City, Missouri, 64133, approached the Council and stated: *"Once again we are here tonight to ask the commission for a zoning change at, RNR Tires and Wheels, we have been around since 1999. We have over 75 stores throughout the U.S. and one here in Kansas City currently. We are requesting that zoning change so we can come up here to Gladstone. (PowerPoint presentation) This is a picture of the building when we purchased it. We made some modifications to the exterior as you can see now. This is our current location here. We do have plans to meet all current codes of the current building and bring it up to standards. Here is the inside of our building here, as you can see we have two items that we sell, tires and wheels. That's it. This is our proposed drawing for the 5828 North Oak location. We are adhering to all the current site plans and comprehensive plans here in Gladstone, bringing a face lift to the new building. As we spoke last week with the Planning Commission, we plan to make all recommended upgrades to the building to bring it to current standards as we discussed last week it was a unanimous decision on their part. That is what I have to say this evening."*

**Mayor Pro Tem Jean Moore** stated: *"Mr. Barton, the slide said the hours were 8 to 8, but I seem to remember reading something that they were 7 to 10."*

Mr. Barton replied: *"I apologize for that, I didn't have a chance to update that slide from the very first time. It was what is currently on...."*

**Mayor Pro Tem Jean Moore** stated: *"So it's 7 to 10."*

Mr. Barton replied: *"Yes ma'am."*

There were no other questions for the applicant.

**Mayor Bill Garnos** asked if there was anyone who wanted to address City Council in favor of the application.

There were none.

**Mayor Bill Garnos** asked if there was anyone who wanted to address the City Council in opposition to the application.

There were none.

**Mayor Bill Garnos** stated that if there was no further testimony from the audience, city staff, or any further discussion from City Council, he declared the Public Hearing closed at 8:10 pm.

**Item No. 13. On the Agenda. FIRST READING BILL NO. 16-09** 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.

**Councilmember R.D. Mallams** moved Bill No. 16-09 be placed on its First Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All “aye” – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember R.D. Mallams** moved to accept the First Reading of Bill No. 16-09, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Jean Moore** seconded. The Vote: All “aye” – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Councilmember R.D. Mallams** moved to accept the Second and Final Reading of Bill No. 16-09, and enact the Bill as **Ordinance 4.338**. **Mayor Pro Tem Jean Moore** seconded.

**Councilmember Carol Suter** stated: *“Mayor Garnos, I’ll reiterate my opposition to this zoning change for all the reasons I said previously. We keep committing to the citizens of Gladstone that we are doing everything that we can to upgrade the image and use of North Oak Trafficway and it seems completely counter-productive to me to enact downgrading, by downgrading, our zoning for a particular parcel. We would hope to upgrade, not to downgrade. What people expect is for us to abide by the guidelines that we have established or that they have established in our Comprehensive Plan. Clearly this project does not comply with the future intent. I understand the staff’s recommendation that it will take a long time before we get there, but once we have downgraded a zoning, we can’t get it back and this will allow this parcel in its second or third use, I’m not as concerned about the first use but certainly its second use, continues the trend that we have seen on North Oak for decades and that is it goes to a lesser use. This will allow repair shop, warehousing kinds of businesses to go in, no further approval will be needed by the City, it will never come back to the City Council, but citizens will certainly notice when there are garage*



*doors open and all kinds of other repair stuff going on and cars sitting around in the parking lot waiting to be repaired. That to me is a failure to keep faith with the city residents and our promise to upgrade. If this had come as a Special Use Permit I might be more amenable to it because that protects the zoning but allows for this use and guarantees that in the future, the retail status would be maintained. This change of the zoning gives up the retail status and allows it to be used for all those things that we say we don't want to have done on North Oak so I'm opposed to this zoning change."*

**Mayor Bill Garnos** thanked **Councilmember Suter** and asked if there were other comments or questions from anyone and stated if there was no further discussion, asked Madam Clerk to please call the roll.

The Vote: "aye" - Councilmember R.D. Mallams. "Abstain" - Councilmember J. Brian Hill. "No"- Councilmember Carol Suter. "aye"- Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (3-1-1).

**Item No. 14. On the Agenda. FIRST READING BILL NO. 16-10** An Ordinance approving a Site Plan Revision for property at 5828 North Oak Trafficway.

**Mayor Pro Tem Jean Moore** moved Bill No. 16-10 be placed on its First Reading. **Councilmember R.D. Mallams** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Mayor Pro Tem Jean Moore** moved to accept the First Reading of Bill No. 16-10, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember R.D. Mallams** seconded. The Vote: All "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill, Councilmember Carol Suter, Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (5-0). The Clerk read the Bill.

**Mayor Pro Tem Jean Moore** moved to accept the Second and Final Reading of Bill No. 16-10, and enact the Bill as **Ordinance 4.339**. **Councilmember R.D. Mallams** seconded.

**Councilmember Carol Suter** stated: *"Mayor Garnos, just for the record, I make my opposition to this Site Plan and offer and explanation and that is that the, my big problem with this Site Plan is these bays that face North Oak. Whenever the Site Plan tells you that we have to plant a tree and hedges in front of the property to hide the property, that pretty much tells you that what the look of the thing is not desirable. Again, these bays should be facing the side or the rear, that would make this much more palatable to me but to have the open garage doors facing North Oak again just belies the confidence that the community is putting to us to try and improve the look of North Oak street so I am opposed to this Site Plan."*

**Mayor Bill Garnos** thanked **Councilmember Suter** and asked if there were any other comments. There were none and the Clerk called the roll.

The Vote: "aye" – Councilmember R.D. Mallams, Councilmember J. Brian Hill. "No"- Councilmember Carol Suter. "aye" - Mayor Pro Tem Jean Moore, Mayor Bill Garnos. (4-1).

**Item No. 15. On the Agenda.** Other Business.

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

**Item No. 16. On the Agenda.** Questions from the News Media.

The camera man stated he wanted to thank the Council for having a slot for him on the agenda.

**Item No. 17. On the Agenda.** Adjournment.

**Mayor Bill Garnos** adjourned the meeting at 8:17 pm.

Respectfully submitted:

Ruth E Bocchino  
Ruth E. Bocchino, City Clerk

Approved as submitted: ✓  
Approved as corrected/amended: \_\_\_\_\_

Bill Garnos  
Mayor Bill Garnos