



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 11, 2017**

**PRESENT:** Mayor R. D. Mallams  
Mayor Pro Tem Bill Garnos  
Councilmember Carol Suter  
Councilmember Jean Moore  
Councilman Kyle Yarber

City Manager Scott Wingerson  
City Counselor Chris Williams  
Deputy City Clerk Becky Jarrett

**ABSENT:** Assistant City Manager Bob Baer  
City Clerk Ruth Bocchino

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

**Mayor R. D. Mallams** opened the Regular City Council Meeting Monday, September 11, 2017, at 7:30 PM in the Gladstone City Council Chambers. All Councilmembers were present.

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

**Mayor Mallams** stated: *"At this time, please stand for the Pledge of Allegiance to the Flag of the United States of America."*

**Item 4. On the Agenda.** Approval of Agenda.

The agenda was approved as presented.

**Item No. 5. On the Agenda.** Approval of the Closed August 28, 2017, City Council Meeting Minutes.

**Councilmember Moore** moved to approve the minutes of the August 28, 2017, Closed City Council meeting as presented. **Councilmember Suter** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 6. On the Agenda.** Approval of Regular August 28, 2017, City Council Meeting Minutes.

**Councilmember Suter** moved to approve the minutes of the August 28, 2017, Regular City Council meeting as presented. **Councilmember Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 7. On the Agenda.** **PROCLAMATION: CONSTITUTION WEEK**

**Mayor Mallams** read the Proclamation and presented the Proclamation to the following members: Pattie Underwood, Regional Director; Susan Dowden, Constitution Week Chair; Faye Smith, Jean McHenry, Janice Tilman, Kay Shaefer, and Ann Drake. Freddie Nichols was unable to attend.

## **REGULAR AGENDA.**

**Item No. 8. On the Agenda.** Communications from the audience.

There were none.

**Item No. 9. On the Agenda.** Communications from the City Council.

**Councilman Yarber** stated: *“I was going to do another welcome to the women from DAR but they have vacated. That is their constitutional right to do that. I always appreciate when we put a little extra focus, as a person, graduate student of American history and former American history teacher; I like when we remember the constitution and what we are all about.”*

**Councilmember Suter** stated: *“I just wanted to say what a great weekend it was for Linden Square. The show on Friday night, great crowd. Of course it always is for that Eagle’s group and the weather just really cooperated. Loved the salsa evening on Saturday. That was the most diverse group of folks I’ve ever seen at something in Gladstone and that was absolutely delightful. The music was good. It was the most people I’ve ever seen out dancing also. I think we needed all the room up front for people that were up dancing. The food was good. People seemed to have a really good time so I hope that kind of unique event continues. We might want to push ourselves and think about some other things, like classical music, or rap, or some other things that might meet the needs of other parts of the community who don’t come to some of our regular things. It was really a great night, fun to see parts of the community that we don’t always see out at events. Quickly, since I won’t be here next Council meeting, to update all of you on where we are around the replacement of the Buck O’Neil Bridge. I had the opportunity to meet last week individually with members of the transportation commission and the senior staff at MODOT. It is absolutely clear that we will not have an opportunity to build a new bridge unless we come up with local revenue. We won’t have an opportunity to apply for any federal funds in the near future unless we have local revenue. I’ve convened a meeting next week with the county governments; Clay, Platte, and Jackson, and the City of Kansas City and the metro mayors to talk about forming a multi-jurisdictional taxing entity. Either a Transportation District or a*

*Transportation Corporation which would have the capability to raise sales tax, fuel tax, or a toll gate on the bridge; or some combination thereof. We will see how amenable people are to that, if we are agreeable to some kind of plan, we have to have a plan committed to before the end of the year. If we don't, then MODOT, in January, will let contracts for closing the bridge for two years and doing their \$50,000,000.00 thing. They really don't have much choice because the condition of the bridge is absolutely demanding action. I will keep you posted as we go. As we were talking about it, there may be other kinds of revenue issues on the ballot early next year; if we are successful at creating some kind of an entity that could generate the revenue needed. It looks like we will need to fill \$100,000,000.00 gap in the current funding in order to get a new bridge built. We are working hard at it."*

**Councilmember Moore** stated: *"I have nothing special tonight, except Councilmember Suter, thank you for all your efforts for that. I know that takes an additional effort in addition to your Chairmanship of MARC. That is a little extra icing on the cake. Thank you."*

**Mayor Pro Tem Garnos** stated: *"Thank you Mayor. As you know, Anne Alexander is one of Gladstone's resident artists and is a Commissioner Emeritus on our Planning Commission, having just turned 90 years young. I wanted to make sure that everybody knew that there has been a display of Anne's artwork put up in the corridor behind Council chambers leading to the north and south conference rooms. I wanted to thank you, Mayor Mallams, and your wife, for helping to select the specific art pieces for the display, or most of them. I also wanted to specifically thank Becky Jarrett, Ruth Bocchino, and Austin Greer for their help in coordinating and setting up the display. Anne was very, very appreciative. If you have a chance, check out Anne's lifetime of artwork, or some samples of it. Also, since it is September 11, I feel like I'd be remiss if I didn't remember all of the people and first responders we lost 16 years ago to the terrorist attacks against our country. I don't think any of us will ever forget where we were on that day. I think we were all changed forever by that day. I think we need to remember that every year. Thank you Mayor."*

**Item No. 10. On the Agenda.** Communications from the City Manager.

City Manager Wingerson stated: *"Thank you, Mayor. A very short report tonight. Friday, September 15, is the Moats Brothers. Saturday, September 16, starting at 4:00 is Hero Fest, both events at Linden Square. To tag on to Mayor Pro Tem Garnos' comments about 9/11, it's days like today we remember, but every day we need to thank people. Our first responders here, locally, our police department, our fire department, our sheriff, our state troopers, anybody that is involved; our nurses, our emergency doctors, all of those people do amazing work every day. I hope we think of them every day. We talk about them on days like today, and thank them publicly. I hope they are in our hearts every day."*

**Item No. 11. On the Agenda.** **PUBLIC HEARING:** Amending the City Code regarding expansion of tobacco retailers in the City.

**Mayor Mallams** opened the Public Hearing at 7:44 pm.

Community Development Director Nick Pappas approached Council and stated: *"Good evening, Mayor Mallams, and members of the Council. Tonight before you we have an ordinance aiming to restrict tobacco retailers and smoke shops within the City of Gladstone. Staff has been working on this for about a year, and the Planning Commission for about one-half year. At their last meeting the Planning Commission unanimously voted to recommend approval to the City Council 8-0 of passage of this ordinance. This ordinance really came about as a result of studies that showed that smoke shops that are located in close proximity to places where children gather tend to encourage underage smoking. That smoke shops provide a great opportunity for the sale of drug paraphernalia, that there are negative esthetic impacts of smoke shops and that the proximity of smoke shops causes loss of property values, both to the smoke shop property itself and its neighbors. It does tend to be a vicious cycle, a race to the bottom, so to speak, when it comes to those property values. Major points of this code state that tobacco retailers, or smoke shops, must be about a mile from each other. They must be housed in a multi-tenant dwelling with at least four different units. They must be 200 feet from a residential structure and they must be 500 feet from any place where kids congregate. That can be a church, a school, if a child would normally go there, that is in place. At this time I would be happy to take any questions."*

**Mayor Mallams** asked if this would be effective for new businesses.

Director Pappas stated for new businesses only.

**Mayor Mallams** asked if there was anyone who wished to speak in favor of this application.

There were none.

**Mayor Mallams** asked if there was anyone who wished to speak in opposition of this application.

There were none.

**Mayor Mallams** closed the Public Hearing at 7:46 pm.

**Item No. 12 On the Agenda. FIRST READING BILL NO. 17-21** An Ordinance amending Chapter 135 "C-1 Local Business District", Title VII "Zoning and Planning Ordinance" of the City Code by adding a new Section 7.135.025 Public Policy and other amendments as it relates to expansion of tobacco retailers in the City.

**Councilmember Moore** moved Bill No. 17-21 be placed on its First Reading. **Councilmember Suter** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilmember Moore** moved to accept the First Reading of Bill No. 17-21, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Suter** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilmember Moore** moved to accept the Second and Final Reading of Bill No. 17-21, and enact the Bill as **Ordinance 4.396**. **Councilmember Suter** seconded.

**Councilmember Suter** stated: *"I'm sorry that our Shaping our Future folks left but this is an example of how we are in sync as they made public health one of their main priorities and this clearly is in sync with that goal of being as healthy a community as we can be."*

The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 13. On the Agenda. FIRST READING BILL NO. 17-22** An Ordinance enabling the City of Gladstone, Clay County, Missouri, to join the Show Me Pace pursuant to state statute, and stating the terms under which the City will conduct activities as a member of said District.

**Councilmember Suter** moved Bill No. 17-22 be placed on its First Reading. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilmember Suter** moved to accept the First Reading of Bill No. 17-22, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilmember Suter** moved to accept the Second and Final Reading of Bill No. 17-22, and enact the Bill as **Ordinance 4.397**. **Councilman Yarber** seconded.

**Councilmember Suter** stated: *"I'd like to make a comment. Just because I was looking at a house today in Gladstone that broke my heart. It had been lived in by an older couple and we just see so much of this. People who are not able to maintain their properties and so they have major maintenance issues that then become infrastructure issues that just drive the thing down into the ground and it makes it really hard to sell them or to find people who will update them and it really drives down the value of the neighborhood. It's a lovely neighborhood; I looked at a house today that most people would say it should be torn down at this point, but it was abandoned because people couldn't keep it up and it's been sitting open and vacant for a year. It's just a tragedy and I hope programs like this can help people who are struggling to be able to maintain, to get access to some funding to do it."*

**Mayor Mallams** stated: *"A form of financing that enables energy efficient, renewable energy, water saving, upgrades for both residential and commercial properties."*

The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 14. On the Agenda. FIRST READING BILL NO. 17-23** An Ordinance enabling the City of Gladstone, Clay County, Missouri, to join the Missouri Clean Energy District pursuant to state statute, and stating the terms under which the City will conduct activities as a member of said District.

**Councilman Yarber** moved Bill No. 17-23 be placed on its First Reading. **Mayor Pro Tem Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilman Yarber** moved to accept the First Reading of Bill No. 17-23, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

**Councilman Yarber** moved to accept the Second and Final Reading of Bill No. 17-23, and enact the Bill as **Ordinance 4398**. **Mayor Pro Tem Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 15. On the Agenda. APPROVE OUTDOOR SPECIAL EVENTS:**

- Gladfest, Friday September 29, 5:00 pm to 10:00 pm, Saturday September 30, 10:00 am to 10:00 pm, and Sunday October 1, 12:00 pm to 4:00 pm, Linden Square.
- Harley Davidson Scarecrow Run, Sunday, October 1, 2017, 5:30 am to 9:30 am, Linden Square (start/finish).

**Councilmember Moore** stated: *"I have some questions I need to ask about this. I note, and I don't know whether this is for staff or... I notice that this is a huge variance from what we have done for Gladfest before for smoking. Because now smoking is allowed throughout the grounds of Gladfest in this variance; according to the letter from the Chamber."*

City Manager Wingerson stated: *"I think the Chamber's intent, I'll clarify that and report it later this week in FYIN if that is acceptable to the Council, I think their intent is to have segregated smoking sections as has been in the past. Not sure what the language is but I'll confirm that in the morning and if it is not the case, we will be back before you in two weeks."*

**Councilmember Moore** stated: *"Enforcement of specific smoking areas would be particularly difficult with the way that the festival is mapped out on the grounds."*

City Manager Wingerson stated: *"Councilmember Moore if you would suggest tabling that for two weeks we will get clarification and get it back before you."*

**Councilmember Moore** stated: *"Can we do that without any harm to this event? We can, can't we?"*

**Councilmember Suter** stated: *"It's just about where they have smoking. I agree."*

**Councilmember Moore** moved that the item be tabled until the next meeting. **Councilmember Suter** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Councilmember Suter** moved to approve the Outdoor Special Event-Harley Davidson Scarecrow Run. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor R.D. Mallams. (5-0)

**Item No. 16. On the Agenda.** Other Business.


There was no other business to come before the Council.

**Item No. 17. On the Agenda.** Questions from the news media.

There were no questions from the news media.


**Item No. 18. On the Agenda.** Adjournment. **Mayor Mallams** adjourned the Regular City Council meeting at 7:59 pm.

Respectfully submitted:

  
Ruth E. Bocchino, City Clerk

Approved as submitted: 

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

  
R.D. Mallams, Mayor