



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 26, 2018**

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

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Attorney Padraic Corcoran
City Clerk Ruth Bocchino

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Mallams opened the Regular City Council Meeting Monday, February 26, at 7:30 pm in the Gladstone City Council Chambers.

Item No. 2. On the Agenda. ROLL CALL.

All Councilmembers were present.

Item No. 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Mallams asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

Mayor Mallams welcomed VFW Post 10906; Carla Gleaton, Post Commander, Joe Liles and Bill Softka and thanked them for presenting the colors.

Mayor Mallams stated: *"For the members of our audience, this evening, after this Regular City Council meeting, the Council members will be going into a Study Session to review Goals and Objectives for the upcoming year. I just wanted to share that information. Thank you."*

Item No. 4. On the Agenda. Approval of Agenda.

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the February 12, 2018, Closed City Council Meeting Minutes.

Councilmember Moore moved to approve the minutes of the February 12, 2018, Closed City Council meeting as presented. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (4-0). **Councilmember Suter** abstained as she was not present.

Item No. 6. On the Agenda. Approval of February 12, 2018, Regular City Council Meeting Minutes.

Councilmember Moore moved to approve the minutes of the February 12, 2018, Regular City Council meeting as presented. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (4-0). **Councilmember Suter** abstained as she was not present.

Item No. 7. On the Agenda. **CONSENT AGENDA.**

Following the Clerk’s reading, **Councilmember Suter** moved to approve the Consent Agenda as published. **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)

Councilmember Suter moved to approve **RESOLUTION R-18-19** A Resolution authorizing the destruction of certain records in accordance with RSMo Chapter 109 and applicable State Retention Schedules. **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)

Councilmember Suter moved to approve **RESOLUTION R-18-20** A Resolution authorizing the City Manager to execute a contract with Ace Pipe Cleaning, Incorporated, for the 2018 Manhole Rehabilitation Program, Project SP1890. **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)

Councilmember Suter moved to approve **RESOLUTION R-18-21** A Resolution accepting easements from certain property owners in conjunction with the Old Pike Road Improvements Project from Vivion Road to Northwest Englewood Road, Project TP1712. **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)

Councilmember Suter moved to approve the FINANCIAL REPORT FOR MONTH ENDED JANUARY 2018. **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)

REGULAR AGENDA.

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

There were no communications from the audience.

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

Councilman Yarber stated: *"A couple of events coming up that are related to bigger events that will occur later. Community Theater is coming to Gladstone. The first play that will be done as part of the Community Theater is the old Jimmy Stewart movie, "Harvey." The auditions will be on March 10 at 2:00 pm at 6906 North Oak Trafficway. The following day, on March 11, we will have an organizational meeting for the Gladstone Classic Car show which will be taking place in June. We will have our first organizational meeting and that will also be at 2:00 on the next day, on Saturday, at the same location."*

Councilmember Suter stated: *"A couple of things. I missed the last Council meeting because I was at the National Association of Regional Council's meeting in Washington, D.C., which is always a meeting where you go and we all try to figure out what is going on in the universe. This meeting was the same as last year. Four meetings that were all nobody knows what the heck is going on. But, one trend that, or one philosophy that the current administration seems to be completely committed to that is of great concern to all the cities in America. While I was there, the infrastructure plan was discredited almost immediately, and nothing is going to happen in Congress about any of this stuff. This administration is totally committed to changing the ratio of federal subsidy to local subsidy. Historically, in the beginning, it used to be a 10% local match to 90% federal. In recent years it has gone to a 20% local, 80% federal match. That helps to fund big projects, of course, and it helps in places where people don't have any kind of local revenue options. Pretty much no one in America has the kind of options that this administration is proposing which is to switch to an 80% local, 20% federal match. That pretty much will kill almost everybody's opportunity to do any infrastructure. I'm really concerned about that. We are working as hard as we can on our behalf; the National League of Cities, of course, is working in Washington just as hard at trying to make sure that nothing like that actually gets through. There is a very strong determination to try to make that happen; good news. I really came with critters on my mind. It's mostly questions and maybe comments. We seem to be being invaded by moles, groundhogs, what is it? Because there are mounds everywhere. Happy Rock is...I've never seen so many places that have so many piles and I am curious. People have been asking me if I know what is going on. I didn't know if someone in the city could answer that question about those critters and the damage that they are doing to our parklands and yards. We have some moles but there are very huge piles out there that look almost more like prairie dog pitch than anything else. I use Happy Rock year-round, so that is why sometimes I complain about us not shoveling it, but, I don't know what is going on in the universe, but people and their critters. I have never seen so much dog poop in and around the trails at Happy Rock. People are just assuming that we don't patrol or that we don't pick up, or that we don't care in the wintertime, but it's really disconcerting. It's disconcerting for people who like to get out there and use the facilities as soon as the weather is warm enough to be out on the grass. I would not want to be out on the grass. In that same line, with people and their critters and not picking it up,*

I have recently heard concerns about Linden Square and people from The Heights using Linden Square as their puppy-poop pit. That is concerning. It's concerning to people who see people walk their dogs over there because I know they can't do it at The Heights because they check their DNA. We aren't checking their DNA, I assume. Just recently, I heard, there is a rumor going around, that Linden Square is going to be open and welcoming to dogs for everything this year. I'm assuming that is decidedly not true. I'm telling people, as far as I know, that it is decidedly not true but we might need to nip that in the bud or again really work at clarifying what our policies are around dog participation."

Councilmember Moore stated: *"Thank you Mayor. I have nothing this evening but just as a follow-up I know recently I had a Board and Commission member contact me because the doggie bags, the refuse bags, were missing in the park. I did make a call about that, but that still doesn't impact people's responsibility to take care of their dog's waste."*

Mayor Mallams stated: *"Are there plastic bags at Linden Square for pet owners?"*

Parks and Recreation Director Merkey approached Council and stated: *"No, we don't necessarily, have a doggie waste station in in Linden but there are along the perimeter of The Heights. We have also worked with The Heights on the issue you just brought up. We asked our maintenance crew to come over and actually collect some of the dog waste to do the DNA test, and they couldn't find any. I've actually looked as well and couldn't find any the other day. We will keep up patrolling and then on your comments on Happy Rock, I'll take care of those."*

Mayor Mallams stated: *"So is there a container with small plastic bags to pick up the waste at Linden Square?"*

Director Merkey stated: *"We do not have a waste station in Linden Square, but we do have them along the perimeter of The Heights."*

Councilmember Suter stated: *"Linden Square isn't intended for a place for people to walk their dogs and we are clarifying our policy around dogs at events at Linden Square which is that they are not allowed at Linden Square. People with dog allergies and kids, I'm concerned."*

Mayor Pro Tem Garnos stated: *"Thank you, Mayor. I just wanted to let you know that the Parks and Rec Advisory Board meeting got cancelled last week due to the ice. I know we have a lot of significant issues on our plate and maybe that is another issue that we could bring up at the Advisory Board at the next meeting, when we have one."*

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

City Manager Wingerson stated: *"Mayor, thank you. Just two quick things. First I'd like to invite the Council, staff, and members of the public to the Feed Supply Market and Deli soft opening. That is in Linden Square in Gladstone 18 at 504 Northeast 70th Street. It is on March 1st from 5:00 to 9:00 pm. It's a soft opening of a brand new restaurant in downtown Gladstone. We are happy about that. A little bit of a story: Mrs. Dunkin works for Platinum Realty and she recently thanked a member of our staff named Connie Dixon who is in our water department. She wrote:*

'Thank you so very much for your friendly assistance and patience getting everything you needed from my sweet client in Florida. You have gone above and beyond to be helpful in the process of us figuring out the details of her deposit and with getting the water turned back on. We will put a good word in for you to any of our real estate clients who are considering the City of Gladstone. You treat people kindly with small hometown hospitality.' Congratulations to Connie, that really represents in a nut-shell what we are all about; public service. I guess since it hasn't been brought up it's appropriate to thank Mayor Mallams for representing the City at the KC Comets game on February 17th and showing of your superb soccer skills.'

Item No. 11. On the Agenda. PUBLIC HEARING: Special Use Permit, Amy Cole, Miss Amy's Nursery & Pre-School, 1404 Northeast 66th Street.

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

Community Development Director Nick Pappas approached Council and stated: "Good evening Mayor and Council. This is the first of three public hearings. I apologize for that. I'll be up here a little while tonight. Just to take you through our first public hearing. Ms. Cole has operated her business here in Gladstone, Ms. Amy's Daycare and Nursery, for the past year or so. In that time, she has actually made significant strides to take care of a few of the issues that our Planning Commission had back at that time. Ultimately, she is wanting to renew her Special Use Permit for another five years. When we sent out public notices and published in our local newspaper, we have received no negative comments; in fact the only positive comment that did come in was from a member of our Planning Commission who recused herself and spoke in favor of Ms. Amy's Daycare. Ultimately the same conditions still apply, at least in staff's recommendations, that the Special Use Permit be issued to Amy Cole to be used at the above noted address. The Special Use Permit shall be non-transferable to any person or property or to any other location, any changes in operation to the business or change in ownership shall render this Special Use Permit null and void. Amy Cole shall maintain a special care license as required by the State of Missouri, Division of Family Service, a copy of this license shall be supplied to the Community Development Department of the City of Gladstone. If for any reason the State of Missouri revokes or suspends the child daycare license, the Special Use Permit shall be null and void. No person other than Amy Cole shall be employed at this location or any other address or association with the child care operation except in emergency situations as required by the State daycare licensing. The maximum number of children in care on the premises at any one time shall be limited to ten full-time non-related children. Hours of operation shall be limited to 7:30 am to 5:30 pm Monday through Friday. Amy Cole must reside at the address for this permit to be valid. Amy Cole shall apply for and maintain all applicable State and City business and occupational licenses. A copy of these licenses shall be supplied to the Community Development Department. Amy Cole shall comply with all fire safety requirements made by the Fire Marshal of the City of Gladstone in addition to all fire safety requirements of any state license. No structural changes shall be made to the property for the purpose of operating the daycare other than those structural changes required by the State of Missouri or the City of Gladstone. As I mentioned, a fence, at least 42 inches or higher is to be maintained in good condition around the child play care area as long as the operation exists. That fence has recently been upgraded. The Special Use Permit is issued in accordance with the submitted site plan of the properties applied by Amy Cole in her application for a Special Use Permit and is subject to

the additional conditions established by the City of Gladstone upon passage of the Ordinance. Any false statements in the application or violation of the conditions or any other city code requirements may result in cancellation of the Special Use Permit. All that being said, staff and the Planning Commission unanimously recommend to the Council that this Special Use Permit be renewed for five years."

Mayor Mallams asked if there were any questions for Ms. Cole and invited her to address the Council.

Amy Cole approached Council and stated: *"I have been very welcomed and have felt very blessed by all of my neighbors. It's been a really great new beginning for me moving here and I do enjoy the area, I enjoy the neighbors and the kids of course are wonderful. We are doing great."*

Mayor Mallams asked if there was anyone to speak in favor of the application.

There were none.

Mayor Mallams asked if there was anyone to speak in opposition of the application.

There were none.

Mayor Mallams closed the Public Hearing at 7:48 pm.

Item No. 12. On the Agenda. FIRST READING BILL NO. 18-07 An Ordinance granting a Special Use Permit subject to certain conditions to Amy Cole for operation of a Child Care Facility on property at 1404 Northeast 66th Street.

Councilman Yarber moved Bill No. 18-07 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.

Councilman Yarber moved to accept the First Reading of Bill No. 18-07, 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.

Councilman Yarber moved to accept the Second and Final Reading of Bill No. 18-07, and enact the Bill as **Ordinance 4.415**. **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. 13. On the Agenda. PUBLIC HEARING: Special Use Permit, Budget Car and Rental, 7412 North Oak Trafficway.

Mayor Mallams opened the Public Hearing at 7:51 pm.

Community Development Director Nick Pappas approached Council and stated: *"Mayor and City Council. The applicant, Budget Car and Rental on North Oak as well as the property owner, Mr. Tom Sims, both request a Special Use Permit for the operation of a car and truck rental service located at 7412 North Oak Trafficway. Budget Car and Truck Rental predominantly operate sales outside of the building thereby necessitating a Special Use Permit. The operation has been operating successfully for five years and at the time that the staff report was written, there had been no public comments from neighbors or otherwise for or against. Ultimately there are ten conditions that staff is requesting tied to this Special Use Renewal. No. 1 that the Special Use Permit be issued to the Kansas City Landsmen, LLC, aka Budget Car and Truck Rental with the provision that they retain control of the company and will be responsible for its actions. Any change in ownership of the corporation requires the issuance of a new Special Use Permit. No. 2 flammable liquids must be stored outside of the building only and in an appropriate secured outside storage cabinet. No. 3 the structure shall be maintained to city code as required. No. 4 no noise, smoke, radiation, vibration, concussion, heat, glare, dust, fly ash, gas or other substances that are toxic, caustic or injurious to humans or property to be produced at this sight. The issuance of such Special Use Permit does not relieve the Kansas City Landsmen, aka Budget Car and Truck Rental from following all other applicable codes and laws by the City of Gladstone or other governmental agency. The permit does not relieve Budget Car and Truck Rental from applying for all necessary electrical permits, sign permits, or occupational licenses as they come up. The regulations established by the adoption of City Ordinances shall have precedence over any conditions established by the issuance of this permit. Hours of operation shall continue to be 7:00 am to 6:00 pm. Exterior lighting shall be for security and business use only and directed to alleviate impact on adjacent properties. All business delivers and loading shall occur during allowed business hours only. All materials, products, or other items offered for sale or lease shall not be displayed in any drive area and storage of trucks and heavy equipment shall be stored and displayed to the south of the primary building and parking area. Ultimately, the Planning Commission and staff unanimously recommend approval of this Special Use Permit for ten years."*

Mayor Mallams asked if there were any questions for Director Pappas.

Councilmember Suter stated: *"While we may not have received comments from the public, you will receive comments from me. I'm concerned about Item No. 10 which has not been complied with in the five years. Trucks are stored directly behind the building, not to the south, numerous times I've had to complain where they were actually up front of the building, how are we going to enforce Item No. 10? And if we are not going to enforce it, why do we have it on here?"*

Community Development Director Pappas stated: *"We have actually, and when I say we, I mean the Community Development Department, has actually started proactively doing code enforcement on our commercial corridors. With my team, I'll go ahead and address this as a number one item and that we keep an eye on it. If they fail to comply, then, obviously the Special Use Permit will become null and void."*

City Manager Scott Wingerson stated: *"Mayor Mallams, I might just add a historical context to it. At the beginning of the Special Use Permit period, Budget had difficulty educating their on-site manager about this requirement over the last several months. They have done a better job, not a perfect job, to Councilmember Suter's point, but much better job over the last few months than the first few months of this Special Use Permit. I think Mr. Sims is in the back of the room and he is hearing this conversation. I'm sure he will help us educate the Budget on-site managers to keep those trucks and cars where they are supposed to be."*

Mayor Mallams invited Mr. Sims to come to the lectern and stated: *"If we have any questions in regard to Budget Rental, please address them to Mr. Sims."*

Tom Sims approached Council and stated: *"I've been watching it because I drive by it about 10 times per day. A lot of times they will pull trucks up for their customers instead of having their customers pull them up. They will pull them up; especially towards the front of the building on the north end. They have them headed out, just for their customers when they pull them up. I just got through putting all new things around the back so they can keep them all in the back and they keep most of the trucks in the back. Sometimes people will drive them and drop them off and a customer will just, people will just put them wherever they want. They don't see where you try to tell them, you can give them the key and say when you return it, put it here, but they won't do it. They can't read. People when they rent those trucks, they just put them wherever they park them. They do have a new manager the last few months that has really been doing well. She has been keeping it organized. I'm there, I go in the place every other day, I drive through there. A lot of my tenants, I talk to them and I make sure that they do a good job and I want to make sure that they are happy. I'll go by and talk to her and tell her what you are saying. That you would like them all kept in the very back?"*

Councilmember Suter stated: *"Not in the back, on the south, the south means not straight in the back, we had this whole conversation when we did this."*

Mr. Sims stated: *"I have been having them keep them in the back..."*

Councilmember Suter stated: *"I know and that is where they are not supposed to be."*

Mr. Sims stated: *"And that is where I figured you would want them..."*

Councilmember Suter stated: *"It says: 'shall be stored and displayed to the south of the primary building, not in the lot behind.'"*

Mr. Sims stated: *"OK. Whenever we did this, they made us put up a privacy fence which we put up on the north side to store the trucks there and the Councilmember that is not here now, that was here, he said, 'I would like to see a privacy fence put up there' and we did. We put it up to keep them all around there. So we have never kept them on the south."*

Councilmember Suter stated: *"But see, listing this for the public record, here it says: 'displayed to the south of the primary building' and I'm just hearing us say that you don't even comply with this, so why do we have this even in here?"*

Mr. Sims stated: *"Because they told us to put the fence on the north side."*

Councilmember Suter stated: *"But you are looking at your Special Use Permit and it says: 'on the south of the building'."*

Mr. Sims stated: *"I think they made a mistake; they need them on the north because that is where they made me put the fence."*

Mayor Mallams stated: *"Can you communicate that to the new manager?"*

Councilmember Suter stated: *"They are not to be, they are to be on property that is behind the used cars, behind the other car lot to the south, that is where they are supposed to be. That's what we discussed, heatedly, the first time around, and that was the plan."*

Mr. Sims stated: *"So you are saying don't have them on McDonalds property at all."*

Councilmember Suter stated: *"That is supposed to be part of the property, that's what we were told. That's why this says 'to the south', the only place to the south is behind that lot next door. We don't want to see the trucks. Not even in the back. We did not want to see the trucks. That is the whole point of this, was to keep the trucks out of public view."*

Mayor Mallams stated: *"When I read that I thought it was on the south side of the building."*

Councilmember Suter stated: *"Which is the south, its south. Not behind. Behind is west."*

Mayor Mallams stated: *"I know which side south is."*

Mr. Sims stated: *"What we might do is..."*

Councilmember Suter stated: *"That's why it says south. It's not to be to the west, it's to be to the south where it was behind that other lot."*

Councilmember Moore stated: *"Mayor Mallams, is there consideration that we should delay this vote on this until we get this straightened out?"*

Councilmember Suter stated: *"We need to figure out what it is we actually mean and what we meant the first time we did this."*

Mr. Sims stated: *"This is the first complaint that I have heard. I've been in here several times and I have not had one person ever..."*

Councilmember Suter stated: *"Staff has heard the complaints."*

City Manager Scott Wingerson stated: *"Councilmember, you are correct. We have."*

Councilmember Suter stated: *"Not just from me but other previous Councilmembers who were not in favor of this in the first place."*

Mr. Sims stated: *"We put the fence on the north side. The Councilman that was here asked me to put up a fence on the north side, on the north side of the McDonalds building, and we specifically put the fence there so the trucks could be there. That is what I was told and that is what I did and that is why the trucks have always been there."*

Mayor Mallams stated: *"Mr. Wingerson, the building runs east and west. And vehicles can park on the south side, which means they can pull nose-in to the south side of the building and park."*

Councilmember Suter stated: *"That's cars. Trucks have to be stored on the south side, which is, I'm not making this up, right? The property extended behind that other used car lot, or whatever that is..."*

Mr. Sims stated: *"It's not big enough for a truck to fit on it..."*

Councilmember Suter stated: *"That was the deal, that's what this number ten was all about."*

Mr. Sims stated: *"That parking lot is not big enough, we have never kept a truck there, ever. So maybe I need to come back, or ..."*

City Manager Scott Wingerson stated: *"Maybe that is a good idea, so we can provide the historical context. There are two possible parcels involved. The parcel that is the former McDonalds and the office of Budget Rent A Car, and there is a second lower lot, I think we might have referred to it at the time, that is behind the existing car lot on North Oak. I don't remember off the top of my head all of the discussions and what finally settled, but we would certainly be glad to pull that historical context and provide it to the City Council. If the Council wants to table a decision on this matter, until the next regular meeting, I think Mr. Sims would be agreeable to that. We will provide the historical context and go from there."*

Mayor Mallams thanked City Manager Wingerson and Mr. Sims.

City Manager Wingerson stated: *"Mayor, in order to implement that, you will want to continue the Public Hearing to the next regularly scheduled City Council meeting."*

The Public Hearing was continued to the next regularly scheduled City Council meeting.

Item No. 14. On the Agenda. FIRST READING BILL NO. 18-08 An Ordinance granting a Special Use Permit subject to certain conditions to the Kansas City Landsmen, LLC DBA Budget Car and Rental for operation of a car and truck rental services on property at 7412 North Oak Trafficway. NO ACTION TAKEN.

Item No. 15. On the Agenda. PUBLIC HEARING: Amend Chapter 135, C-1 Local Business District, Title VII, Zoning and Planning Ordinance of the City Code.

Mayor Mallams opened the Public Hearing at 8:02 pm.

Community Development Director Pappas approached Council and stated: *"Mayor and City Council. This is a very minor change to our smoke shop and tobacco retail Ordinance that we did late last year. Staff has found that there is just a few things that needed tweaking. Basically, first, that the smoke shop and tobacco store definition include alternative nicotine products or vapor products. Again, just mentioning nicotine and vapor products throughout the entire Ordinance and just doing some house-cleaning; different words that didn't need to be there. Ultimately, it's not a whole lot of changes but it would impact our vapor shops that have been coming in. At this time, I'd actually like to go ahead and submit a few articles and research papers into the public record that discuss the necessity to regulate vapor shops and smoke shops. No. 1 is a National Academy of Sciences Study entitled 'Public Health Consequences of E-Cigarettes'; No. 2 is a Popular Science article entitled 'E-Cigarettes Could Help You Quit Smoking and Help Your Kids Start'; No. 3 is a University of Michigan Institute for Social Research Study entitled: 'National Adolescent Drug Trends in 2017 Findings Released; No. 4 is a New York Times article entitled: 'Vaping Can be Addictive and May Lure Teenagers to Smoking, Panel Concludes'; No. 5 is a Newsweek article entitled: 'Teenagers Rebel by Smoking Marijuana and Vaping at Alarming Rates, study says'; and No. 6 is a New York Times article entitled: 'E-Cigarettes Risks and Benefits; Highlights from the Report to the FDA.' All of the articles are in here. I can't say I read every single word, but I have read the highlights. There is definite research to suggest the vape shops have the same negative consequences as smoke shops. With unanimous voting from the Planning Commission and staff's recommendation, we all recommend that you approve this Ordinance."*

Mayor Mallams asked if anyone had questions for Director Pappas in regard to the Ordinance.

There were none.

Mayor Mallams asked if there was anyone to speak in favor of the application.

There were none.

Mayor Mallams asked if there was anyone to speak in opposition to the application.

There were none.

Mayor Mallams closed the Public Hearing at 8:05 pm.

Item No. 16. On the Agenda. FIRST READING BILL NO. 18-09 An Ordinance amending Chapter 135 "C-1 Local Business District", Title VII "Zoning and Planning Ordinance", Section 7.135.025 of the City Code as it relates to expansion of tobacco/nicotine retailers in the City.

Councilmember Moore moved Bill No. 18-09 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 Moore moved to accept the First Reading of Bill No. 18-09, 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 Moore moved to accept the Second and Final Reading of Bill No. 18-09, and enact the Bill as **Ordinance 4.416**. **Councilman Yarber** seconded.

Councilmember Suter stated: *"Mayor Mallams, obviously I'm in favor of this Ordinance. I'm sorry that we have had to correct something that we did before because we thought we had taken care of this. I actually think we owe the community an apology for getting this wrong because we had intended to ban any further vape shops and I'm sorry that in this process of figuring this out that we have been stuck with another undesirable business in the City."*

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 17. On the Agenda. **FIRST READING BILL NO. 18-10** An Ordinance directing the City Manager to participate in the Missouri Highway Safety Program and directing the Director of Public Safety to investigate financial assistance available under the Missouri Highway Safety Program for traffic enforcement and report recommendations.

Mayor Pro Tem Garnos moved Bill No. 18-10 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.

Mayor Pro Tem Garnos moved to accept the First Reading of Bill No. 18-10, 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.

Mayor Pro Tem Garnos moved to accept the Second and Final Reading of Bill No. 18-10, and enact the Bill as **Ordinance 4.417**. **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. 18. On the Agenda. Other Business.

There was no other business to come before the Council.

Item No. 19. On the Agenda. Questions from the news media.

There were no questions from the news media.

Item No. 20. On the Agenda. Adjournment.

Mayor Mallams adjourned the Regular City Council meeting at 8:11 pm.

Respectfully submitted:

Ruth Bocchino
Ruth E. Bocchino, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: _____

R.D. Mallams
R.D. Mallams, Mayor