



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 12, 2019**

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

City Manager Scott Wingerson  
Assistant City Manager Bob Baer  
City Clerk Ruth Bocchino  
Attorney Chris Williams

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

**Mayor Suter** opened the Regular City Council Meeting Monday, August 12, 2019, at 7:31 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 Suter** asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

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

The Agenda was approved as published.

**Item No. 5. On the Agenda.** Approval of the July 22, 2019, Closed City Council Meeting Minutes.

**Councilman Mallams** moved to approve the minutes of the July 22, 2019, Closed City Council meeting as presented. **Mayor Pro Tem** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 6. On the Agenda.** Approval of the July 22, 2019, Regular City Council Meeting Minutes.

**Mayor Pro Tem Moore** moved to approve the minutes of the July 22, 2019, Regular City Council meeting as presented. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 7. On the Agenda.** Approval of the July 29, 2019, Closed City Council Meeting Minutes.

**Councilman Mallams** moved to approve the minutes of the July 29, 2019, Closed City Council meeting as presented. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 8. On the Agenda.** Approval of the July 29, 2019, Special City Council Meeting Minutes. (1)

**Councilman Garnos** moved to approve the minutes of the July 29, 2019, Special City Council meeting as presented. **Councilman Mallams** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 9. On the Agenda.** Approval of the July 29, 2019, Special City Council Meeting Minutes. (2)

**Councilman Mallams** moved to approve the minutes of the July 29, 2019, Special City Council meeting as presented. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 10. On the Agenda.** **CONSENT AGENDA.**

Following the Clerk’s reading:

**Councilman Mallams** moved to approve the Consent Agenda as published. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Councilman Mallams** moved to approve **RESOLUTION R-19-35** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76<sup>th</sup> Street Improvements Project from North Oak Trafficway to North Brooklyn, Project TP1818. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Councilman Mallams** moved to APPROVE THE CITY OF GLADSTONE, MISSOURI, STATEMENT OF RECEIPTS AND EXPENDITURES FOR THE TWELVE MONTHS ENDING JUNE 30, 2019 (unaudited). **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

## REGULAR AGENDA.

### Item No. 11. On the Agenda. Communications from the Audience.

Mr. Steve Desmond approached Council and stated: *"My name is Steve Desmond and I live at 3200 Northeast 70<sup>th</sup> Street. I've lived in Gladstone for over 43 years and during that time I've realized that Gladstone, considering its size and location, has a lot going for it. The Mayor's Christmas Tree and the Fourth of July are two things. I know that there is a lot of planning and a lot of hard work going into each one of these events and easy for us to sit back and armchair and nit-pick at them. In 2016 the Mayors Christmas Tree had about two strands of lights. The week of Christmas and the week after Christmas they were not lit or repaired. That's weather and whatever. Last year, a third to a fourth of the tree wasn't lit, both the week of and the week after Christmas, and the lights on Linden Square were not synchronized. It wasn't until we informed Liz over at the Community Center that she fixed it. I'm only bringing this up because I don't want to see it happen again this year; especially when you have people come in and you say I'm proud of my city, let's look at this, and then you go, that's not good. The second one is the Fourth of July. KMBC said that the fireworks start at dusk. The sunset was at 8:48 and twilight was 9:19, and the fireworks didn't go off until almost 10:00. Is there any reason why that didn't happen? Mainly because people on Troost had to go to work the next day and there were showers projected. Some of the fireworks got wiped out. Was there any reason why it happened so late?"*

**Mayor Suter** asked the City Manager to address Mr. Desmond's comments.

City Manager Scott Wingerson stated: *"Mr. Desmond, thank you very much for your comments. That's how we get better is through comments like that so I greatly appreciate you taking your time to come visit with us. Obviously, in terms of the Christmas lights, we will strive to do better and meet your expectations as well as all of the community, City Council, and staff. In terms of the dusk and fireworks situation, I'm going to ask you to speak with Justin Merkey who is right back there in the blue tie, and he can talk to you about the timing of that. If I remember, it has to do with the dark, being dark enough for the fireworks."*

**Mayor Suter** stated: *"Dusk is really not very dark to see the fireworks."*

Mr. Desmond stated: *"The next think is, I went to Platte Valley and on their website it has Gladstone customers. They addressed lawn waste and getting bags. Have you discussed with Platte Valley trash pick-up for Gladstone and if not, why?"*

**Mayor Suter** stated: *"No, but what do you mean, discuss with them? They have a license to serve the residents of Gladstone."*

Mr. Desmond stated: *"Well, they have a stipulation for Gladstone, nobody else that they cover, but it says Gladstone customers, where they talk about lawn bags and stickers. I assumed that since they focused on that, that there had to be something that was done for the City of Gladstone, that it would target it. And if not, why hasn't Gladstone City Council talked about trash? There are 23 homeowners associations in Gladstone. You have five trucks going down the street all the time. Originally, when we went to the homeowners association, you had to join. If you didn't join, the incentive was, we can give you a discount. Well the discount went away because there was 100% participation. Now it's just too bad."*

**Mayor Suter** stated: *"Yes, I would agree with you on that. We have been through this process in the last five years in Gladstone where we went through the whole legal process to negotiate a single contract for the whole City of Gladstone. The Council, at the end of the day, did not support that proposed Ordinance."*

Mr. Desmond stated: *"Was there a meeting where I could look at those?"*

**Mayor Suter** stated: *"For sure you could get the history of what all happened in that episode. Currently, any trash hauler who meets the licensing requirements in Gladstone can get a license and then how they deal individually with their customers; the city has no legal authority to interfere with that relationship at all. If they have special things for certain cities, that's just between the hauler and their customers. It doesn't have anything to do the City of Gladstone. The only way we are involved is they have to get a license from us and they have to meet certain requirements and offer certain things in order to get a license from us to do business in Gladstone."*

Mr. Desmond stated: *"The next is the water bill. They are as hard to figure out as the credit card. My main thing is they are promoting openness. How much is in a toilet flush, how much is in laundry. But the main problem is if you are using 1000 gallons and you see 3.11 which was my bill, to 3.14; I'm billed for 1000 if I use one or 999. I think it should go at least one decimal further so you can manage your water bill. Is there any way to..."*

City Manager Wingerson stated: *"I hate to do this but I'm going to suggest that Mr. Desmond talk to Tim Nebergall, our Director of Public Works, he is in a blue jacket as well. Maybe the three of them could meet in the lobby for a few minutes and get all of this documented so we know how to follow up with Mr. Desmond. The decimal thing is a calculation, that is not how it is typically done in the industry, but we are purchasing new water billing software, it will be implemented over the next year or so, so that could be an option. I'm going to ask Mr. Desmond to visit with Tim for just a little bit."*

Mr. Desmond stated: *"There are other things. Is there a place where I can find out the salaries of all the Councilmen and the Mayor and the Mayor Pro Tem salaries?"*

**Mayor Suter** stated: *"We can tell you. Our salary is \$100.00 a year. The Mayor is no different. We all get paid \$100.00 per year; it hardly qualifies as a salary."*

Mr. Desmond stated: *"Thank you for your time."*

**Councilman Garnos** stated: *"That's gross, not net."*

**Mayor Suter** stated: *"Gross, that's right. We get paid by quarterly direct deposit after taxes, \$23.08 a quarter. We do appreciate citizens coming with their issues and concerns and we do love it when they are specific, we can respond. That is our practice, is that we will always match citizens with the appropriate staff person who can answer their questions or give a response and we appreciate people's input for improvement all the time."*

**Item No. 12. On the Agenda. Communications from the City Council.**

**Councilman Yarber** stated: *"Yes, just a reminder of the Restoration Run that is coming up at the Atkins-Johnson Farm August 24<sup>th</sup>. You can walk it, you can run it, it's a great opportunity to see the grounds and you get a goodie bag that has lots of extra bonuses for participating and that will also be the last day of the current historical display at the Farm Museum on Big Shoal. Catch that also before it is gone."*

**Mayor Suter** stated: *"The Mayor has been busy the last few weeks, so I'll give you a rundown of what we have been up to and that I've had the opportunity to represent Council at. Northland Neighborhoods did a kick off for our Neighborhood Association so I had the opportunity to give a little overview for the neighborhoods. The City Manager and I had an interesting afternoon with an interview with a reporter from the Business Journal who we hope is excited enough now to convince the editors to do a feature story on Gladstone. She was quite impressed with what we have accomplished here so that was, I hope, some time well spent. I attended the Gladstone Area Chamber lunch, the Missouri Municipal League Dinner, the awards dinner, the Complete Count, the Regional Complete Count Advisory Committee; I serve on that. It is for the census. It's organizing the regional efforts around the census and we are anticipating significant issues this time around that communities are really going to have to work together on to try to make sure that we can get an accurate count. I had a meeting with the third different candidate running for State Representative. I appreciate that they are interested in learning about Gladstone. I think the fourth announced candidate already knows a lot about what is going on in Gladstone and probably isn't going to ask for a meeting with the Mayor. I lucked out when my grandchildren came, we don't always have an opportunity to participate because timing doesn't work out right but this year they were here for the Fun in the Sun Children's Festival at Linden Square, which they really enjoyed and we stayed into the evening for the movie, which also was a lot of fun and they thought that was really cool, that Gladstone had such a thing. I attended the Complete Streets Project which is the North Oak Planning meeting along with Councilmember Mallams. This is another one of those many, many, many studies that has been done on North Oak. They have some interesting ideas, and interesting challenges ahead; it was well attended and good representation from the business community as well as from the public sector. That is a project we are doing together with the City of Kansas City, Missouri. The City Manager and I also had the opportunity with the Northland Regional Chamber to present a program on the housing summit for the planning and development committee which was a very well attended session and people were really, really interested in this topic. There was a lot of discussion. I spent some time today, actually, with the meeting planners, the program planners, for the National League of Cities Convention in San Antonio and this is going to be kind of a great year for Gladstone. What happens when we win this national award and people come in from national organizations*

*to participate here is they see what has been going on in Gladstone and what we are doing and what we have accomplished and they go away quite amazed and impressed. That's great. We will have at least four different exposures to the convention attendees in San Antonio. One will be a short program that will be for all attendees. That will be about the pilot project so the City of Mission and Gladstone will be highlighted there. Then there will be a whole workshop that will be done by the City of Mission and Gladstone and strategies on the pilot project and housing. Then, because people were so impressed with Gladstone, I've been asked to serve on a presentation panel for another workshop that is going to be on downtown development. I was asked to be a presenter for a kind of Ted-like-Talk that will be about civic leadership for the Big Ideas for Small Cities program. That will be at least four different events in which Gladstone will be on the program. That's kind of exciting. We have never been on their program there, but this project is kind of paying off in lots of ways, I think, beyond just the project itself. That will be an exciting convention to attend."*

**Item No. 13. On the Agenda. Communications from the City Manager.**

City Manager Wingerson stated: *"Thank you, Mayor. Good evening, City Council. The biggest day of the year coming up for the Finance Department: on August 16, they hope to close the books on the last fiscal year; this started in July, so we are very excited by that. North Woodland, you will remember a traffic calming issue on North Woodland just south of 72<sup>nd</sup> Street; Public Works installed radar solar based speed limit signs which is one of the requests of the neighborhood. Thank you to them for that. The outdoor amphitheater season recently came to a close with a very successful Tarzan performance and again, that is basically free community theater to the public; well attended and lots of blood, sweat, and tears from all the participants and people that work on it. The outdoor pool closes tomorrow at 4:00 before kids go back to school, but opens up again on August 24<sup>th</sup> for Dunkin' Dogs. That's a dog only event; people are allowed but not to be in the water. I think that's it."*

**Item No. 14. On the Agenda. FIRST READING BILL NO. 19-34** An Ordinance amending Ordinance No. 4.433, Section 6.110.100 of the Code of Ordinances of the City of Gladstone, Missouri, regarding water service billing frequency in the City.

**Councilman Mallams** moved Bill No. 19-34 be placed on its First Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Mallams** moved to accept the First Reading of Bill No. 19-34, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Mallams** moved to accept the Second and Final Reading of Bill No. 19-34, and enact the Bill as **Ordinance 4.485**. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 15. On the Agenda. FIRST READING BILL NO. 19-35** An Ordinance authorizing the City of Gladstone, Missouri, to enter into a Lease Purchase Transaction, the proceeds of which will be used to pay the costs of refinancing an existing obligation of the city and acquiring certain equipment for the city; and authorizing and approving the execution and delivery of certain documents in connection therewith.

**Councilman Yarber** moved Bill No. 19-35 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Yarber** moved to accept the First Reading of Bill No. 19-35, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Yarber** moved to accept the Second and Final Reading of Bill No. 19-35, and enact the Bill as **Ordinance 4.486**. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 16. On the Agenda. PUBLIC HEARING:** Amending Title VII-Zoning & Planning, regarding Medical Marijuana Land Use Regulations.

**Councilman Yarber** stated: “*Mayor Suter, because of a potential conflict of interest, I will step away from the meeting for the next two items.*”

**Mayor Suter** stated: “*Thank you, I appreciate that.*”

**Mayor Suter** opened the Public Hearing at 7:53 pm.

City Manager Wingerson stated: “*Yes, Mayor and Council, good evening and thank you very much. Amendment 2 provides for medical marijuana in Missouri and as a municipal organization there is lots of things that we will be considering over the next few months including our employment practices, our criminal code, home-grow operations, and things like that that are all authorized under the code. We will be bringing you those issues in the coming weeks and months before the end of the year for your input, consideration and ultimate adoption. Tonight, though, is about how we regulate medical marijuana facilities in our community in terms of time, place, and manner. In municipal terms, non-state terms, we would call that a zoning regulation. We properly published a zoning amendment for your consideration tonight. Austin Greer is here to present the application itself, staff recommendations as well as input from the Planning Commission that may be valuable in your consideration. Time is of the essence as applications for these types of facilities close this Saturday, the 17<sup>th</sup> of August. We are asking you to take as long as you need but to try to take action if that is at all possible tonight to*

*make sure that these businesses can be successful in our community. Thank you very much. Mr. Greer."*

*Austin Greer, Assistant to the City Manager/Planning Administrator approached Council and stated: "Good evening Mayor and Members of the City Council. I am going to read my staff report then attempt to summarize at the very end. On November 6, 2018, Missouri voters approved Constitutional Amendment 2, establishing a right to access medical marijuana and establishing steps for state permits related to the use, cultivation, manufacturing, distribution, and dispensing of medical marijuana for qualifying patients. As such, the City needs to amend local ordinances regarding medical marijuana, particularly with regard to land use regulations. Cities may not expressly or effectively prohibit medical marijuana facilities. However, cities may regulate the "time, place, and manner" of the operation of medical marijuana facilities as long as the regulations are not "unduly burdensome on the operation" of the facility. Amendment 2, which was approved by Missouri voters, allows up to a 1,000 foot buffer between a medical marijuana facility and a primary or secondary school, child day-care center, or church. Cities may choose to lessen or waive the buffer requirement but cannot make it greater than 1,000 feet.*

*There are multiple types of medical marijuana facilities:*

- Medical Marijuana Cultivation Facilities are where the plants will be grown, harvested, and processed.*
- Medical Marijuana Infused Products Facilities are where edibles or lotions are made.*
- Medical Marijuana Testing Facilities will test the quality, strength and purity of the medical marijuana, and is required for all products that will be sold at dispensaries.*
- Medical Marijuana Dispensary Facilities are commercial facilities licensed to store and sell medical marijuana products and paraphernalia to those with medical marijuana cards.*
- Medical Marijuana Transportation Facilities are types of transportation companies legally allowed to transport medical marijuana based products.*

*These proposed amendments are based upon the rules published by the Department of Health and Senior Services (DHSS) on May 24, 2019. City Staff recommends that medical marijuana dispensaries be located in zoning districts C-2 General Business Districts and C-3 Commercial Districts and operate during the hours of 7:00 a.m. and 10:00 p.m. It is also staff's recommendation that that medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana infused products and manufacturing facilities, and medical marijuana transportation facilities are located in a zoning district C-4 Small Warehouse & Storage District and open between the hours of 7:00 a.m. and 10:00 p.m. The Planning Commission voted unanimously 8-0 in favor of the proposed hours of operation and zoning regulations. The Planning Commission voted in favor 6-2 to accept City Staff's recommendation that no Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within seven hundred and fifty feet (750) of any then-existing school, child day-care center, or church or one hundred and fifty feet (150) of any building containing a residential unit or single family home. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point of the property line*



*of a school, child day care center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business. To summarize: There are only a couple of categories that cities can control from a land use perspective since Medical Marijuana was approved by Missouri voters last year: Number 1: The hours of operation for these facilities; Number 2: The types of zoning these facilities can go into; and Number 3: What the setback requirements are in feet. Thank you and that is all, Mayor."*

**Mayor Suter** asked if there were questions for staff.

There were none.

**Mayor Suter** stated they were ready for public input and if there was anyone who would like to speak in favor of the applicant; which means the City for these regulations. If you would like to speak please come to the podium, give your name and address for the record.

There were none.

**Mayor Suter** asked if there was anyone who would like to speak in opposition to the regulations.

Lana Harrell, 26 Wallingford Drive, Platte City, Missouri, 64079, approached Council and stated: *"Do you need to know my relationship? I am a license consultant. I've been a license consultant for about 30 years. Mostly liquor licensing, and retail business. I've done a lot of convenience stores, restaurants; I work for 7-11 franchisees and micro-breweries. I've been asked to work with the medical cannabis patients and those applicants that are interested in opening. I'm very passionate about this and I have to say the reason is because I've had multiple sclerosis since I was 32 years old. I'm doing really well right now. I've got to say I have taken more hydrocodone than I can name. I have a spinal cord stimulator. I do really well right now. I was just talking to a young lady back here a while ago on how much Cymbalta, Gabapentin, Lyrica, I take just to get around. I actually take hemp extract. I've got it up here in Missouri because there is a lot of CBD oil that does not work for me even though it is advertised, I don't know, I paid a lot of money for that stuff. I don't have to pay very much for Hydrocodone. I don't, \$3.00 or free. I've got a cousin that got so addicted on that stuff, she has lost children to adoption agencies, she's been in jail for them, you don't hear of fatalities like this in overdosing with the medical strains and there is a stigma of it; I get it, I totally do, but when I heard this it's like they are going to get rid of the opioids over time and do the medical marijuana, the cannabis and I think, thank God, that they will do something that so, that's my first thing, ok? The second thing is I was told that the, I know the State and what the rules are, so I've got a team from Dallas, ok, that I've been working with and that's how we are working on the applications. We've got to have outside help because we in Missouri don't know what we are doing. If we do, somebody is doing something illegal. Just saying, if they know how to grow it or whatever, but so we, I've franchised with a company in Dallas that has been working long hours on applications for my clients. We started about two months ago, more than that, three months ago on the applications and I'm in on the online applications now and it is intense. Deadline is Saturday. There is a lot going into it. We've had to pick out facilities along the way. We've gotten City Ordinances; this is just what I do, and I've done this in divisions five, six, which is the*

*Congressional Districts, ok, four, five, six, I thought I was going to have one down in Springfield, I don't now. So all the cities have their ordinances out or I think Independence, I was told, is happening tonight, but what we knew was the schools, daycares, churches, what was the other one? Yeah, ok, but I've been studying up on this pretty good. The only other one I knew of with residences was Excelsior Springs. Now there may be more, but Excelsior Springs was the only one and I was told that it was going to be more than what it is, what it turned out to be and then depending on the walking, and how you get there, and all these little what-nots. Another reason why I will have to say that I've got opposed to this, and this is just me and mine because I've got somebody that has already picked out a place because we had to start working on the application with the schools, with the churches in mind and none of that was an issue. With the residence it's going to be an issue and we've already started the application and I'm kind of freaking out to be quite honest. We have spent a lot of money and time on this. We've measured. If you go from the front door down the walkway, across the parking lot and to the property line, it is like 164 feet but if there is like a straight shot, I don't know, not that far. I didn't realize there was going to be, otherwise I would have told my client don't go there. So you know, I don't know what else, that's me, I'm passionate about it. I want to say one more thing about security. If I ever knew of any security, this stuff is so secure. Not everybody can go in there, not just anybody can go in that waiting room and wait, and then you have to go through another, it's not going to be just a receptionist sitting there going 'Can I help you?' it's, the security is, they have to have a vault, we have to have security cameras, the security is so extensive on this. The regulation on this is so extensive, the testing, that's one of the reasons why I'm totally an advocate for it too, it's just because of the regulations, the security; I know when I'm in pain the last thing I'm going to be doing is out walking on the streets and trying to, I don't know, looking for trouble. It's like I just want, I want to have somebody bring something to me that will help. That's all I want to do and lay around and get comfortable. The nice thing about this is you don't have, this is not about going out and getting high. This is not about going out and getting stupid faced and what everybody has seen, this is medical marijuana for patients that need it for chronic pain and so it is. It's an extremely highly regulated place and stuff like that. Thank you for your time."*

**Mayor Suter** asked if there was anyone else to speak in opposition.

*Mark Bryant approached Council and stated: "Mayor Suter and members of the City Council, my name is Mark Bryant, I'm an attorney, I'm with the law firm of Rouse, Frets, White, Goss, Gentile and Rhodes. I'm a little disappointed they didn't put my name in there but...we would like to start by thanking you for your service. We appreciate it. We are a law firm that specializes in land use. Most of our attorneys have either been city attorneys or members of the City Council and we appreciate more than any other the sacrifice that it takes to be a member of the City Council and we thank you for it. We'd also like to say at the outset that we don't have any problem with most of the terms of the proposed Ordinance. We are, however, here to express opposition to two provisions which will adversely affect a resident of Gladstone in which we believe to be in violation of the Constitutional Amendment and the State regulations which have been promulgated under that Constitutional Amendment. And they are some of the same provisions that were noted earlier. In particular, the State regulations set out a measure of how you are to measure distances from churches, schools, and daycare centers. What the statute says, what the Constitution says, and what the regulations say is that 'the measurements shall be made*

*along the shortest path between the demarcation point that can be lawfully traveled by foot.' The shortest path that can be traveled by foot. Lawfully. Virtually every municipality in the State has enacted trespass Ordinances and at least in our interpretation of that regulation what that means is the shortest path through a public right-of-way or through an easement which provides for public access. You may not trespass in measuring that distance. Please indulge me...(unintelligible)...our client wants to build here, at the intersection...and North Oak Trafficway...if you adopt the measure that has been promulgated by the State, it is...you must go the shortest route along a lawful path...you have to change it and go through the back of the building, from that point on you need to be able to be on the sidewalk and the public right-of-way. If you adopt the Ordinance that is proposed before you, you measure a straight line from here to there. The difference is not only stark, but it has the effect of limiting the number of licenses that may be approved under your land use regulations. The other provision, which we suggest, violates the Constitutional Amendment and the State regulations, is that the regulations say, 'you may adopt reasonable regulations having to do with distance from churches, schools, and daycare centers. Well, you went a little beyond that in this Ordinance. Let me say you went way beyond. If you look at the number of households that are served by a school, or the number of households that are served by a church, or daycare center, what you have done by broadening this to include distances from a residence, is to exponentially expand the restrictions on these facilities. Exponentially. Probably 20 times the number of facilities that would otherwise be affected under the State Constitution and the State Regulations. Now, clearly, the intent of the Planning Commission when they added this provision was to try to protect the residents of the City of Gladstone. But, we have gone far too far. Much too far. In addition, we have done it without any public record which justifies it at all. When asked, during the Planning Commission hearing, how many properties will be affected, nobody knew. When asked during the hearing, well, just, what streets will this be permitted on? Nobody knew. The intent was to do something good but we went much further than the law allows and because of it, I'm here today in an effort to try to avoid the litigation that will most certainly result if this Ordinance is adopted. Let me pose another question: how many municipalities across this State and I'd venture to guess, let's call it for purposes of discussion, 500 municipalities, have adopted this language. Nobody knew. Nobody knew. And if the answer is only Excelsior Springs, then that ought to be cause for pause and reflection. Now, we thank you for lending us your attention. We thank you for your service, and we appreciate the opportunity to make this testimony. Thank you."*

**Mayor Suter** asked if there was anyone else to speak in opposition.

*Gucharin Singh approached Council and stated: "Good evening, everyone. How you guys doing? I'm the owner of Conoco on 58<sup>th</sup> and Northeast Antioch. I've seen you guys before. We are in the process right now, so, it will be going up soon. Well we are going into a new field now trying to broaden our horizons in the business field and obviously we were looking at a property in Gladstone to do a dispensary out here. According to the State, like everyone said, it was a 1000 feet, we had already set that property, it was way beyond the 1000 foot buffer for the church, school, and daycare, and we had no idea actually, because we had already put the deposit down, everything on the property, we didn't think being in, basically the city, we were going to have a setback for residential. The 150 feet that the city proposed. So, I would just, I just couldn't get around like what caused that setback to be in effect in the middle of the city. We got about 25,000 residents in Gladstone so we are limiting economic development out here you know. So,*

*and in terms of a dispensary, it's a very secure facility and we are talking about, we have access controls inside, security cameras, vaults that you can't basically just go in and access the product. You go in, you've got to present your State ID, your medical card, which is not just given online, you have to go to an actual doctor and get it State approved. So, I feel like that, it kind of limits the access for even Gladstone residents that want to take advantage of that, in terms of people who actually need it. I think that was my opposition that was the setback that was set for the residential and just the way I think it was a straight line instead of how the State had worded it which was legal walking distance, you know, so that's all. Thank you."*

Mr. Bryant approached Council and stated: *"There is no exigency attached to your consideration of this Ordinance. The deadline for applying for a dispensary is not until the 17<sup>th</sup>. After the 17<sup>th</sup>, the State must still decide which of these applications to approve and so there is ample time for the Council to make sure that it is doing this right and not violating the law by placing unduly restrictive regulations in violation of State law. That is the standard that your staff has noted is applicable here and that is the standard that will be violated if we rushed the judgement tonight."*

Mayor Suter stated: *"We appreciate your opinion. City staff would you like to put anything on the record?"*

City Manager Wingerson stated: *"I think I'm going to defer to City Attorney Chris Williams and I may follow up on some of those comments from our land use perspective."*

City Attorney Chris Williams stated: *"Thank you, Mayor. Just from a legal standpoint, as it has been noted, the State regulations provide for separation requirements from schools, daycares, and churches. They're silent with regard to any other uses and as has been noted, the constitutional provision says that the city can regulate 'time, place, and manner' of operation of these facilities as long as it is not unduly burdensome. The staff's view is that the 150 foot residential separation requirement, residential is allowed, we're allowed to regulate separation from residential uses were not prohibited by the constitution or the State regulation and the 150 foot requirement is not unduly burdensome because there are locations in the city that these businesses could locate and comply with that requirement. The regulations also contemplate that the city may adopt requirements that are different than the State's separation requirements; in fact it says when you are a licensed applicant, you must submit your documentation to the State Department of Health and Senior Services where the regulations of the city are different than the States. Our proposed regulations of 750 foot setback, rather than 1,000 foot and the straight line vs. the travel by foot measurement, they are, in fact, different. Our position is that is not prohibited and therefore we're allowed to deviate from the State regulations in those areas and therefore there is no conflict with the State regulations. That is where we are coming from our legal standpoint."*

Mayor Suter closed the Public Hearing at 8:21 pm.

**Item No. 17. On the Agenda, FIRST READING BILL NO. 19-36** An Ordinance amending Title VII-Zoning & Planning Section 7.100.010 definitions and adopting a new Chapter 168, Medical Marijuana, of the Code of the City of Gladstone, Missouri, regarding Medical Marijuana Land Use Regulations.

**Councilman Mallams** moved Bill No. 19-36 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0). The Clerk read the Bill.

**Councilman Mallams** moved to accept the First Reading of Bill No. 19-36, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0). The Clerk read the Bill.

**Councilman Mallams** moved to accept the Second and Final Reading of Bill No. 19-36, and enact the Bill as **Ordinance 4.487**. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

**Councilman Mallams** stated: *“Lana, my daughter has a spinal cord stimulator and she has been in constant pain for the past couple of years. So, our family has walked in your shoes. I’m always in support of businesses for Gladstone. I believe what we are doing is right for the community and there will be places that will be available for the medical marijuana distribution and we look forward to it. I understand where you are coming from and I was just sharing a personal story with you as you shared with us.”*

**Councilman Garnos** stated: *“I do have a couple of comments. I understand that the scope of what we are talking about here tonight is strictly based on hours of operations for these facilities, the types of zoning these facilities can go in, and the setback requirements for these facilities. I understand, like with the Planning Commission, we are to confine our comments to these specific issues and not get into any personal commentary on the issue of marijuana. I understand this is not the time or place to talk about how badly the federal government has screwed up this issue or their inability to fix it or how what they’ve done has flown in the face of State’s rights or the effect of mass incarceration on our country. I want to assure you that I won’t be bringing up any of those issues this evening. The first thing I want to do was thank city staff for their diligent research on the issue and working their issue to Planning Commission. I was very impressed with the work that the Planning Commission did, for their careful consideration and focus on these issues. I also appreciate the work of our city’s legal counsel on this in helping us to understand what it is the city can and can’t do to comply with Amendment 2. I appreciate the staff’s work showing the analysis of the different buffer zones. It helped me a great deal to see the maps of Gladstone and the impact of 500 foot setbacks vs. 750 foot setbacks vs. 1000 foot. One of my concerns that was the 1000 foot setback would pretty much eliminate anything in Gladstone and by seeing the maps where you showed those zones, even though admittedly it is with a different means for measuring the distance, clearly there still are an awful lot of areas that would still meet that requirement and still qualify for these businesses. Those maps, obviously, did not show the impact of the 150 foot setback with residences and I do have a concern that because of the way the city is organized with retail spaces on the commercial corridors that back right up to residential areas, that a whole lot more of Gladstone will not qualify for these types of facilities with that additional provision. That does cause me some concern. Not the constitutionality of it, just the availability and access of it for the businesses.”*

*Finally, with regard to the 750 foot setback from schools, daycares, and churches, 150 foot setback from residences, as I understand it that was the recommendation of city staff, that was what the Planning Commission considered and approved. I have no problem with supporting their setback recommendations on this issue. I think they provide reasonable accommodations for time, place and manner for operation. I don't think that it will unduly restrict or be unduly burdensome on the operation of these types of facilities. One other issue I was not going to bring up but since I noticed that it got brought up in the Planning Commission I did want to mention that we, on City Council, have the established various setbacks requirements for regulating a number of different types of businesses. We have done it with liquor stores, vape shops, pawn shops and pay-day loan shops, tattoo parlors and adult book stores. While I don't have any problems with the specific setbacks that we have put in place for regulating these types of businesses, intellectually I have a little trouble justifying one vs. another. I know the issue was raised in Planning Commission how we can rationalize having a 300 foot setback for liquor stores, but a 750 foot setback for dispensaries. That logically and intellectually to me, I have a little bit of trouble with; I don't know that there is any benefit to consistency, but I'm just not sure there is a lot of hard science behind the exact number of feet that we decide is most appropriate for Gladstone. I do support the Bill and those are my only comments. Thank you."*

**Mayor Suter** stated: *"I share some of your dilemmas as well and that is it's our job to balance the needs and interests of lots of different people and interests in the city and that is the hardest part about being any elected official is that there is a lot of different interests and everybody wants theirs to be protected. We have to always try to figure out what is the best balance. So, two things, I think, around this issue of balance; I think Councilman Garnos reminds us that we have used setback requirements in lots of different ways in the city for different issues. Sometimes, as a first notion for how to regulate and sometimes in response to things that clearly weren't regulated well enough in the eyes of our community and we had to come back and change things and modify things in order to make people feel safe and secure and I'm happy with the kind of businesses that are in our community. I think the community members have a right to decide what kind of things they want to have in their community. We get to that issue with this one. I also have no problems about medical marijuana, I know people who use it, I have a daughter who lives in the state of Colorado so we know lots about it. I think there is concern that medical marijuana will quickly become recreational and so I think people anticipate some issues around some of this that don't exist yet that make people a little bit uncomfortable. I think some cities have experienced some safety issues and crime issues around cash only businesses because people going into the facility have cash, people coming out have marijuana and that seems to set the stage. The businesses themselves, of course, are just stock piling cash because they can't bank it. I see why people in residences would be particularly concerned about having this kind of activity going on too close to their homes and I think that is the big place where this 150 feet comes from. As for the method of measuring, it seems to me that straight lines are a lot easier to determine and not argue about which is the best way you can walk from here to there, around there, is this more legal than that, and this is shorter than that; I can just see fights a lot about the way the State has decided that we can wander around and figure out what the measurement is. I'm sure we would end up having disagreements with people. Gladstone does provide some challenges with the way some of development has happened in the city with a rather shallow commercial districts, but we have other places that certainly will suffice. We are certainly not opposed to business development in Gladstone. We are quite eager to have it, we want to have*

*the right mix that works for our citizens and so we have taken the position, I think, to proceed a little cautiously and then we can always change course in the future if we decide that the caution was unwarranted. On the other hand, we have learned from other experiments that being too open in the beginning is harder to come back and regulate later. I think we start with a little bit more of a cautious approach. Given the huge support that our Planning Commission gave this issue, and the people who testified there, and given my confidence in both staff work on this and the staff rationale for it, I will support this Ordinance as well."*

The Vote: "aye", Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

**Councilman Yarber** recused himself from the vote(s).

**Item No. 18. On the Agenda.** Other Business.

There was no other business to come before the Council.

**Item No. 19. On the Agenda.** Adjournment.

**Mayor Suter** adjourned the August 12, 2019, Regular City Council meeting at 8:33 pm.

Respectfully submitted:

  
Ruth E. Bocchino, City Clerk

Approved as presented:  \_\_\_\_\_

Approved as modified: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor Carol J. Suter