



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 28, 2022**

PRESENT: Mayor Bill Garnos
Mayor Pro Tem Jean Moore
Councilman R.D. Mallams
Councilmember Tina Spallo
Councilman Les Smith

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Attorney Chris Williams
City Clerk Kris Keller
Deputy City Clerk Becky Jarrett

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

Mayor Garnos opened the Regular City Council Meeting of Monday, November 28, 2022, at 7:30 pm.

Item No. 2. On the Agenda. Roll Call.

Mayor Garnos stated that all Councilmembers were present.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Garnos asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked VFW Post 10906.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the November 14, 2022, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the November 14, 2022, Closed City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilman

Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Item No. 6. On the Agenda. Approval of the November 14, 2022, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the November 14, 2022, Regular City Council meeting as presented. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Item No. 7. On the Agenda. Communication from the Audience.

There were no communications from the audience.

Item No. 8. On the Agenda. Communication from the City Council.

Councilman Smith congratulated the Mayor on the successful Tree Lighting Ceremony and thanked Arvest Bank for the outdoor refreshments and Security Bank for the indoor refreshments.

Councilman Mallams extended a Happy Birthday to Councilman Smith.

Mayor Pro Tem Moore thanked the Mayor, Director Justin Merkey, and his staff for the great Mayor’s Christmas Tree Lighting Ceremony, specifically for the preparation of Linden Square for the evenings ceremony. She also expressed her appreciation for the newest edition of the Gladstone Magazine, which looked great in her opinion.

Mayor Garnos thanked City Leadership and the Parks, Recreation, and Cultural Arts staff who made the Mayor’s Christmas Tree Lighting a success. He also thanked Master of Ceremonies Joe Lauria and the Antioch Middle School and Chapel Hill Elementary School choirs. He reported the fundraising efforts appeared to be doing well with the total numbers being available in January. The donation funds will be divided between the three chosen organizations: Feed Northland Kids, Gladstone Neighbors Helping Neighbors, and the Gladstone Animal Shelter.

Item No. 9. On the Agenda. Communication from the City Manager.

City Manager Wingerson announced that City Council candidate filing would begin Tuesday, December 6, 2022 at 8:00 am and that there are two available City Council seats. Holidays on the Farm begins December 10, 2022 and the deadline for the Santa Claus calls or letters request is December 10, 2022.

Item No. 10. On the Agenda. Consent Agenda.

Following the Clerks’ reading:

Mayor Pro Tem Moore moved to approve the Consent Agenda as published. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **SPECIAL EVENT PERMIT**: Good Shepherd Church is hosting a disc golf tournament, Sunday, December 4, 2022, 11:30 am to 3:30 pm, Hobby Hill Park. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **SPECIAL EVENT PERMIT**: Duck’s Flying Discs-Kansas City, Professional Disc Golf Association (PDGA) Charity to benefit Northland Animal Welfare Society (NAWS), Saturday, January 7, 2023, 8:00 am to 4:00 pm, Hobby Hill Park. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-22-60** A Resolution authorizing the City Manager to execute a professional services contract with Cook, Flatt & Strobel Engineers, Incorporated, in the total amount not to exceed \$60,000.00 for the design of the Linden Connector Trail, Project TP2373. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-22-61** A Resolution authorizing acceptance of a proposal from Mid-America Pump, in the total amount not to exceed \$26,668.17 to replace the motor on High Service Pump No. 3 at the Water Treatment Plant, Project WP2390. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-22-62** A Resolution authorizing the City Manager to execute an agreement with BusComm Incorporated, for the purchase of additional recording ports and channels to expand the digital recording system in the Emergency Services Dispatch Center in the amount of \$36,727.50. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve the Financial Report Month End October 2022. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Regular Agenda

Item No. 11. On the Agenda. **Public Hearing: Amending Chapter 105 – Animal Regulations in Title II – Public Health, Safety, and Welfare in the Gladstone City Code relating to Residential Hens and Bees.**

Mayor Garnos opened the public hearing: 7:39 pm

Community Development Director Austin Greer addressed the Council. He shared that over the past couple of years, City Staff had been contacted by residents who had a desire to keep hens and bees on their residential property. The individuals who had inquired about keepings hens and bees typically lived in neighborhoods with ¼ or ½ acre lots. Public interest on this topic was also expressed during the citizen-based strategic planning process called Gladstone: Shaping Our Future. He proceeded to explain that the current City Ordinances were confusing for residents

and City Staff and that clarity on the topics would be beneficial to all parties. The draft Ordinance he presented was vetted by other members of City Staff and the Planning Commission. He stated the project was discussed in an Open Study session with the Planning Commission in September 2022 and approval was recommended by the Planning Commission on November 7, 2022. There were seven (7) Planning Commissioners that voted in favor and two (2) Planning Commissioners that voted against the proposed Ordinance. He presented the following key highlights from the proposed Ordinance and stated that it resembled the Ordinance that the City of Liberty, Missouri passed a few years ago:

Hens

- Up to 3 acres – 6 hens (maximum)
- 3 acres or more – 10 hens (maximum)
- One time permit fee – Proposing \$20
- Coops and runs shall be at least 10 ft. from any property line and at least 50 ft. from any residential structure, deck, or porch not owned by the applicant.
- Private restrictions, such HOA covenants, shall supersede City regulation.
- Enforcement will be a combination between Animal Control (Police) and Code Enforcement (Community Development).

Bees

- Up to 3 acres – 1 bee hive (maximum)
- 3 acres or more – 2 bee hives (maximum)
- One time permit fee – Proposing \$20
- All hives must be at least 10 ft. from any property line and at least 50 ft. from any residential structure, deck, or porch not owned by the applicant.
- Hives shall not be located within 50 ft. of a pre-existing swimming pool or pre-existing kenneled animal.
- A supply of fresh water shall be maintained in a location readily accessible to the hive on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- Private restrictions, such as an HOA covenants, shall supersede City regulation.
- Enforcement will be a combination between Animal Control (Police) and Code Enforcement (Community Development).

He highlighted the changes that were made from the Planning Commission and City Staff discussion in September and November 2022 were the following; amount of allowed hens for three (3) acres or less to six (6) hens and three (3) acres and more to ten (10) hens, charge a one-time permit fee of \$20.00 – similar to dog permit fee, maximum height of the coop shall be eight (8) feet, the coop and run may not exceed 80 square feet for six (6) hens and not more than 100 square feet for 10 hens.

He reported that City Staff's interpretation of the existing code made having fowl illegal, if the property was under three (3) acres and the draft ordinance presented, provided a legal way for individuals to keep hens if they lived on a property that was less than three (3) acres. He also

informed the Councilmembers that a few emails had been received that day from individuals voicing their opinion on the proposed ordinance.

Discussion:

Mayor Garnos asked if Director Greer could share some of the issues that were raised as to why there was a split vote at the Planning Commission meeting.

Director Greer responded that he did not want to speak for the members of the Planning Commission who voted no and stated he did not recall a well-defined reason. His personal interpretation of their thought may have been that this proposed Ordinance represented moving backwards from the goal of revitalizing neighborhoods but he also apologized in advance if he misinterpreted the meaning.

Mayor Pro Tem Moore added that it was a good discussion at the Planning Commission meeting regarding the proposed Ordinance. She believed that an issue of waste and the idea of engaging Urban Farmers in the City of Gladstone came up, but that everyone stated their concerns and it was a policy-driven decision.

In favor of an Ordinance Amending Chapter 105 – Animal Regulations in Title II – Public Health, Safety, and Welfare in the Gladstone City Code relating to Residential Hens and Bees.

Cody McElroy, 4 NW 72nd Street, Apt D, addressed the city council in support of the Ordinance of hens and bees, but he raised concerns that if a significant amount of people got chickens, would the City have a plan to deal with a large amount of waste from the chickens?

Mike Selesky 6223 N. Indiana Avenue, addressed the City Council and reported that he currently had chickens and commented on the question of waste and indicated that it could be composted. He shared benefits of owning chickens. He stated that he and his family started raising chickens for the health of their child. He requested that Council consider the proposed Ordinance due to the cost of things going up, that raising chickens taught his children responsibility, and that their chickens were also pets. He thanked the Council for their time. **Mayor Garnos** asked Mr. Selesky if there was anything in the proposed Ordinance that conflicted with what he was trying to do at the present time. Mr. Selesky reported that the size of the coops, number of chickens, and the fact they would be confined to the coop were concerns.

Danny Fowler, 6917 N Troost, addressed the City Council and reported that he was in favor of an Ordinance, but discussed his concerns regarding the number of chickens, the size of the coop, and that the chickens would be confined to a coop. He expressed that it may not be the best way to care for the chickens and added that they were also pets. He reported that although there were flaws, he felt the City could get something on the books now and then changes could be made at a later time. He commented that chicken waste wouldn't really be a problem, because it could be composted. He concluded that people have vegetable gardens, so Urban Farming was not just about chickens; he felt that chickens could be a key component to it.

Opposed of an Ordinance Amending Chapter 105 – Animal Regulations in Title II – Public Health, Safety, and Welfare in the Gladstone City Code relating to Residential Hens and Bees.

Cammie Maxey 205 NW 67th Street, addressed the City Council in favor of clarifying and creating rules that govern chicken-keeping and was pleased that the Council was addressing it. She also owns chickens and ducks based on the current laws that only addresses wild fowl and she reported that they own domesticated fowl on their property. She shared that she learned how fragile the food supply chain was during the pandemic, at times of other crisis, and understood the importance of Urban Farming. She reported that the chickens are an integral part of her garden and if residents are required to keep them in a coop at all times, it would create the unwanted smells; however, allowing free range chickens, would avoid that scenario. She supported creating rules, but believed the current rules are so restrictive that it would make it hard to manage a flock, due to the number of chickens allowed. She expressed that the current requirements are much too unmanageable and would move Gladstone away from sustainable and earth-friendly organic practices, but if there were minimal restrictive laws, it could help the city in those areas. She added that if the focus of the City was to have variety in the community, then it should not make keeping chickens nearly impossible.

April Bevington 3213 NE 70th Terrace, addressed the City Council and reported that she believed it was a good idea to have something on record, but that it should be correct the first time. She expressed that restrictions from the start would make it difficult for people who already had chickens and they would have to reduce or change the way they are doing things now. She also commented that if rules are initially less-restrictive, then concerns could be addressed at a later time.

Selena Maxie 205 NW 67th Street, addressed the City Council and expressed her love for the chickens and how they help her in daily life. She reported her experience with chickens had been a learning opportunity and hoped the number of hens aren't limited and that ducks would be allowed. She expressed her concern of chickens being confined to a coop.

Amy Selesky, 6223 N. Indiana Avenue, addressed the City Council and reported that she would like a clear Ordinance and discussed her concerns regarding the limited number of allowed chickens and that being confined to a coop was too restrictive. She also stated that that six (6) hens would not produce enough eggs for their family and that she would like to see the number increased.

Jessica Lowe, 7232 N. Indiana, addressed the City Council and reported that she is considering chickens. She discussed her concern regarding the limited number of hens, especially for individuals just starting to raise them. She also expressed her thoughts that the chickens should be able to roam freely and that they are considered pets that also provide. She reported that she supports part of the Ordinance, but believed there was a big part that wouldn't work and that it shouldn't be restrictive from the start.

April Bevington, addressed the City Council and reported that she preferred a less-restrictive way of living and chose to live in Gladstone. She discussed that even if a Home Owner's Association rules superseded the restrictions, people who want hens could still have them in other areas of Gladstone.

Don Seymour, 203 NW 67TH Street, addressed the City Council and reported that he agreed that there needed to be rules, but thought they could be closer to the Kansas City rules. He stated that he believed raising chickens had been positive for Selena Maxie in different aspects of her life. He also added that the family's garden thrived because of the chickens.

Frank (last name and address was not reported) addressed the City Council and expressed that he was excited to have the Ordinance, but not the restrictions on the number of chickens or ducks, the restrictions on keeping them confined, and the size of a coop.

Dinah Wonderly, 207 NW 67th Street, addressed the City Council and reported that she never had any issues with her neighbors that had chickens. She reported that she believed in an Ordinance, but not one that is so restrictive.

Comments:

Mayor Pro Tem Moore discussed the Ordinance restrictions that included; the number of chickens, if they were allowed out of the coop, and that a fenced yard would be required. She stated that she was not certain if chicken owners had fenced yards. She reported that she had issues with passing it and then changing it.

**Inaudible comments were made*

Director Greer thanked everyone for coming and participating in the meeting. He reported that many of the complaints had come from roaming chickens. Prior to now, fencing had been discussed among City Staff, but it was determined that it could be a financial burden for someone to fence their entire yard.

He commented on the dedication and compassion that the present participants in the audience had regarding their hens but we needed to keep in mind that there are also irresponsible citizens. Director Greer explained to the Council that the Staff recommendation was based on online research that indicated that six (6) hens, depending on the breed, was more than sufficient to provide eggs for the average family of four (4). There was a prior debate to follow the Kansas City, Missouri ruling of fifteen (15) chickens; however, since Gladstone is not Kansas City, City Staff and the Planning Commission felt a good compromise was to allow citizens to own six (6) chickens legally, since the current ordinance is zero chickens.

**Inaudible comments were made*

Councilman R. D. Mallams expressed concerns that the chickens could fly into a neighbor's yard and gave an example that it could happen over a three (3) foot chain link fence.

**Inaudible comments were made.*

Director Greer added that online research suggested that each hen required approximately ten (10) square feet, which was in the Ordinance and he felt that it was on the generous side.

Councilman Smith commended Director Greer on his great work. He discussed the three main issues; number of chickens, coop size, and ducks. He stated that since the audience had real-life

experience and the proposed Ordinance would not make them successful, he believed that a number greater than six (6) would be worthy of additional discussion.

Councilmember Spallo reported that she wanted to table the discussion to allow time for more research to possibly increase the number of hens, look at ducks, and discuss the free range issues. She stated that audience members had brought up some important points and that she didn't think it would be appropriate to take immediate action.

Mayor Pro Tem Moore echoed Director Greer's comments and stated that she too appreciated the participation of the citizens in the government process and was pleased to have the audience in attendance.

City Manager Wingerson reported the action could be tabled and suggested the end of February 2023 or the beginning of March 2023 to readdress the topic.

Mayor Garnos inquired with fellow councilmembers regarding the Planning Commission's part in the current situation and with the issues raised.

Councilman Smith suggested to bring the audience and Council back for a meeting to discuss the issues at City Hall, since some comments made weren't at the podium and were not made part of the record. He expressed the importance of the citizens' participation in this process.

City Manager Wingerson stated if significant changes were made, then it should be sent back to the Planning Commission for additional discussion. He added it would require specific steps, which would extend the time frame, but it may be the best way to go in this situation.

Mayor Garnos added that the numbers could be reviewed and consideration given as to whether chicks are included in the total number allowed. He commented that the coop size was a surprise to him and that it made sense to allow them to roam in a fenced yard, adding that ducks should also be added to the conversation. He reported that the Council was trying to support and facilitate the issue as they had never been against raising bees or chickens. He expressed that they wanted to find a way to assist with the issues, as the current Ordinance stands at three (3) acres and not many residents have more than a three (3) acre lot.

City Attorney Chris Williams recommended to postpone any action on the Ordinance to a future meeting after input had been received from the public, Staff, and perhaps Planning Commission.

Mayor Garnos closed the Public Hearing: 8:34 pm

Item No. 12. On the Agenda. FIRST READING BILL NO. 22- 40 An Ordinance Amending Chapter 105 – Animal Regulations in Title II – Public Health, Safety, and Welfare in the Gladstone City Code relating to Residential Hens and Bees.

Councilman Mallams made a motion to postpone any further action on the proposed Bill to a later date. **Councilmember Spallo** seconded. The Vote: "aye", Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Item No. 13. On the Agenda. Other Business

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


Item No. 14. On the Agenda. Adjournment

Mayor Garnos adjourned the November 28, 2022, Regular City Council meeting at 8:35 pm.


Respectfully submitted:



Kris Keller, City Clerk

Approved as presented:  _____

Approved as modified: _____



Bill Garnos, Mayor