



The City of Lee's Summit
Final Agenda
City Council - Regular Session

Thursday, July 14, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 6 - AMENDED

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1. PUBLIC COMMENTS:

(NOTE: Total time for Public Comments will be limited to 10 minutes.)

2. COUNCIL COMMENTS:

(NOTE: Total time for Council Comments will be limited to 5 minutes.)

3. APPROVAL OF CONSENT AGENDA:

Items on the Consent Agenda are routine business matters for action by the City Council with no public discussion. All items have been previously discussed in Council Committee and carry a Committee recommendation. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.

- A. [2016-0366](#) Approval of the Action Letter for June 16, 2016 as amended.

- B. [2016-0361](#) Mayor's Appointments:
Arts Council: Appoint John Schuler terms to expire 7-22-19.
Health Education Advisory Board: Reappoint Doug Herriott, Stewart Chase, Lori Rodgers and Rodney McBride, terms to expire 7-1-19

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-144](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE WESTERN MISSOURI CYBER CRIMES TASK FORCE (WMCCTF) AND THE CITY OF LEE'S SUMMIT, MISSOURI.

- B. [BILL NO. 16-145](#) AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING.

5. **PRESENTATIONS:**

- A. [2016-0273](#) NIMS (National Incident Management System) Training for Mayor and City Council

6. **OTHER BUSINESS:**

- A. [BILL NO. 16-146](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.
- B. [BILL NO. 16-147](#) AN ORDINANCE DENYING APPLICATION #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.
- C. [BILL NO. 16-148](#) AN ORDINANCE DENYING APPLICATION #PL2016-054 - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.

7. **COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

8. **COUNCIL ROUNDTABLE:**

9. **STAFF ROUNDTABLE:**

10. **ADJOURNMENT**

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".

Packet Information

File #: 2016-0366, **Version:** 1

Approval of the Action Letter for June 16, 2016 as amended.

Proposed City Council Motion:

I move for approval of the Action Letter for June 16, 2016.



The City of Lee's Summit
Action Letter
City Council - Regular Session

Thursday, June 16, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 4 (AMENDED)

CALL TO ORDER

Mayor Rhoads called Regular Session No. 4 to order at 6:35 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 8 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Dave Mosby
Councilmember Diane Seif

APPROVAL OF AGENDA

On motion of Councilmember Mosby, second by Councilmember Seif, the Council voted unanimously to approved the agenda with the amendment of removing Item 3.C. from the Consent Agenda with discussion.

1. PUBLIC COMMENTS:

Mrs. Teresa Fick thanked Councilmember Faith for helping her and taking time to listen to her. She feels she is not being listened to by staff, or be represented by her councilmembers.

Mrs. Pat Thompson voiced her complaints about WCA trash haulers not picking up trash in a timely fashion and feels they should be held accountable for their actions.

Mr. Dale Coy agreed with the complaint about WCS. He also commended

the LS360 for thier final report and made recommendations on future reports.

2. COUNCIL COMMENTS:

Councilmember Forte stated her concern for Council making motions in strange places on the agenda and would like Council to conduct business in the order it is posted on the agenda.

Councilmember Mosby would like the Public Works Committee (PWC) to discuss further parameters of trash companies. He would also like to have the CEDC look at how the city can attract more housing and retail in the down town area. He also told Mrs. Fick that he is sorry for the way she feels, but he feels the Codes Department has done everything possible to assist her.

Councilmember Faith stated he was not aware of any motion brought up in Council Comments or Roundtable prior to the meeting, but admitted he could see how it may appear that way.

Councilmember Moreno stated he and Councilmember Mosby have had several conversations and site visits with Mrs. Fick and also believes Codes has done everything they can to help her. He also stated he also feels WCA has shown great disrespect for the city by not improving its work within the city and would like the PWC to find a way to hold trash haulers accountable.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0244](#) Approval of Action Letters for May 5, May 12 and May 19, 2016.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Action Letters be approved as part of the Consent Agenda.

- B. [2016-0268](#) Mayor's Appointments:
Human Services Advisory Board: Appoint Rexanne Hill to replace Matt Miller and Michael Straughn to replace Lois Belser, terms to expire 1-20-17.
Livable Streets Advisory Board: Appoint Justin Larson to replace Craig Faith, term to expire 2-17-18.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that the Mayor's Appointments be approved as part of the Consent Agenda.

- C. [2016-0296](#) Mayor Pro Tempore's Council Committee Appointments

After discussion on assigning Vice Chairs and Alternates, Mayor Pro Tem Binney agreed to

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have these assignments made in in the packet for approval at the June 23rd Special Session.

On motion of Councilmember Forte, second by Councilmember Carlyle, the Council voted 7 "Aye", 1 "No" (Councilmember Moreno) for approval of the Mayor Pro Tempore's Council Committee Assignments.

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Nay: 1 - Councilmember Moreno

- D. [2016-0263](#) Approval of change of address for Minsky's Pizza to 1251 NE Rice Road. (Currently holding a Type "G3" and "S" Liquor License.)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Liquor License be approved as part of the Consent Agenda.

4. **PROPOSED ORDINANCES:**

- A. [BILL NO. 16-114](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 4401-20C FOR THE FY2017 MILL & OVERLAY PROGRAM TO SUPERIOR BOWEN ASPHALT COMPANY, L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$2,109,071.32.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that this Ordinance be adopted and numbered.Ord. No. 7891 The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 7902

- B. [BILL NO. 16-115](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE ON CALL WORK ZONE ENFORCEMENT PROGRAM FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered.Ord. No. 7892 The motion carried by the following vote:

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Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 7903

- C.** [BILL NO.](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE I. IN
[16-116](#) GENERAL, SEC. 2-1. OFFICIAL CITY SEAL, OF THE CODE OF ORDINANCES
FOR THE CITY OF LEE'S SUMMIT BY REDEFINING THE OFFICIAL
CORPORATE SEAL FOR THE CITY OF LEE'S SUMMIT, JACKSON COUNTY,
MISSOURI.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7893 The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Nay: 1 - Councilmember Moreno

Enactment No: Ord. No. 7904

- D.** [BILL NO.](#) AN ORDINANCE APPROVING, ADOPTING AND APPROPRIATING THE
[16-117](#) BUDGET OF THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE FISCAL
YEAR ENDING JUNE 30, 2017.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that this Ordinance be adopted and numbered. Ord. No. 7894 The motion carried by the following vote:

Aye: 5 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Seif

Nay: 3 - Councilmember Binney
Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 7905

- E.** [BILL NO.](#) AN ORDINANCE APPROVING THE EXECUTION OF A PUBLIC SERVICE
[16-118](#) AGREEMENT BY AND BETWEEN LEE'S SUMMIT ECONOMIC
DEVELOPMENT COUNCIL. AND THE CITY OF LEE'S SUMMIT, MISSOURI,

FOR SERVICES TO BE PROVIDED TO THE CITY.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that this Ordinance be adopted and numbered. Ord. No. 7895 The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Nay: 1 - Councilmember Moreno

Enactment No: Ord. No. 7906

5. RESOLUTIONS:

- A.** [RES. NO. 16-12](#) A RESOLUTION OF SUPPORT FOR LEE'S SUMMIT CARES IN THEIR MISSION TO REDUCE MARIJUANA RELATED PROBLEMS.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Resolution be adopted. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Away FT: 1 - Councilmember Moreno

6. PRESENTATIONS:

- A.** [2016-0249](#) Presentation regarding state legislation on cell tower regulations.

This Presentation was received and filed.

- B.** [2016-0269](#) Presentation of the License Tax Review Committee Annual report for 2015

This Presentation was continued.

Council reached a consensus to direct staff to draft an ordinance to amend Section 28-179 by increasing license tax rates, as recommended by the License Tax Committee for FY2017.

- C.** [2016-0157](#) LS 360 Final Report

This Presentation was received and filed.

7. PUBLIC HEARINGS (Sworn):

- A. [2016-0194](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant.

After lengthy discussion, a motion was made by Councilmember Moreno, seconded by Councilmember Mosby, that this Public Hearing be continued. The to a date certain of June 23, 2016. The motion carried by a unanimous vote.

- B. [2016-0195](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-054 - SPECIAL USE PERMIT- telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

After lengthy discussion, a motion was made by Councilmember Mosby, seconded by Councilmember Seif, that this Public Hearing be continued. The to a date certain of June 23, 2016. The motion carried by a unanimous vote.

- C. [2016-0295](#) PUBLIC HEARING - Appl. #PL2016-045 - VACATION OF RIGHT-OF-WAY - a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, applicant

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to direct staff to present an ordinance approving application #PL2016-045 - VACATION OF RIGHT-OF-WAY - a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, applicant. The motion carried by the following vote:

Aye: 5 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Seif

Away FT: 3 - Councilmember Binney
Councilmember Moreno
Councilmember Mosby

8. OTHER BUSINESS:

- A. [CONT'D BILL NO. 16-119](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Due to the continuation of the Public Hearing, this ordinance was also continued to June 23, 2016.

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- B. [CONT'D BILL NO. 16-120](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Due to the continuation of the Public Hearing, this ordinance was also continued to June 23, 2016.

- C. [BILL NO. 16-121](#) AN ORDINANCE APPROVING THE FY2017 PROPERTY AND LIABILITY INSURANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TRAVELERS INSURANCE, ONE BEACON INSURANCE AND PHYSICIANS PROFESSIONAL INDEMNITY ASSOCIATION FOR THE PROCUREMENT OF PROPERTY AND LIABILITY INSURANCE COVERAGE FOR FY2017.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7896 The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 7907

- D. [BILL NO. 16-122](#) AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND SHOW ME PACE, A MISSOURI CLEAN ENERGY DEVELOPMENT BOARD, AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATED TO THE SHOW ME PACE PROGRAM FOR PARTICIPATION BY THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Ordinance be adopted and numbered. Ord. No. 7897 The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

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Nay: 1 - Councilmember Moreno

Enactment No: Ord. No. 7908

- E.** [BILL NO.](#) AN ORDINANCE APPROVING THE PROCUREMENT OF EXCESS WORKERS
[16-123](#) COMPENSATION COVERAGE FROM MIDWEST EMPLOYERS CASUALTY
 COMPANY FOR FISCAL YEAR 2017 AND AUTHORIZING THE CITY
 MANAGER TO EXECUTE AGREEMENTS AND OTHER DOCUMENTS
 NECESSARY FOR SAID INSURANCE COVERAGE.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7898 The motion carried by the following vote:

Aye: 7 - Councilmember Binney
 Councilmember Carlyle
 Councilmember Edson
 Councilmember Faith
 Councilmember Forte
 Councilmember Mosby
 Councilmember Seif

Away FT: 1 - Councilmember Moreno

Enactment No: Ord. No. 7909

- F.** [2016-0225](#) Appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV
 Storage - Section 86.B (Solid Waste Container Storage provision)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that the appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision) The motion carried by the following vote:

Aye: 6 - Councilmember Binney
 Councilmember Faith
 Councilmember Forte
 Councilmember Moreno
 Councilmember Mosby
 Councilmember Seif

Nay: 2 - Councilmember Carlyle
 Councilmember Edson

- G.** [2016-0253](#) Appeal Request to Resolution No. 16-05 for the suspension and delay the
 acceptance and processing of development applications and applications
 for building permit in an area generally bounded by Pine Tree Plaza, 50
 Highway, ADESA Property, Jefferson Street, Persels (West of M-291),
 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and
 South M-291 Highway.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building

permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway. be denied.

The motion failed by the following vote:

Aye: 5 - Mayor Rhoads
Councilmember Binney
Councilmember Forte
Councilmember Moreno
Councilmember Mosby

Nay: 4 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Seif

9. **COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

Councilmember Faith advised of a change in officers for the Arts Council. Also, the June 23rd Council meeting includes a presentation by Duncan Webb with Webb Management to provide a cultural arts plan.

10. **COUNCIL ROUNDTABLE:**

Councilmember Moreno extended congratulations to Nick and Jennie Swearngin who were named as "Citizens of the Year". They were nominated by Mayor Rhoads for the 2016 Truman Heartland Community Foundation Citizen of the Year and the Missouri Municipal League Civic Leadership Award.

Councilmember Mosby stated the City Manager and the City Attorney presented **violations and** penalties for councilmembers during **two** Charter Review Commission meetings. He wanted to know if **there they would be present violations and** penalties for Staff **at the Charter Commission**. Mr. Head responded a Staff member **would could** be fired if they violate the Charter. The Council has little ability to police their members. In reviewing the Charter as a whole, he looked for places where there was no recourse for violations. The Charter is silent on procedures to remove a councilmember. Including a process in the Charter will provide the Council with procedures if a violation occurs. One requirement considered by the Charter Commission is for the Council to adopt an Ethics Code. ". **Mr. Mosby repeated the above question. Mr. Head said "no".**

Councilmember Forte requested the CEDC Committee review the UDO, Article 12, Section 12.160.A.1), which regulates the parking of all forms of recreational vehicles. There are certain HOAs that allow boats and boat trailers in driveways.

Councilmember Binney:

- Suggested Staff inspect the archway at New Longview for stability. He also asked for an update on the New Longview TIF, including information on whether or not the New Longview Foundation was responsible for upkeep on the arch.
- The Tour de Lakes bicycle race will be held July 5th.
- Since the Council acted during Council Comments on video taping the Charter Commission meetings, Councilmember Binney thought perhaps a resolution would be best to finalize the action. Although taping all the boards and commissions is good in theory, the Council should ask for all costs entailed to film those meetings.
- There will be an open house at the Lee's Summit Municipal Airport this weekend.

Councilmember Binney also asked about UDO requirements for downtown murals. Mr. Mark Dunning, Assistant City Manager, advised this issue was referred back to the CEDC.

Councilmember Moreno noted that Charter Commission members stated their proposed changes to the Charter are presented directly to the voters. Mr. Head explained the provisions in the Charter that state this is true. The Council will be presented with an ordinance calling for the election for the issues on which the citizens will vote.

Councilmember Mosby moved to DENY the instructions to Staff to bring back a resolution restricting the motion abilities of councilmembers. Motion was seconded by Councilmember Moreno.

DISCUSSION: Councilmember Binney explained his comment was for a resolution to confirm the action taken by the Council in an earlier meeting to require Charter Commission meetings to be broadcast.

Councilmember Mosby WITHDREW his motion and Councilmember Moreno withdrew his second.

Councilmember Edson was concerned about the difficulty of reading Public Hearing signs placed on properties. Mr. Arbo stated Staff will look at alternatives, perhaps a QR Code that people could download.

In answer to a question from Councilmember Moreno, Mr. Arbo advised there are plans to provide shoulders for Todd George Parkway. Mr. George Binger, City Engineer, stated there are plans to start construction this year.

11. STAFF ROUNDTABLE:

Mr. Arbo provided an update on the improvements to Lee's Summit Road. Although Staff was expecting the road to be opened in the next couple of days, the Kansas City Water Authority has four crossing that need to be in place before opening. Initial plans were to bore beneath the roadway but could not because of rock and now need to trench. Plans now are to open

the road either early next week or the first of July.

12. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned the City Council Regular Session No. 4 at 11:35 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".

Packet Information

File #: 2016-0361, **Version:** 2

Mayor's Appointments:

Arts Council: Appoint John Schuler terms to expire 7-22-19.

Health Education Advisory Board: Reappoint Doug Herriott, Stewart Chase, Lori Rodgers and Rodney McBride, terms to expire 7-1-19

Due to term expirations/resignations Mayor Rhoads is seeking City Council approval of his appointments to the Arts Council and the Health Education Advisory Board.



Mayor Randall L. Rhoads

DATE: July 8, 2016
TO: City Council
FROM: Mayor Randall L. Rhoads
RE: Boards and Commissions Appointments

I am submitting the following appointments for the Council's approval:

Mayor's Appointments:

Arts Council: Appoint John Schuler terms to expire 7-22-19.

Health Education Advisory Board: Reappoint Doug Herriott, Stewart Chase, Lori Rodgers and Rodney McBride, terms to expire 7-1-19

Packet Information

File #: BILL NO. 16-144, **Version:** 2

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE WESTERN MISSOURI CYBER CRIMES TASK FORCE (WMCCTF) AND THE CITY OF LEE'S SUMMIT, MISSOURI.

Issue/Request:

The Western Missouri Cyber Crimes Task Force (WMCCTF) is an annual grant-funded multi-agency endeavor to investigate suspects who utilize the internet to seek children as sexual partners and/or who possess or traffic child pornography.

The City of Lee's Summit and the WMCCTF desire to enter into a Memorandum of Understanding which will delineate the responsibilities of the WMCCTF, maximize inter-agency cooperation, and formalize relationships between member-agencies.

Lee's Summit investigators assigned as task force officers will work remotely from Lee's Summit Police Department and adhere to all WMCCTF and Lee's Summit Police Department policies and procedures. Grant funds will be used to provide equipment and training to the Lee's Summit task force officer.

Proposed City Council Motion:

First Motion: An Ordinance Authorizing the Execution of a Memorandum of Understanding Between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee's Summit, Missouri. I move for a second reading

Second Motion: An Ordinance Authorizing the Execution of a Memorandum of Understanding Between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee's Summit, Missouri. I move for adoption

Presenter:

Major John Boenker

Recommendation: Staff Recommends approval of An Ordinance Authorizing the Execution of a Memorandum of Understanding Between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee's Summit, Missouri.

Committee Recommendation: *On motion of Board Member Riley, second by Board Member Davis, the Board voted unanimously to RECOMMEND the Ordinance Authorizing the Execution of a Memorandum of Understanding between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee's Summit, Missouri; to be submitted to the Finance and Budget Committee for review. None opposed*

BILL NO. 16-144

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE WESTERN MISSOURI CYBER CRIMES TASK FORCE (WMCCTF) AND THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the Western Missouri Cyber Crimes Task Force (WMCCTF) is an annual grant-funded multi-agency endeavor to investigate and prosecute Internet sexual predators who commit crimes by exploiting children through the use of the Internet, and other technological means; and,

WHEREAS, the Platte County Sheriff's Office has been designated as the fiscal agent for grant funds on behalf of the WMCCTF; and,

WHEREAS, the City of Lee's Summit, Missouri Police Department, in the spirit of cooperation, desires to participate in the WMCCTF and formalize the City's relationship with member-agencies; and,

WHEREAS, as part of the participation in the WMCCTF, the WMCCTF shall provide funding for equipment, training and other approved investigative costs; and,

WHEREAS, the City of Lee's Summit and the WMCCTF desire to enter into a Memorandum of Understanding which will delineate the responsibilities of the WMCCTF, maximize inter-agency cooperation, and formalize relationships between member-agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the Western Missouri Cyber Crimes Task Force (WMCCTF) Memorandum of Understanding, appended hereto and made a part hereof by reference, is hereby approved and the Mayor is hereby authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2016.

ATTEST:

Mayor *Randall L. Rhoads*

City Clerk *Denise Chisum*

BILL NO. 16-144

APPROVED by the Mayor of said city this ____ day of _____, 2016.

ATTEST:

Mayor *Randall L. Rhoads*

City Clerk *Denise Chisum*

APPROVED AS TO FORM:

Chief Counsel of Public Safety *Beth Murano*

Western Missouri Cyber Crimes Task Force (WMCCTF)

Memorandum of Understanding

Parties

The Western Missouri Cyber Crimes Task Force (WMCCTF) is an annual grant-funded, multi-agency endeavor. Funding for the WMCCTF is provided via a competitive grant process administered by the Missouri Department of Public Safety through the State Cyber Crimes Grant (SCCG) Fund. The Platte County Sheriff's Office is designated the fiscal agency for grant funds, on behalf of the WMCCTF.

This Memorandum of Understanding (MOU) is entered into by and between the following agencies:

Lee's Summit Police Department by and through the City of Lee's Summit,
Missouri and Western Missouri Cyber Crimes Task Force (WMCCTF)

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation that exists between the participating agencies.

Mission

The mission of the WMCCTF is to apprehend and prosecute Internet sexual predators who exploit children through the use of the Internet, and other technological means. The WMCCTF will investigate crimes involving Internet sexual predators. The WMCCTF will produce high-quality investigations leading to successful prosecutions of Internet sexual predators. The WMCCTF will conduct forensic examinations of evidence seized through the course of an investigation. The WMCCTF will participate in community education efforts regarding the prevention of Internet crimes against children (ICAC). As funding is available, the WMCCTF shall provide funding for personnel, equipment, training and other approved investigative costs.

Purpose

The purpose of this MOU is to delineate the responsibilities of the WMCCTF, maximize inter-agency cooperation, and formalize relationships between member-agencies. The Task Force will investigate suspects who utilize the Internet to seek children as sexual partners and/or who possess or traffic child pornography. Specific ICAC crimes include, but are not limited to: Internet sexual exploitation of a minor and luring a minor for sexual exploitation as described in Missouri Revised Statutes, Title 38, Chapter 566, 568 and 573. Under Federal law, sexual exploitation of children is described in Title 18, Chapter 110 and the manufacturing, distribution and possession of child pornography. This MOU does not prohibit the investigation of other Internet crimes against children.

Organizational Structure

The WMCCTF is composed of an Executive Board. The Executive Board has a Chairman and Vice Chairman. The Executive Board is responsible for the overall operation of the WMCCTF and to provide direction to the Officer In-charge. The Officer In-charge (OIC) is responsible for the day to day operation of the WMCCTF. The Platte County Sheriff's Office agrees to provide the OIC. Each member agency that receives grant funds will provide an investigator(s) to conduct cyber crimes investigations and/or forensic examinations. The investigator(s) will be designated as "Task Force Officers". Task Force Officers (TFO's) will be assigned to conduct reactive and/or proactive ICAC investigations. Investigators assigned as Forensic Examiners (FE's) will be assigned to the Heart of America Regional Computer Forensic Laboratory (RCFL) to conduct forensic exams of digital evidence.

Direction

All participants acknowledge that the WMCCTF is a joint operation in which all agencies act as partners. The chain of command and supervision of the Platte County Sheriff's Office is responsible for the policy and general direction of the WMCCTF. The WMCCTF OIC, or designee, will periodically contact Executive Board members, supervisors, investigators and forensic examiners from the participating agencies to keep them informed of WMCCTF operations, training opportunities, unusual circumstances, problems and successes of the WMCCTF. WMCCTF TFO's and FE's will make every effort to attend monthly meetings to update the OIC or designee of their individual activity. TFO's, at a minimum, must electronically submit their monthly statistics by the 1st of every month.

Activities of the WMCCTF are further governed by the Operational and Investigative standards of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). The document describing the Operational and Investigative Standards contains confidential information not for public release. Member agencies must understand and comply with the standards. The standards are proprietary to the National ICAC Board and OJJDP. Release of the standards is protected because release will likely jeopardize ongoing investigations.

Supervision

The day-to-day operational supervision and administrative control of the WMCCTF is the responsibility of the WMCCTF Officer In-charge (OIC) assigned by the WMCCTF Executive Board. The Platte County Sheriff's Department will provide the OIC. The OIC will work cooperatively with other supervisors, TFO's and FE's from the member agencies to keep them informed of WMCCTF issues and progress. Responsibility for the personal and professional conduct of participating Task Force members remains with the respective agencies, in keeping with each agencies rules and policies regarding conduct.

Investigations

All WMCCTF investigations will be conducted in a spirit of cooperation. Investigations will follow guidelines established by each agency's respective policy manual or guidelines. This MOU is not intended to infringe on the ongoing investigations of any

other agency. It is agreed that unilateral acts on the part of employees involved in task force investigations are not in the best interest of the Task Force.

Task Force Officers

The WMCCTF operates under a "virtual task force" concept. Investigators assigned to the WMCCTF as Task Force Officers (TFO's) will work remotely from their existing agency location and adhere to all WMCCTF and home agency policies and procedures. The TFO will work independently and proactively. The TFO will be required to attend training to conduct on-line investigation, with travel being required for some training sites. The WMCCTF shall forward "Cyber Tips" to each TFO, as they are received. The TFO will be required to attend monthly WMCCTF meetings to provide updates of activity, receive updates, training and/or equipment. The TFO will be required to participate in scheduled WMCCTF joint operations and be available to conduct investigations anywhere in the service area, the state of Missouri and/or anywhere the internet is available. TFO's will be required to participate in scheduled "on-line" meetings and discussions. TFO's will be required to complete and file all reports via the WMCCTF Record Management System (RMS) in a timely manner. TFO's will perform additional duties as assigned.

Although the WMCCTF operates as a virtual task force, TFO's receiving full salary compensation from the WMCCTF are expected to focus their efforts on WMCCTF investigations. TFO's that do not receive full salary compensation are expected to allocate time to WMCCTF investigations as a secondary assignment and when duties with their home agency allows.

Forensic Examiner

The WMCCTF operates under a "virtual task force" concept. Investigators assigned to the WMCCTF as Forensic Examiners (FE's) shall be assigned to the Heart of America Regional Computer Forensic Laboratory (RCFL) The WMCCTF uses the RCFL for its laboratory analysis of digital evidence seized during WMCCTF investigations. The RCFL is supervised and managed by the Federal Bureau of Investigation. The WMCCTF FE's assigned will be required to comply with all policies and procedures established by the HARCFL. WMCCTF FE's will be required to successfully pass all security background checks and certified training courses to be assigned to the HARCFL. Failure to meet any or all of these requirements may result in the WMCCTF FE's being re-assigned and/or returned to their home agency. WMCCTF FE's will be responsible for planning, coordinating, and directing forensic science activities. WMCCTF FE's inventory, examine and perform comprehensive technical analysis of computer-related evidence such as magnetic media storage devices (floppy disks, hard disks, magnetic tapes, optical disks, memory cards, magnetic strip cards, etc.) and retrieve information stored on the device in a form useful to TFO's and prosecutors. WMCCTF FE's also prepare pertinent items of evidence for examination from crime scenes. FE's will perform other duties as assigned.

Prosecution

The criteria for determining whether to prosecute a particular violation in county, state or federal court will focus on achieving the greatest overall benefit to the public. Any question arising pertaining to jurisdiction will be resolved through discussions among the investigative and protectoral agencies having jurisdiction in the matter. When joint

jurisdiction exist, this MOU does not preclude additional prosecution(s) in other jurisdictions.

Media Relations and Releases

Media release information regarding WMCCTF operations shall be coordinated and if possible, made jointly by all participant agencies. If a joint press release is not possible, the primary investigating agency will conduct the press release and if possible, it is recommended that a reference to the WMCCTF be included in any press release.

All efforts will be made to protect undercover on-line identities. Member agencies will refrain from releasing the undercover on-line identity, age, or sex of investigators. Release of such information could jeopardize ongoing investigations where the same undercover name, age and sex are currently in use.

Grant Funding

Dedicated grant funds, if available, shall fund personnel, training, equipment and supply costs. The grant is a "re-imbursement" grant requiring the participating agency to fund the initial 100% and then receive re-imbursement upon supplying the Fiscal Agency (Platte County Sheriff's Department) with the required monthly budget reports. The monthly budget reports are due to the Fiscal Agency on the 6th calendar day of each month. The monthly re-imbursement shall be issued to the participating agency by the end of each month.

Funding for Personnel

Dedicated grant funds, if available, shall fund Task Force Officers (TFO's) and/or Forensic Examiners (FE's) salary, and normal benefits. The funds shall be distributed in a manner permitting member agencies to hire investigators (TFO's) and/or Forensic Examiners (FE's). Member agencies agree to dedicate the TFO and/or FE's to the WMCCTF mission and to conduct investigations of internet crimes against children as required. Specific crimes include, but are not limited to: enticement of a child, child pornography offenses and sexual exploitation of minors via the internet and/or technology. Member agencies may agree to dedicate TFO's to the WMCCTF on a part-time basis. Funding for part-time TFO's may include equipment and training, but will usually not include salary or benefits.

Funding for Equipment

Dedicated grant funds, if available, shall fund the purchase of equipment to be used in the course of investigations involving Internet crimes against children. The funds shall be distributed in a manner permitting member agencies to equip their Task Force Officers and/or Forensic Examiner with tools that will improve the investigative process. Member agencies utilizing WMCCTF /SCCG funds for equipment expenses agree to dedicate the equipment to the WMCCTF mission.

Funding for Training

Dedicated grant funds, if available, shall be provided to finance training that would be useful in the investigation of Internet crimes against children. The funds shall be distributed in a manner that will permit member agencies to gain the knowledge and skills needed to investigate Internet crimes against children.

Jurisdictional Authority

The power of arrest of any peace officer who is duly authorized as a member of a multi-jurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multi-jurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

Duration and Termination

This MOU will remain in effect for the period of time that the WMCCTF is in existence. Renewal of the agreement will be automatic unless either party terminates the agreement. Task Force member agencies may voluntarily withdraw participation at any time by providing written notice. Membership may be terminated by written notice of violation of this MOU and/or ICAC operational and investigative standards.

Mark S. Owen
Chairman, Board of Directors
WMCCTF
Sheriff, Platte County Sheriff's Office

Randall Rhoads
MAYOR
City of Lee's Summit, Missouri

Date: _____

Date: _____



LEE'S SUMMIT MISSOURI

Minutes of the Public Safety Advisory Board

May 17, 2016

3:00 p.m.

Lee's Summit Police Department – Administrative Conference Room
10 NE Tudor Road, Lee's Summit, Missouri

3:00 p.m. Chairman Morrow called the Public Safety Advisory Board to order

ROLL CALL:

Council Liaison	VACANT
Chairman Bill Morrow	Present
Vice Chairman Bruce Trammell	Present
Board Member Drayton Riley	Present
Board Member Dorothy Hedrick	Present
Board Member Fred Pickard	Present
Board Member Jim Preisig	Absent
Board Member Jack Volz	Present
Board Member Kenneth Davis	Present
Board Member Jim Pryde	Present

Staff Present:

Assistant Fire Chief Jim Eden
Police Chief Travis Forbes
Major Michael Childs
Police Legal Advisor Beth Murano
Administrator of Parks & Recreation Tom Lovell
Asst. Administrator of Parks & Recreation Joe Snook

Guests:

Dale Coy

1. PUBLIC COMMENTS:

Mr. Coy asked the Board's philosophy in regard to ordinances that are not publicized or enforced, and stated his philosophy is that it is a poor example for the City to have an ordinance that is not going to be enforced. The Board's role of being a recommending body was explained. Police Legal Advisor Beth Murano stated in order to remove an ordinance, the City Council would have to pass an ordinance that repeals a particular ordinance. Usually this is not an area of concentration until the decision is made to do a full review of all ordinances. In reference to ordinances not being publicized, Board Member Hedrick stated all ordinances are available to the public on the City's website. Chairman Morrow stated this would be an issue Mr. Coy to take to the City Council.

2. BOARD COMMENTS:

No comments were made.

3. APPROVAL OF AGENDA:

Chairman Morrow requested approval of the agenda.

On motion of Board Member Hedrick, second by Board Member Pickard, the Board voted unanimously to APPROVE the agenda of May 17, 2016. None opposed.

4. APPROVAL OF MINUTES:

Chairman Morrow requested approval of the minutes.

On motion of Board Member Davis, second by Board Member Volz, the Board voted unanimously to APPROVE the minutes from March 15, 2016. None opposed.

5. COMMITTEE REPORTS:

A. Animal Control – Drayton Riley

No issues to report.

B. Miscellaneous Issues - Fred Pickard

No issues to report.

C. Ordinance Review – Dorothy Hedrick

An Ordinance Authorizing the Execution of a Memorandum of Understanding between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee’s Summit, Missouri.

On motion of Board Member Riley, second by Board Member Davis, the Board voted unanimously to RECOMMEND the Ordinance Authorizing the Execution of a Memorandum of Understanding between the Western Missouri Cyber Crimes Task Force (WMCCTF) and the City of Lee’s Summit, Missouri; to be submitted to the Finance and Budget Committee for review. None opposed.

D. Tow Committee – Jack Volz, James Preisig, Fred Pickard

- 1) Based on the current contract, ABC Tow was granted another year of City towing services.
- 2) Chairman Morrow mentioned Board Member Preisig has requested to be removed from the Tow Committee.

E. Traffic Safety – Fred Pickard, Jack Volz, Dorothy Hedrick

Board Member Pickard advised on 291 to Mulberry, the left-hand turn signal is not functioning.

6. OLD BUSINESS:

There being no items to discuss, the Board moved on to New Business.

7. NEW BUSINESS:

A. Election of Officers

- 1) Chairman Morrow requested nominations for the position of Chairman from June 1, 2016 - May 31, 2017.
Board Member Hedrick nominated Bill Morrow, second by Board Member Davis. None opposed.
- 2) Chairman Morrow requested nominations for the position of Vice Chairman from June 1, 2016 - May 31, 2017.
Board Member Hedrick nominated Bruce Trammell, second by Board Member Davis. None opposed.

B. Presentation – “What’s next for the Legacy for Tomorrow and Beyond” – Administrator of Parks & Recreation Tom Lovell

A handout was provided along with the presentation. Administrator Lovell answered questions, and explained this will be a ballot issue presented to the voters on August 2, 2016.

8. DEPARTMENT REPORTS:

A. Fire Department – Fire Chief Rick Poeschl

- 1) Incident Reports for the months of March and April 2016 were presented and discussed.
- 2) An update was provided on various Fire Department issues.

B. Police Department – Police Chief Travis Forbes

An update was provided on various Police Department issues.

C. Public Works –

Due to the absence of a department representative, an update was not provided

9. ROUNDTABLE:

Various items were discussed.

10. ADJOURNMENT:

The meeting was adjourned at 4:30 p.m.

Packet Information

File #: BILL NO. 16-145, **Version:** 1

AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING.

Issue/Request:

Amending the Lee's Summit Citizen Participation Plan to establish policies and procedures to encourage public participation in the process of developing the HUD required Assessment of Fair Housing.

Key Issues:

HUD Final Rule on Affirmatively Furthering Fair Housing (AFFH) requires HUD assistance recipients to conduct an Assessment of Fair Housing (AFH) every five years as a condition for accepting their Consolidated Plans. To conduct this required AFH, the City is also required to amend our current Citizen Participation Plan to establish policies and procedures to encourage public participation during the process of AFH.

Proposed City Council Motion:

FIRST MOTION: AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING. I MOVE FOR SECOND READING.

SECOND MOTION: AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING. I MOVE FOR ADOPTION.

Background:

Lee's Summit was designated as an Entitlement Community under the Community Development Block Grant (CDBG) program by the U.S. Department of Housing and Urban Development. Grant funds must be used to benefit low-to-moderate income persons or to address slum or blight in the community.

HUD regulation 24 CFR Part 91 requires that all CDBG entitlement cities and states prepare and submit to HUD a three-year or a five-year consolidated plan every three or five years respectively, as well as an annual action plan every year, as a condition for receiving HUD grant. A Consolidated Plan is a strategic plan of the community or state that identifies priority needs of the community or state and lays out strategies, priorities and resources to address those needs. An Action Plan is an annual plan that specifies how the community or the state plans to implement the strategies and priorities established in its Consolidated Plan and how to distribute HUD grant funds among the supported programs and projects for the upcoming program year. 24

CFR 91.105 specifically establishes a mandate that all HUD grant recipient communities and states submit a Citizen Participation Plan as a condition for HUD to accept their Consolidated Plans. The purpose of the Citizen Participation Plan is for local communities and states formally establish their policies, procedures and action steps to encourage citizen participation as the community or the state develops its Consolidated Plan, Annual Action Plan, as well as Citizen Participation Plan. The Citizen Participation Plan is also required to establish a threshold for determination of any proposed changes to these plans as either being a "substantial change" or a "non-substantial change" and for substantial changes, the Citizen Participation Plan also includes standard procedures for approval of these changes. 24 CFR 91 did not include any requirement for a Citizen Participation Plan to address the issue of Affirmatively Furthering Fair Housing until 2015 when HUD published a Final Rule.

On July 16, 2015, HUD published a Final Rule at 24 CFR Part 5 regarding HUD program grantees' obligation to affirmatively furthering fair housing. The new rule sets forth a meaningful and transparent process to identify and understand local and regional fair housing issues and to set goals for improving fair housing choice and access to opportunity. The rule requires grantees to conduct an Assessment of Fair Housing as a part of the required Consolidated Plan submission. Under the new rule, the Citizen Participation Plan requirements at 24 CFR 91.105 for local governments have been revised to accommodate the new AFH. To comply with this regulation change, the City's Citizen Participation Plan needs to be amended.

The City Council held a public hearing on June 23, 2016 to review the proposed amendment and to seek public input. A public comment period was provided by the City between June 22 and July 11 for public review and comment.

Impact/Analysis:

This amendment will ensure that the City is in compliance with the federal regulations and that the process of conducting the AFH is transparent.

Timeline:

Start: ____

Finish: ____

Other Information/Unique Characteristics:

The Final Rule allows grantees to conduct the AFH either by participating in a regional assessment or on their own. Regardless which one the grantee chooses, the grantee is required to analyze data specific to the community as well as data on a regional scale. AFH requires communities to analyze HUD provided data supplemented with local data and local knowledge to identify patterns of concentration of poverty or segregation by race, income, etc. as well as lack of access to opportunity. The grantee is also required to identify contributing factors that have resulted in these fair housing issues and put in place policies and strategies to address these contributing factors. HUD will monitor implementation of these policies and strategies through our CDBG planning and reporting.

Presenter: [Enter Presenter Here]

Recommendation: Staff recommends adoption of the Amendment to the Lee's Summit Citizen Participation Plan

File #: BILL NO. 16-145, **Version:** 1

Committee Recommendation: [Enter Committee Recommendation text Here]

BILL NO. 16-145

AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING.

WHEREAS, the City of Lee's Summit is a constitutional charter City, organized and existing under the laws of the State of Missouri (hereinafter "City"); and,

WHEREAS, the City was designated as an Entitlement Community under the Community Development Block Grant (CDBG) program by the U.S. Department of Housing and Urban Development, with grant funds from the program required be used to benefit low-to-moderate income persons or to address slum or blight in the community; and,

WHEREAS, HUD regulation 24 CFR Part 91 requires that all CDBG entitlement cities and states prepare and submit to HUD a three-year or a five-year consolidated plan every three or five years respectively, as well as an annual action plan every year, as a condition for receiving HUD grant; and,

WHEREAS, on July 16, 2015, HUD published a Final Rule at 24 CFR Part 5 regarding HUD program grantees' obligation to affirmatively further fair housing, which also requires grantees to conduct an Assessment of Fair Housing as a part of the required Consolidated Plan submission, and have imposed additional requirements to the Citizen Participation Plan, requiring the City to amend its current Citizen Participation Plan in order to remain compliant with the federal regulations; and,

WHEREAS, on June 23, 2016, the City Council held a public hearing to review the proposed amendments to the existing Lee's Summit Citizen Participation Plan and to seek public input, with a public comment period being provided by the City between June 22 and July 11.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, AS FOLLOWS:

SECTION 1. The Lee's Summit Citizen Participation Plan, a copy of which is attached hereto as Exhibit A and incorporated as if fully set forth herein is hereby approved as amended.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. That should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

BILL NO. 16-145

PASSED by the City Council of Lee's Summit, Missouri this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief Counsel of Management and Operations
Jackie McCormick Heanue

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CITIZEN PARTICIPATION PLAN

(Amended as of July 14, 2016)

City of Lee's Summit, Missouri



LEE'S SUMMIT
MISSOURI

220 SE Green Street
Lee's Summit, MO 64063

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1. Introduction

The City of Lee's Summit was designated as an Entitlement Community under the Community Development Block Grant (CDBG) program by the Department of Housing and Urban Development (HUD) in August of 1994. As a result of this designation, the City receives a grant on an annual basis contingent upon Congress approval of the Federal budget.

The primary objective of the CDBG program is the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, primarily for persons of low and moderate income.

Currently, the City's CDBG program is implemented through a process where qualified agencies apply for these funds prior to the start of each program year for eligible projects and activities and the City goes through a selection and fund allocation process to ensure funds are used to achieve the community goals and objectives as established in the five-year Consolidated Plan. The attached process diagram acts as an aid to help you understand the program and the process.

2. Background

As an Entitlement City of the CDBG program, the City of Lee's Summit, Missouri is required to adopt a citizen participation plan that sets forth the jurisdiction's policies and procedures for citizen participation in accordance with Title 24, Section 91.105 and in compliance with 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5340(A)(3)).

The Citizen Participation Plan sets forth the policies and procedures to be used to solicit and encourage the citizens of Lee's Summit to participate in the identification of community needs, along with the development and implementation of programs utilizing CDBG program funds to address those needs. There are numerous groups particularly targeted for participation, including low- and moderate- income persons, minorities, non-English speaking persons, and persons with disabilities.

On July 16, 2015, the Department of Housing and Urban Development published Affirmatively Furthering Fair Housing: Final Rule (24 CFR Parts 5, 91, 92, et al.), effective August 17, 2015. The major provisions of the Final Rule include:

- 1) Preparation of an Assessment of Fair Housing (AFH) by identifying and evaluating local and regional fair housing issues and factors contributing to fair housing issues;
- 2) Establishment of fair housing goals to address these issues and contributing factors;
- 3) Incorporation of fair housing planning into existing planning process and the Consolidated Plan, which, in turn, incorporate fair housing priorities and goals into housing and community development decision-making;
- 4) Participation in regional collaboration to address fair housing issues; and,
- 5) Provision of an opportunity for public participation and input.

This Plan includes detailed process steps for public participation regarding the AFH and required public notice and public hearing.

As a recipient of these entitlement program funds, the City is required to produce the following documents:

- Consolidated Plan (aka CON Plan): a strategic plan that is prepared every five years, the Consolidated Plan documents the housing and community development needs of Lee's Summit, and through a process of consultation and public participation, defines strategies to address those needs, and identifies proposed program accomplishments.
 - Citizen Participation Plan: An element of the Consolidated Plan that outlines the Entitlement City's commitment to fulfilling HUD requirements encouraging citizen participation in the development of the Consolidated Plan.
 - Assessment of Fair Housing (AFH): An element of the Consolidated Plan as required by the Final Rule prepared by the Grantee using HUD provided Assessment Tool and data combined with local data and knowledge to identify and evaluate local and regional fair housing issues and contributing factors and

establish goals to address these issues. The City of Lee's Summit may participate in a regional collaboration to prepare a regional (joint) AFH (24CFR 5.152) or conduct its own assessment, as directed by the City Council.

- Annual Action Plan: A one-year plan that implements the Consolidated Plan by outlining the City's funding priorities and expected accomplishments. The Annual Action Plan allocates CDBG funding to specific programs and projects that will be undertaken over the course of the upcoming program year. The Annual Action Plan is derived from the Consolidated Plan and is prepared on an annual basis.
- Consolidated Annual Performance and Evaluation Report (CAPER): an annual report that summarizes accomplishments in carrying out the CDBG-funded programs and projects, and evaluates performance measures. The CAPER is prepared on an annual basis.

3. Stages in the Citizen Participation Process

The Citizen Participation Plan encourages citizens and stakeholders to participate in the development of the Consolidated Plan, the Citizen Participation Plan, the Assessment of Fair Housing (AFH), the Annual Action Plan, the CAPER, as well as any substantial amendments to these documents.

I. Summary:

Document	Due to HUD	Legal Notice	Public Hearing Requirement	Public Review & Comment Period Required	Local Approval Authority
5-Year Consolidated Plan with Citizen Participation Plan	45 Days Prior to Start of Program Year Every Five Years	15 Calendar Days	At least 1 Public Hearing during the preparation of the CON Plan (24 CFR 91.105 (b)(3))	30 Calendar Days	City Council
Assessment of Fair Housing	270 Days Prior to Submission of CON Plan	15 Calendar Days	1 Public Hearing	30 Calendar Days	City Council
Annual Action Plan	45 Days Prior to Start of Program Year	15 Calendar Days	2 Public Hearings Annually	30 Calendar Days	City Council
Consolidated Annual Performance & Evaluation Report	90 Days after the End of Each Program Year	15 Calendar Days	Not Required	15 Calendar Days	Not Required
Substantial Amendments to Consolidated Plan	As Soon As Local Adoption But No Due Date	15 Calendar Days	1 Public Hearing	30 Calendar Days	City Council
Substantial Amendments to Citizen Participation Plan	As Soon As Local Adoption But No Due Date	15 Calendar Days	1 Public Hearing	15 Calendar Days	City Council
Revision to Assessment of Fair Housing	Within 12 Months of the Onset of the Material Change, or as HUD Specifies	15 Calendar Days	1 Public Hearing	30 Calendar Days	City Council
Non-substantial Amendments to Consolidated Plan and Action Plan	N/A	Not Required	Not Required	Not Required	Administrative

II. Consolidated Plan:

There are several requirements for the city to encourage citizen participation in the development of the Consolidated Plan. In particular, the City initially shall pursue the participation by low- and moderate-income persons along with all other residents and stakeholders in the community. In order to reach this goal, the City of Lee's Summit shall complete the following items:

- 1) Publish a statement of intent and notice of public hearing in the local newspaper of greatest circulation at least fifteen (15) days prior to the public hearing.
- 2) Hold a minimum of one public hearing inviting public input on the Needs Assessment, Proposed Activities, and Strategy portions of the Consolidated Plan.
- 3) Provide information to social service agencies, housing agencies, and other non-profit organizations regarding the program and invite input.
- 4) Upon the completion of a draft, publish a notification of the Consolidated Plan's availability in the local newspaper of greatest circulation inviting public comment for a period no less than thirty (30) calendar days.
- 5) Make copies of the proposed Consolidated Plan available through the Lee's Summit City webpage, at public libraries, government offices, and other public places as publically announced.
- 6) Prepare a summary of public comments accepted into the plan along with public comments not accepted with explanation of reasons for not accepting them.
- 7) Adoption of the Consolidated Plan shall be the responsibility of the City's governing body.
- 8) Submit the adopted Consolidated Plan to HUD at least 45 days prior to the start of the following Program Year.

III. Assessment of Fair Housing (AFH)

As required per 24 CFR 91.105(a)(1) and (a)(2)(i) through (iii), 91.105(a)(4), (b), (c), (e)(1), (f) through (j) and (l), the City of Lee's Summit shall complete the following items:

- 1) Encourage participation of local and regional institutions, Continuums of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations in the process of developing and implementing the AFH and the consolidated plan.
- 2) Encourage participation, in conjunction with public housing agency consultations, participation of residents of public and assisted housing developments, including any resident advisory boards, resident councils, and resident management corporations, in the process of developing and implementing the AFH and the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. Effort shall be made to provide information to public housing agencies about the AFH, AFFH strategy, and consolidated plan activities related to developments and surrounding communities in order to allow the public housing agencies to make information available at their annual public hearings.

- 3) Make HUD-provided data and any other supplemental information the City plans to incorporate into the AFH available to the public as soon as feasible following the start of its public participation process.
- 4) Publish a notice of public hearing in the local newspaper of greatest circulation at least fifteen (15) days prior to the public hearing.
- 5) Hold a minimum of one public hearing before the summary of the proposed AFH is released.
- 6) Publish a summary of the proposed AFH in a local newspaper of the greatest circulation in a manner that affords residents, public agencies and other interested parties a reasonable opportunity to examine its content and to submit comments.
- 7) Make the proposed document available to the public on the City's website, local libraries and other public places and make available a reasonable number of free copies for residents and groups that request it.
- 8) Provide a period of no less than 30 days to receive public comments.
- 9) Consider any comments or views of residents of the community received in writing, or orally at the public hearing in preparation of the final AFH. A summary of these comments and any comments not accepted and the reasons why shall be attached to the final AFH.
- 10) Adoption of the Consolidated Plan shall be the responsibility of the City's governing body.
- 11) Submit the adopted Consolidated Plan to HUD at least 45 days prior to the start of the following Program Year.

IV. Annual Action Plan:

The Annual Action Plan for the first Program Year of a new Consolidated Plan cycle is prepared simultaneously with the Consolidated Plan, and therefore follows the same process. Annual Action Plans following the initial Consolidated Plan year shall follow the requirements below:

- 1) Publish a statement of intent and notice of public hearing in the local newspaper of greatest circulation at least fifteen (15) days prior to the public hearing. Included information should also include the expected amount of CDBG assistance, the amount of program income to be available, and the range of activities to be undertaken.
- 2) Hold a minimum of two public hearings inviting input on the Needs Assessment, Proposed Activities, and Strategy portions of the Annual Action Plan. One will occur at the beginning of the Program Year and the other near the midpoint.
- 3) Provide information to social service agencies, housing agencies, and other non-profit organizations regarding the program and invite input.
- 4) Upon its completion, publish a summary of the Annual Action Plan in the local newspaper of greatest circulation inviting public comment for a period no less than thirty (30) calendar days.
- 5) Make copies of the proposed Annual Action Plan available through the Lee's Summit City webpage, at public libraries, government offices, and other public places such as the Chamber of Commerce, and Lee's Summit Social Services.

- 6) Prepare a summary of public comments accepted into the plan along with public comments not accepted in to the plan along with reasons.
- 7) Adoption of the Annual Action Plan shall be the responsibility of the City's governing body.
- 8) Submit the adopted Annual Action Plan to HUD at least 45 days prior to the start of the following Program Year.

V. Consolidated Annual Performance & Evaluation Report (CAPER):

The final aspect of citizen participation is in regard to the assessment of performance of the program. Each CAPER identifies the final budget expenditure and performance results for each Annual Action Plan activity from the currently completed program year and any outstanding activities from prior program years. The City will adhere to the following process:

- 1) Publish a statement of intent and notice of public hearing in the local newspaper of greatest circulation at least fifteen (15) calendar days prior to the public hearing.
- 2) Hold public hearing(s) inviting input regarding the performance report, officially titled CAPER, for the previous program year.
- 3) Public comments will be accepted for a period of not less than fifteen (15) calendar days on the draft CAPER. Any comments received either written or orally at the public hearing, and during the public comment period, shall be considered in preparing the final performance report. A summary of these comments or views and a summary of the views not accepted and the reasons therefore shall be attached to the final report.
- 4) The final report shall be submitted to HUD no later than 90 days after the end of each program year.

VI. Amendments to the Consolidated Plan and Annual Action Plan:

The officially adopted Annual Action Plan and/or Consolidated Plan will be amended any time one (1) or more of the following three criteria are met:

- 1) To substantially change the City's fund allocation priorities or the method of fund distribution;
- 2) To carry out an activity not previously included in the adopted Annual Action Plan, using funds from any program or activity covered by the Consolidated Plan, which shall be considered a substantial change; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity approved as part of the Annual Action Plan.

Substantial Change: The criteria to determine what actions constitute a substantial change shall be as follows:

- 1) A substantial change in regard to VI.1. above will occur in the event that the process of citizen input or decision making is significantly altered such as including alternative means of input, revision of program year dates, redefining the decision making body, or there exists a material change in the community that affects the information on which the AFH is based, to the extent that the analysis, fair housing contributing factors, or priorities and goals of the AFH no longer reflect actual circumstances.

- 2) A substantial change in regard to criteria VI.2. will occur in the event that a new activity is proposed by any party to be undertaken and has not previously been approved by the adopted Annual Action Plan.
- 3) A substantial change in regard to criteria VI.3. above will occur in the event that:
 - i. An approved activity is significantly altered in scope that as a result of changes, the overall purpose of the approved activity or results in an expansion of the activity's original budget by more than 50%;
 - ii. An approved activity is significantly altered to include new project elements not previously approved, constituting more than 50% of the project;
 - iii. The location of the approved activity is significantly altered to a different facility or type of structure; or
 - iv. The beneficiaries are significantly altered by excluding a group previously considered to be a beneficiary group of the approved activity.

Once a substantial change has been determined, the City will adhere to the following procedure:

- 1) Publish a statement of intent and notice of public hearing in the local newspaper of greatest circulation at least fifteen (15) days prior to the public hearing.
- 2) Hold a public hearing inviting input regarding the proposed amendment.
- 3) Accept public comments for a period not less than thirty (30) calendar days on the substantial amendment before the amendment is implemented.
- 4) Any comments received either written or orally at the public hearing and during the thirty (30) calendar day comment period shall be considered in preparing the substantial amendment. A summary of these comments or views and a summary of the views not accepted and the reasons therefore shall be attached to the final amendment. The draft amendment shall be presented to the City's governing body for adoption by ordinance.
- 5) The adopted substantial amendment shall be submitted to HUD for recording.

Non-Substantial Change: A non-substantial change is defined as any change or alteration that will not constitute a substantial change as defined above under "Substantial Change." Examples of non-substantial change may include:

- 1) Cancellation of a previously approved activity due to unforeseen circumstances that have caused significant delays or unreasonable cost burdens;
- 2) Termination of Grant Agreement due to violation of terms and conditions of the agreement;
- 3) Removal and reallocation of funds remaining after an activity is completed as approved;
- 4) Recapture of funds remaining from any public service activity after the end of the Program Year; or
- 5) Increase if activity budget to make up the shortage in order to secure a contract.

The City Staff responsible for overseeing and managing the CDBG Program will have authority to approve and implement non-substantial changes on an as-needed basis as part of the CDBG program administration. The City Staff will seek City Council approval for non-substantial changes, which result in an increase of program funding by 20% or \$3,000, whichever is greater.

VII. Revising a HUD Accepted AFH:

An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances (24 CFR 5.164(a)(1)(i) and (ii)):

- 1) A material change occurs. A material change is a change in circumstances in the City of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances, including but not limited to, Presidentially declared disasters, significant demographic changes, new contributing factors identified in the City, determinations, settlements, or court orders; or
- 2) Upon HUD's written notification specifying a material change that requires the revision.

A revision may not necessarily require the submission of an entirely new AFH and shall only focus on the material change and appropriate adjustments to the analyses, assessments, priorities, or goals.

If a revision is required, the City shall follow the timeframes for submitting a revision to HUD as specified below:

- 1) Revision due to material change – Within 12 months of the onset of the material change, or at such later date as HUD may provide; or
- 2) Revision due to HUD's written notification – As HUD specifies.

Upon completion, any revision to the AFH must be made public.

4. Displacement Policies

The City of Lee's Summit will discourage projects that involve the displacement of persons. On April 4, 1995, Lee's Summit adopted a policy regarding the displacement of persons in the event that displacement was to occur.

Resolution 95-7 outlines that the City will replace all occupied and vacant low-to-moderate income dwelling units demolished or converted to a use other than as low-to-moderate income dwelling housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974. All replacement housing will be in place within three (3) years of the commencement of the conversion.

5. Public Hearings & Access to Records

I. Public Hearings:

The City of Lee's Summit will conduct two (2) public hearings every year for the development and implementation of the Consolidated Plan and Annual Action Plan. These hearings may take the following formats:

- 1) a meeting conducted by the City's CDBG Staff open to the general public; primarily for the purposes of introducing the public to the plan development and citizen participation process, presenting to the public information and proposals from draft plans, reviewing program performance, answering questions and gathering input from the public;
- 2) an open-house style community event open to the general public; primarily for the same purposes as in 1. above;
- 3) a meeting conducted by a City Council subcommittee; primarily for the purposes of presenting community needs, CDBG program goals, implementation strategies, funding proposals and recommendations, providing opportunities for public comment and forming committee recommendations for City Council consideration; or
- 4) a City Council meeting.

Normally, one public hearing should be held each year prior to the City Council approval of the Annual Action Plan to solicit public comments on the proposed strategies and allocation of funds. Another public hearing should be held during the program year to provide the public an opportunity to learn how the program has performed.

II. Adequate Advance Notice:

Advance notice of public hearings will be given with enough time for interested parties to take informed actions. To do, so the City shall follow the procedures outlined below:

- 1) No less than fifteen (15) calendar days notice will be provided to the public for a public hearing; and
- 2) Public hearings shall be advertised in the local newspaper of greatest circulation, and will include adequate information regarding the subject and nature of the hearing to encourage informed comment.

III. Location & Timing:

Public hearings will be held at locations accessible to people with disabilities, with a required notification to the City of five (5) work days prior to the hearing to provide reasonable accommodation. Additionally, public hearings shall be held at times convenient to potential and actual beneficiaries.

IV. Availability to the Public:

All documents covered in this Citizen Participation Plan will be made available in their draft form for public review and comment during the public comment period. To ensure the accessibility of these documents to all persons, they will be provided at the following locations, subject to change with proper advance notice:

Lee's Summit City Hall 220 SE Green Street Lee's Summit, Missouri 64063	Gamber Community Center 4 SE Independence Avenue Lee's Summit, Missouri 64063
Lee's Summit City Clerk 220 SE Green Street Lee's Summit, Missouri 64063	Mid-Continent Public Library Lee's Summit Branch 150 NW Oldham Parkway Lee's Summit, Missouri 64081
Lee's Summit Social Services 108 SE 4th Street Lee's Summit, Missouri 64063	Mid-Continent Public Library Colbern Road Branch 1000 NE Colbern Road Lee's Summit, Missouri 64086
City of Lee's Summit Website as Publically Announced	Via Email as Publically Announced

V. Access to Records:

The City shall provide that citizens, public agencies, and other interested parties have reasonable and timely access to information and records pertaining to the City's Consolidated Plan, Annual Action Plan, and CDBG projects for a minimum of the preceding five (5) years.

Request for access to records shall adhere to the following process:

- 1) A written request for access shall be required and shall be submitted to the City Clerk.
- 2) Legal staff shall review the written request for legality under the Missouri Sunshine Law of 1973.
- 3) The City must provide a reply within three (3) business days of a request. If the information cannot be provided within the three days, the City must respond with the date the information or records will be available.

VI. Technical Assistance:

In the event that persons of low-to-moderate income households request assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan, the City will adhere to the following process:

- 1) Groups and organizations representing persons of low- and moderate-income can request technical assistance in preparing proposals for submitting a request in writing a minimum of two (2) weeks prior to the deadline for proposal submittal.
- 2) The City's CDBG Administrator will appoint the appropriate staff person to meet with the representatives of such groups and organizations to provide adequate levels of technical assistance as appropriate. Cost estimates and levels of funding will not be provided as part of the technical assistance.
- 3) Technical assistance will not include administrative support (such as typing, copies, etc.) and will simply involve acting as a consultant in refining the proposal's scope.

A request for technical assistance should be made to the CDBG Program Administrator at the Lee's Summit Planning and Codes Administration located at 220 SE Green Street, Lee's Summit, Missouri 64063

VII. Language Assistance Plan for Persons with Limited English Proficiency (LEP):

City staff will undertake reasonable efforts to ascertain language needs within the community, basing the review upon demographic analysis of the City's population in order to provide adequate language assistance for those individuals with limited English proficiency that prevents them from meaningful participation in the CDBG program as well as in the process of CDBG program development. City will utilize this information, as well as any specific request or need brought to the City's attention, to determine the nature of the need and seek an interpreter/translator service with the resources available to the City either from its own staff or a third-party provider at no cost to the LEP person(s). The LEP person will also be allowed to use a family member, a friend or any other individual who can provide adequate language translation. To ensure the language assistance is provided in a timely manner, the person requesting such assistance is requested to notify the City a minimum of five (5) business days in advance of the date when the assistance is needed. However, failure to provide such advance notice shall not diminish the City's good faith efforts to attempt to provide accommodation to the LEP person(s).

6. Complaints

The CDBG Administrator for the City of Lee's Summit shall accept complaints at any time during the course of the CDBG program year. In the event that a citizen complaint is received regarding the Consolidated Plan, Annual Action Plans, Performance Reports, the Citizen Participation Plan, or Plan Amendments, the City of Lee's Summit will adhere to the following process:

- 1) Complaints must be submitted in writing to the City's Planning and Codes Administration, and contain a concise statement of the complaint and an explanation of the action desired.
- 2) All complaints will be initially responded to in a timely, substantive written response in fifteen (15) calendar days, and resolved, if possible, within thirty (30) calendar days.

7. Summary of CDBG Program Year

The City’s program year corresponds to the City’s fiscal year, which runs from July 1 to June 30 of each year. Although the dates included in the table below represent a typical Program Year, all are subject to variation or change.

Lee’s Summit Generalized Program Year Schedule	
July	<ul style="list-style-type: none"> • 1st: Program Year Begins • CAPER Process Begins
August	<ul style="list-style-type: none"> • Publish CAPER Public Notice Draft Availability
September	<ul style="list-style-type: none"> • 15-Day Public Comment Period for CAPER • CAPER Submitted to HUD
October	
November	
December	<ul style="list-style-type: none"> • Annual Action Plan Process Begins
January	<ul style="list-style-type: none"> • Request for Funding (RFFs) Due • Review and Prioritization of RFFs
February	<ul style="list-style-type: none"> • Preparation of Draft Annual Action Plan with Grant Allocation Recommendations
March	<ul style="list-style-type: none"> • 30-Day Public Comment Period Begins • Public Hearing
April	<ul style="list-style-type: none"> • Preparation of Final Annual Action Plan
May	<ul style="list-style-type: none"> • Adoption of Annual Action Plan by ordinance by Governing Body • Action Plan submitted to HUD by May 15th
June	<ul style="list-style-type: none"> • 30th: End of Annual Action Plan Year

8. Glossary

Area Median Income: an index of median family income by household size determined annually by HUD surveys of major metropolitan areas.

Community Development Block Grant: A HUD program that provides communities with financial resources to address needs identified by HUD to include a suitable living environment, affordable housing, economic opportunities, and homelessness.

Low- and Moderate-Income Households: households earning less than 80% of the area median family income. They are broken down into the following income designations:

- Very Low-Income: Households with incomes 30% and below the area median family income, adjusted for household size.
- Low-Income: Households with incomes between 31% and 50% of the area median family income, adjusted for household size.
- Moderate-Income: Households with incomes between 51% and 80% of the area median family income, adjusted for household size.

Program Year: A 12-month cycle during which the CDBG funds are allocated and expended on the program and projects.

U.S. Department of Housing and Urban Development (HUD): A cabinet-level federal agency with a mission to increase homeownership, support community development, and increase access to affordable housing free of discrimination.

Packet Information

File #: 2016-0273, **Version:** 1

NIMS (National Incident Management System) Training for Mayor and City Council

The Fire Department will provide an overview of the National Incident Management System during disasters or events of significance to the City of Lee's Summit for Mayor and City Council. The purpose of the presentation is to provide awareness so elected officials have a clear understanding of roles and responsibilities for successful emergency management and incident response.

Presenter: Assistant Fire Chief Dan Manley



National Incident Management System Overview

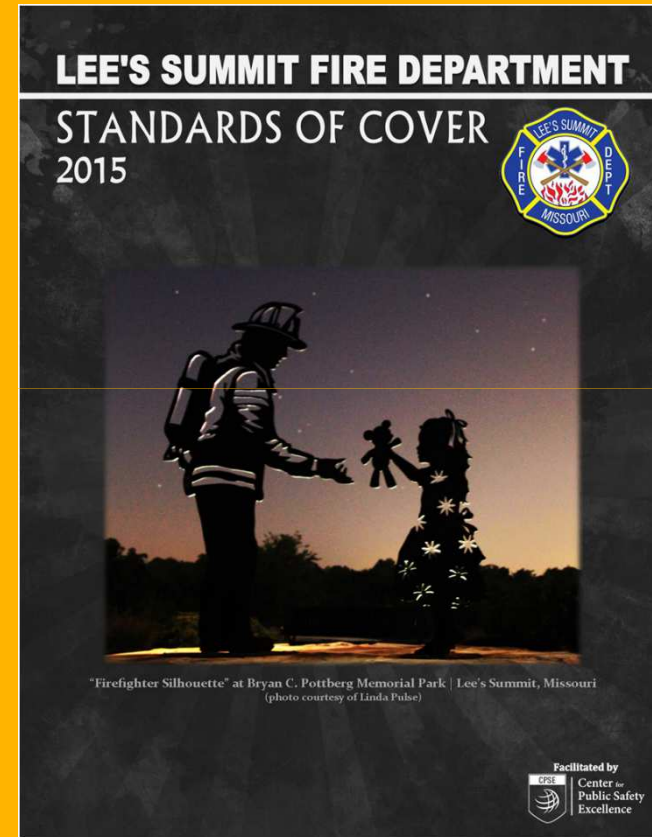
Today's Presentation

- Community Risk
- City of Lee's Summit Local Emergency Operations Plan
- Emergency Operations Center
- Regional Collaboration and Coordination
- State and Federal Roles and Responsibilities



What are the risk to our community?

- Natural Events
- Hazardous Materials
- Technology and Infrastructure
- Human factors



How do we manage emergencies in LS?

- In accordance with Chapter 10 of City Code of Ordinances
- Local Emergency Operations Plan
- Policies, Procedures, and Guidelines
- Manage Mitigation, Preparedness, Response and Recovery



Emergency Operations Center

- Collect, gather and analyze data
- Make policy decisions that protect life and property
- Maintain continuity of the organization, within the scope of applicable laws
- Disseminate those decisions to all concerned agencies and individuals.



Emergency Operations Center



How do we work with the State and Federal agencies and why?

- Legal Authority
- Access resources to mitigate risk
- Access resources to support response
- Access resources to recover from event
 - Public Assistance
 - Individual Assistance



What Is an Incident?

- An incident is
 - an occurrence, caused by either human or natural phenomena, that requires response actions to prevent or minimize loss of life, or damage to property and/or the environment.



Incident Timeframes

How long will a complex incident last?

How long do we need to be self-sufficient?

- How will you know that the incident is over?

What Is ICS?

- The Incident Command System:
 - Is a standardized, on-scene, all-hazards incident management concept.
 - Allows its users to adopt an integrated organizational structure to match the complexities and demands of single or multiple incidents without being hindered by jurisdictional boundaries.



ICS Purposes

- Using management best practices, ICS helps to ensure:
 - The safety of responders and others.
 - The achievement of tactical objectives.
 - The efficient use of resources.



Legal Basis for ICS

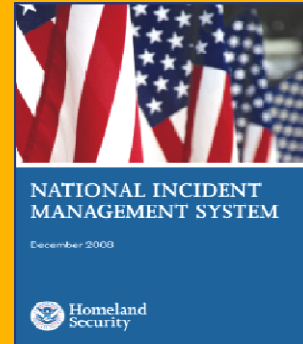
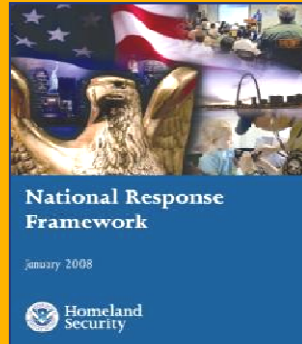
HSPD-5

Management of Domestic Incidents

PPD-8

National Preparedness

Mandates



National Response Framework (NRF)



National Response
Framework



Core Document

Emergency Support
Function Annexes

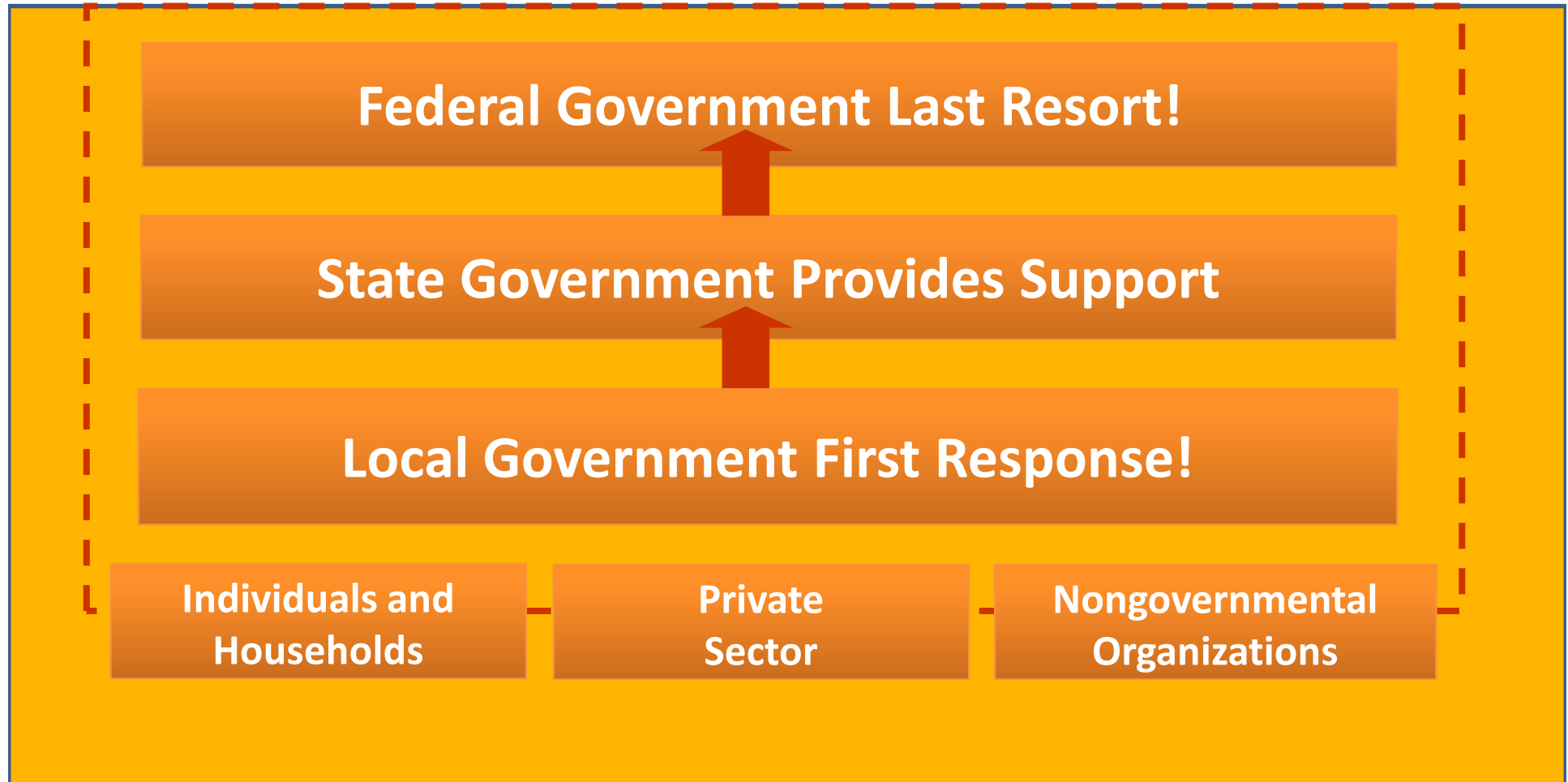
Support
Annexes

Incident
Annexes

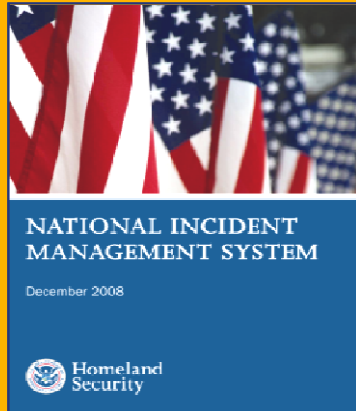
Partner
Guides

- Establishes a comprehensive, national, all-hazards approach to domestic incident response.
- Presents an overview of key response principles, roles, and structures that guide the national response.
- Includes the Core Document, Annexes, and Partner Guides.
- Replaces the National Response Plan.

NRF Emphasizes Partnerships



National Incident Management System



- **What?** . . . NIMS provides a consistent nationwide template . . .
- **Who?** . . . to enable Federal, State, tribal, and local governments, the private sector, and nongovernmental organizations to work together.
- **How?** . . . to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity . . .
- **Why?** . . . in order to reduce the loss of life and property, and harm to the environment.

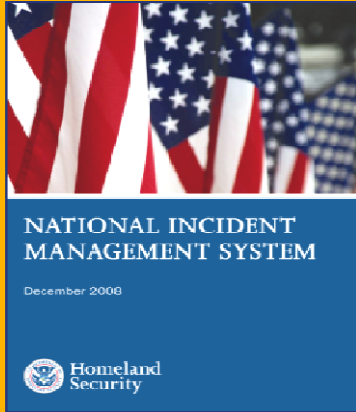


NIMS: What It Is/What It's Not

- NIMS is . . .
 - A flexible framework of:
 - Doctrine
 - Concepts
 - Principles
 - Terminology
 - Organizational processes
 - Applicable to all hazards and jurisdictions

- NIMS is not . . .
 - An operational incident management plan
 - A resource allocation plan
 - A terrorism/WMD-specific plan
 - Designed to address international events

NIMS Components



Preparedness

Communications and
Information Management

Resource Management

Command and Management

Ongoing Management and
Maintenance

Incident
Command
System

Multiagency
Coordination
Systems

Public
Information

NIMS & Institutionalizing ICS

- Governmental officials must:
 - Adopt the ICS through executive order, proclamation, or legislation as the agency's/jurisdiction's official incident response system.
 - Direct that incident managers and response organizations train, exercise, and use the ICS.
 - Integrate ICS into functional and system-wide emergency operations policies, plans, and procedures.
 - Conduct ICS training for responders, supervisors, and command-level officers.
 - Conduct coordinating ICS-oriented exercises that involve responders from multiple disciplines and jurisdictions.



Other ICS Mandates

- Hazardous Materials Incidents
 - Superfund Amendments and Reauthorization Act (SARA) – 1986
 - Occupational Safety and Health Administration (OSHA) Rule 29 CFR 1910.120
- State and Local Regulations



Examples of Incidents Managed Using ICS



- Fire, both structural and wildland
- Natural disasters, such as tornadoes, floods, ice storms, or earthquakes
- Human and animal disease outbreaks
- Search and rescue missions
- Hazardous materials incidents
- Criminal acts and crime scene investigations
- Terrorist incidents, including the use of weapons of mass destruction
- National Special Security Events, such as Presidential visits or the Super Bowl
- Other planned events, such as parades or demonstrations



ICS Benefits



- Meets the needs of incidents of any kind or size.
- Allows personnel from a variety of agencies to meld rapidly into a common management structure.
- Provides logistical and administrative support to operational staff.
- Is cost effective by avoiding duplication of efforts.





Questions?



LEE'S SUMMIT
MISSOURI

Packet Information

File #: BILL NO. 16-146, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.

-Chapter 2 of the Code of Ordinances of the City of Lee's Summit ("Code") sets forth provision regarding administration of City affairs; and

-Article II. Division 3. of Chapter 2 of the Code, specifically sets forth provisions regarding standing committees of the City of Lee's Summit ("City") Council; and

-Code section 2-52 sets forth the regular Standing Committees of the City; and

-Code section 2-53 enumerates the duties of the regular Standing Committees; and

-This ordinance serves to consolidate the Public Works and Environment and Natural Resources committees by dissolving the Environment and Natural Resources Committee and transferring its responsibilities to the Public Works Committee.

Recommendation: Staff recommends approval of AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.

Presenter: Trevor Stiles, Chief of Litigation, Office of the City Attorney.

First: I move for second reading of AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.

Second: I move for City Council approval of AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.

BILL NO. 16-146

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-52 AND 2-53 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY COMBINING THE PUBLIC WORKS AND ENVIRONMENT AND NATURAL RESOURCES COMMITTEES.

WHEREAS, Chapter 2 of the Code of Ordinances of the City of Lee's Summit ("Code") sets forth provision regarding administration of City affairs; and,

WHEREAS, Article II. Division 3. of Chapter 2 of the Code, specifically sets forth provisions regarding standing committees of the City of Lee's Summit ("City") Council; and,

WHEREAS, Code section 2-52 sets forth the regular Standing Committees of the City; and,

WHEREAS, Code section 2-53 enumerates the duties of the regular Standing Committees; and,

WHEREAS, the City Council wishes to consolidate the Public Works and Environment and Natural Resources committees by dissolving the Environment and Natural Resources Committee and transferring its responsibilities to the Public Works Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Chapter 2. Administration, Article II. Council, Division 3. Standing Committees, Section 2-52. Regular Standing Committees enumerated – Rule 1.2 of the Code of Ordinances of the City of Lee's Summit shall be amended to read as follows, Sec. 2-52. Regular Standing Committees enumerated. Rule 1.2.

The regular standing committees of the Council shall be as follows:

- A. Community and Economic Development Committee;
- B. Finance and Budget Committee;
- C. Legislative/Inter-Governmental Relations Committee;
- D. Public Works Committee;
- E. Rules Committee.

SECTION 2. That Chapter 2. Administration, Article II. Council, Division 3. Standing Committees, Section 2-53. Duties of the regular Standing Committees – Rule 1.3 of the Code of Ordinances of the City of Lee's Summit shall be amended to read as follows, Sec. 2-53. Duties of the regular Standing Committees – Rule 1.3.

- A. *Community and Economic Development Committee.* The committee shall review current or proposed policies or ordinances dealing generally with planning, zoning and other related community development department issues. The committee shall review current or proposed policies or ordinances dealing with code enforcement; review current or proposed procedures for the administrative enforcement of the

BILL NO. 16-146

International Building Codes, Life Safety Codes, and the International Fire Codes (includes review of all relevant national codes); review current and proposed policies in relation to residential and commercial development, park and land use and development, and general landscaping issues. The committee may consider and report upon proposed ordinances and matters referred to it relating to commerce, industrial growth, expansion and development, economic development, the creation and retention of jobs, and all other matters as directed by the City Council. The committee shall review CDBG applications and decide on a recommended allocation of grant funds for City Council approval by ordinance.

- B. *Finance & Budget Committee.* The committee shall evaluate and review financial statements, review and evaluate investment actions, recommend purchasing and bid approvals to the full Council and consider all other financial transactions as directed by the City Council. The committee shall review the City Manager's proposed budget prior to its consideration by the City Council pursuant to Article XI of the City Charter. The committee shall report upon all bills, proposed ordinances, measures or questions referred to it pertaining to appropriations and the overall financial condition and future needs of the City. The committee shall consider all other budget related matters as directed by the City Council.
- C. *Legislative/Inter-Governmental Relations Committee.* The committee shall develop the annual state and federal legislative programs for City Council consideration, host the Annual "Kick-Off" Meeting with state legislators in combination with the school districts and Chamber of Commerce to present the state legislative program, host the Annual State Legislative Dinner and work with City staff to monitor legislation introduced at the state and federal level affecting municipalities and identify issues for the Council to consider taking a position and/or lobbying state or federal legislators. The committee shall work with political subdivisions in the area on common issues, projects, and agreements. A quick response team consisting of the Mayor, City Manager, and Chairman of this Committee shall meet and provide a position statement for the Committee during the legislative session in those instances where action on specific legislation is imminent.
- D. *Public Works Committee.* The committee shall review matters relating to following:
1. public works or water and wastewater prior to consideration and action by the City Council, consider current or proposed ordinances or policies addressing all infrastructure or transportation issues, in conjunction with the Design and Construction Manual, and review issues concerning the Lee's Summit Airport, following review and recommendations from the Board of Aeronautical Commissioners; and
 2. the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste, recovery of natural resources of all types and by all means, including environmental impact and public

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health and safety as it relates to these issues, and the committee shall also consider changes and amendments to the landfill operations, review Department of Natural Resources (DNR) regulations, consider closure and post-closure requirements and review matters concerning the Sanitary Landfill and Resource Recovery Park prior to consideration and action by the Council.

- E. *Rules Committee.* The committee shall formulate and present for consideration the rules of the Council; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation or debate to the Committee on Rules. Parliamentary rulings may be made only by the Mayor as the presiding officer of meetings of the Council or temporary presiding officer at meetings of the Council. At the option of the Mayor or temporary presiding officer or at the request from a member of the Rules Committee, they may refer points of order to the Rules Committee for an immediate advisory opinion.

SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 5. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of Lee's Summit, Missouri, this ____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2016.

Mayor Randall L. Rhoads

BILL NO. 16-146

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief of Litigation *Trevor L. Stiles*

Sec. 2-52. - Regular Standing Committees enumerated—Rule 1.2.

The regular standing committees of the Council shall be as follows:

- A. Community and Economic Development Committee;
- B. Finance and Budget Committee;
- C. Legislative/Inter-Governmental Relations Committee;
- D. Public Works Committee;
- E. Rules Committee.

Sec. 2-53. Duties of the regular Standing Committees – Rule 1.3.

- A. *Community and Economic Development Committee.* The committee shall review current or proposed policies or ordinances dealing generally with planning, zoning and other related community development department issues. The committee shall review current or proposed policies or ordinances dealing with code enforcement; review current or proposed procedures for the administrative enforcement of the International Building Codes, Life Safety Codes, and the International Fire Codes (includes review of all relevant national codes); review current and proposed policies in relation to residential and commercial development, park and land use and development, and general landscaping issues. The committee may consider and report upon proposed ordinances and matters referred to it relating to commerce, industrial growth, expansion and development, economic development, the creation and retention of jobs, and all other matters as directed by the City Council. The committee shall review CDBG applications and decide on a recommended allocation of grant funds for City Council approval by ordinance.
- B. *Finance & Budget Committee.* The committee shall evaluate and review financial statements, review and evaluate investment actions, recommend purchasing and bid approvals to the full Council and consider all other financial transactions as directed by the City Council. The committee shall review the City Manager's proposed budget prior to its consideration by the City Council pursuant to Article XI of the City Charter. The committee shall report upon all bills, proposed ordinances, measures or questions referred to it pertaining to appropriations and the overall financial condition and future needs of the City. The committee shall consider all other budget related matters as directed by the City Council.

- C. *Legislative/Inter-Governmental Relations Committee.* The committee shall develop the annual state and federal legislative programs for City Council consideration, host the Annual "Kick-Off" Meeting with state legislators in combination with the school districts and Chamber of Commerce to present the state legislative program, host the Annual State Legislative Dinner and work with City staff to monitor legislation introduced at the state and federal level affecting municipalities and identify issues for the Council to consider taking a position and/or lobbying state or federal legislators. The committee shall work with political subdivisions in the area on common issues, projects, and agreements. A quick response team consisting of the Mayor, City Manager, and Chairman of this Committee shall meet and provide a position statement for the Committee during the legislative session in those instances where action on specific legislation is imminent.
- D. *Public Works Committee.* The committee shall review matters relating to following:
1. public works or water and wastewater prior to consideration and action by the City Council, consider current or proposed ordinances or policies addressing all infrastructure or transportation issues, in conjunction with the Design and Construction Manual, and review issues concerning the Lee's Summit Airport, following review and recommendations from the Board of Aeronautical Commissioners; and
 2. the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste, recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues, and the committee shall also consider changes and amendments to the landfill operations, review Department of Natural Resources (DNR) regulations, consider closure and post-closure requirements and review matters concerning the Sanitary Landfill and Resource Recovery Park prior to consideration and action by the Council.
- E. *Rules Committee.* The committee shall formulate and present for consideration the rules of the Council; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation or debate to the Committee on Rules. Parliamentary rulings may be made only by the Mayor as the presiding officer

of meetings of the Council or temporary presiding officer at meetings of the Council. At the option of the Mayor or temporary presiding officer or at the request from a member of the Rules Committee, they may refer points of order to the Rules Committee for an immediate advisory opinion.

Packet Information

File #: BILL NO. 16-147, **Version:** 1

AN ORDINANCE DENYING APPLICATION #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.

ITEM:

An Ordinance Denying of Application #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, and authorizing the Mayor to execute a written denial for the same.

KEY ISSUES:

- The matter concerns Application #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant
- On July 7th, 2016, the City Council voted to direct Staff to prepare a denial of Application #PL2016-053 based on failure to comply with the 4:1 setback requirement for telecommunications structures contained in Article 10 of the UDO.
- Attached is a written denial of the application based on failure to comply with the 4:1 setback.
- This item approves the written denial and authorizes the Mayor to sign the same on behalf of the City.

MOTIONS:

FIRST:

I move for City Council adoption of an Ordinance Denying of Application #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, and authorizing the Mayor to execute a written denial for the same.

SECOND:

I move for City Council adoption of an Ordinance Denying of Application #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, and authorizing the Mayor to execute a written denial for the same.

BILL NO. 16-147

AN ORDINANCE DENYING APPLICATION #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.

WHEREAS, On March 18, 2016 applicant Selective Site Consultants, Inc. (herein after “Applicant”) submitted application #PL2016-053 preliminary development plan (hereinafter the “Application”) to the City of Lee’s Summit, Missouri (hereinafter “City”) associated with the construction of a new telecommunications tower located at 244 NW Executive Way; and,

WHEREAS, On June 16th, 2016, June 23rd, 2016, and July 7th, 2016 the City Council held public hearings on this Application and the accompanying application for a special use permit (application #PL2016-054) for the telecommunications tower which is the subject of this Application; and,

WHEREAS, The City Council of the City of Lee’s Summit, Missouri wishes to deny the Application due to failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT. MISSOURI, as follows:

SECTION 1. That the City Council of the City of Lee’s Summit hereby denies application #PL2016-053 – Preliminary Development Plan – Telecommunications Tower, 244 NW Executive Way; Selective Site Consultants, Inc., Applicant for failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

SECTION 2. That the City Council hereby approves the written denial of Application #PL2016-053 – Preliminary Development Plan – Telecommunications Tower, 244 NW Executive Way; Selective Site Consultants, Inc., attached hereto and incorporated by reference as if fully set forth herein, and the Mayor is authorized to execute the same on behalf of the City of Lee’s Summit, Missouri.

SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee’s Summit, Missouri, this ____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

BILL NO. 16-147

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief of Litigation *Trevor L. Stiles*

**CITY OF LEE’S SUMMIT, MISSOURI
CITY COUNCIL**

DENIAL OF APPLICATION

IN THE MATTER OF: Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

RECITALS

1. On March 18, 2016 applicant Selective Site Consultants, Inc. (hereinafter “Applicant”) submitted application #PL2016-053 (hereinafter the “Application”) to the City of Lee’s Summit, Missouri (hereinafter “City”) associated with the construction of a new telecommunications tower located at 244 NW Executive Way.
2. The telecommunications tower proposed in the Application would be 95 feet in height.
3. On May 10, 2016 the City’s Planning Commission recommended approval to the City Council of the Application subject to City Staff’s letter dated May 6, 2016, specifically items one through four.
4. On June 16th, 2016, June 23rd, 2016, and July 7th, 2016 the City Council held public hearings on this Application and the accompanying application for a special use permit (application #PL2016-054) for the telecommunications tower which is the subject of this Application.
5. Article 10, Section 10.600(F)(3)(c)(1) through 10.600(F)(3)(c)(3) of the City’s Unified Development Ordinance (hereinafter “UDO”) states that,
 - (1) A telecommunications tower over ninety (90) feet in height shall be separated from any other telecommunications tower over ninety (90) feet in height by a distance of at least (1) mile.

(2) A telecommunications tower shall be located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use is indicated by the Comprehensive Plan is low density residential use.

(3) This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City.

6. The telecommunications tower proposed in the Application is located approximately 95 feet adjacent (to the north) of a lot zoned R-1.

7. To comply with Article 10, Section 10.600(F)(3)(c)(2) of the UDO, the telecommunications tower would have to be located at least 380 feet from single family/two family zoning districts.

8. Approval of the Application requires a waiver by the City Council of Article 10, Section 10.600(F)(3)(c)(2) of the UDO requiring telecommunications towers to be “located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use...”

9. There was no finding by the City Council that denial of the Application would effectively prevent the provision of telecommunications services within the City.

10. No motion was made or passed by the City Council to waive the provisions of Article 10, Section 10.600(F)(3)(c)(2) of the UDO for this Application.

DENIAL OF APPLICATION

11. The City Council of the City of Lee’s Summit, Missouri hereby denies Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicants, due to failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

12. Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN – Telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, is hereby **DENIED**.

13. The Mayor of the City of Lee’s Summit is hereby authorized to sign this denial of application on behalf of the City.

City of Lee’s Summit, Missouri

Randall L. Rhoads, Mayor
City of Lee’s Summit, Missouri

Date

Approved as to Form:

Trevor L. Stiles, Chief of Litigation
Office of the City Attorney

Packet Information

File #: BILL NO. 16-148, **Version:** 1

AN ORDINANCE DENYING APPLICATION #PL2016-054 - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.

KEY ISSUES:

- This item concerns Application #PL2016-054 - SPECIAL USE PERMIT - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant
- At the July 7th, 2016 City Council Meeting, the City Council voted to direct staff to prepare a written denial of Application #PL2016-054 based on failure to meet the 4:1 setback requirement contained in Article 10 of the UDO.
- Attached is the written denial of Application #PL2016-054.
- This item approves the attached written denial and authorizes the Mayor to sign the same on behalf of the City.

MOTIONS:

First: I move for adoption by the City Council of An Ordinance Denying Application #PL2016-054 - SPECIAL USE PERMIT - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, and authorizing the Mayor to execute a written denial for the same.

Second: An Ordinance Denying Application #PL2016-054 - SPECIAL USE PERMIT - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, and authorizing the Mayor to execute a written denial for the same.

BILL NO. 16-148

AN ORDINANCE DENYING APPLICATION #PL2016-054 – SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER, 244 NW EXECUTIVE WAY; SELECTIVE SITE CONSULTANTS, INC., APPLICANT AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN DENIAL FOR THE SAME.

WHEREAS, On March 18, 2016 applicant Selective Site Consultants, Inc. (hereinafter “Applicant”) submitted application #PL2016-054 for a special use permit (hereinafter the “Application”) to the City of Lee’s Summit, Missouri (hereinafter “City”) associated with the construction of a new telecommunications tower located at 244 NW Executive Way; and,

WHEREAS, On June 16th, 2016, June 23rd, 2016, and July 7th, 2016 the City Council held public hearings on this Application and the accompanying application for a preliminary development plan (application #PL2016-053) for the telecommunications tower which is the subject of this Application; and,

WHEREAS, The City Council of the City of Lee’s Summit, Missouri wishes to deny the Application due to failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE’S SUMMIT, MISSOURI, as follows:

SECTION 1. That the City Council of the City of Lee’s Summit hereby denies application #PL2016-054 – Special Use Permit – Telecommunications Tower, 244 NW Executive Way; Selective Site Consultants, Inc., Applicant for failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

SECTION 2. That the City Council hereby approves the written denial of Application #PL2016-054 – Special Use Permit – Telecommunications Tower, 244 NW Executive Way; Selective Site Consultants, Inc., attached hereto and incorporated by reference as if fully set forth herein, and the Mayor is authorized to execute the same on behalf of the City of Lee’s Summit, Missouri.

SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee’s Summit, Missouri, this ____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

BILL NO. 16-148

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief of Litigation *Trevor L. Stiles*

**CITY OF LEE’S SUMMIT, MISSOURI
CITY COUNCIL**

DENIAL OF APPLICATION

IN THE MATTER OF: Application #PL2016-054 – SPECIAL USE PERMIT
- telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc.,
applicant

RECITALS

1. On March 18, 2016 applicant Selective Site Consultants, Inc. (hereinafter “Applicant”) submitted application #PL2016-054 (hereinafter the “Application”) to the City of Lee’s Summit, Missouri (hereinafter “City”) associated with the construction of a new telecommunications tower located at 244 NW Executive Way.
2. The telecommunications tower proposed in the Application would be 95 feet in height.
3. On May 10, 2016 the City’s Planning Commission recommended City Council voted to pass this Application onto the City Council with no recommendation.
4. On June 16th, 2016, June 23rd, 2016, and July 7th, 2016 the City Council held public hearings on this Application and the accompanying application for a preliminary development plan (application #PL2016-053) for the telecommunications tower which is the subject of this Application.
5. Article 10, Section 10.600(F)(3)(c)(1) through 10.600(F)(3)(c)(3) of the City’s Unified Development Ordinance (hereinafter “UDO”) states that,
 - (1) A telecommunications tower over ninety (90) feet in height shall be separated from any other telecommunications tower over ninety (90) feet in height by a distance of at least (1) mile.

(2) A telecommunications tower shall be located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use is indicated by the Comprehensive Plan is low density residential use.

(3) This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City.

6. The telecommunications tower proposed in the Application is located approximately 95 feet adjacent (to the north) of a lot zoned R-1.

7. To comply with Article 10, Section 10.600(F)(3)(c)(2) of the UDO, the telecommunications tower would have to be located at least 380 feet from single family/two family zoning districts.

8. Approval of the Application requires a waiver by the City Council of Article 10, Section 10.600(F)(3)(c)(2) of the UDO requiring telecommunications towers to be “located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use...”

9. There was no finding by the City Council that denial of the Application would effectively prevent the provision of telecommunications services within the City.

10. No motion was made or passed by the City Council to waive the provisions of Article 10, Section 10.600(F)(3)(c)(2) of the UDO for this Application.

DENIAL OF APPLICATION

11. The City Council of the City of Lee’s Summit, Missouri hereby denies Application

#PL2016-054 – SPECIAL USE PERMIT - telecommunications tower, 244

NW Executive Way; Selective Site Consultants, Inc., applicants, due to failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

12. Application #PL2016-054 – SPECIAL USE PERMIT –

Telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, is hereby **DENIED**.

13. The Mayor of the City of Lee’s Summit is hereby authorized to execute this denial of application on behalf of the City.

City of Lee’s Summit, Missouri

Randall L. Rhoads, Mayor
City of Lee’s Summit, Missouri

Date

Approved as to Form:

Trevor L. Stiles, Chief of Litigation
Office of the City Attorney