

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

Tuesday, November 1, 2022

6:00 PM

City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063

REGULAR SESSION NO. 19

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, November 1, 2022 at 6:00 pm in person and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172. Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Monday, October 31, 2022, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

The meeting may be viewed on the City's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 19 to order at 6:05pm

D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

Absent: 1 - Councilmember Beto Lopez

1. Approval of Agenda

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to approve the agenda as published. The motion carried by the following vote:

City Council - Regular Session

Action Letter

November 1, 2022

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the Consent Agenda, Items 2.A. – 2.C. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

A. [2022-5162](#) Approval of City Council Action Letter from October 18, 2022.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the City Council Action Letter from October 18, 2022 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

B. [BILL NO. 22-207](#) An Ordinance approving a Preliminary Development Plan on land located at 316 SE Douglas Street in District CBD, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on October 18, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 22-207 be adopted and numbered Ord. No. 9534 as part of the Consent Agenda. The motion carried by the following vote:

City Council - Regular Session

Action Letter

November 1, 2022

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- C. [BILL NO. 22-209](#) An Ordinance approving Rezoning from District CP-2 (Planned Community Commercial) to District PI (Planned Industrial) and a Preliminary Development Plan for land located at 500 NE Town Centre Drive, 2201 NE Town Centre Boulevard, 2251 NE Town Centre Boulevard and 2150 NE Independence Avenue, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the city of Lee's Summit, Missouri. (Note: First read by Council on October 18, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 22-209 be adopted and numbered Ord. No. 9535 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

3. Council Roundtable

Councilmember Felker recognized members of Boy Scout Troop #4391 that is in attendance tonight and had a brief tour of City Hall prior to the meeting and talked with himself and Mayor Baird about Council.

Councilmember Prier noted the Downtown Lee's Summit Open House will be held on November 4 & 5, and the Mayor's Christmas Tree Lighting will be held on November 18, 2022. Mayor Baird advised the theme this year is Downtown LS Polar Express.

Councilmember DeMoro stated there has been groundbreaking for Fire Station #4 at Lakewood Way and Bowlin Road. He stated there would be a groundbreaking for Fire Station #5 on 150 Hwy on Thursday, November 3 at 2:00pm.

Mayor Baird stated Boos, Barks and Badges had a great turn out last Saturday, October 29, 2022.

4. Proclamations:

- A. [2022-5223](#) Proclamation: Educational Theatre Month - November 2022

This Proclamation was presented.

5. Public Hearings:

- A. [2022-5121](#) Public Hearing: Application #PL2022-216 - Preliminary Development Plan - Macadoodles, 1499 SW Market Street; KC Blitz, applicant.

Councilmember Felker stated he would be recusing himself on this Public Hearing due to an ongoing conflict with his current employer.

Mr. Joshua Johnson, AICP, Assistant Director of Plan Services entered Exhibit A 1-19 into the record as well as all public testimony received by the Clerk's office prior to the meeting date.

Council discussion included:

- Grade of intersection without drive thru
- Drive thru as opposed to business use creating issue
- Problem already existed / increased traffic
- Does median need to be addressed at some point with or without drive thru
- Alternate access points
- This median is not currently on the CIP plan.
- Handicap spaces location
- Accidents at Persels
- Other locations needing medians
- Crashes at each location
- Medians in other locations
- Alternate routes
- Consideration of businesses north of Persels
- Why is drive thru critical to this business
- Other solutions for this area to fix current issues

Mr. Richardson, Food and Fuel Expresso, spoke in opposition to the proposed medians for the approval of the drive thru for MacaDoodles.

Mr. Sweet, 1320 SE Market property owner, spoke in opposition to the proposed medians for approval of the drive thru. He is okay with the drive-thru without the median.

Mr. Donovan, 1340 SE Market property owner, spoke in opposition to the proposed median for approval of the drive thru.

Mr. Hill, 1321 SE Market property owner, also spoke in opposition to the proposed medians.

Mr. Rousch, Food and Fuel Expresso, spoke in opposition to the proposed medians due to loss of business.

This Public Hearing - Sworn was presented.

- 1) [AMENDED BILL NO. 22-220](#) An Ordinance approving a Preliminary Development Plan on land located at 1471-1499 SW Market Street in District CP-2, Lot 12A, South Port Business Park, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance of the Code of Ordinances for the City of Lee's Summit, Missouri. (Note: First read by City Council on November 1. Passed by unanimous vote with one recusal.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-220 be advanced to second reading.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 22-220 be amended by removing Condition #4 requiring a median. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

Recused: 1 - Councilmember Felker

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-220 be advanced to second reading as amended. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

Recused: 1 - Councilmember Felker

- B. [2022-5208](#) Public Hearing: Application #PL2022-298 - Vacation of Right-of-Way - a segment of NE Sloan Street located south of NE Tudor Road (adjacent to 15 NE Tudor Road); Cityscape Residential, applicant.

Mr. Joshua Johnson, AICP, Assistant Director of Plan Services entered Exhibit A 1-16 into the record.

There was no Council discussion.

No one was present to speak in support of or in opposition to this application.

City Council - Regular Session

Action Letter

November 1, 2022

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 22-221](#) An Ordinance vacating dedicated right-of-way for a segment of NE Sloan Street located south of NE Tudor Road (adjacent to 15 NE Tudor Road), in the City of Lee's Summit, Missouri.
(Note: First read by City Council on November 1, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 22-221 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- C. [2022-5212](#) Public Hearing: Application #PL2021-325 - Vacation of Right-of-Way - a segment of NW Lowenstein Drive located between I-470 and NW Clifford Road; Star Excavation, LLC, applicant.

Councilmember Felker stated he would be recusing himself on this Public Hearing due to an ongoing conflict with his current employer.

Councilmember Lovell stated he would also be recusing himself on this Public Hearing due to an ongoing conflict with his current employer.

Mr. Joshua Johnson, AICP, Assistant Director of Plan Services entered Exhibit A 1-16 into the record.

There was no Council discussion.

No one was present to speak in support of or in opposition to this application.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 22-222](#) An Ordinance vacating dedicated right-of-way for a segment of NW Lowenstein Drive located between I-470 and NW Clifford Road, in the City of Lee's Summit, Missouri.
(Note: First read by City Council on November 1, 2022. Passed by unanimous vote with two recusals.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 22-222 be advanced to second reading. The motion carried by the following vote:

City Council - Regular Session

Action Letter

November 1, 2022

Aye: 6 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

Recused: 2 - Councilmember Felker
Councilmember Lovell

- D. [2022-5207](#) Public Hearing: Application #PL2022-296 - Preliminary Development Plan - Market Street Center Lot 2, 3511 SW Market Street; Lee's Summit Retail Partners, LLC, applicant.

Mr. Joshua Johnson, AICP, Assistant Director of Plan Services entered Exhibit A 1-16 into the record.

Council discussion included:

- Concern with additional windows
- Addition of windows in the future

No one was present to speak in support of or in opposition to this application.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 22-223](#) An Ordinance approving a Preliminary Development Plan on land located at 3511 SW Market Street in District CP-2, all in accordance with the provisions of Unified Development Ordinance, Chapter 33 of the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by City Council on November 1, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Edson, that Bill No. 22-223 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

6. Public Comments:

Ms. Theresa Vollenweider spoke regarding her property and plat lines and ownership rights.

7. Presentations:

A. [2022-5219](#) Presentation: Right-of-Way Litter Control Resources

Council discussion included:

- Attendance at stream cleaning event
- Adoption of intersections by citizen groups
- Differences with MODOT
- Biggest Impact for "Clean Team"
- Connecting citizens to empower them for this cause
- Responsibilities of right-of-way's
- Important to move forward - educating and facilitating citizens

This Presentation was presented.

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 22-224](#) An Ordinance amending the Code of Ordinances by enacting a new Division 3. Cultural Commission. of Article V. Boards and Commissions. of Chapter 2. Administration. of the Code of Ordinances of the City of Lee's Summit, Missouri, consisting of two new sections related to the establishment of a new Cultural Commission and repealing certain ordinances and resolutions in order to consolidate certain existing boards and commissions into the newly created Cultural Commission. (CEDC 10/12/22)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Lovell, that Bill No. 22-224 be second read.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 22-224 be amended by changing Sec. 2-272 to read "The Cultural Commission shall consist of thirteen (13) members...". The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Lovell, that Bill No. 22-224 be second read as amended. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Edson,

City Council - Regular Session

Action Letter

November 1, 2022

that Bill No. 22-224 be adopted and numbered Ordinance No. 9536 as amended. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- B. [BILL NO. 22-225](#)** An Ordinance amending the Code of Ordinances by enacting a new Division 4. Wellness Commission. of Article V. Boards and Commissions. of Chapter 2. Administration. of the Code of Ordinances of the City of Lee's Summit, Missouri, consisting of two new sections related to the establishment of a new Wellness Commission and repealing certain ordinances, resolutions and sections of the municipal code in order to consolidate certain existing boards and commissions into the newly created Wellness Commission. (CEDC 10/12/22)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 22-225 be second read.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 22-225 be amended by changing Sec. 2-274 to read "The Wellness Commission shall consist of thirteen (13) members...". The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 22-225 be second read as amended. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 22-225 be adopted and numbered Ordinance No. 9537 as amended. The motion carried by the following vote:

City Council - Regular Session

Action Letter

November 1, 2022

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- C. [BILL NO. 22-226](#) An Ordinance amending Division 1. Generally, of Article V. Boards, Commissions and Committees of Chapter 2. Administration, of the Code of Ordinances of the City of Lee's Summit Missouri by enacting fourteen new sections thereof dealing generally with Rules for the Conduct of Business by City Boards, Commissions and Committees. (Rules 10/27/22)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Felker, that Bill No. 22-226 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-226 be adopted and numbered Ordinance No. 9538. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

9. Proposed Ordinances - Second Reading:

- A. [BILL NO. 22-208](#) An Ordinance approving rezoning from District PO (Planned Office) to RP-4 (Planned Apartment Residential District) and a Preliminary Development Plan for land located at 15 NE Tudor Road, 25 NW Tudor Road & 908 NE Douglas Street, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by Council on October 18, 2022.)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Shields, that Bill No. 22-208 be adopted and numbered Ordinance No. 9539. The motion carried by the

following vote:

Aye: 6 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Lovell
Councilmember Shields

Nay: 2 - Councilmember Hodges
Councilmember Prier

Absent: 1 - Councilmember Lopez

10. Committee Reports

Councilmember DeMoro stated the Finance and Budget Committee would be meeting on Monday, November 7, 2022 at 4:00pm. There will be 3 ordinances that will be vetted and sent to the full Council on November 8, 2022 if approved by the committee.

Councilmember Edson advised the Community and Economic Development Committee would meet on Wednesday, November 9, 2022 at 5:00pm.

11. Council Comments:

There were no Council Comments.

12. Staff Roundtable

Mr. Mark Dunning, City Manager, stated several staff members were very involved and played important roles regarding the three ordinances for the new boards and commissions, but he wanted to specially thank Ms. Glenda Masters for coordinating this project and moving it forward.

13. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 19 at 9:25pm.

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 Legislative Information Center website at "lsmo.legistar.com"