

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

Tuesday, November 20, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 16

JOINT MEETING WITH PLANNING COMMISSION

Preliminaries:

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

Mayor Baird called Regular Session No. 16 to order at 6:06 p.m.

- D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson

Absent: 1 - Councilmember Beto Lopez

1. Approval of Agenda

ACTION: A motion was made by Councilmember Binney, second by Councilmember Forte to approve the agenda as published. Motion carried the following vote:

AYE:

Councilmember Binney
Councilmember Forte
Councilmember Edson
Councilmember Johnson
Councilmember Carlyle
Councilmember Faith
Councilmember DeMoro
Mayor Baird

ABSENT:

Councilmember Lopez

2. Council Roundtable

Mayor Baird said he was happy and excited about the turn out for the Mayor's

Christmas Tree lighting last Friday, November 16th. He thanked staff and Downtown Lee's Summit Main Street led by Donnie Rodgers, Jr., City Council and all Lee's Summit residents for attending and making this event very successful. He stated there was nearly 5,000 people in attendance for the event.

Councilmember Faith said last Friday was almost magical. He thanked the Police Department and Fire Department staff for all their hard work and assistance with making this event safe and successful as well.

Councilmember Forte stated she was excited to see Mr. and Mrs. Santa Claus make their first appearance in Lee's Summit this year.

Councilmember Binney also stated the event was very enjoyable and went on to thank City staff and all the volunteers for their great work on Recyclefest held the following morning at City Hall. He also noted the ribbon cutting at the old Toys R Us building which will now house Mid States Distribution which will include 35 new employees by the end of the year.

3. Public Comments:

Ms. Amato voiced a complaint about a City staff person that she felt was out of line she then went on to again speak on ritual Masonic murders throughout the country.

Mrs. Meeks, Health Education Advisory Board, spoke against marijuana use and would like to see more restrictions on businesses that will legally be allowed to dispense and produce medical marijuana in the City next year.

Mr. Deeker, pharmacist, stated he feels the medical marijuana is just recreational marijuana with permission to use. He would like to see additional zoning, fees and taxes on businesses that come to Lee's Summit to dispense and produce marijuana legally.

4. Presentations:

- A. [2018-2436](#) Impacts on the City of Lee's Summit following the approval of Amendment 2 by the voters of the State of Missouri on November 6, 2018

Mr. Brian Head, City Attorney, gave a presentation on the impacts of the approval of Amendment 2, regarding medical marijuana, for the City of Lee's Summit that was approved by the voters on November 6, 2018.

Key Notes of presentation:

The approval of this amendment allows for the legalization of medical

marijuana and empowers the Missouri Department of Health and Senior Services

The following cannot be prohibited by law:

- Cultivation facilities
- Dispensary facilities
- Manufacturing of marijuana-infused products
- Testing facilities
- Transportation of products and equipment

Impacts on the City - across many departments

Planning and Zoning

- Placement, design standards, limits on number of facilities

Building Codes

- Size of facilities, design standards

Criminal Code

- Prosecution challenges
- Possession of non-sale amount

Business Licenses

- Fees
- Limits on number of licenses

Amendment goes into effect on December 6

Rules promulgated within 180 days - June 4, 2019

Applications for licenses can be accepted starting August 3, 2019

Council Notes:

Can CBD shops sell medical marijuana?

- No, still illegal but CBD is regulated differently than marijuana
- CBD is not a controlled substance

Proposed resolution allows for Administrative Delay

- Yes, for up to one year

1000 foot minimum from a school?

- Yes, city can be more restrictive but cannot be unduly burdensome or regulated out of business.

Medical marijuana given by prescription or certification?

- Used for medical conditions, very broad descriptions of conditions

Is there a tax placed on prescriptions?

- No

Is there a tax placed on certifications?

- No

Where is the 4% tax coming from?

- State
- States are taking back control from Federal Government on this topic

Retail Sales Tax applicable?

- No

Colorado has documented issue regarding growing, processing and dispensing

2018 International Fire Code will take this new legislation into account

All data should be tracked and regulated by many departments

Does Hemp have the same regulations and concerns?

- No

Home growth issues - ancillary business

Fire suppression required in homes that grow their own?

- No, not allowed - commercial regulations only

Who regulates edibles?

- Health Department

Are there any current best practices?

- Denver is working on this - Fire Code / Prevention
- Unique hazards

New zoning category required?

- No, just new uses but not new category

Any additional training or equipment needed?

- Training but no equipment at this time

1) [RES. NO. 18-20](#)

A Resolution directing staff to suspend and delay the acceptance and processing of development applications, applications for building permits and business licenses or activities related to medical marijuana as described in Proposition "2", An Amendment to the Missouri Constitution approved by the voters of the State of Missouri on November 6, 2018.

Council Discussion:

Appreciates the time for research but does not want to be more restrictive
Nothing can be done for 180 days even without the passage of this Resolution

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City is not being neutral
Ignoring the vote of the people (the majority vote) that passed this amendment
Protect the health and safety of citizens
Provides an opportunity to discuss
Direction from the state and health department before Council makes any decisions
City at same starting point as the state

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Resolution No. 18-20 be approved. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte

Nay: 1 - Councilmember Johnson

Absent: 1 - Councilmember Lopez

B. [2018-2415](#) Discussion of Collaborative Methods between City Council and Planning Commission

Discussion:

Trust the Process
The City is "Open for business"
Master Planning
Citizen Safety
Design standards and streetscape
Slow the process down - Public Hearings are too close together
Planning Commission to do more of the "heavy lifting"
Planning commission given more time to fully vet items
Staff more time to handle things administratively
Remove "clock" from staff - not developer driven
Planning Commission to recommend or deny
Modifications vs. Code - planned zoning changes
Smoother process - better records of Planning Commission Public Hearing
Getting more items "on the record"
Planning Commission minutes as part of Council Public Hearing (Exhibit to Public Hearing)
Public Involvement / Public Input - more advertising of hearings
Not hearing repeated testimony at both hearings
Work toward solutions
Better communication between citizens, Planning Commission and City Council
Keep the decorum
Planning commission to do more due diligence
Timing of hearings

How to contact commissioners
Convey to citizens they have been heard
Streamline process
Council to have "new evidence hearing"
Enhance importance of public hearings at Planning Commission to tighten up
Council meetings
Build trust both ways
Developers work with staff and Planning Commission

5. Committee Reports

Councilmember Faith stated the Public Works Committee will be meeting on Tuesday, November 27th at 5:30 p.m.

Councilmember Forte noted the Community and Economic Development Committee met last Wednesday and will be bringing a lot of great things forward to Council.

Councilmember Carlyle stated the Rules Committee will be meeting on Thursday, December 6 at 6:00 p.m.

6. Council Comments:

Mayor Baird advised he had given two opportunities for the public speakers to be respectful and speak at the beginning of the meetings. Since the same respect was not given, the Public Comments will be moved back to after the Public Hearings at the next meeting.

7. Staff Roundtable

Mr. Steve Arbo, City Manager, asked Council to let him know if they would be available for a Council meeting on Thursday, November 30, 2018 to discuss funding of the pay structure previously provided to Council. Staff would like to present this information so the first reading of the ordinance approving the pay structure could be done at the December 4th Council meeting.

8. Adjournment

Hearing no further business, Mayor Baird adjourned the Regular Session No. 16 at 9:09 as Council voted to go into Closed Session.

On motion of Councilmember Binney, second by Councilmember DeMoro, Council voted unanimously to go into Closed Session pursuant to Section 610.021(1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys; and, pursuant to Section 610.021(2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal

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consideration therefore.

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

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