

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

Tuesday, October 1, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 39 **AMENDED**

Preliminaries:

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

Mayor Baird called Regular Session No. 39 to order at 6:41 p.m.

- D. Roll Call

Present: 9 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

1. Approval of Agenda

Mayor Baird amended the agenda by removing agenda item 6A, a presentation and consideration of request to extend Land Clearance for Redevelopment Authority (LCRA) abatement - The Stanely Event Space, 25 SE 3rd Street; The Stanely Event Space, applicant.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, to approve the agenda as amended by Mayor Baird. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to adopt the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

A. [2019-3021](#) Approval of Action Letters from September 3rd and 17th, 2019.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to approve the September 3rd and 17th, 2019 Action Letters as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

B. [BILL NO. 19-217](#) An Ordinance amending the Schedule of Fees and Charges for the City of Lee's Summit to establish a card payment service fee.

(Note: First read by City Council on September 17, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-217 be adopted and numbered Ordinance No. 8731 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

C. [BILL NO. 19-193](#) An Ordinance accepting final plat entitled Whispering Woods, 1st Plat, Lots 1-33, and Tracts A, B, C & D, as a subdivision to the City of Lee's Summit, Missouri.

(Note: First reading by Council on August 20, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-193 be adopted and numbered Ordinance No. 8732 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- D. [2019-3059](#) Approval of Liquor Licenses G3 and S for Bella's Italian Restaurant, 511 SE Melody Lane, Lee's Summit, MO 64063.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to approve the liquor license for Bella's Italian Restaurant as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

3. Council Roundtable

Mayor Pro Tem Lopez commended Mayor Baird for doing a great job updating the community on all the things happening in the city and the accomplishments made this year during his State of the City Address. He said he was impressed by the level of participation from citizens. He was honored and pleased to be a part of it.

Councilmember Johnson followed up by stating during the State of the City Address, the Mayor asked the audience to raise their hand if they moved to Lee's Summit in the 2000's and in the 1990's. He then jokingly asked Mayor Baird why he didn't ask who moved here in the 70's? Mayor Baird laughed, and responded the city didn't grow by 25,000 people in the 1970's but the people that moved here in the 70's were the ones making the decisions that affected those that moved here in the 1990's.

Councilmember Forte mentioned the Chamber of Commerce's Oktoberfest. She said the new Fire Chief did a good job Friday night updating everyone regarding tornado and flood warnings with the impending storm. She stated Lee's Summit is a great community and people still came out regardless of the rain.

Mayor Baird thanked the Council for attending the State of the City Address. He said he meant it when he said he has leaned on their experience many times, and they have given him grace many times, they have been professional, diligent, analytical, passionate and respectful. During his speech he had

announced contracts have been negotiated for the downtown space for the Farmers Market and Event Space and he thought that was really big news until the next day when Downtown Lee's Summit Main Street outshined that news with their announcement that the American Planning Association 2019 list of great places in America named downtown Lee's Summit as one of only four neighborhoods to receive this national honor. He shared that it recognizes neighborhoods, public spaces and streets demonstrating exceptional character, quality and planning, attributes that enrich communities, spur economic growth and inspire others. Honories set the standard for creating a true sense of place, cultural and historic interest, community involvement and vision for the future. He then congratulated Downtown Lee's Summit Main Street lead by Donnie Rodgers, the Downtown Community Improvement District, Street Scape lead by Brad Culbertson, the downtown businesses and property owners that make it so special, and the citizens of Lee's Summit who continue to facilitate a neighborly and welcoming culture.

4. Public Hearings:

- A. [2019-2911](#) Continued Public Hearing: Application #PL2019-020 - Rezoning from RP-2 to RP-3 and Preliminary Development Plan - Burton Townhomes, 408 & 500 NW Olive Street; Cherokee Flight, LLC, applicant.
(Note: This application was continued from July 23, 2019 pending an additional hearing at the Planning Commission. This item is to be continued to December 3, 2019 per the applicants request.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to continue this Public Hearing to a date certain of December 3, 2019. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

- B. [2019-3053](#) Public Hearing: Annexation of 20.02 acres of land located at 12709 Smart Road; Lee's Summit R-VII School District, applicant.

Exhibit A, list of exhibits 1-3 were entered into the record.

City Council discussions included:

- The school district owns the property so there aren't any qualified voters in the area to be annexed
- Fire Station six would service the school
- The work done recently at Asbury Park and the Blackwell Interchange
- The city has not yet accepted the Blackwell Interchange improvements so it is

still under MoDOT's jurisdiction

-The city's ability to control easements while they are still under MoDOT's jurisdiction

-The cost to the school district for sewer plant renovations if the annexation isn't approved

-Exhibit A is the petition; the signature page is missing from the meeting packet

-Can the private low pressure system be accessed by additional property owners

Answer: No, these systems are designed for single use only

-Mason Elementary School was able to connect to the public sewer system approximately 10 years ago

-Forced mains are maintained by Sunset Valley and Hazel Grove Elementary Schools

-The annexation of the 900 acres to the north of the school property (the Barber property)

Answer: That annexation was done via public vote in the late 1990's

-The school opened in 2002

-The costs to the city to annex it now

There were no speakers in favor of, or opposed to, this application.

1) [BILL NO. 19-218](#)

An Ordinance annexing property located east of Smart Road approximately one mile south of Highway 50 (Woodland Elementary School property) into the City of Lee's Summit, Jackson County, Missouri.

(Note: First read by Council on October 1, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 19-218 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

C. [2019-3025](#)

Public Hearing: Application #PL2019-239 - Vacation of Right-Of-Way - the alley segment north of SW 1st St between NW Market Street and NW Main Street; Worley Real Estate 5 NW Market Series, LLC, applicant.

Exhibit A, list of exhibits 1-16 were entered into the record.

City Council discussions included:

-Clarification of location

-Current zoning

-Size of the lot

-Proposed use

Answer: The owner is proposing office space

-Utility easement

-Why this request was not brought forward as part of a PDP (Preliminary Development Plan) and what happens if the Right-of-Way is vacated and the development doesn't move forward.

-Public Hearing process for vacating Right-of-Way

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-219](#) An Ordinance vacating the alley north of SW 1st Street between NW Market Street and NW Main Street, in the City of Lee's Summit, Missouri.
(Note: First read by Council on October 1, 2019.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Binney, that Bill No. 19-219 be advanced to second reading. The motion carried by the following vote:

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

Nay: 2 - Councilmember Carlyle
Councilmember Lopez

5. Public Comments:

There were no speakers for Public Comments.

6. Presentations:

- A. [2019-3036](#) Presentation and consideration of request to extend Land Clearance for Redevelopment Authority (LCRA) abatement - The Stanley Event Space, 25 SE 3rd Street; The Stanley Event Space, applicant.
(Note: This item is to be continued to October 15, 2019 per the applicant's request.)

This presentation was pulled by Mayor Baird before approval of the agenda.

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 19-220](#) An Ordinance accepting final plat entitled "Hawthorn Ridge, 2nd Plat, Lots 101 thru 159", as a subdivision to the city of Lee's Summit, Missouri.
(Note: First read by Council on October 1, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 19-220 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B.** [BILL NO. 19-221](#) An Ordinance approving a development agreement between Lee's Summit Senior Community, LLC, and the City of Lee's Summit, Missouri, for the Princeton Senior Community Development.
(Note: First read by Council on October 1, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 19-221 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C.** [BILL NO. 19-222](#) An Ordinance accepting final plat entitled Legacy Wood, 7th Plat, Lots 246-278, and Tracts M & N, as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on October 1, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-222 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

8. Proposed Ordinances - Second Reading:

- A.** [BILL NO. 19-207](#) An Ordinance vacating certain utility easements located at 2024 NW Lowenstein Drive, 906 NW Pryor Road, and 930 NW Pryor Road in the City of Lee's Summit, Missouri.
(Note: First reading by Council on September 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 19-207 be adopted and numbered Ordinance No. 8733. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B.** [BILL NO. 19-209](#) An Ordinance approving a preliminary development plan located at 114 & 200 SE Summit Avenue in district RP-2 for the proposed Summit Avenue Addition, Lots 1 & 2, 114 & 200 SE Summit Avenue in accordance with the provisions of Chapter 33, Unified Development Ordinance, of the Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(Note: First read by City Council on September 17, 2019.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-209 be adopted and numbered Ordinance No. 8734. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

9. Committee Reports

Councilmember Binney shared that a Lee's Summit parks patron had a health emergency. Two staff members, and two citizens, used the AED device located at the facility to revive him. They were able to get him stabilized before paramedics arrived to take over. He expressed kudos to the parks employees, and citizens, that stepped in to help.

Councilmember Carlyle reported there is a Rules Committee meeting scheduled for Thursday, October 3, 2019 at 6:00 p.m.

Councilmember Faith announced a new time for the Public Works Committee meetings. The meetings have moved from the fourth Tuesday to the first Monday each month. The next meeting is scheduled for Monday, October 7, 2019 at 5:30 p.m.

Mayor Baird noted City Council has a Work Session next Tuesday, October 8, 2019 at 6:00 p.m.

10. Council Comments:

Mayor Baird thanked the audience and staff for their attentiveness.

11. Staff Roundtable

There were no items for Staff Roundtable.

12. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 39 at 7:48 p.m.

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"