

The City of Lee's Summit
Action Letter
Community and Economic Development Committee

Wednesday, August 14, 2019

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order

2. Roll Call

Present: 5 - Chairperson Diane Forte
Vice Chair Fred DeMoro
Councilmember Craig Faith
Councilmember Beto Lopez
Planning Commissioner Donnie Funk

3. Approval of Agenda

A motion was made by Vice Chair DeMoro, seconded by Committee Member Faith, to approve the agenda. The motion carried unanimously.

4. Approval of Action Letter

- A. [2019-2959](#) Approval of the July 10, 2019 Community and Economic Development Committee Action Letter.

A motion was made by Committee Member Lopez, seconded by Vice Chair DeMoro, to approve the July 10, 2019 Action Letter. The motion carried unanimously.

5. Public Comments

There were no public comments.

Brian Head, City Attorney, stated he intended to bring forward an ordinance to the committee for this meeting prohibiting public vaping and was going to include it with the Clean Air Act ordinance already in force. However, after additional research and reviewing the Missouri statutes for tobacco, alternative tobacco products and vaping he realized each of these issues were addressed separately and not combined in one ordinance. If grouped together, the ordinance is overbroad. Nine other cities currently have anti-vaping ordinances, six cities included it with their anti-smoking ordinance. The City of Kansas City has a completely separate public vaping ordinance. Mr. Head prefers to draft a separate ordinance as well. If the ordinance were ever challenged, Kansas City would be interested in the litigation outcome and might provide assistance defending the ordinance since they have a similar ordinance. Therefore, he

plans to bring forward a vaping ordinance to either the September or October meeting.

CM Forte asked from what committee the Indoor Clean Air Act originated. Mr. Head replied it came from the Health Education Advisory Board and he will follow the same process for the vaping ordinance.

CM Faith added the Health Education Advisory Board has already begun discussing this topic.

Mayor Pro Tem Lopez asked if this affects the timing of the overall process. Mr. Head replied because it will be a separate ordinance it doesn't affect the timing as far as the other medical marijuana ordinances.

6. Business

A. [BILL NO. 19-190](#)

An Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution. (CEDC 8-14-19)

Mr. Dan White, Chief Counsel of Management and Operations, stated this ordinance is being presented to bring the City of Lee's Summit in compliance with the ordinance for the medical marijuana amendment. He noted marijuana in any form is still illegal under Missouri statute and Federal law. However, the City needs to take action to ensure our codes don't become subject to a lawsuit for violating the amendment. Definitions in the city code have been updated and some specific provisions have been added dealing with disposing and consuming medical marijuana and the need to provide a valid identification card.

Mayor Pro Tem Lopez, recently visited California and spoke to a county administrator in San Diego County, California, who said the regulation of marijuana is still strictly regulated even though medical and recreational marijuana are both legal. Mayor Pro Tem Lopez agrees the City is on the right path and appreciates staff's efforts on this topic.

A motion was made by Vice Chair DeMoro, seconded by Committee Member Lopez, that this ordinance be recommended for approval by the City Council. The motion carried unanimously.

B. [BILL NO. 19-191](#)

An Ordinance amending Chapter 1, General Provisions, Section 1-13 of the Code of Ordinances for the City of Lee's Summit, Missouri, to update penalty provisions in accordance with Missouri law. (CEDC 8-14-19)

Mr. Dan White, Chief Counsel of Management and Operations, stated in conjunction with the other criminal code changes, this ordinance is a change dealing with provisions of violations of an ordinance or code that doesn't spell out the particular penalty. The change is not a change in practice but a change

in the written law to bring it in compliance with Sections 479.350 and 479.353 of the revised statutes of Missouri. These statutes outline the limitations in penalties a city can impose for minor traffic violations and municipal ordinance violations. The minor traffic violation includes any traffic violation except for a handful of higher violations while the municipal ordinance violation is typically a zoning violation. For clarification, the dollar amounts specified in the ordinance include court costs. Some cities use courts as a revenue generator while other cities do not include court costs on a standard fine.

Chair Forte referenced the City Council meeting the previous night when the city's lobbyist mentioned information regarding court costs in his presentation. She asked if the state does not allow cities to pass on court costs then how do the costs get paid.

Mr. Brian Head clarified the information stating cities can't jail someone for not paying a fine. He added this topic will continue to be a problem based on Senate Bill 5 passed a few years ago. The City needs to include this topic in its legislative priorities this year. Multiple Senate bills were passed to try to remedy this problem but some only compounded the problem.

Councilmember Faith asked if the City relies on revenue from fines, tickets and court costs. Mr. Head stated the city does not collect enough revenue from court costs to pay for the municipal court. The City prefers to have compliance over fining citizens. In Missouri, a municipality may not incur more than 20% of its budget from municipal court revenues.

Vice Chair DeMoro asked if this legislation is the result of communities not reporting their revenue correctly. Mr. Head stated its intent is to serve as a disincentive for cities not reporting correctly, but it hurts other cities who are trying to do it right and limits their ability to follow through.

A motion was made by Committee Member Lopez, seconded by Vice Chair DeMoro that this ordinance be recommended for approval by the City Council. The motion carried unanimously.

7. Roundtable

Mayor Pro Tem Lopez commented on the excellent LSignite presentation at last night's city council meeting and the implementation of the plan and priorities.

Chair Forte shared she has noticed a lot of positive social media news about LSR7 and the positive article in the KC Business Journal on the ranking of Lee's Summit and neighboring schools.

Chair Forte stated the next meeting of the Community and Economic Development Committee will be Wednesday, September 11, 2019 at 4:00 pm.

8. Adjournment

Community and Economic Development Committee

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There being no further business, Chairperson Forte adjourned the meeting at
4:30 P.M.

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