

**CITY COUNCIL MEETING MINUTES  
CITY OF ROELAND PARK, KANSAS  
Roeland Park City Hall  
4600 W 51st Street, Roeland Park, KS 66205  
Monday, November 21, 2016 6:00 P.M.**

- Joel Marquardt, Mayor
- Becky Fast, Council Member
- Tim Janssen, Council Member
- Ryan Kellerman, Council Member

- Teresa Kelly, Council Member
- Sheri McNeil, Council Member
- Michael Poppa, Council Member
- Michael Rhoades, Council Member
- Erin Thompson, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Bohon, City Clerk
- John Morris, Police Chief
- Jose Leon, Public Works Director

**Admin**

Poppa  
Fast

**Finance**

Kelly  
Janssen

**Safety**

Thompson  
Rhoades

**Public Works**

Kellerman  
McNeil

**PLEDGE OF ALLEGIANCE**

Mayor Marquardt called the meeting to order and led everyone in the Pledge of Allegiance

**ROLL CALL**

City Clerk Bohon called the roll noting that all Councilmembers were present.

**MODIFICATION OF AGENDA**

The Sustainability Committee Report will be given under Applications/Presentations.

City Hall North Entry ADA Project (Workshop Item 2) will be moved to the Consent Agenda.

Joint Johnson County and Cities Legislative Platform (Workshop Item 5) will be moved to the Consent Agenda.

Task Force Pool Advisory Board will be added to New Business.

Commerce Bank report will be presented following the Consent Agenda.

**I. CITIZEN COMMENT**

George Lisac(sp) and Kelsey Marschio(sp), student representatives from Bishop Miege High School spoke in support of raising the purchase of tobacco products to 21 in the city. They stated they were members of SADD, a group which works to prevent poor decision-making by students in their school community, adding that current limits are not doing enough.

John Martin (5703 Ash) spoke in support of the Commerce Bank project.

**II. CONSENT AGENDA**

**A. Appropriation Ordinance #898**

**B. Cereal Malt Beverage License Renewals**

**C. Ordinance 944 Updating the Zoning Code to Regulate the Placement of Cellular Facilities**

**D. 2017 Roeland Park Sports Dome lease agreement with Johnson County Parks and Recreation**

**E. ROW Purchase Agreement with KDOT – NE Corner of Johnson Drive and Roe**

**F. City Hall North Entry ADA Project (Workshop Item 2)**

**G. Joint Johnson County and Cities Legislative Platform (Workshop Item 5)**

**MOTION:** CMBR KELLY MOVED AND CMBR FAST SECONDED TO APPROVE THE CONSENT AGENDA.  
(MOTION PASSED 8-0).

*Commerce Bank delivered their monthly report. (See Item VII, A)*

### III. BUSINESS FROM THE FLOOR

#### A. Applications / Presentations

##### 1. Citizens Fundraising Initiative for R Park Wine Tasting Fundraiser at the Community Center

Gretchen Davis (5206 W. 58<sup>th</sup> Street) Ms. Davis asked for approval of two fundraising events for R Park to include permission to place a banner on Roe Avenue and an event poster in R Park one month prior to each of the two events. She added that the events have been okayed by both the Events and Parks Committees.

She said she has six new volunteers to help on the planning team for the events and they are happy to have more citizens from the community join.

March 25, 2017 will be the Spring Wine Fling at the Roeland Park Community Center from 7 p.m. - 10 p.m. Tickets are \$35/\$40 at the door. Small plates will be donated by Houlihan's. Desserts will be donated by Nothing Bundt Cakes and Sweet Ideas. Light classical music donated by Jeremy Martin's Cello and Fellows. Water and soda donated by Johnson Drive BP Gas. There will be wine samplings of products from five to eight local Kansas wineries. The wineries would be allowed to sell their unopened bottles of wine to event attendees. Security will be provided by Police Chief Morris. Ms. Davis has been in contact with the Kansas Alcohol Beverage Control to ensure that all legalities are met and that the Kansas wineries will adhere to the regulations as well.

City Administrator Moody said the City would be getting a permit to sell the unopened bottles of wine. They need the Council to provide approval for the fundraising event and sale of unopened wine in conjunction with the wine tasting.

CMBR Poppa asked if unopened bottles were part of the fundraiser or profits to the winery. Ms. Davis said they are profits to the winery, but that it has also attracted local wineries to come and donate wine in the samplings. Ms. Davis said there is a Form 842 to be completed and has been provided to the wineries to send in to Kansas ABC ten day prior to the event to allow for their sale of wines.

CMBR Rhoades requested that they make certain it is legal with the state to do. City Administrator Moody said they have spoken to the required people at the state. Ms. Davis added that this was approved by Kansas Alcohol Beverage Control with whom she has been working with.

City Attorney Shortlidge said he has also confirmed through the Kansas Attorney General's office that this is accurate information.

Ms. Davis confirmed for CMBR Janssen that this will be an adult event for those over 21.

**MOTION:** CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE SALE OF UNOPENED WINE AT THE R PARK WINE TASTING EVENT ON MARCH 25, 2017. (MOTION PASSED 7-0-1 WITH CMBR MCNEIL ABSTAINING)

Ms. Davis said there will be a kids' soccer clinic on Saturday, June 3<sup>rd</sup> or June 17<sup>th</sup> at R Park from 9:00 to 10:30 a.m., a repeat event from last year. It will be presented by I-9 Sports of Johnson County. Cost will be \$25 per child. Each participant will be covered by insurance provided for the event. A \$50 gift package of a duffel bag, soccer ball, water and snack will be presented to each child.

Ms. Davis added that a community shade shelter for R Park has not yet been approved under the R Park Plan, but the citizens fundraising group wants to have money set aside for a possible future grant that would require matching funds to build a picnic shelter. To date they have raised \$11,541 for the shelter. The goal is to have \$20,000 in the shelter fund following the two fundraising events.

Ms. Davis thanked all of the members of the Council for what they are doing to support the parks in the city and noted that they are receiving attention like they have not had for many years and they are all grateful.

City Administrator Moody said the Parks Committee was also looking for approval of the signs for the soccer clinic. Ms. Davis said one is usually 3 by 5 feet or 4 by 7 feet, is two-sided and placed along Roe Boulevard.

**MOTION:** CMBR POPPA MOVED AND CMBR THOMPSON SECONDED TO APPROVE THE PLACEMENT OF SIGNS FOR THE SPRING WINE FLING MARCH 25, 2017 AND THE SOCCER CLINIC IN JUNE OF 2017 PER THE SPECIAL EVENTS SIGN CODE. (MOTION PASSES 8-0)

Mayor Marquardt thanked Ms. Davis for her continued effort to raise money for Roeland Park.

## **2. Sustainability Committee Update – Michael Kelly**

Michael Kelly (5700 Roeland Drive), Chairperson of the Sustainability Committee reported that it has been a good year. He said the purpose of the Sustainability Committee is to seek to preserve the resources of our built and natural environment and to ensure the Roeland Park community has clean air and water, safe and healthy neighborhoods, a resilient economy, and access to housing and transportation choices.

2016 goals of the committee were to participate in community events, help the city work towards recognition under MARC's Community for All Ages program, and look towards a way to measure progress that the Sustainability Committee can achieve in helping the city. Mr. Kelly said the committee made progress on all of those goals.

Community for All Ages, which is a program to recognize communities working to be friendly towards residents of all ages and thereby in the process becoming more vibrant, prosperous, and healthier. The City received the bronze award in June of 2016. He thanked CMBR Kelly and Public Works Director Leon for their efforts and also Ms. Jones-Lacy, who spent countless hours going through the codes, as well as various other parts of the City's plans and activities.

The committee submitted a report to MARC on where Roeland Park falls on a number of the age-friendly issues for achieving the silver recognition level. Following that will be the gold implementation process to adopt a Community for All Ages plan or to include it in the local strategic plan or a park plan. They will be looking to discuss this further in early 2017. The committee has been looking to partner with other communities in northeast Johnson County working towards the sustainable process and they have invited Prairie Village's Recycling committee as well as Mission's Sustainability Committee to Roeland Park's meeting. The hope is to restart the Northeast Johnson County Sustainability Committee. They are hopeful to have a meeting early next year to inform each other of the successes and challenges to help each other progress. Additionally, they are looking to hold an annual educational event.

Mr. Kelly said he attended the Kansas Natural Resources Annual Symposium, which he found very informative. They talked of the state legislation and how the state budget has affected areas of water quality, food production and air quality.

Additionally, in efforts to mark progress on how to help the community, he has joined the International Council for Local Environmental Initiatives (ICLEI), a global network of 1,500 cities that provide partnership and practical strategies to confront the realities of urbanization, to adapt to economic and demographic trends, and prepare for the impacts of a changing climate and other urban challenges. When setting goals for 2017, he is hopeful to use their proprietary software to measure energy use and the greenhouses gases from both the governmental and community side and set goals to lower both, conserving the economic resources with a benefit of helping to preserve the planet.

Mr. Kelly said he looks forward to continued work with the Council and welcomed them to attend the meetings the first Thursday of the month at City Hall. He thanked the Governing Body for their continued support.

CMBR Kelly thanked Mr. Kelly for his leadership on the committee. She said it was a good core group that is working hard and the results are showing.

Mayor Marquardt said when he speaks with others outside the city they always mention what Roeland Park's citizens are doing, from the fundraising group to volunteer committees. He said he is amazed how much they are in the public and they are out there talking and making progress on so many important things. He also thanked staff for supporting this work and for the Councilmembers who are on the committees joining in the work.

Mr. Kelly said he appreciated the opportunity to continue to volunteer.

#### **IV. MAYOR'S REPORT**

##### **A. Proclamation World Pancreatic Cancer Day (Michael Poppa and Sheri McNeil)**

CMBR Poppa read the Proclamation for World Pancreatic Cancer Day was read into the record.

**MOTION:** CMBR POPPA MOVED AND CMBR MCNEIL SECONDED THAT NOVEMBER 17, 2016, BE DESIGNATED AS WORLD PANCREATIC CANCER DAY IN THE CITY OF ROELAND PARK, KANSAS. (MOTION PASSES 8-0)

##### **B. Announcements**

December 6 - Roeland Park Tree Lighting, Sweany Park.

December 9 - Staff Holiday Party at Community Center.

January 16 - City offices will be closed in honor of Martin Luther King Day

January 17 - Governing Body Workshop and Council. (Previously scheduled January 16)

January 23 - Community Forum (Previously scheduled January 25)

#### **V. WORKSHOP AND COMMITTEE REPORTS**

##### **A. Workshop Update**

CMBR Thompson said at the last Workshop they heard the Roe Boulevard Traffic Study presentation from SKW where they recommended removing the signal at Bella Roe Plaza and Walgreens. They also suggested removing the signal at West 52<sup>nd</sup> and updating the signal timing at the remaining traffic signals at W. 47<sup>th</sup> Street, W. 50<sup>th</sup> Terrace and W. 51<sup>st</sup> Street intersections.

Also discussed were trash and recycle bin placement. CMBRS Rhoades and McNeil will work with staff to review and edit the ordinance to reflect the proposed changes.

Public Works Director Leon gave his 2016 Street Maintenance presentation and provided a map of the work that has been completed.

##### **B. Ad Hoc Update**

CMBR Thompson said there has been a lot of work at the old pool site and a lot of debris has been removed. It was also decided that the outcropping will stay.

##### **C. Rebranding Committee Update**

CMBR Poppa said the committee will be meeting November 22<sup>nd</sup> with Clay Johnson from Benedictine to review the 50 submissions received from students and Roeland Park residents. Benedictine has done their own process of narrowing them down, but the committee will see all the submissions. They are very pleased with the receipt of 50 submissions.

Mayor Marquardt said that is an impressive number of responses.

#### **VI. REPORTS OF CITY LIAISONS**

#### **A. Shawnee Indian Mission Update**

Bill Art had invitations for Friday, December 2nd at the Indian Mission. He also invited everyone to buy a Christmas tree or other item in support of the Indian Mission. He said the state is almost completely withdrawing their support of the historical site and it is important to do all that is possible to support the Mission. He added that the City of Fairway hired a new site administrator for the site.

CMBR Kelly thanked Mr. Art for the work he has been doing and asked how the transition is going. Mr. Art said it seems to be going smoothly and there will be a board of directors that will lead committees going forward.

### **VII. UNFINISHED BUSINESS**

#### **A. Approval of Elevation of Commerce Bank Building**

Ms. Jones-Lacy provided a staff report and overview of the re-submitted elevations request for the Commerce Bank building to be constructed. After discussions with Commerce Bank, the ad hoc Development Committee has presented different illustrations of the Commerce Bank building for the Council's consideration. Also included in the packet is a revised Exhibit A, the sign design, and a landscape proposal of the corner feature. Commerce continues to work with the Arts Committee to define what the one percent for art will be. Until it is finalized, that corner of the site is reserved. They have removed from the designs the seating wall and the plaza area as it was not determined to be what the city was looking for to fulfil the one percent for art.

Aaron March from the White Goss law firm and attorney representative for Commerce Bank, and Brent Hall with Commerce were on hand to answer questions. Matt Masilionis and Austin Herdon, project architects with RMTA, David Eichman and Seth Reece, civil engineers with Olsson Associates were also present.

Mr. March thanked the City Council for caring about their community. He said at times it has been challenging, but it is always for the right reason. He also said Commerce Bank is a corporation that cares about being a good corporate citizen. He also thanked the architects and engineers that have helped them get to this point. Mr. March said he hoped that the building as modified will receive an approval vote of Ordinance 948 by the Council.

Mr. March then gave a presentation on the proposed Commerce Bank preliminary development plan and rezoning to be built at the northwest corner of Johnson Drive and Roe Boulevard.

Mr. Herndon said the changes to the tower are that it has been raised and they have also increased the amount of cast stone at the front entrance. They have met with City staff, the Planning Commission, the Economic Development Committee to arrive at these changes. They have also changed the clock from round to square. They will add more Spandrel glazing at the tower itself and to the east side of the building as well as sun shades all around the building and a cast stone lintel above all of the windows. Also an increased amount of stone is planned for the base of the tower and an increased depth of the sun shades on the east end of the tower are planned to add more depth to the building.

Mr. March said the Arts Advisory would like to take more time and rethink the art for the area. They did ask that a stair-stepping wall not be constructed, but to reserve this area and add a sidewalk and landscaping per code. In order for the bank to obtain their certificate of occupancy, they have their one percent art obligation. That money will be deposited and on hand for when the staff and community decide what is to put there.

They have put out to bid for the bank construction and hope to get bids back shortly. The intent is to start work in the early first quarter of 2017. The approval tonight is the last legislative approval needed in order to go forward.

CMBR Kelly said that after the Planning Commission discussions about the mixed-use development guidelines there would be more conversation with regard to meeting the screening requirements by the drive-thru to be more than what is planned for now.

Mr. March said that issue was not overlooked, but it was not brought up as a specific issue or concern by the Economic Development Committee. The drawings show more landscaping than what was there before. The curved area of the driveway now has landscaping around it and they have pulled the landscaping area further to the south. They took the screen comments to heart as much as possible by adding additional landscaping and believe they can achieve that without adding a berm.

CMBR Kelly said what is proposed is disappointing to her as she was expecting something more evergreen since grasses are seasonal. She said that it covers the bottom of the cars in the drive-thru, but had hoped to see something more.

CMBR Fast likes the changes that have been presented and asked for clarification on the area for the one percent art. Mr. March said they will continue to work with the Arts Advisory Committee. City staff has some ideas about some work that is being planned for Roe on both ends of the city and if there will be a theme. They are holding the spot in reserve and the dollars from both the bank project and the hospital project have to be escrowed in order to get a certificate of occupancy. The cash will be available once it is agreed what to do.

City Administrator Moody said they will go through a community-involved process for the Roe Boulevard reconstruction project which will incorporate a design for the entryways at the north end and south end of Roe Boulevard. There will still need to be approval from the Planning Commission on a final site plan if the art goes on the bank site.

CMBR Rhoades asked if utilities such as electricity or water should be installed at the site in anticipation of the art installation. Mr. March said this is a private piece of art that enhances the private development as mandated by the ordinance. As this will be on private property, they will have to maintain it and expressed concerns about a fountain with a pool. He did say that electricity might be easier to install ahead of time.

**MOTION:** CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO APPROVE ORDINANCE 941, INCLUDING THE ELEVATIONS FOR THE COMMERCE BANK BUILDING TO BE CONSTRUCTED AT THE NORTHWEST CORNER OF JOHNSON DRIVE AND ROE BOULEVARD. (MOTION PASSED 8-0)

## **VIII. NEW BUSINESS**

### **A. Approve the Dedication of Public Land for the Izabel Heights Plat on Fontana**

Ms. Jones-Lacy said the plat was approved by the Planning Commission, but it is the Council's responsibility to accept the dedication of public utility easement and a sanitary easement.

**MOTION:** CMBR THOMPSON MOVED AND SECONDED BY CMBR JANSSEN TO APPROVE THE DEDICATION OF PUBLIC LAND FOR THE IZABEL HEIGHTS PLAT ON FONTANA. (MOTION PASSED 8-0)

### **B. Committee Appointment and Reappointments**

Mayor Marquardt submitted for approval by the Council reappointment of:

Mary Schulteis and Christine Webster to the Arts Committee

Deb Settle to Community Events Committee

Jennifer Provyn, Patrick Franken, Cory Coe, Kathleen Whitworth, and Tyler Steele to the Parks Committee

Duane Daugherty, Judy Hyde, Elizabeth Phelps and Michael Kelly to the Sustainability Committee

He also requested to appoint:

Shea Geist to the Community Events Committee

**MOTION:** CMBR POPPA MOVED TO APPROVE THE COMMITTEE REAPPOINTMENTS OF MARY SCHULTEIS AND CHRISTINE WEBSTER (ARTS COMMITTEE); DEB SETTLE (COMMUNITY EVENTS); JENNIFER PROVYN, PATRICK FRANKEN, CORY COE, KATHLEEN WHITWORTH, TYLER STEELE (PARKS); DUANE DAUGHERTY, JUDY HYDE, ELIZABETH PHELPS, MICHAEL KELLY (SUSTAINABILITY); AND THE APPOINTMENT OF SHEA GEIST (COMMUNITY EVENTS). MOTION PASSED 8-0.

**C. Johnson County Parks and Recreation Agreement for Operating the Community Center**

City Administrator Moody reported that they have not heard back from JCPRD who is waiting for the final opinion from their attorney.

The Governing Body agreed to bring this up again at the next Council meeting.

**D. Task Force Pool Advisory Board**

CMBR Kelly started the discussion saying they can recruit members to be approved at a later date.

CMBR McNeil said in order for it to be an ad hoc committee it can only have four Councilmembers.

CMBRS Rhoades and Kellerman both expressed their desire to be on the committee.

CMBR Fast said there needs to be levels of trust for the committees and to let things get done. Ms. Fast said she has been on the pool advisory for ten years and has never seen Mr. Kellerman at a meeting.

CMBR Kellerman asked Ms. Fast how it was decided who would be on the ad hoc committee.

Mayor Marquardt directed the conversation to Mr. Rhoades. CMBR Rhoades asked if Ms. Fast felt if a Councilmember was on one committee they could not serve on the pool committee.

CMBR Fast said she feels there is a lack of trust by Councilmembers who are not on a committee.

CMBR Thompson said she believes the ad hoc is the way to go and that the Council does not need to be involved in every decision. She added that the proposed Councilmembers for the pool board are a good cross-section of the Council and represent different viewpoints.

CMBR Kelly said it would be nice for the ad hoc committee to be able to move forward and have the trust of those who are not the committee and that they retain the ability to ask questions to make sure that all of their concerns are addressed.

There was extensive Council discussion of the selection process.

CMBR Fast emphasized that the committee needs the groups that use the pool to be partners on this committee and it is not up to the Council to make all the decisions. She said if they are not included as partners, then the success of the pool is not going to happen. The focus should be that the City is going to them and asking them to be partners not the other way around.

Mayor Marquardt sees that having a subgroup would allow it to be more agile, more mobile with the ability to have meetings quicker, be more efficient and more focused.

CMBR McNeil said she would give up her spot so CMBR Kellerman could serve on the ad hoc so the matter would be settled in order for the discussions to move forward and get something done.

CMBR Janssen said he would like CMBR McNeil to remain and would step down and come to the open meetings.

CMBR Fast said the goal was to create ownership by all the different groups who use the pool and also be an incentive to advocate with JCPRD, the board of directors at Blazers, Masters, and water polo. She said she was really disappointed.

**MOTION:** CMBR POPPA MOVED AND CMBR KELLERMAN SECONDED TO CALL THE QUESTION.

**MOTION:** CMBR POPPA MOVED AND CMBR RHOADES SECONDED TO FROM AN AD HOC TO A TASK GROUP WITH THE FOUR DESIGNATED COUNCILMEMBERS. (MOTION FAILS 2-6 WITH CMBRS FAST, MCNEIL, JANSSEN, POPPA, THOMPSON AND KELLY VOTING NO.)

CMBR Rhoades would like to make an amendment to the motion.

**MOTION:** CMBR RHOADES MOVED AND CMBR KELLY SECONDED TO HAVE CMBR KELLERMAN REPLACE CMBR JANSSEN ON THE AD HOC POOL COMMITTEE AND THAT THIS AD HOC COMMITTEE WILL NOT MAKE A RECOMMENDATION TO THE GOVERNING BODY OR COUNCIL. (MOTION PASSED 8-0)

**MOTION:** CMBR KELLY MOVED AND CMBR RHOADES SECONDED TO ESTABLISH AN AD HOC POOL ADVISORY BOARD TO LEAD THE PUBLIC DISCUSSION REGARDING THE ROELAND PARK POOL COMPLEX, TO INCLUDE CMBRS FAST, MCNEIL, KELLERMAN AND KELLY. (MOTION PASSED 8-0)

(Applause)

## **IX. ORDINANCES AND RESOLUTIONS**

### **A. Ordinance No. 943 – Consider Raising the Age to Buy Cigarettes and Tobacco Products**

CMBR Thompson said Scott Hall from the Kansas City Chamber to answer questions. She also said this is important for the city to pass as it will also help with KU Med Center with the affiliation they are seeking. She also said she appreciated hearing from Bishop Miege's students at the beginning of the meeting.

CMBR McNeil she does not understand this as it pertains to young adults who are able to vote, drive, join the military, get married, drop out of high school if they choose, and to move out and live on their own. She does not favor giving them certain rights and then taking others away and this ordinance is invasive. She added that she is not a smoker and does not appreciate smoking around her, so this is not a motivation for her lack of support on this issue.

CMBR Fast asked how this relates to an affiliation with KU Med.

Scott Hall, Vice President of the Greater Kansas City Chamber of Commerce, said that KU Cancer Center is a national cancer institute designated institution. They are applying for a designation above that called Comprehensive Cancer Institute designation, an application they submitted in September. Site evaluators will be visiting them in February and they will be notified of the outcome this summer. One of the key differences is work done within and around their service area. This ordinance would be a demonstration that they are taking preventative steps to fighting cancer in addition to remedial steps they're taking in their remedies, treatments, cures and protocols and this is an important part of the designation evaluation. If they get this designation it will increase their funding from National Institute of Health (NIH) to do more research.

CMBR Rhoades said this has been a hard ordinance to think through and should be an issue at the state level.

In response to Council comments City Administrator Moody said this could be written to exclude the military.

City Attorney Shortlidge said this will be an amendment to the Uniform Public Offense Code. CMBR Thompson said it's a crime to purchase, not to possess.

CMBR McNeil asked if this would apply to young adults living in their own home. She said this would be saying you're not smart enough to make your own choices and they cannot tell people how to live their personal lives.

CMBR Kellerman asked Chief Morris if there will be sting operations in the City's seven retailers that sell tobacco products and would that need to be approved by the Council. Chief Morris said there could be such an operation and they can enforce any law that's on the books without first coming to Council. It just depends on the amount of time they want to spend enforcing it like any other law.

CMBR Thompson said the military is looking to be smoke-free as they lose quite a bit of money and lost time for health-related issues from smoking.

CMBR McNeil also asked for an exemption for young adults who live on their own and have their own home and are married.

CMBR Rhoades said his issue remains with the military.

**MOTION:** CMBR RHOADES MOVED AND CMBR JANSSEN SECONDED TO EXCLUDE THE MILITARY FROM THE AMENDMENT. (MOTION PASSED 5-3 WITH CMBRS THOMPSON, KELLY AND POPPA VOTING NO.)

POLL THE COUNCIL

FAST - Y MCNEIL - Y JANSSEN - Y RHOADES - Y KELLERMAN - Y THOMPSON - N KELLY - N POPPA - N

CMBR Janssen said he has been on the Council for 19 months and this is one of the hardest decisions he's had to make.

City Attorney Shortlidge clarified the exception would only apply to Section 5.6, which is the purchasing by a minor. It shall be unlawful for any person other than current or former members of the United States military.

**MOTION:** CMBR THOMPSON MOVED AND CMBR FAST SECONDED TO APPROVE ORDINANCE 943 WITH THE MILITARY EXCEPTION. (MOTION PASSED 5-3 WITH CMBRS McNEIL, JANSSEN AND KELLERMAN VOTING NO.)

POLL THE COUNCIL

FAST - Y McNEIL - N JANSSEN - N RHOADES - Y KELLERMAN - N THOMPSON - Y KELLY - Y POPPA - Y

#### **B. Ordinance No. 941 – Amendment Related to the City Code**

Ms. Jones-Lacy said Ordinance 941 was discussed at a previous Workshop. The revised language went back to the Planning Commission for review where it was approved. The Council had ongoing concerns regarding the definition of a sign and making sure that there were not unintentional interpretations that would cause certain signs to no longer be allowed within the City.

Ms. Jones-Lacy and City Administrator Moody met with CMBRS Janssen and Rhoades to discuss some amendments and to make recommendations to the Council on potential changes before returning to the Planning Commission.

Staff is looking to change the definition of a sign so that it is not too narrowly interpreted. On the action form under HH is the new definition of a sign. It is provided that the following shall not be considered signs:

- Signs located completely within an enclosed building and not exposed to view from the street
- Any sign not visible to persons located off the premises where the sign is located.

- Scoreboards and related signs on athletic complexes.
- Bumper stickers that are no larger than 18 inches in length and five inches in height.
- Signs on a campus intended to be directed at people within the compound, not a sign.

It is also clear within the code that any building is allowed either two wall signs or one wall sign and one monument sign.

Staff recommendation would be to send the changes back to the Planning Commission for their review and approval at their November 22nd meeting. If approved, it would come back to Council in December for final approval.

**MOTION:** CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO RETURN ORDINANCE 941 REGARDING SIGN REGULATIONS BACK TO THE PLANNING COMMISSION WITH RECOMMENDATIONS AS OUTLINED BELOW FOR FURTHER CONSIDERATION. (MOTION PASSED 8-0)

**C. Ordinance No. 945 – Update to the 2012 Comprehensive Plan**

Ms. Jones-Lacy said that one of the state mandated duties of the Planning Commission is to annual review the Comprehensive Plan.

They are recommending an update to one of the demographics graphs which has been completed. They also would like the reference to the Mission Mall to be changed to the “former Mission Mall.”

City Attorney Shortlidge said the change to the demographic graph is considered a substantial change and would require a two-thirds majority vote of the Council.

**MOTION:** CMBR POPPA MOVED AND CMBR KELLY SECONDED TO ADOPT ORDINANCE 945, APPROVING UPDATES TO THE 2012 COMPREHENSIVE PLAN AS INDICATED. (MOTION PASSES 8-0)

POLL THE COUNCIL

FAST - Y McNEIL - Y JANSSEN - Y RHOADES - Y KELLERMAN - Y THOMPSON - Y KELLY - Y POPPA - Y

CMBR Kellerman asked when the first Comprehensive Plan was created. City Attorney Shortlidge said 1997 was the first comprehensive plan by the City.

**X. REPORTS OF CITY OFFICIALS**

Mayor Marquardt thanked him for his 20-plus years of service to the city and wished him well in his retirement.

**XI. ADJOURNMENT**

**MOTION:** CMBR KELLY MOVED AND CMBR JANSSEN SECONDED TO ADJOURN. (MOTION PASSED 8-0)

(Roeland Park City Council Meeting Adjourned at 9:25 p.m.)

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Joel Marquardt, Mayor

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Kelley Bohon, City Clerk