

THE RAYMORE COUNCIL MET IN REGULAR SESSION MONDAY MAY 8, 2017 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. MEMBERS PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BARBER, BERENDZEN, BURKE, III, HOLMAN, KELLOGG, MOORHEAD, AND TOWNSEND, CITY MANAGER JIM FEUERBORN, CITY CLERK JEANIE WOERNER AND CITY ATTORNEY JONATHAN ZERR.

- 1. Call To Order.** Mayor Turnbow called the regular meeting to order at 7:00 p.m.
- 2. Roll Call.** City Clerk Jeanie Woerner called roll; quorum present to conduct business.
- 3. Pledge of Allegiance.**
- 4. Presentations/Awards.**
- 5. Personal Appearances.**
- 6. Staff Report.**

At the request of Mayor Turnbow, item D Resolution 17-26, appointment to the Arts Commission from Ward 4 has been removed from the agenda to be considered at a future date. The appropriate motion for approval of the consent agenda should be to approve items A-C and items E and F.

Chief of Police Jan Zimmerman provided information on the 2nd annual community pet clinic event held on April 29.

City Manager Jim Feuerborn announced work session agenda items for May 15. He provided an update on the progress of the Centerview building.

- 7. Committee Reports.**
- 8. Consent Agenda.**
 - A. City Council Regular Session Minutes, April 24, 2017**
 - B. Resolution 17-21, 2016 Micro Surfacing Project - Acceptance and Final Payment**
 - C. Resolution 17-22, 2016 Curb Replacement Project - Acceptance and Final Payment**
 - ~~D. Resolution 17-26, Appointment of Loren Jones to the Arts Commission~~**
 - E. Resolution 17-23, Appointments and Affirmations of membership to Incentive District Boards-Amended and Restated**
 - F. Resolution 17-27, Appointment of Melodie Armstrong to the Planning & Zoning Commission**

MOTION: By Councilmember Moorhead, second by Councilmember Burke to approve items A-C and items E and F of the Consent Agenda.

VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke, III	Aye
Councilmember Holman	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye
Councilmember Townsend	Aye

9. Unfinished Business. Second Readings.

A. Amendments to Property Maintenance Code

BILL 3266: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING CHAPTER 545: PROPERTY MAINTENANCE CODE OF THE RAYMORE CITY CODE."

City Clerk Jeanie Woerner conducted the second reading of Bill 3266 by title only.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to approve the second reading of Bill 3266 by title only.

DISCUSSION: None

VOTE:

Councilmember Abdelgawad	Aye
Councilmember Barber	Aye
Councilmember Berendzen	Aye
Councilmember Burke, III	Aye
Councilmember Holman	Aye
Councilmember Kellogg	Aye
Councilmember Moorhead	Aye
Councilmember Townsend	Aye

Mayor Turnbow announced the motion carried and declared Bill 3266 as **Raymore City Ordinance 2017-031**.

B. Budget Amendment Communications Department

BILL 3257: "AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING THE FISCAL YEAR 2017 OPERATING BUDGET."

City Clerk Jeanie Woerner conducted the second reading of Bill 3257 by title only.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to approve the second reading of Bill 3257 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

Mayor Turnbow announced the motion carried and declared Bill 3257 as **Raymore City Ordinance 2017-032**.

10. New Business. First Readings.

A. Liquor License Renewals (public hearing)

Mayor Turnbow opened the public hearing at 7:10 p.m. and asked for a staff report.

City Clerk Jeanie Woerner stated applications for renewal of liquor licenses are required to be filed with the City Clerk on or before May 1 as provided for in City Code Section 600.050(E). The following applications have been received and were advertised for this public hearing for the 2017-2018 license year running July 1-June 30:

- Affordable Elegance, 407 W. Pine St.
- Bobbie's Place, 422 W. Pine St.
- Casey's General Stores (2), 234 N. Madison St. and 901 E. Walnut St.
- Cheap Smokes & Liquor, 1236 W. Foxwood Dr.
- Creekmoor Property Owners Assoc., 1112 E. 163rd St.
- CVS/Pharmacy, 1236 W. Foxwood Dr.
- Dollar General Store, 220 N. Madison St.
- Eat American Bistro-Foxwood Springs, 1500 W. Foxwood Dr.
- El Dorado III, 404 W. Pine St.
- Fraternal Order of Eagles, 314 S. Washington St.
- Gulf Express, 715 W. Foxwood Dr.
- Harmon Convenience Store, 101 S. Madison
- Mexico Viejo, 1276 W. Foxwood Dr.
- Minsky's Pizza, 812 W. Foxwood Dr.
- Price Chopper, 900 W. Foxwood Dr.
- Sam's Club, 141 N. Dean Ave.

The Pit Grill & Bar, 1242 W. Foxwood Dr.
Walgreen's, 1214 W. Foxwood Dr.
Wal-Mart, 2015 W. Foxwood Dr.

These businesses have met City Code requirements and approval by a majority of the City Council is required. Approval to obtain a license from the City of Raymore is contingent on approval of the liquor license from the State of Missouri. Representatives of the businesses are in attendance should Council have questions. Lastly, as outlined in City Code section 600.090, witnesses testifying will be administered an oath of truth.

Mayor Turnbow asked for public comment and hearing none, closed the public hearing at 7:13 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to approve the 2017-2018 liquor license renewal applications.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

B. Liquor License Application - Freedom Plaza LLC dba Freedom Stop (public hearing)

Mayor Turnbow opened the public hearing at 7:14 p.m. and asked for a staff report.

City Clerk Jeanie Woerner stated that Lori O'Malley managing officer, on behalf of Freedom Plaza LLC, dba Freedom Stop, located at 501-505 E. Walnut Street, has filed an application for the remainder of the 2016-2017 liquor license year which expires at midnight on June 30, 2017. As outlined in City Code Section 600.050, approval by a majority of the City Council is required. Approval to obtain a license from the City of Raymore is contingent on approval of the liquor license issued from the State of Missouri. If approved, Council will consider an application and request for renewal at the May 22 Council meeting for the entire 2017-2018 liquor license year. Representatives of this business are in attendance should Council have questions. Lastly, as outlined in City Code section 600.090, witnesses testifying will be administered an oath of truth.

Mayor Turnbow opened the for public comment.

Lori O'Malley, representing Freedom Plaza LLC, 501-505 E. Walnut St., asked for approval of the liquor license for Freedom Plaza LLC. She provided a history of previous actions pertaining to the business, former owners of the business, and Council. She requested the following items be entered into the record (on file in the City Clerk's office):

- Exhibit A: April 25, 2016 City Council minutes
- Exhibit B: May 23, 2016 City Council minutes
- Exhibit C: Email correspondence between Ms. O'Malley and City Clerk Jeanie Woerner
- Exhibit D: Email from City Manager Jim Feuerborn
- Exhibit E: Emails between City Attorney Jonathan Zerr and Attorney Lyle Gregory
- Exhibit F: Billing statement from Kapke & Willerth
- Exhibit G: Administrative Dissolution for The Pit Grill and Bar
- Exhibit H: Emails between City Attorney Jonathan Zerr and Attorney Lyle Gregory
- Exhibit I (presented by Ms. O'Malley as Exhibit I, but marked as Exhibit J in materials provided to Ms. Woerner): Copy of August 30, 2016 occupational license for The Pit Grill and Bar and 2016/17 liquor license application for The Pit Grill and Bar
- Exhibit J: Emails between Ms. O'Malley and Ms. Woerner regarding record requests (not provided with packet of Exhibits)

Councilmember Burke asked if Freedom Stop is currently advertising alcohol. Ms. O'Malley, stated no; there are neon beer signs in the window, but it does not say they sell alcohol. She stated if they removed the signs it would give the appearance that the business wasn't operating.

Councilmember Moorhead if Freedom Plaza has a County liquor license. Ms. O'Malley stated no, nor do they have the State license yet.

Councilmember Holman asked what type of liquor license they are applying for. Ms. O'Malley stated this year and last year they applied for packaged and liquor by the drink and are exploring the Missouri growler law.

Councilmember Abdelgawad asked if she or anyone involved owes money to the State or City. Ms. O'Malley stated there is a water bill dispute that is a matter of litigation.

Jennifer Sredl, 528 Bradford Ct., spoke to the character of Ms. O'Malley and asked Council for approval of the liquor license.

Dwayne Towler, 419 Lakeview, Pleasant Hill, owner of a business in the concert touring industry stated he was considering opening a business in Raymore after interactions with Ms. O'Malley. He spoke to the character of Ms. O'Malley and asked Council for approval of the liquor license.

Mayor Turnbow asked for public comment and hearing none, closed the public hearing at 7:36 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Berendzen to approve the liquor license for Freedom Plaza, LLC dba Freedom Stop for the remainder of the 2016-2017 license year with the condition of provide the State and County liquor licenses before issuance of the city liquor license.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Nay
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Nay
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

C. Raymore Festival in the Park Memorandum of Understanding

RESOLUTION 17-24: "A RESOLUTION OF THE CITY OF RAYMORE, MISSOURI, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RAYMORE AND THE FESTIVAL IN THE PARK, INC. COMMITTEE FOR THE 2017 FESTIVAL IN THE PARK EVENT."

City Clerk Jeanie Woerner conducted the reading of Resolution 17-24 by title only.

Parks and Recreation Director Nathan Musteen provided a review of the staff report included in the Council packet. The Raymore Festival in the Park is an annual event held in Memorial Park. This year's date is September 21-23. A Memorandum of Understanding (MOU) is reviewed each year between the Parks and Recreation Board and the Festival Committee outlining the in-kind services and park usage. No substantial changes have been made to this year's MOU. Following approval by the Parks and Recreation Board it must also be approved by the City Council.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to approve the reading of Resolution 17-24 by title only.

DISCUSSION: None

VOTE: Councilmember Abdelgawad Aye
Councilmember Barber Aye
Councilmember Berendzen Aye
Councilmember Burke, III Aye
Councilmember Holman Aye
Councilmember Kellogg Aye
Councilmember Moorhead Aye
Councilmember Townsend Aye

D. Application for Alcohol in Parks Permit - Raymore Festival in the Park (Public Hearing)

RESOLUTION 17-25: "A RESOLUTION OF THE CITY OF RAYMORE, MISSOURI AUTHORIZING THE FESTIVAL IN THE PARK COMMITTEE TO SERVE ALCOHOL IN A DESIGNATED AREA IN MEMORIAL PARK DURING THE 2017 FESTIVAL EVENT."

City Clerk Jeanie Woerner conducted the reading of Resolution 17-25 by title only.

Parks and Recreation Director Nathan Musteen provided a review of the staff report included in the Council packet. The Raymore Parks and Recreation Board has approved an application submitted by Raymore Festival in the Park, Inc. for a permit to serve alcohol on September 22 and 23 during the 2017 festival. He reviewed the conditions under which alcohol would be served as outlined in the staff report.

Mayor Turnbow opened the public hearing at 7:42 p.m. and asked for a staff report.

Councilmember Kellogg asked if there are any enclosed areas where alcohol is out of sight and possibly be offered to minors. Mr. Feuerborn stated there is significant Police Department presence and this application mirrors the prior three (3) years without any incidents. Those purchasing alcohol wear wrist bands.

Councilmember Holman stated there was debate during his time on the Park Board regarding this issue and there have been no issues since this policy was put in place.

Mayor Turnbow asked for public comment and hearing none, closed the public hearing at 7:45 p.m.

MOTION: By Councilmember Moorhead, second by Councilmember Berendzen to approve the reading of Resolution 17-25 by title only.

DISCUSSION: None

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye
	Councilmember Moorhead	Aye
	Councilmember Townsend	Aye

11. Public Comments.

Dallin Seeley, 612 S. Adams Street, stated he was attending the meeting for a Scouting requirement and in order to get credit, he has to discuss a disagreement from the meeting. He asked if two members could explain their position on the liquor license issue. Councilmembers discuss various processes used to come to decisions and commended Mr. Seeley on his courage and bravery for coming before the Council and asking questions.

Charlene Hubach, 1002 E. Hubach Hill Road, spoke to the ADA timing of the front door, the difficulty in opening restroom doors, and the lack of lighting on the ADA ramp leading to the building.

12. Mayor/Council Communication.

Councilmember Barber thanked Ms. Hubach for her comments.

Councilmember Moorhead thanked the Police Department and Animal Control for hosting the pet clinic event.

Councilmember Burke invited scouts to attend Council meetings.

Councilmember Kellogg recognized former Councilmembers Mr. Seeley and Mrs. Hubach.

13. Adjournment.

MOTION: By Councilmember Moorhead, second by Councilmember Abdelgawad to adjourn.

VOTE:	Councilmember Abdelgawad	Aye
	Councilmember Barber	Aye
	Councilmember Berendzen	Aye
	Councilmember Burke, III	Aye
	Councilmember Holman	Aye
	Councilmember Kellogg	Aye

Councilmember Moorhead Aye
Councilmember Townsend Aye

The regular meeting of the Raymore Council adjourned at 7:58 p.m.

Respectfully submitted,

Jeanie Woerner
City Clerk

These minutes transcribed by Deputy City Clerk Erica Hill

