

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:30 P.M., on Monday, July 1, 2002. Mayor Peggy J. Dunn presided.

Councilmembers present: James E. Taylor, Sr., Patrick L. Dunn, Mike Gill, Gary L. Bussing, Scott E. Gulledge, and Jim Rawlings. **Councilmembers absent:** Louis Rasmussen and Shelby Story.

Staff present: Scott M. Lambers, City Administrator
Patricia A. Bennett, City Attorney
Martha Heizer, City Clerk

1. Discuss Limited Gate Access Requests

Mr. Lambers said that at the last work session on the subject, Council decided to proceed with a process that basically patterned the City's special use permit process. Ms. Bennett drafted ordinances, and it was Mr. Lambers' opinion that what was before the Council accurately reflected the direction that the Council gave to City staff. Council now had the opportunity to offer any corrections/changes that they believed were in order so staff could place the ordinance on a City Council agenda, public comment expected to be heard before Council action was taken. Mr. Lambers said there was very little substance change, but more the procedure that Council talked about at the last work session.

Mr. Gill had a question about the appeal paragraph, Section 13-337 (c) 5 last paragraph, which indicated that the applicant could seek appeal to the Governing Body as a whole. He wanted to know if "as a whole" meant that the entire Governing Body had to be present for an appeal. Ms. Bennett said that was the way she read it, although the wording came from the thought of whether there would be a committee to hear an appeal versus the Governing Body, so it might be more clear to remove "as a whole" and that way Council could operate with a quorum. Mr. Lambers had recommended that the Governing Body by majority vote of its membership could determine that factors had been met. That related to Mr. Gill's second question. He remembered debate about whether there should be a super majority vote or not. Normally, he would expect to see majority of a quorum. If there were 6 Councilmembers present, and 3 voted nay, 3 voted aye, with the Mayor breaking the tie, that would be a majority of a quorum, but that wouldn't be a majority of the membership which would be 5 of 8. So was the intent to require 5 votes? Ms. Bennett said that actually a majority of the membership was 5 of 9, the Mayor being a Governing Body member, but it would take 5 votes. The Mayor felt that striking "as a whole"

was a good point because it could be interpreted that there would have to be 9 people present. Mr. Lambers said that if the desire was simply to have those members present who could conduct business, obviously a quorum, then he would strike “of its membership,” so the sentence would read, “If the Governing Body, by majority vote, determines that the factors have been met....” Mr. Gill preferred that wording. And “as a whole” would be removed.

Section 13-337 (c) 5 mentioned a traffic study. Mr. Taylor said he couldn't vote for the ordinance as presented because he felt a traffic study needed to be done prior to the first 4 steps noted in #5. A traffic study would determine whether or not the gate issue was feasible, regardless of any expense, say \$2,000-\$3,000, that an applicant would have to put forth.

Mr. Lambers said staff would make the 2 changes indicated, and in recognition of the fact that there might be citizens who didn't agree with the total contents of the document, he would continue to reference it as a draft document. Ms. Bennett said the Council would also have to refer the planning element, ordinance amending Article 6 of the Leawood Development Ordinance to add a new Section 6-3.1a pertaining to the placement of gates on public streets, to the Planning Commission.

In response to Mr. Taylor, Mr. Lambers said that the pending request of several months ago from the Estates of Iron Horse to construct an emergency access-only gate on Linden between their subdivision and Hampton Place subdivision in Overland Park would be subject to the draft document. It was mentioned that the issue wasn't subject to the Golf Course Committee's jurisdiction.

There being no further business, the meeting was adjourned at 6:50 P.M.

Martha Heizer, City Clerk