

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 5:30 P.M., on Monday, August 1, 2011. Mayor Peggy Dunn presided.

Councilmembers present: Debra Filla, Carrie Rezac, Gary Bussing, Lou Rasmussen, Andrew Osman, Jim Rawlings, Julie Cain, and James Azeltine, via teleconference

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Chris Claxton, P&R Director
Mark Andrasik, Info. Systems Director	Deb Harper, City Clerk
Joe Johnson, Public Works Director	Pam Gregory, Assistant City Clerk

Others Present: Several Members of the Public in Attendance

- 1. Review potential issues concerning the Leawood Stage Company's [LSC] use of Ironwoods Park for its productions**
- 2. Discussion of Governing Body support of 'accepted' amphitheatre expansion plans**

Mayor Dunn called the meeting to order at 5:35 P.M. Introductions were made by those present.

Opening Remarks Topic #1 – City Administrator Scott Lambers

Last year the City received complaints from residents regarding the productions and activities of not only the Stage Company, but also some of the participants. The complaints were in regards to the days, hours, noise and lighting of the performances, and the number of people that were parking on the public residential streets and trespassing through yards and littering those yards as well. In response to this, City staff monitored both the traffic and noise. This year, they did a similar observation. They did not find any basis for the complaints of people parking on the residential streets, trespassing through yards, or littering. The few people that did were observed using the street and trail that connects the subdivision to the park. There are complaints regarding how late the dress rehearsals take place; however, this should be expected because of likely interruptions. Other complaints regarded the lateness of the productions on week nights and he was recently made aware that the Harvester Stage Company breaks down the stage after productions on Saturdays, which can go on until 2:00-3:00 A.M. He offered to have City staff do this instead; however, they preferred to return on Sunday to do some of the breakdown themselves and then have staff finish up Monday.

Councilmember Filla joined the meeting at 5:39 P.M.

Councilmember Cain stated she is a big patron of the theatre and the arts and thanked all of the volunteers and participants in the productions for being selfless in dedicating their time. She referred to some resident comments regarding reducing the number of days for the productions and felt this would be contrary to how these types of productions work and their overall benefit. She was hoping they could reach a compromise with regards to the production hours and stage breakdown and thought dress rehearsals could possibly begin earlier.

Mr. Lambers proposed that the productions be concluded by 11:00 P.M.

Councilmember Rezac wasn't sure beginning a little earlier would make a difference in terms of the noise impact. She didn't feel they should reduce the number of days for the performances because of the time and effort put in by the Stage Company and thought they could determine a possible alternative location for the performances or consider a substantial barrier between the amphitheatre and the residents.

Mr. Lambers stated the Sound Study that was performed the last two years indicated the sound levels at the property line met the City ordinance. There was an occasional rise from 60 to 65 decibels during a specific scene or two of a performance; however, it was not repeated. The sound technicians also noted the decibels were exceeded at times by a train and residential air conditioning units.

Councilmember Filla stated in regards to the noise, property values around the area are averaging \$400,000 and should speak to the fact that residents are not suffering a negative impact on their overall home value. She felt the hours and number of days seemed reasonable and that everyone had done a good job trying to minimize the impact to the neighborhood.

Mr. Lambers confirmed that the City's parks close at 11:00 P.M.

Parks and Recreation Director Chris Claxton confirmed the amphitheatre was designed for a maximum of 1,500. Councilmember Osman thought if they consolidated this to less performances, traffic may increase because people would have a shorter amount of time to attend. Mayor Dunn thought from reading the comments that the people presenting the shows would be much less enthusiastic if there were fewer performances.

Mayor Dunn echoed comments from Councilmember Rezac regarding an enhanced barrier between the amphitheatre and residents.

Councilmember Rawlings was in favor of continuing the performances two weekends back-to-back and beginning them at 8:00 P.M.

Councilmember Bussing felt it was prudent that the neighbors have a reasonable expectation for when park activities should end. He didn't think it was unreasonable to ask on behalf of the residents that their late night noise concerns be addressed. If a production runs longer, the Stage Company could decide whether to begin earlier or shorten the intermission.

Councilmember Azeltine felt the schedule needed to remain the same and thought beginning the performances before 8:00 P.M. would hurt the program.

Mayor Dunn received consensus from the Council to keep the schedule as is. She agreed they should not begin performances before 8:00 P.M. Concluding and being out of the park by 11:00 is important; however, if this is not met, people should not be issued citations and they should be cognizant that dress rehearsals could go longer. She hoped they could work toward a solution for the breakdown of the stage. Councilmember Bussing agreed they shouldn't be issuing citations; however, he felt they needed to enforce conclusion of the productions and dress rehearsals by 11:00 P.M. Mr. Lambers responded they would encourage people to leave the park by 11:00 P.M.; however, if they refuse, they would be issued citations. Mayor Dunn thought they should conclude before 11:00 P.M. to allow people time to leave. Mr. Lambers confirmed the conclusion time would be included in the Stage Company's contract so there would be no misunderstanding.

Councilmember Rezac preferred that the productions and dress rehearsals conclude by 10:45 P.M. to ensure people leave the park by 11:00 P.M. The remaining City Council concurred. Mayor Dunn suggested they look into some type of landscape barrier to mitigate the perceived noise. Councilmember Filla concurred; however, she asked that this be placed on hold until they determine whether this would be a short or long-term solution.

Opening Remarks Topic #2 – Mayor Peggy Dunn

Amphitheatre Steering Committee Chairman Bill Ellwood met with Mayor Dunn earlier this year to discuss their plans of attempting to raise private dollars to fund the "accepted" amphitheatre plan. The City currently has no money in the budget or in the Capital Improvement Program [CIP] for this. Mr. Ellwood informed Mayor Dunn they were putting their fundraising efforts on hold until he knew they had the majority of the Governing Body's support with these plans. To date, the Governing Body has "accepted" the concept of Phase III of the Kevin Cowan Architect Master Plan, which includes the \$2.4 Million stage. Tonight's discussion is intended to get the Council's input regarding this proposed plan so the committee will have direction on whether or not to fundraise.

Councilmember Filla confirmed with Mr. Lambers the proposed amphitheatre plan is designed for 1,500 people.

Councilmember Osman confirmed with Mr. Lambers that the location of the amphitheatre could deviate within the park from the original plan. Mr. Lambers clarified the voters did not approve the specific site for the amphitheatre. Mr. Osman confirmed he was in favor of this plan for the current site; however, his decision could change with the acquisition of the adjacent land.

Councilmember Azeltine stated he was in favor of the proposed plan; however, objected to the expansion terminology. He understood the footprint is going to be virtually the same as it is today, but the noise would be less. This should be able to be corrected as it goes through the planning process.

Councilmember Rezac considered the current amphitheatre as a community amphitheatre and felt the proposed plans looked more like an entertainment venue. Because of the scale of this plan and the surrounding areas being residential, and because there has not been an impact or feasibility study done, she was not in favor of the proposed plan.

Councilmember Filla supported the proposed plan for the current site if no other site is available.

Councilmember Rasmussen supported the proposed plan.

Councilmember Cain clarified this is a concept from their Master Plan and is not necessarily the Final Design Plan. She was not in favor of the proposed plan because she felt it was too grand for this site.

Councilmember Rawlings supported the proposed plan.

Mayor Dunn confirmed for Councilmember Osman that the new funds being raised are all private funds. He noted several of his constituents in Ward 1 have expressed the need for public parks.

Parks and Recreation Director Chris Claxton confirmed for Councilmember Bussing that staff was only approved to do the Todd Berling Report, a sub-contractor of Theis Doolittle Architects, at the time they were developing the Master Plan of the park.

Ms. Claxton confirmed the distance from the stage to the nearest residence at the following amphitheatre locations:

Koka Booth Amphitheatre, Carrie, North Carolina	800 Ft.
Iroquois Amphitheatre, Louisville, Kentucky	350 Ft.
Theatre in the Park, Shawnee, Kansas	¾ Mile
Jesse James Amphitheatre, Kearney, Missouri	550 Ft.

Some of these locations were heavily wooded. There were no facility issues reported to them. Their discussions consisted of basic construction issues.

Councilmember Bussing stated they spent a lot of money on a plan that had no feasibility or impact study done to determine how a significant expansion of an approved park may affect the neighbors. He did not support the proposed plan because he felt it was too expensive, regardless of the source for the funds, and too large for this location.

Mayor Dunn clarified for the audience if there is future expanded development for the amphitheatre, there would be an interact meeting for all residents within 500 feet of the park boundary. The purpose of this would be to gather all comments, criticisms, suggestions, etc., on the record in written minute form that would then go to the Planning Department staff. They would be included with Preliminary Development Plans that would be presented to the Planning Commission [PC] for their consideration and for public comment at a public hearing where citizens would be invited to speak to the issue.

The purpose of this would be to determine if the project was appropriate in size and scope and consistent with the intended use of the property, to evaluate traffic impacts, and evaluate the project impact on neighboring developments. That Preliminary Development Plan would then come before the City Council for consideration and for public comment. After this, there would be Final Development Plans that would return to the PC for their consideration, public comment, final plan reviews to ensure that the project is consistent with all City ordinances and Codes, and to ensure that all issues raised through the preliminary hearings had been addressed. There would then be time at that Final Development Plan for public comment in front of the PC. The Final Development Plan would then return before the City Council for consideration of final approval and again for public comment. All resident comments to date are already a public record; therefore, there is no need to re-write. They will be included and considered if, and when, Phase II and III are activated and become part of the City planning process. Ultimately, no action can be taken by the Governing Body until an application has been filed for a project and has gone through the City's process, which has not taken place.

Mayor Dunn stated the army of volunteers for the arts make their community what it is by providing vibrancy and true spirit. She felt the proposed plan for the current location was too grand and too large. She could support a smaller version, such as improvements to the stage. There are some recommendations in the stage itself that will help lessen the impact on neighboring properties. There is a possible alternative site within Ironwoods Park with the additional new land they should acquire within the next few weeks. There could be an alternative site in the park that would lend itself more appropriately; possibly for the entire plan or for modifications. A concept plan is not a schematic plan, much less a working drawing. There are several different stages before it could even be constructed.

Mayor Dunn concluded it will now be up to the Amphitheatre Steering Committee to determine whether to move forward and continue raising dollars.

Councilmember Azeltine commented that this amphitheatre has been on the Council agenda for over 20 years. Over 86% of the voters approved of this amphitheatre in the 1998 Bond Issue. Materials were available to the public at that time that included and described the amenities. At that time, Steeplechase was not even platted. He felt they needed to respect the will of the voters, less they set a very dangerous precedent. This park was designed to serve the recreational needs of the entire City. If they move the amphitheatre to a location on the site the City is purchasing, it will entail new expenses, including utilities, parking and new roads. This would not represent a responsible stewardship of taxpayer funds, given the history of spending over \$400,000 on its current site. He thought the majority of the Council would be in favor of a more modest proposal in the right location. If the amphitheatre remains in its current location, steps should be taken to mitigate any noise issues with the neighbors. This could include re-positioning the stage and installing berms and landscaping along the property line.

Mr. Azeltine concluded he was recently a cast member of the Stage Company's latest production and was not compensated in any way; therefore, legal counsel advised him this does not constitute a conflict of interest. It was a personal decision to participate as a volunteer.

He further commented he had gained some insight to the workings of the Stage Company and has never witnessed more commitment on the part of a group of volunteers. The Stage Company exemplifies the excellence Leawood is known for and does so in conditions that are less than ideal.

There being no further business, the work session was adjourned at 7:27 P.M.

Pam Gregory, Recording Assistant City Clerk