

Roeland Park City Council
Administrative Committee
Minutes
September 28, 2009

Meeting Chair: Toni Hull (absent), Co-Chair: Bill Art, Adrienne Foster Co-Chaired as per ordinance. Also present at this meeting: John Carter, Debra Mootz, Betsy Mellor, Marek Gliniecki, Megan England, Bob Meyers, Scott Gregory, and Neil Shortlidge.

Call to Order: 6:00PM

1. Old Business

a. Chapter 16, Article 5- Sign Ordinance (Provided at previous meeting)- City Attorney, Neil Shortlidge was present to advise the committee of his recommendations for this ordinance. The context of his presentation was the Sign Ordinance that he had prepared for the City of Mission Hills. This way he could cite examples of what is meant by "Content Based" regulations. If the regulation is based on the content of the sign then this is not permitted as per the U.S. Constitution which guarantees freedom of speech. Neil pointed out that the city can regulate according to esthetics and traffic safety. Plus, the city can have time based regulations as long as it is not in reference to the content of the sign. So the city can regulate time placed and manner of placement.

Neil also described Commercial and Non-commercial speech and listed examples of this since it relates to what exists in Roeland Park. He said that Commercial speech cannot be favored over non-commercial.

Another final point that Neil made was that a Severability Clause needs to be included in the ordinance, so that if part of the ordinance is not meeting constitutionality then the rest of the ordinance would not be thrown out. He cited some cases where this has happened. Neil indicated that where cities get into trouble is the regulation of Political and Real-Estate signs. These need to be described as Temporary without reference to the content. One can describe the sign by not the content. The signs need to be dealt with the same way across the board. One can say "yard signs". The city can regulate the type of sign as long as the city does not speak to the content.

Neil's recommendation is to go through our current Chapter 16, Article 5 and red line content based references and substitute in words temporary and or yard signs. Then to bring this back to the next Admin Committee which is on October 26, 2009.

Therefore, the Admin Committee recommends that the City Council Authorize the City Attorney to review the Chapter 16, Article 5 of the Code Book of the City of Roeland Park and

red-line all references to “content based” language and substitute in non-content based language.

Post script to the discussion: A number of those present voiced concern that the changes to the sign ordinance will allow an increase in home based business signs to appear. There are around 100 home based businesses. Implied is that the residents of Roeland Park value a residential type look and feel and therefore not want the approximate 100 home based businesses in Roeland Park to place signs in those respective yards to advertize their particular business.

Note: The discussion of this agenda item took place after New Business b. (this was added at the time of the Admin Meeting) “Northwest corner Cloverleaf property discussion.”

b. “Northwest corner Cloverleaf property discussion.”- This item was the second item on the agenda that was discussed so that the City Attorney could assist in this discussion. He described the process of going to the legislature to be allowed the use of Eminent Domain. He described the exceptions that would be required. A bill would need to be introduced in the Kansas Legislature and he indicated that he could write this bill.

Then there was discussion on the participation of the council in talking with our legislative representatives about this need for our city in order to continue with the development of this clover leaf site. We would need to make a concerted effort in order to get this bill passed.

Recommendation: The Admin Committee moves that City Council authorize the City Attorney to draft proposed legislation concerning the states eminent domain statutes

- b. City Administrator Review –
 - i. Evaluation Form Review –
 - ii. Evaluation Timeline

Discussion of the evaluation form was extensive. There are several items on this form that can be open to interpretation and have a number of meanings. The form would be more useful if all were rating from the same interpretation of a given item. It is also noted that the scale is deceptive and unclear. Is there a difference between average and above average? How is this determined? The current terms used to rate need to be defined clearly.

In section 2: Performance Goals it was agreed that the C.A. will use the as Goal #1 thru #5 the five top goals of the City. Then the council will rate his performance on meeting each of these goals.

In section 3: A description of each of the duties as per what is contained in the city code that defines the duties of the C.A. will be added.

The recommendation of the Administration Committee for this year’s C.A.’s evaluation:

- John Carter will do a self evaluation from the final version of the evaluation form.

- The final draft of the evaluation form will be discussed at the October 26, 2009 Admin meeting.
- At this meeting a meeting will be set for meeting of the whole council to meet in executive session sometime in November along with John Carter and complete one evaluation of the C.A. by the council.

2. New Business:

a. Spotlight on businesses (ie Website Content discussion) October 2009 – Discussion will begin at the October meeting.

3. Other Matters: None

4. Future Meeting Discussion:

a. Percent for Art- (at Arts Committee for review) – October 2009

b. 27D Ballot Language discussion/ review (sample of Fairways attachment)

5. Adjourn 8:24 PM