



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

May 12, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Dever, Cromwell, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval, Mayor Chestnut proclaimed Saturday, May 16, 2009 as the “80th Anniversary of the Lawrence Municipal Airport”; and, the week of May 17 – 23, 2009 as National Public Works Week.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the City Commission meeting minutes of April 28, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve payroll from April 26 – May 9, 2009 in the amount of \$1,769,445.30 and claims to 1,206 vendors in the amount of \$2,839,522.88. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Retail Liquor Licenses for Neighborhood Liquor, 1906 Massachusetts; Dangermond Retail Liquor, 1010 North 3rd; and Sawyers, 4811 Bob Billings Parkway. Motion carried unanimously.

The City Commission reviewed the bids for refuse trucks for the Public Works Department. The bids were:

TRASH TRUCKS – PUBLIC WORKS – #B09026	
VENDOR	TOTAL



Bid A, Three (3) Rear Load Refuse Trucks

Downing Sales & Service, bid 1	327,381.00
Downing Sales & Service, bid 2	351,066.00
Downing Sales & Service, bid 3	359,004.00
Downing Sales & Service, bid 4	363,831.00
Downing Sales & Service, bid 5	382,848.00
Downing Sales & Service, bid 6	391,029.00
American Equipment, bid 1	307,173.00
American Equipment, bid 2	352,911.00
American Equipment, bid 3	357,924.00
American Equipment, bid 4	360,849.00
American Equipment, bid 5	365,862.00
American Equipment, bid 6	384,693.00
American Equipment, bid 7	392,874.00
Key Equipment & Supply, bid1	447,900.00
Key Equipment & Supply, bid2	455,838.00
Burnip Equipment, Bid 1	438,168.00
Burnip Equipment, Bid 2	446,106.00
Burnip Equipment, Bid 3	478,131.00

Bid B, One (1) Front Load Refuse Truck

Downing Sales & Service, bid 1	177,956.00
Downing Sales & Service, bid 2	182,187.00
American Equipment, bid 1	185,349.00
American Equipment, bid 2	187,281.01
American Equipment, bid 3	190,072.00
American Equipment, bid 4	192,004.11
Burnip Equipment, Bid 1	192,870.00
Burnip Equipment, Bid 2	195,473.01

Bid C, One (1) Hook Lift Truck

Downing Sales & Service, bid 1	64,740.00
Downing Sales & Service, bid 2	64,876.00
Downing Sales & Service, bid 3	65,379.00
Downing Sales & Service, bid 4	68,514.00
Key Equipment & Supply, bid1	69,924.00
Key Equipment & Supply, bid2	70,427.00

Bid D, One (1) Roll Off Frame Roll-Off Truck

American Equipment, bid1	79,203.00
American Equipment, bid 2	91,428.00
American Equipment, bid 3	92,329.00
American Equipment, bid 4	93,750.00
American Equipment, bid 5	98,235.00
American Equipment, bid 6	98,406.00
Downing Sales & Service, bid 1	101,006.00
Downing Sales & Service, bid 2	101,907.00

Downing Sales & Service, bid 3
Downing Sales & Service, bid 4

107,984.00
108,438.17

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bids for three (3) rear load trucks for \$359,004, one (1) front load truck for \$177,956, and one (1) hook lift truck for \$64,740 to Downing Sales and Service and one (1) roll-off truck for the Public Works Department to American Equipment for \$91,428. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for Douglas County Senior Center, Roof Replacement, East Wing for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Boone Brother Roofing	\$88,381
Premier Contracting	\$88,736
JB Turner and Son's	\$77,687
Diamond Roofing	\$59,290

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to JB Turner and Son's, in the amount of \$77,687. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize the City Manager to execute purchase orders to Hamm, Inc. for \$253,338.80 (\$240,671.86 – FAA; \$12,666.94 – City) and to Airport Development Group, Inc. for \$19,106.92 (\$18,151.57 – FAA; \$955.35 – City) for final payment of Airport Improvement Project No. 11-AI1-307(C). Motion carried unanimously. **(3)**

Ordinance No. 8393, rezoning (Z-1-1-09) of approximately 4.48 acres located at 725 North 2nd Street from IG (General Industrial) to IL (Limited Industrial), was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. **(4)**

Ordinance No. 8394, a Special Use Permit (SUP-2-2-09), for a Day Care Center at 1023 Highland Drive, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (5)

Ordinance No. 8399, establishing reserved parking for persons with disabilities along the north side of West 22nd Terrace from the west property line of 802 West 22nd Terrace, east 100 feet, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8395, for a Special Use Permit (SUP-2-1-09) to allow Research Services in Downtown Commercial District at 647 Massachusetts, 2nd Floor, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8396, for the rezoning (Z-2-3-09) of the southeast corner of East 19th Street and Learnard Avenue from RS7 (Single-Family Residential) to RM12D (Multi-Dwelling Residential), was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6833, adopting the Douglas County, Kansas Multi-Jurisdictional Multi-Hazard Mitigation Plan. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6837, setting a public hearing date of July 7, 2009, to discuss the condition of the dilapidated structure at 426 Perry Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve site plan (SP-2-2-09), for a sidewalk hospitality area for The Sandbar, located at 17 East 8th, and a sidewalk hospitality license. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt on first reading, Ordinance No. 8400, allowing possession and consumption of alcoholic beverages on certain City property pursuant to The Sandbar Sidewalk Dining License. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive an update regarding Bauer Farm PRD Final Development Plan (FDP-1-2-09) for the residential portion of the Bauer Farm Development, located in the northwest corner of 6th Street and Folks Road intersection. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve a Special Event (SE-4-12-09), request for a downtown film festival located in the 900 Block of New Hampshire Street, more specifically the southwest corner of East 9th Street and New Hampshire Street. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize submittal of a grant to partially fund the replacement of an aerial platform ladder and Engine 6 for the Fire Medical Department. The purchase of both of these pieces of equipment will be recommended using infrastructure sales tax funds and debt issuance; any grant funds obtained would reduce the amount of debt necessary. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize submittal of a grant to partially fund the purchase of a low speed neighborhood electric vehicle to be used in and around the Waste Water facility. Funding for this vehicle was approved in the capital equipment line of the 2009 Utilities Department budget. Any grant funds obtained would reduce budgeted funds needed for the purchase. Motion carried unanimously. (16)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Free State High School students and staff participated in the Great Green Service Day; a flood information brochure was distributed; and the City of Lawrence was featured in the Kansas Governmental Journal regarding hedgehogs and a pilot program using a solar panel on an ambulance. (17)

REGULAR AGENDA ITEMS:

Conduct a public hearing on a request by the Lawrence Convention & Visitors Bureau, for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church, pursuant to section 4-113(a) of the Code of the City of Lawrence, Kansas regarding the temporary sale of alcoholic beverages related to the Tour of Lawrence, on Saturday, July 4, 2009 from noon – 10:30 pm; and consider adopting on first reading, Ordinance No. 8401, authorizing the temporary sale, possession, and consumption of alcoholic beverages at certain specified downtown public property related to the event.

Mayor Chestnut called a public hearing on a request by the Lawrence Convention & Visitors Bureau, for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church.

Frank Reeb, Administrative Service Director, said this public hearing item was at the request of the Lawrence Convention and Visitors Bureau and related to the 2009 Tour of Lawrence Bicycle Event scheduled for Saturday, July 4th. This item was also related to several items that were approved by the City Commission on March 31, 2009. At that March 31st meeting, the City Commission approved a Temporary Use of Right-of-Way Permit for the use of various City streets on July 4th and 5th, 2009. The Commission, at that time, also approved an allocation of \$5,000 from the guest tax reserve fund to the CVB in support of the Tour of Lawrence Event and the donation of various City services in support of the event and approved reimbursing the general fund from the guest tax reserve revenues. As part of the event, the applicant was requesting permission to sell alcoholic beverages and for age appropriate spectators to possess and consume alcoholic beverages in certain areas.

The reason for the public hearing was because portions of the proposed sale, possession and consumption would be within 400 feet of the Lawrence Life Fellowship Church at 911 Massachusetts and the Plymouth Congregational Church at 925 Vermont. The applicant was requesting the Commission waive the distance restriction in the City Code that prohibited the sale and serving of alcoholic beverages within 400 feet of a school or church. Consistent with that same City Code provision, a notice of public hearing was published in the Lawrence Journal World 30 days prior to this event and staff sent letters to the two churches advising those churches of this public hearing and giving them the opportunity to comment. He said staff received a response from Pastor Gabe Alvarado, Lawrence Life Fellowship. Pastor Alvarado relayed that Lawrence Life Fellowship did not object to this event or the sale of alcoholic beverages, however, asked that event organizers ensure that any trash or debris would be picked up in front of their church prior to the Sunday morning service. Staff did not receive a response from Plymouth Congregational Church and had received no written or telephonic comments from any members of the public on this item.

In the event the City Commission approved the waiver request, as required in City Code, the Commission would also need to make a finding that the proximity of the temporary sale of alcoholic beverages was not adverse to the public safety and welfare.

Lastly, because this temporary event would occur on City property on which the sale, possession and consumption of alcoholic beverages were generally prohibited, a special authorizing ordinance would be required and as such staff had included Ordinance No. 8401 for City Commission consideration on first reading. This ordinance, if adopted, would allow the temporary, sale, possession and consumption of alcoholic beverages during this event.

The City Commission's actions, if appropriate, would be to conduct a public hearing, find that the proximity of the temporary sale of alcoholic beverage related was not adverse to the public safety or welfare, approve the distance restriction waiver, and adopt, if appropriate, on first reading Ordinance No. 8401.

Vice Mayor Amyx asked where the sale of alcohol would be located.

Bob Sanner, Convention and Visitors Bureau, said the sales would take place at 9th and Massachusetts and 8th and Massachusetts.

Vice Mayor Amyx said a restaurant owner downtown wanted to know how he could participate in this event.

Sanner said the owner could participate by being open on July 4th and if wanting to go beyond just being opened, the restaurant owner could contact him and he would work with that owner. He said it was one of the reasons they brought this event to Lawrence, to bring people into Lawrence and generate economic activity on generally a slow holiday weekend.

David Corliss, City Manager, said staff had issued a number of sidewalk dining permits where alcohol would be applicable, if there was situation where there was not already dining on the sidewalk that allowed for alcoholic beverages, a business needed to go through the necessary land use and site plan procedures, but probably would not have a lot of time to go through those procedures. He said even on a temporary basis there would be this type of requirement for a hearing and an ordinance.

By way of background, State law prohibited the possession and consumption of alcoholic beverages on public property. He said with the provision in that State law, alcoholic beverages could be allowed if a local governing body adopted an ordinance that allowed for alcohol consumption such as sidewalk dining where all appropriate reviews were done. He said the City Clerk's Office received frequent request for alcoholic beverages in certain City parks where it was not allowed. There were procedures that needed to be followed to allow for alcohol consumption on public property.

Commissioner Johnson said the alcohol sales would happen on 8th and 9th of Massachusetts Street, and asked how the consumption would be controlled.

Sanner said on Massachusetts Street they would use the natural barriers of the buildings and if turning down 9th Street, for example, heading toward Vermont, there was an alleyway. He

said people would be stationed at exit and entry points and signs posted that no alcoholic beverages were allowed beyond that point.

Mayor Chestnut called for public comment.

Upon receiving no public comment, **it was moved by Amyx, seconded by Johnson**, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Dever, to find that the proximity of the Tour of Lawrence event and temporary sale, possession, and consumption of alcoholic beverages, is not adverse to the public welfare and safety; approve the distant restriction waiver request; and adopt on first reading Ordinance No. 8401, authorizing the temporary sale, possession and consumption of alcoholic beverages on specified City property. Motion carried unanimously.

(18)

Consider the following Traffic Safety Commission items:

- a) **Consider approving recommendation to establish no parking along the south side of 10th Place between Kasold Drive and Randall Road, along the east side of Randall Road between 10th Place and 10th Terrace and along the north side of 10th Terrace between Randall Road and Randall Road. Adopt on first reading, Ordinance No. 8398, prohibiting parking on the south side of 10th Place between Kasold Drive and Randall Road, along the east side of Randall Road between 10th Place and 10th Terrace, and along the north side of 10th Terrace between Randall Road and Randall Road.**
- b) **Consider approving a recommendation to establish a 35MPH speed limit on 4th Street between McDonald Drive and Maine Street.**
- c) **Consider establishing no parking along the south side of Ash Street from 8th Street west 100 feet.**

David Woosley, Transportation/Traffic Engineer, presented the staff report. He said the first traffic safety item was to establish no parking for portions of 10th Place, Randall Road, and 10th Terrace. This request came to the TSC by a resident in the area. In attendance at the TSC meeting was the resident that made the request and an individual that partially supported the request. The TSC voted unanimously 8-0 to recommend parking along one side of those streets and would consult with the Fire/Medical Department. Staff discussed the no parking

issue with the Fire/Medical Department and it was determined that the inside of the curves would be the best place for no parking which meant the south side of 10th Place, east side of Randall Road, and north side of 10th Terrace.

Vice Mayor Amyx said the recommendation of TSC was to remove parking along the entire side of those two streets.

Woosley said correct.

Mayor Chestnut called for public comment.

Teresa Martel, Lawrence, said she lived on 10th Terrace for 18 years and she did not want to diminish the individual's efforts that was trying to solve this problem of traffic and parking in the neighborhood, but there were other options to consider. There were problems with parking only on one side and backing out of a driveway with cars on the other side. She said she had enough trouble with one or two cars on the other side. Not enough parking for family gatherings was another concern and no one wanted "no parking" signs in their yards.

She said she talked to several of the neighbors and they were all backing her regarding the no parking issue. She said an engineer suggested painting the curves yellow so that any vehicles large or small could get through.

She said not that long ago their neighborhood was all residential families and in the last couple of years three of the houses turned into student dormitories which increased the number of cars parking in that area. She said other than the parking issue there was a request to fix some of the potholes and the dip in the street. She said her daughter had a disability and took care of another person with a disability and each had fallen once because of potholes in the street because there were no sidewalks.

Stan Trekell, Lawrence, said he had been a resident of Holiday Hills for four years. Shortly after entering the neighborhood, he heard stories from the long term residents about emergency vehicles access through the neighborhood. Several of those neighbors related more than one incident where either pump trucks or ladder trucks or other emergency vehicles

including EMT crews and ambulances had been able to negotiate the streets through their neighborhood which included 10th Terrace, Randall Road, and 10th Place. There had been incidents where there had been fire calls into the neighborhood and the truck would get through that gauntlet of parked cars on both sides of the road and could only proceed so far before someone parked out further from the curb or there were two wide bodied vehicles parked across the street from one another and the fire trucks were forced to back trucks and emergency equipment. On one occasion a City sanitation truck backed down 10th Place backing out onto Kasold going around Kasold to Harvard and coming up through the neighborhood from the south end.

He said when he went before the TSC he presented photographic evidence. He said he did not want the City to be in a situation where something was done reactively rather than proactively when there was opportunity because they did not want to wait until someone's house was consumed by fire and the crews could not get through or wait until someone had a medical emergency and did not receive assistance in time. He said this issue was about public safety.

He said one question from the TSC was if he had spoken to his neighbors regarding the concern. The answer was that he had spoken to his immediate neighbors and they were some of the same people that encouraged him to come before the TSC to present their case so they would not be talking about a tragedy later on. After that meeting and thinking there was good reason to have a consensus of the neighborhood, he had canvassed the entire neighborhood and had taken an aerial view of their neighborhood which showed not only the roof tops of their houses, but designated the lots along with the streets and explained where the restricted ban would result. As a result of that conversation, there were 26 houses in that neighborhood and 24 of those residences signed an agreement supporting the proposed restriction. There were 2 households, while admitting there was a problem with parking, where there agenda seemed to be more personnel rather than general safety for the entire neighborhood. He said this issue

was not about any individual's convenience or inconvenience, but rather about the safety of the entire neighborhood.

Mayor Chestnut said at one point the Commission entertained the idea of restrictions on the curves. He said what was Woosley's opinion and how much would that mitigate the safety of the access issues.

Woosley said the curves were certainly the most critical areas because it was tough for the larger vehicles to make those turns. He said as Trekell indicated even on other portions of the roadway on a typical residential street, if two large vehicles that happened to be parked across the street from each other, then it left very little room for a fire truck to get through. He said that did not happen on very many occasions, but it could and the Commission needed to weigh the inconvenience with the public safety.

Vice Mayor Amyx asked if that was a 27 foot street.

Woosley said 26 foot, face to face, which was a typical residential street.

Vice Mayor Amyx said if there were two wide vehicles, there would be no more than 11 feet in length.

Woosley said yes and that was if those vehicles were parked appropriately, close to the curb.

Commissioner Dever said it seemed like it was highly supported by the majority of the people that lived in the neighborhood and the pictures helped. He said there were not many places to park in this subdivision with all the curb cuts for the driveways.

Commissioner Cromwell said if the streets were longer they might be able to restrict the no parking along the curves.

Mayor Chestnut said he concurred.

Commissioner Johnson said the Commission had good representation from the neighborhood with the petition.

Vice Mayor Amyx said he shared concern with Martel because everyone had family events and parking was tough especially with driveways that were designed to fit 2 ½ cars. He said they could paint lot line to lot line along that curve and end up with 5 parking places at most.

Martel said the other issue was mail boxes because it limited the parking. The petition that was signed by the neighbors did not specifically state which side of the street.

Moved by Dever, seconded by Amyx, to concur with the Traffic Safety Commission's recommendation to establish no parking along the south side of 10th Place between Kasold Drive and Randall Road, along the east side of Randall Road between 10th Place and 10th Terrace, and along the north side of 10th Terrace between Randall Road and Randall Road, and adopt on first reading, Ordinance No. 8398. Motion carried unanimously. **(19)**

David Woosley, Transportation/Traffic Engineer, presented the staff report establishing a 35 mph speed limit on 4th Street between McDonald Drive and Maine Street. He said this item came from the public to the TSC. He said appropriate studies were conducted in that area and based upon that analysis, it was determined that the appropriate speed for that street should be about 35 mph. It was presented to the TSC and they concurred with a vote of 7-1.

Vice Mayor Amyx asked if the current speed limit around the hospital was 30 mph.

Woosley said correct.

Vice Mayor Amyx said that stretch of 4th Street, the medium speed was 38 mph.

Woosley said the 85th percentile speed was around 40 mph which based upon studies, it would be posted at 40 mph, but since it was only a two lane street, no left turn lanes, and primarily residential area, then the speed limit was brought down to a recommended 35 mph.

Vice Mayor Amyx said that was a collector street and designed to support that speed.

Commissioner Johnson asked why they were extending it east of Michigan to Maine.

Woosley said the collector street designation went all the way to Maine and east of Maine was a local street. The request was to go all the way to Maine and the study was done through that entire area.

Mayor Chestnut called for public comment.

There was no public comment.

Vice Mayor Amyx said the fact the street was built a number of years ago it was built to the standards for a collector street. The other collector streets throughout the community were posted at 35 mph. He said he shared some of the concerns of Commissioner Johnson on why the designation had to go all the way to the hospital.

Commissioner Johnson said it would be difficult to get to 35 mph from Michigan to Maine. He said he drove that stretch of road and was going 35 mph and being pushed, but his rationale would be to stop, based on the visuals. He said if staying consistent with collector streets and the posting off 35 mph, he was okay with that speed limit.

Commissioner Cromwell said everyone seemed to agree the speed limit was too fast for that small stretch.

Mayor Chestnut said the City Commission could modify the request.

Vice Mayor Amyx said he agreed with Commissioner Johnson to stop the 35 mph speed limit at Michigan.

Moved by Amyx, seconded by Johnson, to concur with the Traffic Safety Commission's recommendation to approve recommendation to establish a 35 mph speed limit on 4th Street but modify the recommendation to establish the 35 mph speed limit from McDonald Drive and Michigan Street. Motion carried unanimously. **(20)**

David Woosley, Transportation/Traffic Engineer, presented the staff report establishing no parking along the south side of Ash Street from 8th Street west 100 feet. He said this request came from the North Lawrence Improvement Association and this particular case, the Traffic Safety Commission's vote ended up in a tie 4-4.

Vice Mayor Amyx said was this request brought to the TSC because of the resident that had his truck parked in that location.

Woosley said that was somewhat the indication in the letter, but the association could answer that question better. It was indicated that several residents in the area were concerned about parking in that area.

Vice Mayor Amyx said if consideration was given to eliminating parking on one side given a whole lot of thought because it was a 19 foot road.

Woosley said 19 feet was narrow and this vehicle parked partially on the roadway and partially in the ditch to make sure there was enough roadway left for vehicles to get by.

Vice Mayor Amyx said everyone in that area had off-street parking unless there was a visitor.

Woosley said that was the indication.

Vice Mayor Amyx said it was mentioned in the TSC that this might have been about the one individual parking on the street.

Woosley said that was a couple of the Traffic Safety Commissioners thoughts.

Vice Mayor Amyx asked if this request would correct that problem.

Woosley said he did not think the 100 feet was far enough back to where the vehicle was parking. He said the footage would almost need to be doubled to get back to that first driveway to take care of that entire area.

He said there was a request a few years ago to restrict parking along one entire side of that long block and there was not enough support within the neighborhood for that request and it was denied.

Mayor Chestnut called for public comment.

Ted Boyle, President, North Lawrence Improvement Association, said 8th and Ash was a "T" intersection and when they went before the TSC, they asked for signage to let the public know that 8th and Ash was a "T" intersection because the residents that lived on the east side of

8th Street were the recipients of unwanted vehicles in their driveways and ditches at night. He said vehicles parked along the south side of Ash Street to 8th Street, late at night. He said the width of the street was 19 foot and the ditches were steep. He said those vehicles parked in the ditches including the one ton truck with a trailer and it had a pond effect from the ruts left in the ditch for the last three or four years. He said as mentioned, at one time, they asked for no parking the entire block, but the residents up the block felt it was not appropriate because the block was lengthy even though there was off-street parking for those residents including the resident that had the truck and the visitors at night. He said a street light was at that intersection because it was recommended by the TSC, but at 1:00 am to 3:00 am, individuals go to that boat ramp from the bar and speed down Ash Street. He said this was a safety issue and the residents had called the Police, but nothing could be done because there were no “no parking” signs in that area.

Vice Mayor Amyx said in Boyle’s letter sent to the City Commission on October 20, 2008, the letter mention a one ton truck and trailer and asked if that was just an example.

Boyle said yes. He said another example was a person across the street that owned a 26 foot motor home and backed the motor home into his driveway up to his garage and still had parking for two other cars. The south side of Ash Street, approximately 200 feet were individuals that parked their vehicles, including the individual who had the truck and trailer.

Vice Mayor Amyx said 100 feet of no parking would open up a line of sight. He said he wanted to make sure the City Commission would not be approving “no parking” specifically for one truck.

Mayor Chestnut said he drove that intersection and the line of sight was bad at that corner. He said the Commission looked at a similar situation at 20th and Tennessee by the high school where the Commission approved “no parking” 100 feet on both sides of Tennessee which was for the same line of sight issues.

Vice Mayor Amyx said it was reasonable to give the line of sight a chance in the area. He appreciated that they were not singling out a specific vehicle. He was glad the issue was resolved and was in support of the no parking request.

Moved by Cromwell, seconded by Johnson, to concur with the Traffic Safety Commission's recommendation to establish no parking request along the south side of Ash Street from 8th Street, west 100 feet. Motion carried unanimously. **(21)**

PUBLIC COMMENT:

Michael Tanner said he was present on behalf of the Coalition of Street Performers. He said they opposed the sidewalk dining for the Sandbar hospitality area and the 8th Street Taproom. He said the 8th Street Taproom placed bars around the establishment along the corner of 8th and New Hampshire. He said that was one of their best corners as street performers to perform and now had lost one of their best places to perform late at night. He said they discussed the unconstitutionality of those hospitality sidewalk dining areas. The City was telling, for example, street performers, who were lower income, they could not be in the hospitality area because they could not afford the cover to get into those establishments. In effect, the City was telling a group of people they could drink in public but were telling the other group of people they would go to jail if drinking in public. He said in his opinion that was unconstitutional and came to the City Commission meeting to voice that opinion.

He said last week when the City Commission voted against the homeless camp, he thought the Commission was misinformed on the issue because in USA Today, the front cover pictured homeless camps throughout the United States. He said there were people who had worked on Wall Street in New York, but now lived in tents in Florida. There were also pictures of other campsites in other areas where they were building 6x8 structures for single individuals, like the structure he had built on the river. He said he wanted to know if that was a way to get the item back on the agenda.

He said he also wanted to bring up the Community Commission on Homelessness meeting that was held at the Plymouth Church sometime in April. He said he spoke to three of the City Commissioners and remembered that they had spoken in favor of a homeless camp and was under the impression that if they were elected, they would vote in favor of the homeless camps.

He said he did not reside in the City, but in the County, and received approval from a resident in the County to continue with his carpentry work. He said he was speaking for the people who were forced to sleep illegally in the streets and urged the City Commission to go back into the archives of USA Today and read that article because it would enlighten the City Commission on this issue and bring some compassion into this town for some of the homeless people who were willing to work to build structures to reside, like in other states.

Clifford Harding said the City needed rethink the city codes since the incident at the dentist's office.

He also thought they needed to change the City park rules and not allow dogs at certain events. He said Baldwin City did not allow dogs anymore at the Maple Leaf Festival. **(22)**

FUTURE AGENDA ITEMS:

- TBD
- ☐ Discussion of City Commission meeting protocols.
 - ☐ Consider approving Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. Adopt on first reading, Ordinance No. 8300, incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (PC Item 7; approved 7-1 on 4/22/09)
 - ☐ Adopt on first reading, Ordinance No. 8397, amending Section 4-103.1 of the City Code related to unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.
 - ☐ Receive from City Auditor a performance audit on street lighting.
 - ☐ Receive from City Auditor a proposed annual audit work plan.
 - ☐ Adopt on second and final reading, Ordinance No. 8387, for the Rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling

Residential) to CS (Commercial Strip), until such time as the contract purchaser commits to close on the purchase of the property, or September 15, 2009, whichever is sooner.

COMMISSION ITEMS:

Moved by Johnson, seconded by Cromwell, to adjourn at 7:45 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MAY 12, 2009

1. Bid – Refuse Trucks – Downing Sales & Service
2. Roof Replacement – DG Cnty Senior Ctr – E Wing.
3. Purchase Orders – Hamm, Inc. for Airport Improvement Project.
4. Ordinance No. 8393 – 2nd Read, rezone (Z-1-1-09) 4.48 acres, 725 N 2nd from IG to IL.
5. Ordinance No. 8394 – 2nd Read, Special Use Permit – (SUP-2-2-09) Day Care Ctr at 1023 Highland Dr.
6. Ordinance No. 8399 – 2nd Read, reserved parking for person with disabilities N side of W 22nd Terr for W of 802 W 22nd Terr, E 100 ft.
7. Ordinance No. 8395 – 2nd Read, Special Use Permit – (SUP-2-1-09), research services downtown, 647 Mass.
8. Ordinance No. 8396 – 2nd Read, rezone (Z-2-3-09) 2.83 acres, SE corner of E 19th & Learnard from RS7 to RM12D.
9. Resolution No. 6833 – DG Cnty, KS Multi-Jurisdiction Multi-Hazard Mitigation Plan.
10. Resolution No. 6837 – Public Hearing dilapidated structure at 426 Perry St.
11. Site Plan (SP-2-2-09) The Sandbar, 17 E 8th & Sidewalk Dining/Hospitality License.
12. Ordinance No. 8400 – 1st Read, allow alcohol in sidewalk dining area – The Sandbar, 17 E 8th.
13. Final Development Plan (FDP-1-2-09) Bauer Farm, NW corner of 6th & Folks.
14. Special Event (SE-4-12-09) Downtown Film Festival, 900 Block of NH.
15. Aerial Platform Ladder for Fire/Medical using infrastructure sales tax & debt issuance.
16. Electric vehicle – Waste Water Facility.
17. City Manager's Report.
18. Public Hearing – Tour of Lawrence, distance restriction waiver & adopt Ordinance No. 8401, 1st Read allowing sale and consumption.
19. Ordinance No. 8398 – 1st Read, no parking S side of 10th between Kasold & Randall, E side of Randall between 10th & 10th Terr.
20. TSC – 35mph on 4th modify speed limit from McDonald to Michigan
21. TSC – “No Parking” S side of Ash from 8th W 100’.

22. Public Comment – Coalition of Street Performers/Homeless Camp/Dentist's Office Incident/No dogs allowed in parks.