



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

February 2, 2010

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, Cromwell, and Johnson present. Dever, participating electronically via telephone, was absent during the consent agenda vote due to technological issues.

Bill Mitchell, Lawrence, asked that consent agenda item No. 8 be pulled for separate discussion.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve minutes from the City Commission meeting of January 5, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to receive minutes from the Board of Zoning Appeals meetings of November 5, 2009 and December 3, 2009; the Historic Resources Commission Action Summary from July 16, 2009, August 20, 2009, September 17, 2009, and October 15, 2009; the Planning Commission meetings of November 16 -18, 2009, and December 14 – 16, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve claims to 432 vendors in the amount of \$1,776,518.05 and payroll from January 17, 2010 to January 30, 2010 in the amount of \$1,822,722.90. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve the Drinking Establishment Licenses for On the Border Mexican Grill & Cantina, 3080 Iowa; Pachamama's, 800 New Hampshire; Eldridge Extended, 201 West 8th; Old Chicago, 2329



Iowa; and the Sidewalk Dining & Hospitality License for the Mad Greek, 907 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to concur with the Mayors recommendation and reappoint Theresa Marcel Bush and Robert Farha to the Citizen Advisory Board to additional terms that will expire March 1, 2013; reappoint Kevin Chaney and Doug Dillon to the Contractor Licensing Board to additional terms that would expire December 31, 2013; reappoint Pete Easterwood to the Fire Code Board of Appeals to an additional term that would expire January 31, 2013; and reappoint Alan Wiechert to the Historic Resources Committee to a term that would expire March 1, 2013. Motion carried unanimously.

Ordinance No. 8487, authorizing the possession and consumption of alcoholic beverages at the Lawrence Public Library on Wednesday, February 17, 2010, from 5:00 p.m. to 7:00 p.m. as part of the Lawrence Chamber of Commerce Mixer, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (1)

Ordinance No. 8407, designating as a landmark on the Lawrence Register of Historic Places, 1515 University Drive, the Fernand Strong House, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (2)

Ordinance No. 8408, designating as a landmark on the Lawrence Register of Historic Places, 1204 Oread Avenue, the Ecumenical Christian Ministries Building, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

Ordinance No. 8409 designating as a landmark on the Lawrence Register of Historic Places, 714 Mississippi Street, the John Robert Greenlees House, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to adopt Resolution No. 6875, ordering the transfer of reserve funds in the amount of \$80,000, from the Capital Improvements Fund to the Library Fund for operations for the 2010 budget year. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to initiate a Text Amendment TA-1-2-10 to Sections 20-403, 20-601(b) and 20-601(b)(1) of the Development Code for hotel/motel/extended stay use to become an allowed use in IL (Limited Industrial) Zoning. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve a request by Paul Werner Architects, on behalf of the owner, Boardwalk Apartments, LC, for a variance from City Code 19-302(1)(B) which states that “apartment houses having twelve living units or less shall have a water meter for each living unit, unless the installation of a single meter for all units is applied for by the owner and approved by the City Commission. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve a request by Dan Hermreck Residential Design, on behalf of the owner of the property at 1223 Ohio Street, Odyssey Rentals, LLC, for a variance from 19-214B of the city Code which states that a private sanitary sewer service line shall not be located in a city public right of way for greater than 15 feet. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize the distribution of a Request for Qualifications for the design, administration, and project inspection of the Lawrence Public Library roof and adopt Resolution No. 6876, authorizing the issuance of General Obligation Bonds for \$500,000. Motion carried unanimously. (9)

Commissioner Dever was present, via electronically.

Bill Mitchell, Lawrence, pulled consent agenda item No. 8 for separate discussion. He said he was told by Michelle Leininger, City Planner, that Text Amendments did not require notification of affected neighbors or neighborhoods, and wanted to know if that was true.

Scott McCullough, Director of Planning, said the process to initiate text amendments was in the City's Development Code and involved being initiated by the City Commission in the case of a public desire or request to initiate text amendments. Staff did not mail notice after the initiation to property owners as it was not a specific property rezoning, but a policy issue in the development code, the text amendments were advertised in the newspaper, and included on public agendas for the Planning Commission.

Mitchell said that he had an issue with that policy because it was a change of use within a zoning district, which seemed like the equivalent of a change in zoning district. He said he understood not wanting to make notification for minor corrections to the ordinance, but substantial corrections such as bars and mixed use needed notification. Zoning was all about uses and any projected use change should require notification of the effected neighbors. In this case, every notification near every MU district should be timely informed just as with proposed zoning changes. He asked the City Commission for notification, not only in this case, but in other cases where uses were changing within a zoning district.

Mayor Chestnut said the City Commission would take that idea under advisement and could be reported during the City Manager's report. He said it would appropriate to understand

the code as far as initiating text amendments as well as text amendment notification and then make some decision.

A Lawrence citizen said about a year ago, they had this discussion with respect to a specific rezoning of a property. Neighbors at that time were concerned about the uses such as a bar, a gun shop, and sex shop and other types of uses and were assured, at that time, that those types of uses would not be possible under the current conditions. Clearly, it was possible simply by having something on a consent agenda.

Mayor Chestnut said the City Commission was initiating the consideration of this item to go to the Planning Commission and nothing was being approved or binding.

The citizen said that he understood, but it seemed it was a substantive issue that needed to go beyond the consent agenda with considerable discussion because they spent a lot of time discussing this issue and they were assured no special exceptions were needed because everything had to be uniform, but apparently they were wrong and needed to have a different process for discussion.

Vice Mayor Amyx said comments from the last speaker referenced a specific site at the west end of KU and asked if those uses were not allowed at that site and were conditions of approval.

McCullough said staff could check and it might be conditional zoning and was accurate at that time that bars were not an allowed uses in the MU district and no reason necessarily to condition out of that use.

Vice Mayor Amyx said he was troubled with things being directed at the Oread neighborhood which also had far reaching implications throughout the community. He said he suggested waiting on this item until it could be considered all at one time.

Mayor Chestnut asked if Vice Mayor Amyx wanted to move this item to a regular agenda.

Vice Mayor Amyx said the item could be moved to the regular agenda, but honestly this item needed to be considered the same time as the Oread neighborhood plan because the request was coming from Oread for the consideration of conforming uses.

Mayor Chestnut said he was not clear how many MU (mixed-use) districts were in the community.

Scott McCullough said they were discussing a text amendment for the MU district and had a request to rezoning to MU in the near future.

He said Jayhawk Bookstore was adopted as an MU district last year and as the staff memo noted, a recommendation was being made to the City Commission, designating portions of the Oread neighborhood, one being an MU District, along 14th Street and included to Drinking Establishments, the Hawk and Wheel. He said those owners expressed interest in maintaining that use at that location, but understood the zoning district, as it stood today, had limitations in terms of bar use, and initiated this amendment to the City Commission to consider, going to have that public process and, analyzing whether or not a bar should be allowed via special use permit, had been their initial request.

Mayor Chestnut said a majority from the Commission was needed to initiate a text amendment and a consensus was needed. He said he recommended deferring this text amendment, placing the item on the regular agenda only because the City Commission needed information on the impacts. He said he read the request application, but did not notice the special use permit portion which merited more discussion before initiating the process.

Commissioner Cromwell said if the text amendment was passed by the City Commission at this time, the text amendment would go before the Planning Commission and at that point, public comment and discussion would be received and then come back to the City Commission.

Mayor Chestnut said yes, the City Commission would just be initiating the process. If the majority of the City Commission did not want to initiate this text amendment, then the text amendment would not go anywhere.

Commissioner Johnson said he was okay with initiating the process because through that process, there would be opportunity for public comment and more information from staff.

Commissioner Dever said he was comfortable with at least moving forward with the presentation and understood there was no action needed, but that the City Commission was simply following procedure.

Vice Mayor Amyx said in going through the process for the Oread Neighborhood Plan, and if the majority of the City Commission was in favor of initiation, it was critical to take into consideration that this text amendment was going to be an important part of the entire plan. He said this particular use has been a concern because of its non-conforming use at that location for years.

Mayor Chestnut said the City Commission could initiate this text amendment, but also specify notification.

McCullough said he agreed and staff would make appropriate notice.

Vice Mayor Amyx said as long as there was a notification process and understood that other items would come before the City Commission. He said he did not want others saying no notification was made for the initiation of this Text Amendment. He said this discussion would be equally important as when application was made by bar owners or others to change their zoning.

Mayor Chestnut said he would entertain a motion to initiate Text Amendment, (TA-1-1-10) to add some uses to the MU District, but also stipulate proper notification of neighborhood organizations within the normal radius of the properties in questions.

David Corliss, City Manager said given there was only one location with MU zoning, he thought full notification was appropriate. He said by allowing the text amendment, the change in use was being allowed, but not giving that property specific notification in that area. He said it was good to take a look at the notification on all zoning matters. He said the City Commission should direct staff to provide rezoning notification for the text amendment hearing.

Vice Mayor Amyx asked if notification included the Oread neighborhood.

McCullough said staff provided a newsletter to the Lawrence Association of Neighborhoods with our text amendment list anyway and would pay special attention to making sure the two amendments were initiated to the notification area and the appropriate notice at the Jayhawk Bookstore site.

Vice Mayor Amyx asked if the request from Mr. Warner was site specific.

McCullough said that the MU district was being discussed for other areas of the City that presumably included bars that would be new development or re-development, so in his opinion this was not just contained within the Oread neighborhood.

Mayor Chestnut said it was a point well taken that it was initiated by some of the property owners that were in the area and seemed appropriate to notify that area. He said he did not want to set a precedent to notify everyone about everything, but this issue merits notification.

Vice Mayor Amyx said he appreciated the notification process, but did not think this text amendment was appropriate at this time until they established what was going on in those neighborhoods.

Mayor Chestnut said the City Commission had never denied the initiation of a text amendment going through the process.

Moved by Johnson, seconded by Cromwell, to initiate a Text Amendment TA-1-1-10 to Sections 20-403, 20-509(3), and 20-524 of the Development Code for MU (Mixed Use) Districts Bars & Restaurants, and direct staff to follow notification procedures for the text amendment hearing at the Planning Commission. Aye: Chestnut, Cromwell, Johnson and Dever. Nay: Amyx. Motion carried. (11)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the Taser Use Report indicated that the use of tasers by the Lawrence Police Department continued to be appropriate;

Congress authorized that poverty levels remain unchanged at least through March 1, 2010; the 2nd and Locust construction schedule was updated; the City's use of web technology was reviewed by local governments (Johnson & Shawnee Counties); the Utility Department facilitated water/wastewater treatment research; the city's twitter followers reached 1,000; the annual report from the Lawrence Douglas County Metropolitan Planning Organization's accomplishments and activities planned for 2010; and, the market for recyclable materials improved significantly. (11)

REGULAR AGENDA

Consider authorizing the City Manager to execute the revised Land Agreement and revised Job Creation Credit Agreement with LWC Partners, LLC

David Corliss, City Manager, said this item was previously considered and staff came back with a revised lease agreement and job creation credit agreement. Staff believed the agreements clarified the language and the City was not going to take any affirmative steps to have language in the lease that made it possible for the tenant to claim that the property was exempt from taxation. There was a state law that allowed for properties at airports to receive an exemption if deemed an essential part of airport operations. It was an operation of state law, it was nothing the City was affirmatively doing and did not want to participate in that discussion with State officials. If the airport received a tax exemption, then the job creation credit, where the airport received a reduction in their rent, would be eliminated. The revised credit agreement was acceptable to the tenant partnership, Doug Compton and Hawkeye.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx said those agreements cleared up the City Commission's concerns and should move ahead.

Commissioner Dever said it was important the City Commission received their answers about what would be anticipated for the group and appreciated the information and time to look at it.

Mayor Chestnut said in researching this item and realized the City Commission learned a lot more about land lease use on airports, municipal ownership, and tax abatements. He said the City had a better agreement than the initial agreement.

Moved by Johnson, seconded by Cromwell to authorize the City Manager to execute the revised Land Agreement and revised Job Creation Credit Agreement with LWC Partners, LLC. Motion carried unanimously. (12)

Consider approving Text Amendment TA-6-17-09 to various sections of the city of Lawrence Land Development Code to review standards related to "Boarding House." Adopt on first reading, Ordinance No. 8482, for text amendment TA-6-17-09 various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House."

Scott McCullough, Director of Planning and Development Services, said the current code allowed boarding houses and cooperatives in most, if not all, of the multi-family, and residential zoning districts. Boarding Houses were permitted with site plan approval and were defined as a dwelling unit where meals or lodging were provided for compensation and were limited up to 12 sleeping rooms and 24 occupants if parking and other standards such as set backs and height and lot coverage were upheld. For practical purposes, boarding houses could be equated to single-family structure that allowed up to 12 rooms or 24 occupants. There was a parking code requirement of 1 ½ spaces for 2 lawful occupants or .75 spaces for 1 occupant; it was a yield of 6 spaces for 8 occupants.

Through the decades, a lot of site planning was not practiced and many of the "boarding houses" flew under the radar, for example, the City did not have rental registration and they were not site planned, which changed in the early 2000's when the City modified the definition of "family", and paid more attention to the distinction between single-family, 3 person limit definition and 4 unrelated people in multi-family/multi-dwelling units. This caused the landlords and investors to pay more attention to the code and start asking for approval of boarding houses because that allowed more than four people to live in one structure. The appraisers' office

identified 17 boarding houses in Oread neighborhood and 25 city-wide. A majority of those boarding houses approved were in the Oread District, but had gone east of Massachusetts Street and North of 6th Street.

It was predominately an Oread issue due to the zoning around the campus. A lot of other Multi-dwelling residential districts (RM) areas were developed with apartment complexes versus a lot of single family structures that have been converted to boarding houses. The staff report had a table that demonstrated most converted from an apartment unit and converted to a boarding house type of use.

To give an idea of what a site plan looked like for a boarding house, he showed a plan with a typical 50 x 117 foot lot, which had 6 occupants with 5 parking spaces and had an addition of approximately 436 square feet, but the majority of board houses did not have additions associated, they were simply trying to come into compliance or convert from an apartment structure to a boarding house.

Another site plan that was approved on a 50 x 117, parking in the rear, the original foot print of the house was doubled. When you comparing the two site plans, the site plans were equal in terms of the total amount of square feet at the end of the day and in terms of occupancy, both were around 5 or 6 occupants and both met parking, this did comply with code today, so this gained approval through the site plan process.

The text amendment was initiated by the Planning Commission in May of 2009 and was running concurrently with the Oread Neighborhood Plan, that was a conscious decision in that staff believed, at the time, the text amendment was of such importance to the requesters which were the Oread Neighborhood representatives that it should go ahead with of the Oread Neighborhood plan if at all possible, in fact, catching up with each other and the Planning Commission recommended approval of the Oread plan last week. There were city wide implications although it was predominately an Oread issue.

The main issues discussed through several Planning Commission meetings was the conflict apparent between the definition of “family” and limiting that to four unrelated persons in multi-family district and this use which was the only use that gets away from that definition so boldly, and have a typical range of 6 to 12 occupants.

He said parking standard might encourage boarding houses because the parking standards were less restrictive than apartment units. Staff talked about the area dedicated to trash facilities, were lacking in the code, but recently attempted to fix that lack of facilities in the code. He said they also talked about the behavior associated with communal living versus independent living and the impacts, uncharacteristic building additions that might be code compliant but viewed by some people as harmful to the Oread neighborhood, and the benefits that a boarding house could bring. Many of the boarding houses that were approved were brought into code compliance, in terms of life safety issues, fire code, building code, access, and those types of things. He said they discussed boarding houses as a way of addressing demolishing by neglect, because they were new investment and a redevelopment into the community.

He said through the Planning Commission hearings, there were a stakeholder meeting between the October and December Planning Commission meeting. Several options were discussed.

Option 1 – No recommendation on the original staff report, but provided options such as deleting the use altogether and relying on other multi-family types of uses to meet the need for the Planning Commission to consider;

Option 2 – Status quo; the code existed, did not come with a lot of standards, a lot were site planned and understood there were impacts to the community.

Option 3 – Look at the definition and bring that from 12 bedrooms and 24 occupants down to something much closer to the definition of family, which was 4, down to 6 or 8.

Option 4 – Similar to Option 3, but look at creating use standards for the boarding house use.

The Planning Commission went with Option 4 four stating they did not want to get rid of boarding houses all together and needed standards. In October, staff brought back a frame work that re-defined, that would permit by right, boarding houses up to 6 bedrooms or 6 occupants, but required a special use permit if that threshold was exceeded. Staff restricted parking to 1 space per occupant and looked at limiting deck size. The Planning Commission was split on this language and could not determine whether the language could be supported and deferred it and sent staff back to the drawing board. That was when a stakeholders meeting was held and came back in December with this language; which went from a “special use permit” to “by right with no special use permit required” and “no limit to the number of bedrooms or occupants.” Staff created a parking concept of 1 space per bedroom for new structures and a ratio for converting structures, which was meant to encourage the use of existing structures to remedy some of the demolition by neglect, to get at larger structures in the Oread neighborhood, and increased the deck size. Staff came up with a concept to limit physical expansion.

The Planning Commission recommended approval 6-2 with this version and staff was asking the City Commission to adopt on first reading, Ordinance 8482, if appropriate.

Mayor Chestnut asked if it was covered decks and covered patios or covered decks and patios because it seemed ambiguous.

McCullough said the intention was covered decks and covered patios.

Mayor Chestnut said if a person had an existing space that had concrete and put a covering over that space, he asked if a building permit was needed.

McCullough said he had to double check on that answer.

Mayor Chestnut said on the parking requirements, he said the requirements were less as the bedrooms expanded.

McCullough said there were some very large structures on some very small lots in established neighborhoods, there was no room to get enough parking in the alley and staff needed to create some lessening of restrictions for that physical reason. There was also discussion that based on some of the code requirements for fraternities and sororities, that the more people living at a fraternity or sorority, the less likely everyone had or drove a car, if choosing to live near campus.

Vice Mayor Amyx said regarding the site plans, he asked how different those plans would look by the proposed language change.

McCullough said the site plan with the smaller edition would likely meet the new code, because it was approximately 20% of the existing building. The other site plan would not meet the proposed code and would have to be substantially reduced down to a 20% level, where now it was 100% or more of the existing structure.

Vice Mayor Amyx said the addition would be shrunk down to the 20% of the existing floor space.

McCullough said yes and instead of this footprint, it would be much smaller.

Mayor Chestnut said regarding that 20%, he asked if there was anything on the limitations. The footprint of the existing structure, relative to the lot, there was no consideration for saying that if 20% would take more than the lot size, the density of existing structure.

McCullough said it was complex, the way staff attempted to address the issue of getting outside the established character was a ratio of the existing structure. Another way to look at it was looking at the block and say a person could go to an average of the block floor area. There are different ways to maintain character of any one area.

Commissioner Dever said this issue was complicated on a number of levels, as far as a city operation, he asked what McCullough believed was the biggest benefit to this change and what was the main benefit to the City and the community.

McCullough said this was a request to look at the code by a specific neighborhood group, so staff set out to address their concerns, which took several different turns as discussions took place. If a concern existed for building additions or boarding houses that were out of character with the neighborhood, this current version of the proposal addressed that issue. The Planning Commission felt like the parking requirements for new construction were aligned with apartments in terms of residential uses. There was probably a benefit in the code requirements that helped preserve historic structures or large historic structures in environs. Limiting the deck square feet was an attempt to get at the behavior issues. It was important to note that all of the behavior issues that were identified were not addressed with a development code.

Commissioner Dever said it was listed as a viable way to preserve large historic structures and was that the number one reason to do something along those lines.

McCullough said it depended on who was asked because staff had heard that statement from the Oread Neighborhood Association as 1 or 2 on their list of concerns.

Commissioner Dever said regarding the requirements of the new structure, under the code, to improve the potential compliance and safety of the property, he asked what was meant by a higher level of safety and how this changed the current way of meeting the code with the new designation.

McCullough said staff had found several times a non-conforming/non-legal boarding house was discovered either through code enforcement means or because an owner wanted to make the boarding house legal and comply with the code. After they get through the process it was made to comply with the code. Often times that involved sprinklers in the structure or fire access out of different rooms that did not exist today and could involve any number of building code related issues and other life safety issues.

Commissioner Cromwell asked about the clarification of inspection requirements, both the initial turning it into a boarding house and the on going, with respect to boarding houses, apartments, and rental houses and how those compare.

McCullough said the rental registration program was applicable only to single-family zoning districts. Staff did not inspect, on a regular basis, any multi-dwelling structures and any multi-dwelling zoning district. The way we discover those boarding houses was often times because a fire happened, so our inspectors discover the use. Sometimes it was through a building permit process, for renovation of a bathroom and staff received more information discovering it as a boarding house that was not approved and were out of compliance at that time and work to bring their boarding house into compliance. He said boarding houses were discovered in many ways and staff did not discover boarding houses as well. There were probably a number of boarding houses that were non-conforming at this time.

Commissioner Cromwell said there were also a number of homes that were chopped up into rooms that were classified as apartments.

McCullough said correct, both through the process and not through the process.

Vice Mayor Amyx said in May 2009 the Planning Commission was asked to consider the development code as it pertained to boarding houses and whether or not changes should occur to standards related to boarding houses. He said if the City Commission disagreed, he asked if all of this had to go back to the Planning Commission.

McCullough said the text could be modified. The City Commission's options were to approve, deny, or send the text amendment back to the Planning Commission for modification.

Vice Mayor Amyx said if the City Commission had a difference of opinion on the 20%, he asked if it would be considered a substantial change and discussion needed to take place by the Planning Commission, but staff would find what it would take to do that.

McCullough said yes.

David Corliss, City Manager, said the distinction would be if it was a substantive change, it needed to go back to the Planning Commission, but if it was more of a clarification change, such as covered patios and covered decks, it would only be a clarification of the code and did not think it needed to go back to the Planning Commission.

Mayor Chestnut called for public comment.

Susan Adams, Lawrence, said many subjects concerned the Oread neighborhood, some subjects were parking, population density, low to moderate income designation, lighted pathway, economic development, housing, historic value, city codes, landowners, tenants, students, families, owner occupied homes, businesses, KU, and law enforcement. She said her comments would be concentrated on the issues of parking and congestion.

Competition for street parking was exasperated by inadequate parking provided for residents of Margaret Amini and KK Amini Scholarship Halls and inadequate parking available for GSP Hall, and Corbin Hall residence. The University of Kansas needed to be at the table for City's discussion concerning many aspects of the Oread neighborhood to address KU's responsibilities for which parking accommodation agreements might already be documented from the Good Neighbor and Interlocal Agreements which were developed when properties were purchased by KU for the development of the Amini Scholarship Halls.

Although adding population density to the Oread neighborhood might be considered a green option, because it allowed more students easier walking access to campus thus reducing automobile use for the KU destination, there might be no automobile prohibitive clauses in rental agreements, scholarship Hall residence agreements, nor dorm residence agreements nor any closer access to vital amenities such as grocery stores.

Mathematically, the parking availability on the streets was less than the parking demands which already existed. Not only impacting neighborhood residence, but also businesses owning parking spaces off the street, but find that their clients and customers could

not park in their privately owned and maintained spaces because already dense living had prompted residence to illegally use the business owner's private parking.

Approving the reduction of the off-street parking spaces required per residence was not acceptable. The congestion in part, caused by street parking added to unsafe conditions for pedestrians, bicyclist and automobile drivers throughout the Oread neighborhood. So unsafe were the streets, that a member of the KU student senate was requesting more than a half million dollars for a safer pathway from campus to downtown.

In addition, the Oread Hotel, from which the planned pathway route begins, was added to the Oread neighborhood, the clientele of the hotel might prefer a safe method of walking to downtown establishments which included less congestion along the pathway.

In conclusion, the City should not approve requiring less off street parking for either new or existing boarding houses or congregate living facilities.

Candice Davis said she lived in the Oread neighborhood and was on the Oread Neighborhood Association Board. She said she was one of the people who attended the stakeholder meeting mentioned earlier. She said there were 3 property owners who lived in the neighborhood and 6 boarding house owners. She said they did not agree with the changes that evolved out of that meeting and were frankly, fairly surprised.

One of the goals of the Oread Neighborhood Plan was to maintain and encourage owner occupancy this has been especially difficult by the escalating number of boarding houses or congregate living units. Since the 1990's, the number of requests for boarding houses had gone up over 1000%. Prior to this, the neighborhood and owner occupants had been reasonably protected by the ruling that stated that no more than 4 unrelated individuals could live in a single dwelling unit known as a house. Single Family zone area, as you know, allow no more than 3 unrelated individuals to live in a house. Boarding houses used to be where owners rented out rooms and provided meals for the renters. Students not only lived with a resident supervisor, but lived with families. She said could a person imagine the likelihood of out of control

behaviors, excessive drinking, and wild parties under those conditions. Students also did not own cars. Years later, as society changed, boarding houses seemed to fade out. After all, in today's world, who wanted to live with students and cook for those students? However, about 10 years ago, a resurgence of boarding house applications began and morphed into what we know today.

The code for boarding houses should have been altered or studied, at that time, to discuss the use and the impact on neighborhoods, but it did not happen. Today they were seeing dwelling units that once housed 4 unrelated individuals, now housing double that number and in some cases even more. The once subdued boarding house had now become a residence for groups of undergraduates that generally know each other and had some kind of affiliation with a social living group on campus. Boarding houses not only housed students, but also popular off campus locations for parties or open saloons. There was often outdoor deck and patio space for outdoor gatherings, drinking and celebration.

She said on her block, on Louisiana Street, the house across the street was a moderate sized home that was divided up into 3 units and rented and there was never a problem. She never complained and they were civilized and reasonable neighbors. Now, since it became a boarding house 4 or 5 years ago, there were a lot of parties, disruption, trash, and noise. She said she called the police several times and her property had been vandalized.

She said for the City's information, the street sign at the corner of that house was no longer at that location and someone had taken the sign and it was an historic street sign. She said who wanted to live next door to a situation like that? Certainly that kind of activity did not encourage owner occupancy. It placed stress on the neighborhood, and used many City resources to address the disruption, higher crime, parking problems and ensuing blight.

The higher density that was allowed in boarding houses or congregate living and the lower parking requirement than other housing types favors one type of rental unit over another, the boarding house. Individuals wanting to buy older homes in the neighborhood were now

being priced out of the market as home prices rise due to the income generating potential of a boarding house.

The amendments before the City Commission were very problematic and unfair and should be revised in keeping with the goals of the Oread Neighborhood Plan, which was largely accepted. A moratorium should be placed on all boarding house applications until this matter is resolved.

Vice Mayor Amyx said what was the current owner/occupancy in Oread neighborhood?

Davis said approximately 10% and at one time, the owner/occupancy was much more. If there were no owner/occupancy, the neighborhood would lose stability and some oversight, and a lot of big problems and expenses that would be transferred to the City.

Kyle Thompson, President of the Oread Neighborhood Association, said he and his wife moved into the Oread neighborhood in 1988, their two sons grew up in their home which was on the national historic register. In 1988, 10 of the 22 houses on our block were owner occupied. The other houses were mostly rentals and divided into several apartments. There was more noise in the Oread than in their previous neighborhood but they adjusted. Now only four homes on our block were owner occupied.

In the last few years, a number of houses on our block have been converted into boarding houses, legally or illegally. This has led to an increase in big parties, noise, urinating in their yard, trash and parking problems. With the increase in boarding houses and many unresponsive tenants they had to call the police often both during the week and on the weekends.

The Oread neighborhood has always included a diverse group of people living in the neighborhood with various income levels, families, couples and singles, owner occupants and renters. Residence included professors, assistant professors and other working people, graduate students and under graduates. Some renters help, the owner occupants add stability to the neighborhood and some did the opposite.

The boarding house text amendment makes the highest economic use of every property in that neighborhood a boarding house thanks to the financial incentives provided by the relaxed parking standards and more homes would be converted to boarding houses. What landlord would keep a house, a single-family, or a few apartments when he/she could tear out 2 or 3 kitchens and bathrooms, add bedrooms, rent to more people, and make more money? Only those landlords that had a high level commitment to the quality of life in the Oread and Lawrence that valued Lawrence's history and did not believe professors would group together to rent a boarding house.

He said this text amendment that allowed every home in their neighborhood to become a boarding house, ultimately creating a neighborhood of undergraduates seeking places to party close to downtown and the football stadium. The proliferation of boarding houses would create more of the externalities that were discussed repeatedly over the last few months, trash, noise, urination in public, underage drinking, blight, and parking problems. Those externalities plus fewer classic apartments for rent in the Oread would force the diverse population to leave the neighborhood. The City should not favor boarding houses over apartments by relaxing parking standards through this amendment.

He said the proponents of the boarding houses indicated a lot of the houses in the neighborhood were built as boarding houses, but most of the houses were built for families that had servants and maids. He said their house was built by a doctor and his wife and believed they had a maid and no children. Their house was actually a boarding house in the 1930's, but he was sure in those days a lot of students did not have cars or party every weekend and was a lot different atmosphere. He said hopefully, the City Commission would send this item back to the Planning Commission.

John Pultz, Lawrence, said they lived in their home for 13 years. He said he spoke in part as someone who lived across the street from 2 boarding houses and was a block that was not like the 1200 or 1300 block of Ohio, but a block that had an mixture of owner occupied of

tenant and rentals who were not undergraduates, but professionals, working couples, single parents, over the years he lived at that location. He said his concern was the addition of boarding houses consistently throughout the Oread neighborhood could destroy a fragile neighborhood. The neighborhood was exciting and had diversity, but had a very fragile fabric and it was something that was taken up in the Oread Neighborhood Plan that the City Commission would be asked to consider in a couple of weeks where it stated that families play a role in the long term health of the neighborhood, families could bring an increase level of stability and contribute to the diversity of the character of the area.

He said he was concerned that families as well as his family would not be happy staying in or moving into a neighborhood that was full of boarding houses. He said when staff was talking about boarding houses as being improvement of existing dense houses that might apply to parts of Oread, there were other neighborhoods, parts of Oread where boarding houses had drastically expanded the capacity of structures.

He said one concern was the capital invested in making a boarding house and if a family wanted to buy a house and take it another direction that investment of the bathrooms and bedrooms would be hard to reverse. He said with trends and market forces changing, it seemed too bad to get locked into a certain direction. He said he was also concerned about the reduction of diversity by the growth of board houses. Boarding houses appealed to undergraduates and did not serve the needs of other populations. An Oread neighborhood full of boarding houses would be a neighborhood full of undergraduates. He said if the same large houses were split into nice apartments it might house single parents, graduate students, working couples, and young professionals. There was a kind of sameness that resulted from this housing option.

Recent news reports suggested that young creative types, the types of residents that an ambition City like Lawrence wanted to attract, wanted to live in walkable zones and Oread was

such a neighborhood. He said he thought the City would benefit by finding a way to maintain Oread's potential to serve a diverse population of residents.

In addition, houses rented to groups of students were more likely to be sites of large alcohol fueled parties, complete with noise and trash and more so than houses broken up into apartments. Large houses attracted undergraduates that wanted to have parties and they did not need more residents that kept people awake at night or attract people sitting on porches when coming home from the bars at 2:00 a.m.

He said he urged the City Commission to send this proposal back to the Planning Commission with instructions for its members to find a zoning or planning solution to large structures that made them more compatible with goals for the neighborhood stated in the forthcoming Oread Neighborhood Plan.

Dennis Brown, President of the Lawrence Preservation Alliance (LPA), said for as long as anyone could remember the number one problem in the Oread neighborhood had been parking. Boarding houses, while not new in Lawrence's history, had seen a recent resurgence since the 4 unrelated persons rule was passed. Of all the uses that made up the mixed use in Oread neighborhood the one use struggling the most was single-family homeownership, the one proliferating was boarding houses. It did not make sense then to relax the parking standards currently in place for boarding houses that was creating an incentive for a use that did not need it at the expense of one that did.

He said that LPA did not believe the boarding houses should be discontinued as a use. A moratorium was probably in order, particularly in the Oread Neighborhood. They did not believe that boarding houses had caused the parking problems in Oread and would not call all boarding houses party houses, but new the best way to stabilized historic older neighborhoods was with year round resident homeowners.

Boarding houses could provide for a repaired structure, but could not strengthen community. There were places for boarding house, but too many in any given block could threaten the investments of individual resident homeowners that deserved better.

A revised Oread Plan had just passed the Planning Commission and the Historic Resources Commission. In lieu of changing existing zoning, the plan relied on the concept of urban conservation overlay districts to essentially determine what should go where from light to medium to high density, not to totally segregate uses, but to proportion those uses.

He said LPA believed that planning tools should be used that encourage single-family dwelling homeownership in the 2 historic districts and in the medium density overlays and that large rental projects including boarding houses should be encouraged in the high density overlay near the university.

Design standards, including stricter parking requirements, could limit the number and size of boarding houses in the median density and historic districts where single-family homeownership could be increased. Not eliminate, but limit.

Relaxing the parking requirements in the high density overlay, might encourage the preservation of larger, older structures in those areas. He said for instance, 1232 Louisiana, which was now demolished without even an attempt to salvage. LPA would have considered a boarding house outcome for 1232 Louisiana as a good solution, if they could just wind back the clock 3 or 4 years on the demolition by neglect that occurred at that location. In that particular case, relaxed parking requirements would have been necessary for a boarding house in that location to have worked.

The community needed to protect the investment of the few single family homeowners that were left in the historic districts in median density overlays and not increase the threat to those homeowners, by relaxing the parking requirements for boarding houses on neighboring properties.

Betty Alderson, Lawrence, said she would like to encourage the City Commission to not decrease the required parking. She said 8 people living in a house could very easily mean 16 cars. She lived in a single-family zoned area, theoretically there were only 3 people living the house next door, but there were 5 cars at that location every night and 2 of those cars consider the street in front of her house their private parking lot. She said they were turning their City streets into public parking lots for those multiple used homes.

She said she watched over the years the changes in the 1960's when houses became very disreputable, ownership and demolition by neglect, but that situation had changed and the Oread neighborhood was to be congratulated for encouraging single families to move into that area and to repair and refurbish. She said her experience with realtors marketing single family homes to investors for student rentals was that they might look alright on the outside, but the inside was a shamble and a young couple could not be found to pay the price and investor would pay and redo the house so that it was livable, college students did not care. She said one of the tools was to make sure if there were a lot of people living in a house, they had a place to park their cars. She said saying the college student was close to campus and would walk did not mean they were not going to have a car nor did it mean their significant other was not going to live with them. It was the reality of the society in which everyone lived. She said she encouraged the City Commission to take a long hard look at decreasing any of the parking regulations that was something that was a City concern and it was enough of a concern in her neighborhood where she constantly called the police because she could not get out of her driveway.

Elise Higgins said it was very difficult to make policies that satisfied the huge variety of stakeholders in this issue, but wanted to talk about students, as stakeholders, and how to better work with the City Commission to offer input and find some common ground solutions to the housing problems. She said she would like to address the lack of student input in this process

and the fact that undergraduate students at the University of Kansas had become synonymous with wild partying.

One part of this partying problem that was identified by the community and by the City was that fraternities and sororities use boarding houses to funnel out their residence and subsequently host parties. She said she did not deny this was a problem, but accusing the groups was not a solution to that problem. There were students who were willing to communicate about this issue and together, they could come to an agreeable solution. The Pan-Hellenic Association and the Interfraternity Council and the National Latino Fraternal Organization had visible leadership with accessible contact information on the KU Website and other KU resources. Those student leaders responsive, conscientious and good people and must be included in stakeholder meetings. She said she would make an effort to always attend stakeholder meetings. She said she realized students were a transient population, but those leadership structures and her position as Community Affairs Director at the University of Kansas transcend graduation cycles.

A lack of communication between permanent residents, City leadership, and students had created an ugly situation where boarding houses were considered to be threats and boarding house residents were considered to be irresponsible and alcoholics. As a boarding house resident, she objected to that characterization and it was unfair. She said she knew there were obnoxious students who hosted obnoxious parties, but to generalize their behavior to all student residents of the Oread Neighborhood and boarding houses in general was harmful. She said she lived in a boarding house with 4 other people, 3 of whom were undergraduates and included her self. One of those undergraduates was a brilliant chemistry major on her way to graduate school. One was the founder of the Classic's Club at KU and spoke fluent Latin and one taught special needs children to play musical instruments and none of those women deserved the verbal abuse that was directed at boarding house residents that had come out of those discussions.

Often the problem of those un-kept party houses was between negligent landlords and tenants, one which this amendment did not do anything to address recognizing it might be within the scope of this discussion, but she wanted to talk about how landlords violated City Code and kept their houses in a state of disrepair and how that contributed far more to the negligence than any short term behavior by those residents.

There were also some legal solutions to partying problems that had not been addressed, such as, the house party ordinance that the City Commission adopted this summer. Landlord issues aside, there were some substantial benefits to keeping boarding houses in Lawrence and not instituting any type of moratorium. One of the benefits was that it kept large historical structures economically viable in a financial climate that would otherwise argue for those boarding houses being demolished. Other benefits were that it promoted space efficiency and a walkable eco friendly lifestyle and satisfied a demand for a growing undergraduate student population. Students at KU did deserve efficient, accessible safe house, just as permanent residence deserved security and recognition of their stewardship roles in the Oread Neighborhood.

She said safeguards must be in place to ensure that any increases and mortgage payments that might result from this bill from increased parking regulations or increased parking regulations or increased trash space regulations would not be passed along to students and that students that would be able to continue to live in houses which were found to be not meeting City code in the middle of the year. Students had been living in large houses on this campus for over 200 years and now over 2,000 students lived in the Oread Neighborhood and was a problem that was not new and was not going to go away any time soon without a genuine effort to get all the parties involved at the table, including students. She looked forward to increased and regular communication with the City Commission and the City Manager's office and Neighborhood Association Leaders and urged the City Commission passing those amendments in order to incorporate student input.

John Hoffman said he lived at the south end of Oread Neighborhood, near Tennessee and 16th Street and was speaking as a resident and owner/occupant and also as a landlord. He also owned rentals around his home and saw things from several different directions. He said he was representing himself, but also the interest of students in the area.

He certainly wanted to maintain Oread as an interesting heterogeneous neighborhood as any neighborhood should be. It seemed the most vocal people were those who were not students which were understandable because students did not tend to get involved in issues like this, but on the other hand, virtually 90% of the residents of the neighborhood were students and deserved to have their interest protected also.

If students wanted to live near campus, their options were fairly limited and the university did not provide anywhere near enough housing to house as many students that would like to be near campus and students get pushed out to the apartments on the edges of town. Housing near the campus in those boarding houses was an option and it seemed the city should be helping to provide.

He said he was glad to see in the language of the changes, the word "congregate living" rather than "boarding house." He said there were no boarding houses by the classical definition in Oread Neighborhood and at the very least, liked to see that language changed so that the language of the law did reflect the reality.

He said Oread Neighborhood varies tremendously in different parts of the neighborhood. There were sections where there were owner/residents and graduate students, a mix of residences. On the south end of Oread where he lived, it was not true anymore, from 14th on south, about 3 blocks along Tennessee and Kentucky Street there were very few owner occupants and were not even a whole lot of apartment type building left. The reality was if talking about maintaining the Oread Neighborhood as an owner/occupant neighborhood, it was not anymore in his area. He said he tried to sell two of his homes to owner/occupants, but could

not, due to safety reasons and finally sold both his homes to a couple of landlords. He said he sold one of his homes on Kentucky that a couple of years later was turned into a rental.

He said he liked the idea of trying to increase the student density around the university because he hated to see more agricultural ground eaten up on the edges of town as housing spread out. Increasing density everywhere in the City was one option to try to deal with that issue.

Also, he said noise was a problem, but had changed tremendously since changes were made on how Police reacted when called.

James Dunn, landlord and resident in the Oread Neighborhood, said many of his tenants were not students and were people that were employed in the community. He said the area where he owned property, the block on both sides was boarding houses.

He said the 4 unrelated rule worked well and he was able to have off-street parking available. He said he appreciated a mixed neighborhood of owner/occupants, tenants, students, working people, and a variety of folks.

Bill Mitchell, Lawrence, said neighborhoods in general would be done a grievous disservice if this change was implemented. He said he did not know how many such disservices the City could bear before coming extinct, but the City was on its way of finding out. Downtown had become Aggieville Way and the Oread neighborhood would further render uninhabitable and reduce on-site parking.

KT Walsh, Vice President of the East Lawrence Neighborhood Association, said regarding the issue of relaxing the parking, for example, the East Lawrence Neighborhood had a big historic home turn into a boarding house at 1211 Rhode Island, where 8 young men lived and were dedicated to drinking and the police were called often. The landlord lived in Prairie Village and was unresponsive. She said she respected Higgins insights, but her experiences were that boarding houses were party houses.

Janet Gestner, Lawrence, said she lived in Oread for 10 years and put a lot of their money and sweat equity into fixing their home. She said it was a wonderful neighborhood and was a treasure that was often overlooked and looked as a place to use the resources for different folks to make money and a lot of times had been the sacrificial lamb and a place where backs had been turned on in the zoning regulations that occurred over the years and a lot of different factors that made it hard for families to live in.

She said this issue was brought up by the neighborhood by coming to the City Commission and the City. It seemed ironic that something Oread was seeking to try to help the neighborhood had gradually become something they did not support any longer and infill would be actually a negative for the neighborhood.

She said safety improvements with the boarding houses and its inspections would be an improvement. She said there seemed to be a huge absence of features to make safe housing in Oread since it had been very carefully excluded from a lot of the other rules that applied in the other neighborhoods and also did not have rental registration. A lot of those things brought safety to those old homes which was ironic since this was one of the neighborhoods with the mostly denser older homes where a lot of fires took place and folks were at danger. She said she suggested looking at what would really help the neighborhood instead of trying to find a justification for something such as the congregate livings or boarding houses that might have minimal good points.

Lastly, it took a lot of commitment to live in a neighborhood like Oread and was a bit of a battle every single day. She said she did not know if anyone could appreciate that comment, unless they lived in Oread.

She said Hoffman who spoke previously, was talking about the area where he lived was exactly the reason for a lot of other blocks to become what Hoffman was describing and certainly because the City had turned its back on certain blocks and made them unlivable, that was why those blocks were the way they were.

She said it seemed this text amendment would harm the existing boarding houses or reverse, but she was not catching that and were simply talking about the future.

Gwen Klingenberg, President, Lawrence Association of Neighborhoods, said regarding the issue of congregate living was not just Oread. Oread was a unique place that was once again taking the heat the rest of the community would probably see and become a testing ground. For instance, Planned Unit Development (PUD) which would be affected by the ability to have boarding houses. She lived in a PUD where she had 9 people living in that area and there were over 9 cars that were parked around that curve. She said parking was an issue and if allowing the congregate living to change the parking rules, then everyone else would want equality. In order to stop a slippery slope, they needed to consider the parking limitations.

She said out of curiosity, she looked up other PUD's and noticed the street to the north of the Mayor was a PUD and there were large houses across the street from the Mayor. It would not be spot zoning for any of those houses to become part of the PUD and become a boarding house across the street and was not affecting one neighborhood or could affect several neighborhoods.

She said another issue was the adaptive reuse that was allowing large homes in single-family neighborhoods to expand and use bigger change uses for instance, congregate living. She said now they were talking about, not only multiple family zoning, but single family zoning that could also be requesting more than the 4 people in PUD or more than 3 people in single-family and fought hard for those designations in those neighborhoods.

The large houses that were being re-adaptive for boarding houses seemed to be alright with most of the neighborhoods, but the large footprint additions to the single-family homes in those neighborhoods were taking away some very valid and very important policies in Horizon 2020 which was to protect the integrity neighborhoods to maintain the footprint of neighborhoods and the housing types and sizes within those neighborhoods which this text

amendment would change that. On top of that it was changing their ability to have affordable housing.

She said as for the codes not dealing with behavioral issues, the codes had a way of being able to help eliminate large behavioral issues by maintaining some of the unrelated living conditions and by size.

She said LAN hoped the City Commission would seriously reconsider and make sure to take care of the unintended problems that would be attached and had not discussed.

Jim O'Malley, Lawrence, said he had a brief observation from Old West Lawrence in that encouraging increased density in the older neighborhoods with smaller lots, narrower streets, and limited parking was often bad policy. The boarding houses in Oread provided good example of what economist called "negative externalities", cost that imposed on non-parties or to a transaction. The transaction was between the boarding house owners and their tenants, the non parties were the neighbors and the cost were the overload of available parking, noise, traffic disruption. He asked that the City Commission give that idea due consideration and to what extent the City Code should encourage this use.

Tony Baccus, Lawrence, said he lived on Massachusetts Street where it was very loud and would not ask the City Commission to consider any traffic calming because he moved into that environment. He said capitalism was a moral issue and needed to be checked and keep an eye on each other. He said he appreciated the codes and oversights.

He said they had completely remodeled at least 6 homes that were now fully up to code. A number of houses they worked on were headed down. He said by putting \$500,000 into a home, it would no longer be destroyed because it was worth too much money. He said he was not saying there were not lots of problems, but they needed to mandate behavior and if someone was misbehaving, that person needed to taken into line. He said times had changed and needed to figure out how to manage this area so it did not become a blighted mess.

Fidela Bowman, property owner of some of those boarding houses in the Oread Neighborhood, said a person could find plenty of articles on the internet regarding the Oread Neighborhood showing issues surrounding parking, noise and excessive partying. At that time the evil doers were the apartment complexes, now the Oread Neighborhood Association had found a new target which was boarding houses. The boarding houses were accused of being noisy, taking up too many parking spaces, and the students were the entity to drive away. She said most of the boarding houses had resulted in saving and preserving old structures as well as contributing to the community and the neighborhood.

The concept of boarding houses, mixed use, located next to the university and the downtown area, with the correct high density zoning went hand to hand with the Traditional Neighborhood Design Study. She said she had attended many HRC and Planning Commission meetings regarding this boarding house item. She said turning the neighborhood into owner/occupancy was a concern. She said she heard during a Planning Commission meeting, a Planning Commissioner suggesting offering financial incentives to individuals in the Oread Neighborhood. She said the lots were not vacant or abandoned lots or houses and did not agree with this land grab philosophy proposal. Most of the properties had changed hands the past three years and small investors, such as she, had purchased those houses as rentals located in high density areas with intent to remodel and expend those home as needed in the future. To limit the full potential use of those properties seemed unfair and arbitrary.

She said she believed all the properties should be held to the same standard instead of focusing solely on boarding houses which she believed those issues would be addressed with the overlay district if implemented correctly. She said she was outraged when owners were treated differently based on occupancy.

She said she was usually against adding additional rules because there were so many already and they were difficult to enforce, but since the Planning Department had worked hard to figure out a compromise, she was willing to accept it and move forward.

Carol Von Tersch, Oread Neighborhood, said this problem had been growing and intensifying in the Oread Neighborhood for the last few years and the Neighborhood Association had been coming to the City repeatedly asking for relief, help, or assistance with this problem. She said they had received terrific help with the noise ordinance and the party house ordinance, but the burden to get those enforced, still fell on neighbors who were functioning as a police force, in a sense, in making the calls and reporting problems to the City. When the neighborhood had asked for relief in the last couple of year, it had primarily been for relief from this perceived problem of the boarding houses. They had asked the City for a moratorium on board houses until it could be fully investigated and discussed by all the stakeholders. What they had gotten in the last 6 to 8 months, since asking for this assistance from the City, they had gotten a text amendment that accomplished 4 things.

1. The previous limitation to 4 unrelated individuals in a house was now dead, if this text amendment was adopted;
2. The 20% provision for adding to properties flied in the face of old principles of historic preservation in a neighborhood where a person was committed to preserving the historic character;
3. It exacerbated the parking problems; and,
4. With this growing tendency toward boarding houses, the owner occupancy were going to give up an leave the neighborhood and all of the associated problems would be left up to the City Commission to resolve because of the different neighborhood would be presented.

Beth Reber, Lawrence, said having grown up in the Oread neighborhood and moving back to that neighborhood when she purchased that home on Kentucky, she knew what she was kind of what she was getting herself into, but in the last 15 years, it had gotten increasingly worse.

There should be a way to preserve the houses that were too big for families and congregate living was a viable option, but did not want a proliferation of boarding houses to take over the neighborhood and the pure and simple reason people want boarding houses was to make money. She said she was wondering why there was any language in the text amendment at all about those homes being able to expand because then that was not the purpose of preserving those structures anyway and 10% or 20% was the entire square footage of the house, not just the ground floor. It could be a huge addition and if they had to provide more parking, which everyone wanted, they would concrete the backyard and put in parking which made the neighborhood ugly as well.

She said parking was going to get worst.

She said as far as boarding houses making houses safer because those types of houses had to go through inspection process was crazy because those houses should be going through inspection anyway which could be taken care of with the rental registration or a blight study.

She said they needed to come up with a better plan of how to best utilize those large houses and that most of the people spoken who owned their houses were older and when they were all gone, what was going to become of their houses and most likely would become boarding houses.

Serena Hern said in 2002, they purchased a home at 11th and Ohio. The house was unspeakably bad. The person that did the inspection for the three houses that were torn down for the scholarship halls said those properties at the 1300 block of Ohio were in much better shape than 1121 Ohio.

She said they told the City they wanted to turn the house at 11th and Ohio back to single-family housing because they liked restoring houses to the way they originally looked and City staff said the only way it could be done was to be zoned boarding house. She said the houses that she bought on Ohio Street were designed as very large houses. The City passed an ordinance that single-family housing was limited to 4 non-related persons. She said most of the

houses built in the Oread Neighborhood were not 4 bedroom houses, but larger. She thought the provision was placed in the code to help encourage people when they were significantly restoring the house, the City would be involved and the City would have purview over what was going on and bring it up to code. The look of Old West Lawrence was its old houses.

She said she spent millions of dollars on her houses on Ohio Street to bring those houses up to code. The other thing was the constant reference to the fact that this neighborhood was a single-family neighborhood.

She said if doing more research the City would probably find that the Oread Neighborhood was always owner occupied, boarders, coops, and boarding clubs. She said she had a lot of sorority/fraternity kids that lived in her houses and was the same as it had been years and years ago.

James Hicks, Lawrence, said in the last 4 years, they sold 48 of their homes and the rest of the homes were on the market because the changes in the regulatory environment lead him to fear they were on a path that would lead to declining property values, abandonment, and blight. People were so busy arguing about it that they were forgetting a simple principle in economy, which were green and ripe or ripe and rotten and Lawrence was rushing towards rotten because the City was not allowing the capital to flow right.

Commissioner Cromwell said if he had an 8 bedroom boarding house, he asked how many parking spaces were required currently.

Scott McCullough said 6 parking spaces were required.

Mayor Chestnut said his family owned property in the Oread neighborhood at 1646 Tennessee and one of the houses that were taken out for the scholarship halls was one of their houses. He said he was having trouble supporting the recommendation for a couple of reasons.

First, he had discomfort with the 20% and the language around covered decks and patios in particular that seemed a little bit undefined as far as having a footprint of the foundation that was pretty easy to measure, but as far a covered decks and patios that could

get expansive especially because there really were not any consideration to the lot size and that seemed to be problematic. An expansion could be made to where 90% of the lot was filled.

Also, there was a tradeoff in that he agreed with the concept of making it a use by right, but then when going to the situation in the current language where the number of bedrooms were not limited, that was a conflict to him. He said if having a use by right, parameters were needed and not having any limitation on the size and it would go back through administrative review and seemed like possibilities of some things that would come through that they really would not see that could be significant in size.

He said he agreed with getting the students involved, but one stakeholder that was not discussed was the University. The University was not under any parking requirements and knew that some of the dorms and others created some of this problem as well. He said the City needed to find out how to dialogue with the University realistically about what was going on.

The concept of having more bedrooms there was less likelihood of everyone having a vehicle, but it seemed there was a conflict when having one space per occupant for new construction, but something less than that for converted construction and understood some of that was by lots because of the configuration. He said whoever was around that particular situation was going to have a real problem. There was this balance that had been a discussion forever about financial viability and that was the big issue. He said revitalization and investment should be encouraged, but also the cost of the externalities that created that for everyone else around and there was that balance to figure out, but he could not support the current language because permitted by right, with no limitation on the expansion of the number of bedrooms and the 20% existing floor area which included covered decks and patios and the lesser parking spaces that went up with the size of the structure would create some permitted use by right through administrative review that were going to be real problems. He said he like the language back in October which talked about permitted by right up to 6 bedrooms and 6 occupants and some type of special use permit that exceeded that and the 1 space per occupant. He said he

guessed that would create some issues that they could talk through at some point with making that challenge a financial viability, but it seemed it gravitated to a place where they were creating a wide birth that could be significant.

He said he appreciated that it had been a congregated living neighborhood for a long time and should continue to support that type of neighborhood, but did not know if a moratorium was the right way to go. He said discussion took place about what happened on the front end, which was delete boarding house all together which was not reasonable and the status quo was not reasonable because there were tons of non-conforming uses right now. The goal was to try and bring as many properties into conformance as possible and if maintaining the status quo, was to continue to have lots of non-conforming use, but he did like the option of moving it closer to possibly having some restrictions on the size and where by right there would be a certain size and anything above that would be by special use permit and that was going to be dictated by the structure. If there was a 5,000 square foot house that had a large lot, six bedrooms would not be reasonable and would be reasonable to go above that, but some of those, by right, with not having any restrictions on bedrooms, they could end up with something that could be really overloading a lot, especially because coverage was not part of this and there were a lot of those nuances and he was getting back to the externalities that could be damaging to the neighbors. He said he would like to see a set of rules, but this was not the set of rules he wanted.

Commissioner Cromwell agreed that the language in the text amendment created in October was better. He said it seemed strange to go backward on parking, but liked the idea of congregate living. It was infill in a lot of ways and preservation of older homes and there were some fantastic examples of preservation that occurred which would not have been done otherwise.

He said they did need a set of rules that was workable and doable to bring a lot of those old houses that were congregate living, boarding houses, and apartments, but were underground. By bringing those in by confirmation, it would be come of a safer, more

maintained property. There were properties where no one would call a plumber or roofer out to maintain their property for fear of having their property turned in. He said this was a safety concern for students. He said the City Commission needed to throw this text amendment back to planning to address.

He said he also found that 20% number interesting when saying 20% of existing floor area livable space or unlivable space with a 2 foot crawl space. He said the footprint of the building should be used because it was much easier measuring that footprint.

He said staff might need to look at an overlay when getting closer to the university and an idea that needed more investigation as to whether there should be some relaxation of the parking requirements and allow those special cases to come about and address those cases as they came up.

A lot of people had discussed behavioral problems and blight which the City allowed blighted homes to go to long before addressing. He said they should also focus on parking and expansion and bringing folks into the fold that were currently non-conforming.

Commissioner Johnson said he was for remodeling and retrofitting property to make property better in the area and by not adopting the text amendment, a person erred on the side of going another direction. He said when talking about the externalities and the costs, it could be looked at from a neighborhood or the City as a whole. He said this type of use made perfect sense for this area. He said one person said it was 10% owner occupied and 90% not. This was a neighborhood of congregate living, boarding house properties. Several years ago, the City stated no more that 3 unrelated individuals could live in a single family residence which had consequences which pushed people, students, unrelated people out of those single-family neighborhoods and those students need housing somewhere.

Also, the University was not providing the housing and students were going off campus and people build apartments miles and miles away from campus, but yet those neighborhoods come in and the City Commission heard from those neighborhoods that did not want those

apartment complexes. They also heard the City needed affordable housing, walk-ability, and no sprawl.

A developer had to take on an investment to build apartment complexes to house students which was a demand in this community whether liking it or not, this was a university town and the student population was different now than years ago and somewhere that housing for students needed to be taken care of. Individuals had gone into a neighborhood and provided housing for substantially less, providing a need and was footsteps from campus and downtown. It was not the answer the owner/occupants wanted to hear, but when looking at City at large, and housing students, this made sense to house students next to campus. What had been worked through the last several months was a good compromise that allowed for the encouragement of using existing structure and not tear it down to keep its historical perspective and this was a good compromise.

The parking was a problem whether those boarding houses were there or not and as a result, students were driving miles and miles across town to campus. He said he agreed with the Mayor that the University had a stake in this problem and would like the university to provide more parking. He said he supported the text amendment and moving forward.

Mayor Chestnut said he supported the congregate living because it had been there a long time, but for him it was what came out.

Vice Mayor Amyx said sometimes a neighborhood initiating a request, opened up a can of worms. The Planning Commission and Planning Staff thought this request was coming from the neighborhood and now the City Commission was left to deal with an entire set of brand new rules that a whole lot of people were not happy with including the City and Planning Commission.

He said he wanted to thank the people that had made investments in boarding houses because of the existing housing stock and the investment of private dollars in a lot of cases. He said with the changes from the Planning Commission, he had concerns going forward. He said

the rules set now allowed for the expansions to happen, but did not meet some of the requirements.

He said parking was an issue and there needed to be an arrangement or wording change that allowed for a variance of some kind to the existing code. He said there might be places where properties could not be developed because it was too large and the return on the investment was too great, but if there was a variance opportunity, that some could receive, that would take care of that problem. He said one space per bedroom seemed to be reasonable for parking, but if the Planning Commission wanted to look at a change in language that would allow for variances to protect those homes was good.

He said regarding the 20% of the existing floor area including livable space, unlivable space, and covered decks and patios, made no sense. He said regarding trash receptacles, the City had ordinance dealing with trash.

He asked McCullough how many votes it took to override the Planning Commission.

McCullough said to do something contrary to the Planning Commission took 4 votes.

Mayor Chestnut said if the City Commission had some specific direction, he would rather have a stakeholder group get involved. He said the university had some issues they were creating as far a parking was concerned. He said it seemed they were considering this in a vacuum because following right behind this issue, the Oread Neighborhood Plan, and it might provide some other answers because there was a very high likelihood that some of this might not apply to the entire neighborhood. It might be going through different areas and saying more density of less density because even in the public comment they had the character of the neighborhood across 4 or 5 blocks changed dramatically.

Vice Mayor Amyx said this neighborhood had dramatic changes. He said if sending the text amendment back to the Planning Commission, he suggested sending it back as one unit with the text amendment and the neighborhood plan.

Commissioner Dever said most communities had elected to discourage boarding houses for safety reasons. Those structures were demolished and new infill apartments were put into place. There were structures that had been destroyed and new building occurred and that was the way things happened. This area had always been an intense land use and many people living in smaller structures or boarding houses and was not an unusual or new thing. He said he did not want to encourage demolition of structures because there were buildings suitable for renovation and people that had done a good job of rehabilitating buildings. He said his major issue was not agreeing with changes that had taken place and specifically allow by right a person to add to their building to a lot that might not be suitable for that addition. He said there were a lot of reasons not to add additional built areas to already small lots which were a flaw that needed to be fixed.

He said there were other unintended consequences and this parking issue would become exacerbated and move to other parts of the community. The closer living near a University, most students would walk and less likely to use a car. He said overall he was not in favor of approving the text amendment in its current form, but needed to do something to try an encourage preservation of existing buildings that were suitable and allowing people who wanted to make a viable business from this prospect to prosper, without harming the community and the neighborhood.

Mayor Chestnut said it seemed there was some consensus, other than Commissioner Johnson, to refer back to the Planning Commission the 20% floor plan expansion. In particular, the livable and unlivable, covered decks and patios did not seem particular popular to expand.

He said regarding parking requirements, he concurred with Vice Mayor Amyx on wanting a standard and a process to a variance to the standard. It seemed that the standard should be one parking space per bedroom, but realizing the City would have situations on specific lots where that space would not work. He said instead of trying to address parking standard in the

code that the Commission go through the process of trying to vet that issue out. He said they were focusing on the area of the Oread neighborhood, but it would apply across the City.

McCullough said the only other think he heard was a little bit of direction on process, whether it was “by right” or with “special use permit” if there was a threshold or not.

Mayor Chestnut said he liked the idea of “by right” to some level, but if it was “by right” no matter how much, that was an issue. He said it would be nice to know how many structures had 6 bedrooms or under.

Vice Mayor Amyx said that could be part of the additional information the City Commission could receive back from the Planning Commission regarding the new threshold.

Commissioner Dever said the Mayor covered those items that needed some type of clarity that would alleviate the “by right” versus “unintended consequences” of the action itself.

Commissioner Johnson said for the record, he did not know why it was up to the City Commission to try to peg a number. The site conditions, the size of the structure, and parking requirements would naturally restrain that number.

Mayor Chestnut said he agreed in principle the way it was with the 20% and the patio, they could end up with a structure that covered 97% of the lot.

McCullough said the reason the SUP was proposed, had to do with the behavioral issue, if the use was appropriate in a site specific area versus the site characteristics because to date, the parking was the controlling standard for limiting the number of bedrooms and occupants.

Vice Mayor Amyx said when looking at the parking requirement there was an importance in saving those large structures and that might be the only way to do it.

Moved by Cromwell, seconded by Amyx, to refer Text Amendment (TA-6-17-09) to various sections of the City of Lawrence Land Development Code to review standards related to “Boarding House” back to the Planning Commission. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: Johnson. Motion carried. **(13)**

The City Commission recessed at 9:35 pm for 10 minutes.

Receive City Auditor's comparison of accumulated infrastructure depreciation ratio for Lawrence and similar communities

After returning from recess at 9:45, Michael Eglinski, City Auditor, presented the staff report. He said the conclusion of his report indicated that Lawrence was less likely, than many other cities, to face big expenditures to replace infrastructure in the near term.

Commissioner Johnson said he looked at the cities the auditor compared and when Eglinski looked at infrastructure roads, he suggested paying attention to similar climates and material used.

Eglinski said Public Works was putting together more specific street information.

Mayor Chestnut called for public comment.

After receiving no public comment, the City Commission received the report. (14)

Receive City Auditor's Solid Waste performance audit report

Michael Eglinski, City Auditor, presented the staff report. He said the reason for the report was because the City provided solid waste services to everyone in the community. He said the financial condition of the solid waste utility had been declining in recent years. In 2008, with the audited data, the City's expenses were about \$750,000 more than the City's revenues.

The key issues of the performance audit addressed:

- Data on recycling rate and customer satisfaction;
- Use of "task incentive"; and,
- Managing costs and good solid waste practices.

He said the way he looked at the recycling estimate was

- Used the EPA standard equation for recycling rate;
- Adjusted for imports/exports of waste;
- Obtained data on calendar year basis; and,
- Reports data in tons.

To improve recycling estimates, backyard composting should be excluded to be consistent with EPA guidelines; conversion factors needed to be tested for appropriateness; and, the City should develop a clear documentation of the method of calculations.

He said with the citizen satisfaction data, he received national data, using the same questions and methodology and saw how Lawrence stacked up against the national data and Lawrence was above the national average.

He said the City received complaints on how the City compensated some of the collection employees. He said if eligible employees completed their task in a safe and timely manner to their supervisor's satisfaction, the employee was released for the day even if it was less or more than 8 hours. The main benefit was giving incentive to finish routes quickly and completely and the main risk was to go too fast. He said there were several pros and cons to this benefit.

In order to manage this incentive, written policies, adequate supervision, safety programs, and monitoring hours were important. The City practiced all of those things, but did not track actual hours. The employees clocked in and out on time cards and the City had a record of when they came in and the end of their day, but the cards were stored and the data was not put into a system. He pulled records for 2008 and calculated hours worked and for the year it was a little over 6 hours.

He said cost issues of recent years were adding staff, health insurance increased, equipment cost increased and relatively low and constant landfill fees.

He said good practices implemented in Lawrence were the composting program, household hazardous waste program, enterprise funding, community outreach, employee relations and incentive programs, and safety and workers compensation programs. Also, good practices to consider were automated collection, use of technology for routing and vehicle/driver performance monitoring, providing volume-based pricing options for residents, and benchmarking and measuring/reporting on performance measures.

Other recommendations were to write overtime policies, review equipment depreciation assumptions, charge enterprise operations for solid waste services, and write policies on providing free solid waste services.

Vice Mayor Amyx asked about the average hours worked and the overtime. He said was the overtime coming from Saturdays and Holidays.

Eglinski said yes. The majority of overtime was on the weekend for non-exempt employees. He said it was important to recognize that not all staff were on the incentive program and was mainly the residential collection crew.

Vice Mayor Amyx said between 2004 and 2005, he asked what happened because the City went from \$300,000 in net revenues to below.

Eglinski said the costs grew faster than the revenues. The things that were driving the cost were some of the personnel cost and equipment cost and the revenues were not growing as fast as those cost.

David Corliss, City Manager, said the City spent down the fund balance which was a conscience choice.

Vice Mayor Amyx said what the City paid for the total amount of overtime in 2009.

Eglinski said \$160,000. The gap could not be closed with reducing overtime. He said staff deferred some equipment replacement in this period. The last two years, equipment was added with that 10 year life time and reduced their expenses.

Commissioner Dever asked Eglinski to explain the Friday incentive concept.

Eglinski said if an employee was working Mon-Fri, under this incentive, and the employee arrived on time that day and worked 7 hours, the employee could go home. If coming to work on Tuesday 10 minutes late, then the employee could not go home even if the work was completed early and also, on Friday, the employee had to stay the 8 hours.

Commissioner Dever said he tried to find a gap in the negative trend in expenditures. He said he saw depreciation was a major cost, but did not see the depreciation making up the entire amount.

Eglinski said it was fair to say it was not a single item, but a mix of personnel costs and the normal inflationary pressures were there just like any other service. The things that were growing faster than inflation were some of those personnel cost, such as health insurance, and the depreciation or equipment cost was growing faster than inflation. The revenues had relatively small increases on an annual basis.

Commissioner Cromwell said there was a simple way to fix that graph by raising waste fees by 15% and that would wipe out that negative trend very easily, but hopefully the City could find some more creative solutions. It was interesting to note how little the actual disposal fees come into play for the overall budget. He asked about the percentage of waste fees.

Eglinski said it was 15% of the budget.

Commissioner Cromwell said it was surprisingly small and could all expect those fees to go up, unfortunately, supply and demand would dictate those fees. He said the City had some of the lowest disposal rates in the country and from that point of view they were seeing health cost to continue to go up, along with personnel costs, and infrastructure was aging a bit. The City would have some cost that would continue to put pressure on that graph to continue that trend to be even greater. He said the City needed to look at ways of helping with that issue. He said when the City came to a point of replacing equipment, he suggest that the City was replacing it with automated systems because there was a potential to save in personnel which was our number one cost.

He said the City picked up tires, appliances, and mounds of trash and were not charging for that extra trash and the City was paying for it in personnel which were reflected in the graph.

He said he liked the recommendations for improvements.

Mayor Chestnut said the health care cost impacted everyone in the community. There was not anything unusual about what happened in solid waste versus anyone else because it was a uniform increase across the board. That five year doubling was something all budgets absorbed.

He said there was obviously a dynamic in investment that happened around 2005 and 2006 where the City had a lot of equipment invested and went up by 7 full time employees over a period of 2 years. It would appear there was a program that upped the ante as far as what was done in personnel.

Eglinski said 2 of the 8 that were added were in the recycling portion of the program.

Mayor Chestnut said that equipment investment was not necessarily for automation, but replacing the fleet. He said part of the issue was the City was running a little light for a while because the City was getting way behind in the equipment replacement program and then the City made a large investment.

Eglinski said they had not changed to basic collection much and had the semi automated rear loaders that had a hydraulic system that dumped the trash.

Mayor Chestnut said the solid waste rates were looked at, but there were no comparisons. He said if the City had not changed their rates for a long time with the growth and number of customers. He said that was not part of the scope of the audit, but something to follow up with staff.

Eglinski said when staff drafted the rate memorandum every year it typically included a comparison with the number of area cities and Lawrence was one of the less expensive.

Mayor Chestnut said the City needed to look at overtime comprehensively across all departments because it would appear there were differences. He said since overtime was not well documented, he suggested a review and a consensus about how overtime was handled and if it was appropriate to handle overtime differently by department.

Eglinski said the current City policy was to pay overtime after 40 hours, but including vacation, holidays, and sick days in getting up to the 40 hours, but the Citywide policy had an exception for other departments as needed. He said his concern in the audit was less with specific method, but the City did not have a policy and providing overtime could not be on a consistent basis without a policy.

Corliss said he wanted to emphasize that he was proud of the work the employees did in the solid waste division, but it did not mean the City did not want that department to be accountable or look for improvement.

He said there were financial challenges in the solid waste division and had a deficit of expenditure over revenue in 2008 of a half million dollars and thought staff made significant progress in reducing the gap in 2009. He said he was as anxious as many of the City Commissioners in finalizing the 2009 books. He said staff thought there would be better news regarding that gap.

He said the City Commission mentioned the landfill rates and staff had initial inquiries with the new owners of the landfill. He said he did not want to go into negotiations with putting Eglinski's report down and saying the City had relatively low landfill rates, but the City did. He said the City was going to have discussions with the new owners and would not go away from those discussions from saving money.

He said regarding the issue of overtime, staff was working on overtime in 2009 where they were seeking to look at how to keep track of time and attendance as an organization and to improve the City's overtime practices. Staff had spent a considerable amount of time moving toward the merit compensation system for City employees and was now in the second year. He said staff made a significant transition with health care last year and now with completely changing the City's ERP, that backbone of how staff kept track of so much in the information systems, staff was making recommendations to implement a new time and attendance software and concurrent had a full deep clean into all of the City's compensation policies, but primarily in

the area of overtime. He said he wanted to make some changes to the City's overtime practices in conjunction with the discussion with employees. He said the City Commission would see progress on the entire organization. Staff had a selected vendor to make that complete change to enterprise resource planning software.

In general he supported the recommendations in the audit and the recommendation for charging enterprise operations for solid waste services needed to go through the City's budget process. The City could charge the Water and Wastewater Facility, solid waste costs and they could charge the solid waste facility's water cost, but staff needed to get a hold of where that was in the organization. He said he supported the City Auditor's recommendations, appreciated his work, and look forward to continued success in a very challenging service.

Mayor Chestnut called for public comment.

Laura Routh, Lawrence, said as proposed by the audit, she strongly supported the City's implementation of full cost accounting for all solid waste services. She said she believed the City also needed to conduct additional review of commercial solid waste service fees. In terms of what the City was charging businesses for collection management of garbage, she did not have a strong sense the City had a handle on how the rates compared to other communities, but also to the private sector and worried the City was subsidizing a lot of waste that did not intend to.

She said pay as you throw or variable pricing for residential solid waste services was long over due. The former solid waste director had been an opponent of this idea, but it was something that had become fairly standard in many communities and was certainly standard in the private sector in many areas of the country and given the balance of residential versus commercial customers, the City needed to take a look at what was being charged for unlimited amounts of trash which was what the current system was setup to do and should not be rewarding, but implement variable pricing.

Hubbard Collinworth, Lawrence, said he would like the City Commission to consider the price of the City's disposal rate and how long that landfill would be available and should the City look for another landfill.

Brian Sifton, Lawrence, said he would like to emphasize the benefits of one of the recommendations made by Eglinski which was analyzing the cost and benefits of implementing a residential volume based collection system. He said residential volume based collection caused residents to face the marginal cost of disposing of their garbage. Under the current monthly fee system, if throwing one bag of garbage away, that person would be subsidizing the person next door that threw away 20 bags of garbage. While paying for garbage removal by volume or bag, might seem kind of foreign it was similar to many other services and utilities the community paid. Water was purchased by the gallon, electricity was purchased by the kilowatt hour and natural gas was purchased by cubic foot.

By coupling efforts to increase recycling participation with price and garbage removal by the unit, the City could benefit from price signals, incentivizing people to reduce their garbage and increase their recycling behavior.

He said Lawrence did have a curbside recycling program and applauded the efforts to preserve the private markets for recyclers. As much as he was in favor of increased waste reduction and recycling activities, he thought supporting the entrepreneurs that had provided the City their curbside recycling services for so long was in line with the City's values. He said if the City set a goal of increasing wastewater reduction and recycling activities, one needed to be realistic about the efficacy of the proposal. In the recycling survey that was conducted in 2008, only 16% of respondents stated they would be willing to pay \$15 a month which was currently about the monthly rate for curbside recycling.

Daniel Poull, member of the Sustainability Advisory Board, said if there was any increase in demand in service reflected in the chart.

Eglinski said he chart showed the difference between the revenue and the City's cost. As the City added customers and increased the rates, the revenues had gone up, but the gap has grown.

Poull said the system was not paying for itself with the increase in customer demand. He asked if it had to do with the way the City was expanding the increased length of routes and asked that it be studied.

Mayor Chestnut said the department did good work and was a very valued service. He said he appreciated the comment about pay as you throw and it needed to be a policy issue for City Commission discussion. There would be contrasting opinions in the community, but it was appropriate. He said one thing needed was a lot better information, such as landfill rates and getting some of that historical information on the City's rates, residentially and commercially, and how the City was benchmarking against other communities. He said the City Commission needed to make that decision relative to changing into more of a pay as you throw model because that was a significant policy shift.

Commissioner Johnson said he was in favor of a task incentive type system, but intuitively it looked a little rich. He said it looked like there were potentially some savings, but it was based off of an average of 6 hours in an 8 hour day and coupled that with overtime. He said aside from the policy, he thought there was a great system working, but obviously the trend was not as far as the costs.

Vice Mayor Amyx said he liked the incentive program, but those trucks needed to get in and out to areas to do its job and avoid competition on the roadways. He said he had a hard time with paying overtime on a daily basis when employees were not working 40 hours.

Commissioner Cromwell said he mentioned increased automation and recycling which would help with personnel cost. He said he would echo concerns about the 8 hours per day triggering overtime. He said the City needed to look at where those little gains could be made in order not to raise rates on the community.

He said he would like to start discussions about a “pay per throw” program which would involve research and setting up meetings to begin those discussion. He said staff needed to look at what other communities were doing and borrow from the best of those communities.

Commissioner Dever said the audit showed the satisfaction that many communities had with their solid waste programs. He said it also showed that Lawrence had one of the most liberal or accepting policies out there and showed the City had the room to charge for some of those ancillary services beside the weekly collections. It also shed some light on this community experiencing relatively low disposal cost and the City needed to be considering what those fees would be in the future. He said the automation might be part of the long-term solution. He said also if the City was going to talk about recycling, they needed to talk about waste reduction first and the only way to encourage waste reduction was to charge for what was being disposed of. He said with the dual incentive of the City helping to sponsor or encouraged private recyclers along with traditional cost of having to pay for additional disposal could encourage waste and overall cost reduction for the community.

Mayor Chestnut said the City Commission wanted to provide some direction and this might be through the Sustainability Advisory Board to talk about a public dialogue and “pay as you throw” and discuss models from other communities.

He said further analysis of safety and workers compensation issues was critically important along with an analysis of the City’s solid waste structure in getting comparative data. Other important factors discussed were a full cost of accounting system because there were internal cost that needed identified to see if it was appropriate.

Finally, any ERP system was going to want documentation on processes, policies and procedures first. Staff needed to get a comprehensive view of the city’s pay practices by department. He said the City Commission spent a lot of time in the budget process in looking at the Memorandums of Understanding for the Police and Fire/Medical and it was laid out and when going into the other City department, there was not much understanding or visibility as to

what happened between department to department. It appeared the overall City document did not speak to what was happening and that information was needed in order to move into any type of automated pay system. It would be appropriate for the Commission to look at those pay practices which would probably be centered around overtime.

Commissioner Cromwell said he was also interested in the comparison of the commercial roll-off pricing.

Mayor Chestnut said he would like to look at residential, commercial, the entire gamut.

Vice Mayor Amyx said an item was brought up about the amount of space at the current landfill and asked if the County was involved in providing the landfill service.

Corliss said in Kansas counties were the designated jurisdiction for sanitation practices and when the City had to follow different State law mandates concerning sanitation planning, staff had to do it at a County level which was done in the past. He said he did not know where that planning process was, but clearly there were unincorporated county participants in the landfill as well.

Vice Mayor Amyx asked if the County was involved in the cost of the fees at the landfill.

Corliss said the County could negotiate something separate. The County did not provide sanitation services in unincorporated areas and there were private haulers. It was a contract with the City and HAMM landfill and it had not been adjusted except for a couple of surcharges in quite some time. He said he believed the County was involved in those discussions, but it ultimately came down to a negotiation between the City and the landfill. While the landfill might want to raise prices, the City also provided a significant volume for the landfill. He said he did not know how much negotiating power he had, but he had to have some in order to make up for it somewhere in the budget.

Eglinski said the agreement the City was operating under with HAMM was three parties which were County/City and the landfill.

Corliss said the County's role was not as a customer.

Commissioner Dever said the City Commission needed to make sure to examine the City's policy for miscellaneous disposal.

Vice Mayor Amxy said a year ago, he had asked the City Commission to visit with staff about an idea involving student moving out time. He said May through July was move out time for students, the hours were still at the 6 hours per day even with the mountain of stuff that setout at the curb.

Corliss said it might be something to explore, but students moved out at the end of July beginning of August. The code allowed the City to charge additional cost for properties that had a large amount of sanitation. He said there was some thought in the past that charging for additional trash was worthy of consideration, but was not "pay as you throw" as it was known in other communities. There was also the desire to recycle some of those things. A lot of things that people put out had value and it was not the best way to exchange it at the curb site or with a whole bunch of trash.

(15)

Receive recycling matrix report

Tammy Bennett, Assistant Public Works Director, said in July the City Commission set a goal of facilitating a public discussion on increasing recycling and possibly doing a pilot program. City staff took that opportunity to develop a matrix of options. The Sustainability Advisory Board has been interested in increasing recycling opportunities for an extended period of time. Staff developed matrix options, pilot program possibilities to do a pilot curb side program and submitted to the City Commission, through a City Manager's Report, in September, a draft letter version of that information as an update to the City Commission's Goal Statement. At the same time they submitted it to the sustainability advisory board and they looked at the draft version in September. Staff invited the curbside recyclers and representatives from local recycling processing centers to that meeting and that discussion lasted for several meeting and there was not clear consensus.

The Sustainability Advisory Board was not excited about the 12 month pilot program of a subscription service. The board had an idea of their own that they vetted out over the three month period to do a public private partnership that would focus on education and outreach on supporting the curb side recyclers in this community.

There were several advantages to the system the Sustainability Advisory Board was recommending and staff was in support. It did support the local companies and gave people choice of whether wanting to choose to have curb side, who they wanted to have curbs side with, and whether they preferred to drop-off their recycling on their own.

She asked direction from the City Commission on whether to proceed on the Sustainability Advisory Board recommendation.

Mayor Chestnut called for public comment.

Laura Routh said she was a member of the Sustainability Advisory Board for 5 years and had been banging her head on this issue the entire time.

She said she wanted to extend her appreciation to Tammy Bennett, Public Works Staff, City's Waste Reduction and Recycling Division Staff because they did a tremendous job. She said she respectfully disagreed with the proposal as put forth by the advisory board and staff.

The proposal was a continuation of the status quo and she was not in support. There was not enough information to justify the proposal and there was no real data, no real planning to get a handle on what type of trash was generated, where, how it was being handled, and how curb side haulers that were currently in operation were managing materials.

The current system was subscription based which data research showed was inefficient and did not maximize participation. It was reliant on unaccountable end points. There were people picking up recycling all over town and driving the materials to places where the City had no real role in vetting or insuring accountability. The two primary end points were Wal-mart and 12th and Haskell and Wal-mart shut down for a couple of months a year or so ago without any notice to the community and 12th and Haskell had a fire last week that put that business on the

front page of the newspaper. She asked if that was the best this community could do and was it the system the community wanted to adopt which was the status quo, but she thought the community could do better.

She said the proposal did not do what it needed to do to reward citizens who chose to recycle. She said she paid \$18 a month to put out 7 containers of curb side recycling because she had to sort by material type which was required by most of the haulers in the community.

The proposal as it was structured was window dressing on a not very good system and she was grateful the community had good curb side haulers in the community, but she did not think it was sufficient to really get the City to where it needed to go in terms of waste reduction and recycling.

She said providing bins did not make sense and asked if the City was going to buy 7 bins per household for every resident that signed up with a private curb side hauler. She said if the City was advertising, she asked what if the hauler made a bad decision about how they were managing materials.

She did not think the proposal provided accountability and knew that staff and the advisory board had settled on registration of curbside haulers which was the biggest block because she thought the City needed licensure. She said if the community was going to have curbside haulers privately operating in the community that function as the City's program, accountability was needed. She asked why the City did not require private curbside haulers to have insurance or a least be bonded for accountability whereby they formally committed and agreed to recycle the materials collected.

She said she was not opposed to public private partnerships and welcomed the idea because it worked well in some communities, but it had to be done in a rational way with planning. The community needed to engage in long-range integrated solid waste management planning because the City did not have a plan right now.

She said by leaving curbside recycling entirely up to the private sector and failing to honestly assess the limitations of the current system, the City was abdicating its responsibility and asked the City not to ignore the opportunity that existed with the audit, with change in staff, with City Commission attention to “pay as you throw”, and the financial situation of the solid waste department, this was the time to do long-range planning. She said any kind of real curbside program was going to fall flat.

She said for a long time the City acted like they had cheap landfill fees and waste reduction and recycling was just an afterthought, but she thought that would change soon and questioned whether or not the City was really ready.

If the City was going to spend public money on improving recycling, she asked that the money be spent on planning and assessment first and not advertising and recycling bins.

Mike Strang, representing Two Rivers Company, said they just added a recycling division to their company in the past 12 months. He said he carried insurance because Two Rivers had been in business for almost 15 years and did a lot of landscaping, mowing, and snow removal. He said their income justified paying an exorbitant amount for insurance, but if the City started requiring those companies to carry insurance, there would be no profit.

As far as the City Commission was planning, he thought it was great as long as there was accountability of where those products were going. He said what the backup plan was if a place burned or closed down.

Craig Shultz, Lawrence, said he worked for a company in Wellsville Kansas called Central Fiber Corporation. He said Central Fiber was a recycling company in that they processed between 30 and 50 million pounds of wastepaper a year which was 20 miles away from the City of Lawrence. He said his company turned those products into things such as cellulose insulation, hydro seeding mulch, alternative daily landfill covers, industrial fibers, and other various products of those types. He said they were excited to be part of future

discussions as a possible source or solution for a part of the City's waste stream. Everything they made was called a "green product" and had been making this product for 25 years and had a positive environmental impact and their goals were to take as much wastepaper and prevent it from going into the landfill. He said they hoped to be part of future conversations so the City had a place for their wastepaper to go and be able to continue to employ local residents and create more jobs in the area.

Commissioner Cromwell said he thought it was time to act now, but also study things for the future. He said there was some amount of power of accountability in this registration program because it would have a consistent image and a marketing program across the City. He said if signing up for a recycling service and the company did not deliver a promised service, that was fraud and against the law.

He said he would like to see more drop-off locations studied because first of all there was a lack of knowledge. Also, he would like research done on different containers. There were companies that offered single stream and separated recycling bins that could be located throughout the City and that could be a great thing in conjunction with a great curbside program they were able to offer folks who did not want to pay \$15 a month and would rather recycle. He said they would also benefit curbside recyclers in that they would have closer opportunities to take their products as well. He said the matrix was great and it was a wonderful place to start and not an end point, but a starting point. He said he would like the City to move forward in the discussion towards implementing the recommendations from the Sustainability Advisory Board.

Commissioner Johnson said he echoed a number of Commissioner Cromwell's comments. He said he did not mind the idea of looking at licensure. The reason he liked the concept of licensing over just registering was that it gave the City a little bit of teeth for curbside recyclers and their accountability. He said licensing was required for contractors and there was a matter of safety and other issues. He said he asked what it would cost the City to implement this idea.

Vice Mayor Amyx said he appreciated the work and overall discussions by members of the advisory board in coming up with a recommendation. He said it was important to recognize the public/private partnership concept was the best way to go because the people were in place to carry out the basic function.

Commissioner Dever said this was an important topic and the Sustainability Advisory Board did a good job of analyzing this issue over and over again. He said they always came to the same conclusion about doing better, but he was not sure how much could be done right now given the deficit in solid waste and the state of the economy. He said the City needed to take steps into legitimizing processes for recycling in this community. He said the City was blessed with Wal-Mart providing a recycling center and also needed to consider a recycling center might not be around in the future. He said the fact the City had a program, like the Wal-Mart Recycling Center and other recycling vendors showed the community wanted to recycle. He said the City needed to move forward to get those private haulers to work and the City Commission needed to discuss how it was going to be paid for, what it would look like, and if it was going to move forward, costs needed to be discussed. He said the City needed to do more than what was done in the past with using the resources that were already in place.

Mayor Chestnut said he thought registration should be looked at versus licensure. He said the City was moving into a situation where there was some endorsement between the City and the haulers. However, they might create a situation where if someone was hurt or property was damaged, the haulers were not going to be the first place the community looked to, but would look to the City. He said for the protection of the City, the Commission needed to talk about some possible minimum licensing requirements and insurance might be a part of that licensing. He said he would like to see some discussions with the private haulers to talk about what was reasonable and what might work and licensing requirements, realizing the haulers might not like some of the requirements, but needed to think of this issue in terms of what was best for the City.

The uniform bins might not work for the private haulers. Everyone had a different system and an investigation of what was needed and how it would be used. The City could end up investing in a lot of uniform bins and not having haulers having the equipment to haul those types of bins. Also, discussion was needed on the cost of any type of bins. He said what was being proposed seemed fairly minimal as far as some of the messaging and marketing, licensure or registration.

Corliss said months would be involved for a number of those items such as how the City would pay for recycling. Some of the items involved in the registration and marketing were minimal. The report indicated that staff wanted to come back with an implementation plan which was the next step and work with the existing recyclers.

Mayor Chestnut said first, what would that registration/licensure look like; did it make any sense to have uniform bins; and would the City carry any liability.

Commissioner Dever said he wanted to make sure the City invited individuals that were a party to this issue in a study session.

Commissioner Cromwell said it was important to publicize the great things the City was already doing. (16)

Receive draft Resolution No. 6877, on establishment of a Task Force on growing the Retail Economy

David Corliss, City Manager, said there were previous discussions regarding an additional emphasis of looking at the retail economy, not only the downtown area, but the entire community. The recitals to the Resolution mentioned why establishing a Task Force on the growing retail economy was important.

Section 3 of the Resolution tried to layout the three questions which were 1) what did the City have; 2) what were the best practices and tools; and, 3) what did the community want to do or change. It would be very valuable for the community to have that first questioned answered. There were a lot of communities that studied their retail economy and looked at their economy a

lot more than the Lawrence community. He said Lawrence was unique among communities on how we approach it from a land use standpoint and it was not a Planning Commission item and if there were comprehensive plan issues that needed to be process through a different avenue. He said this community had the resources to help on this issue and there were other interested parties in serving on this group.

Mayor Chestnut said a lot of the downtown issues had application across the community. Some of the security, panhandling and a lot of other issues were in other parts of the community.

Mayor Chestnut called for public comment.

Beth Johnson, Lawrence Chamber of Commerce, said they were excited to be a part of that task force and agreed the people involved should be expanded across the community and not just to downtown to work in conjunction to strengthen every part of the community.

Hubbard Collinsworth said he echoed Johnson's comments, especially East and North Lawrence.

Vice Mayor Amyx said the entire community worked with downtown in a number of ways. He said if they were truly looking at a task force and a December 2010 deadline, he wanted to make sure everything was in place to approve.

Commissioner Johnson said he liked the draft Resolution and appreciated it covered the entire City, but did not want to get away from a Downtown Task Force. He said he wanted to make sure this Resolution was not replacing the Downtown Task Force.

Vice Mayor Amyx said if a smaller subset group made up of the task force on the growing economy could be an option.

Commissioner Johnson said he was looking at something more broad such as Police representation. He said he started writing down who should be part of the downtown task force and it was not necessarily retail businesses.

Commissioner Cromwell said this was a fantastic opportunity to study retail and had a serious lack of some aspects of retail in town and this provided a broad look at that retail. He said this task force would be different from the downtown task force.

Commissioner Dever said he concurred with two task forces, but hoped the task forces did not get confused over their roles. He said he was in favor of moving forward.

Mayor Chestnut said one of the reasons it was a good idea was because this idea sprung from looking at the pull factor and there was a lot of work to do and the City Commission spent a lot of time on economic development in industrial and made a lot of progress which was attributed to staff and the Chamber of Commerce. He said the scope of the downtown task force should be defined because some of the things such as Tax Increment Financing and Neighborhood Revitalization Acts would have application downtown, but they needed to consider those policies citywide.

Moved by Johnson, seconded by Amyx, to adopt Resolution No. 6877 to establish a task force on growing the retail economy. Motion carried unanimously. (17)

Mayor Chestnut recommended that Commissioner Johnson come up with some bullet points and provide staff feedback on the outline and proceed from that point.

Commissioner Johnsons said he could work with the City Manager.

Receive report on state legislative items

David Corliss, City Manager, said there were clear legislative policy statements for annexation bills. He said the staff report indicated new pieces of legislation staff wanted to bring to the City Commissions attention and as appropriate, receive any direction the City could provide.

He said he was on the Kansas Water Authority and they spent a lot of time on that issue over the past year as they had prepared a reservoir roadmap and there were a lot of issues. He said they did not know if House Bill 2428 was going to move because it was tabled last week.

There were a lot of issues associated and obviously a very important issue for Kansas and important for Lawrence. Clinton Lake was a very valuable water supply and he wanted to do things to protect the lake. He said that bill would likely receive additional discussion during the legislative session. House Bill 2515 preempted the authority of municipalities to adopt residential fire sprinkler system requirements and residential structures.

Previously, staff was going to be considering the new addition of the international residential code that would have a number of requirements and one of those requirements was for residential sprinklers. It did not mean that staff's consideration of it through trade board and City Commission's view meant they would adopt it. They were recommending that staff opposed this bill, not because the City thought they were going to adopt residential sprinkler requirements, but it was really a home rule question of where was that decision made and was it made in the City Commission Chambers or on the 3rd Floor of the State House. He said he was concerned about the drafting of this legislation and there might be situation where the City might want to require a sprinkler in a residential subdivision, for example if it was far removed from fire protection activities. Even if the City did not want to adopt what the residential code stated, that decision needed to be made by local municipalities and not the State Legislature.

The final bill was Senate Bill 405, this bill allowed, but not required, municipalities to publish legal notices via the internet as opposed to the statutory requirement that existed in State law for a number of years where legal notices were published in a local newspaper of general circulation. The City Commission was provided information on how much the City paid in legal notices last year which was not an inconsiderable amount of money, and the pros and cons of the legislation. He said he worked this issue five years ago, but it did not move and did not know if it would move this year, but it had not been killed yet. He said the City was continuing to use the internet for notice and dissemination of information and Lawrence was joined by a lot of other communities in thinking it might be a viable means for posting legal notices in the future.

Finally, there was the issue of at what threshold of candidates for City Commission should State law or perhaps a local charter ordinance require a primary election. The law was changed at the last session as far as City Commission elections. Staff's recommendation was not really to participate in discussions of this bill. The League was opposing the bill because they did not think the law needed to be clarified. The bill was likely to remain non-uniform so it would be available for a Charter Ordinance, if at the end of the legislative session, the City Commission wanted to create the City's threshold. Staff would continue to monitor this bill and at the end of the legislative session, inform the City Commission of the outcome and take the City Commission's direction as to whether or not they wanted to change that threshold for a primary.

Vice Mayor Amyx said regarding Senate Bill 422, two years ago this item came up at the last minute. He said it was a good idea that the City Commission schedule a time to discuss this legislative item regarding elections and whether or not the City would charter out and give direction on how the primary would be held.

Corliss said there was a cost in conducting the primary election. The City paid for the cost of a primary election if it was the only one required.

Vice Mayor Amyx said the school district had to do their own.

Corliss said the School District did not have constitutional home rule authority so whatever the State law ended up with, that was what the School District had to follow.

Mayor Chestnut called for public comment.

Ralph Gage, Lawrence Journal World, said he wanted to speak to the issue of Senate Bill 405 and noted there was a House Bill 2562 that had been introduced that dealt with the same issue. He said he felt he was in hostile territory because of the long history the City Manager had working against public notice. He said he admired Corliss' tenacity, but in this case, Corliss' abilities were misused against what was really a public interest.

He said he wanted to talk about three elements related to this topic, but only two of those elements were covered in staff's material presented to the City Commission. One element was the mention of the City's website, it was a nice site, but it received virtually no traffic. He said he would provide material to the City Commission offering a comparison of website traffic.

The real issue which was the second issue mentioned in the staff report, was money. He said he offered a dollar amount that was presented the City Commission. He said when dollar volume discounts were applied to the City's spending on public notice advertising the actual amount to the City was \$46,389.57 rather than something in excess of \$50,000. He said to put in another way it was .000294 of the total \$157 million the City budgeted for 2010. He said of that \$46,000 spent, he questioned how much would really be saved once staff cost, service space, maintenance and all the other items that went into maintaining websites and archiving material were taken into consideration.

He said he was tempted to mention public transportation costs in connection with this issue, but in a democracy public notice was more important than public transportation and it was dirt cheap in comparison.

The publication the Journal World provided was a valuable service and there was no reason that newspapers should not be paid for that service, just as any other provider of goods and services to the City.

In terms of the public notice he wanted to provide the City Commission with additional background information. First in Kansas, the charges for public notice were tied to classified rates and in fact the rates to the City for public notice were less than what would be paid as an individual if placing a classified ad. Those rates had not been changed since 2004 and it could not be said for City taxes or many other service fees the City charged. He said the Journal World was not trying to exploit or take advantage of what was a statutory requirement.

Those revenues were vital to smaller papers around the State. The Kansas Press Association estimated that 50 newspapers might close if those bills were enacted and those revenues were denied to those publications. He said that was at least 50 cities that might be without one of the cornerstones of a community as an unintended consequence of looking at those revenues.

The third element was not included in the City's staff report which was what service the Journal World was charging the City for, and why it was important. It was a way of officially and formally to notify the community about important activities, activities that might affect citizens individually or collectively in the community. Those would be law suits, elections, land use issues, zoning changes, action of all the agencies and subdivisions of governments. It was letting citizens know where there money was being spent. This publication provided a transparency and enabled the community to participate in overseeing the actions of government. It was not unlike the way they provided televising of those meetings which was done at no charge, but everything could not be free.

When a notice was published in the newspaper it was guaranteed as fact. The newspaper publication provided a verifiable public record through sworn affidavits of publication that had been accepted for decades by the court system. There was no similar provisions related to official city websites and no assurance those notices on the web would stand up in court. Newspapers provided a permanent record that could not be altered, hidden, manipulated, hacked, or lost due to server crashes or changes in technology.

He said he could go on and realized that \$50,000 was \$50,000, but if those bills were passed, in part through the City Commission's endorsement, what the citizenry would be losing was a check and balance that had been part of the democratic system for hundreds of years and would be done for what amounted to chump change in the overall context of a multi-million dollar City budget. He submitted those were flawed measures that were being put forth for political reasons and for no other reason. He said he urged the City Commission not to adopt

staff's recommendation, but in fact alter that letter and endorse the status quo because those laws had served the state well for many years.

Hubbard Collinsworth, Lawrence, said he echoed Gage's comments, but added if there was anyway if electronic data could be non corruptive if archived correctly.

Mayor Chestnut said the answer was no.

Commissioner Johnson said Gage brought up some good points. The point that stood out was the question of the legality of the notification. He said he could appreciate the City trying to save money and had to look everywhere. He said \$50,000 might not seem like a lot, but it added up. He said he would lean toward taking no position or supporting the status quo on Senate Bill 405.

Corliss said staff was looking for direction on the fire sprinkler bill, understanding that staff would bring that primary election back to the City Commission at the conclusion of the session. The two major bills were the position on Senate Bill 405 and its House parallel regarding internet posting which this law would make it legal and then the home rule issue regarding the fire sprinkler question.

Vice Mayor Amyx said whatever the Commission had to do in opposition to that fire sprinkler question it remained at the City level. Regarding the election, there would be a clear path to follow depending on what the State determined. As far as Senate Bill 405, personally he thought the Journal World had done a good job in making the public aware of the notices. He asked if the City or the Journal World had the actual number of households that were connected to the internet.

Gage said he did not have a specific number. He said what they took for granted in Lawrence, certainly was not true across the State. There was study on the use of the internet that was released in December 2009 which estimated that more than 30% of Americans did not have access to the internet and those were mainly Senior Citizens and people who were in a lower economic stratum. Even in areas of Western Kansas, the recovery act was allocating

millions of dollars to upgrade technology so that citizens in Western Kansas would enjoy the same internet access the Lawrence community.

Vice Mayor Amyx said as far as he was concerned, the City could stay with the status quo.

Commissioner Cromwell said the views were fine, but as far as Senate Bill 405, the world was changing and how people received information was changing. Newspaper subscriptions were down, however visits to newspaper websites were up and it was not the City Commission's job to worry so much about what was going on in Western Kansas which was for the State and local municipalities to worry about Lawrence, but overall there was not enough information to endorse a change in the status quo and would probably take that off his list.

Mayor Chestnut said it sounded like the consensus was that there was full support of a statement regarding basically position to have home rule authority on the International Fire Code, but a consensus not to take a position on the Senate Bill 405 which addressed the notification of legal notices on the internet versus in print.

Commissioner Dever said he agreed. He said he did not ramble with the concept what happened if all of the digital data disappeared, but that means of storage was acceptable for a lot of different organizations for everyday use, but was not willing to do away with public notification.

Mayor Chestnut said he agreed on House Bill 2515. He said he would like to see where the Senate Bill went, but there were a lot of moving parts across the State relative to the impacts and did agree that in consideration if this were to be passed, through the Kansas Legislature, they needed before taking any steps to look at data storage and how that worked because he recognized as a printer and publisher of electronic media at Allen Press, the cost involved in starting legacy data was starting to become massive. He said there was a consensus that the City Commission did not want to weigh in on that issue directly.

He said on the other two bills, staff would keep the City Commission apprised of those bills. Once the City figured out where Senate Bill 422 went, then the City Commission would bring that issue back up after the session was over. (18)

PUBLIC COMMENT:

FUTURE AGENDA ITEMS:

02/09/10

CONSENT

- Approve Special Use Permit SUP-12-11-09 to expand Research Services in portions of existing buildings located at 645-647 Massachusetts Street. The proposed use is located on portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record. Adopt on first reading, Ordinance No. 8488, for Special Use Permit (SUP-12-11-09) to expand Research Services in portions of existing buildings located at 645-647 Massachusetts Street. (PC Item 2; approved 7-0 on 1/25/10)
- Approve Rezoning Z-12-30-09 for approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive. Submitted by Landplan Engineering, for Grace Evangelical Presbyterian Church, property owner of record. Adopt on first reading, Ordinance No. 8489, for rezoning (Z-12-30-09) of approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive (PC Item 1; approved 7-0 on 1/25/10)

REGULAR

- Conduct public hearing to consider the vacation of two easements (pedestrian, access and utility easement) located in Briarwood Addition, as requested by Pamela Mayfield, Mike Polk and Nancy L. Borer, and Steven J. Freeman and Stephanie S. Freeman. ***This item continued from 01/26/10 CC Meeting.***

ACTION: Conduct public hearing and approve Order of Vacation, if appropriate.

- Reconsider approving Rezoning Z-7-11-09, for approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record. *This item was originally heard by Planning Commission on 9/21/09. City Commission returned this item on 12/15/09 for additional consideration.* Adopt on first reading, Ordinance No. 8462, for rezoning Z-7-11-09, of approximately 10.97 acres, located at 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). (PC Item 3; approved 6-1 on 1/25/10)

ACTION: Approve Rezoning (Z-7-11-09) of approximately 10.97

acres, located at 4300 W. 24th Place, from RSO to RM15 and adopt on first reading, Ordinance No. 8462, if appropriate.

- 02/16/10 · Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP extension at 944 Kentucky.
- 02/23/10 · Receive letter from Bert Nash Community Mental Health Center regarding program cuts. Authorize amendment on contract with Bert Nash Community Mental Health Center to reflect three homeless outreach workers. ***This item was deferred from 01/26/10.***
- 04/06/10 · Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 3701 Franklin Park Circle.
- TBD · Approve request from the Public Health Board to amend Resolution No. 4957 and increase the Board membership from five to seven people.
- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.

COMMISSION ITEMS:

Moved by Amyx, seconded by Johnson to adjourn at 12:07 a.m., February 3, 2010.

Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF FEBRUARY 2, 2010

1. Ordinance 8487 – 2nd Read – Alcohol @ Library Feb. 17, 2010
2. Ordinance 8407 - 2nd Read - Historic Register, 1515 University, Fernand Strong House.
3. Ordinance 8408 – 2nd Read - Historic Register, 1204 Oread Ave, Ecumenical Christian Ministries Bldg.
4. Ordinance 8409 – 2nd Read - Historic Register, 714 Mississippi, John Robert Greenlees House.
5. Resolution 6875 - transfer \$80,000, from the Capital Improvements Fund to the Library Fund for 2010 budget year.
6. Text Amendment TA-1-2-10 - Sections 20-403, 20-601(b) and 20-601(b)(1) Development Code for hotel/motel/extended stay use to allowed use in IL (Limited Industrial) Zoning.
7. Variance – Apt that has 12 units or less water meter fore each unit.
8. Variance – Private sanitary sewer line not located in ROW greater than 15'.
9. Resolution 6876 – Lawrence Public Library, General Obligation bonds for \$500,000.
10. Text Amendment TA-1-1-10 - Sections 20-403, 20-509(3), and 20-524-Development Code for MU (Mixed Use) Districts Bars & Restaurants
11. City Manager's Report.
12. Revised Land Agreement & revised Job Creation Credit Agreement with LWC Partners.
13. Ordinance 8482 – 1st Read, TA-6-17-09 -“Boarding House.”
14. City Auditor's compare infrastructure depreciation.
15. City Auditor's Solid Waste performance audit report
16. Recycling matrix report.
17. Resolution 6877 - Task force - growing the retail economy
18. Report on State legislative items