



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

May 3, 2011

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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. PROCLAMATIONS/RECOGNITIONS

1. Proclaimed Saturday, May 7, 2011 as Human Family Reunion Day.
2. Proclaimed Saturday, May 7, 2011 as Sertoma Bar-B-Q Cook-Off Day.
3. Proclaimed the month of May, 2011 as Huntington's Disease Awareness Month.
4. Proclaimed the month of May, 2011 as Lyme Disease Awareness Month.
5. Proclaimed the month of May, 2011 as National Preservation Month.

B. CONSENT AGENDA

It was moved by Schumm, seconded by Dever, to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 04/19/11 and 04/26/11.
2. Received minutes from various boards and commissions:
 - Hospital Board meeting of 03/16/11
 - Planning Commission meeting of 03/28/11
3. Approved claims to 181 vendors in the amount of \$2,107,421.92.
4. Approved licenses as recommended by the City Clerk's Office.



We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community

Drinking Establishment Licenses for 23rd Street Brewery, 3512 Clinton Pkwy; Bambino's at the Grove, 1540 Wakarusa L; and Retail Liquor License for Sawyers, 4811 Bob Billings Pkwy; and Sidewalk Dining License for Signs of Life, 722 Massachusetts.

5. Approved appointments as recommended by the Mayor.

Lawrence Humane Society:

Appointed Randy McGrath to a three year term that would end 05/31/14.

6. Bid and purchase items:

- a) Approved purchase of storm sewer pipe from Cretex Concrete Products Midwest, Inc. in the amount of \$21,207.68, for relocation of a storm sewer line.
- b) Awarded bid for one side load refuse truck for the Public Works Department to Downing Sales and Service for \$169,662.

7. Adopted on second and final reading, Ordinance No. 8630, designating portions of 7th Street and North Park Street as a main traffic-way. This ordinance is necessary in order to debt finance the proposed curb and sidewalk repair project in the downtown area.

8. Initiated Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf.

9. Accepted the applicant's request to withdraw TA-6-8-10 regarding a text amendment to Chapter 20, Section 601 of the Land Development Code – Code of the City of Lawrence, Kansas to calculate studio, 1, and 2-bedroom dwelling units as .5 dwelling units in the RM32 District.

10. Received the Lawrence/Douglas County 2011 Point-In-Time Homeless Count.

11. Received the 2011 first quarter report for the Bert Nash Outreach Program.

12. Authorized the Lawrence Cultural Arts Commission Community Arts Grants as recommended by the Lawrence Cultural Arts Commission.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the City Manager's Report

Cromwell said he appreciated the work of staff on the Earth Day events and that it was the best run Earth Day celebration in the region.

D. REGULAR AGENDA ITEMS:

1. **Consider approving the closure of a portion of the 900 block of New Hampshire Street on May 27-28 and the 100 block of E 10th St on May 28 for events associated with the Arts Center Street P'Arty and Art Tougeau Parade.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Mayor Cromwell called for public comment. None was received.

Moved by Schumm, seconded by Carter, to approve a Temporary Use of Public Right-of-Way Permit allowing the closure of a portion of the 900 block of New Hampshire Street for the Arts Center Street P'Arty from noon, Friday, May 27 until 1:00 p.m. Saturday, May 28, 2011 and approved a Temporary Use of Public Right-of-Way Permit for the Lawrence Art Guild allowing the closure of the 100 block of E 10th Street from 1:00 p.m. – 5:00 p.m. on Saturday, May 28, 2011. Motion carried unanimously.

2. **Consider approving the closure of Massachusetts Street from North Park Street to South Park Street on Saturday, October 8, 2011, for the Rev it Up! Hot Rod Hullabaloo.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Amyx asked if this event was at a park and not downtown previously.

Douglass said the event was held at Broken Arrow Park.

Amyx asked if that location did not work anymore for this event.

Steve Chronister said they were partnering with "Big Brothers/Big" Sister this year. He said he was president and his wife Michelle was vice president of "Be Your Best Self, Inc" which was designated as a 501C3 (non-profit organization) that served the children of Douglas

County in terms of supporting hunger and nutrition issues. He said this event was a third year fundraiser and each year they had partnered with different charities.

He said they had sponsored this event at Broken Arrow Park the last two years which worked well, but thought it would be a fun event to have at a little more high profile location such as South Park and would be a benefit to downtown in bringing 500 to 600 people to the downtown area during the course of the day.

This event was a family oriented event with the hot rods and live music. He said their goal was to serve the children and also collaborate with the City and downtown merchants to make sure it was a win/win situation for everyone involved. He said their event had enthusiastic support from Tellers, Free State Brewery, 715, Mirth, and Noodles and Company. He said they also had been in active contact with Cathy Hamilton from Downtown Lawrence Inc. to get feed back and make sure they were working with the City and the merchants to make this a positive event.

They would also have a featured article in the Fall Lawrence Magazine, this year, featuring the show. He said this event would be nice and bring a lot of people to the downtown area. There would be people coming into Lawrence from Kansas City and Topeka. He said this event was stereotyped as a "guy thing", but the participants were not going to be a bunch of hot rod hooligans, but older guys with their cars that would typically bring their wives. He said they were ultimately looking at this event as an annual event such as "Art in the Park."

Cathy Brashler, Executive Director, Big Brother/Big Sisters, said the funding sources for agencies such as Big Brothers/Big Sisters were drastically decreasing and when groups like the "Rev it Up" event wanted to support their agency, it was exciting. She said to have the event take place downtown would not only be great for the City but great for Big Brothers/Big Sisters to get volunteers, the community and their children involved.

Amyx said they would love to have more activities in the downtown area because he and several colleagues he served with had businesses downtown. He said that many more people brought more dollars.

He said when those events occurred it was important to note that businesses were trying to operate. He said when the main street of town was closed off in front of those businesses it created problems in various places. He said he appreciated that the applicant wanted to utilize South Park which was an important place for activities to occur downtown.

Carter asked what charity they partnered with last year and how much was raised at that event.

Michelle Chronister said they originally started the car show as a fundraiser for GaDuGi SafeCenter and they had since moved into a more appropriate venue that promoted the intentions of GaDuGi SafeCenter. Last year they did not get their hands into the dollar amount, but the year before, on behalf of GaDuGi, they cleared about \$5,800.

Schumm said it seemed like a nice event, but one of the differences was that Art in the Park took place on a Sunday and this applicant was requesting the event take place on a Saturday which was the heaviest traveled day of the week in terms of commerce downtown. There were other interests that required good movement in order for those businesses to make a living as well. He asked if the applicant considered a Sunday as opposed to a Saturday for this event.

Steve Chronister said yes, but their first preference would be Saturday.

Michelle Chronister said it was a real challenge finding a good date because car shows were big in the surrounding area. She said they had to find dates where other big events in Kansas City or Topeka would not pull those people that wanted to participate in the proposed Lawrence event.

Schumm asked how many hotrod cars were in attendance, last year, at South Park.

Steve Chronister said approximately 100 hotrod cars the last two years and each car brought 2 or 3 people, plus spectators. He said they were hoping for 150 hotrod cars this year and a guess of 500 to 600 people all together.

Dever asked how the event raised money for the charity.

Steve Chronister said because it was a not-for-profit, it would be donation only, but every car that registered would have a suggested registration fee of \$10 to \$15. In the past, people had given more money than that amount. There would be people walking around with buckets asking spectators for donations and all the vendors would pay a \$100 fee for their booths.

Dever asked about the anticipated amount of vendors and the type of merchandise for sale.

Chronister said last year they had a dozen vendors that sold food, clothing items, jewelry, and art.

Amyx said Schumm asked the applicant to consider a Sunday for this event in relationship to other events.

Schumm said it was a much more workable plan for this event as would be a change in venue to Buford Watson Park on 7th Street between Tennessee and Kentucky. He said he hated curtailing the main entrance into downtown from the south. He said that was a big deal to a lot of people. Sunday was a lot more manageable in terms of that particular scenario.

He said the City Commission wanted to be supportive of all those requests and it was a genuine request with a good plan for a charity. However, there were people that were trying to make a living in downtown Lawrence which has been very difficult. He said they were seeing a lot of closures in terms of the retail scene and to make it any tougher was difficult. He said his goal was to work with someone who had a need and fit it all together. He said the City Commission would have another request, next week, for closing the 600 Block on Massachusetts Street.

He said every time the City had an annual event of this magnitude, there were 2 or 3 other organizations that thought that was a good idea too. He said over the years Downtown Lawrence, Inc., which he had been a member for years, had routinely opposed long-term closure of Massachusetts Street. He said parades were a different matter because those parades were usually an hour to two hour in length and did not consume an entire day where it disrupted traffic. Once the traffic was disrupted on Massachusetts Street it caused businesses to lose sales for that particular day. He said some businesses, in this case, would make up the difference, such as dining businesses. He said he was not worried about the dining establishments, but the retail establishments and what was happening to retail downtown.

Carter asked if Buford Watson Park was an option for a Saturday event.

Chronister said the concern was where to put 150 cars at that location.

Douglass said he took some measurements and Massachusetts Street from North Park to South Park was approximately 800 feet. He said he looked at cars could be parked, maintaining a 20 foot lane and thought cars could parallel park down one side and sawtooth park on the other side, parking 40 cars and depending on how close parked on the other side, quite a few more sawtooth style.

He said at Watson Park, that stretch of the road was about 250 feet as opposed to 800 feet which could be parallel parked on both sides with 2 driving lanes and was not much different in width than Massachusetts Street.

Cromwell said the width was about the same and asked about the length.

Douglass said 250 feet for 7th Street and 800 feet for Massachusetts Street.

Cromwell said with Massachusetts Street they were not sure 150 cars could be parked at that location, maintaining an appropriate fire lane through that area.

Chronister said Parks and Recreation staff indicated there was a parking lot behind the judicial center that was available and could discuss using that lot with the staff at the Judicial and Law Enforcement Center.

Schumm asked if a 25 foot width was needed through the 7th Street area for emergency vehicles, ingress and egress, with 8th and 6th Streets immediately adjacent.

Mark Bradford, Fire Medical Chief, said 7th Street could be closed between Tennessee and Kentucky without any fire lane provided.

Amyx asked if the applicant had stated that he talked to someone from the Judicial and Law Enforcement Center regarding their lot and would those hotrod cars be shown at that location.

Chronister said the plan was to park along Massachusetts Street and use the Judicial and Law Enforcement Center lot for overflow. He said they were also considering the lot next to the Community Building to park trailers for those hotrods cars that was brought in on trailers.

Amyx said the City Commission needed to ask the applicant to consider Watson Park or the South Park area for a Sunday. He said there was still time to evaluate the location for this event.

Schumm said even with having trailer and trucks, on Saturday's there was not a lot of extra room in parking lots to park trucks and trailers that unloaded cars.

Amyx said there was no luxury of a grass field in the downtown area and if there was rain, it would soften that turf.

Cromwell said that would be a bad idea.

Mayor Cromwell called for public comment.

Hank Booth, member of the Board of Directors of Big Brothers/Big Sisters, said the overall discussion of how, when and where to hold this event, he was looking at both sides - from the merchants' point of view and from the users' point of view. He said he hoped the City Commission came to some type of a mutual understanding as a City Commission in trying to draw people downtown and figure out how people could access downtown for special events.

K.T. Walsh said if the event took place on a Sunday, the Journal World and the empty Borders Book Store might accommodate the 150 cars and trailers.

Dever said he was trying to figure out the logistics of dictating days. He said personally, a Saturday seemed like a time when people could spend more time and more money downtown because they were coming to an event and did not need to go to work the next day. If the event lasted until 6:00 pm, the people from the event were more likely to go out and stay in the community. If the event was on a Sunday, people were more likely to pack up their belongings and leave. He said he wanted to make sure the City Commission did not minimize the impact of this event on downtown if allowed.

He said if he was heading downtown and was a block or two from downtown, he probably would not go home, but follow the bypass around the event and head to his original destination. He said he did not have a business downtown and did not have a vested interest in Saturday operations except it was important to create as much business downtown as possible. Frankly, this event seemed it would be a good place to showcase downtown and the vehicles. This event had been successful in the past and he was not sure this was the right spot, but he would hate to dictate what day the event would take place because it might impact the overall benefit to downtown.

Cromwell said when closing this block of Massachusetts Street, it was more of an annoyance to people heading downtown and less of a detour. He said there was a different energy of an event on a Saturday than a Sunday because of the normal work schedules.

Carter said when Schumm brought up the concerns about downtown those concerns were new to him.

Cromwell said when having an event that closed a street downtown, it was clear that some businesses saw an uptick in business and some that saw a decrease in business, depending on the particular event, the day, and a number of other factors. He said it was his opinion that those businesses were downtown and one of those things that make downtown vibrant and interesting were the events that took place. While it might create a headache on a particular day for a particular vendor, it was that energy that allowed their business to operate

every other day. If making accommodations for everyone that thought they might have a problem with a particular event, they might as well scrap Art in Park, St. Patrick's Day Parade, and all those other events.

Schumm said he did not want to be misunderstood and thought that was where this discussion was going. He said the City Commission did endorse parades because parades were of a temporary nature and a business could recover throughout the day. He said he was interested in this particular project and it was a good event for downtown, but what he was saying was when closing down Massachusetts Street, a precedent was set and it harmed some merchants. He said he just lost a tenant, the Bayleaf, because of poor economic conditions. He said he did not want to do anything else to exacerbate that particular situation. He asked staff if it would be possible to close half of Massachusetts Street, but put those cars to be displayed on the east side of Massachusetts Street, and allow two-way traffic on the west side of Massachusetts Street.

David Corliss, City Manager, said staff could take a look at that idea.

Amyx said he appreciated the comments made by his fellow Commissioners regarding the importance of events downtown, but the Commissioners with businesses downtown heard a lot more comments. He said there might be concern about the length of time that the streets were closed. He said in this particular case, he thought this event would be good for downtown, but look at other location. He said if those locations did not work, then the City Commission should look at the location at South Park. He said it was important to utilize signature parks downtown.

Chronister said if they were to investigate the possibility of leaving the west side of Massachusetts Street open, he asked who they would contact.

Corliss said he and Douglass could work with Chronister.

Cromwell said this was a great event and appreciated that this event would be donating to Big Brothers/Big Sisters. He said this was an opportunity to see if they could minimize closure

and impacts on downtown. He said if there was no compromise, then he expected the applicant to be back before the City Commission. He said he would like to see the event proceed.

Moved by Amyx, seconded by Schumm, to defer consideration of a temporary use of right-of-way permit for the Rev it Up! Hot Rod Hullabaloo, and direct the applicant to work with city staff to consider alternate days of the week and locations for the event, and to analyze the feasibility of closing one half of Massachusetts Street for the event while keeping two lanes open to traffic. Motion carried unanimously.

3. **Consider adopting the 2011 Action Plan and Investment Summary of the 2008-2012 Consolidated Plan and consider adopting Resolution No. 6922, authorizing the Mayor to execute agreements for the 2011 CDBG and HOME programs and other such documents as may be required to be submitted to the U.S. Department of Housing and Urban Development for such programs.**

Margene K. Swarts, Assistant Director, Development Services presented the staff report.

Mayor Cromwell called for public comment.

Julie Mitchell, Chair of CDAC, said she was available to answer questions.

Mayor Amyx said regarding Housing and Credit Counseling, it was important to help as many people as we can. He had seen a lot of foreclosure actions in the community.

Mitchell said help with budgeting and finance helped people on the verge of foreclosure to stay in their homes.

Amyx thanked everyone on the committee and said they did good work on behalf of the City Commission.

Cromwell thanked Elise Higgins, representative of the KU Student Senate, who had worked on the lighted pathway issue.

Amyx said there had been a question before the meeting regarding the sequence of the lighting project and Chuck Soules had clarified that all the phases would be worked on simultaneously.

Moved by Schumm, seconded by Amyx, to adopt the 2011 Action Plan and Investment Summary of the 2008-2012 Consolidated Plan and Adopt Resolution No. 6922, authorizing the Mayor to execute the agreements for the 2011 CDBG and HOME programs. Motion carried unanimously.

4. **Consider approving a Substantial Amendment to the 2008-2012 Consolidated Plan - adjustment of proposed specific housing objectives (91.25(b)) – accomplishment goals for the period, August 1, 2008 – July 31, 2012.**

Margene K. Swarts, Assistant Director, Development Services presented the staff report.

Mayor Cromwell called for public comment. None was received.

Amyx said it seemed reasonable to take care of this amendment.

Moved by Amyx, seconded by Schumm, to approve a Substantial Amendment to the 2008-2012 Consolidated Plan for the City of Lawrence. Motion carried unanimously.

5. **Consider a motion to recess into executive session to discuss matters relating to employer-employee negotiations for approximately 45 minutes. The justification for the executive session is to keep employer-employee negotiation matters confidential at this time. The regular meeting will resume in the City Commission meeting room at the conclusion of the executive session**

It was moved by Schumm, seconded by Dever, to recess into executive session to discuss matters relating to employer-employee negotiations for approximately 45 minutes, at 8:06 p.m. The justification for the executive session was to keep employer-employee negotiation matters confidential at this time. Motion carried unanimously.

Cromwell, Schumm, and Carter, resumed the regular session at 8:51 p.m. It was moved by Schumm, seconded by Carter to extend the executive session for 20 minutes. Motion carried 3-0.

The City Commission resumed the regular session at 9:13 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

Vice Mayor Schumm said discussion took place at the last City Commission meeting regarding the Dillons site at 1740 Massachusetts and the City Commission voted. He said he argued against the pharmacy drive through lane and was fully prepared to vote against it, but did not realize how to vote against the pharmacy drive-through, and did not realize he had to vote against the Use of the Right-of-Way along New Hampshire Street. He said he thought the right-of-way serviced more than just the drive-through window for the pharmacy. He said while he recognized that this was a good project and wanted it to move forward, he was not in favor of the drive-through pharmacy and would like to ask for a reconsideration of that vote so he could change his vote.

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Scott McCullough, Director of Planning and Development, said that site was not voted upon by ordinance, but was a one time vote.

David Corliss, City Manager, said Vice Mayor Schumm voted on the prevailing side in favor of the motion to approve the right-of-way use, that Mayor Cromwell voted against that right-of-way and the vote was 4-1 in favor of the right-of-way. He said Vice Mayor Schumm could make a motion for reconsideration. He said if that motion was seconded, that right-of-way could be reconsidered and voted on again. He said the minutes of this meeting would reflect that reconsideration and motion.

Amyx suggested that Schumm move to have the reconsideration placed on the regular agenda.

Carter asked if the reconsideration was strictly to let Schumm change his vote.

Cromwell asked if this item would need to have discussion again.

Carter asked if Schumm wanted to open this item back up to try and swing the vote from 3-2.

Schumm said he wanted to change his vote because he voted incorrectly and was unaware that the eastern right-of-way use only serviced the pharmacy window. He said he had not been involved in the earlier discussions [about this property](#) because he was running for the Commission. He said he thought the motion would have been to exclude the drive through window in the overall site plan, but it wasn't and [he](#) realized too late [in the sequence of voting for](#) a way to express his displeasure for the drive-through pharmacy.

Cromwell said he suggested noting this discussion in the minutes as an adequate way to show Schumm's [voting intention](#). He said he did not think there would be a change in the outcome and [by](#) placing this item back on the agenda, everyone would need to be present [again](#).

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Schumm said he was not trying to change the outcome of the vote. He said this project was a giant rehab in which the community would be proud of.

Moved by Schumm to direct staff to place the Dillon's right-of-way use on New Hampshire Street back on the agenda next week for reconsideration. Motion died for lack of second.

H: CALENDAR:

Corliss reviewed calendar items.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Dever, seconded by Amyx, to adjourn at 9:25 p.m. Motion carried unanimously.

APPROVED:

Mayor Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk