



# City of Lawrence

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CITY COMMISSION

MAYOR  
ARON E. CROMWELL

COMMISSIONERS  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

June 7, 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. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed June 13 – 17, 2011 as Dad's Days.
2. Dedication of Pink Fire Truck to Guardians of the Ribbon, Inc.

## B. CONSENT AGENDA

Commissioner Amyx asked that consent agenda item number 9, request from MD Management, Inc. for a Neighborhood Revitalization Area for a proposed project on the northeast corner of 27<sup>th</sup> and Iowa Streets, be removed from the consent agenda for a separate vote. He said one of the adjacent lots had been owned by his parents and was sold to the present owners, and another of the properties presently belonged to him. Part of this request was for a vacation of right-of-way which could revert to his possession, therefore he had an interest in the item and he would remove himself from the discussion and vote on the item.

**It was moved by Schumm, seconded by Amyx,** to approve the consent agenda as below, with the exception of consent agenda item number 9. Motion carried unanimously.

1. Approved City Commission meeting minutes from 05/10/11.
2. Received minutes from various boards and commissions:

Community Commission on Homelessness meeting of 04/19/11  
Parks & Recreation Advisory Board meeting of 05/17/11  
Social Service Funding Advisory Board meeting of 12/13/10



Planning Commission meeting of 04/25/11  
Historic Resources Commission meeting of 04/21/11  
Hospital Board meeting of 04/20/11  
Human Relations Commission of 02/17/11  
Mental Health Board meeting of 03/29/11

3. Approved payroll from May 22, 2011 to June 4, 2011, in the amount of \$1,878,673.32 and claims to 241 vendors in the amount of \$2,879,774.34.
  
4. Approved licenses as recommended by the City Clerk's Office.  
  
Drinking Establishment licenses for The Burger Stand, 803 Massachusetts; Red Lyon Tavern, 944 Massachusetts; and Retail Liquor License for Texas Jack's Liquor, 3020 Iowa No. B
  
5. Bid and purchase items:
  - a) Set bid opening date of June 21, 2011 for the purchase and installation of a new computer fiber line to service South Park Center and the Community Building.
  - b) Set bid opening date of June 21, 2011 for the repair and resurfacing of the parking lot in Broken Arrow Park.
  - c) Set a Bid Opening Date of July 5, 2011 for Bid No.B1132, Kaw Water Treatment Plant Sludge Collector Drive Replacement.
  - d) Awarded bid for Project No. PW1020, City Bid No. B1130, Bob Billings Parkway, Kasold Drive to Crestline Drive (westbound lanes), complete pavement reconstruction, to King's Construction Company, Inc. in the amount of \$637,310.90.
  
6. Received quarterly report regarding the status of fundraising and construction progress for the Lawrence Community Shelter's new permanent facility.
  
7. Received the Bicycle Parking in Downtown Lawrence Inventory.
  
8. Authorized the City Manager to enter into a performance agreement with Plastikon Healthcare, LLC, in conjunction with Douglas County, for economic development incentives.
  
9. THIS ITEM WAS REMOVED FROM CONSENT FOR SEPARATE DISCUSSION. Received request from MD Management, Inc. for a Neighborhood Revitalization Area for a proposed project on the northeast corner of 27<sup>th</sup> and Iowa Streets. Referred to staff and the Public Incentives Review Committee for a recommendation.

Commissioner Amyx left the room at 6:43 p.m.

Mayor Cromwell asked if there were commissioner or public comments regarding consent agenda item number 9. There were none.

**It was moved by Carter, seconded by Cromwell,** to receive a request from MD Management, Inc. for a Neighborhood Revitalization Area for a proposed project on the northeast corner of 27<sup>th</sup> and Iowa Streets, and refer it to staff and the Public Incentives Review Committee for a recommendation. Motion carried 4-0 with Amyx abstaining.

Commissioner Amyx returned to the room at 6:44 p.m.

**C. CITY MANAGER'S REPORT:**

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

**D. REGULAR AGENDA ITEMS:**

1. **Consider accepting Historic Preservation Fund Grant for the development of Oread Neighborhood Design Guidelines in the amount of \$30,005 in association with developing overlay zoning districts; and consider authorizing the City Manager to enter into a grant agreement with the Kansas Historical Society for this project.**

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Commissioner Amyx said we had received an email with a question about the application, and whether Oread Neighborhood Association and Oread Residents Association had been involved.

Zollner said both organizations had been involved because staff wanted to be as inclusive as possible.

David Corliss, City Manager, said he had received an email from Candice Davis that a new neighborhood association had been formed, the Oread Residents Association.

Mayor Cromwell called for public comment.

Rob Farha, President of ONA, said he had inquired who the ORA group was. He said ONA had been doing research and cleaning things up. He said the ONA had not been in good standing in 501c3 status but now was. The city had been funding an organization that was not

properly constituted. He said in 2006 when zoning went from RD to RM32 he had not been notified. He said that all property owners should be notified by mail. He didn't think there was a need for this funding request. He said this new organization was not registered with the state. He said it was a shock when they learned of the other organization. He said property owners should be notified before accepting this grant. He said they wanted to see a property owner list when city sent notification. He also said no mailings from the city had gone to the ONA PO Box.

Commissioner Carter asked if Farha had a good mailing list.

Farha said no. You had to work with the county to get a good list. According to the code 51% of owners had to be in favor of an overlay.

Commissioner Carter said we had been through this a lot at the Planning Commission level. A lot of the concerns property owners had were addressed. He had concerns about the tone of this.

Farha said they wanted to be included in the dialogue.

Commissioner Carter said that was the goal.

Farha said his biggest concern was taking the right steps on his properties to get them conforming, but overlays would make them non-conforming.

Vice Mayor Schumm asked if ONA was for or against accepting the grant.

Farha said they opposed it. They thought the application was in error.

Commissioner Amyx asked if Farha had been contacted regarding this grant at any time.

Farha said at no time.

Dennis Brown, LPA, said the grant went to the city not any neighborhood group. The Oread Neighborhood Plan had been approved a year ago. The concepts of overlays were chosen over any type of downzoning. The Planning Commission would not list downzoning as a tool. Development pressure in Oread was intense, and overlays were tools without power. Design guidelines would apportion development to areas where it would make sense, not

prevent development. He said the planning work wouldn't be easy but it was absolutely essential.

Marci Francisco said she was on the board of ONA. She supported the acceptance of the grant. She had been in meetings when change in zoning designation was approved. She had previously advocated for an original townsite overlay designation and hoped specific guidelines would be established. She believed the neighborhood association was notified via email and that is the reason their coordinator was able to notify the association of upcoming agenda items. Her recollection was that at the last ONA meeting no vote was taken regarding supporting or opposing the grant.

Shaffia Laue said she was a member of both ONA and ORA. She said she was grateful for the grant and thought it would be a boon for cohesive development in the area and encouraged its acceptance.

Candice Davis commended Zollner for her work on the grant. She said she helped establish a larger historic district in Oread previously. She thought this would enhance and fulfill the Oread Neighborhood Plan. She said they had a most unusual neighborhood and an overlay district made a lot of sense in addressing their needs.

Gwen Klingenberg, LAN, said they supported the grant acceptance. LAN supports neighborhood plans because they protect the character and livability of neighborhoods. Here we had a plan but not the tools to implement it. The design guidelines would be those tools. She hoped the Commission would accept this.

Commissioner Dever asked what the process for applying for the grant was.

Zollner said the city applied for the grant. One of the questions was who would be invited to participate as stakeholders and staff said the Oread neighborhood groups.

Commissioner Dever asked if the focus of the grant had to be focused up front, and how that would be done.

Zollner said this grant was specifically for the design guidelines.

Commissioner Carter said when the Oread plan had been approved they talked about who would pay for the designer to come in. He said he was excited for it, but he also understood Farha's concern for protecting investments. He said he just came back from a town gown meeting where others dealt with similar problems as we have in Oread. He said a happy medium could be reached but it wouldn't happen overnight.

Commissioner Amyx said they would not turn down the grant. He said we made the application in the city's name and said we would bring in the Oread associations as stakeholders.

Mayor Cromwell said Oread was a unique neighborhood. He appreciated staff seeking outside sources of funding. In the future Oread would take a lot of staff time and he appreciated those efforts.

**Moved by Amyx, seconded by Carter,** to accept Historic Preservation Fund Grant for \$30,005 and authorize the City Manager to enter into an agreement with the Kansas Historical Society. Motion carried unanimously.

2. **Consider approving the closure of Massachusetts Street from North Park Street to South Park Street on Saturday, October 8, 2011, from 7:00 a.m. to 6:00 p.m. for the Rev it Up! Hot Rod Hullabaloo. This item was deferred from the 05/03/11 City Commission Meeting.**

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

Steve Chronister said they spent the last month looking at the options the Commission suggested. They came to the conclusion that the only practical way to do the event was to close Massachusetts entirely adjacent to the park. He said he really wanted to work with the city and with the businesses to make this a win-win situation. He said they talked to a number of businesses.

Cathy Brashler, Big Brothers Big Sisters, said a number of businesses were supportive. They gathered 22 signatures of downtown businesses that were supportive. They were encouraged by a lot of people coming downtown for the event.

Chronister said if the event was approved they would continue working with downtown Lawrence to help out the businesses as much as possible.

Commissioner Carter asked how many retailers they asked to get the 22.

Brashler said they were turned down by 2.

Commissioner Schumm asked if Chronister's was a nonprofit group.

Chronister said yes, and they were partnering with Big Brothers Big Sisters.

Commissioner Carter asked who the beneficiary was the previous years and what amount of funding they received.

Chronister said GaDuGi SafeCenter received \$5,000 the first year and about \$2,000 last year because they had begun to lose interest. He said this year they hoped to raise \$10,000.

Commissioner Amyx said he was surprised to hear that they thought Sunday would not be successful.

Chronister said the hot rod community was different than the arts community. Hanging out on a Saturday was important to them. A lot said they would not participate on a Sunday. He said they absolutely looked into it because they wanted to look at all their options. He also spoke with some spectators and said they would be less likely to show up also. They were doing this as a fundraiser and wanted to maximize the participation.

Mayor Cromwell asked which would be least bad for them – Sunday downtown or Saturday at Broken Arrow.

Chronister said Saturday at Broken Arrow would be better. Both options would reduce the participation but Saturday would be better. Traditionally hot rod shows were on Saturday.

Mayor Cromwell called for public comment.

Robert Wilson, Mirth Café and Tellers, said he encouraged approval of this. He had been to the show at Broken Arrow and since it had a lot of out of town attraction it would benefit his restaurants.

Commissioner Carter asked if Wilson was a member of DLI and whether he signed the petition.

Wilson said no to both, but he would have signed it.

Hilda Enoch said it was great that BBBS would benefit from this.

Commissioner Carter said he followed up and got correspondence from DLI that said DLI was opposed to this. He said their membership had not been surveyed, but approximately 60% of downtown merchants were members of DLI. He said he hated to make too many decisions based on too little data. He said having a few retailers speak out against it while a survey showed 90% of a sample of merchants for it was difficult. He thought DLI needed to step up and survey their group and get real answers from the retailers. He said at this point he was for this event.

Commissioner Amyx said this was a balancing act between businesses and events that come forward. He said we had a discussion of the Bert Nash event a few weeks ago. We are looking at these a little more frequently now. He said we appreciated the desire to bring events downtown. He appreciated the folks going around and getting a petition. Parking is tough in downtown and he appreciated putting this event in a park. Taking away parking in downtown would have to be something we discussed even if it was not part of this request. Movement of traffic downtown was also important. Disrupting it disrupts businesses, especially on a busy Saturday. It is hard to recapture lost business. He said he would like to see this as a Sunday event and thought Broken Arrow would be the place for the event on a Saturday.

Vice Mayor Schumm said he had been on Massachusetts for 41 years. When a street closed it impacted businesses in different ways. He thought offering Sunday was generous but it

was wrong to have it on Saturday when it negatively impacted retailers. He would vote against Saturday but would vote for Sunday.

Mayor Cromwell asked about any Saturday closures.

Vice Mayor Schumm said the only event he knew of that was an annual event was the bike race which started as a 4<sup>th</sup> of July event. That was the only annual event that closed Massachusetts. He said that day was decided because most of the stores would be closed on the 4<sup>th</sup> of July and it would not have a negative impact.

Douglass said he could not think of any closures on Massachusetts Street. He said there had been concerts such as "Get Downtown" and other events on 8<sup>th</sup> Street and New Hampshire, but not many events on Massachusetts Street other than the short duration events such as parades.

Commissioner Dever said there were many people that had to be considered. If we were going to close Mass we should get as many people downtown as possible. He appreciated Schumm's comments but he also said the petition showed a mix of retailers and restaurants in favor. His gut said it was good for downtown but there was not conclusive data. He said Lawrence was missing out on the energy and traffic brought to the area. He said it was exciting and would bring traffic downtown. He supported this one time event and not an annual event.

Mayor Cromwell said he would prefer this on a Sunday. The saving grace was that the street being closed was not a retail street. You could still get around downtown even if it was a little frustrating. He thought it was more of an irritant than a deterrent. He had a much better feeling about closing Sundays than Saturdays, but could support this Saturday closure one time and see how it goes. The support of a mix of businesses was convincing. He said we needed to get more information and talk about these types of closures.

Commissioner Carter said in talking to Commissioners Amyx and Schumm it made sense not to do this, but downtown Lawrence was divided on it. When we went out door to door and see 90% supportive it was compelling. He said we did fund DLI and it should be easier to

know what downtown retailers really thought. He said even if this is successful he would want to dig down and know that this would really be a good event for the beneficiary.

**Moved by Dever, seconded by Carter,** to approve a Temporary Use of Public Right-of-Way Permit for the closure of Massachusetts Street from North Park Street to South Park Street on Saturday, October 8, 2011, from 7:00 a.m. to 6:00 p.m. for the Rev it Up! Hot Rod Hullabaloo. Aye: Carter, Cromwell and Dever. Nay: Amyx and Schumm. Motion carried.

The commission recessed the meeting for approximately 10 minutes at 7:54 p.m.

The commission resumed the meeting at 8:06 p.m.

3. **Consider approving Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. Adopt on first reading, Joint Ordinance No. 8592/Resolution No. 11-11, for Comprehensive Plan Amendment (CPA-2008-7) amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10, County Commission approved 2-1 on 4/13/11)**

Amy Miller, planner, presented the staff report.

Mary Miller, planner, presented a report regarding the preparation of inventories.

Mayor Cromwell called for public comment.

Jane Bateman, as a part of the Developers Forum for the Lawrence Chamber of Commerce, said they believed that environment and conservation were very important issues to this community and related to the quality of life. It created new jobs, grew existing businesses, and attracted new businesses and industries for the betterment of this community. The Chamber supported those goals, but after reviewing Chapter 16, comments needed to be made.

She said their thoughts were based upon two important questions:

1. Was this a balanced chapter?
2. What did this chapter do to promote job creation and economic development in Lawrence and Douglas County?

She said there were indications of imbalance between environmental and economic concerns and they were asking the City Commission to consider the following actions.

1. Include additional study sessions with other stakeholders;
2. Provide proper and legal notice to affected property owners; and,
3. Promote public participation in the continued development and review of this Chapter.

She said she was concerned about the following:

1. Cost of the studies indicated in the Chapter which called for 35 new and different environmental topics and new rules were to be added to 89 existing regulations.
2. What plan did the City have for funding those studies?
3. Would the City allow development under the present plan to take place during those studies?
4. Has the City carefully studied the unintended consequences of this plan?
5. Could this Chapter be filled with incentives, instead of limits and regulations?
6. Has the City defined the problem that needed to be solved?

She said she hoped the City Commission could find answers to those questions before adopting this chapter. She said they were delighted to have the opportunity to work with the City and would like to be part of the conversation about this important issue.

Rob Chestnut said he spoke broadly and as a reminder that Horizon 2020 was not a dispositive documents. He didn't believe the original document would have intended to have a chapter with 20 "shalls". He said H2020 should be a framework, that it should achieve a maximum of individual freedoms, and he didn't believe this chapter met those goals. He was concerned that H2020 was 15 years old and had been amended extensively, especially in the last 5 years. He said it was time to consider a new long range planning process. He said we continued to add chapters to a document with inherent conflicts within itself.

Carter asked if Chestnut was suggesting it was time to consider H2030 with an environment chapter.

Chestnut said the plan was a labyrinth that should be updated.

Laura Routh said some commenters submitted last minute comments she would like to address. She said it had been suggested that the chapter had no nexus to land use planning. She disagreed. She said it had also been suggested that the chapter had not been appropriately vetted by stakeholders. She disagreed and said stakeholders had ample opportunity to comment. She said it had been suggested that the document represents economic hardship to landowners. She asserted that protection of land and water was inherently economical. She said other cities had done similar things decades ago and were economically prosperous. She said she supported chapter 16.

Hank Booth, Lawrence Chamber of Commerce, said some people had been painted into a corner as being against environmental protections. He said this was unfortunate. He had been involved in numerous sustainability and environmental initiatives. In this case rural stakeholders have no idea what is in this document, and what the details in this document are. Hundreds of stakeholders have no grasp of the implications of this document on the land they have cared for for years. He said we needed an environmental chapter but with stakeholder input.

Don Phipps said he wholeheartedly supported the chapter and saw no conflict between environmental protection and profits. These regulations had nothing to do with economic activities of most businesses. These regulations should be approved for quality of life reasons.

Sheryl Roth said even with environmental regulations there were too many examples of businesses harming the environment and harming the economy. She supported this chapter.

Charles Marsh said this chapter encouraged economic growth and was good for business. Preservation of class one and two soils was not onerous. The Department of Agriculture said that agriculture was an economic driver in Kansas. National Geographic Society said that the prime soils were an economic asset.

Stacy White said she supported approval of Chapter 16. She said this chapter was not radical but fit our community well and was timely. The words “encourage” and “incentive” were used more often than “regulate” and “regulation” in this chapter. Overland Park and Lenexa had

adopted stream setback ordinances and no one suggested those communities were unfriendly to business.

Kelly Barth said she was concerned about the preservation of open space. Planning a safe and clean town had economic advantages and brought people to the community. Though it would cost an initial investment it would provide a continued sustainable living.

Gwen Klingenberg said other states and cities had boards, codes, and processes for protection of the environment. Throughout the process encouragement and incentives were discussed. The development code specifically states that Horizon 2020 was a policy document and the development code made the laws to carry it out. Quality of life was listed as a factor by numerous industrial site selector websites. She said H2020 was a living document, not an old document. This needs to be adopted now. The work on this chapter would make the creation of the next long range plan easier. People wanted to come to places where the environment was protected.

Barbara Clark said she wanted to address the concern that these items were not land use issues. It is her assumption that if the American Planning Association has written a planning guide that addresses these issues, than it is clear that these are land use planning issues. She said the Douglas County Food Council included a broad spectrum of individuals. On two occasions the council discussed chapter 16. Dan Warner, Planner, gave an overview of the document and how individuals or groups could interact with the drafting of the document. She said it was disingenuous to say the process had been under the radar. The chapter used the word "incentive" numerous times. This is not heavy handed or over regulatory. It had been through an inclusive, well planned process.

Lisa Harris said she was not sure how more public input could have been gained in a fiscally responsible manner. This would be a chapter in the comprehensive plan, and other chapters addressed other development issues. Overall, the plan was balanced with this chapter included as a component. The comprehensive plan currently does not address environmental

issues. The chapter was not perfect but was as good as we could make it. She asked for its approval.

Beth Johnson said she agreed that we were behind the curve in adding industrial space. We had made strides in that direction. The city took a major step by acquiring the Farmland property. She was concerned about the impact of these regulations on the development of those industrial sites. She said her worry was where jobs and development could come into the community. She said passing this chapter increased uncertainty for businesses and she didn't know what she should tell prospects while these regulations were under development when they asked if they could build in a certain area.

Vice Mayor Schumm asked how other communities had been able to achieve economic success while they had similar environmental protections.

Johnson said timing, that those other communities already had those regulations in place and weren't establishing them in a time of economic uncertainty.

Daniel Poull said he didn't see anything extreme in this document. He didn't see how it would hamper development in a way that reflected our values.

Mary Ross said her farm was highly regulated by the state and federal governments. She said she did not need more local regulations. This chapter would be a violation of her private property rights. She said millions of dollars of local products were raised in Douglas County and she considered the agricultural community to be sustainable. One pillar of sustainability was economic health. The agricultural community and property owners were left out of the process of developing this chapter.

Mayor Cromwell asked if there were potential regulations in the chapter that would apply to farms that continued farming.

Amy Miller said maybe regarding stormwater runoff, but it was not specific to farms.

Bobbie Flory, Lawrence Homebuilders Association, said designing subdivisions with environmental features in mind made neighborhoods more livable. She supported an

environmental chapter. She took an existing subdivision and tried to compare the regulations in the chapter to what actually developed, but it was difficult. She agreed with the goals regarding stream setbacks but disagreed that flood plain regulations should exceed state or federal regulations. She said the goal should be to reach the outcome they wanted not just exceed other regulations. She said the city already had a stormwater pollution prevent ordinance and didn't need more regulations in this area. She said we already have a master street tree ordinance. If we want more trees, how many more? Regarding inventory of the urban forest, she asked if we were really going to inventory every tree. This seemed like a frivolous activity for its cost. Regarding standards for tree maintenance, she wondered if this was an attempt to license landscapers. She concluded by saying that this should be more incentive driven than written now.

Commissioner Carter asked if the homebuilders association had listed specifics other than the ones listed by Flory right now.

Flory said she only hit the highlights here.

Dennis Brown said the chapter had been approved by the County Commission and the Planning Commission. The Planning Commission takes a somewhat conservative stance on many issues in his experience. The City Commission had taken numerous pro-business stances recently. A system which acknowledges our resources helps us make better decisions that will attract businesses and residents.

Luke Bell, Lawrence Board of Realtors, said looking at the totality of the document it didn't promote a balance. First and foremost we need job opportunities. To change that we need to increase commercial and industrial development. While other communities were looking to streamline regulations we were looking at increasing them. Adding 124 new regulations to develop to the planning staff's workload didn't make sense. Olathe adopted a very streamlined environmental chapter. Each of the 124 aspects of Chapter 16 should be discussed separately. Together, they did not encourage job growth. When you look at the overlay maps, if they were

combined you would see a large area of the county blacked out and unavailable for development. In terms of business recruitment quality of life was important but business costs were more important. He urged the Commission to send the chapter back to the Planning Commission for more study.

Marilyn Hull said she wanted to discuss the human and built environment, goal 6. Health does not begin in the doctor office; it begins in the places we live, work and play. She said it was important to develop in ways that are easy to walk, bike, navigate in a wheelchair or get on transit, to encourage activity. Easy access to fresh local food makes it more likely that people will eat healthy. The city can promote these things. Elements of the plan relating to human health should stay in there.

Roger Pine had a list of people asked to make comments. There were five pages of environmental stakeholders and there was nothing about a farmer in there. Most farmers in the community were environmentalists. Their business had to do with natural resources. He said it was inappropriate not to have these people involved in the creation of environmental regulations. He said it appeared the stakeholders were selected but left out were people who made their living off the land in the county. Agriculture in the county added more than \$40 million dollars annually to the local economy. Farmers are already regulated without any of these new regulations. Regarding riparian areas, there is already a program run through a federal agency and it worked better in a voluntary manner rather than mandated. Class 1 and 2 lands had been discussed. The city could do what they want on the airport which was on prime soils. He said the city needed to take another look at this chapter.

Dan Partridge spoke of the connection between environment and health. He was encouraged by what he saw in this chapter. If this chapter is adopted it would be a recognition of the connection between environment and health.

Doug Garber said his income depends on a healthy economy in Lawrence, and it was not currently healthy. In the last 20 years Lawrence had changed and he urged the commission not to do anything that would hinder economic growth in the future.

Simran Sethi said this chapter was discussed over several months by the Sustainability Advisory Board and a member of the Chamber of Commerce was present. At the Planning Commission chamber representatives also attended. If the chamber had concerns that their constituents were not involved what did they do to inform them? The idea that this chapter would hurt economic development was unfounded. Other communities that were not radical places had similar regulations. She said she thought growth should not come at any cost. She said Kansas had hastened its pace of growth in the first quarter of 2011. Protection of natural resources protected health and economic sustainability. Sustainable agriculture was a key effort. She urged the Commission to approve the chapter.

Frank Mail said stakeholder involvement was a concern. A number of boards and commissions were involved but at none of these groups were invitations made to local businesses. He said he tried to participate in the process but his industry (landscaping) was not included. Many of the supporters of the chapter were not job creators. The commission should evaluate the Farmland Industries property according to the chapter. Phase II of the Bioscience Incubator would not comply with this chapter. He urged the Commissioners to send this back to the Planning Commission.

Dean Grobe said former Commissioner Chestnut said H2020 was a framework while others argued otherwise. He said it was a good idea to have an environmental chapter but we should back up and ask what those 124 regulations would be. We should ask where this chapter would send us in the future. Most of the farmers he knows do not know if they Class 1 or 2 soils. They just work the ground they have in the way they need to. He said we shouldn't get too hung up on soil classifications. He said people come to Lawrence because it is a great place but then discover we have all kinds of problems we need to solve.

Lori McMann said the notion that you could not be sustainable and profitable was false. She said there was no business to be done on a dead planet.

Mayor Cromwell said a theme of this process and the comments received was that a lot of the main concerns people had were based on a worst case scenario. We were talking about a single chapter in a large document. It exists within the document to provide balance. It provides clarification to businesses that are considering coming here. It sets the framework of issues that we need to discuss in the future. We would prioritize what was most important for Planning staff and move forward. This chapter exemplifies our commitment to the environment and business development. Ours is a community that values the environment and economic development. There is nothing in the chapter that would hurt our ability to develop on Farmland and the 155 acres. We should not be scaring people with worst case scenarios. This chapter provided guidance for future regulations. It was not a major boon or bust to our city. Each individual item that came out of this would go through a public process with time to carefully consider each. This provides a framework and policy to lead from. Environmental preservation, quality of life, and economic development went hand in hand. This chapter had been through a three year process with a lot of public involvement. The sky is not falling here. This will not be the end of business in Lawrence, Kansas. He said it was time to pass this.

Commissioner Carter said the environmental chapter was needed. His only concern was whether we had to approve it tonight. He said when he was on the planning commission many developments followed all of the guidelines and it still doesn't matter, until it is actually happening, people don't get fully engaged. Right now the stakeholders are engaged more fully. We still came out with a better project even when stakeholders came in at the 11<sup>th</sup> hour. We should move things forward in a way that doesn't divide the community too much. It's not acceptable just to say trust us. There are a lot of specifics in the plan. He said he thought it warrants a little more input from the stakeholders, and that would result in a better plan. There was just not a big rush to get this approved. Another issue regarding economic development

was not only what was in this chapter but how it was interpreted. Adding jobs and income for our residents cannot be lost sight of. Diversifying and growing tax base contributed to quality of life. There was no reason to approve this tonight without carefully considering the unintended consequences.

Commissioner Dever said he hated to rush into anything when it was potentially invasive into the way we did business in Lawrence. He tried to evaluate this as if the City of Lawrence was his customer. He said he went through the document and looked at the scope of regulation. He said he came up with about 16 items that were specifically called for regulation. He asked himself if any of these were deal killers for a potential client. He noted there are not 124 items. He said farmers were some of the best stewards of our land. He said there were some things that were overreaching for county residents, specifically groundwater and riparian protection. He said after consolidating some items there were potentially 14 items to be regulated, and 8 of those mentioned incentives. He said regarding the period after this chapter was approved but before other regulations were approved, we would continue moving forward encouraging development. If there were questions we would get the answer immediately and not try to scare people away. He said we have given this a lot of attention, and we need to move this forward or we will move backward. Rather than putting this off to later he favored addressing his concerns when the actual regulations were formulated. He hoped that over the next four years we could carefully vet these things and get them done. In his book, he said he believed the stakeholders would have an active opportunity to participate as any regulations were developed.

Commissioner Amyx thanked staff and interested citizens on this issue. He appreciated Commissioner Dever's comments about 14 rather than 124 potential regulations. He said agreed with what Mr. Phipps said, that it didn't really do anything to most people. 9 out of 10 people would never know it existed. The fear that came in had to do with the regulations in the future. People want to know how they need to run their businesses. The idea of opening up the comprehensive plan was something that had to be looked at soon. He said there would be an

environmental chapter and this chapter was probably pretty close. He said the question was whether we would look at the specific regulations more closely now so we could address the fears of people. He said he was surprised we didn't have a room full of developers tonight, based on the comments he had received. He said he trusted the commissioners he had served with, but some of the regulations may not be considered by this governing body, so we needed to have a discussion of those items.

Vice Mayor Schumm said he had tried to inform himself as well as he could about the basis of this chapter. He said he had read it several times over the past several weeks, including when he received emails about specific sections. He read the County Commission minutes regarding it. He looked at this document as a giant environmental goal, and one that he was interested in. During the campaign he described himself as a person that was environmentally sensitive. He believed this was a goal that set our aspirations for the future. It was important for us and future generations that we get on with this. He did not believe it would harm job production. People looked at university towns as places that went beyond what some other communities did. Other towns that had done similar things had not experienced detriment.

Commissioner Carter said he would be voting against it not because he opposed an environmental chapter but because he thought it needed more stakeholder input.

**Moved by Schumm, seconded by Dever,** to approve Comprehensive Plan Amendment (CPA-2008-7) and adopt on first reading Joint Ordinance No. 8592/Resolution No. 11-11. Aye: Cromwell, Dever, and Schumm. Nay: Amyx and Carter. Motion carried

4. **Consider a motion to recess into executive session for approximately 40 minutes for the purposes of consultation with attorneys for the body which would be deemed privileged in the attorney-client relationship and then to discuss matters relating to employer-employee negotiations. The justification for the executive session is to keep attorney-client privileged matters and labor negotiation matters confidential at this time. The regular meeting will resume in the City Commission meeting room at the conclusion of the executive session.**

**Moved by Schumm, seconded by Carter,** to recess into executive session at 10:25 p.m. for approximately 40 minutes for the purposes of consultation with attorneys for the body which would be deemed privileged in the attorney-client relationship and then to discuss matters relating to employer-employee negotiations. The justification for the executive session is to keep attorney-client privileged matters and labor negotiation matters confidential at this time. Motion carried unanimously.

Dever, Cromwell, and Amyx returned to regular session at 11:09 p.m.

**Moved by Amyx, seconded by Dever,** to extend the executive session for 20 minutes at 11:09 p.m. Motion carried 3-0.

The Commission resumed the regular session at 11:37 p.m.

**Moved by Amyx, seconded by Dever,** direct the City's attorneys to file a motion with the Douglas County District Court for leave to intervene in the case styled, Scenic Riverway Community Assoc., et al., v. Board of Douglas County Commissioners, Case No. 2011 CV 34. Motion carried unanimously.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Schumm said he would like to schedule a discussion following up on the listening session with downtown stakeholders.

Corliss said staff had put together an analysis of vacancies downtown and minutes from the meeting.

Schumm said there had been about six topics and maybe a discussion of the top three would be appropriate.

**H: CALENDAR:**

David Corliss, City Manager, 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 Amyx, seconded by Carter,** to adjourn at 11:42 p.m. Motion carried unanimously.

**APPROVED:**

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Mayor Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk