



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ARON E. CROMWELL

**COMMISSIONERS**  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

November 1, 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 Tuesday, November 8, 2011 as Lights on After School!

### **B. CONSENT AGENDA**

Mayor Cromwell pulled consent agenda item number 8, revised development agreement for the Poehler Building project, from the consent agenda for a separate vote.

**It was moved by Schumm, seconded by Amyx** to approve the consent agenda as below, with the exception of item number 8. Motion carried unanimously.

1. Approved City Commission meeting minutes from 10/18/11 and 10/25/11.
2. Received minutes from various boards and commissions:  
  
Community Development Advisory Committee meeting of 09/22/11  
  
Community Commission on Homelessness meeting of 09/13/11  
  
Planning Commission Meeting of 09/26/11  
  
Hospital Board meeting of 09/21/11
3. Approved claims to 172 vendors in the amount of \$4,409,402.79.



4. Approved licenses as recommended by the City Clerk's Office.  
Drinking Establishment Licenses for Kangaroo, 1200 Oread Ave and El Mezcal Mexican Restaurant, 1819 West 23<sup>rd</sup>
5. Bid and purchase items:
  - a) Awarded bids for the 2011 Weatherization Program as follows:
    - Attic Insulation to Airtight, Inc., for \$11,573;
    - Storm Windows to Jetalum for \$18,290.28; and
    - Weather-Stripping of doors to Airtight, Inc., for \$3,413.18.
  - b) Approved change orders in the amount of \$68,155.01 to R. D. Johnson Excavating Co. for Project No. PW1102, 6<sup>th</sup> Street, Folks Road to Monterey Way, Geometric Improvements, Milling, Overlay, and Pavement Marking.
  - c) Accepted bid for interior light fixtures renovation of the Parks & Recreation Administration Office located in South Park, from Western Extralite Company for \$18,164.
  - d) Accepted bid to replace the ball diamond lights at Hobbs Park from Musco Sports Lighting for \$84,500.
6. Authorized Staff to advertise Request for Proposal R1113 for the Oread Neighborhood Design Guidelines.
7. Approved staff recommendation to negotiate a contract with Ripple Glass for implementation of a city-wide drop-off glass recycling program.
8. THIS ITEM WAS PULLED FROM CONSENT FOR A SEPARATE VOTE.  
Approved the revised development agreement with Ohio Mortgage Investors, LLC and Poehler Housing Partners, LP, for the Poehler Building project.

Regarding item number 8, revised development agreement for the Poehler Building project, Mayor Cromwell said he had a conflict of interest and was recusing himself from discussion and vote on the item. He left the room at 6:39 p.m.

Vice Mayor Schumm called for public comment. None was received.

**Moved by Dever, seconded by Amyx**, to approve the revised development agreement with Ohio Mortgage Investors, LLC and Poehler Housing Partners, LP, for the Poehler Building project. Motion carried 4-0 with Cromwell abstaining.

Mayor Cromwell returned to the meeting at 6:40 p.m.

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

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

**D. REGULAR AGENDA ITEMS:**

**1. Receive recommendation from Library Board and Library expansion project design committee on the schematic design for the Library expansion project.**

Debra Thompson, chair of the library board, introduced the item.

Joan Golden presented a report on the capital campaign.

Jane Huesemann, Gould Evans, presented the schematic design of the library.

Schumm asked about the west elevation of the library. He asked what the material on the lower level was.

Huesemann said the existing was rough cut limestone and the new would match it.

Amyx asked if the screening would stand up to hail.

Huesemann said they are looking at all of the choices and balancing the needs for durability. There were different options for finishes they are studying.

Carter said he didn't see in the plaza area a water feature or statue.

Huesemann said that would come during design development. They were showing just a large area of hardscape now and they would be talking about what they would be putting there. There may be advantages to having temporary installations there.

Amyx said if we were looking at other alternatives, are we not ready to finish the building but just approve the footprint?

Huesemann said they were asking for approval of the concept of a perforated screening.

Amyx asked about the comments going through historic resources.

Huesemann said they were positive. They had three meetings with ARC and had gotten good feedback. Final approval from ARC would come after final materials choices are made. Then it would come to the city commission for approval.

Mayor Cromwell called for public comment.

Michael Tanner said he disapproved of this. He said he thought we had a satisfactory library for the city. He thought it was a waste of taxpayer money. The money could be better spent on new administration and employees at the existing facility. He had had problems with employees not doing their jobs. They were too busy playing video games to help people. The money could be spent better on things like water treatment.

Wade Briscoe asked if a three story parking garage was really necessary. How much of that parking space would be utilized for the library versus things like football games and going downtown. Those didn't seem like issues for the library. For this amount of money we should use it for other public works.

Amyx asked what steps would be followed from here.

Corliss said tonight the request was to approve the schematic design. Then the architects would proceed with design development. You would then see that again and the issues and choices associated with that. Approval of that would allow them to go forward with construction plans. That would take us through a healthy part of next year. You will then set a bid date for the project. One of the things we are looking at is whether we want to hire a construction manager for the project. You'll be getting a number of land use approvals separately. There will be a site plan.

Cromwell asked about the timeline.

Huesemann said approximately 3 months for design development, 4 months for construction documents, so 7 months then ready to put it out to bid. Could be 6 weeks to 2 months before construction after bidding. There would be a 24 month construction period. Ground breaking would be in the summer.

Schumm asked if the library moves during construction how fast could the construction go.

Huesemann said it could possibly cut the time by half.

Corliss said there could be an advantage from both operational and cost standpoints and we would look at that.

Cromwell said the parking structure would be used for purposes other than the library. That was the point, to provide parking for the library and also other downtown uses. At the current library he had gone there 30-40 times when the lot was completely full. The parking was often used for the pool across the street. He said he had been involved with the project for 2 years and he wanted to thank Gould Evans for their work. There had been an incredible amount of public comment and many public meetings. The result of one of those meetings had been a dramatic change to the parking structure. This is an example of a public concern that had been addressed by changing the plan. The input from different groups had been valuable and he appreciated it. This was a good start to a fantastic project.

Amyx said he appreciated the plan to envelope the building for efficiency. He asked if the outside of the building was the best we could do to come in number wise where we need to be.

Huesemann said we had tried to find a system that had long term payoff and still fit the construction cost. It balanced needs of efficiency vs. cost vs. durability. It was a high quality material.

Amyx asked if they had seen this material used in similar climates and uses.

Huesemann said they had many meetings with city maintenance and other staff and to date they were comfortable with it.

Amyx said if we found the materials didn't stand up, could it be changed during the design process.

Huesemann said yes. That was part of the design development process.

Amyx said he appreciated the work he just wanted to make sure that 25 years from now it was the right decision.

Huesemann said she didn't have statistics on the materials at this stage but they were confident that a material that would work could be found within budget.

Cromwell said we had seen a number of examples of buildings with this kind of material. He said by moving forward tonight we allowed the architect to dig in more deeply on these issues.

**Moved by Carter, seconded by Schumm,** to approve schematic design for the project. Motion carried unanimously.

2. **Consider accepting dedication of easements and rights of way for a one lot Preliminary Plat, PP-7-6-11, for Fifth Street Bluff Subdivision, approximately 0.29 acres, located on W 5<sup>th</sup> Street near the connection of Iowa Street and W 5<sup>th</sup> Street. Submitted by Paul Werner Architects, for JMC Construction, property owner of record. (PC Item 1; approved 6-2 on 9/26/11)**

Amyx said that a few years ago he did not participate in the discussions of this item because he had a connection to one of the properties. He no longer had that connection nor a financial interest.

Mary Miller, Planner, presented the staff report.

Paul Werner, Paul Werner Architects, said this was unique and they did agree with staff recommendations. If they strictly followed the subdivision regulations they would not need the

variances but they went with staff's recommendations. He asked for the approval of the plat. It had met all of the approvals of various staff and boards.

Mayor Cromwell called for public comment.

Jackie Schafer said all of the neighbors surrounding the lot opposed the platting and the driveway on W 5<sup>th</sup>. It would create a dangerous situation. This portion of 5<sup>th</sup> is steep, curvy and narrow. The land is located on a curve on a downward slope. It had drainage problems and visibility is poor. The actual amount of frontage is 38 feet which is below the minimum required for street access. It is utterly insane to allow access there. A planning commissioner did not vote for the item because he didn't want the death of a child on his conscience. One of the neighbors was willing to buy the lot. She asked the commissioners to reject the item.

Chris Caldwell said he was curious to know how many commissioners had driven off the road onto the gravel access road. He said there is no feasible way to build a circle drive. There is no view to be preserved. There are compelling reasons to set aside approvals of previous commissioners. The neighborhood had hardship fighting this. Public health and safety was a concern. A planning commissioner stated that he did not want the death of child on his conscience. The decision tonight was a choice between the neighbors and bailing out an out of town bank. It was a death trap driveway.

Tom Boxberger said the sightline could not be achieved on the downhill slope. He said imagine the danger when cars were driving 20-30 mph. Short of a new home on Iowa Street he couldn't imagine a more dangerous place to put a driveway.

Schumm asked staff to comment on the driveway and the slope and whether there is room for a turnaround drive.

McCullough said he was not sure if they had required a deep analysis of those issues, except on the street itself. We didn't have anything to show you what it would take to meet the standard tonight.

Schumm asked if the lot had to be raised.

McCullough said there were design options.

Werner said it was clearly a walkout lot. We never agreed to a circle drive, but a hammerhead drive. They thought that was a good idea and they planned to do it. It was a big lot by today's standard. They would submit a drainage plan when they planned a house on the lot. They believed it could work.

Amyx asked about the possibility of a pending sale on the property.

Werner said the owner to the north made an offer, but it did not meet the appraised value. He was not sure of the banking regulations but did not think they could sell it at that price. It was priced at \$24,000 and the adjacent owner was \$6,000 off.

Amyx asked about the elevation at the center of the driveway compared to 50' to the east.

Werner said he didn't have that now. They would center the drive on the lot. He didn't think it was as drastic as Longleaf, but clearly it was a walkout.

Amyx said at that curve and at the bottom of the hill, either one was potentially dangerous. His main concern was the elevation difference.

Werner said police reports did not reflect the accidents that supposedly had occurred. TSC had been asked about speed bumps and other options and had not recommended anything. The planning commissioner that had been quoted had voted in favor of this. The easy answer was to dedicate the right-of-way.

Carter said he was on the PC when this first came through and the arguments had changed somewhat. Now the neighbors are focused solely on the safety. He said one of the no votes was related to safety and the other referred to stormwater concerns. When it comes to those kind of things it is important to rely on the experts in the community. He said he had talked to city engineer Shoeb Uddin about the sight lines and safety issues and not only did he not have any bigger concerns about this driveway than any others in the area. Also, when this got built stormwater runoff would be addressed and if the plan didn't work it wouldn't move forward.



The reasons cited for the negative votes weren't applicable in his view. Now that this has gone into foreclosure the price has reduced dramatically. He hoped the neighbors could come up with a way to purchase it, but he felt we had done what was right with it. They had the right to develop on it, we had ways to remedy the concerns, and this should really be an administrative thing. There is no change to what was approved before.

Amyx asked about the process someone would go through to develop this. Would the concerns regarding drainage be addressed.

McCullough said Matt Bond would get involved more than usual in this to give it a higher level of stormwater review than a typical single lot.

Dever said he understood the concerns about traffic and other items. There are several existing driveways that come in at blind curves and there are not police reports of accidents there. This was not a dramatically different situation. If there was truly a problem it would be reflected through police reports. There is definite work that would have to be done to improve the lot, but given that there are similar driveways there he felt there was not grounds to deny it.

Amyx said the reports that may not exist in the police department, he could share some stories. There was a large stone out there now. His father-in-law had driven through several mailboxes. Minor accidents had hit that stone. If you go to the west it is hard to see around the curve. Especially in the winter time there was something to be said about the problems. The only reason he put himself opposed to the experts was that he had slid off that road himself.

Dever asked if there was a difference between this one and the other driveways. He said he respected Amyx's opinions but it was a tough decision.

Amyx said he appreciated everyone's comments, but this was a time where he just felt this was a decision everyone had to make individually.

Dever said it is a steep drive and there were a lot of steep drives in town and sometimes they have trouble in snow.

Cromwell said he felt his concerns were satisfactorily answered last time this was considered. We wanted to encourage infill but sometimes there are more concerns with infill than greenfield development. We had given everything the attention it deserved. He felt our process would protect the public. If the neighbors came to the table and bought the lot it would be a good solution. There were legitimate questions but they had been answered to the level they needed for him to move forward.

**Moved by Carter, seconded by Dever,** to accept dedication of easements and rights of way for a one lot Preliminary Plat, PP-7-6-11, for Fifth Street Bluff Subdivision, approximately 0.29 acres, located on W 5<sup>th</sup> Street near the connection of Iowa Street and W 5<sup>th</sup> Street. Motion carried 4-1 with Amyx in dissent.

**3. Consider authorizing distribution of Request for Proposals for a Facility Needs Assessment for City of Lawrence Police Department facility needs.**

Chris Mulvenon, Assistant to the Chief, presented the staff report.

Dever asked if we would be the only ones participating in this assessment.

Tarik Khatib, Chief of Police, said at this point there was not interest from the other agencies.

Dever asked if doing just our assessment would cost less.

Khatib said yes.

Carter asked how many bids we expected.

Khatib said he thought there were various firms that would be interested.

Carter asked if there were options for building our own facility or leasing one.

Corliss said yes. One of the key issues that was important was whether we wanted all of our department in one facility. Some discussion of location would also be important. This would not be a schematic design like the library, it would be square footages for various needs.

Mayor Cromwell called for public comment.

Jessica Baron said it had been brought to her attention that there was supposed to be an audit of the police department last year, and the police chief had retired related to that. She said that audit should be done before additional funds would be allocated to the department.

Cromwell said it was not accurate that the change of police chief was related to the audit.

Corliss said that was just not accurate.

Cromwell said audit work on various departments would continue according to the audit plan.

Corliss said we wanted the report done early enough that it could inform budget decisions.

Amyx asked if the RFP would come back to the Commission before going out.

Corliss said it wasn't planned but it could certainly come back. The scope of the work isn't finalized until the firm is selected and negotiations take place. The process was to distribute the RFP, a selection committee would recommend a firm. The commission would consider the negotiated scope in the contract.

Cromwell said this was a good idea to bring in experts to determine what our needs are before launching into building something like this with specialized needs.

**Moved by Schumm, seconded by Dever,** to authorize distribution of Request for Proposals. Motion carried unanimously.

The Commission recessed for approximately 5 minutes at 8:14 p.m.

The Commission resumed the regular session at 8:22 p.m.

**4. Receive staff report from Sustainability Coordinator on proposed use of certain City property for urban agriculture/community garden project.**

Eileen Horn, Sustainability Coordinator, presented the staff report.

Boog Highberger said this was a situation where there weren't many downsides. There were economic development, community development, and educational benefits. He supported the proposal.

Rita York, Community Mercantile, thanked Eileen and the Commission for their work. She said we need serious collaboration with all stakeholders. She was confident that the program would have benefits to the community. She also supported the program as part of the Merc's educational programs. The program would intentionally serve underserved populations.

Brant Ramey said he was currently working through KU Med on Native American health disparities. He supported this proposal. In Arizona he had seen a lot of success in similar programs. He said he particularly supported the aspects of the program that allowed young people and low income people to participate.

Michael Almon said one of his projects was the permaculture collaborative. He thought this proposal was excellent. He had a few questions. Was there one licensee per parcel intended or was it unlimited. He wondered about the right to sublet and how it would work for a community garden. He wondered if there was a way to address the insurance needs without being an impediment to participants. If there are provisions like the right to assign with the written consent of the city were there options to make other modifications with the consent of the city. He didn't see anything either about organic or chemical growing. He would like to see some guidelines about what was allowed on a particular parcel. Otherwise he thought this was wonderful. Eileen had included various aspects of the Peak Oil plan in addition to the Climate Protection plan. If we are hit by an energy crisis agriculture is one of the first thing impacted. He encouraged the Commissioners to review the Peak Oil Plan.

John Hornberg said this was a wonderful plan with the exception of one site. He said he had written his concerns and would give them to the City Manager for distribution to the commissioners.

Schumm asked which site he was concerned about.

Hornberg said Burcham Park.

Matt Schwabauer said he supported the proposal.

Dan Phelps said he supported the initiative. There were many barriers to young farmers. A major one was land access. He was very interested in the potential for urban agriculture. There were many people with interest and abilities to make use of vacant lots. He said the average farmer was in their upper 50s in age. Urban farming would replace a lot of the small scale farming in the future. This could attract people to Lawrence.

Carter asked if Phelps' food with the school garden program made it into the cafeterias.

Phelps said yes.

Crystal Amberschmidt said this was a great opportunity for the school gardens. This would be a great way to expand those programs and she hoped we could move forward quickly.

Nancy Thellman thanked the Food Policy Council, Eileen Horn, and Commissioner Schumm for their support of this. She said the Food Policy Council was appointed by the County Commission and was comprised of local growers, organic growers, school, business, the Chamber of Commerce and others. It was a diverse group and this was a big opportunity to do something tangible in the community. A wonderful aspect of this proposal was helping a young generation seeing government work on their behalf. She thought there were high standards in place that would keep the lots from becoming problems for the neighbors and the city. This was not a new idea and had been done in many other communities across the country.

Carter said it was good to see that we were already providing some food to schools. As part of the program was the intent to provide 100% what was needed for the local schools?

Thellman said there were obstacles at the federal level to do that. We also weren't growing enough to do that. The hope was that they could do more institutional growing eventually.

Schumm said the goal of the council is simply to produce local food and it doesn't matter who you are. It was pretty much open to all. He had asked about the insurance requirements and thought they may be difficult for a very small grower. Maybe it could be waived for a particular size. Maybe a group policy could be purchased. We wanted the entry barrier to be a minimal as possible. The water meter situation was another issue. Water bills contain other charges for sewer, stormwater, trash, etc. Maybe we could create a rate just for water. Some of the lots are fairly large and how do we carve those up and manage ten people at one site? If a couple people walk away from the project how would we handle that.

Horn said we would license the property to one party and they could sublease and have their own policies for, for example, community gardens.

Schumm said one of the requirements was for written consent from the city and would that allow the sublease situation? He wanted to make sure the framework was there to allow subdivision where it made sense. His other comment was that a gardener puts a lot of energy into the soil over the years, and if they have to give it up after three years, we may want to preserve the right for that person to continue beyond three years.

Horn said we have done research on liability insurance. If a business has farm insurance they can name the city site and it shouldn't be difficult. An organization with general liability should be able to add farm liability. The minimum for an individual to obtain \$500,000 coverage was about \$300 and that might be a barrier. Regarding growing practices, the application asks growers to describe their practices. They didn't want to proscribe that certain sites be organic only but that would be considered for each site.

Corliss said we wanted to find a way to get to yes. It was a pilot project and we would have to come to a balance of all the interests. He thought we could work on the water meter issue. The longer term on the lease was an issue we would need to work on. There were values to having shorter and longer leases for different reasons. There were some crops that needed

longer than three years and there were probably some growers that didn't want to be locked into a longer lease.

Carter said this was somewhat of an incubator program. From an administrative standpoint he would be careful of putting too much administrative burden on Eileen. There were nonprofits already in place that could perhaps help with the administration. As far as the application, there could be some kind of priority given to nonprofits or educational uses.

Horn said we had not discussed that. Some of the sites may be better for community gardens. It would be a site by site consideration.

Amyx said he appreciated the discussion of chemical vs. organic. We had talked about that in our parks, and how we would notify the public. Something like that might be appropriate for this program. He said there are private properties around town and he asked if there was a possibility for those to be involved.

Cromwell said some of that goes on around town already.

Dever said he was in favor of moving forward on this. We could develop a core group of people who were effective in this program. There was one location, Riverfront 4 that was in close proximity to the bike trail and we should look closely at whether that would infringe on the use. What did we look at when considering the sites?

Horn said they looked at available city lots and interest and ability for the city to manage them. Soil type was not considered.

Dever asked if we could get a copy of all the excess property the city owns. There is probably a lot of property out there and he would be interested in knowing the extent of our land holdings. He said there is a lot of work involved in creating arable soils. Some of this excess land could possibly be sold to the groups that redevelop it. Perhaps that could be the next step. He also asked if there was a policy or plan for disposing of excess property. Not just these but in general how to get city property off our hands and into private use.

Schumm asked how many of the current properties had water.

Horn said 4 of the 14.

Schumm asked how many of the others could get water with minimal investment.

Horn said maybe 3 or 4 more are close to a waterline.

Schumm said it would be almost impossible to raise anything without water.

Horn said we could do more research on the costs to extend water to those sites.

Cromwell said this was a great idea. School gardens had picked up in the last four years. It brings people into contact with the food being grown and that was important. It is a great community builder. The devil is in the details though. He said he could think of downsides but he could think of a lot more benefits and it would be managed well. He said he shared Carter's concern that the ongoing administration by Horn might be a problem and it could be passed on once it gets going.

Amyx said we had the opportunity to talk about some really good community projects. He said last week Mr. Briscoe had talked about learning about what the government does and he said this was an example of something really good we did. There are a lot of really good ideas in this.

Corliss said we would get a report together that Dever had requested regarding property that is titled to the city. Excess is probably a judgment call. Sometimes we wanted a buffer around pump stations and other sites.

Schumm said this would be a great program that would touch a bunch of people's lives. He would like to see gardens in operation in the next growing season. At least by March land needs to be assigned.

**Moved by Schumm, seconded by Carter,** to receive report and direct the Sustainability Coordinator to move forward with implementation. Motion carried unanimously.

**5. Receive the Audit Recommendation Follow-Up Memo from the City Auditor.**

Michael Eglinski, City Auditor, presented the staff report.

Carter said regarding F, he asked the city manager's view.



Corliss said there was value in having a more comprehensive right-of-way management ordinance. There would be a need for more inspection staff and he didn't think we had the ability to do that right now. We might want to revisit that in the future. We had put staffing resources to street maintenance. If we put the requirements in place we wouldn't have the resources to respond to the investor owned utility requests.

Carter said it made sense to match staffing to resources.

Eglinski said there was an ordinance on the book that wasn't actually administered.

Soules said there were a lot of aspects to right-of-way management that we didn't have the ability to do.

Dever asked if Eglinski was recommending we get rid of the excavation permit off the books.

Eglinski said there were more modern approaches to managing the right of way that might be an option.

Dever said the utilities do disturb the right of way and we should pay attention to that.

Corliss said we do work with them and have requirements for traffic control and other things. In order to have staff to address all of the uses of the right-of-way by the investor owned utilities, we just didn't have the staff.

Cromwell said we could keep that recommendation open.

Amyx asked about the solid waste recommendations and which ones were recommended to be closed. Would we only close the one on costs and benefits.

Eglinski said yes.

Cromwell said he looked forward at some point to hearing more about the street lights.

Mayor Cromwell called for public comment.

**Moved by Dever, seconded by Amyx,** to direct the City Auditor to close the recommendations A, B, C, D, E, and L. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Brian Sultana said that in the week and a half that Occupy Lawrence had continuous presence in South Park no one had been arrested. Following that two houseless people had been arrested and jailed there. During a rally he said he had spent a few hours in a sleeping bag on the street corner and had not been approached by police. If the city is confident in the moral and lawful rightness of the ordinance than the police department shouldn't only be enforcing it when people were less likely to be watching. He thought the issue shouldn't be danced around. He felt the ordinance targeted the most vulnerable members of the society for nonviolent, non disruptive actions. It didn't do anything to address homelessness and other issues. Core issues weren't being addressed. It is not the right course of action to send people to jail for being houseless.

Dory Mills said when they occupied the park a lot of issues came to light. There was a problem with the shelter and houseless people. We need to get to know people and the barriers to them. Seeing people get arrested who can't get into the shelter is hard to watch. She said some people thought if we built a shelter on the outskirts of town it was trying to hide the issue, but she disagreed. She said her focus was misdistribution of moneys and she would like to know the status of the shelter move.

Cromwell said the city had been heavily involved in the shelter and homeless issues.

Mills said we were a unique city and took care of our people well.

Cromwell said he would advise going to the shelter and asking them the status of their project.

Mills said a lot of awful things that went on there. She wanted to know where to go.

Cromwell said the shelter was a privately run organization and he suggested going to the shelter.

Mills asked if it was something that could be discussed by the Commission.

Cromwell said he didn't think that would be on an agenda.

Carter said the management plan would likely address a lot of her questions.

McCullough said she could get that from the Planning Office.

Wade Briscoe said one of their problems was the ordinance Brian mentioned. He could only see that it was costing the city money. We live in a 24 hour community. Why have the ordinance saying the park closes at 11:30 when people are going through the park late at night. He said he worked night shift and thought people should be able to use the park at any time.

A man said the city was very lenient in allowing a situation to go on for a limited time. Any plan that is going to help the needy would have to help the entire community. There are ideas that aren't working and others that are. This is a generous community but people are worried about a lot of things. How can we, in an intelligent way, help the needy without messing up the community for everyone.

Jessica Baron said Occupy Lawrence was a nonviolent protest movement. They wanted to address the causes and effects of corporate greed. They wanted to create a public forum to discuss ways to address injustices. She said she was asking the city to suspend enforcement of the camping ordinance and park hours.

"Chelsea" said in 2005 she was a high school senior and was sitting on the sidewalk and little did she know she was breaking the law. The only time those ordinances were enforced were against the houseless and poor. The police were engaging in selective enforcement. An example was Robert Gilmore who had been arrested. It was a ludicrous waste of money to continue arresting and holding this man. This was criminalizing homelessness. According to the National Coalition for the Homeless Lawrence was the 2<sup>nd</sup> meanest city to the homeless. People need a place to lay down their head. It is our duty to care for one another.

Michael Tanner said he would like to state, for the record, that it has been ruled in the Supreme Court that homeless campers are not campers and are not criminals. We have some judges here that were not playing by the rules, because it had been ruled that this was not a crime in the Supreme Court in the United States of America, so why are people going to jail that are houseless or homeless or whatever? Why not reconsider my supposed City of the river

where I housed up to 50 people a night? Because last week's City Commission meeting hasn't been open to the public on the internet and has been withheld, I have to rename some names; Robert Fairchild, Max Couch, Judge Carlson, Judge McGrath, Judge Malone, Judge Martin and Judge Miller, these were just some of the names and I have been before all of these judges and personally witnessed unethical behavior out of all of these judges. Therefore, I would like to thank Judge Miller personally on television, and also wanted to thank Hatem Shahine, the "public pretender," from Douglas County Legal Aid who was suppose to be the best "public pretender" that they've got. Well, he told me something that was a lie, one time in a case that he handled for me. He told me that I could not sue a municipality, and I scoffed at you Hatem Shahine and suggested that you look up the case of Brent Wiebold versus the City of Kansas City and study that, I scoff at you. Something had to be done about the unethical behavior of these judges. I'm not speaking as an "Occupy Wall Street" guy, but as a guy that was an advocate for the homeless. I have been known to help and house homeless people. I am speaking not against corporate greed, but social injustices. There were many injustices that were going on in our court rooms and because these judges had dealt treacherously with the servant of the lord, I had to say "lo-ruhamah", thus saith the Lord that was a Hebrew word that meant "I will no more have mercy." What I am trying to say was that my god was going to cometh do battle with your Phoenix God and when you persecute low income and homeless people like this, you have to suffer and have repercussions. "What goeth around, cometh right back around to biteth thee in the booty" and the booty I was talking about was a pirate's treasure. It was a treasure that's been laid up by ill gotten means. Not to be mistaken for someone that would come in here and use foul language; I had to give you the correct dictionary meaning of this word because I don't want to be shut down. I would like to thank Douglas County Legal Aid and Scott Miller for absolutely proving to me that I can't get a fair trial in your town and from now on, when I come before your judges, I shall either get a recusal or a

change of venue because I don't want to hear anything that your unethical judges in this town has to say and I'm not just talking about district court, I'm talking about municipal court too.

John R. Tuttle III said he wanted to carry on where Tanner left off. He had called the Commissioners out and cussed them out last week but they had still not received an answer. Who were the men in the white shirts? You can not make a clandestine subdivision of any department without public forum.

Cromwell said our downtown patrol wear different uniforms downtown to be a little more approachable.

Tuttle said it was not working and it was a lie. We refer to them as the homeless stalkers. They have been identified as a Downtown Homeless Task Force. When I talked to the chief I asked him to name that division. After battering him he finally came around and said they were public safety. Has that been codified? Is it according to federal law?

Cromwell said they were police officers.

Tuttle said they were serving DLI and the Chamber and not the community. It told us that you didn't respect our sovereignty as human beings. It is very clear that it is their sole purpose to persecute the homeless. What exactly is their purpose. Are you going to wait for the clock to run out or are you going to answer me?

Cromwell said they were police officers and we all knew what police officers do.

Nicolai Mendola said the figure of 2.5 million dollars to jail one person was crazy. Also the hindrance of applause was a hindrance of public morale.

Cash Node said he had seen the police everywhere preying upon the homeless because they are weak and defenseless. He had seen the police abuse the defenseless. The only thing worthy of us in Lawrence is compassion.

John Weismiller said one of his concerns was that Robert Gilmore had spent 16 years without any change in his condition or behavior. This was an intractable problem. He advocated that Occupy Lawrence could help the homeless in a way that was not constrained by processes

and legislation. They could provide roving housing, food, guidance. If we receive public recognition we would have the ability to remove that entire stigma from our city that we are mean to the homeless. We could clean up neighborhoods, work at soup kitchens, etc. We had the ability to help. We are asking that you let us have that responsibility. He said he wanted to help the community without going through the due process.

Schumm asked why he felt he was interfering with the process.

Weismiller said coming down here felt like an imposition. There are actions. If I want to go to the student ghetto with a garbage bag I can do that but to go through the Commission for a clean up day it had to go through a bunch of red tape.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**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 Schumm, seconded by Amyx** , to adjourn at 10:13 p.m. Motion carried unanimously.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk