



City of Lawrence

CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

• DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

February 7, 2012

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. None.

B. CONSENT AGENDA

Matt Schwabauer requested that Minutes from December 14 Sustainability Advisory Board be removed from consent for discussion.

It was moved by Amyx, seconded by Schumm to approve the consent agenda as below, with the exception of item 2. Motion carried unanimously.

1. Approved City Commission meeting minutes from 1/17/12.
2. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION AND VOTE. Received minutes from various boards and commissions:

Solid Waste Task Force meetings of 12/12/11, 01/05/12, 01/19/12, 01/26/12, and 01/31/12
Sister Cities Advisory Board meeting of 12/14/11
Mental Health Board meeting of 11/29/11
Lawrence Cultural Arts Commission meeting of 11/09/11
Planning Commission meeting of 12/12/11
Sustainability Advisory board meeting of 12/14/11
3. Approved claims to 338 vendors in the amount of \$5,379,275.04.
4. Approved licenses as recommended by the City Clerk's Office.



Drinking Establishment Licenses for Famous Dave's, 4931 West 6th Ste: 130, Free State Brewing Co., 636 Massachusetts, Mariscos, 4821 West 6th Ste: A, Yokohama Sushi, 811 New Hampshire, Morningstar's New York Pizza, 4931 West 6th No: 106 and Sidewalk Dining License for La Parrilla, 814 Massachusetts.

5. Approved appointment of Amanda Schwegler to a Lawrence Alliance position that expires 11/30/12; reappointed Darin White to a Lawrence Cultural Arts Commission position that expires 01/31/15 and Shirley Martin-Smith to the Public Health Board as the joint City/County representative to a term that expires 03/31/15.
6. Bid and purchase items:
 - a) Set bid date of February 21, 2012 for City Bid No. B1211, Project No. PW1204, 2012 Microsurfacing Program.
 - b) Set bid date of February 21, 2012 for City Bid No. B1214, Project No. PW1126, Delaware Street, 8th Street to 9th Street, Street, Storm Sewer and Waterline Improvements.
 - c) Set a bid date of March 06, 2012 for Bid No. B1208; Priority Group I of Project UT0919CS General Wastewater Pumping Station Improvements.
 - d) Set a bid opening date of March 13, 2012 for Bid Number B1213 for 2012 Utilities Department Pump & Motor Rehabilitation Program.
 - e) Set a Bid Opening Date of March 13, 2012 for Bid No. B1212; Kaw Water Treatment Plant Sludge Collector Drive Replacement.
 - f) Waived bidding requirements and approved extension of the Intellution Software Maintenance (for software controlling water and wastewater treatment and distribution systems) to GE Fanuc Intelligent Platforms, Inc., c/o Industrial Network Systems, for \$37,706.54 for the period of March 1, 2012 to March 1, 2013.
 - g) Approved funding in the amount of \$80,000 from the Infrastructure Sales Tax to purchase a paint machine/striper, provide for equipment maintenance and purchase pavement marking material supplies. Approved funding in the amount of \$35,000 from the Infrastructure Sales Tax Fund for additional contract pavement marking maintenance at major/critical intersections.
7. Adopted on first reading, Ordinance No. 8703, establishing no parking along the north side of 12th Street between Indiana Street and Mississippi Street, rescinding any ordinance in conflict. (TSC Item 3; approved 5-3 on 11/7/11; approved by City Commission on 01/24/12).
8. Adopted on second and final reading, Ordinance No. 8695, renaming 11th Street from Mississippi Street to Missouri Street to Fambrough Drive.
9. Authorized City Manager to enter into an agreement with Bartlett & West Engineering in the amount of \$299,860 for the development of the Farmland Industrial Business Park

Master Plan, K-10 and O'Connell intersection/signalization design, and evaluation of sustainable energy options and green infrastructure.

10. Received requests from: Paul Werner Architects, representing the former Don's Steak House Property, Pat Slimmer (Slimmer Automotive) and Mike Hultine (on behalf of SurePoint Medical) requesting property purchase or option to purchase certain portions of the former Farmland tract property, and tabled requests pending completion of the Farmland Master Plan Study.
11. Authorized the City Manager to enter into a Land Lease Agreement and Option to Purchase with Cornerstone Plaza, LLC, for parking facilities on the Farmland tract property.
12. Approved selection of growers to participate in the Common Ground program, and authorized staff to negotiate license agreements between the City and the growers.
13. Approved as "signs of community interest", a request from St. John the Evangelist Catholic Church to place temporary signs on church property at various times throughout 2012.
14. Approved as "signs of community interest", a request from the Pilot Club of Lawrence to place a directional sign at the northwest corner of 23rd and Harper Streets advertising an antique show. The sign will be placed on February 24 and removed on February 25.
15. Authorized the Mayor to sign Subordination Agreements for Russell and Carol Beeson, 507 Louisiana and Bill Rich, 1512 E. 13th Street.

Regarding the December 14 Solid Waste Task Force Meeting Minutes, Matt Schwabauer said the minutes were misleading. He said a small issue he had, but not a deal breaker, was about the failure to include a start time. The meeting started 30 minutes late and caused him to miss another appointment. If the meeting minutes were sent back for revision, he believed that point should be included. The reason the minutes should be sent back for revision was the failure to include all of his statements in the public comment period and numerous responses by members of the SAB (Sustainability Advisory Board). The minutes submitted and approved unanimously by the SAB read: "Matt Schwabauer, a Lawrence citizen, raised concerns about the environmental impact of fracking (hydrofracking). He wondered what the SAB thought about fracking and if it would be in SAB's purview to advise the City Commission on this practice. The SAB briefly discussed this topic and decided to postpone discussion to a future meeting." He said he supplied, for the City Commission's review, a complete transcript

which he took the time to draft from an audio recording of the meeting. Since the entire conversation lasted 17 minutes he would not read those minutes, but would point out a few key points which needed to be included in those minutes. He said he opened up the discussion with a point about Mayor Cromwell's joke regarding oil prices improving his business. Daniel Poull, the then Chair of the SAB, corroborated Mayor Cromwell's position which was a critical omission from the meeting minutes and needed to be on the record. He said he will not go into the fallacies of Mayor Cromwell and Daniel Poull's position at this time because he did not bring those fallacies up at the SAB meeting which was the current topic. After another few minutes of conversation with the SAB, he made a clear and concise request that the SAB advise the City to cease expanding natural gas and fossil fuel infrastructure. This was another glaring omission of those meeting minutes. Although he respected members of the City Commission and member of the SAB as humans with the same basic needs as himself, it did need to be noted when they were unaware of the issues related to the topic on which they were to advise the Commission. The meeting minutes failed to recognize that at least one member of our SAB was unaware of the City's compressed natural gas car program and another was unaware of the presence of fracking in this State. To the most important question he proposed, regarding the obligation to purchase just energy, the SAB had no proper response. This was particularly disappointing because it was actually the easiest of all the questions and a simple "yes" would unleash a wave of progress in efforts toward sustainability. Instead of this enlightened attitude, the response of the SAB to tell him that he was asking big philosophical questions. The conversation rambled on to another question that he posed, but once again was left out of the minutes which was "Why didn't the city have a bike to work incentive?" There were many important statements made during this discussion, but to bring all those questions to light now would take even more time than already had. He didn't see how anyone on the Commission could receive those SAB minutes while they lack even a handful of details that he had pointed out. This ought to illustrate the flaws in our meeting records system, it seemed simple enough

to record every meeting and post an audio file on line within 24 hours of completion. He said he would like that formal suggestion to be included on this record. He said for the public and the Commissioners he posted the recording and transcripts of the SAB meeting online at www.elschwabino.com.

Mayor Cromwell said he believed his comment was that when oil prices go up, people buy solar panels, which is true. He said he does make light of things he cares about and he did not intend any offense.

Schumm asked if we wanted to send the minutes back for revision.

Cromwell said minutes are not a comprehensive blow by blow description of everything everyone says. They are public meetings available for anyone to attend.

Schumm asked who wrote the minutes.

Corliss said that Kathy Richardson, City's Waste Reduction and Recycling Supervisor, transcribed the minutes. He said the minutes were not the City Commission minutes, but the minutes of the board. They could ask the board to consider the information. He didn't think it was appropriate for the City Commission to correct those minutes.

Cromwell said he recommended sending comments back to the Sustainability Advisory Board that concerns had been received regarding the SAB minutes and if they were comprehensive enough.

Moved by Schumm, seconded by Carter to send the Sustainability Advisory Board comments that concerns regarding the comprehensiveness of the 12/14/11 minutes of that board had been received by the City Commission. Motion carried unanimously.

Moved by Amyx, seconded by Carter to receive all of the minutes, including the Sustainability Advisory Board minutes of 12/14/11, which could be revised and said revision received later if appropriate. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. Receive staff report and public comment on the issue of ATT Video Ready Access Device (VRAD) Box Installations.

Diane Stoddard, Assistant City Manager, presented the staff report.

Mayor Cromwell called for public comment.

Shane Lopez said he was the caretaker of 744 Mississippi. He said these were three refrigerator sized units. They were also point of service technology which meant that each time someone signed up for service or turned it off an ATT employee parked a truck there and performed the service. ATT has changed the game on right of way and have made these points of service. This whole area is on the historic register. Some of the battles for Quantrill's Raid took place in this area. He said the installation did not receive historic review until after the fact. He said if he wanted to build a home he would have to go through that first. There are sixty plus setups like this in Lawrence. This is the only one in a historic district. There are safety implications. The sight line triangle is obliterated by these boxes. We have implications for the future use of public space. In the current code there is nothing to preclude another utility from putting other installations all the way down this right of way. There is nothing that precludes them from having a point of service relationship. He said he believed ATT was in violation of article 9A of the code. He thought they were in violation of A, D, F and H. He said he was expecting that we don't allow this sort of things in historic neighborhoods. He said these should be moved out. The right of way articles need to be revised. He thought a community task force could evaluate these right of way uses. He said all 60 installations should be reviewed.

Mike Scott, ATT, said this was a thorny issue. They had dwelt with the issue with Mr. Lopez numerous times and it probably needed to be brought to the attention of the City Commission. ATT was compliant with all city requirements on this installation. They had done everything they could. They made improvements above and beyond what was expected. They

were not a company that put up facilities and left them there forever without any more concern. UVerse was a new product that had tremendous success. It has brought competition to the city and that improved quality of the product. He said they had a statewide franchise that allowed them to do this, and they acted in a responsible way to comply with local laws also. There were 60 installations throughout the city with only one other complaint. He said he was sorry Mr. Lopez had these feelings, but there was not any appeasing what he wants, which is to remove the boxes. That was not possible. The installation was vital. They had tried to work with Lopez but had not been able to satisfy him.

Schumm asked if ATT had any leeway on where they could place this apparatus. Could it be half a block away, in general, or does the technology dictate where it is set.

Mark Thompson, ATT, said they had to be in close proximity to where it was at now. There may be a leeway of 25 feet or so.

Schumm asked if the underground portion was in conduit.

Thompson said yes.

Schumm asked if there were lower profile equipment.

Thompson said no.

Schumm asked if each location had three pieces.

Thompson said yes.

Dever asked how the location selection was done.

Thompson said it depended on the location of the customers and potential sales.

Dever said this must have some sort of special technological advantage to be there. What about future installations, were they based on the number of households and potential shares.

Thompson said all of these things went into consideration.

Schumm said technology changes rapidly. If these boxes become obsolete, he asked if the boxes would be removed.

Thompson said yes.

Cromwell said they were white, not green.

Thompson said they were a beige color.

Cromwell asked why not a color that would blend in more.

Thompson said darker colors had more thermal issues. A dark green would absorb more heat in the summer. The equipment inside the unit also generated heat. They had standardized on the beige color.

Amyx asked when the decision was made to locate in Old West Lawrence, were there other locations considered.

Thompson said this was the only place based on the potential infrastructure.

Amyx asked if it was based on sales couldn't it go somewhere else.

Carter said if we did a "before" and "after" shot, were all these new or were there existing boxes.

Thompson said there was a smaller green box at that location before.

Cromwell asked Lopez about other size configurations he located in his research.

Lopez said the previous box was about the size of a fire hydrant. There was a fan that they could hear. There were red lights that could be seen at night. In other communities people had to fight with these things. These were not new technology. They could do this with a lower profile, underground, or at other locations, it would just cost them more. There are many ways to resolve this they just cost a little more. In a historic neighborhood he said his responsibilities were a lot harder. You might lose a housing start based on this issue. There are many cities dealing with this. Every city struggles with it and they find ways to deal with it. Sometimes they limit the times of day that points of service can be utilized.

Carter asked Scott what his ideas for dealing with this were moving forward.

Scott said he just felt they had reached an impasse with Lopez.

Thompson said the previous box did not have electrical components.

Dever asked why we couldn't use pole mounted VRADs and what they looked like.

Thompson said he had not seen those. Kansas did not have any. Basically a bracket would be built and the same box would be mounted on a pole.

Schumm asked if these could be underground.

Thompson said the box was designed to be above ground.

Schumm asked if he knew of any that had been installed underground.

Thompson said he not seen any in his area. Humidity would be a concern.

Schumm asked if partially submerged could be okay.

Thompson said he wasn't sure if that was possible.

Schumm asked how deep the conduit was installed.

Thompson said 24-30 inches.

Schumm asked about putting a retaining wall and partially burying it.

Thompson said they would have to deal with water pooling.

Amyx asked if air conditioners and dehumidifiers could not be used.

Thompson said most of those could not fit in a right of way. They would be 10-20 feet square and 15 feet deep.

Amyx said he remembered using those in the past.

Thompson said the number was limited and they are generally not in right of ways but in easements.

Cromwell said he didn't know how this one worked in this neighborhood. He completely sympathized. He said something else has to occur to make this work in this neighborhood. Everything had been shot down. There are solutions and he wanted to know what ATT thought was best. He said there was another issue which he didn't like. As technology evolves he would never have imagined such a large box in the right-of-way. Without any controls we were being asked to allow anything. He said the state of Kansas wasn't allowing us much. What about a right of way commission.

Corliss said he worked on this issue 10 or 12 years ago. The city's ability to limit the right of way had been decreased at that time. Under our existing laws we think this complies. We have looked at whether other cities have used something, but we are limited by state law. We haven't exhaustively looked at everything yet. He didn't know what a right of way commission would do. It was really a matter of law, do they have a right to do what they want or not. As we look at this we also have to look at our staffing, not to say we couldn't do it, but we would have to be careful of that.

Cromwell said it seemed to work in 60 other cases, but this one didn't. He wanted to know what ATT could do at this particular site that was a little out of the ordinary.

Scott said maybe they could continue working with Lopez. Other than that, he didn't know what else to suggest. Maybe they could use the city as a mediator. They are not close to saying they are done, if there is something they can do within reason they would.

Cromwell said he would suggest that the city could facilitate that.

Schumm said the issue would be to lower the profile that would be a great advance. There is always a way to do something. He understood that ATT liked a standard installation, but something extra could be done here to be a good neighbor and help this property out.

Carter said the painting of it and doing something to improve the cooling.

Cromwell said the other part was whether we want staff to look further at what our options were.

Schumm said this came up because of a change in technology. We should look at what our options are.

Carter said he agreed.

Schumm asked if we had an option under home rule to do something different under the state franchise.

Corliss said he didn't think so but we would take a more exhaustive look at it. We could talk to other cities in Kansas and see what they were dealing with.

Amyx said now we had an agreement with the utility that said they'll comply with city code and if something needs to be done within the city code we should.

Moved by Schumm, seconded by Carter to direct staff to continue to look at the issue and consider city code issues to reduce the neighborhood impact of these installations, and facilitate a meeting between the parties regarding the installation in question. Motion carried unanimously.

2. **Consider Text Amendments, TA-4-6-11, to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. Initiated by City Commission on 5/3/11. Deferred by Planning Commission on 6/22/11. (PC Item 6; denied 6-2 on 8/24/11) Consider Ordinance No. 8693, for Text Amendments, TA-4-6-11, to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. Deferred by City Commission on 9/13/11.**

Mary Miller, planner, presented the staff report.

Schumm said the Planning Commission voted against any change.

Miller said yes. Two commissioners had voted not to deny it and clarify some things.

Mayor Cromwell called for public comment.

Jane Eldredge, speaking on behalf of the applicant for this text amendment, said it was important to understand the history of this issue as it arose. The site plan showed synthetic turf and when the synthetic turf was installed, the Planning and Development Services Director, Scott McCullough, notified the architect and the contractor that in his opinion, the synthetic turf did not meet the existing City Code.

The Planning Staff then approved the existing City Code, under the City's existing alternative compliance language because it provided ways of handling unique situations due to topography, soil, site constraints and other considerations which was an appropriate approval.

She said when McCullough was quizzed, both by the Planning and City Commissions as to whether he stood by that decision, McCullough indicated “yes.”

She said when the Frontier Apartment Complex was developed it was handled the exact same way. They had a site plan approval, but were notified by Planning Staff that it did not fit and were puzzled because it fit before. Staff gave the developer three (3) alternatives:

1. Put in grass
2. Seek a variance
3. Propose a text amendment.

She said two days before the Planning Commission meeting an extensive City staff report was submitted and the Planning Commission deferred the meeting until August. The text amendment that was prepared by the applicant was a text amendment to permit synthetic turf as a matter of right in the landscaping which was to simply modify the definitions of landscaping to provide synthetic turf. At the August 24th Planning Commission meeting, the only vote taken was whether to recommend approval or denial of the text amendment that was presented. There was also discussion about clarifying “alternative compliance” to make it clear under what conditions synthetic turf would apply or simply change the ordinance to prohibit that turf. The only action that was taken at that Planning Commission meeting was the denial of the matter of right. Half of the Planning Commissioners present stated they would be supporting “alternative compliance”, but that wasn’t the issue before the Planning Commission because that wasn’t the text amendment. It was an error to say that the Planning Commission voted not to include it at all. The Planning Commission also did not take a vote on whether to prohibit synthetic turf entirely in the City of Lawrence. She also discussed the site plan for the Oread Hotel project. When the City Commission met in September, they seemed to be inclined to look at “alternative compliance.” If looking at the Frontier site, it included 336,124 square feet and was site planned in two phases. In building Phase 1, the pool and clubhouse was built and included synthetic turf. She discussed the requirements of the site plan for Frontier Apartments. She said they did

not have a complaint with installing additional trees and shrubs, not because there was any evidence about oxygen, but because it made a more pleasing landscape. Part of alternative compliance was to be sure there was a higher quality than they would if following all the landscaping requirements. She said she would be happy to answer any questions and added this was the first she knew that this would not apply to any of the landscaped parking areas. Regarding the Brigham Young Study that Miller eluded to, in her presentation, it was important to remember that that study was done in 2002 and was done with rubber tire infill which was specifically excluded in which they agreed with that exclusion. She said she hoped they were not going away from site plan reviews with appeals to the City Commission because the code provided for now and the recommendation was to go two ways which was the Board of Zoning Appeals on part of the site plan and City Commission on the other part of the site plan.

Schumm asked if the square footage at Frontier included the undeveloped area. If that never gets developed, then you are at 100% of the landscape as artificial turf.

Eldredge said at the Frontier site a whole lot had to be excavated because of the fire. You had to look at the unique characteristics for the site which is why the narrow strips only were allowed.

Schumm said he just wanted to make sure the trees and shrubs and square footage included the undeveloped area. He said he wondered what the unique site characteristics were.

Eldredge said the code allowed alternative compliance for various reasons. Because there are shadows and narrow areas it was more practical to put in synthetic turf, and putting in patches of artificial and natural turf would not be good aesthetically. She thought it met the existing statutes just as Oread had.

Dever said when this site was prepared for construction, all of the existing materials had to be demolished and hauled off and all the soil and existing materials were taken off site as well.

Eldredge said not all materials were hauled off, there were still trees at that location.

Dever said anything that was on the ground was either pavement that was demolished, parking lot pavement building, and any green space was cleared.

Eldredge said correct.

Dever said the earth was basically scarred and started again in building a place.

Eldredge said correct.

Amyx asked Eldredge about her interpretation of the Planning Commission's vote.

Eldredge said the text amendment that was before the Planning Commission was the text amendment to allow synthetic turf as a matter or right, as part of the landscaping. When the Commission first met in June, they asked staff to discuss what would be involved with alternative compliance and prohibition entirely, but the only vote that was taken was on the text amendment that the City Commission had initiated on the recommendation of the staff. There was no vote taken as to alternative compliance and no vote taken as to complete prohibition, but a lot of discussion about alternative compliance seemed like reasonable solution. What was before the City Commission was a modification of their vote to allow this as alternative compliance.

Carter said he was on the Planning Commission when that vote took place and agreed with Eldredge's interpretation.

McCullough said at that time, before the City Commission was options to determine whether or not the Planning Commission wanted to pursue either out right prohibitions, clarify the code, seek alternative compliance, or leave the code "as is." The vote was actually to leave the code "as is." Some of the language that Miller presented in the beginning of the power point and in some manner left it up to the Planning Staff to look at issues like the Oread Hotel which was approved in very limited fashion and was a big part of that discussion.

Carter said at that time he had asked McCullough if he would stand by that decision and preferred McCullough had some leeway to make those types of decisions. It wasn't the intent of the City Commission to say "no" and did not want to go down the road of alternative compliance.

McCullough said some Commissioners believe that there was discretion at the administrative level to look at projects like the Oread Hotel and make a determination, even with the language. He said it appeared clear to prohibit synthetic and artificial plants. In hindsight he asked if they went above their authority to approve the Oread and stated “perhaps,” but he stood by the logic and reasoning behind that approval because it worked in that type of infill.

Amyx said at the Oread Hotel the use of the synthetic material was 7% of that site.

Eldredge said it was 6.6%.

McCullough said staff did not study that percentage, but he trusted Eldredge’s numbers.

Dever said 6.6% was for Frontier Apartments.

Eldredge said she apologized and said it was 8.5 at the Oread.

Amyx said it might be limited use, by definition, somewhere.

McCullough said it was limited in that the Oread complied, but part of the logic in approving the Oread was the overabundance of landscape materials in the planting beds adjacent to the hotel. At the time, they were trying to get occupancy in that building and looked at the building liberally and decided it was an appropriate use of the landscape material because there was an abundance of the shrubs, trees, and the design itself.

Eldredge said it was interesting to look at those two sets of number because the Oread was about a tenth of the size of Frontier was proportionately more synthetic turf and more landscaping.

McCullough said that was perhaps the distinction was that even though the percentages were the same, the actual sheer amount of synthetic turf at the Oread was substantially less than what was at Frontier Apartments.

Mayor Cromwell called for public comment.

Gary Ziegler said he lived in the neighborhood and he went right down Frontier every day. Prior to this development, the Boardwalk was an eyesore and detracted from the neighborhood. The whole property now enhanced the neighborhood. The artificial turf was a

nice looking product. He said he felt the product had been a real asset to their neighborhood. He would love it if his neighbor with real grass took half the the care they did at Frontier.

Brett Hemmel said he was a resident of Frontier and it was a determining factor in his living there. His son was asthmatic and played on it all summer and had no problems.

Patrick Kester said he lived next to the apartments and he thought it was much better and easier to maintain the artificial turf.

Gwen Klingenberg said Frontier was not unique. It was not 10% it was 100% artificial. The 10% standard would allow pretty much anyone to have 100% artificial turf. She understood it was cheaper to put in but the maintenance and replacement costs would be much higher. Her biggest concern was that the applicant asked to be grandfathered no matter what was decided tonight. The applicant had violated the code and shouldn't be grandfathered. She said she wanted to request that the commission consider the residential use which had been allowed. In residential it would be a bad place to have this. She said the Planning Commission denied this. The staff's original plan asked for denial. The only reason staff brought language back was because the City Commission asked for it. She asked for denial. Ten percent was an outrageous number.

Carter said both sides agreed that the initial installation would be more expensive and going forward it would be cheaper to maintain.

Dan Dannenberg said he lived across from a large apartment complex and he could see the day when the natural turf was ripped up and the artificial turf was installed. We would have regulatory creep and pretty soon all developments would be artificial turf. There is no substitute for natural turf. We need to preserve the natural flora and fauna of this city. Artificial surfaces don't belong. Another thing that concerned him was access for developers on this issue. One developer referred to the planner in charge as "Mary". Apparently they are on a first name basis. There needs to be more public input and balance of interests. Developers shouldn't be able to extend their time through the questioning period. He asked that this request be denied.

Leslie Sodan said if she took this to her board they would laugh hysterically. We are supposed to be an environmentally friendly town and the idea of slathering things in plastic was repellant.

Schumm said the contrast between Oread and Frontier, the applicant makes the case that some of the same issues took place, and he would be interested in staff's comments.

McCullough said staff perceived those two developments to be completely different projects. He said when confronted with the issue of the compliance matter about using turf at the Frontier Apartment Complex, staff did not accept an application for alternative compliance. He said staff we began discussions about avenues for relief from the code for using turf at that magnitude.

Schumm asked about the sites themselves.

McCullough said Oread was steep and the turf was used as a border to planter boxes. Frontier used it as large yard areas. There were some areas at Frontier where artificial turf may be appropriate.

Dever asked why the staff report was filled with data about rubber crumb infill turf when considering a totally different kind of turf. This wasn't the same thing and it didn't seem reasonable to use documentation and test data from a different product.

McCullough said Dever had probably seen all of the material since the beginning of this project. It had been an evolution, a process to educate staff and the City Commission. He said Miller had used experts in the field to determine what use standards should be applied.

Dever said the standards did not allow rubber crumb infill turf.

Miller said correct.

Dever said he read scientific documents all the time, but the City would be writing rules that would specifically exclude this entire class of turf in this city. The documentation included the heat values of a product that would not be allowed. He asked if there was available data and if not, he would like to be provided that data.

Miller said the rubber infill turf did exist and was in use. Staff looked at all types of turf in use, not a specific product. The heat index was not linked to rubber infill, but to the filaments of the artificial turf. The turf that was being proposed without the rubber infill would still have those higher heat ratios.

Dever said that he read all the information, but guessed he missed that part of the report. The black turf was exposed; it was on top and was brought to the surface by use.

Miller said it was an accepted fact that the filaments created the heat island. She said for instance, the synthetic turf on the City's football fields would get hot and it was recommended to water that turf if utilized by athletes because there was no rubber crumb infill.

Dever said our athletic fields were rubber crumb filled.

Cromwell said when trying to review all of this comprehensive data in the report, it needed to be narrowed down at some point.

Miller said if it was the Commission's desired, she could research specifically the heat effect of synthetic turf.

Dever said he wanted to make sure that they were not allowing rubber crumb infill turf. He said it was a product that was completely different from an environmental standpoint and not to argue from a heat standpoint. He said heat was used as a reason to add landscaping and he wanted to make sure there was a clear understanding of the environmental issues. The rubber crumb infill was not even on the table here.

Carter asked about Eldredge's recommended changes to the zoning chapter.

McCullough said the language staff presented for adoption spoke to the direction staff received in September by the Commission to make it limited in scope. He said 20-1007(2) helped frame what that meant in terms of analyzing a request for alternative compliance. It was most helpful for staff to frame the issues and think about the future applications and requests.

Carter said if 20-1007(1) was meant and had a specific limit as far as what percentage of the site could entail, he asked if that limited use was captured already.

McCullough said those were two different issues. He said staff interpreted the Commission's direction to be limited in nature and in limited areas well to not allow the "wide open yard" and not a "field" of synthetic turf, but in applications where there was heavy foot traffic. He said if that was misguided on staff's part, it was part of the discussion staff would like to address at this time.

Carter said one of the things that got in the way of this decision was that they were not really talking about existing property, but writing something for the City's code. He said he was trying to forget what was out there and how it applied, but how to write something manageable going forward. He said in the recommended changes where it stated per manufacturer specification made sense, but suggested not stepping too far ahead in the procedure. The next change that was listed was information establishing the unsuitability of the area for the establishment of maintenance of living vegetation.

McCullough said staff believed that the Commission's direction was that it was presumed that the more natural organic materials would be used and less could be shown through justification by an applicant that it wasn't suitable for living material.

Carter asked if staff could clarify the decision from the Planning Director versus Board of Zoning Appeals and Eldredge's comments.

McCullough said a request for alternative compliance was a subset to a site plan request and if an applicant did not meet the buffer yard, parking lot, landscaping, perimeter landscaping, or for good cause did not desire to meet it, they could also submit a request through that site planning process for alternative compliance and analyze that separate in addition to the site plan request and currently the code stated that appeals of any decisions from the administrative decision on alternative compliance went to the BZA. He said staff did not have necessarily a strong opinion about whether appeals went to the City Commission or BZA, staff just did not want one form of alternative compliance for synthetic turf to go to one body and all other forms

of alternative compliance to go to another body. He said staff would like all appeals to all types of alternative compliance to go to one board.

Carter asked why. He said he did not anticipate, because of the expense, that this would start rolling out everywhere, but at the same time, perhaps it was not a bad idea for the city commission to see those exceptions and arguments and to help get a feel. He said he did not see an issue of this coming to the City Commission versus saying it was everything or nothing.

McCullough said procedurally it should be as efficient as possible and there might be an application where the alternative compliance had an element of synthetic turf use, an element of buffer yard or permanent landscaping and if they could not agree on both of those issues, one issue would go to the BZA and the other issue to the City Commission. He said staff would prefer a more efficient process.

Mayor Cromwell said the other argument on the other side was anything else that had to do with the site plan came to the City Commission versus the BZA.

McCullough said typically that was correct. He said this had not been an issue because alternative compliance had always been worked out and had not used the BZA for appeals. Again, it was one of those elements of the 2006 Code in which staff had not had a lot of practice with in that regard and had not identified it as a code issue. This issue has helped identify it as a process issue that could be adjusted.

Mayor Cromwell asked if normally they had not been sending anything to the BZA.

McCullough said correct there had not been an appeal to an administrative decision on alternative compliance. Typically they had worked through the alternative compliance with the applicant and/or neighborhood or if it was something staff could not approve through alternative compliance, staff might encourage them to seek a variance to the landscaping criteria which as another avenue which went to the BZA. If they were to deny an alternative compliance request, there were 2 avenues to seek relief which was through appeal to the BZA or seeking a variance

to the BZA. If it was changed, there avenues were to seek a variance separate from alternative compliance or bring the appeal to the City Commission.

Dever said regarding the alternative compliance, he said if a person wanted to build a site, but noticed the site used quite a bit of rock, smaller pebble islands and berms, and was surrounded by synthetic turf, he asked if the person could have gone in and put in all earth and berms with pavers and rock on it, instead of grass. He asked if the fact that person was not using any turf at all, would kick them out from a review.

McCullough said that was a good question. He said it was an analysis of what was “impervious” versus “pervious” and pavers could be a landscaping material up to certain point because certain pavers are pervious and some were impervious. Depending on which type was used, it was not a notion that there needed to be a certain amount of turf at the property.

Dever said that was never an issue and the turf was never a requirement. He said the City had not dictated that people use living turf or otherwise.

McCullough said correct.

Dever said if the City Commission did not approve synthetic turf, either as a variance or a code, someone could not use a lick of turf. He asked how run-off would be calculated based on the materials being used.

McCullough said correct. Staff calculated the amount of impervious materials. He said 80% of a site could be impervious and pavers could be used as a landscaping material up to the point in reaching that level and then other types of landscape material was needed.

Amyx asked if you're going to have grass, then it needed to be natural.

McCullough said in the current code, correct. There was not required percentage of natural grass on any given site.

Dever said if a person had turf and all the turf died, or decide to use natural landscaping such as buffalo grass, and it died. He said then there would be clay, hard pan soil and water runs right off of that surface. He asked what was done to fix that problem.

McCullough said the site plan was the enforcement tool for ensuring those landscaping materials were living.

Dever said there had been a lot of problem with people not watering and ended up with an enforcement issue.

McCullough said correct.

Dever asked what sort of power the City had to force them to keep that stuff alive.

McCullough said through staff's site planning notes and the code required that to be maintained in a healthy state and becomes an enforcement matter for site planned properties.

Cromwell asked if it was mostly complaint driven.

McCullough said most of the time it was triggered by a new site plan application. If they wanted to do a change of use or an addition to a building, staff would inspect the site and there would be a continuous review throughout the years.

Carter said in the Synthetic Turf Standards, as far as this ratio, the comparison was seen and at least the current uses far exceeded that ratio and as far as "Installation", changing that to manufactures specifications.

McCullough said this spoke to the matter of whether it was pervious or not and from staff's perspective, if there was a minimum of 2 inch compacted gravel or comparable material, it would allow it to seep into the ground and create that level underneath the turf. He said as he understood, when Frontier was installed it was sort of hard panned soil and the turf overlaid. He said in that type of installation, further discussions were needed with the stormwater engineer to understand if there was a pervious or impervious surface. He said he was not sure if there was a disconnection between the ability to install according to manufacturer specifications over gravel. He said Eldredge would debate that with staff in that somehow that might void a warranty and needed to be further explored because it was an important element of the stormwater management foresight.

Carter said under maintenance replacement enforcement to specify whether fruits or nuts, heavily flowering bushes, those things need to be maintained.

McCullough said Eldredge pointed out that on Page 3, number 2 above that there was a requirement that the turf shall have a permeable backing which was important as well, but staff believed there was more to the permeation of water that if you have a permeable backing that was hitting a hard pan surface underneath, there would be significant run-off. There needed to be something to let that water seep in at a rate that was actually being absorbed and not creating run-off issues and exacerbating stormwater issues on a site.

Carter said regarding the issues on page 4, he thought it was more detailed than needed. He said they were saying they had to maintain those things, but did they need to get to specifics in saying they could not have bird feeders, fruits, nut trees, heavily flowering plants etc.

McCullough this spoke to the research performed that those types of things could create bacteria on turf if not washed off or maintained appropriately. He said when going through a site plan review staff reviews the types of trees and made recommendations and even requirements of certain things. If they see a fruit and nut tree, for example, in a turf area, then they would have a requirement that stated it would cause a problem in that area and have other types of species over turf areas.

Cromwell asked if it would be worse that over sod.

Miller said the Association of Synthetic Grass and Installers website had maintenance tips and recommended no birdfeeders, flowers or fruits onto the turf because as it decayed, it created sugar which should be washed off, but when talking to the applicant they thought it was more than needed. Staff recommended not placing those trees on turf, but if they would recommend, it might require additional maintenance for the turf as a notification to the property owner.

Cromwell said he would recommend stating that to anyone putting that over sod as well. He said when fruits breakdown it has bacteria that would break those fruits down.

Miller said it was just not fruit, but flowers and leaves.

Carter said just recommending the applicant follow the manufacturer's recommendations might be sufficient versus getting too detailed on this issue. He said it made it harder for the Commission to approve things that were micromanaged.

Carter said regarding Item 3 and 4, he asked if McCullough's position specifically to inspect.

McCullough said this came out of the discussions in September where the Commission wanted to see a maintenance enforcement part of the code that ensured that those things would be maintained in a "well kept" lawn type of appearance. He said this was a challenge because how much if faded, it might be torn in certain instances through whatever means, staff took the direction that they needed language, it could be periodic, complaint based, annual, or upon review of another site plan. In any event it gave staff the ability to point toward other parts of this recommended code that discussed appearance and would put the applicant on notice to correct the violation.

Carter asked who that type of inspection would that fall under now.

McCullough said Code Enforcement.

Carter asked about the combination of the changes recommended regarding landscaping in Item 4.

McCullough said the recommendation was to strike the words in limited applications, the use of synthetic turf and go with synthetic turf that could be permitted landscaping plan toward alternative compliance.

McCullough said section 20-2012, stated language about all synthetic turf installed prior to the effective date of Section 20-2011 shall be deemed approved, but shall be subject to the provisions of 20-2011c which would be recommended if the City Commission accepted the applicants recommended concept to effectively grandfather Frontier Apartments.

Dever said the Planning Director had the authority to inspect or assess whether or not this installation was being maintained or needed to be replaced. He said the City Commission advised staff that it was important because it was new and untried. He asked about having that same language in the City's existing landscaping code.

McCullough said it was already in the code.

Dever asked why that section needed to be reiterated if it was already implicit.

McCullough said because staff interpreted the previous direction to highlight it in the code. It was a little bit of a different animal than going out and replacing a tree, but talking about significant work to replace the scope and level of something like the Frontier Apartments and staff thought it needed to be treated uniquely. He said it was effectively was no different than the way staff enforced site plans today.

Amyx asked Carter if this language being discussed, not just taking care of this particular project.

Carter said that was the reason for this discussion, but he asked if this code was being written to address going forward or for addressing this property.

Amyx asked if it was an appropriate use of the synthetic turf on that piece of property. He said if they were going to write an amendment that was going to affect every piece of property in Lawrence he said they needed to do it without picking and choosing from a list on a Tuesday night. He said he did not see the need to tell the owner to dig the turf up at this point.

Schumm said he did not think the City Commission had gotten around to that discussion about digging up the turf yet. The two issues were the text changes and they what to do with Frontier property.

Amyx said Schumm was correct.

Mayor Cromwell said it was easier to separate those issues.

Schumm suggested voting on grandfathering in the Frontier property and then go about the text changes.

Carter said if the two issues could be separated, then the text amendment would be better. He said there was good merit to the changes that had been recommended. The more it could be simplified the better. He said he was not in a hurry to vote on the text amendment with the amount of issues that needed to be massaged.

Schumm said the Frontier issue was either going to stay or go away. If it staying, it set a precedent, if going away, then the existing codes would be respected. He said he was not against artificial turf and thought for Oread it was an appropriate use. He said he saw a vast difference between the two properties and saw that Frontier could be landscaped with traditional landscaping materials. He said he was not in favor of Frontier's artificial turf.

Amyx said the artificial turf at the Oread site was appropriate, but in looking at the Frontier site it might work, but at the same time there needed to be something in our code that stated that maintenance was required. He was in favor of not asking for removal of the artificial turf at Frontier Apartments.

Schumm asked about what would happen when the rest of the site was developed. He said the applicant did not want to mix artificial and grass turfs. Right now artificial turf was on 6.6% of that site, but looked like only half of that area was developed. He asked if the rest of the development would be natural turf.

Amyx said they discussed 10% of that site being used for artificial turf

Dever said this boiled down to interpretation to an opinion in hearing what seemed acceptable in one location and applying that logic to another location, but personally he would have asked about the type of turf that was allowed. He said in looking at the Frontier location, every location where synthetic turf was laid was previously covered by concrete, asphalt or buildings which meant all those materials were stripped off the site and what was left was probably not soil, but fill material or some other material that was left over from when the building burned down. He said there was one thing to start a building and put it in a green field where there was good existing soil and try to lay down some reasonable level of turf grass. He

said he was not a fan of synthetic turf even as liberally as it was used already. The locations where there was as large area of this material, it was at one time, a parking lot and buildings. He said using synthetic turf was a reasonable solution to one of the characteristics which was already in the code. He said he did not think harm was being done to the environment by allowing that synthetic turf to stay. He said he did not want to see synthetic turf in multiple locations in the City, but there was a reasonable use for this material in certain locations. He said asking Frontier Apartments to remove the turf was far more environmentally impactful than to let it stay and have decent rules in place to allow its use on limited bases.

Mayor Cromwell agreed. He said he disliked the idea of artificial turf all over town. He said the Oread was a great application and he saw some confusion with allowing it at the Oread and then this Frontier Apartment complex. He said he disliked the turf, but not enough to warrant pulling it off this particular site. He said there was some legitimate confusion and the benefit of the doubt needed to be exercised. He said the City needed tight controls over the use of turf because he was not thrilled about the amount of artificial turf on another project. He said the use of this product would be for the situations like the Oread where there were steep slopes and high traffic areas and nothing would grow. He said in his opinion the artificial turf was overused at the Frontier Apartments, but he did not have feelings so strong to recommend going to the extra step of pulling up the artificial turf.

He said staff had a certain ability to handle special Oread-like conditions as they arose.

McCullough said as staff put all the words of the code under the microscope through this process, it was questionable, but felt it was the right outcome at the Oread Hotel. He said whether or not they were completely within their scope to make that decision was the question. He said when presented with this request, it was decided the level was too great.

Cromwell said they were discussing an extensive text amendment change to make artificial turf more readily usable in town, but what they were really talking about at this time was

a particular site. He said he felt uncomfortable making the rule that would allow this one site work applied to the entire town.

McCullough said if the Commission determined that that site was acceptable then the Code answer to that direction would be language that would speak "All synthetic turf installed prior to the effective date of 20-2011 should be deemed approved, but subject to the provisions of the use standards. That was the provision that accepted Tuckaway project and made it code compliant. From that point forward, every other request for "alternative compliance" would be that limited framework of no more than 10% of the site. There was a practical challenge on what to do with the second phase, but if acceptable and the Commission did not want to see a mismatch of grass and turf, staff could install language that stated that all synthetic turf installed and planned for installation and interpret this one project to be planned for installation, of synthetic turf, that would make a code compliant site out of Tuckaway Apartments and everything forward would need to comply with this new language.

Cromwell said the pool and clubhouse was completed on the other side of the road, but barring that, there would be a road that divided the first phase from the second phase that provided a natural barrier.

Eldredge said if going with the 10%, she said they would stay within that 10% as the rest of this was built out. She said they were suggesting that the staff language that whatever was that location was appropriate, but had to follow the maintenance and enforcement standards. She said what McCullough was proposing was to go back to the use standards and staff was okay with the 500 square feet rather than the 100 square feet in which case they certainly agree. She said they disagreed with the 100 square feet because all the trees and shrubs would not fit on the site.

She said McCullough raised the issue as to whether this was permeable or fit all of those standards, but she thought it was the maintenance and enforcement that needed to move forward and they would provide additional information to staff.

Dever said based on earlier discussion there was no requirement to put down turf and to keep this in context they would be making accommodations to match things up properly.

Cromwell said providing one wished to allow Frontier and not change the ordinance or lack of text amendment that existed he asked if there was a way to accomplish that goal.

McCullough said to leave things exactly the way they were. He said staff needed to study that issue.

Schumm asked that a straw vote would be appropriate to get it off the table and come back with the right language.

McCullough said they wanted a code compliant site. He said there was also an element to clarify any confusion that appeared to exist in the community about whether or not this was a compliant landscape material.

Schumm asked if the motion could be not to approve Frontier Apartments with not more than 10% artificial turf on that site.

Corliss said staff could draft an ordinance accordingly.

Eldredge suggested that since the Planning Director had the administrative authority to grant "alternative compliance" that could be done for Frontier and then grant a permanent occupancy permit. She said did not know why the administrative order could not be compliant with no more than 10% of the site.

Carter said they did not have that language.

Eldredge said right now the code allowed administrative decision for alternative compliance and should the Planning Director find after further study that that would be appropriate that could happen with a condition.

McCullough said if it was the Vice Mayor's wish to have staff analyze that and staff could bring back language.

Schumm said he wanted to have a final vote on this one particular issue and not have it come back and what the Commission decided to do with all that text amendment, try to codify that in a way that everyone was happy.

McCullough said that was the challenge and was the reason why they went through this exercise because to date, staff could not say it was code compliant through "alternative compliance." He said staff needed City Commission's direction and then staff could provide the Commission with some good code language.

Carter the language in 20-2012, even though synthetic was not addressed as compliant, would cover this decision for this property.

McCullough said that could be part of any code amendment. There were two issues which were whether or not the Commission wanted to see Frontier in its present form or even its built out form with synthetic turf and if the Commission wanted to move ahead with this amendment in some form that allowed other properties, citywide, to have limited use of synthetic turf up to that 10% of the total site area.

Carter said his only concern was the percent up to 10%. As far as Tuckaway if talking about 10%, it was compliant and then look at other areas that it could be spread. He said separating the two made sense. He said they could still address synthetic turf and not limit it to 10% of the entire site plan.

Dever asked if the decision about Oread could be appealed to the BZA.

McCullough said it could have been appealed at the time that the decision was made. He said it was a nine to ten day period where it could be appealed.

Dever said the reason why this did not fall under that was because they were only given a temporary occupancy permit.

McCullough said staff felt justified in Oread because it was limited and their landscaping materials otherwise complied with the code and was seen more as a border to the landscaping, not a use of landscaping materials to the level and scope that Frontier had been used. When

presented with the issue at Frontier, staff studied the code and could not do “alternative compliance”. The sheer amount of synthetic turf exceeded what they interpreted the code to allow.

Dever said then staff thought they allowed it at Oread even though the language disallowed it and McCullough had the authority to override the language that existed, prohibiting synthetic materials. He said McCullough deemed it as an acceptable as an alternate form of compliance, however McCullough would not deem it acceptable as an alternate form of compliance because it specifically excluded it because it was synthetic or artificial. He asked if it was the size. He said he was hearing two conflicting reasons on why to deny this item.

McCullough said in hindsight their liberal interpretation of the code for the Oread, when parts of this type of project and the degree that was being requested for use was likely the wrong way to interpret the code. As they went through this process, staff opinion of how the process worked changed and what authority they had to accept synthetic turf when. He said when staff reviewed the code line for line and word for word, it was questionable whether they had the authority in Oread to accept it, but they did. This was the evolution on how the code was interpreted which was on a case by case basis. He said when presented with the Frontier issue and the degree of its use, staff interpreted it as they could not accept it as “alternative compliance” in that regard.

Dever said he said he totally understood where McCullough stood, but he was trying to come up with a way to not opening this up to an issue on interpretation and putting it on the City Commission.

Corliss suggested that the City Commission authorize staff to draft a very simple ordinance which would come to the City Commission for approval. If there was a sufficient quantity of Commissioners interested in the ordinance, then it could be placed on the consent agenda. He said that ordinance would say that “all synthetic turf installed prior to the effective date of this ordinance, shall be deemed approved, provided that it was maintained and replaced

as needed to comply with the approved landscape plan and that all future installations of synthetic turf in a site plan shall be approved as part of a City Commission decision.” He said he did not see a lot of these requests coming forward in the future. He said staff is learning about this issue. The City Commission would be able to see how this progressed and this issue would be able to proceed. He said it was his understanding from the County Commission that the location off of Frontier was essentially grandfathered in and also provided some language about maintenance and would move this issue on to another day where they would see additional requests. He said he suspected when the City received an additional request, they would look at the issue regarding the size of its use, about whether or not it was impervious or not and all other issues as well. He said they were not solving this issue for all times, but were making that decision and putting something in the code that would reflect it. He said it was unfortunate to have the City Commission to make this issue administratively approved when what really needs to be done was to have it codified.

Cromwell said he did not know if there was any language about how often the City Commission would address it. He said it would be nice to present a message and specify it was a special occasion.

Corliss suggested that synthetic turf would only be allowed in limited special circumstances and with the approval of the City Commission on a case by case basis. He said if the City received an application in large situations, it would be forecasted that it would not likely be approved. He said they could go into the rest of the code amendments and work out the percentages and other items well.

Schumm said under the City Manager’s recommendation, he asked what it did for the undeveloped part of the site regarding continuing with additional usage of that particular product.

Corliss said in his opinion, it should come back to the City Commission.

Dever said he thought 10% was inappropriate but again it was reasonable application. He said let's forget numbers and talk about reasonable review as necessary and this was included because it had not been developed and the site plan had been approved already.

McCullough said the site plan was approved with code compliant materials with sod and turf.

Cromwell said this item could be seen on a consent agenda.

Moved by Amyx, seconded by Carter, to direct staff to prepare an ordinance to provide legal nonconforming rights to the existing Tuckaway at Frontier apartment site for the synthetic turf already installed and which requires maintenance thereof, as well as any residential property where it is currently installed; and require future requests for the use of synthetic turf applied anywhere in the city to gain approval by the City Commission, including future phases of Tuckaway at Frontier apartments. Motion carried 4-1 with Schumm in the negative.

Dever asked if the City Commission could discuss residential in the future because that would be the new wave.

E. PUBLIC COMMENT:

A person from East Lawrence Neighborhood Association would like the City Commission to initiate a district study of the borders of downtown which was Vermont and New Hampshire.

Tom Peterson concurred and said to consider 11th Street to the river along the entire New Hampshire Street corridor there were huge amounts of open space and parking lots, 6 major existing structures that represented significant retail opportunities. He said this was a significant opportunity for the growth of Lawrence, but it needed to be done smart and thought out. He said he guessed very soon there would be before the City Commission a proposal to ask the City Commission to overturn a decision of the HRC, the 9th and New Hampshire Hotel. He said he was quite convinced there were feasible and prudent alternatives and those were

best explored and developed in the context of this district study. He said he would appeal to the City Commission to think in the long term and the region. He said he did not want to do this project by project and in a big hurry.

Dan Dannenburg commented about synthetic turf. He asked where artificial turf was manufactured. He said there were companies in town that installed natural plantings and turf and would provide stimulus for the local economy. He said another issue was that Eldredge had 3 sidebar conversations whispered with the Planning Director. He said no one knew what those comments were about and thought it was inappropriate to use that forum and means of extending the presentation time without having the public informed about what was stated. He asked if the staff of the Planning and Development keep logs of the “times and dates” when meeting with applicant representatives and a short brief note on what was discussed. He said his final point was the use of the term “reasonable” in limiting synthetic turf used was the most egregious guideline to use because “reasonable” covered a gamut of possibilities and hoped that any ordinance that was ultimately adopted by the City Commission had a firm and fixed number that would apply.

Gwen Klingenberg asked about the issue of the residential use of synthetic grass because it was already happening.

Cromwell asked about a mechanism to restrict synthetic grass.

McCullough said there were maintenance codes but nothing that spoke directly to the use of synthetic turf in residential application.

Cromwell asked if he could cover his yard in pea gravel.

McCullough said yes.

Cromwell said an ordinance could be drafted that could specifically prevent the application. The other option was to add it to what was discussed and follow the same mechanisms for approval.

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 to adjourn at 9:57 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk