



City of Lawrence

CITY COMMISSION

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April 17, 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 Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed the week of April 15 – 21, 2012 as A Celebration of Volunteering Week.

B. CONSENT AGENDA

Michael Tanner requested that item number 6, second reading of Ordinance No. 8725 be pulled from consent for separate discussion.

It was moved by Amyx, seconded by Dever, to approve the consent agenda as below, with the exception of item 6. Motion carried unanimously.

1. Approved City Commission meeting minutes from 03/27/12 and 04/03/12.
2. Received minutes from the Sustainability Advisory Board meetings of 12/14/11, 01/11/12, 02/08/12, and 03/14/12
3. Approved claims to 174 vendors in the amount of \$1,939,133.04.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment licenses for Chipotle Mexican Grill, 4000 West 6th Ste: 1, Chipotle Mexican Grill, 911 Massachusetts and 23rd Street Brewery, 3512 Clinton Parkway.

5. Bid and purchase items:
 - a) Awarded the base bid and alternate bids for the 2012 Concrete Rehabilitation Program, Project No. PW1205, to RD Johnson Excavating Co., Inc., for a total amount of \$490,656.



- b) Awarded Bid No. B1227, Airport Glide Path Obstruction Tree Removal project, to Custom Tree Care, Inc., for \$63,000 and authorized the City Manager to sign a contract.
 - c) Authorized the City Manager to execute Change Order No. 2 to the construction contract with Wildcat Construction Co. Inc. for priority group II of Project UT0919CS General Wastewater Pumping Station Improvements increasing the contract amount by \$31,478.48 and extending the contract time by 32 calendar days.
 - d) Authorized the City Manager to execute a Construction Phase Engineering Services Agreement with Professional Engineering Consultants in the amount of \$50,000 for Priority Group I of Project UT0919CS General Wastewater Pumping Station Improvements.
 - e) Approved payment to JCI Industries for \$15,215 for the repair of Item 35 from 2011 Pump Rehab for Pump Station 32 located at 1723 East 30th.
6. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Adopted on second and final reading, Ordinance No. 8725, prohibiting the parking of large vehicles and recreational vehicles on Massachusetts Street, from 11th Street to South Park Street, South Park Street, from Vermont Street to New Hampshire Street, and Vermont Street, from South Park Street to 11th Street
7. Approved the following items for Yankee Tank/Lake Alvamar annexation:
- a) Annexation, A-8-3-11, of approximately 17.4 acres for Yankee Tank, located south of Bob Billings Pkwy, north of Clinton Parkway, east of Villa Drive, and west of Burning Tree Drive. Submitted by North Tank LC and Burning Tree LLC, property owners of record. (PC Item 2; approved 9-0 on 1/23/12)
 - b) Annexation, A-8-4-11, of approximately 109 acres for Yankee Tank (commonly known as Lake Alvamar), located north of Clinton Parkway, south & west of Lake Alvamar Drive, and east of E. 920 Road. Submitted by Alvamar Inc. and Kansas Athletics, Inc. property owners of record. (PC Item 3; approved 9-0 on 1/23/12)
 - c) Adopted on first reading, Ordinance No. 8697, Ordinance No. 8698, Ordinance No. 8699, Ordinance No. 8700, and Ordinance No. 8701, for the annexation of approximately 126.4 acres for Yankee Tank/Lake Alvamar.
8. Initiated Text Amendment, TA-4-2-12, to the Land Development Code to create a mental health care use within an appropriately determined existing zoning district.
9. Authorized City Manager to execute an Additional Engineering Services Agreement with Bartlett & West for Design Services for additional lane on 15th Street east of Iowa and shared-use path from west project limits to Crestline Drive.
10. Authorized City Manager to sign a request for Federal funding at the Lawrence Municipal Airport for an Environmental Assessment in an amount of \$65,000.

11. Authorized staff to submit FY 2015 Geometric Improvement Application for reconstruction of US 40, between K10 and the future Recreational Center.
12. Authorized the City Manager to enter into an agreement with 720, LLC regarding the Neighborhood Revitalization Project at 720 E. 9th Street.
13. Received draft 2011 Report: Tax Abatements and Economic Development Incentives and referred to the Public Incentives Review Committee.
14. Approved request by Joy Rhea, Paul Werner Architects on behalf of the owner, JPM Properties, LLC, for a variance for 1219 East 23rd Street from 19-214 (B) of the City Code which states that a private sanitary sewer service line shall not be located in a City public utility easement or City public right-of-way for a length of greater than fifteen (15) feet.
15. Approved as signs of community interest, a request from the KU Endowment Association to place signs in the right-of-way at Bob Billings Parkway and Westbrook Drive on Saturday, April 21, 2012 to promote the 4th annual Hawk Mud Fest.
16. Approved as signs of community interest, a request from the National Multiple Sclerosis Society to place signs throughout the City from April 16 – 28, 2012 to promote Walk MS Lawrence.
17. Approved as signs of community interest, a request from the Lawrence Home Builders Association to place directional signs in various rights-of-way throughout the City from April 28 – May 6, 2012 for the Spring Parade of Homes, contingent on adjacent property owner approval.
18. Received letter from the University of Kansas regarding Community Program Advisory Committee for the Learnard Hall, Engineering Expansion Phase 2 project; authorized City Manager to designate City staff member for participation in committee.
19. Authorized the Mayor to sign a Release of Mortgage for David and Tiffany Boyd, 912 Schwartz Road.

Regarding item number 6, second reading of Ordinance No. 8725, Chad Sublet, Assistant City Attorney, presented a staff report.

Amyx said that the description of the vehicles was defined in state law.

Sublet said yes.

John R. Tuttle, III said he had been a member of the community for a few years. He said many knew him as Robbo. Regarding the ordinance, he said it was not clear to the public a few simple facts regarding the motives and timing of the ordinance. You cite safety issues but when your parks and rec guys water my vehicle you force pedestrians to walk in the street. What are the motives of the people who are complaining and who are those people? Are they members

of Downtown Lawrence, Inc. or the Chamber of Commerce? You are trying to act out this act of attainder. The first noted case of attainder was a man named Thomas Cromwell. All this coincides with selective enforcement of an ordinance "magistrated" over by Scott Miller. Many members of the city had violated the ordinance. Are you guys out of your minds? Haven't you figured out that I am not going to go down without a fight? What's in question is the integrity of you guys abusing your authority. You have a duty to uphold the constitution. You are basically acting out intentional conspiracy to obstruct justice and civil rights. I am a thorn in your side.

Mayor Schumm said that Tuttle had 30 seconds left.

Tuttle said he didn't care. You need to come up with a better solution. It is obvious your ordinance is pointed at us.

Michael Tanner said he was a resident and tax paying citizen of the town. In the paper Schumm said the city didn't owe us a place to park. I think the city does owe that to everyone. Tanner read a portion of the memo. He said Chad Sublet was known as Chad "the homeless stalker" Sublet. You should expect recreational vehicles in a recreational area. This is an unconstitutional ordinance. He said he would like to question the callers. He hadn't seen anyone come down to testify that they had trouble seeing around his vehicle. In the area in question there is a crosswalk with a light. You don't need to see around me because people have to stop at the light. Ms. Pennington defamed me by saying I stored raw sewage in my mop buckets. I absolutely do not. I am going to sue Jane Pennington and Channel 6 for defamation of character. You should know the law Toni Wheeler and Chad Sublet. There are Vietnam Vets that are upset because they fought for our freedom. Me and my friend Robert Tuttle are the targets, and people have been committing crimes against us. The last thing I have to say here is what kind of Mickey Mouse operation are you running around here anyway, hyuck, hyuck, hyuck, hyuck.

Hilda Enoch asked what happens if you forbid parking of the homes these people have downtown. I understand there are no alternatives except Clinton Lake which has fees which

may be prohibitive. I have a problem with the people here that came to speak and have no other alternative. At one time we prided ourselves in the diversity we promoted. There must be some place within walking distance of downtown. It is like the turtle with his home on his back. She said Michael built that house on top of his truck which is his home. It's not the first home he has built, he built a home by the river. The city came and suddenly razed the homes people had built. There has to be somewhere in this community to honor them. My suggestion is to reopen the place by the river close to downtown. I feel the same way about the people who were evicted from their trailers. Before we evict people we should make sure we are not punishing the victims. Before we close down their living places we have to make sure they have somewhere to go. I am asking the Commission to have on a future agenda the issue of what to do with the homeless that don't fit in the shelter.

Brian Sultana said people had made this a safety issue. In addition to the crosswalk, the way Mike and Robbo park left space. If parking meters are put in place and the exemption is for vehicles loading and unloading, that would cause the same safety issue. If it is a safety issue, he asked why this one issue was the issue the Commission decides to address. Why aren't other issues being addressed like the drunken hordes of college students that are a serious safety issue? You have fights, broken glass. Why isn't more being done to address those? Why aren't those obvious public safety issues being addressed? Cops do nothing about that when people who are not committing any crime are being harassed. The pressure being put on the commission to pass this ordinance deals more with cutting out a section of our society because people view them negatively. I would reiterate the point – what is the alternative? Where do we go from here?

Matthew James Hollar said he had been helping Mike and Robbo lately with their problem with you guys. It is pretty messed up. You guys are clearly just targeting them because, um, I forgot. You guys gave me stage fright because your bad energy is disturbing. Give me a second. I totally blanked out. Shit. All I am trying to say is, isn't there something else more

important than this? Really? They aren't doing anything. You guys are lying to yourselves. Downtown isn't all that great. Aron Cromwell, you don't have to be such a jerk when we run into you downtown. It isn't professional. It's ridiculous. Excuse me one second. I don't know about you guys but I have fun being homeless. I can get a place any time I want, but I have more fun being homeless because the homeless community, you guys think it is some creature ruining your precious college town, but I have carried college students to the porches many times when they are under the influence. Downtown isn't that great but you guys are proud of that. You guys remind me of a really cheap evil council. It's for the money I guess. You guys rake it in for just sitting there. KU sucks, thanks.

Dever asked if there were other places where one could park such a vehicle in Lawrence.

Sublet said the places you could not park such vehicles were residential areas for more than 2 hours, the areas in this ordinance, and other public streets for more than 48 hours. There are other areas in the city where you could park such a vehicle, as well as several areas outside the city, nearby, where parking such as that is intended.

Amyx said there are two parts of this. One is our responsibility to protect public health, safety and welfare. We have acted on complaints and staff has recommended this ordinance. There is another part. I am still supportive of the ordinance. One day we may need to consider whether there is a place for these facilities to stay. There may be space near the new homeless shelter. We have not restricted all locations within the community, there are other places.

Moved by Cromwell, seconded by Carter, to adopt on second and final reading, Ordinance No. 8725, prohibiting the parking of large vehicles and recreational vehicles on Massachusetts Street, from 11th Street to South Park Street, South Park Street, from Vermont Street to New Hampshire Street, and Vermont Street, from South Park Street to 11th Street. Motion carried unanimously.

Hollar said Cromwell you are bitch...

Hollar left the Commission chambers.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Receive request from the Bioscience and Technology Center (BTBC) requesting funding from the City of Lawrence for Phase II of the BTBC expansion project. The City has already issued \$500,000 in 2011 for the project and plans to include the final \$500,000 in the 2012 fall debt issuance.**

Laverne Epp, Chair of BTBC, said thank you. The Commission and the County took leadership to form a unique coalition for Lawrence, bringing together multiple stakeholders for the purpose of creating and recruiting companies to Lawrence. We have been doing that. When we put together the incubator we didn't expect to be back so quickly seeking funding for Phase II.

Matt McClorey said we had made great progress in a short time. With your support and leadership we have been able to create one of the largest business incubators in the Midwest. We now have three facilities and have been able to attract numerous businesses. One of the reasons we are here tonight is to make a request for funding for expansion of our main facility. We opened it and reached 100% occupancy within 16 months. With the two newest companies we are near capacity at the expansion facility as well. We have a diversified approach to attract spin offs from the university, early stage high growth businesses, and collaborations with large corporations and the University of Kansas. We have businesses in each of those markets. We have had a lot of success attracting companies to Lawrence. Our business plan when we first put this together under your leadership led us to get to full occupancy well ahead of the schedule we had hoped. The phase II expansion would be about 33,000 square feet, which could house another 15-20 companies. We are well into the design process and hope to break

ground later this fall. Thank you for your support. We are creating jobs, generating wealth, and it will pay dividends to the community for a long time to come.

Schumm said it was great news and a great partnership.

Mayor Schumm called for public comment.

Tuttle said the names of some of the communities mentioned brought up some issues that the community should consider. You need a new value system.

Schumm said we are here to discuss this agenda item, not micro or macro economics.

Tuttle said you are compromising the integrity of the community by bringing in companies that produce pollution and other bad things that are risks to our well being physically. That is on subject and to try to silence me is a good showing of your true intention. I have an objection to bringing in businesses from outside so they can prosper at the expense of the community. I think it is indicative of the things I have been seeing. It's like a Ponzi scheme on the poor. It's not a solution. If people are medicated they should be medicated on something that works and something that makes you better rather than makes you dependent. The attitude towards the people sucks. Biotech industries are dangerous and I question whether they are even moral. They benefit greedy politicians like your selves, but no benefit to the community. What you do here locally is indicative of something that is going on globally, which is the privatization of America for the benefit of corporations. We don't need corporations, you need to promote from within. Ultimately, it will lead to your demise and probably other innocent people as well. He urged the City Commission to make more sensible and reasonable long term decisions and not based on greed.

Carter said it is very exciting what is happening. It is similar to another effort I am working on, the retiree attraction effort. All of the elements are here but we just need to put together the elements intentionally to make it happen. The impact is huge for all the citizens of this community. The fact that the facility is full is phenomenal. He asked whether we were at risk of losing any companies because we don't have space.

McClory said not now but we can't dilly dally too long. The expansion facility has complimented the main facility very well.

Dever said he had a front row seat to this exciting expansion. The real purpose is to grow companies that are local. We have been losing bright people from the university to other locations. We have to focus on keeping them. At the same time we have attracted great companies from around the world. For me, this has been an unusual success during an economic downtown. We had the foresight to bring jobs and dollars into the community. I am excited about allowing more companies to grow from within Lawrence.

Cromwell said we have the brainpower at KU churning out jobs now. It is an incredible success of collaboration of people coming together to make it happen. It is a win for the community, the university and the city.

Amyx said with the amount of work that has gone on we cannot thank Dever enough for the work on the board. He thanked Epp and McClorey. 8 years later we are looking at businesses growing and we are able to assist them with things they needed to grow their businesses. We are very fortunate. He thanked staff of the city and other bodies for putting this together.

Schumm said it was important to note how outstanding this is to accomplish this in one of the worst economic times in our country. One of these days these companies will walk out of this facility to start their own facility and hire many more people. This is only the first stage and much more will happen.

Moved by Dever, seconded by Carter, to approve remaining \$500,000 for Phase II of the BTBC expansion project. Motion carried unanimously.

Corliss said on a future consent agenda you would see an ordinance authorizing the debt issuance.

- 2. Receive staff update on status of proposed skate park improvements at Centennial Park and Deerfield Park. Consider authorizing staff to negotiate a**

contract and issue a purchase order for \$30,000 to Whoskates for the design/build services to improve the Deerfield Skate Park.

Mark Hecker, Assistant Director Parks & Recreation, presented the staff report.

Justin Shiney said the project was really great and it had been great working with Mark. We would like for the Commission to consider a phase II in the future to bring in more because this was a very heavily used park and we are losing square footage.

Cromwell asked how we were losing.

Shiney said the blue part in the diagram was current space that was being lost. It was a smaller space.

Schumm said we were losing some space but getting more features.

Hecker said we may put in some picnic areas as places to hang out. We would probably leave the wood half pipe as long as we could. We were still a little bit in the design process.

Mayor Schumm called for public comment.

David Campbell said he and his wife had come to Lawrence recently. He said he had been a skateboarder for 40 years. When we first came here my wife apologized for moving me here because the park was not as good as what I was accustomed to. I was very pleased last fall to discover there was funding to renovate and improve the park, and I was very pleased that Parks and Rec has been very open to input from the local skating population. Whoskates is a small company but the project they just finished in Fort Scott is top notch. Regarding the current design, it is as if you had a basketball court with oddly shaped backboards and hoops that are misshapen. We are very pleased that Parks and Rec has gone along with the idea of improving the whole facility. The money isn't enough though to improve the whole footprint. The design we are at is agreed upon wholeheartedly, but it would be a wonderful thing to expand back to the original square footage some day in the near future.

Carter said he appreciated the public input on this. It was a better project for that input. It sounds like we are really benefitted from the expertise of WhoSkates. Hopefully this is phase I

of the remodel. Anything we can do to get people outside and active is good. Hopefully funds for phase II can be available sooner rather than later. It looks like a much better project than what we started with.

Amyx said he wanted to thank Noah for helping him understand the plan, and he appreciated the work he and others did.

Schumm said he took a tour this weekend and it was pretty rough. He was happy we were able to make these improvements. In the future we can look at filling out that space. The park is used a lot and is worthy of continuing to care for.

Corliss said we would look at ways to maximize our dollars.

Hecker presented the plan for Deerfield.

Carter said Deerfield was more geared toward elementary school age kids. He asked what the helmet laws and regulations were in the skateboards.

Hecker said all ages had to wear helmets. We had to work on the cultural bias against helmets.

Carter asked if it was an ordinance or just a recommendation.

Corliss said there was an ordinance that people fourteen and under had to wear helmets when skating or biking.

Carter suggested including some signage at both projects and maybe direct people to resources for getting a helmet.

Cromwell said he thought of ski slopes where no skiers or snow boarders wore helmets in the past but many do now.

Moved by Carter, seconded by Amyx, to authorize staff to negotiate a contract and issue a purchase order for \$30,000 to Whoskates for the design/build services to improve the Deerfield Skate Park. Motion carried unanimously.

- 3. Consider approving a Text Amendment, TA-2-1-12, to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5**

parking space per bedroom standard from 3,500 square feet to 4,500 square feet. Adopt on first reading, Ordinance No. 8726, for a Text Amendment (TA-2-1-12) to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5 parking space per bedroom standard from 3,500 square feet to 4,500 square feet. Initiated by City Commission on 1/24/12. (PC Item 4; approved 7-0-1 on 3/26/12).

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Mayor Schumm called for public comment.

Candice Davis, Oread Residents Association, urged the commission to support this and put an end to all our misery. We appreciate all the hard work on this over the years. This represents the Oread Neighborhood Plan and all sides are okay with this. She knew how hard it was to make everyone happy in the community.

Carol Von Tersch said she echoed Candi's thank yous. This gives us that live in Oread some sense of security in making decisions and investing in our own properties that the neighborhood would not decline and devalue our properties. She said she hoped they never had another meeting like this one tonight.

Brian Sultana asked whether this allows less parking to residents in Oread.

Schumm said it will allow for less density because the parking requirement is stronger for more structures.

Sultana said his concern was with congregate living and multi-dwelling use, do you feel there is any concerns that could be made about people not here that they would not have a parking space now. He wasn't sure if he was reading it correctly.

McCullough said this was for new development, it wouldn't be stripping away parking or harming anyone who currently lives in a congregate living or apartment building.

Amyx said what happens now is when the square footage changes and a property applies for development as a congregate living or multi dwelling, the property could be eligible for the .5 space standard.

McCullough the code standard at play was intended to balance the recognition that parking was an issue for the Oread area, in particular and that there was an issue of preserving larger structures some of which might be of a historic capacity. The housing stock needed to be maintained, but recognizing the code had constrains in terms of the parking required. It was determined that if there was a large house on a small lot that wasn't capable of providing the parking spaces that a larger lot could provide, that there should be some automatic variance. The challenge has been to understand where the balance was and how many lots would be eligible, what size of the structure and how large of a lot. In effect there would be a certain percentage of boarding houses or apartment buildings, especially in the Oread neighborhood that had half the parking of a project that would be on a large lot. He said that was a balance that had done through the Oread Neighborhood Plan and this code amendment.

Amyx said as we go through the overlay stuff, he asked how will this text amendment if approved affect that process.

McCullough said we are in that process. We don't know exactly how this code would affect it at this time. We haven't fully vetted that out. It certainly can but how it will happen will unfold as we go through the process this summer.

Amyx said there is a possibility as we go through the overlay district process there may be change to this language.

McCullough said yes, but he thought that discussion was stronger before and it wouldn't likely be as strong since this amendment was before you.

Schumm asked if this would supercede the overlay.

McCullough said not necessarily.

Schumm said because it was here and as a stronger standard it would have more effect on the overlay.

McCullough said yes.

Moved by Cromwell, seconded by Amyx, to adopt on first reading, Ordinance No. 8726, for a Text Amendment (TA-2-1-12) to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5 parking space per bedroom standard from 3,500 square feet to 4,500 square feet. Motion carried unanimously.

Corliss said to digress back to helmets, the city has a law requiring 15 years and younger to wear a helmet. There is not a fine, but the main thrust is not to be adversarial or punitive, but to get them wearing a helmet. Rather than a fine, we give the individual a coupon for a helmet.

The City Commission recessed for a 5 minute break at 8:22 p.m.

The City Commission resumed the regular session at 8:27 p.m.

4. **Consider a Text Amendment, TA-10-16-11, to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties. Adopt on first reading, Ordinance No. 8718, for a Text Amendment (TA-10-16-11) to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts. (PC Item 7; approved 7-1 on 2/29/12).**

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Carter asked McCullough to explain permitted versus special use permit.

McCullough said if it was permit by right that was typically when the zoning was in place with site plan approval which was an administrative process. If it was permitted through a special use permit, it went to the Planning Commission and then the City Commission was the final decision maker.

Carter asked about the definition of the “gas and fuel services sales.”

McCullough said this was a specific use in the City’s code and when reading the definition of “food and beverage sales”, one of the typical examples is “convenience store.”

Schumm said regarding special use permit vs by right, the special use permit we can put conditions on.

McCullough said we basically have control over use and scale of any of the aspects.

Schumm asked if we could control things such as size, screening and lighting.

McCullough said yes.

Amyx said truck stop was allowed by special use permit in the IM, why does IG permit it by right.

McCullough said IG was the most intense district and the Planning Commission determined it should be by right. They also didn’t want to take it away from currently zoned IG where it is now permitted.

Amyx asked if all uses allowed in the IG District were permitted by right and none were required to go through an SUP.

McCullough said not necessarily, he did not have all those uses available at this time, but he could look that up. McCullough said explosive storage was one that came to mind.

Amyx said if it was the most intensive use, he asked why any permitted use was required and have an SUP attached.

McCullough said for the same reason you would have it available for any district that some uses might be of such nature that they would want to go through the public process and determine if conditions were required for a certain use and this one could be one of those uses,

but the Planning Commission's recommendation was to keep it as a permitted use. For example, telecommunication towers as well as a temporary shelter were special use permits in the IG District. There weren't as many in IG as in some of the other districts.

Amyx asked Cromwell if this is where he thought we were headed with this when it was initiated.

Cromwell said we had two categories, IL that was perceived as not marketable, and IG that pretty much included things that were not compatible with many situations, but that most industrial uses didn't fit into those special categories. This gets at that, to take the more intensive uses and pull them out separately. There is definitely good in that. The goal was to create a category that was more acceptable to everyone. Hopefully we could avoid some of the conflict we see with industrial zoning proposals.

Mayor Schumm called for public comment.

Gwen Klingenberg said LAN appreciated this. There are a couple of concerns, including the truck stop. I have concerns about some of the items and things that happen in truck stops. She displayed a map that showed truck stops that had human trafficking issues. The top three states by some sources are Kansas, Oklahoma and Arkansas. Before we jump in and say yes we need to know what we are getting into it. LAN voted that we would not like to see an SUP at all in IM. Truck stops were one of the things we didn't want to see near neighborhoods. If truck stops are allowed anywhere it should be by SUP. The other thing is pollution. I found out today that asbestos in brakes of trucks is an issue. We have a lot to learn. We need to have some controls. We need to find out how we are going to pay for policing truck stops.

Melinda Henderson said she was here to speak about a portion of the text amendment that caught her eye, which was processing centers for recycling. What we don't have is info on how that use is permitted. In the use regulations we have 20-5040 but no language in the code about how a recycling processing center is permitted. In the new code I see that under IL a processing center is permitted, in IM a SUP, and in IG permitted. She didn't want to put a hold

up on this, but we might have businesses that might want to become recycling processing centers at some time and the code should be clarified. It is something that should be consistent. Our old code had an entire section on recycling facilities and that wasn't transferred to the new code.

Cromwell said he thought there was a good point.

Ted Boyle, North Lawrence Improvement Association, said regarding truck stops, he wouldn't want one in his neighborhood. It should be kept a SUP and go through the public process and be able to put restrictions on it for a future date. People that use them are just passing thought. A lot of crime can be committed in a neighborhood and then they just move on down the road. We shouldn't just give a free hand to anyone that wants to come in and build a truck stop without a lot of comment and restrictions.

Dan Dannenberg said it was his understanding that truck stops are significant sources of criminal activity and that certain truckers have contact through social media about which ones to avoid because they are so dangerous. Regarding pollution, trash, and screening, once this monster is out of the bag it only gets worse. Truck stops should not be allowed within the city. I noticed from the 2011 annual report the number of calls for service, which would only be added by a truck stop. Any economic benefit that may be from a truck stop would be outweighed by the negatives. We should strictly prohibit them and not even allow them with special use permits. We are limited on law enforcement resources and to add further strain would not help at all.

Leslie Soden, East Lawrence Neighborhood Association, said she supported the comments of the other people regarding truck stops.

Louis Copt said he was here to add his voice to opposition to truck stops. He said idling of truck engines consumes billions of gallons of diesel fuel. It also generates large amounts of air emissions. There is also concerned that increased air pollution from idling trucks was harmful to truck drivers and other drivers. One concern is not only pollution but also crime. Some drivers use truck stops not only to rest but to purchase drugs.

Marguerite Ermerling said we had been at this for about 10 years and truck stops had never had public support. This was not just about property rights, but a larger community. If the rest of the community were aware of this they would be very concerned about truck stops. This is a violation of a community trust to consider allowing truck stops. We are not compelled to allow this. We do not need a truck stop in this community and it should be removed in any form from IM and IG. Definitions in IG needed to be better. She echoed earlier comments about recycling processing facilities. It is time to look at all of the IG uses specifically. We can define them and get the things we really want in this community and make this community a better place for everyone not just particular property owners.

Schumm asked how the truck stop issue came to be, with regard to the IM zoning.

McCullough said it presented itself with initial discussion with the Planning Commission. It came out again in stakeholder meetings. Planning Commission directed us to review it and come up with a proposal to place it appropriately in the context of the zoning code.

Schumm asked if at the stakeholders meeting, were there both proponents and opponents.

McCullough said it was fair to say that there were opponents of the truck stop use and proponents in a sense of quite a few comments about not revising the IL or IG Districts at all in terms of their permitted uses and the exercise should be about building an IM District separate from reviewing the remainder of the code in its context.

Cromwell asked why we would want to permit recycling processing facilities in IL but not IM.

McCullough said we started with creating a continuum of intensities. We went through the exercise asking how we would treat each and every use. Initially we looked at striking processing center from IL, allow with SUP in IM, and permitted use in IG. Through the process the Planning Commission directed us to build just the IM district and not touch IL and IG except

for the truck stop use. What we ended up with for the processing center is a code that doesn't revise IL or IG but deals with how IM addresses that use.

Schumm asked if they were then following the direction of the PC.

McCullough said yes. The unintended consequence is this kind of gap, but the response is that as we spend time with the IM district and come across these things we can address them.

Cromwell said in looking at the entire code we should be consistent with the continuum of intensities and take a look at this.

Carter said he thought this was a great endeavor. When you have IG you assume the worse. When you have conditional zoning you would find owners willing to eliminate some uses, but it is nice to have a zoning district that eliminates those and keeps neighbors from having some of the angst. There are some good points but we are not opening this up to allow truck stops. They are allowed now in IG. He was not sure he was in favor of changing IG now. Taking a look at the new district, having them allowed as an SUP works against what we are trying to do. It was one of the uses which were one of the biggest concerns with people about IG. SUP gives us a lot of control, but the goal was not to create anxiety. Truck stops create anxiety, so maybe we should pull that out of IM altogether. His thought was to hold off messing with the other districts now.

Dever said he thought he understood what Carter was saying. He said he was really surprised about all the information and focus on truck stops. The idea of banning truck stops has never crossed his mind. If we are creating a new zoning to eliminate some of the worry about the uses, it made sense to eliminate some of the uses that were most worrisome. He didn't want to go through the districts line by line and use by use. He was not prepared to do that tonight. If we are going to start taking out land uses he would prefer deferring this item, if we were going to adopt the new district he was in favor of that.

Amyx said he appreciated Carter's comment about removing the truck stop use from IM. If he understood the purpose of this it was to create a use that was more compatible with the surrounding uses. All of the discussions about the truck stop issue he understood. If we are going to start going through line at a time he would rather table it or send it back to the Planning Commission. He didn't have any problem with tabling this for a while to look at it.

Cromwell said the point was to make this easier and more acceptable. He thought truck stop didn't belong in IM. If we need to table it and look at it later we could do that. He said we want something that works and is not offensive.

Carter said there was a history of that particular item and he was not for going through line by line. He was okay with striking truck stop for IM and tabling discussion of the changes to the other districts.

Schumm said he agreed with that as well. He said for a medium industrial use that is pretty heavy and has some issues that go with it. He asked McCullough how to proceed.

McCullough said with four votes you could change the "S" in IM district and change it to "-" which means it is not allowed at all. It would remain a use in CR and IG.

Schumm said it ought to be an "S" in IG.

McCullough said you could do that with 4 votes.

Corliss said you could also initiate that.

Schumm said that would be fair to allow everyone to know that is under consideration.

Dever said we are talking about taking away a permitted land use from a whole subset of permitted land.

Amyx said if we are going to have that discussion we need to have it as an agenda item at a later date.

Dever said he agreed.

Moved by Carter, seconded by Cromwell, to approve Text Amendment, TA-10-16-11, to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing

industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties and adopt on first reading, Ordinance No. 8718, with the amendment to change the truck stop use from allowed with special use permit in IM to not allowed. Motion carried unanimously.

Corliss asked if you wanted a future agenda item regarding the change to truck stop use in IG.

Schumm said yes.

Cromwell said he wouldn't mind discussion of the recycling processing center use as well.

5. Receive audit recommendation follow-up memo from the City Auditor.

Michael Eglinski, City Auditor, presented the staff report.

Dever asked if he was recommending that the not implemented recommendations be closed because they were not attainable.

Eglinski said they had not been implemented in a long time.

Amyx said it had to do with the number of staff needed.

Corliss said in order to do it we would need to add staff to process it.

Amyx said we had it a few years ago and the staff necessary to do it wasn't possible at this time.

Eglinski said it was important that there was an ordinance on the books.

Corliss said that needed to be cleaned up. He would like to get a more comprehensive ordinance later when we had more resources. He is right that we need to clean up that code section.

Cromwell said we could close it in the auditor's books but keep it in mind.

Mayor Schumm called for public comment. None was received.

Moved by Amyx, seconded by Dever, to close recommendations as recommended by the auditor. Motion carried unanimously.

E. PUBLIC COMMENT:

Leslie Soden said she had been waiting for the synopsis of the downtown design guidelines. She wondered when that would come through.

McCullough said last week we provided a report on the CM Report.

Schumm said the downtown design guidelines were developed a long time ago.

McCullough said we applied those daily.

Soden said she could see a shorter versions being helpful. A shorter synopsis of the design guidelines could be helpful to the public.

Corliss said he would suggest that staff meet with Soden and help her understand staff's view and answer questions. He was not sure we could effectively provide a summary other than the table of comments.

Carter said he thought he knew what she wanted. If we are going to look at the downtown district maybe a shorter version could be helpful, but after looking at them he wasn't sure it could be done. They were pretty clear as is and he wasn't sure a shorter version was really possible.

Schumm said if you start cutting things out you really destroy the work that was done. He could understand not wanting to read the 70 pages.

Carter said you really couldn't shortcut it.

Corliss said the inquiry is great. We want to be good translators of the process. He still would be in favor of sitting down with Soden to talk about them.

Soden said she didn't want to shortcut anything but she thought it could still be useful for the general public.

Gwen Klingenberg said she was asked to ask the Commission to initiate looking at the uses in IG such as explosives. We have a lot of small IG districts surrounded by residential such as in Brook Creek. If the uses don't already exist you aren't taking them away and making them nonconforming. Also, she needed to let you know that the Attorney General's Office was not naysaying truck stops, but they were willing to work with you to stop trafficking. Also, we had the rental registration out there and the trailer homes brought it back to the forefront. It was exactly the kind of situation we hoped to be able to address.

Michael Tanner said he wanted to bring up a word – semantic distortion. He said it meant like Chad Lawhorn of the Urinal World or Channel 6 taking the worst part of an interview and showing it to the world. He would like to publish this sheet that had Aron Cromwell's wife's silver Range Rover on it. Why can't we get equal enforcement of the law? I just saw Chad Sublet leave in a Range Rover without any tags whatsoever. We are getting demonized here and I cannot believe you would pass an ordinance on heresy evidence. There has never been an accident. You guys have been trying to destroy my career for years and run me out of town. With a lot of your ordinances that are unconstitutional they are going to be tested by us. I prophesied last year that football and basketball seasons would not save your town. KU students assaulted us because they lost a game. We don't ever expect to get any help or equal justice from the police department. It is a Mickey Mouse operation you are running. We had a number of vehicles ride their horns down the side of my home. How come we can't get any enforcement? What kind of Mickey Mouse operation are you running here anyway?

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Schumm said near the end of May there were two openings on the planning commission and we will consider all applications and he wanted to make sure anyone who is interested can apply through the city's website.

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Amyx, seconded by Dever, to adjourn at 9:51 p.m. Motion carried unanimously.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk