



City of Lawrence

CITY MANAGER'S OFFICE

CITY COMMISSION

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STUART BOLEY
MATTHEW J. HERBERT
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August 18, 2015

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Acting Mayor Soden presiding and Commission members Amyx, Boley, and Herbert present.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None

B. CONSENT AGENDA

It was moved by Commissioner Amyx, seconded by Commissioner Boley, to approve the consent agenda as below. Motion carried unanimously.

1. Receive minutes from various boards and commissions:

Building Code Board of Appeals meetings of 02/12/15, 03/12/15, 04/09/15, 05/14/15, and 06/18/15

Homeless Issues Advisory Committee meeting of 04/14/15

2. Approve claims to 189 vendors in the amount of \$3,529,374.77, and payroll from July 26, 2015 to August 8, 2015, in the amount of \$2,076,466.10.

3. Approve license as recommended by the City Clerk's Office.

Drinking Establishment

Expiration

R Bar & Patio
R Bar LLC
610 Florida St.

August 21, 2015

4. Bid and purchase items:

a) Award bid for Self Contained Breathing Apparatus miscellaneous equipment for the Fire/Medical Department to Feld Fire Equipment, for \$141,179.

b) Approve purchase and upgrade of hardware and software of RCT Manufacturing for 41 school crossing beacons for the Traffic Division from Traffic Signal Controls, Inc., for \$65,190.

c) Authorize the Interim City Manager to Execute an Engineering Services Agreement, in the amount of \$154,500.00, with Walter P Moore for



Engineering Services for Project UT1503 Kaw Water Treatment Plant
Structural Condition Assessment.

5. Adopt on second and final reading, the following ordinances:
 - a) Ordinance No. 9135, for Special Use Permit (SUP-15-00241) for an *Institutional Development Plan* for the Douglas County Fairgrounds Master Plan located at 2110 Harper Street.
 - b) Ordinance No. 9136, to rezone (Z-15-00243) approximately 9.818 acres from PRD (Planned Residential Development) District to RM15 (Multi-Dwelling Residential) District, located at 2101 Exchange Court.
6. Approve a Special Use Permit, SUP-15-00256, to permit a *Limited Manufacturing & Production* business that will manufacture and sell dog treats on-site in the existing building located at 1045 Pennsylvania St. Submitted by Gary & Angie Rexroad, property owners of record. Adopt on first reading, Ordinance No. 9137, for Special Use Permit (SUP-15-00256) to permit a *Limited Manufacturing & Production* business that will manufacture and sell dog treats on-site in the existing building located at 1045 Pennsylvania St. (PC Item 4; approved 7-0 on 7/22/15)
7. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Approve rezoning, Z-15-00244, approximately .193 acres from CN2 (Neighborhood Commercial Center) District to OS (Open Space) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings, LLC, property owner of record. Adopt on first reading, Ordinance No. 9139, to rezone (Z-15-00244) approximately .193 acres from CN2 (Neighborhood Commercial Center) District to OS (Open Space) District, located at 6300 W Bob Billings Pkwy. (PC Item 7A; approved 6-0-1 on 7/22/15)
8. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Approve rezoning, Z-15-00245, approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings, LLC, property owner of record. Adopt on first reading, Ordinance No. 9140, to rezone (Z-15-00245) approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy. (PC Item 7B; approved 6-0-1 on 7/22/15)
9. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Approve rezoning, Z-15-00251, approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6300 Bob Billings Pkwy. Submitted by Tim Herndon, for RSR Holdings, LLC, property owner of record. Adopt on first reading, Ordinance No. 9141, to rezone (Z-15-00251) approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6300 Bob Billings Pkwy. (PC Item 7C; approved 6-0-1 on 7/22/15)
10. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Approve rezoning, Z-15-00252, approximately 3.255 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6304-6323

Serenade Ct. Submitted by Tim Herndon, for RSR Holdings, LLC, property owner of record. Adopt on first reading, Ordinance No. 9142, to rezone (Z-15-00252) approximately 3.255 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6304-6323 Serenade Ct. (PC Item 7D; approved 6-0-1 on 7/22/15)

11. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Receive staff memo related to applicability of the 2012 International Property Maintenance Code.
12. Authorize setting September 8, 2015 as the public hearing date to levy maximum assessments for the 6th and Champion Lane Benefit District, Project No. PW1507.
13. Authorize staff to extend existing contracts with Pre-Qualified Plumbing Contractors to complete I/I defect removal on private property.
14. Authorize staff to apply for the Topeka Community Foundation Healthy Lifestyles Grant Program for a South Park Fitness Zone.
15. Authorize the Mayor to execute an agreement with Grant Township for fire protection services for a six year period, commencing January 1, 2016 through 2021.
16. Approve the suspension of enforcement of City Code Section 14-407, (prohibiting the discharge of firearms within the city) to allow a “shotgun” start at the Lawrence Police Foundation golf tournament on Monday, August 31, 2015 at The Orchards by Cobblestone, LLC Golf Course.
17. Authorize the Mayor to sign the Release of Mortgage for Julie Julius, 613 Eldridge Street.

Consent agenda Item No’s 7, 8, 9, 10 rezoning, Z-15-00244, located at 6300 W Bob Billings Pkwy; Z-15-00245, located at 6300 W Bob Billings Pkwy; rezoning, Z-15-00251, located at 6300 Bob Billings Pkwy; and, Z-15-00252, located at 6304-6323 Serenade Ct., was removed from the consent agenda, for separate discussion.

Patricia Sinclair:

I’m here reluctantly, but there were so many things that I couldn’t ignore. I’m just pulling out my copy of the agenda. I had emailed the City Commissioners on the 11th of August because this came up on the agenda, too late for me to put anything in writing about it, but the rezoning on the 7, 8, 9, 10, I had indicated that I had...I have the email here if you want to bear with me, but if you don’t want to bear with me I won’t. If you want more detail, I have the stuff here. What happens here is we have something called RSR Holdings LLC, property owner of record, that’s what’s on tonight. What it said the last time was RSR Holdings, LLP, that is an entity that underwent a conversion, I think, in 2013 and they had failed to file a...they were considered forfeited by the Secretary of the State’s Office as an business entity and they failed file their annual report for the end of the year, 2014. They had also failed to...they could still file a reinstatement which I see they did the very next day so

somebody urged somebody. My point on this is to...I want to specifically speak to one usage that I'm questioning, but it seems to me that rather than approving them tonight, you should refer them back to the Planning Commission which I believe this is something that we have done in the past. I don't know if that's still true, but something could get referred back because I don't see how we can approve something that went through the Planning Commission with the wrong property owner of record. I tried to speak to Steve Miles to verify this, you know as a property owner of record, but I spoke August Dettbarn, in the absence of Steve Miles, the appraiser who would know the property owner of record. Also, when you start looking into the Secretary of the State's Business Entity thing it's quite interesting. It's kind of like an LC inside of an LC, blah...blah...blah and one of them that was interesting, God help me if I can't find it, is that there's this one LLC inside there...inside one of the one's that actually an oil and gas thing and I thought, what do they want do an oil and gas? Why do they want to be inside? In other words, in the new LLC, if you open it up enough, you see who the people are who are the 5% or more, owners, investors, whatever.

Acting Mayor Soden: Let's handle 7 through 10 separately. Is there anything that you wanted to say? Anything else about 7 through 10 and then we can have other people comment, if they wished to?

Patricia Sinclair: Well, I wanted to make it clear that, within that, I think it would be inappropriate for us to approve something that went through the Planning Commission under the wrong property owner of record. If they've corrected that now, that's fine. I think that what they need to do is go back to the Planning Commission and under the correct property owner of record. Additionally, I'm trying to state that inside, there's an actual LLC within this LLC ownership and when you start to look at what some of the people are, their out of town, I think they are in Lenexa or Overland Park and their oil and gas and I just wondered if they had plans to do any kind of oil and gas if that were the one. It must kind of...

Acting Mayor Soden: Well, we can't ask questions until you go ahead and finish up.

Patricia Sinclair: If you would like me to discuss it, I could find it in my notes where I had that and let you have your own stage back.

Acting Mayor Soden: Thank you Patricia.

Patricia Sinclair: Thank you...I'm sorry, I just don't have time to find all of my notes.

Acting Mayor Soden: So we did get the records fixed that they show the right LLC now.

8. **Moved by Commissioner Amyx, seconded by Commissioner Boley**, to approve rezoning, Z-15-00245, approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings, LLC, property owner of record. Adopt on first reading, Ordinance No. 9140, to rezone (Z-15-00245) approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy. Motion carried unanimously.

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Consent Agenda Item 11 regarding a staff memo related to applicability of the 2012 International Property Maintenance Code was removed, for separate discussion.

Acting Mayor Soden: Patricia, did you want to say something briefly about that?

Patricia Sinclair: I'm sorry was this the one that reference the Bourgeois Pig?
331 Johnson Ave.

Commissioner Herbert: This is the...

Patricia Sinclair: I know what this is, somewhere they mentioned the Bourgeois Pig and just wanted to...
331 Johnson Ave.

Acting Mayor Soden: That's not until the regular agenda.

Patricia Sinclair: Okay, thank you very much. I couldn't find it in here. I'm getting out the staff memo on this so that I can reference this. It's not clear to me why this is on the consent agenda. The time when it was on before was not printed...the minutes weren't printed for them yet so I couldn't go back to it and read what the Commission had said, but it seemed to be about urban agriculture and the

address on Pennsylvania and so forth. In general, one thing that I want to point out that they...there is supposedly in the City Code, something that would allow you to voluntarily register your property as a property is used for natural landscaping. I attempted to do that, May 17th 2012. I even went to Brian Jimenez office, where he kept me for approximately an hour, insisting that I talk to him and I said, "I'm not talking to you, I just want a signed receipt that you received this copy so there won't be any question about this." He sent me back an email May 17th, "Ms. Sinclair we will review your email sent yesterday afternoon as well as this email and provide you a response in the near future." I am still waiting. Okay, my yard is...bird feeders, bird baths, I attempt to have...It just might relate somehow to urban agriculture. I mean it's not mentioned here. I have tried to provide, you know, some birds nest on the ground or near the ground. You have to leave a little shelter for them and for rabbits and so forth because people don't tend to keep their cats in, like they're supposed to. You know just generally provide an atmosphere that is conducive to that. My understanding was that the City had completely done away with this, with the old code and so I didn't even know what still existed. This seems like a very lengthy and as disorganized presentation in this memo as mine is now. One of the problems I've had with that department is that they don't...they won't take...you know, you can tell them you show them pictures. You can show them things like Commissioner Amyx is quite familiar with the properties that are out of, not correct zoning on Learnard. He's familiar with them because I know Dave Hamill and so forth and that gets nowhere. So sometimes it seems as though...excuse me am I doing something wrong?

Acting Mayor Soden:

We'll it looks like our City Manager perhaps what to say something. Do you mind if she says something?

Patricia Sinclair:
331 Johnson Ave.

No, I don't mind at all Diane.

Diane Stoddard:
Interim City Manager

Yes, Acting Mayor, I was just going to say that the reason why we put this on the consent agenda, is for you all to receive this report this evening and we anticipated that there would be a need for the Commission and the public to have a greater discussion about it and given the items that are on your agenda this evening, I would suggest that it be scheduled for a regular agenda at some time I the future for there to be greater discussion and then we would certainly like to receive your direction as well on it.

Commissioner Herbert: As I understand it, we're simply receiving a staff memo.

Patricia Sinclair:
331 Johnson Ave. I understand that this is not what their memo says and anything can happen so if I stayed at home and didn't come and talk about it, then...

Commissioner Herbert: We're not taking any action with regards to the staff memo, other than to receive it so literally the item is on the consent agenda, because it's nothing more than us saying, we have received your memo.

Acting Mayor Soden: This is just step one Patricia. It's not the final step.

Patricia Sinclair:
331 Johnson Ave. I understand that's what you're saying here, but things don't always work out that way so to be on the safe side I had read it and tried to pair and tried to find it in the code and so forth and you know it's even difficult to find in the code the property management code.

Acting Mayor Soden: Would you like to submit your questions in a written way?

Patricia Sinclair:
331 Johnson Ave. I really don't want to come to anymore of these meetings, but I came tonight because this was on the agenda and I wanted to be here to be safe because anything could happen and I can show you some photo's another time and so forth and so I'm all done, if you're all done. So if you just accept his report and you're not accepting it as being correct or anything and I wanted to bring out that other designation to you as that may in some way relate to urban agriculture.

Acting Mayor Soden: Thank you Patricia. Any Commission discussion on this item?

11. **Moved by Commissioner Herbert, seconded Commissioner Boley**, to receive staff memo related to applicability of the 2012 International Property Maintenance Code. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the report regarding the Monthly Building Permit Reports for July; Wakarusa WWTP Site Fill and E 1600/N 1175 Road Improvements – UT1304-Contract 3; LPRD Annual Maintenance; Aquatic Summer Camp; and, Sports Pavilion Lawrence-Economic Impact of Tournaments.

D. PUBLIC COMMENT:

Eric Kirkendall: 946 New Jersey is the subject of my comments tonight. First of all I want to thank the Commissioner's all of whom had spoken

with me; I really appreciate it and Diane who has communicated via email. Sometimes good people do bad things. Sometimes mistakes are made even when the process is followed more or less and that I believe is what led to a public parking lot being built on a residential street about 50 feet in front of our front porches and the street I'm speaking of is the 900 block of New Jersey, as most of you probably know. Several of us neighbors have talked, probably 5 of us. At this point we're all concerned about the parking, very unhappy, very disappointed that nobody...and it's not just the City, but nobody took the time to do a little more perhaps than was minimally required and to let us know what was happening when these decisions were made in March. I do understand it was done in a mad rush to save the school and that was done and I'm really grateful for that. We have 3 concerns, number 1: notification process. Staff says this is appropriate, but I don't agree. We were notified of an addition to the school and rehabilitation to the school. We were not notified that the City was considering allowing the School District to build a public parking lot on City property across from our homes. Some of you have been gracious enough to drive the street, so you know what I'm talking about. There was a second problem in terms of notification a more technical issue, but I know its technical issues that are sometimes very important. In this case, although there was a certification that the notification list, as signed certification, that the notification list was less than 30 days old, in fact, it was not less than 30 days old. The notification list was printed by the County in January and it was used in March for a mailing. So there was not only a substantive and important failure in process, that is to tell us what was going to happen, but there was a direct major failure in terms of the City defined processes. No 2 concern is safety. That's a pretty narrow street, a lot of families, there're kids on that street. As it stands now, that streets going to have parking on the east side, by the houses, two lanes of traffic and diagonal parking. I'm sure all of you know that diagonal parking generates more automobile accidents than say, parallel parking and that street has already been a fairly dangerous place. At least two of the neighbors I spoke to had cars hit twice on that street. The 3rd concern we have is use of those spaces as public parking. The need for those spaces was for the school. We who live on that street do not need additional parking spaces, there's plenty of parking on that street, most of the time. Maybe final Friday's it gets busy, but it's not a big issue. 33 spots on a street that has no businesses on it, almost certainly going to pull in people from 9th Street businesses, from entertainment events and from other things like that and I'm glad to put with that kind of stuff, over on Mississippi Street, for example, on game day or on Final Friday, in front of the house on New Jersey, that's okay. It's a big difference between that and having a public parking spot that libel to used conceivably 24/7 if bars and other entertainment venues open on 9th Street or somewhere else in the area. We

don't want that in front of us. We don't want the trash, noise, the litter, the beer cans and all the stuff that's probably going to come from that. My request, and I'm speaking for myself and several of the other neighbors on that street, is find a way to mitigate it. Work with people on the street and find a solution. I have...we have, we worked out one possible solution and maybe it's not the best, maybe it's not the only. We're not engineers, we're not planners. Here's our suggestion, make it a one way street south bound. It will reduce the complexity of that street very much instead of having two directions of cars going. Include some design features to slow down traffic a little bit, maybe that's putting a bike lane in, I don't know what, something simple. Do not allow public parking. Make that a school parking lot, that's what it was built for and there really is no need for public parking at this point and do a little landscaping, some trees and some bushes and try to mitigate it. Right now we've...quality of life, quality of life of anybody living on that street is way down. I rent that house. I'm probably going to have a harder time doing it. I've been paying taxes in this town a long time. I acknowledge this was a mistake and an error and wasn't intentional, but the City has the capability to fix it and I'd like to ask to see Commission and staff find a way to do that. Thank you.

Acting Mayor Soden:

Thank you Eric.

Greg Herrod:

How does this work, do we sign in?

Acting Mayor Soden:

Yeah. Public comment you just go one at a time and then sign in and then speak your piece.

Greg Herrod:

I live next to Eric's house and I have all of the same issues we've talked about. I would...other things I would like to add is, it's even more complex on that street than he mentioned because there's also driveways that pull out. So, my driveway pulls out into a street with two-lane traffic and then there will be diagonal parking on the other side of the street, you know, right adjacent to it. I don't think that the City Planners or Traffic Engineers would allow that situation in other place. In the site plan there's no...they've made no attempt to put any landscaping that would have been part of any parking lot, you know, just by code and a certain amount of trees perfect spots. None of that stuff exists in this plan as it sits. Also, there's a driveway that goes to a dumpster enclosure and then also some interior parking spots. I think it's a basketball court, but they've also shown it as overflow parking at times, that does meet the width requirements of a driveway in a residential area so it definitely could have...if they had brought that to us, we totally could have figured out a way to make that into a driveway that would fit the scale in relationship of the residence. I was also not notified. I was out of the Country at the time, but my mail

was forwarded to me. I never received anything. So, you know, like Eric, the New York School is a special place to me. I fought hard to keep it as a school. I'm willing for there to be parking to keep that as a school, but I think that you need to follow at least some of the steps that are in place in order to address the neighbors and just some of the things that are written in the code for parking in other parts of the...It seems that it was approved and all of the requirements were waived, you know, the landscaping, the driveway widths, things like that. The traffic study was never done. The traffic study would be done if that had been a business who had asked to do that. So there's just a multiple ways that in this project, they just, you know, fast tracked it, letting it go through and didn't really take the time and consideration to look at how it's going to work. So, I hope you'll help us make a solution for this. There's also...they're required by the code for school, for every 1 ½ employees, there's one parking spot required. There're 33 parking spots there. There's...you know, I did a count on the staff decided that the USD497 at the school and it comes out to 26 spots that would be required. I don't know why it's 33. There are a lot of questions and I think that we can, you know, we can come to a solution. We're not asking for this to go away. We don't want to impact New York School, but I think that it definitely needs to show some consideration to the neighborhood because you have definitely changed the dynamic of our living arrangement. Thank you.

Acting Mayor Soden:

Thank you

Steven Spencer:

New Jersey Street has never been an ideal spot for traffic or pedestrian traffic as far as, you know, like not being developed on to the easement. We've had that, gosh I think it was an 8 foot chain link fence that was along the New York Elementary School eastern border to address some issues with traffic not being able to inadvertently ingress into the playground area, years and years ago. Ever since then though there has been no use to the eastern side of the street. As far as the ride-ability of automobiles, parked on the east side of the street, I lost an entire vehicle myself and a two driver side mirrors, over the, gosh, 12 years that I've parked on the street. Honestly, I think having parking spot there, it has to go somewhere. As far as the, I mean with all due respect to my neighbors, as far as the effect that it's going to have on our neighborhood, what would be an even bigger effect was when those...that beautiful brick work was done over on New York which caused suddenly nobody to drive on it. So now we have the situation of the last two or three years where parent drive up on the east side of the school to drop their kids off by the fence where the arrangement was made that fence was open up so the kids could go to the school which caused basically to turn into a parking lot every morning. If there's any question about why there might be a few

extra parking spots, honesty, it would be nice if parents had a spot to pull in while the kid had a melt-down instead of sitting in the middle of the street because what would happen is people would become impatient and then they would try to pass which as Eric pointed out, is a very narrow street and that's not safe. So finally, our leaders would be to...any modifications that you made to your plan which there may be many that need to be made, please do so with intent and thought because when the 4-way stop was moved from New Jersey Street to the New York intersection, gosh what, 7 or 8 years ago, with the idea of protecting that intersection being that where kids would go into the school. Well, we still have folks that are running that 2-way stop, excuse me, that 4-way stop sign on New York and are sitting on 9th Street and 10th Street; on New Jersey Street waiting for somebody needs to go. So, I think a one-way street there would be an awful idea, at least in the short term. There would be a lot of accidents, a lot of property damage so please be mindful as you consider your options. Thank you.

Acting Mayor Soden:

Thank you.

Michael Almon:

I didn't come to talk about this tonight, but a couple of weeks ago, I believe it was, I made brief presentation on back-in, front-out angled parking and the numerous reasons why it's much safer. Mr. Kirkendall is absolutely right that front end angled parking is one of the main causes of collisions, particularly with bicycles. It could be with children. So I will defer to all the neighbors there, of course, for what mitigation would be appropriate. I don't live in that neighborhood, but given the safety benefits of back-in/front-out angled parking, the one that I would like to mention that is so appropriate at that location, at a school, is that opening car doors when the car is backed in, directs children to the sidewalk when they emerge rather than to the street. So that's an obvious benefit for out of school. So among all the things you might consider, please keep that one in mind.

Acting Mayor Soden:

Any other public comment. (none)

Commissioner Amyx:

Well, you know I have to believe and Eric I appreciate your comments, but as you and I talked earlier today, we're going to have a difference of opinion on whether or not we've done right by the notification process and all and I review the information that has been presented by staff and I believe that we have. I do think, you know, that there's probably some opportunity, if we choose to, you know again, as you and I talked this afternoon about the movement of traffic along that street and, you know, whether or not it's going to become one-way or not. I would suggest, as was just suggested by Michael, is, you know and I think it was Steven a second ago, also is to make sure that we understand what that movement of traffic is really going to be

like and so that we don't make, you know, make something really worse here. That parking is there. It is approved. I think we are legally bound to support what we have done, but at the same time, I think that something that happens as we look at this over the next couple of weeks or as it opens, is going to give us a better idea as to what might be a helpful solution there and you know, I think anything, you know, may be possible. You and I talked about the one-way, but here again, I don't know if you can park on the left side of the street as I told you before. I couldn't find another place that did. You may have looked it up and found out, but anyway, I would suggest at this point, we kind of stay where we are and review what options as comes available as this opens. I truly think and I appreciate everyone saying this, the importance of having that neighborhood school, especially New York School is something that truly helps solidify East Lawrence. I mean it really does and so as long as we're doing things that are going to help that neighborhood in surrounding that school, I think we need to be very careful, but at the same time, you know let's look at see where were at over the next couple of weeks. As a Commissioner, I'm open to about anything.

Diane Stoddard:
Interim City Manager

I was just going to suggest, if it would be helpful, we would be happy to arrange a meeting that would include, Mr. Kirkendall, his neighbors that spoke here this evening as well as other neighbors on the street and our staff and school staff to look at what other possible options maybe available, given what has been approved and the patterns there that unfold as school begins. So we could look at them that way.

Acting Mayor Soden:

I think when school starts we'll definitely see what it's going to look like and we can monitor it, then make changes or adjustments if we need to. Any other comments?

Commissioner Herbert:

Eric, I appreciate your phone call the other night and one of the things I took from that, a lot of your concern was directed at the way the neighborhood had been reshaped by the parking lot. As I was listening to you, the angle I was actually taking with was more the safety angle for the student there so, I think, if we can arrange this meeting Diane, one of the area of focus I'd like to see, particularly once schools back in session, is, you know, how are these 33 spots and the traffic on a street that perhaps isn't made to handle that kind of traffic, how is that affecting the safety of the students because we are talking about an elementary school here, we're talking about kids as young as 7 years old and that's obviously a big concern, making sure that the way that we've design that parking isn't setting us for a potential catastrophe in the future.

Commissioner Amyx:

Thanks' Eric

Acting Mayor Soden: Thank you for coming.

E. REGULAR AGENDA ITEMS:

1. **Conduct election of Mayor. Nominations for Mayor will be received. Nominations for Mayor will be closed. City Commissioners will vote for the position of Mayor.**

Acting Mayor Soden called for public comment.

Judy Morris: I'm a Lawrencian from way back and I've been here through many, many changes and many, many mayors. You know my dad served the City for quite a few years as County Attorney. I've lived in the heart, not the heart of the City; so much as the feelings of the City. I think we all owe Mike Amyx an expression of appreciation for his service for so many years, to our gown. Mike has been totally dutiful, totally proper, and friendly. You know, I just can say enough nice things about Mike Amyx. Trust me, I've been around a long time, longer that you have Mike and I know the family. I would just like to say, from my prospective, I would love to have you back as the Mayor. Thank you.

Ted Boyle:
President – North Lawrence
Improvement Association I to would like to see Mike as Mayor. The reason is the experience that he carries of being a 4 time Commissioner, County Commissioner and also, most of all, the respect that he has for the Community. Every neighborhood and everybody in Lawrence Kansas, he listens to and treats the same so I believe that he can help us overcome this difficulty that we're in right now and I'm sure the other Commissioners are competent, but you know, it's always good to learn and maybe take a year to learn from the pro and that would be Mike Amyx so thank you.

Frank Janzen: A very quick survey, everybody here in the room and outside, let me see you raise your hands, if you think that Mike Amyx should be the next Mayor.

Acting Mayor Soden: Frank, you're supposed to be addressing the Commission, but we'll vote here in a second for you though.

Joe Patterson: First, I would ask somebody in your position get us a large gooseneck microphone. You need a microphone that gets up to the short people to the tall people so we can her back there. I think my main concern that the next Mayor has to come from this group right here. They were elected by the people and obviously Mike's well, well established here, has been for a long time, but my main concern is to make sure we get a Mayor from this group of four because they were elected and they have a little experience, maybe not a lot, but they've got a little experience and they can grow from there and Mike, you're my number 1 choice. Thank you.

Patricia Sinclair: Gee, once again I'm out of step with the times, because I am not

endorsing Commission Amyx for Mayor. I was one of the small percentages of people who voted in the primary and the regular election. No Commissioner needs to serve as Mayor if he or she does not want to, but I would like to say, Gee it would be refreshing to have a woman again, and even the top vote getter... and I've lived in Lawrence, close to 30 years, so it's not like I haven't ever had any experience with any of the people, that you can make a statement that he listens and treats everybody the same if you haven't tracked everybody around, you know. He brings a wealth of experience, but I think we've had an election where we voted for change and that is what we wanted and that is what I hope that we will get. We're at a real critical time. We're not a very appealing City right now to outsiders due to the publicity about Kansas. It was even in the New York Times a big boring article. You know there are a lot of things, positions to be filled, decisions to be made, anything left of downtown to be decided about. You know, these are key things. One of the things that were on the...I would have come to the meeting on Friday, but I didn't see the extended agenda. There were just 3 or 4 lines before, so I watched the hour plus at home and...I'm sorry, I missed supper. Anyhow, I really feel that the community spoke about wanting change and change means new, it doesn't have to mean that, you know, you're an offensive person or anything like that, but I do feel that what I watched...Oh...Oh and also it's not from...I don't know what happens if there's a tie. It didn't speak to that, but I believe that the Mayor has more duties or did in the past, then it said on that agenda item. I believe that the Mayor also makes appointments to boards which maybe than confirmed by the Commission members. I believe that the Mayor also meets earlier in the week to set an agenda, perhaps others participate in that. So, to say that they just sort of sign ordinances or whatever and chair the meeting, to me didn't sound like much. If you think this is boring, I didn't even come up and speak about the other because anyway it was such a long meeting, but I have a long list of things I'd like to put on future things which maybe I'll just try and write up sometime, like you know... Anyway, what I would like to say is that, I felt that regardless of whom we chose from Mayor, that what I saw last Friday during this meeting was a very disrespectful attitude towards...I'm not sure if I'm supposed to call you Vice Mayor or Acting Mayor. Thank you. I thought this was very disrespectful. There was a lot of conversation, private conversation going on between Commissioner Herbert and Commissioner Amyx, during the course of the meeting which I think is un-called for and I felt that in a way Commissioner Amyx sort of hijacked the meeting by thanking Commissioner Farmer, I don't know if you want to take that back our not, and say how much he would be willing to be Mayor. It just felt to me like very disrespectful and this sort of campaign by the few people who came and came up to the microphone repeatedly and said that and I would just like to say

that I appreciate, Commissioner Soden, I appreciate the hard work she put in, in East Lawrence and meeting with people ahead of time and serving on boards and I appreciate her concern for the poor and her fresh outlook on things. The fact that she's met maybe would have been nice to have Boog Highberger to shed a little light on that state statute which wasn't...we just had a house bill, we didn't have the statute and I spend a lot of time looking for the statute, but anyway so that is what I am casting my comments both in terms of trying to be more respectful of each other and in terms of not discriminating against women because they might have a little different style. Perhaps being a little too polite and not banging the gavel and saying, "let's go" you know instead of "are we read to get started" you know, so that's it.

Acting Mayor Soden: Thank you. I appreciate your support, thank you Patricia.

Patricia Sinclair: You're most welcome.

Acting Mayor Soden: Any other public comment? Come on up to the microphone.

Dan Dannenberg: I don't support Mayor, or former Mayor Amyx for the position. On the afternoon of January 9, 2012, I took the opportunity of walking through the Oread Neighborhood because I had heard that it was kind of a mess and it was more than a mess. One house I saw, I had to call the police to go in and try to see if anybody was there, in danger or whatever was going on and the Policeman, I thought he was going to arrest me for calling him, but Mr. Amyx is going to continue taking care of his "Goombah" landlords and he's got Mr. Herbert to do it with him and I have at least 4 properties that I've looked at today, that need to have their lawns mowed and I think they're all rental properties or owned by non-resident owners and we need to have the Code Enforcement, put under the supervision of a senior status Federal District Judge or Retired District Judge to get it out from under this morass of cronyism and special treatment. We all know that the rental licensing and landlord protection program is probably a joke because if you get clear inspection 1 year, its 6 years before the property is inspected again, as I understand it, maybe that's not the truth, but it simply doesn't work that way and to have a Mayor who is so involved with keeping neighborhoods degraded and on the fringe of blighted by rental properties, we don't need that. We need somebody else. We need a fresh face to sit in the Mayor's chair and bring a true fresh prospective and somebody who's not going to be wrapped up in the oligarchy of developers and landlords and somebody who maybe would even take the reins and say to the Chamber of Commerce, how are you spending that \$200,000 we give you each year. So I thing that's what we need and it's like the old saying goes, "insanity if doing the same thing over and over again and expecting a different result." Well, we need a

different Mayor and we need a Mayor obviously that would put us on track to dissolving this City Commission because this doesn't work anymore. We saw that just previously with the situation with New Jersey Street. Thank you.

Acting Mayor Soden: Thank you Dan

Les Hannon: I've lived in Lawrence 43 years. I was recruited to become a manufacturer, to run a manufacturing plant in Lawrence. Where's Lawrence? I didn't know it at all. My wife and I lived very happily here since we came. I've known Mike for a long time. I've seen him acting as Mayor before. I think he is very fair handed in all that he does. He has real feeling to do absolutely what is best for Lawrence. So, I very strongly recommend that Mike be elected to Mayor.

Acting Mayor Soden: Thank you Les

Barbara Sabol: I didn't come with the intent to speak. In fact, I didn't know there would be an opportunity to speak on this issue and I'm not coming to endorse anybody or say who should or should not be the Mayor, but I think there are some principles that need to be considered and the principle or the major principle I think, is looking forward. What is it that we need at this time to move us forward and I believe one of the characteristics that we need at this time to move us forward is a voice, a person who can reach into the community, listen to the people who live in the community and act based on what they learned from the people who are actually living in the community so as the decision is made, I hope we will keep in mind, looking to the future and listening to the people. Thank you.

Acting Mayor Soden: Thank you. Any other public comment? (None) Back to the Commission.

Commissioner Herbert: Vice Mayor if I may. I've done a lot a time reflecting on this since Friday when we had our meeting and I made some comments on Friday that we've lost a lot of trust with the community that when the 3 of us campaigned, there was a big need to restore trust on the Commission, at least that's how I felt and I wanted that to be one of my goals and unfortunately, some of the events that happened in this first 120 days we've been here, I do feel like we've taken a step backwards and with that I have 3 comments I'd like to make. First of all, I think it's very important tonight that we seek out leadership. I have an absolute great respect for Commissioner Soden and Commissioner Boley. These are two people who I have had the opportunity to get to know very well while we were campaigning, I had the opportunity to sit next to them and countless forums. I could probably answer all the questions for you at this point and I learned a great respect for them and I'm not shy in saying that

on election night, when I was able to join the two of them victoriously, that I was very grateful for who I was standing with. That being said, I think about the experience I've had here for the last 120 days and if I were in a position to be asked to be Mayor tomorrow, I don't know that I'm prepared for that and with that in mind, we look at Mike Amyx and we're looking at someone who's been there, whose had the experience, whose obviously led this community through a lot of different times and I see a lot of leadership qualities there. Second thing, the point I would make is that we need to be responsive to community feedback. We talked a lot again, when I say campaigning and I no several people mentioned, 'fresh face'. One of the things that brought about that need for 'fresh face' that led to non-incumbents getting elected in April was that we began talking about this concept of transparency in making sure that the community's voice is heard. In being responsive to community feedback, one of the things I'll point out as my fellow Commissioners can back me on, as I believe most all the emails were directed to all of us. Since Friday we've received over 30 emails of support for Mike Amyx to be Mayor. At the special meeting on Friday, we nearly had 100% of public comment referring to former Mayor Amyx becoming future Mayor Amyx. The only comment that I wrote down that was against him being Mayor was a comment by Mr. Dannenberg who said that none of us should be Mayor. To Patricia's comments, I agree the election set the tone for change and it is out of that need for change that I will pledge that I will support Commissioner Soden becoming Mayor next April and after that I will pledge my support to Commissioner Boley becoming Mayor, but this is not next April yet, this is August. The final point I want to say, is that for the last 120 days, I've had the honor of sitting next to somebody that I would consider to be a mentor for me. I'm relatively young and I've had an interest in politics for a long time and when you grow up in Lawrence and you think of politics, this is who you think of and so it's been a real privilege to get to sit next to you and the only hesitancy I have of you being Mayor as that no longer get to sit next to you. With that comment, I would make a motion that Mike Amyx be nominated as Mayor.

Acting Mayor Soden: Let's have some more comments first, okay? Do you have anything you want to say?

Commissioner Boley: I'm okay with it.

Acting Mayor Soden: I did do a little speech because I'm not as good as a speaker as Matthew. These aren't the kind of things...I like to wing it, maybe in a few years. So currently the Mayor turn-over happens in April as Matthew mentioned and in the next few months we need to discuss the terms of Mayor and how we'll change them to reflect our new election date that's now in November. So I'm

certainly looking forward to those discussions, so it will be good. I think the last election did send a strong message for change in our City government, but I don't think that the change included making someone with 4 months of experience as Mayor. I definitely don't think that was the change people were looking for. Our current tradition, allows us to have the Vice Mayor will have one year of experience before becoming Mayor and I think that's a sound policy that should still be followed. So after the events, last week, slowly unfolded, this has been a bit of a nervous time for our City. I'll always try to do the right thing for the City, not necessarily it's just for me, but for the City and right now this City needs experience and predictability, that's what it needs. So I would be happy to nominate Mike Amyx, but I'll be Matthews second.

Moved by Commissioner Herbert, seconded by Acting Mayor Soden, to nominate Mike Amyx as Mayor. Motion carried unanimously.

Commissioner Boley: Thank you Leslie

Acting Mayor Soden: Thank you Stuart. Should we go ahead and switch chairs now?

Diane Stoddard:
Interim City Manager It would be appropriate for you to make a motion to close the nominations, I think really quickly, and then then actually have the vote on the position formally.

Acting Mayor Soden: Okay, well we just did the Mayor.

Diane Stoddard:
Interim City Manager The motion was on the nomination.

Acting Mayor Soden: Oh, I see what she's saying. That was just to nominate. That wasn't the official.

Commissioner Boley: You see, we're new.

Diane Stoddard:
Interim City Manager I understand.

Commissioner Boley: We're getting less new all the time, I'll tell you.

Acting Mayor Soden: So the motion was to nominate Mike Amyx as Mayor. I guess that raises the question so when our next motion, when we actually elect the Mayor. Does Mike Amyx vote on that?

Diane Stoddard:
Interim City Manager Everybody can vote, yes.

Commissioner Herbert: You're second was just to accept my nomination.

Acting Mayor Soden: Okay.

Commissioner Herbert: It's a technicality.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to close the nominations for Mayor. Motion carried unanimously.

Moved by Acting Mayor Soden, seconded by Commissioner Herbert, to vote Mike Amyx as Mayor. Motion carried unanimously.

Commissioner Herbert: We need to elect a Vice Mayor before we shuffle.

Commissioner Boley: She's already Vice Mayor.

Vice Mayor Soden: Do we need to do an election formally for Vice Mayor?

Diane Stoddard:
Interim City Manager: No, there is a Vice Mayor that's established so I don't think you'll need to take any action on that.

Mayor Amyx: As my first official act as Mayor, I move that we remove item no. 2 from the agenda. So you are the Vice Mayor. Before we change anything let's kind of go through this a little bit, if that's okay? You know I'm not real good a writing speeches and I mean to tell you, this afternoon, I actually went home early and you know, my wife Marilyn, God bless her, she's lived through a whole lot of years of me being in this room and I can't thank her enough, but I spoiled a surprise that she had planned for me and one of the things that happened, was, is that as we talked about this is that you know, we'll there's a pretty good chance I may be 6 times as Mayor and she said, "Well, I kind of got plans. I'm not going to come." I, said "really, okay, well that's alright." I was being the good guy and anyway, but when I came home this afternoon and she was all dressed up and everything, I ruined the surprise for me, but I've been known to do that. Marilyn, thank you so much for coming today and thank you all very, very much for the comments this evening, both for and those that questioned my ability. I want to thank you all very much for that. I do also want to thank Vice Mayor Soden. Stuart made a comment a second ago that is extremely true. As you look at experience, experience happens a multitude of ways, in the last 8 days there is nobody on this Commission, there's probably very few in this community that could of guest what we would go through. Leslie, a special "thank you" for leading us through the last 8 days, in getting us to this point. I believe that the level of experience just flat went through the roof on these 3 people and what they've had to endure, the last week and not from comments or anything like that, but to make sure they find it within themselves to find out how important it is to lead a community through any...anything that is a tough time and it is been a tough time. I can't continue to wait when I say this, "I've got to thank the public for the number of years that they've given

me to be a part of this Commission.” It’s truly a privilege, I’ve got to say this, and one thing if I can pass along to my fellow Commissioners, is never forget it’s a privilege to serve on this Commission. It’s one that I’ve taken so serious and I mean to tell you, it’s a...I take great pride and I know that you all do too. I watch tonight and I see former Mayor’s Moody and Dever and Commissioner Hugh Carter, Dennis Constance and I’m sure there’s other’s that are here. I know they did the same thing when they were here. The pride and the work that they’ve done and the privilege, again, just to be able to serve is just...it’s an incredible feeling. You know I can only say that as I pledge to this Commission, you know, we’ve got a lot of work today. We have got a great City. The City of Lawrence, Kansas...it’s been said in the past, I mean, to be able to have this job. This is the best elected job in the State of Kansas. I mean it truly is. Being able to work with the people of the City of Lawrence, Kansas, I mean, we debate things. We debate things, but we make sure that we try to get it right. That’s what we do and you know, we enjoy it and we won’t move until the last word is said and the final vote happens, but it’s important that we do that because we care. We care about our community. We care and the day that we don’t care, there’s something really wrong so I invite everybody to come forward and I don’t care about your position on things. Make sure you come forward, you make your peace, you say your piece, it’s so important about the future of this community. We are a great community. We are leaders in this State. We should never forget that, we are leaders in this State. There are people; there are communities that would love to be like this. They would love to have our downtown. They would love to have our strong neighborhoods and you know what, it’s because of people coming forward that want to make it great. That’s what this community is about. You know when we stop and look at the services that we provide, you know I’ve said in the past, I’ve never been on the first of the scene of an accident, but our police department is. Those are the people that do their job. Diane and her staff make sure that services are provided in a great way. You know, we set a lot of policy. We do a lot of those things. We make a lot of decisions on zoning and all kinds of things, but the truth of the matter is, is the real work happens while we’re asleep, while we’re asleep in making sure that people are safe and services are provided and a special thank you Diane, all of the staff, all the work, the department heads that are here, than you all very much for the work that you do and the services that you provide to the citizens of our community. I can’t thank you enough. This Commission, you know, over the next several months, we’re going to have the opportunity to get along just like family. It’s going to be one big happy family. Now, we’re going to disagree, like big happy families, right? We’re probably going to vote different things, right?

Vice Mayor Soden:

We do now.

Mayor Amyx:

Yeah, we do now, but you know one of the things that we do have an one of the things that I've learned about this Commission in the last 120 days, is that there is respect for one another. When we walk out that door, we're friends and you know that is so important to me, as not only a member of this body, but as a member of our community, to see that kind of relationship. At the end of the day, you still got to have the respect for one another and I appreciate that from all of us. Matthew, Stuart, my pledge to both of you, if you ever need advice, council, whatever it is, please ask. Let's make sure that we do it right. Acting Mayor Soden, any help I can be, you know, let me know because I'm going to count on you for a lot of stuff.

Vice Mayor Soden:

I'll be you're shadow.

Mayor Amyx:

I delegate. I have learned that in 31 years or however long it's been that I've been around here. Delegation is important, get ready.

Vice Mayor Soden:

This is going to be fun.

Mayor Amyx:

Seriously, over the next several months we're going to have some of the most important decisions that we make on behalf of this community, and those decisions are going to be that we need to fill a seat, the vacant seat on this Commission. There's going to be a process that we decide. We're going to start having those discussions this evening, but that is so important to this community that we need to make sure that we have that pick and we do that in a timely manner. Next, is hiring a permanent City Manager. We've got to have someone in the seat. We've got the job ready to go and we've got to make that decision. That search process is in place and we're all going to be part of that and, you know, we're going to make that job happen also this fall and then last, but not least, as part of the direction that we have, over the next several months, something that Acting Mayor Soden brought up in her comments is that we need to decide when this seat will change and we have to have that discussion. There's going to be a lot of push right now to talk about form of government. It's something that I don't want to do right now, but it's something that we need to have discussion as a body over the next year or so. We got to get things calmed down a little bit. I mean, we've got to be able to do that, but it's important that we do have the discussion about this and about the Mayor's seat and when that's going to happen, because we've got to have an election on an annual basis. I should be a fairly simple deal. You know, folks, we have gone through a pretty tough time, in the last week, but one thing about it we move ahead. When I talk about the greatness

of the City of Lawrence and how we are leaders in our state, I believe that from the bottom of my heart. I mean, I know that we are that and you know, it doesn't get much better than that, but the truth of the matter is, is we've got a number of great things to do and we'll continue to talk about these things and over time, as the dust settles and everything goes, we'll make sure that we moved on and we move on in the most positive way that we can. We've got great people around us. You've got an excellent City Commission. These folks, I have learned done thing, they work hard. These guys put in some hours and I mean, it's been great to see and there's a youthful attitude here that, you know, things are going to be good. Again, I want everybody to understand, as Matthew brought up a little bit ago, as we talk about trust, trust can only be earned. Trust can only be earned and we started new tonight and you know what, we're going to do everything can to earn that trust. I know it's easy to say that, but I'm going to tell you, we're going to live it and I can't say that enough. It's always a privilege to serve on this body and thank you all very much for coming this evening and I'm happy to accept the job. Thank you.

Vice Mayor Soden:

Thank you.

Mayor Amyx:

That's all I got.

Vice Mayor Soden:

Shall we recess briefly for 5 minutes?

Mayor Amyx:

Why don't we make it 10, so we can change around.

The City Commission recessed at 7:04 for ten minutes.

The City Commissioner reconvened at 7:14.

REMOVED FROM REGULAR AGENDA Conduct election of Vice-Mayor, if necessary. The Mayor will receive nominations for Vice-Mayor. Nominations for Vice-Mayor will be closed. City Commissioners will vote for the position of Vice-Mayor, if necessary.

3. **Discussion of City Commission vacancy.**

Mayor Amyx:

Last Friday, I brought up an idea of public process of being able to have individuals who are interested in the job apply, go through, I guess, which you will, a public process that I think is extremely important. I mean, one, we appoint a committee that would grade, if you will, candidates as they go through the process. We hold a series of forums that doesn't have to be over a 3 week period. We can hammer it home over a couple of week's period. Get some people into the lights and stuff. Answer questions on topics that, you know, that we can put out. I encourage us to use the Voter Registration Coalition, League of Women Voters who handle forums very well as we all are aware and have this committee make recommendation back to

the Commission, where we will make the final interviews and final decision. That is one idea and I know that you all have ideas along various lines also. That's just one thing. Any suggestions at this point or before we go to public comment?

Commissioner Boley: I guess I'd like to just ask a couple of questions.

Mayor Amyx: Please do.

Commissioner Boley: People would be applying for the vacancy?

Mayor Amyx: As I see it Stuart, the thing that we would do is, we would open it up for a couple week period or however long that the Commission felt was an appropriate time. Individual's would have the opportunity to come and apply, resumes in hand, however way you wanted to do it.

Commissioner Boley: Okay

Mayor Amyx: Anybody, you know, that want to go through the process, would be considered for this vacancy.

Commissioner Boley: So the group that would be considering the applications, before we did, they would be charged with separating them into a couple of groups: 1) hire consideration 2) another at a regular?

Mayor Amyx: No. My suggestion would be in the committee that would be established, if we could come up with an idea on an exact number of people that we would like to have serving on this committee is that each one of us would recommend whatever the necessary division was and that we would make those appointments. Their job would be, as folks are going through this process of forums or whatever process, you know and believe me, I want this committee to establish kind of how they're going to do their own grading. I really want this to be a public process, I really do and I think that is important and so as the group comes up with how that grading is going to be, they would recommend and here again, they could recommend, you know, two people to the Commission or whatever number that we, you know, wanted to interview because they would actually do that process of making that recommendation. Obviously, that final decision rests, you know, with this body. You know and the membership, you know.

Commissioner Boley: But we would be able to select from the entire pool of applicants, not just from the couple that are recommended.

Mayor Amyx: The group and I think it's important here again, we have the discussion, do we want them to make recommendation, or do we want to have that final decision come from that entire pool of people.

Commissioner Boley: I think that it would be only appropriate for us to eliminate people from the pool. I don't think we should delegate that.

Mayor Amyx: Okay. Like I say, I throw this idea out there as one that ...

Commissioner Boley: With that stipulation, I think I can see how that would work.

Mayor Amyx: Other questions?

Vice Mayor Soden: Well, the thoughts that I had more had to do with timing. I think we should try to get it done within 30 days. I don't think we should extend it too long. Also, what I was thinking is that this group of people, you know, I kind of figured that it might get a little political and the people that are put on it so I do have a bit of that fear and I see that more perhaps as kind of, I don't want to say grading the candidates, it's not a good word for it, but perhaps to sort their experience and you know look through the resumes and all that and I don't want definitely, a rank, you know, this is our top choices, this is our second choice. I don't want to rank like that. I don't think that's very fair, but if they perhaps submit, you know, maybe six names and then we choose between the six somehow, but I think it would be very helpful to have public input in just kind of sorting through these resumes, I guess, is what you're saying. I think that would be very good and we have different variables we can add. Of course, diversity is a big one that we need to look at so...

Commissioner Herbert: I guess I would use this opportunity to collect some thoughts from you guys as to how we might go about answering one very legitimate concern that we've been receiving from the community and that is, having just held an election, how do we justify to the community, not using those elections results? I'm sure you guys have received that email, just as I have, that phone call and you know, that's been something that's weighed on my mind quite a bit is, how do we respond to that in a scenario where we still like somebody other than the 4th place vote getter.

Mayor Amyx: Commissioner, as somebody who has gone through this process in the past, I can only tell you, you know, historically, you know, my views on that and it was something that before, I think that, going back in time, and this is my recollection. The concern the Vice Mayor had about becoming political, I think was something that was of concern, at that time, and I think looking back, I think that was a possibility. That was my major concern. You know, I share everybody's concern about this becoming a very political process and I tried to come up with a way that I think that maybe we can avoid that, you know, if each one of us makes, you know, the appointments or whatever selection or whatever process we put together, but here again, this is one idea. I believe that it can work and I do think it can

be accomplished in 30 days. You know, it's a question of timing on what kind of work we're going to ask this committee to do and what we're going to ask them to...you know, their recommendations, how they're going to come. If it's not a grading system then what is it going to be? So you know, my concern there is that there has been a push at this point, you know, for the first place finisher which you know, as there should be. Individuals that got a few votes, but didn't quite make it into the field, you know, at the end. I mean there's a lot of hard work done by a lot of people, you three especially.

Vice Mayor Soden:

Yeah, the school board kind of just went through that same scenario and there was a big outcry against that so I think it's a good complimentary feel for us as well.

Commissioner Herbert:

You know the reason I ask that is, I find myself very torn on the matter to be very frank. On one hand, I totally get it from a mathematical or logical standpoint. When you live in a representative democracy, we tally votes and we do a rank in file order, but I also look at that and I look it from a historical framework as well. My history does not go back is yours Mayor, but when I look at it, I see April's election being a little bit unprecedented in terms of, we had a complete replacement and so at the same time what went in my mind, I say well it makes a lot of sense to just take 4th place and pull him up. I also see an election where the community spoke, they demand a change and they demanded that no one that was seated be someone who had seated prior and so I wonder if we do a disservice to those voters if we pick...if we just pull somebody up from 4th so that's why I ask that question, is I'm struggling with that issue myself to be quite honest with you as to how I feel about that.

Vice Mayor Soden:

It's certainly the simplest way to do it.

Commissioner Herbert:

It would be the most efficient simplest for sure, but not necessarily the best.

Vice Mayor Soden:

Right, exactly.

Mayor Amyx:

You know, I think I've thought about that a lot Matthew is to...you know if it's just the easiest way to do it, that might be, but I don't think we as a community do anything quite the easiest and you know, just be honest and you know that's okay. I mean, I appreciate the work that everybody does, but, you know, in this particular case, this doesn't prohibit anybody who finished 4th, 5th or 6th from applying. It doesn't prohibit anyone who finished below that, in the primary, applying and you know, everybody will be considered equally.

Commissioner Herbert:

I just want to make sure that people understand that that everyone will be considered equally. I mean, I truly believe that

and I think working with the 3 of you, I think that you exercise sound judgment and the community would be right to put their trust in your hands. I just want people to really feel that way. I want to make sure that nobody in the Community feels like we're trying to stack the deck here or something, you know. The beauty of it is all four of us are so vastly different that I feel it would be nearly impossible for us to collectively stack the deck and so we have that working for us, but I want to make sure that this is an opportunity for us to build bridges and fences and all those other wonderful clichés.

Vice Mayor Soden: It is important to address that possible solution, as well, so yeah, it's good to talk about it.

Mayor Amyx: And as different as we are, we still got to remember somebody's going to get 3 votes.

Commissioner Herbert: Yeah.

Mayor Amyx: I mean they really do so it's going to be a challenge for folks to go through the process and, you know, there's going to be some serious work on this so we need to recognize that also. Any other comments, questions?

Vice Mayor Soden: So people just have the option to apply, it's not that we recommend anybody for the seat, not necessarily for the committee, is what I'm talking about.

Commissioner Herbert: My understanding was that we're going to recommend for the committee, but that it is open applicant as long as they meet the 18 years old and a citizen of Lawrence and a qualified voter.

Mayor Amyx: One of the things that we probably ought to discuss a little bit too, is will we accept nominations, you know people nominating other people, and I think that's another part of the deal.

Vice Mayor Soden: The Committee or the...

Mayor Amyx: No, as a potential candidate

Commissioner Boley: The candidate would have to accept. If that happens, they've applied. If it doesn't, they haven't.

Mayor Amyx: These are just some of the things that I thought of in the middle of the night.

Commissioner Herbert: You should have called me, I was up.

Mayor Amyx: I think we both probably were.

Vice Mayor Soden: I think it would be good that we tell people, how we want them to

apply. Do we want them to have a resume? Do we want a list of questions?

Mayor Amyx:

My question for staff would be is that I know when each one of us decided to run for Lawrence City Commission, we had to fill out, you know, all the necessary forms with the City Clerk's Office and is that something that we would have to do? Would that individual have to fill out that information or something as simple as a resume?

Diane Stoddard:
Interim City Manager

I turn to Toni or Diane, if they happen to know the answer to that question about what required forms for office.

Toni Wheeler:
City Attorney

I don't believe they have to fill out particular forms. I think you can specify what forms would need to be applied or submitted to be considered. There's nothing in our code or state statute. I think it's at the discretion of this body.

Mayor Amyx:

Okay, other questions?

Commissioner Herbert:

My only concern with having them not fill it out would be I want to make sure that all the candidates are viewed equally on a level playing field and so a hypothetical scenario, if we have somebody who had run previously, during the primary, during the general where all of that information is available. You know, the public can access it and then you have somebody who didn't run, but now expresses an interest. Is that information going to be readily available to the public because there is some stuff on that form? I remember filling that out. It took quite a great deal of time. There's a lot of pertinent personal information on there you have to disclose on you and who you are financially connected with. You know there are certainly people in the community that that's important information to know and so I don't know that it's necessarily fair that they would know that about one candidate, but not another, but again, if we're not holding an election.

Mayor Amyx:

Could we use the forms that we have now so that each one of them fills out the same thing and I do think that's a good idea?

Diane Stoddard:
Interim City Manager

I think we certainly could.

Commissioner Herbert:

That would be my recommendation then.

Mayor Amyx:

I think that would be a good plan.

Vice Mayor Soden:

Well, I think that some have lists of questions and the resume would be helpful too. You know, I mean, I'd hate to make it sound too simple, but you know the questions that we answered on some of those candidates' questionnaires, you know, why do

you think you'd be a good City Commissioner? You know, what is your experience with Lawrence? Why do you want to serve, you know? I think those kinds of basic questions would be good for us to have. Maybe these might be interested in helping formulate something like that. I saw Patrick, but I don't think he's here.

Mayor Amyx: Yeah, he's still here. Other ideas? I'm sure there's a jillion we're forgetting, but, you know, those ideas of being able to ask questions are pretty good, but I'm sure there going to get a lot of those through forum work also. So...but it doesn't hurt to ask twice.

Vice Mayor Soden: I think that we just kind of patch a general plan right now and then next week perhaps we can bang it out further after we had more time to think about it too.

Mayor Amyx: Okay.

Commissioner Boley: Do we want to get started, the group tonight?

Vice Mayor Soden: Oh, to nominate. I don't have a list ready of people. How many should be nominate.

Commissioner Herbert: I think, we originally said 12. Is that correct?

Mayor Amyx: Yeah and here again, I think it ought to be an odd number just so... Here's the deal, if it's...depending on what we're going to ask the committee to do, if there's not going to be a ranking, if there's not going to be a recommendation other than, you know, maybe 6 to interview. Is that what we're saying?

Vice Mayor Soden: That's kind of what I was thinking.

Mayor Amyx: Okay, what's your thought on that?

Commissioner Herbert: Well, you know, you could run it similar to an election where...

Mayor Amyx: You've got to be in the top six?

Commissioner Herbert: There are 14 of us that piled on and that got chopped to 6 and so if we want the committee to be more active and I know Stuart this might go against what you said a minute ago, so please chime in, but if we want the committee to have a lot more involvement, a lot more public input, we can allow this giant pool of candidates, however large that may be to go through the process, the committee to chop them down to 6 for us, effectively creating or recreating a primary of sorts and then to turn the 6 over to us. I don't know if that would satisfy the public's desire to be more actively involved, but it would certainly be a solid first step, I believe.

Commissioner Boley: I think it would be appropriate to have them put 6 in a different group, but I don't think it would be appropriate to tell them that anyway. I think we can have, these are the folks who applied. These are the 6 we recommend. It's up to you.

Vice Mayor Soden: Yeah and then if we want to add more to the 6 we can, is what you're saying?

Commissioner Boley: Exactly. If we can't agree on the first 6, then we...

Mayor Amyx: Okay

Commissioner Herbert: So as I understand it, 6 will come out of the committee and if we agree to that 6, we will consider the rest to be eliminated. The only way more can be added is with a Commissioner.

Commissioner Boley: Well yeah, we can select from the applicants, not just the 6 that are recommended to us. I think we'll probably go with somebody in the 6, but I think the whole pool should be available to us as we make our decision about who will be the next Commissioner.

Mayor Amyx: That's fair, but we're going to ask the committee just again, to recommend 6 people to us. That is the goal.

Commissioner Boley: Yeah. I don't think you have to have an odd number to do that.

Mayor Amyx: Probably not.

Commissioner Boley: I'd like to get this group, up and running.

Mayor Amyx: Can you have you're 4 next week?

Commissioner Boley: I get 4, you get 2.

Mayor Amyx: See you shouldn't stay up all night thinking of that stuff. You just shouldn't do it because you can't add. That's right.

Commissioner Boley: I've got 3

Mayor Amyx: You've got your 3. Have the 3 by Thursday and we'll make sure we get those appointed, okay?

Commissioner Herbert: Toni, how do we bring this name together in a way that doesn't violate the open meetings act?

Mayor Amyx: You're going to give them to staff.

Commissioner Herbert: I email to someone other than the rest of us?

Mayor Amyx: Oh yeah, don't send them to us.

Commissioner Herbert: Okay

Toni Wheeler:
City Attorney I would just send them to Diane and we'll post them on the agenda and that will be public.

Commissioner Boley: Okay

Vice Mayor Soden: And if there is any overlap, you know, it could be possible that we're recommending the same names. Diane can tell us that.

Mayor Amyx: I can be willing to bet that's not going to happen. I just can't imagine us having an overlap. Okay. Any other comments?

Vice Mayor Soden: Okay, by Thursday we send 3 names.

Mayor Amyx: Now, don't go with what I said. It's 3. Any public comment?

Hugh Carter: Thank you very much for handling of the businesses earlier tonight. Vice Mayor Soden, very gracious of you and Mike, glad to have you at the helm here, great job by everybody. So moving forward on this item, just a couple of thoughts, this group of 12 is a group of non-elected folks obviously, who are about to get thrown into wow, what a whirl wind of pressure. I think even just hiring, was it a football coach or athletic director not too far path, not too distant paths, I think that committee was kept private to avoid, you know, the lobbying, the pressures of that decision. That's a pressure cooker and I think it's a great idea Mayor, to get the community input just thinking about that dozen that has that responsibility, what I'd urge us to do is to give them some good, maybe some good direction on criteria or that sort of thing to help them whittle that down for you a bit and to Commissioner Boley's, great point, I agree, you don't want to delegate necessarily eliminating anyone or any decision on that, but even coming down to a 6 recommendation is still a very big deal because how do they rank them, those dozen different people that are now going to be coming in with, who knows what kind of interest and pressures they'll get, just like you get every day, but they're not, in a lot of cases, I know you're going to select people that you think will standup well to that sort of pressure, but it's going to be, you just say what I'd get into Mayor Amyx and boy 12 people are about to get into something themselves super important thing and I hope a lot of great people step up and do it, but I just wanted to factor that in and maybe some guidance to that group to sometimes spent before they do the interviews of if they're going to rank, what are some considerations, if we want to say 'experience' or sort of things to help them.

Vice Mayor Soden: Yeah, I agree with that. I think maybe some kind of criteria.

Some kind of criteria matrix might be helpful for the committee definitely.

Frank Janzen: Obviously, what you're talking about has to be...we have to see that in print somewhere, sometime. I don't know who's going to do that to show exactly you're planning to do this and you did mention League of Women Voters and Voters Coalition, if you want to get input from them as which you're going to do and how to do it. I don't know how soon to be able to have this ready to present to the public for the procedure of how you're going to do this and also regarding the 4th place finisher, if you want to put that person up with the others just to compensate for that opinion.

Mayor Amyx: Thanks Frank. Other public comment?

Barbara Sabol: I appreciate the fact that you're working out a process where you can get community input and I hope as you think about you're selections for the 12 people, that you consider the issue of representativeness of the community, that there would be diversity within the context of the 12 individuals that you would select.

Mayor Amyx: Thanks. I appreciate it Barbara. Other comment?

Patricia Sinclair: I'd like to understand this quite clearly and I'm sorry, but Mayor Amyx, you really do mumble a lot and come back from your microphone. It is difficult to hear you clearly at times.

Mayor Amyx: Patricia, I will move forward, okay?

Patricia Sinclair: Or move your mic or whatever you can do. I'm just saying... you know it's hard to... This is hard enough without this.

Mayor Amyx: Okay.

Patricia Sinclair: As I understand it, what you're proposing, one time was like this is one of a number of plans, but then, somehow, it seemed to morph into a plan so it's seems like you're having a plan whereby each one of you would choose 3 people by Thursday and send them off to this Diane, by email or whatever and these would be people you thought were appropriate and then there would be some kind of a screening committee that you would also choose somehow and then you would then vote on them and I'm just wondering how the public input comes in and I also have some recommendations about material that you gather from them.

Mayor Amyx: Patricia, what I've suggested is, to the Commission in trying to work out this plan, is that each one of use would recommend 3 individuals, okay, that would serve on a committee that would, I

guess, be in charge of making recommendation back to the governing body, the Lawrence City Commission, on 6 individuals that they would recommend, ought to fill the vacant seat. That's it in a nutshell.

Patricia Sinclair: There wasn't an application process where people...

Mayor Amyx: There will be an application process. I suggest 14 days where individuals can apply for consideration of the job of the appointment to Lawrence City Commission.

Patricia Sinclair: Because you know in terms of people going back to school, there is KU or other schools. This is kind of the time of year when people have other things on their minds like buying erasers and you know... You know, I'm only suggesting that and then we'll have a holiday. I don't know where it falls this year, but I'm just suggesting that during this process, we not make it so rushed that... As far as the people...that what we would look... One of the things somebody mentioned financial involvement and so forth. I think we had a situation some years ago with Sue Hack where she owned part of one of those biomedical whatever. She was in a LLC or whatever and didn't realize it wasn't okay or something. There's so much in town that is not upfront about what people's financial holdings are, but even who their backers are when you start looking after the fact of what the Douglas County collects on people. The forms you filled out probably after the fact, you know, so I'm just saying that, you know, you don't really know who you're dealing with. I mean, you don't know who their representing and so forth. I think it's a big burden to put on something like the League of Women Voters and so forth. They do a good job. They're a volunteer group. I looked at their two page resume of our former Mayor Farmer and it had a conflict between what was on the second page and the first page. You know, that's really not their fault. I mean, it's a lot to ask of them to vet somebody and you know, there was a question of his degrees and having a clinical counseling degree where that's school on its website made it very clear this wasn't like in Kansas, things like, I have and MSW that had to be licensed. I can't say I'm a social worker anymore because I gave up my license, you know, I'm retired, I'm almost 69 so you know...and it was clinical pastor counseling so what I'm saying is even there, it wasn't, you know, let's just say accurate and somebody had said that they didn't really look out-of-state things and I don't remember who that was. They didn't look at out-of-state things, why some of the problems that are former Mayor had, the financial things. They didn't look at out-of-state. Just be upfront, people ask that all the time, have you ever been convicted of this or of that or have an outstanding, you know... Why not ask, you know, I mean, I believe in civil liberties, but I mean, I'm also suggesting that, especially if somebody hasn't been around time for a long time

or something, that we know what... Well, they can even be in trouble with another State and have been in town for...

Mayor Amyx: Ms. Sinclair, just to clear it up, we're going to require, as I understand it so far, we're going to require everybody who wishes to apply to be considered for the seat, has to go through the same process of filling out the same paperwork that we did.

Patricia Sinclair: I thought that was a question. I wasn't sure that was a decision.

Mayor Amyx: I think it's pretty much a decision, a requirement of this body so that everybody on equal footing going in. We get this same information from everyone.

Patricia Sinclair: And, I think that...who saw something in statutes about that? Was there something in our code or the statutes about personal information?

Mayor Amyx: We'll try to get you an answer to a question if you had a question.

Patricia Sinclair: Yeah, Okay...I was looking at Ms. Wheeler, I'm sorry. I thought there was perhaps... There are some things you can and can't do and there might be something in our code or relevant K.S.A.'s that prohibit some kind of release of personal information, released to whom and so forth that if you're talking about releasing it to a vetting committee or so forth. I just...you know, I'm just really... I don't have a solution, but I find this to be, you know, really troublesome to... this whole idea about pick a few people then, you know, look through...

Mayor Amyx: You know Ms. Sinclair, one of the things that we've had is we're trying to make this process as open as we can, trying to get the public involved as much as we can so.

Patricia Sinclair: Why not hold an election?

Mayor Amyx: Because I think we were told on Friday that we could not.

Patricia Sinclair: Why not?

Mayor Amyx: Because it's an advisory election and there's something in the law that says we can't without statutory authority to do such a thing. Okay?

Patricia Sinclair: I watched that meeting, but can't hold an election?

Commissioner Boley: It was at the end of Toni's presentation and she did a PowerPoint and after the PowerPoint was over, we discussed meeting to have authority, to have an election which we don't have.

Patricia Sinclair: Okay and the statute that the Kansas League of Municipalities or whatever their questioning, I thought that it was worded in the PowerPoint that they may...it may turn out to be baseless and it may not apply to us, but not that it definitely didn't. The League of...

Commissioner Boley: I think we can have Toni address the questions.

Commissioner Amyx: We'll get...

Patricia Sinclair: Well, I'm not done yet.

Mayor Amyx: Okay.

Patricia Sinclair: Because I did watch the whole thing in the middle of a Friday afternoon. After the PowerPoint was posted, too late for me to get cleaned up and come down here and is one of your 30 people, you know, spoke repeatedly and were given a lot of time. A lot of people couldn't come on a Friday in the day time either, so I think this is a very important issue. I'm aware of the school board issue. One of the people was a real qualified person, was like a neighbor of mine and so forth. Sorry to see them go and we got back a Commission...school board member that we had chosen, not to elect, you know, we got back...so I'm just saying, this is a big deal. What I was trying to say was that I tried to look up the statute, but it was only referenced by a house bill which reference very many different parts of different statutes and so I couldn't pull the whole things. I tried my best, but I couldn't. I had to look at the 2015 K.S.A.'s and I believe that if it does wind up applying, that it did say something about 60 days

Mayor Amyx: Okay

Patricia Sinclair: And something else, so I'm just... I wish I had the magic wand. It's a real uncomfortable idea that people get that you're going to nominate people and they're going to kind of call the people, but I hope that you will look at their connections as well as their, you know, any problems they might have and also it might be interesting to look at their voting record which is public information at the Court Clerk's Office. See if they ever voted, you know. See how often voted, you know. If you ever attended a City Commission meeting or anything, you know, so it's just...Those are things that, you know, I think matter. If you don't bother to vote, then why should they be a Commissioner?

Mayor Amyx: Thank you

Patricia Sinclair: Thank you

Mayor Amyx: Other public comment?

Dennis Constance: I'd just like to suggest that you might want to consider each of you nominating a 4th person as an alternative so that you have overlap you'll get some automatic things in which to fill in there. I'd also like to suggest that you get your body appointed and ask them as their first task to bring back to you, the issues that they think they want to use to assess the candidates on and then you can add to that or subtract to that or whatever but... I think that would be the first thing you'd want them to do is come to you with, this is what we think is important.

Mayor Amyx: Thank you. Other comment?

Bryan Wyatt: I just want to say Commissioner Soden's idea or concerns about stacking the deck by the appointment of which you... on this board or this committee would go a long way in being able to solidify, you know, that there's none of that going on. I think that's some of the concerns that come up so, I'm actually for the last election, actually spoken volumes. You know, as far as the 4th place finisher should move up, went through the same criteria, but that's fine. This Commission wants to do something different. The one thing I hoping through all this process is this community come together and whoever you decide, that there was no, you know, no tin foil hats here, noting more than just trying to move forward with the business in hand and as you all know, I'm not a big fan of this form of government, but this isn't the time to talk about that or do a change so if you're looking to do something that brings the community together, you know, who you have on this committee I think would go a long way and then coming back to you to make the final judgment so if you want to take a look at that, because we all do need to come together. This town is in turmoil right now and so we need to make good decisions based on that so thank you for your time.

Mayor Amyx: Other comments? (None) Back to the Commission. Toni, do you have any further comment on the questions that Ms. Sinclair brought up.

Toni Wheeler:
City Attorney Just a couple of points that I want to make, there is a local conflict of interest statutes that require persons who are appointed to fill unexpired terms to file statements of substantial interest within a certain number of days of being appointed. So those forms will be completed by the candidate or the person who is appointed at an appropriate time. It is probably permissible to have the people that you are considering apply for that position to submit those forms in advance. Is that what you were contemplating?

Mayor Amyx: Yes

Toni Wheeler: Okay...Alright, so those forms can be used to collect some of

City Attorney

that information. As far as the election, you are correct, on Friday our office did report that we cannot hold a special election without having clear statutory authority to hold such an election and our review and the review by the League of House Bill 2104, leaves that that into some question under these circumstances. As far as Ms. Sinclair unable to find the statute, the bill was just past this last legislative session. As you know, that session ran long and I don't believe it has been, I don't think Statute No. 7 assigned to it yet. I'm sure the reviser's office is working on that now. So for now, we're working on House Bill 2104 and I can make sure that Ms. Sinclair has as copy of that bill for her ease. So I think those are the only questions that were before me.

Mayor Amyx:

Thank you. Are there any questions of Toni? Okay, back to the Commission then. We're still on board for looking at having names to City Manager's office, by Thursday, before the agenda goes out. Those names, you know, will be made available so I would suggest that as you visit with people, they understand that, you know, people going to know who they are and if that has an effect on their participation. It's just part of the program. We're all about, you know, this is an open deal guys, I mean it is and I want everybody to understand that and I know that that's the intention of this body so, you know, that's what we're going to do. You know, Toni in all fairness, if it's okay with the Commission that if I could work with you in maybe establishing what this program is going to look like. Diane or maybe even Casey, but you know just make sure, as we go through this process, I respect kind of where you may be in all of this. I just want everybody to understand that so that we can kind of get this right. Okay?

Vice Mayor Soden:

I'd be happy to sit on those two.

Mayor Amyx:

Okay, very good. If we can get that so that people can have, you know, the paper, the white paper that they need to see how this whole process will work. Fair enough? Okay.

Vice Mayor Soden:

Sounds Great

Mayor Amyx:

We'll set up some time to meet with staff so we can get this done, okay? Alright. Questions or comments? Any additions? If anything that we forgotten, make sure that we contact, you know, Toni, in this particular case, because that's appropriate to do and so that we can make those necessary additions to what this program is going to look like, okay? Okay, so with that, we don't need an action at this point, I'm going to guess.

Diane Stoddard:
Interim City Manager

I think we have the appropriate direction.

Mayor Amyx: Okay, thank you all very much. Thank you all for your participation on that item tonight.

4. **Receive presentation of city-wide cultural plan.**

Katherine Simmons introduced the item.

Tom Borrup, Creative Community Builders, and Christine Harris, Christine Harris Connections, presented the city-wide cultural plan.

Mayor Amyx: I just want to thank you and thank you for the opportunity when I had to visit several months ago with both of you. That was a pretty good experience, one, and somebody that's not very artsy. I have to admit there was a lot of really good food for thought. One of the questions that I do have, in talking about defining the ongoing city role and us acting as a convener, versus the other things that you had talked about. Can we hurt the process? Like this body up here, can we slow it down or, I guess hurt it is one way that I can put it, but really have a negative effect on it, I guess would be another.

Tom Borrup:
Creative Community Builders You could. We've seen it happen in some other cities. The city thinks a lot about infrastructure.

Mayor Amyx: Yeah, I can tell you something about pipes. I'm not sure that ...

Tom Borrup:
Creative Community Builders There are cultural pipes. There's infrastructure that's required, facilities and networks of people, strategic investments, and the city does make some strategic investments now, to keep that infrastructure chugging along. If the city should make the wrong investments, I've seen cities where they decided oh, we need a giant performing arts center. They put all of this money into something, and then it just, it flops and it dries up the resources for all of the other activity in the community. Some cities, they make some big mistakes in this way. I haven't seen that here. There are certainly things that can be done better, more efficiently, more of, some of the strategic investments that are made now in festivals and some of the ongoing activities in the community, those are things that are really healthy and bring life and business and excitement and attention to the community, so you want to be very mindful about those strategic investments that you make, and the public art program that we understand is kind of on and off again, not consistent, but that can really bolster ... both the internal sense of identity of a place in the community, and also the external impressions that people have of coming here. Those are very important kinds of programs for cities.

Mayor Amyx: Okay.

Christine Harris: The other thing I would say is that one of the ways that, I'll kind

Christine Harris Connections of flip it, not necessarily hurt it, but has artificial barriers to success. For example, one of the things we recommend is going through city policies and codes to see where there may be some barriers to some creative activity happening. In some communities, for example, empty storefronts which might be ideal opportunities to display and show artistic and maybe even help sell some artistic, there are code regulations against that happening that with a little bit of thought, might be able to be removed. The ability to ... one of the concerns is there's a lot that we hear from artists, there's a lot of opportunities to show the work, with festivals, with Final Fridays, it's not so easy to sell the work, so opportunities to provide ways in which that exposure not only is exposure and experience, but opportunity to have economic support, so part of it is just looking through that lens of supporting the creative sector when you're looking at city policies, to remove potentially some barriers that aren't going to cost the city anything, but really open up some doors for creative activity.

Mayor Amyx: Thank you. Any questions of Christine and Tom? We'll open it up to public comment. Thank you all very much. At this time, we'll accept public comment on the item, which is the presentation of the citywide cultural plan. Any public comment? Okay. Back to the commission. Vice Mayor?

Vice Mayor Soden: One thought that I had, while you guys were speaking, I just went to Santa Fe last week, or the week before, I guess it would be by now, and in their Capital Building, because Santa Fe is the capital of New Mexico, they had this big quilt show in the building itself. I don't what we could really fit out in our City Hall, but I think if we have more stuff, even here in our building, our civic buildings I think that would be really great, just shows, so when people come through it's not just a sterile building they're walking into. It's a little more interesting and vital.

Mayor Amyx: Okay. Other comments? (None) One of the things that I have found out is over the last several months as I've served on the East 9th Street Citizens Advisory Committee, there are a lot of people doing a whole lot of neat things, and that is something that I've just been amazed at. Here again, I make light of myself, not being that much of an arts person, but realize I don't want to get in the way of people being able to do what they do best, and there's some great creative minds in this city. Being able to see some of the folks do what they do, it's something to see. We're pretty lucky. That's why I bring that up. I just don't want to slow a process by getting in people's way, so that's probably a better way to put it. Diane, you direct staff as appropriate. Is there specific direction you need here on this item, or at this time we're just receiving?

Diane Stoddard: I think we're just receiving the report this evening, and I think it

Interim City Manager would be appropriate for Porter, along with the Lawrence Cultural Arts Commission to continue to look at their report and the implementation steps and then bringing the appropriate recommendations forward to this body as it relates to proceeding with the report and those recommendations as time proceeds.

Mayor Amyx: Okay. No questions or comments? Okay.

Vice Mayor Soden: Do we formally receive them?

Moved by Commissioner Boley, seconded by Commissioner Herbert, to receive the presentation of the city-wide cultural plan and direct Porter Arneill, Director of Arts and Culture Porter and staff to continue to work the implementation portion of plan. Motion carried unanimously.

- 5. **Consider approving Special Use Permit, SUP-15-00261, for a Bar located at 804 Pennsylvania Street. Submitted by Flint Hills Holdings Group LLC, for Ohio Mortgage LLC, property owner of record. Consider adopting on first reading, Ordinance No. 9138, for Special Use Permit (SUP-15-00261) for a Bar located at 804 Pennsylvania St. (PC Item 5; approved 7-0 on 7/22/15)**

Mary Miller, planner, presented the staff report.

Mayor Amyx: Questions of Mary at this point?

Vice Mayor Soden: What were the operating hours? I think I missed that in your presentation?

Mary Miller: Planner Staff had recommended earlier operating hours, but when the Planning Commission when through their deliberation, they decided that if they controlled the noise, there would be no negative impact from the operating hours so they removed those and relied instead on the noise management.

Commissioner Boley: What were the hours that staff recommended?

Mary Miller: Planner Off of the top of my head, I can't remember. I know they were earlier during the week and then on Thursday, Friday, and Saturday it would be a little later for Friday and Saturday.

Scott McCullough: Planning & Development Services Director This is the Planning Commission staff report, you can see there that outdoor seating should be closed at 11:00 pm. Sunday through Thursday, and midnight Friday and Saturday, and the business hours inside the building were unrestricted. That's where we started with, the planning commission.

Mayor Amyx: Okay. Go ahead.

Vice Mayor Soden: I know that the amplified music had hours. Was there any kind of decibel limit to the non-amplified music?

Mary Miller:
Planner

They talked about setting a decibel limit but they said that our enforcement officers wouldn't probably have the equipment to measure it, so they tried to make it more similar to our noise ordinance, and it cannot be perceptible beyond fifty feet from the property line, and so that's more easily to measure.

Mayor Amyx:

Matt, did you have a question? Okay. Any other questions of staff right now? (None) Okay. Thanks Mary.

Tom Larkin:
Applicant

Evening Mr. Mayor again and Commissioners. I am the applicant, Tom Larkin, and I have a little bit of a background here, I think it's important. This project has involved so much, to give you a just a little bit of an understanding, that you may not have of where it came from. I'm going to skip the very beginning, back in 2006, but to fast forward to 2013, when it became under ownership of our group, we approached the Commission about a rezoning effort, and after much ado it came down to two items, two options. One was to place substantial hours of operation restrictions on this, and the second option was to extend the 55 percent sales reporting to two years. The latter was chosen, we felt we could attract an operator, we were unsuccessful in doing so, and because of that move forward of 2014, with an option to allow food trucks to count towards this gross 55 percent number. The city agreed but only if we did so through amending the current ordinances that apply to mobile food vendors, most specifically to remove the three hours restriction, and the two trucks per private property, we did so and towards the end of 2014 that was passed. Unfortunately, potential operators were still hesitant to jump on board, the reason was not because that 55 percent was unachievable, but it was because of the reporting restrictions that would require them to either have the accounting flow through the entity, or to chase the food trucks around who are an entirely different business themselves, in order for them to see that their numbers were being hit. Fast forward to 2015, we presented to you back in March of this year a full rezoning request. We did due diligence prior to this, meeting with neighbors, business owners, property owners, homeowners, all the way down the list, to get an idea of their feedback and their concerns. We were proactive in that, and we began to evolve our site plan and our operations accordingly. To give you an idea, and there's some exhibits that you have in your packet. We scaled down the patio and square footage and occupancy. We eliminated the alley access to vehicular traffic. We created a singular Penn Street entrance for that same reason, and also for safety, and we agreed, at that point, to limit outdoor amplified music to 10:00 pm. during the weekdays, and 11:00 pm. on the weekends. I just want to reiterate this was prior to any mandate. This was our own in good faith effort meeting with the neighborhood groups.

Additionally, we reached out to local businesses to add local partnerships in how this business would operate. One, to strengthen our idea of this being a neighborhood local establishment, and two, to provide another entry into this neighborhood where there's not many businesses like this, where people such as Lucky Dog Outfitters, Optimal Living, Kampuchea, Repetition Roasters, Centro Cigars, where they could have an outlet where they could expand their brain and help to make this more of a local business like we intend to do. Further after that, we looked into some precedents. There's not many in town, and the food trucks are unique in and of themselves, but in terms of a neighborhood bistro and the size restrictions, we looked at the Gas Light Tavern and Frank's North Star in North Lawrence. Both seemed to be circumstantially similar. Franks is at the corner of 2nd and Locust, excuse me, Gaslight is, and Franks is at 5th and Locust, just for reference. Those are both open until 2:00 a.m., every day. Gaslight Tavern actively markets them on every platform as a music venue. You'll see those restrictions still up there that the music will stop at 9:00 pm. which is significantly different than they operate. They did not have any mention of complaints. The Frank's North Star actually is abutting a single family home, right next door, and again they have music until 2:00 a.m. The Gaslight Tavern, from what I've measured, is 300 feet from the closest single family home property. The Bistro is 281 feet so very similar in terms of proximity to single family homes, but again our music and our outdoor atmosphere will be significantly more subdued than what they do. Moving on to local support, there's been local support evidence through emails and letters to you guys throughout this whole process. There was a comment made at one of our planning meetings that the commissioners were surprised that so few were there to speak out against, which I found interesting. I believe the reason is because the support has been there, and at the last meeting Commissioner Herbert made note that he received 18 emails in favor of our full rezoning request, and only three dissenting, so I think it's been consistent throughout this process that the support has been there. The noise has been one of the large detractors. I think probably the most, and they mentioned the sound level before, but I also want to reiterate, as I have through this process that the same ownership group that owns The Bistro also owns the Polar Lofts and the Cider Gallery, the closest properties to this Bistro. Just to get my numbers straight here, combined between these properties is 74,000 total square feet and a total investment of \$11.3 million, and that's private investment and for the Cider Gallery and Polar, and whereas the Bistro is a, in generous terms, a \$500,000, I think property, in terms of valuation, after the improvements are made, at only 13,000 square feet of gross, so you can see that our interests would not be changed if there ever was an issue at the Bistro in terms of noise, or a bride

came to the event planner at the Cider Gallery and said that they're concerned about the noise and atmosphere at Bistro, and they've decided not to have their wedding, as an example, at the Cider Gallery, or a tenant moved out of the Polar Lofts because of a noise issue happening next door. That would be an immediate red flag, and I think that would help quell some concerns about this becoming a disruptive, obnoxious bar. This came up earlier as well, but the Cider Gallery, like I mentioned, has events itself. It has a liquor license. It has events often upwards of 300 people. Again, just to touch on the seating and parking, there are 75 on the outside and 44 interior. Those 75 occupants, when Mother Nature allows here in the State of Kansas, so it's restrictive most of the year. We checked with the contact at the Police Department about complaints that have been filed against the Cider Gallery, I found none. No citations had been issued. We reached out to the management group at the Polar Lofts to see if there had been any complaints filed by tenants, and under Section 42 of Affordable Housing, the overseeing mechanism we use for that development, we have to keep tenant files up to date for seven years, that project hasn't been open for seven years, so we were able to check through our records to see if any complaints had been filed, which we would have to keep on file. None were found. Just going down the list here, and that's all kind of background info, but to speak to this application, the list of the Planning Commission's unanimous recommendations are still up there, but to touch on how this concept has not changed and will not change, here are a few things to reiterate that will remain: The overall concept will stay exactly the same. Food has and will remain a vital part of this business plan. All of the previous partnerships, I mentioned the letters from the Lucky Dog and Kampuchea, that's in the pack as well. Those are remaining as well. Food trucks will remain a necessity of this concept. Not just a nice to have but a must have. We seek to support them all hours of operation, three meals a day. We will sell food inside as well as outside. That will remain as well. Those food items will include but are not limited to baked pastries, hot breakfast items, lunch items, deli options, and on to a more substantial dinner menu. We will continue to try to attract families, kids, dogs and those partnerships, I think will help suggest that that is our intention, so it becomes a neighborhood gathering place for people to come in the afternoon to enjoy a cocktail with their children, with their dogs, we'll have dog treats. We want that to be a very important part of the identity of our business. We'll also function as a coffee bar as well, alongside the breakfast items. First of all, we're not looking to manage these ourselves. That's why we've gone to this process at length. We want to just be the landlord and have somebody to come in to operate this business in a more traditional sense. Because of that we're not looking for a college kid to come or somebody that's inexperienced to say

"Oh, I've always wanted to operate a business like this. I think this looks like a good opportunity." Part of the reason is we've been restrictive with the operators that have shown interest, but those that have, had brought to light these issues of operating restrictions that we're trying to lift with this special meeting here now. Finally, after the last meeting, I reached out to, after the meeting to suggest the special use permit on July 6th. I presented a draft conditions that the city, Scott mentioned that before, they put together to get feedback from East Lawrence Neighborhood Association. I went to their meeting that first Monday in July. I laid out the conditions as laid out by city staff. I told them I didn't want a black and white verdict, I didn't want a blanket statement of support, but I wanted them to digest that, to present it that night, and I made myself available from 3:00 to 5:00 p.m. the following Thursday at the Cider Gallery, which is right next to this Bistro property. I had all the plans together, all the background. I had the building opened up so if anybody wanted to look inside to see the size of the building they could. I had one person come. I left cards at this East Lawrence Neighborhood Association meeting and distributed them around. I said "If this meeting time does not work, please call me, please email me, send suggestions, send complaints, what should be done, stuff that should be added, subtracted." I didn't receive one call or email, and that was a little concerning. Following the Planning Commission, I reached out to a number of the board members as well to respond to their suggestions, and I still haven't heard back from anybody about their thoughts or if there's anything they'd like to add or bring to this meeting tonight, from an ownership perspective. I won't go through the list of conditions that Mary Miller put up there, but I did want to point out that the fifty foot rule was put in place because it was a process that law enforcement here in town already follows, their use of the fifty foot distance when they are responding to a noise complaint, so this seemed like an easy way to instigate that, and just to speak a little bit about the hours of operation that came up before my presentation so I know it's in the forefront of a lot of people's minds but this has been kind of a sticking point from the beginning, and I think that the issue with hours of operation has to do with noise, and we have gone above and beyond abating the noise situation to allow for this to happen. The main reasons that this model cannot work with hours restrictions is one, it puts us at an extreme competitive disadvantage to our competition that do not have to abide by that. The food trucks are vital to this concepts and they need to be parked outside, and just to clarify, Scott said that the patio, what was brought up was the city's recommendation to restrict the hours, if the patio is closed but the interior Bistro is open, and the food trucks are also open, it creates kind of an awkward no-mans-land, where we think that people being able to come and just by food out of them and sit at the picnic table is vital to what we're trying to create in terms of atmosphere,

and that becomes a difficult thing to oversee. Also, I mentioned Mother Nature and how the patio will be restrictive almost half the year, and that limits to just the 44 person interior occupancy. It's difficult to restrict hours of operation on top of that when this is already restrictive in that regard. Also, finally, this building is in the heart of the Warehouse Arts District, and many of the people that live in the Warehouse Arts District and also work, whether it's part time or full time, also work in the service industry here in town, whether they are bartenders, or waiters or waitresses, and that requires them to work until 11 or 12 at night, and that was something that was difficult for a lot of these operators to basically come to terms with is that they are not able to serve those that are living within that same part, that becomes something that is very difficult. To try to summarize here, we've worked closely with every group to come to this point in the process, over many, many months. We feel the Planning Commission's conditions satisfied both sides in a lot of regards. I think we're to the point where this wouldn't necessarily be considered a contentious item. I know there are still people that are opposed to this, as with any item that ever comes on the agenda, but I do think that the support there is vast and has spanned the past few months as this has evolved, so I hope that you consider the ownership side when you are considering that. There's been some concerns about our short-term or long-term interests in this area, and utilizing historic tax credits as we intend to do on this project requires the ownership stays the same for a minimum of five years. It couldn't change for a minimum of five years and even further, I think our investment in the district as a whole shows our commitment to this part of town. Finally, the SUP mechanism, as I understand is created to facilitate a set of compromises that is for the better for both sides, whether it's the ownership or those that are more concerned about this product as a whole. This has created a precedent, that's why we're at the SUP, and I think it's largely beneficial to the neighborhood, as opposed to us going through this steamrolling and doing what we want, I think our effort to reach out and to have them contribute to what this all ended up looking like should be noted, and at no point was it ever an all or nothing list from our side of these are the things that have to happen or else. I do think that this, at the end of the day, this is a better arrangement than the conditions that are in place. We're kind of limbo where the 55 percent is removed, but if we do go back to that, then suddenly it opens it up to things like we could have music until 2:00 a.m., there's not a restriction for that. I just want everybody to know that I do think that this set of conditions is beneficial to everybody, so thank you very much.

Mayor Amyx:

Questions of the applicant?

Vice Mayor Soden:

I think you can go ahead and add to my file that one of the

main reasons I moved out of the Polar Building was because of the noise from the Cider Gallery. I didn't realize that that's something I needed to lodge, so go ahead and put it on there.

Tom Larkin:
Applicant

Okay. I respect that, I understand that, and I wanted to see if there was anybody else in your shoes, and aside from hearsay, from our files in terms of complaints, in talking to the staff and even talking to the police department there's nothing else that would suggest there are many others in that building.

Mayor Amyx:

Any other questions of the applicant? Thank you. Randy?

Randy Larkin:
Senior City Attorney

Before you are an application for a special use permit. In considering that application, you are sitting in a quasi-judicial capacity. As such, it would be necessary before we open it for public comment to disclose ex-parte communications, so if you just state if you had any, who they were with, the substance of it, and if it's already in the record, that would suffice.

Mayor Amyx:

Thank you.

Vice Mayor Soden:

Well, K.T., her computer wasn't working today so she came and read the staff memo at my house because I live three houses down from her, but we didn't really discuss anything.

Commissioner Boley:

I had coffee with Tom Larkin on Friday morning, I think it was, and we pretty much covered what he covered right now.

Commissioner Herbert:

I had coffee with Tom as well, and then we took a tape measure and we walked from Gaslight to a house, and then we walked from Frank's North Star to a house together with a tape measure. It looked very silly.

Mayor Amyx:

I did meet with Tom in this building, I'm going to guess three or four weeks ago, and we discussed the Planning Commission's recommendation and I think that was essentially it. I've received all of the same emails I'm sure that you all have, and I'm sure I've bumped into a bunch of people on the street but anyway, that's the deal. Okay, how many people, just a quick show of hands, how many people wish to comment on this item tonight? Okay, we've got a bunch. I will ask you then, if it's all right with the Commission this evening, that if we could hold our comments to about five minutes, okay? We obviously don't have a clock, I'll kind of keep tabs if you don't mind, but I do want to make sure that we hear from everybody this evening, okay? Thank you for your consideration.

Frank Janzen:

During the period of the Soviet Union, if you walked around Moscow or somewhere in the Soviet Union and talked to somebody and said "How do you like life here in the Soviet Union?" they would say "I can't complain." Now people in the

Polar building are aware that their landlord is the same landlord who is preparing for the Bistro, and they are aware of the fact that they don't want any negative references from the landlord to them, and if you ask people in the Polar Building "What do you think of the Bistro?", they say "I can't complain."

Mayor Amyx:

Very good. Other comment?

Greg Harrod:

Their comparables Gas Light and Franks, I don't find to be that comparable. Yes, from Gas Light to the house is 300 feet or whatever, but it's also a major road in between there, it's a very different situation. The houses are elevated situation from where that is, so the sound is going to carry differently, and Franks doesn't have music outside, so those comparables seem to be, Franks has also been a bar for, I don't know, a long time. I would like to recommend that you guys vote them down now, until they have an operator who says this is actually the plan, as opposed to trying to set something up to get an operator. That would be a lot easier. As far as other comparables, Decade up the street has just gotten a liquor license and is having a bistro. They're going to close early. They're going to be like a bistro, which closes usually around ten or so, and I don't think their building is any bigger. I don't think they asked for food, not to be required to sell food. I think that's what they want to do, so I think they just keep asking for these special treatments and it's I think, it looks like the neighborhood is just keep saying no, but I think actually what's happening is they keep asking for extra things that just already there by code for that particular property. Also, on the sound ordinances, the fifty feet, that's what every bar and restaurant is. They have to adhere to fifty feet, 24/7, if they're for the residents in residential areas close to them. If they want to have those fifty feet be their criteria all the time that they're operating a business, I think that makes more sense because that's what the code says and that what's the Replay does. Theoretically people who live downtown could call the police because it's too loud, and they would have to be quieter. To waive these codes that we already have just seems like they're asking for above and beyond what other people are expected to do. The reason why I didn't come see you is mostly because I find you fairly disingenuous and I didn't really think that it would be worth the time, and another thing is I would love to see this City Commission, when you post site plans online, to make it so that we can scroll in and read the text and actually see the site plan, because it really does not good, I'm trained as an architect, I can read a site plan, but I'm going to have to come down to City Hall or something to actually get the site plan if I really want to look at it. I can't actually, you know, you can't read, you can't actually, you can just see it, like there it is, but you cannot read what the little arrows are pointing and that kind of stuff, so it's hard for me to comment on the site plan. It looked like the

façade of the building was going to be pretty much taken up by food trucks. I think that then becomes a sign ordinance problem, because the food trucks have their names on the sides, and businesses can't have signs that big in front of their business, that kind of thing. It just seems like they're asking for a lot of things, where other businesses find a spot that fits what they want to do instead of trying to make everybody else fit what they want to do.

Mayor Amyx: Thanks Greg. Other comment?

Patricia Sinclair: I couldn't print out every staff report, every memo, so I don't have that with me.

Mayor Amyx: Okay.

Patricia Sinclair: I definitely agree about that last remark about site plans, that one that I spent about two hours working on, it was at a consent agenda, the one that just blown on the Baldwin Creek Trail, I had that same problem, couldn't zoom in to read it. Is this the one where the Bourgeois Pig is mentioned?

Mayor Amyx: Yes ma'am.

Patricia Sinclair: As I say, I would use a whole cartridge of printer ink to print every memo and everything that's on here. I believe it referenced it as a comparable situation, and my recollection of the Bourgeois Pig is that it was one of those oops, we shouldn't have done that but it's been done so we'll ... never mind. I thought that I heard that was something that people wanted to stop doing here at the commission. That it was granted, I think the right to not have to meet the food requirement or whatever, in the wherever it passed through in City Hall, and they got it and once it was questioned it was already done. I'm saying I wouldn't hold that up as an example of a comp if it was done in error. Okay. I found it very confusing to follow. I'm sorry Mary, but the presentation in terms of the map and the site things and what they were zoned as. There's formal zoning, the planning department has zoning, and sometimes you'll think something is zoned something because there's a house sitting on it, and you'll think it's residential, but it turns out it's zoned for something else, and there's just been a house there you think is residential, and it sounded almost like it was a reverse of some of this, and then also then sort of reference well we checked with the appraiser's office, what they consider it, which is no relation at all to our code and how we zone things for use. The appraiser's office just, that isn't a function, their zoning is not like our zoning. I just want to say that's not...I mean are these supposed to be like food trucks that are, food trucks run, right? They're on, right, so discharge of emissions, noise of a motor, is that what we're talking about here?

Mayor Amyx: Patricia, that's one of the questions that I have, is how those operate and I...

Patricia Sinclair: Yeah, I've been to auctions before. Is it like a food truck at an auction? It also seems like to be present safety concerns. I don't know about this fifty foot thing. I thought that our noise ordinance had been changed to something like what a reasonable person might whatever. In my neighborhood our houses have a fifty foot frontage. That would mean that the house next door could have whatever going on for however long, and I'd have to wait to the next house. Fifty feet away from my house would be a lot, they'd be a whole lot, an entire house that could raise hell, so that doesn't sound reasonable to me. I did, it's not really a comparable. Some of this stuff seems to me like really imported stuff, sort of like let's make an art district where we already have artists and people working in this clearly commercial venture to make this corridor sort of to attract people or whatever. I lived in Boston for over 20 years, and they just now started an art ... hired an arts director, and we have one in Lawrence, and we're a lot smaller. I lived for eight years in a really bad neighborhood, in a converted factory that took up a whole city block, and used to build Chickering pianos, and so forth and it was for the arts, but it was one of those things, that perhaps at Polar is where, once they pay off the mortgage, or a certain period of time passes, it can go into, there aren't any subsidized spaces, or whatever. It was for the people in the arts. I worked and I was a potter. It really wasn't relevant what was around me when I came home from work or when I came home from the pottery studio. You could go across the street and buy heroin out the window, because they didn't have customers come inside, they just dealt through the window, or to the liquor store on the corner, or if you went to fence something, you could go to the 24 hour store on the corner. I actually never had any trouble in eight years there, but I'm saying that it's sort of almost a bogus thing. People get off work; they don't have to have a food truck sitting outside.

Mayor Amyx: Okay.

Patricia Sinclair: Did I make myself clear about the Bourgeois Pig?

Mayor Amyx: Yes, you did, and it has been five minutes Patricia, so ...

Patricia Sinclair: Is that in fact, was that in fact given its license in error?

Scott McCullough:
Planning & Development
Services Director

It was grandfathered.

Mayor Amyx: Yeah, it was grandfathered in.

Patricia Sinclair: The idea was that with grandfathered businesses, it went with the person and applicant. I remember I spent a lot of time on that years ago, looking at downtown drinking establishments, when people had the idea that if you bought the building the Paradise is in, you automatically got some kind of an exemption, whatever.

Mayor Amyx: Right.

Patricia Sinclair: All right, well, I'll say good night.

Mayor Amyx: Thank you.

Patricia Sinclair: You're welcome.

Mayor Amyx: Other public comment. Yes sir.

Aaron Paden:
President - East Lawrence
Neighborhood Association

We sign in here?

Mayor Amyx: Please.

Aaron Paden:
President - East Lawrence
Neighborhood Association

I live at 1208 Delaware in East Lawrence, and I'm the East Lawrence Neighborhood Association President, and I've been along for the ride for this whole thing. A long time ago Tony Kresnick, who is pushing this came to our board to just talk about the idea of having that bistro there, and there was back and forth and we said as a board restrict hours and have your food restriction, and we had a hundred percent support in that room that night, with those conditions. So there was a yes, we would love to see a neighborhood bistro that serves a significant amount of food at that point in time and that wasn't open really late, because we felt like that would disrupt families who have children, and it would really control the noise. He said he was unwilling to budge on that, because he wanted to get out of the food restrictions, and he wanted to stay open later, and I think there was maybe even a question about whether or not he would need to stay open later at that point, to which he had zero support in the room. At that point in time, it was we support this completely as a semi-restricted business, and we have zero percent support for essentially a bar that closes at 2:00 am. There's good reason for this. Many of us have children, young children, that are on that, or are aware of friends with young children, and that if you have a bar in the neighborhood, and you have children living nearby, when that ... it's not a matter of the outdoor music, because I think what you've come up with is really good. I think that solution is coming to a how do we make this work for music. It's when the bar closes, and I know this from personal experience, and you

can go into the Orient neighborhood and find people in the same boat. When the bars close downtown, it gets loud, because everybody leaves the bar and they're all palling around and they're shouting at each other and they're drunk and they're not making wise choices. I know this because I have a studio at 9th and Mass, and it's an upstairs studio, and I work late. I often work until 2:00, 3:00 in the morning. It goes from being quiet all the way to 2:00. Well, about 1:45 it gets loud until almost 3:00 in the morning. I say that because that's the real noise problem, isn't the outdoor music, it's the "what happens post-closing." If you close earlier, you avoid a lot of that noise. We've said this back and forth over and over again, that some kind of food restriction, saying that there will be food up to X amount is very desirable, and earlier closing times throughout the week, especially weekday closing times, are very important to the families. There are other things we could do about noise, like some vegetation and that kind of thing, but I want to also say that there's a bit of an off statement here because neighbors Eric Jay and his family who own Struct/Restruct, just built a home right there, and then my good friends Brian Darby and Susan Darby and their daughter Emma, all live on Pennsylvania Street, and they've come to meetings and complained about the noise that happens at late night Cider Gallery events reverberating off the hard surfaces, and that wakes their children up, and that it's audible in their house as if someone is speaking, it's a very loud real noise problem to them. Why would this maybe be a little bit different than what happens in North Lawrence? Not that these are even, I don't think that these are necessarily similar circumstances, but what the neighborhood has, for many people in the neighborhood have a fear of becoming bookended by entertainment district. This becoming an entertainment district and we're bookended, so you've got downtown and you've got this bistro bar area. If you have both things closing at 2:00 a.m., you have an attraction for young people who don't have kids to live there. You have kind of a pressure that's going to be continuous on the neighborhood from here on out if this were to go through. The problem with that is that as in Oread Neighborhood, you see families moving away over many, many years, Marsha Epstein and her family.

Mayor Amyx: It's been five minutes.

Aaron Paden:
President - East Lawrence
Neighborhood Association Five minutes? As an organization, may I speak a little bit longer?

Mayor Amyx: I'll give you another minute.

Aaron Paden:
President - East Lawrence I do want to push that there is this other real problem that we don't see, if you're at Franks, you're not bookended by an

Neighborhood Association

entertainment district. You don't have the same kind of pressure. Families might not live right next to Franks unless they've got heavy sleeping children. That's just a big change. I know many families that have moved out of the Orient neighborhood. I was on the board, worked closely with many of the people who have served on their neighborhood board over time, and it's a real problem, the noise that occurs post-bar closing. Its louder post 2:00 a.m., than it is at 1:30 or midnight. The other part was the work closely. Tom, he has called and asked to get input and things like that. When this SUP was written, the city and Tom did not involve the neighborhood in writing the original SUP nor gathering information, so staff will you please do that future wise. Neighbors were not involved in the drafting of this SUP, and I find that that's not the best way to move forward.

Mayor Amyx:

Okay.

Aaron Paden:
President - East Lawrence
Neighborhood Association

I can urge you with all respect for our neighborhood to vote this down tonight, but knowing that hours are the noise problem, and that food is what drives the quality of the business.

Mayor Amyx:

Thank you. Other comment

John Gascon:

I apologize, I'm short of breath, I was watching this on my laptop, and I got here before Aaron's comments ended. He said something that was a little bit disheartening. He said that after it was suggested that there wouldn't be food restriction or time restriction that there was zero support from the room on the board meeting. I was a board member at that time, and I expressed my support for this project, so it's a little bit disheartening ...

Aaron Paden:
President - East Lawrence
Neighborhood Association

I do not remember that.

Mayor Amyx:

Mayor Amyx: Okay, this is ...

John Gascon:

I was at both meetings, and I gave my support. Thank you, Aaron. I live at 941 Pennsylvania Street. About a block and a half away from this project, my family and I, and we have a family of four, about to be a family of five. We are greatly appreciative for the entrepreneurship and the creativity that it takes to add a business like this to our neighborhood, which will help expand the fabric of the neighborhood and restore it to what it once was, where there was a diverse and robust mix of uses. We're reducing our population in our neighborhood as the average family size goes down. These kinds of things, these kinds of developments help to add vibrancy to our neighborhood which attracts young families like me from places

like Seattle. We came to this neighborhood for exactly this kind of potential, and we're really excited for the potential of the 9th Street Corridor, things like the Bistro, in are neighborhood. I'm not concerned about noise, I can hear noise from downtown, I can hear noise from Hobb's Park all the time, and I think it's great. I think it's something to recognize, is that, and I've made this point to the Planning Commission, this particular property is about 70 feet, I think, maybe 85 feet, from the BNSF Railway, which regularly runs 425 thousand pound locomotives which blast their horns at 110 decibels. I don't think noise is a concern. Thank you.

Aaron Paden:
President - East Lawrence
Neighborhood Association

For the record, he came before us when Josh Davis was President.

Mayor Amyx:

Okay.

K.T. Walsh:

Good evening Mayor and Commissioners. That just speaks to how long we've all been working on this, and I would say to Tom that I think his disappointment that people didn't come and visit with him those two hours he set aside was, he knows what we have asked for, and we've seen all the plans. You know, it's like what else is there to say? John had talked about the trains, and I thought, well, valid point, trains are loud, so I checked in, and we on average have 12 to 15 a day on that track. I timed them and they usually go through, it takes about a minute to a minute and a half for a train to go through. On a very bad day where there's a backup in Emporia and they're pulling things back and forth from Topeka, there may be 25, but that's intermittent, and that's been around since the early late 1800s, early 1900s, so I would just argue that that's an intermittent noise that's been around forever. The noise deal, I think what we have to think about is the Polar Building creates a bounce, and so it reflects noise off of it, because it's four stories, and it takes it right over to New Jersey, where Aaron had mentioned the young families. He didn't mention Brenda Nunez and her great-grandchildren when they stay over, keeping them up. There are also new families down in the Nine Del Lofts. Also, I've talked to people who live in the Polar building, and yes, like Frank Janzen mentioned, there is an intimidation factor, and as open and as warm that you can be with your tenants, you still have the power, and these are low to moderate people that need low to moderate housing, and they want to stay. I know over these years that we've worked on this, people have been intimidated about signing petitions, signing letters, they've been asked by the managers to sign, and people have come to me and said "If I don't sign, they'll kick me out.", and I'm like they can't kick you out, but people worry. There're seniors, there's people with disabilities there, so it's not just people who work late downtown. Also, Tony Kresnick has told me over the years

that own; well he does own the lot directly to the west, where the Community Garden used to be, and the Lawrence Flea Market. He plans to build residential there now. That could change, but that would be more people right close to a bar. Let's see. I think everybody's talked about everything except our noise ordinance, and this is just me but I think through this discussion and at the Planning Commission I think we need to do a little work on it. It's very vague. The fifty feet is good. I just found out through Scientific American that there are now two apps that are free and one app that costs \$20.00 that will give you the actual decibel level. They say they're very good. We could actually go, everyone that has a smart phone, a neighborhood who's worried about noise, a police person, you could say "Hey man, too loud." Perhaps we can work on our noise ordinance. Thank you.

Mayor Amyx:

Thanks. Other comment. Ted?

Ted Boyle:

Well, I wasn't going to get drawn into this thing, but I heard North Lawrence a couple of times, so, you know, I have got to respond to that. You know Mike, you might be the only one that remembers the 508 Club, and they were on Locust Street.

Mayor Amyx:

I'm sure there're others that do, but yeah.

Ted Boyle:

Yeah, and the problems that we had with that, and we fought that 508 Club for about ten years, until we cost them so much money they had to shut her down. Let me tell you this. Frank's North Star, he lives in North Lawrence, he lives over on Walnut Street, and before he opened that up, he came to me and asked me about what we thought about him opening a bar there, and I said "Well let me give you some information." I started talking to him about the residents there behind him, and Don Shepherd's one of them, and then there's Woodlawn School, and I said "Here's the deal. If you can satisfy those residents, I would advise you to go door to door, and you talk to those people, and you present to them what you plan to do." Of course, he laid it out to the North Lawrence Improvement, and me, and the residents back there, and they were kind of leery about it, so they called me, and so it was one of those deals that we told him, said "Here's the deal. If there's one complaint, we'll shut you down. We will shut you down." He said "Ted, you never have to worry about that." I want to tell you what, he's lived up to that statement, and you won't find a resident over there in that vicinity that will complain about Frank's North Star and when you walk into that bar that's kind of like walking into your living room. It's got coffee tables and the like and that type of deal and pool tables in back. When the people leave, his patrons are the type of people that are respectful to the neighborhood. Now the Gaslight, that's the same way with that person. Prior to him taking it over, we had complaints about the

noise, the music playing outside in the summertime. Noise complaints and we called the police department. Now this other individual took it over. Same one that used to have vending down on 9th and Mass. Good guy, hard worker, and he's also respectful of the neighborhood. We have not had any complaints at all from there. What I'm telling you is it takes neighborhood involvement to make sure that these businesses do not intrude on the neighborhood quiet, serenity, whatever you want to call it. Tony's right, we don't have no problems with them two bars, but it's not because of the distance from the residential, Frank's North Star is right across the alley, and most critical residents in North Lawrence, so I'd just like to give you that input.

Mayor Amyx: Thanks Ted. Other public comment? No.

Tom Larkin:
Applicant Can I respond?

Mayor Amyx: Hold on, we'll get back, you can respond at the end. Other public comment?

Michael Almon: Good evening Mayor Amyx and Acting Mayor Soden. First of all, I would urge you to deny the SUP outright. At the Planning Commission Mr. Larkin made some statements that, first of all the main sticking point is the hours of operation, which is kind of what the discussion is tonight. He also said that Ordinance 8920 is an undue burden to a potential operator, and restricting the hours would be problematic. He needs the outside business to maintain the revenue flow, because capacity indoors is only 44. I find much of this to be self-inflicted wound. I don't find it to be an undue burden brought on by anyone but himself. It all originates back to the 55 percent food requirement. That is why Ordinance 9101 was passed by this body in May, which allowed a 55 percent requirement or the SUP, and the motivation for that, as I recall, was that Mr. Larkin had claimed that he couldn't meet the 55 percent with normal restaurant operation because the building was too small for a kitchen, so he went for a food truck vendor operation instead, a different model of "running a restaurant", but there's no guarantee that the food truck vendors could meet the 55 percent, so we wanted to have some reporting requirements. That became a problem because you can't hear a bunch of cats, and food truck vendors, to get them to do the reporting. He couldn't find enough operators willing to undergo that undue burden. These undue burdens keep building on themselves, but they originate with the 55 percent food requirement. Where did that come from? That came from 2006 when Bo Harris owned the property. The neighborhood did due diligence, in good faith, worked with Mr. Harris, who came up with that agreement. It also established the conservation overlay in 2006. This whole

thing should not even be discussed now, whether the 55 percent is something of essence to the maintenance of the East Lawrence neighborhood character. East Lawrence established that in 2006. It was understood, and that's been being chipped away and chipped away ever since. In 2011 it was rezoned to residential, which has no bar whatsoever, much less food restrictions. 2013, then Ordinance 8920 came back when it was rezoned to commercial, at their request, but that had the 55 percent requirement, and so that wasn't good enough to meet their business plan. They needed more concessions from the city and more concessions from the neighborhood. All this really comes down to having a poor business plan. If they can't meet the restrictions that the neighborhood agreed to in 2006, maybe this is not the right business for this location in a conservation overlay district. Trying to figure out ways to get around that is all that's been going on ever since, and I find this simply ... if that business can't meet those requirements, Mr. Larkin doesn't want to take the financial risk of trying that business under those circumstances, so he's trying to pass that risk off any way he can, through food vendors, by having outdoor seating because indoor won't have enough revenue. Whatever it is, he's trying to get away from some kind of business plan that has too much risk for him. I don't find it the place, for the citizens, the taxpayers, the residents of East Lawrence, or the City Commission to make his business plan work by granting him all of these acquiesces and concessions. I say, just like East Lawrence said at the very start, if he wants to run a business at 55 percent food, with the hours that they wanted, they agreed to back then, great, but this SUP is a far cry from that, so I would suggest that ... oh, one more point. The building is too small because a portion of it has been demolished. That building used to be twice as big.

Mayor Amyx:

Okay. Thank you. Do you need some help with that Michael, because it's been about seven minutes now.

Michael Almon:

Okay. From the city interactive map here, some aeriols, 2000, 2009, if anybody's familiar with that building, you'd probably know this. This is the stone building that we're talking about for the Bistro, historic building. There's another section of it, of equal size, that when it was a duplex, those were garages. Here's a picture of what those garages were like in 2011. This whole section has been removed. Two-thirds of that building has been removed. It's the same kind of building, other than it's a frame building, not stone, but it has the same metal roof, standing seam roof, that the stone building has. It would be very serviceable if it still existed. There would be plenty of room to have a kitchen in that building if it still existed. It seems like it's a self-inflicted wound. It didn't need to be this way, if the business plan had been proper and well thought-out, it could

function at the 55 percent.

Mayor Amyx: Thank you. Other comment?

Phil Collison: I'm active in the East Lawrence Neighborhood Association. I've been, I think I was there, I know I was there at the very first meeting when Tony Krsnich came and said "Hey, I'm thinking about opening a bistro, so that the people from the Cider Gallery can go have a cup of coffee at the end of their events, because everybody's going to want coffee.", and I asked are they going to serve booze too? Oh yeah, and then it was do you think they'll order coffee or booze? Well, they'll choose. I'm going to keep it brief. I think Aaron stated it pretty appropriately that hours, food, we want to see food there. We want more of a restaurant than we do a bar. We missed that first Planning Commission meeting because there was one of the first East 9th project meetings at New York school, and plus we're volunteers, and it's hard to scour all of the agendas that are coming up. There must be a lot of money in the 11:00 to 2:00 o'clock range in the bars and I don't see that they'll be selling a lot of food then, but our issue has been all along, we want to see food there. We want a restaurant. We want to be able to go eat there. We want the hours restricted and we want to make sure that it doesn't get too noisy. Decade just got their liquor license, they're going to do all of those things, and I believe it too, so thanks for your time, and congratulations.

Mayor Amyx: Thanks Phil. Other comment? Any other comment? Okay. Tom, I have a question for you. A question about the trucks, they are hooked to an electrical system, right? It's not run by generator, right?

Tom Larkin:
Applicant That's correct. That's a requirement of the ordinance that was passed.

Mayor Amyx: Right. Is there a noise that comes from that truck?

Tom Larkin:
Applicant No.

Mayor Amyx: None whatsoever?

Tom Larkin:
Applicant There's none.

Mayor Amyx: Okay. Any other questions of the applicant then? Thank you. No other public comment? Back to the Commission.

Commissioner Boley: Well Mike, I looked up bistro in my dictionary, and the first definition was a European style restaurant. I thought back a little bit. Thirty five years ago today, you were probably Mayor. I

was in France. I was working. I was assigned to the US Embassy, working in Paris. My wife and I had an apartment in central Paris. We had our daughter with us, first child; she was just under two years old. I could walk to the Embassy in 20 minutes from my apartment, and it was a great neighborhood. It was a mixed commercial residential neighborhood. There was a café, shops where you could buy food, they didn't have grocery stores, they just had the different shops, and it was a very busy place during the day, but they rolled those streets up at 8:00 o'clock at night. If you wanted to have a cup of coffee, or have a drink, you had to walk about six blocks, and there was a place where it went far into the night. I just think of that, when I think of here. We've got a neighborhood, we've got families, they're interested in having quiet, peace and quiet, and there's a district about six blocks away, where you can walk and do what you want to do. That's what I'm thinking about.

Mayor Amyx:

Okay. Other questions or comments?

Commissioner Herbert:

I've been sitting here listening to speakers, and from my point of view I'm staring at Ted Boyle, so I've got to talk about North Lawrence for a minute, because a comment came up, I think it might have been Aaron Paden, made the comment about being bookended. I lived on Locust Street for a long time. I think it was Frank's at the time was Latino C, is that correct?

Ted Boyle:

Right, 508.

Commissioner Herbert:

Yeah, it was a Latin dance club. I don't frequent a lot of Latin dance clubs. I find that shocking, but where I lived I was bookended by Gaslight, Johnny's, Latino C, and then to the east, about a thousand feet, was the Pink Flamingo. I had a quite a, I'd guess you'd call it an entertainment district bookending me. When this issue came up and we began to talk about noise and how far noise carries, in my truck I have a tape measure, and so I literally drove to Frank's and I got my tape measure out. Now Frank's is real easy to measure, because it shares a fence with a residential home. I mean, they literally share a fence, so to say that that Frank's is zero feet away from a residential neighborhood is not an exaggeration, it sits there. I've been to Frank's, and the music is indoors. It's amplified music. It's often times rock and roll, punk rock type music. Goes until two in the morning, bar empties out, you're on Locust Street, which is a residential neighborhood. Like I said, it is zero feet away from Frank's, a residential address. You go to Gaslight Tavern, outdoor seating, amplified music. Typically not as loud of amplified music as perhaps Frank's, in terms of the demographic they're serving, but none the less amplified music, open until two. When I measured that out, it came out to like 296 feet from the nearest residential neighbor. That's

roughly what we're talking about. Now you do cross North 2nd Street, which is admittedly a very busy street, and nearly resulted in my demise as I walked across with my tape measure, but that's neither here nor there. The point, where I'm getting with all of this is the neighbor's complaints are very important to me, but something else is very important to me that I want to make sure gets put on the record, and is something we think about. It's very important to me that we treat people equally, that we treat neighborhoods equally, that we don't give preference to one neighborhood and say we're going to protect this street, but this street over here; I guess you're on your own. In the spirit of treating people equally, we've developed a series of ordinances in our community. We have the 50 foot noise ordinance, that if your music is so loud that it can be heard more than 50 feet away, be it from your car, from your home, or from your establishment, that you're in violation of a city code and we have ordinances to deal with that. I say this and I think about some of the decisions that have been made. Decade acquires a liquor license, and that goes on consent agenda. That wasn't even on the public agenda. That wasn't even something we gave anybody the time of day to speak about, we just did it. It just happened, and that's a block away. Charlie's East Side is a block away. Bullwinkle's sits right next door to a home. I think about all these things, and I wonder, if we deny tonight, I wonder if we're treating businesses and neighborhoods equally, or if somehow we're saying one neighborhood is more important, and I'm really uncomfortable when I feel like we're operating on an un-level playing field. I've made some decisions in the past with my votes that I know a lot of people have disagreed with, but at the end of the day, I make my decisions based on the fact that I want to make sure that I can look somebody in the face and say that we're treating them fairly, and that we're treating all of the city as though it's going to follow the same set of rules, and I don't necessarily see that here.

Mayor Amyx: Okay.

Acting Mayor Soden: Decade, their permit, not permit, but rezoning, was that for rezoning, am I saying that right? Yeah, that gave them the ability to serve alcohol if they kept 55 percent food sales, of course coffee counts as food sales, and I had Scott work out a nice matrix that compared Decade, The Bistro and Bourgeois Pig, just to see all those different kind of, so I hope you guys have a chance to look at that, so I am with the neighborhood 2006, the hours need to be good and 55 percent food sales, majority restaurant and that's a great thing, so I'm, that's where I'm still at. I'm stuck there.

Mayor Amyx:

Okay. Scott, I have a question for you. If Mr. Larkin were to come in tomorrow and he's able to meet the 55 percent food requirement within two years, what kind of process does he have to go through, and what kind, what do we have to do,

what kind of stipulations can we put or conditions can we put on what's required?

Scott McCullough:
Planning & Development
Services Director

That condition is a condition of the zoning, for the CS zoning. He has a site plan, already approved, and then he would have to get his local liquor license from the City Commission. After, we would start tracking receipts from food sales and liquor sales, and monitor compliance. He would have a full two years to come into compliance, but we've talked about this, and talked about a process that we would like to see measured movement toward compliance over those two years. The types of things that the SUP, the Special Use Permit gives us, to add conditions on hours of operation and occupancy is going to a function of the building code, of various things goes away, and we lose that ability through the straight zoning and site planning to condition it to any measurable effect. The difference is that the intent of the 55 percent rule is that it acts more like a restaurant, and the behavior is different at the restaurant, at the site. You wouldn't expect to have the same impacts that you would a bar use.

Mayor Amyx:

But it is possible?

Scott McCullough:
Planning & Development
Services Director

It is possible to, for the applicant have under the current zoning authority to essentially have a quality restaurant there and serve alcohol and have to meet the 55 percent rule.

Mayor Amyx:

Under the rules of an SUP, is it subject to review at any time?

Scott McCullough:
Planning & Development
Services Director

It can be, it's definitely subject to review if standards aren't being met, and there is a revocation hearing process that the code affords that if noise complaints are received, or occupancy isn't made, or tables aren't kept on the patio, that we start with enforcing and talking to the operator about reminding them of the conditions, if we see that they're not meeting those conditions we bring it to the City Commission for hearing, and it can be revoked at that time.

Mayor Amyx:

Okay. One of the things that I've got to say is that when I voted to add the addition of the 55 percent or the SUP was in hopes that one thing that would happen would be is that we could reach common ground somewhere along the way, or we could condition it enough to be able to protect the surrounding property owners from a new particular kind of business. Matthew, I share your concern on making sure that we continue to act fairly, not one place or another, or one neighborhood over another with different standard. I don't know, I just feel like I know that, I know it can work if everybody's willing to have common ground, and if the things are the hours of operation and the food, maybe I'm naive in thinking that they can even be settled, but that would be something that I would be willing to

work on, because I think it can be a real positive, I mean I think the business can be positive, but maybe we're just too far apart, I don't know. I guess, somehow I'd like to see it happen, but I don't know if we can get there. I mean, I really don't. Oh well. Any other comments?

Commissioner Boley: I agree, Mike. The idea was, when we approved the 55 percent for the SUP, that there would be common ground, and there would be a restaurant that would work with us. That's what we were trying to do.

Mayor Amyx: Is the Commission interested in any of us trying to see if that common ground exists? Maybe we can do it. I don't know. Leslie, I mean, you've been involved with this since day one. Is that a possibility?

Vice Mayor Soden: Since 2006.

Mayor Amyx: Yeah, well?

Vice Mayor Soden: Well, I think the neighborhood has had a very consistent message since 2006, and Decade followed that message, as Matthew mentioned, it just went through with flying colors, and so I think the neighborhood has been, has done a good job. I don't know.

Mayor Amyx: Is it just too much of a long shot?

Commissioner Boley: I think the staff's recommendation on operating hours was not picked up by the Planning Commission, is my only thought.

Acting Mayor Soden: It is an issue too that, at the Planning Commission, I think it was Phil or Aaron pointed out, that happened to coincide with one of the first East 9th Street meetings, and so most people chose to go to the 9th Street meeting instead of this, when it was at the Planning Commission. They weren't able to make their voice heard appropriately at that time, so that was kind of an issue that I think we shouldn't forget about.

Mayor Amyx: I just, I really think that there is a lot of good in this project, but if we can come to agreement on what the conditions we would want to require, in addition to what the Planning Commission has said, I think is a possibility, but as I understand, if we add more conditions, if I understand right, you all correct me if I'm wrong, would that have to go back to the Planning Commission and they have to re-hear this?

Scott McCullough:
Planning & Development
Services Director You have an option, you could it send it back with specific direction and comments for them to review specific items. With a super majority vote of four votes, you can significantly alter the conditions.

Mayor Amyx: Okay. Well I feel like I'm probably between a rock and a hard place on this one, but I put that out for discussion. Do members of the commission want to send it back and have them consider hours of operation as one of the requirements or continue discussion about food, or are we just not getting there?

Vice Mayor Soden: I think Aaron mentioned, he doesn't feel that the neighborhood was involved in the creation of the SUP to begin with, so I think that's a good starting point, is that when they create the SUP that they neighborhood be involved with that. That might have been a misstep that is having ramifications now.

Mayor Amyx: Okay. Send it back for hours of operation.

Vice Mayor Soden: Food Sales.

Mayor Amyx: Reconsideration of the original staff's recommendation.

Vice Mayor Soden: Work with the neighborhood. The food sales are really important to me.

Commissioner Herbert: When you say work with the neighborhood though, how do we force that to happen, because there was a comment made that Tom was perceived as being disingenuous, and so nobody showed up. If we send it back and say "Okay, Tom, you have to work with the neighborhood." How do we force that to happen if when he invites them for two hours to meet with him and nobody comes and meets with him?

Vice Mayor Soden: Can we ask Aaron back up to...?

Mayor Amyx: We could ... but there is one thing, sooner or later, we have to make the decision, and I think that both sides of this issue, people have spent, both the neighbors and the applicant have spent a lot of time, and we're asked to either approve, deny or send back, those are our options, the way I've got it figured, that's it, that's really where we're at. Again, I believe that there's probably common ground on everything, and if we were to ask the Planning Commission for reconsideration of the closing hours, I think that that is one possibility, because that is a sticking point. If we are looking at the food requirement, Vice Mayor, I think that's an important item for the Planning Commission to consider before we take final action. What those are going to be ...The hours are easy, the hours are easy to look at because we say we want them to coincide with staff's original recommendation, because that was something that may have been acceptable in the beginning, those original hours, at least from what I heard. The food part, I'm going to have to rely on you guys to help with that, where you want to go there. That's kind of where I'm at right now.

Vice Mayor Soden: The zoning is so, if they don't want to follow 55 percent, then they can get an SUP, it's like a path A or path B. Right? Isn't that right?

Scott McCullough:
Planning & Development
Services Director Correct. There were options for them to pursue. The Special Use Permit is a discretionary permit. There was no guarantee of a Special Use Permit. The zoning for 55 percent rule does allow them to do that, as long as they're complying with the 55 percent rule.

Mayor Amyx: So if they have the zoning in place right now to proceed under the 55 percent rule, right?

Scott McCullough:
Planning & Development
Services Director Correct.

Mayor Amyx: That's it.

Scott McCullough:
Planning & Development
Services Director Correct.

Mayor Amyx: The only other thing that we have to do as a commission is to approve a liquor license. Right?

Scott McCullough:
Planning & Development
Services Director Correct.

Mayor Amyx: That's it.

Scott McCullough:
Planning & Development
Services Director That's it.

Mayor Amyx: Are we happy with that arrangement if Tom or his partners, whoever, can come up with that kind of business model to establish there. Are we okay with that? So what about these hours of operation, are they not that important, and I ask that, because we won't have anything to say about that, correct?

Scott McCullough:
Planning & Development
Services Director Correct.

Vice Mayor Soden: Well the neighbors can complain, if it's too loud.

Commissioner Boley: Well the 55 percent was there already.

Mayor Amyx: Right. Here's the deal. They way I've got it figured, again, is this

SUP allowed us to put restrictions on a business that wanted to locate at this location if the conditions were set in such a way as harmony exists at the time. Right now we're a little bit far away from this harmonious deal that needs to happen, and it was an idea of sending it back that we can't work this out, it's probably a waste of the Planning Commission's time and everybody else's time to get through here, but right now it seems like to me that if he wants to put in 55 percent rule, he can operate with no restrictions from us other than the liquor license and meet the 55 percent food requirement.

Scott McCullough:
Planning & Development
Services Director

Yes and the typical nuisance codes related to noise and such.

Mayor Amyx:

Right, but if we are to allow the same operation to exist without the food requirement, is it something that we need to consider the hours of operation to do?

Scott McCullough:
Planning & Development
Services Director

I would turn your attention to the conditions. We do have a food sales requirement. We don't have a percentage link to it, but we have a food sales requirement that food should be offered, substantial food offered at any time the establishment is open. Now I do want to clarify ...

Commissioner Herbert:

Coffee can count as food, as we saw with Decade?

Scott McCullough:
Planning & Development
Services Director

Coffee can, but the way we framed the condition is that it has to be substantial food, not just mere popcorn or nuts at the bar. It's something more substantial than that, so that it's a real sandwich or meal there. We don't agree that that changes the behavior and now it's a restaurant, we just, we wanted the food to be there to mitigate it as much as we could. We have to clarify the sound level issue; the city code doesn't have the requirement for fifty foot sound. Our condition was crafted with hours of operation to try to mitigate the amplified sound issue, because it is, it's more general in the city code, and when the police go out to enforce, they look at the context, look at what the business is, and work in that regard. Because that became the issue and discussion at the Planning Commission, a Commissioner crafted a condition that was meant to be more objective, so it was in context of we will limit amplified music to a pretty strict level, we won't put hours of operation on the outdoor patio, but we will include this crafted condition on noise where it can't be audible past 50 feet. So it was kind of a packaged deal trying to address the issue of activity and noise, if that makes sense.

Mayor Amyx:

I do have one more question of Aaron, if y'all don't mind. Aaron, if I could ask you a question. ELNA stills stands behind hours of operation and the food requirement as still being in support of

this, right?

Aaron Paden:
President - East Lawrence
Neighborhood Association I would say that there would be a majority in support of that, yeah.

Mayor Amyx: So that there is some kind of common ground in all of this, if it can be reached, correct?

Aaron Paden:
President - East Lawrence
Neighborhood Association Yes.

Mayor Amyx: Okay. Thank you.

Aaron Paden:
President - East Lawrence
Neighborhood Association To be clear, the working with staff, I think, is where we would, that's where it would be most helpful. It would be more efficient than the go-between methods. We could all get together at the same time.

Mayor Amyx: Okay. Mr. Larkin, same question, you've got to have the full hours of operation, and the no food requirement, or the requirement as came from the planning commission on food, or is there common ground that can be reached here?

Tom Larkin:
Applicant When you say common...

Mayor Amyx: With the hours of operation as recommended by staff originally.

Tom Larkin:
Applicant The hours of operation was recommended by staff was for the patio.

Mayor Amyx: Okay.

Tom Larkin:
Applicant You're saying would that find common ground along with the food sales as drawn up?

Mayor Amyx: Mm-hmm (affirmative).

Tom Larkin:
Applicant Potentially, yeah.

Mayor Amyx: That's the way we understand. Is that okay?

Vice Mayor Soden: Well, the SUP didn't have 55 percent food sales.

Mayor Amyx: No.

Scott McCullough:
Planning & Development The SUP had food sales required but no percentage that had to be maintained.

Services Director

Tom Larkin:
Applicant

As the current situation allows only 55 percent food sales, there's no other restriction, so by getting an SUP that would require 55 percent and hours restriction is us taking a step backward which is why we're here in the first place, we're trying to find common ground, from where the neighborhood has been and where we are, and right now we're here, and I feel like we're trying to get back to here. That's where I stand. Yes, common ground, I think that's been the intention all along.

Commissioner Herbert:

As I understand it, and this is, I guess a question for you since you're standing there, but as I understand it, if we deny the Special Use Permit, you can open the bar until 2:00.

Tom Larkin:
Applicant

Mm-hmm (affirmative).

Mayor Amyx:

That's right.

Commissioner Herbert:

I think at the end of the day, my sentiment's going to come off as though I'm somehow against the neighborhood, when in reality, when you vote this down you enable the bar to be open until 2:00. You don't do the neighborhood any favor.

Mayor Amyx:

That's why, that's why I'm trying to live up, no, understand, when we allowed the inclusion of the SUP as an option, and it gave us the opportunity to allow the use with restrictions. That's all this was about. One of those restrictions for an entertainment business or food or bar use was probably going to be involved with some kind of limitation of hours of operation. That was something that I thought was going to be able to allow the use but restrict the hours. That was it in a nutshell. I think that that's where I've always been on this, in wanting to make sure that we have these kinds of uses, or small businesses that were allowed to be in the neighborhood with those restrictions. Here again, if common ground is allowed to happen and we can go back through the Planning Commission to ask for their input on the hours of operation, and that's it, or talk about the food sales issue, then I think that we come to some kind of agreement in all of this. I want the neighbors to understand, I would like to see something happen here with the conditions on the SUP, but I'm just trying to figure out how to get there.

Tom Larkin:
Applicant

Yeah, like I said the hours of operation restriction is something that we can't budge on, which is why we have this list of conditions otherwise, that is above and beyond what's currently in place. That's the purpose of this SUP, that's the purpose of moving away from 55 percent, here's how it is currently, this is where we are now, let's meet in the middle, and that's why

we've been working for months and months and why the Planning Commission came up with what they did.

Mayor Amyx:

Okay. Back to this table, guys, we can send it back with consideration and ask the Planning Commission to reconsider the hours of operation portion. There's the food sale requirement, I suppose that we could ask if the majority of the Commission would want us to ask on that.

Commissioner Boley:

I'm happy with the food sales at this point. It's just the hours of operation. I'd like them to reconsider the operating hours to what staff recommended.

Mayor Amyx:

Okay.

Vice Mayor Soden:

I do have to, if you guys are looking to send it back somehow, I do have to point out that I think the 50 foot line actually includes the Polar Building right there, those apartments, so I'm a little concerned about that, that the noise is allowed to exist outside of them, because they fall within 50 feet.

Scott McCullough:
Planning & Development
Services Director

Mayor, I might suggest that, given the testimony about the reasons why the neighborhood didn't attend the meeting, that you send it back to the planning commission with direction to review all of the conditions, and hold a hearing, hold a second hearing, and bring back their recommendation to the City Commission after working more with the applicant and the neighborhood.

Mayor Amyx:

Okay.

Scott McCullough:
Planning & Development
Services Director

Just keeps it a little more open-ended for them to take comment and massage the conditions as they see fit. At that time, by simple majority vote, you can do, act as you want, on any of the conditions, to modify the conditions, or approve or deny the application.

Mayor Amyx:

Okay. Our choices are, again, approve, deny or send back. Those are it. If we send back for the specific reasons, maybe Scott suggested, or limited to whatever conditions we want them to look at. No matter what, it's going to come back here for final decision anyway. So at this point, any other questions or comments? (None) I will entertain motions then.

Vice Mayor Soden:

Well, it seems like it would be easier to deny it outright and that way that sends a strong message to the applicant that they need to work more closely with the neighborhood in crafting the SUP, so I don't think they're starting from square one, but if we send it back, we're just putting it in the Planning Commission's hands. I think we need to put it back in the neighborhood's hands, and to me that's more of a denial than of the send back.

Mayor Amyx: Okay. So your recommendation is for denial.

Vice Mayor Soden: I guess I would be moving to deny. I move to deny the Special Use Permit, SUP-5-00261, for a bar located at 804 Pennsylvania Street. Motion denied for lack of second.

Commissioner Boley: I move we send it back to Planning Commission with the stipulation Scott put down.

Mayor Amyx: Then a motion to send back with the recommendation Scott made to review all conditions.

Commissioner Boley: That way it's open.

Vice Mayor Soden: What about the food? Are we adding food percentages?

Mayor Amyx: Well, the food is one of the conditions that they would look at, okay? That's one of them. Hours of operation, food, everything that was listed from the Planning Commission, okay? Do I hear a second on that?

Commissioner Herbert: Can I clarify that really quickly?

Mayor Amyx: Please.

Com. Herbert: What specifically are we asking the Planning Commission to do, because, I mean, the Planning Commission votes seven to nothing, unanimously. As I understand it, that Planning Commission took public comment, okay? So we're taking an issue where public comment was allowed, and under a set of guidelines the Planning Commission voted unanimously, and we're sending it back to them and we're saying "We'd like you to look at this again and take public comment again? We didn't like your decision, rethink about it?"

Mayor Amyx: No Commissioner, we're asking them to reconsider the item, and they will have the opportunity to look at the items that we've asked them to look at, and they will either reaffirm the recommendation that they have, or make changes to this. It could come back the same identical way as the recommendation that we have right now. Over the course of time, while we're here as a commission, we're going to have times where we send things back for reconsideration. It's going to happen because we want them to look at it. They're the planners. That's what they do best. At this point, we're trying to look to see if there's an opportunity to get support for this item, and that's what this is. We have a motion on the floor to send this item back to the Planning Commission, and ask them to look at all conditions that they have sent to us, right? Okay. Do I hear a second on that item? I will second that. Any other

questions or comments?

Moved by Commissioner Boley, seconded by Mayor Amyx to send the SUP back to the Planning Commission to look at all the conditions. Aye: Mayor Amyx and Commissioner Boley. Nay: Commissioner Herbert and Acting Mayor Soden. Motion died.

Mayor Amyx: Well, that fails two to two. I think I know where we are right now. Commissioner Boley and I voted in favor, Commissioner Herbert, Acting Mayor Soden voted in the negative. This item is done for this evening, is that how I understand this?

Scott McCullough:
Planning & Development
Services Director Yes. On a two-two vote on this particular item, it remains a pending application, because to do something contrary to the Planning Commission, per our code and state statute, you must have four votes, since you do not have four votes to do something, to do contrary to the planning commission, which was for approval, and did not send it back, you didn't have the votes to send it back to the Planning Commission either, then it essentially remains a pending case, presumably until we get a fifth commissioner, at which time the applicant can request that it come back to the full Commission for consideration.

Mayor Amyx: I want you all to know I appreciate all of the comments, and all of the hard work done by everybody in this room. I know the hours that you've all spent, has been incredible. Thank you all very much. We'll wait to hear in the future, okay? Thank you all for coming this evening. I guess you're not leaving.

The City Commission recessed at 10:09 for five minutes.

The City Commissioner reconvened at 10:15

6. **Receive staff memo related to zoning options in East Lawrence neighborhood.**

Scott McCullough, Planning and Development Services Director, presented the plan.

Mayor Amyx: Questions of Scott.

Vice Mayor Soden: I do have a question. On the RS-7, does that allow the accessory dwelling?

Scott McCullough:
Planning & Development
Services Director Yes.

Vice Mayor Soden: Okay.

Scott McCullough:
Planning & Development
Services Director Yes, it does, but it also requires a 7,000 square foot lot.

Vice Mayor Soden: I guess, it's my question too is, even though some of these lots may be smaller than 7,000, is it still acceptable for them to be in RS-7?

Scott McCullough:
Planning & Development
Services Director

If you zoned it to something that's not compatible, puts it in a nonconforming status. What we would have to explore then is providing maybe some blanket variances to that issue. Like I said, that goes into the deeper analysis we need to perform. In order to bring you back what zoning district would be appropriate. We're starting with the presumption that in RS versus an RM, would match more closely to the uses.

Vice Mayor Soden: Yeah.

Mayor Amyx: Other questions? Scott, just real quick, as one of the co-chairs here for Horizon 2020 Group. As we've finished the Issues Action Report and want to start that process, we're going to the planning commission, ultimately this body, and the Douglas County Commission. The Issues Action Report is going to be before the Planning Commission before the next step of the initiation if the Commission so chooses to go that route, of the rezoning of East Lawrence. So would they...

Scott McCullough:
Planning & Development
Services Director

Probably yes.

Mayor Amyx: So they would have the information from the Action Report in the back of their minds as they are looking at this, correct?

Scott McCullough:
Planning & Development
Services Director

Likely...

Mayor Amyx: Because we talked about things about density and height ... all these other things. I just want to make sure that that is there.

Scott McCullough:
Planning & Development
Services Director

It would be in the back of their minds. They would have it probably in the forefront of their minds. We have talked about increasing density and height in appropriate locations within the city.

Mayor Amyx: That's the key words right there. Okay. I want everybody to be aware of that in key locations. Refresh my memory real quick and I know it's late, but the RM-24, I was under the impression a long, long time ago, there was a rezoning of this property and it was all made an RS designation of some kind, and I can't remember what it was. When did the RM-24 come back? Did it come back in 2006 when we adopted a new code? Is that when it came back?

Scott McCullough:
Planning & Development
Services Director

That's when the RM-24 would have been applied to it. Mayor, I wasn't here, so I'm not as familiar with that detailed history. We did attempt, and this a little bit dovetails into the next agenda item, we did attempt to match uses with zoning there, because this is such a mix-used neighborhood. That may have been how it got there, but I'm not sure.

Mayor Amyx:

I agree. I'm almost certain you're right, because in the 1980s or some such time, there was a ... call it a down-zoning, if you will, that was taken up by a commission and that...

Vice Mayor Soden:

You were there...

Mayor Amyx:

No, I wasn't there. There were some things I wasn't even around for, but ... No, I do remember that and there were a lot of feelings exchanged over and that's okay. I just want everybody to understand how we got back to this RM zoning category and it was after the new code was adopted.

Scott McCullough:
Planning & Development
Services Director

It may have been the area south. I mean this is all predominantly RS-5, right now south of 9th Street. That did maintain its RS designation after 2006.

Mayor Amyx:

Okay. I knew there was some way that this happened. Any other questions? Okay, thanks Scott.

Scott McCullough:
Planning & Development
Services Director

You bet.

Mayor Amyx:

Public comment.

Pam Blackburn:
Secretary – East Lawrence
Neighborhood Association

I live at 830 Connecticut, so I live in the north of 9th, East Lawrence area. I kind of found some helpers and as a group, we canvassed this area north of 9th to determine what kind of support there was for down-zoning, and you all have my summary map and my letter. We would like, at this time, to ask for the official... This is our official request for you all to have Scott and his groups proceed with this investigation so that we can move forward in the rezoning of this area to current use. All of the surrounding areas over time, and this are from looking at a map, and it isn't just East Lawrence, but Pinckney me and I'll have done work to make this happen. This area north of 9th is kind of the lone, different part of this. We would like to get that consideration so we can get the single family dwellings zoned to single family dwellings, certainly duplexes zoned as duplexes and then the issue housing then needs to be determined. We would like your support in proceeding with this request.

Mayor Amyx: Questions of Pam? Thank you. Thanks for your hard work. Other comment?

K.T. Walsh: I just want to say that was 1988 when it was zoned like this and then, boom, it went to RM-24, and so that was just an oddity. Also, in our East Lawrence plan, this was on our action plan, and we've had a few issues come up since we wrote the plan, but we had planned to do this so you could refer to that. Thank you.

Mayor Amyx: Other comment?

Michael Almon:
Brook Creek Neighborhood In 1999 there were four square blocks of Brook Creek neighborhood adjoining Haskell Avenue, actually straddling Haskell Avenue from 15th Street to 12th, as I recall, zoned RM, whatever is the zoning category then, multi-family. Two things happened around that time. Somebody applied for a commercial strip zone rezoning along 15th Street, which wasn't, by right, they'd have to get it approved. We fought it, but it was easier for them to try to justify their case because it was already multi-family zoning. Another thing that happened is that kind of right in the heart of that four blocks, somebody built a two-building apartment complex. They had the right to do it and they did it. Everybody there was just astounded. They can't do that in a single family neighborhood. Well, they had the zoning and they could do it. That spurred us to do what East Lawrence is doing now. We canvassed the whole neighborhood, talked to all the property owners, got the City Commission to initiate the rezoning and now it's RS-7. This is absolutely a great thing to do. It stabilized our neighborhood. This neighborhood is even more at risk and could use that protection. The Conservation Overlay, I would think you would initiate that tonight as well, even though it takes a longer time. You might as well get the process going. I just hope that, considering the Warehouse Arts District, and the Conservation Overlay zoning that's there, it's been kind of nebulous as to how much protection that's provided because there are ways to get around it and revise it and chip away at it. Whatever this Conservation Overlay District is, it should be drafted as tightly as possible. I'd say initiate them both tonight. That would be great. Thank you.

Mayor Amyx: Thanks Michael. Any other public comment?

Patricia Sinclair: I thank you. Very briefly, I remember like a lot of rezoning. I just have a couple questions on this map. Well, one thing is I don't know what the zoning is now for that old Morton's Concrete that was all designed by an architect and supposed to be the police evidence storage. They had Boyd, or whoever, do things. Then they said the buildings were in too bad a shape. Then we here now from the police that they have been storing these things

and there's horrible mold and mildew. I'm wondering, that would be on the bottom, right, because it's on 15th. It's all surrounded by residential. Well, the one people used to have horses, it was like a little farm next door. I just don't know what that's zoned. I assume that must be the school in the bottom left.

Mayor Amyx: That's the GPI zoning, Scott, that's a governmental institution zoning. It allows our use to be there.

Patricia Sinclair: I don't know how they got away with it because they had a whole plan they presented and promised, and we had meetings. Then we're told they weren't doing it because the buildings are in too bad a shape. I think they knocked down one of the buildings and then to hear them say that this year that they've been storing all this, like cars that have to be detailed, you know, but this GVI, this governmental whatever ...

Scott McCullough:
Planning & Development
Services Director Governmental Public Institutions

Patricia Sinclair: So I'd want to look at that and I assume that's a school down on the bottom left.

Mayor Amyx: The big GPI? Yes, ma'am.

Patricia Sinclair: I don't have the right glasses to see that.

Mayor Amyx: That's it.

Patricia Sinclair: Oh, it's right in front of me. What an ass I am, huh? GPI, that's central?

Scott McCullough:
Planning & Development
Services Director It's the school, yes.

Patricia Sinclair: We had a similar situation in our neighborhood where we had RS-2s. A lot of that, in Barker, we're just south of this, and we had RS-2s, but I guess they ... When Linda Finger was Planning Director ... and we also had some places that had really big, deep lots, so they made, I think, RS-5s and, I don't remember, RS-7s that could have an accessory dwelling or whatever. They said it was for our own good because we only had 50-foot wide frontage and you're required 60. If our house burnt down we couldn't rebuild. Anyhow, it was during that time when everybody wanted to do infill, infill buildings so every little thing was ... and it really made a big mess. I'd say it was a similar situation where the RS-5s and the RS-7s, for the most part. I also am really concerned, which isn't really this, but right

across the street from the school, I know they just redid the schools playing field which was sorely inadequate, but I don't know what that thing is. You know the old greenhouse that's closed, that they keep trying to sell. I had hoped that the school would consider buying it and giving the kids some recreation I guess, but that'd be another situation coming up.

Mayor Amyx: That's not before us this evening.

Patricia Sinclair: No, it isn't, but boy the Barker neighborhood is really getting it from all ends. We haven't heard anything from us. I'm just saying it's a comparable thing taking it to the RS-5.

Mayor Amyx: Patricia, the item that's before us this evening you're in favor of us initiating the next step on the rezoning in East Lawrence?

Patricia Sinclair: I'm in favor of whatever East Lawrence wants. I'm just commenting on the significance of the RS-5 and why they told ... historically how that came about in our neighborhood, presumably and East Lawrence as well.

Vice Mayor Soden: Thank you Patricia.

Mayor Amyx: All right. Thanks. Phil.

Phil Collison: I feel like there's a sense of urgency on this project, just in that this is related to the East 9th project. One of the biggest risks of that project is that developers follow the Art Place grants around and after they're completed go through and try and change the integrity of what was there. There are developers walking down 9th Street knocking on doors saying, "Hey, can we buy this? We'll buy this cash right now." This is an important part of mitigating the concerns of the neighborhood for the East 9th Street project so that we can believe that we will still ... We will not be flipped as a result of this project. The Conservation Overlay District is another component that we'll be pushing for, but we see the low hanging fruit as changing the zoning to residential to match the existing use. The second person that I heard say Conservation Overlay District was you, Mike, at one of these City Commission meetings, saying that's what we need for East 9th, for the neighborhood, to help it. I just want this initiative to get good support. We're looking forward to working with city staff to make this happen. We want to hit the low hanging fruit and then deal with the tougher ones as they come up. We can probably get 50 or 75 percent of them in the first fell swoop in the next six months, probably. We work at it. Thank you.

Mayor Amyx: Thank you. Any other public comment on this item?

Aaron Paden: I just want to register publicly as saying please move forward

President - East Lawrence Neighborhood Association with this. Looks like easy low hanging fruit. Thank you, Scott and Commission.

Mayor Amyx: Anyone else? No. Think everybody spoke. Back to the Commission. If there was somebody outside, I didn't know if they wanted to speak, but I don't want to leave anybody out, either. Okay. Back to the Commission.

Vice Mayor Soden: Well I'm certainly excited to do this. It's something I worked on when I was a board member of the ELNA, but, you know you got volunteer labor when you're working on this stuff, so it's hard to keep stuff going. I'm excited about it. I'd be happy to help in any way.

Mayor Amyx: Okay. We did the Citizens Advisory Committee on East 9th Street again. It was one of the things that we had talked about and has been a big part of the discussions recently and the importance of ... as we look at the plan that'll come back for East 9th Street. It's also important to make sure that we had safeguards in place to protect the neighborhood. It seemed like zoning was a big category there and the Overlay District on top. One of the first nights we had the meeting and talking about the East 9th Street corridor, I always thought the Overlay District was probably higher priority for me, at that time, than the other. They do work together. That's where I'm at.

Vice Mayor Soden: Also, the East Lawrence Neighborhood Revitalization Plan belonged, it's kind of been considered. Dennis Domer told us that you might look at that perhaps being the foundation for an Urban Conservation Overlay District. It already has a lot of elements to it and that's a document that's existed since 2000. At least, it wouldn't be starting from scratch.

Mayor Amyx: Comments gentlemen? Okay. I'm not sure that we're going to have a problem with taking the next step on looking at the rezoning issue. You did bring up a very good concern about the fact that the Conservation Overlay District may be in a line versus come right ahead. Is that okay with the Commission that we do have items other overlay districts have had, but we'll make sure that it gets there and starts the process.

Scott McCullough:
Planning & Development
Services Director

What I would recommend Mayor is to have you direct us to bring you back a memo that is an initiation memo asking for you to initiate, more specifically, we'll analyze the area, bring you back a district to initiate to, and process more importantly. It'll include neighborhood meetings. There is a legal process to rezone, as you know. Lay all that out in a memo for you and the neighborhood and for all the owners that will be affected, so that you can take formal action at that point.

Mayor Amyx: Fair enough.

Vice Mayor Soden: Certainly, sooner than later, would be good.

Scott McCullough: Scott: Understood.
Planning & Development
Services Director

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to direct staff to draft a memo related to starting a process related to zoning options in East Lawrence neighborhood. Motion carried unanimously.

7. **Receive request from the North Lawrence Improvement Association to review the RS5 zoned areas in the North Lawrence neighborhood.**

Scott McCullough, Planning and Development Services Director, presented the plan.

Mayor Amyx: Questions for Scott. Any questions? Thanks Scott.

Scott McCullough: Thank you.
Planning & Development
Services Director

Mayor Amyx: Public comment. Ted you brought this item forward.

Ted Boyle: Yeah. I haven't heard anything on here about any storm water. I haven't heard anything on here about any flood plain or flood prone areas. In 1993, we had a flood over in North Lawrence. It was mainly because all the water came from the north, out around the airport and Hamm's Quarry, storm water, not the river. Residents of North Lawrence aren't worried about the river. If it decides to flood, it's going to flood. The storm water now, that's manageable. This RS-5 zoning, I want to tell you, in '93 we had the flood, in '95, had to pump on North 2nd Street. It doesn't take any water out of the residential part of North Lawrence. The developers thought, oh hell, let's start building homes over there. We had over just about 150 homes built in the last 20 years. They're built on mounds, anywhere from three feet tall to ten feet tall to get them out of the flood plain. It has created the storm water problem that we have today, that we're waiting to still get a pump 20 years later. This RS-5 zoning came in to play, and I can remember Sue Hack calling me. We were the last neighborhood to sign off on that RS-5 zoning under the threat of people who had an RS-5 lot could not rebuild on their property. Well that was a lie. That was a lie. You'd go before the Variance Appeals Board and state your case and you could build your home back on there. What the deal was, the big 7,000 square foot lots were running scarce. There wasn't many of them left, so these little 5,000 square foot lots and smaller, a 25 foot wide lot, 100 feet long, and you build a 30 foot tall building home on that, that doesn't fit in our neighborhood and RS-3 zoning, I didn't even know there was

an RS-3 zoning. Several years ago I said if a developer could get away with it they'd build a house on a pinhead. Well they did it over in North Lawrence, 437 Elm. They did it, and it's because the city let them do it. Now, we haven't even got this pump. Every bit of the water has to be pumped out of North Lawrence. We are surrounded by a levee. We got mud creek levee all around the east and the north side and we got the river levee on the west and the south side. We sit in a bowl. Everything has to be pumped out. We keep throwing rocks in the pond. You know what happens then. The water gets deeper and the flood plain rises. Matt Bond will tell you that this RS-5 zoning was nonexistent when the storm water study was done. North Lawrence initiated that study. Now we got this RS-5 zoning and now Scott talking about all the infill here that's showing on the map. The RS-5 residents that are already there, that's good and well, but we don't have to contribute to more flooding in our neighborhood just because somebody wants to build on a 25 foot lot. It's not good for the neighborhood. It's not good for the aesthetics of the neighborhood. People who move over to North Lawrence, when we survey them, there's three things they need to talk about. One is the rural atmosphere, two is Woodlawn School, and three is walking distance to downtown. It's not houses stacked up on top of each other or side by side on this RS-5 and this RS-3 zoning. What we'd like to see done is a moratorium on this building on these smaller lots. I might say that the 437 Elm project, that house is 30 feet tall. I don't want to hear about affordable housing because they're asking \$1450 a month for that house. The house to the west of it is on a small lot. It's like ... might be 40 feet wide, 100 feet deep. He built the house on it though that was proportioned to the lot, where 437, you got five foot on each side, but then it's got a garage in the back with a patio, and the garage is right dead on the property line. The people on the east side, storm water, run water is running through their yard, running through his garage and his sheds, as a result of this house being built on this property. I'm here to ask you to have some type of moratorium on development of these small lots, RS-5 and RS-3, until we study this situation. Maybe put a restriction on the size of the house that can be put on that lot. That's my story for tonight.

Mayor Amyx:

Okay, so you want moratorium on the development and it's not an initiation of rezoning. Is that right?

Ted Boyle:
President – North Lawrence
Improvement Association

The RS-5 zoning, if the appropriate house is built to the size of the lot, we think that's fine. The reason we went with RS-7 zoning is those properties can take care of their own storm water. It's always been a priority of North Lawrence to RS-5 zoning. That way the storm water runs off the structure in a driveway is taken care of on property.

Mayor Amyx: Okay. Questions of Ted? Thanks Ted.

Ted Boyle:
President – North Lawrence
Improvement Association Thank you.

Mayor Amyx: Any public comment on this item?

Michael Almon:
Brook Creek Neighborhood It's possible that Brook Creek neighborhood might vie with North Lawrence as being the country side of town. We value our rural atmosphere there and our open space and our gardening. One of the main reasons, I think Ted will say, people like North Lawrence is because of the soil. I think everybody knows that. The storm water issue and good soil for growing local food, those two are great reasons for not building on these kinds of lots. I don't know if you want to do it through zoning, do it through a moratorium. However, it is something that I think should be addressed. Thank you.

Mayor Amyx: Thank you. Other comment? Okay, back to the Commission. Well, Ted's been here quite a few times talking about this item over the last couple years. I'll say it's a couple years because it seems like it's been a while. I'm kind of at a loss on this. We're talking about 17 lots that are left that are RS-5. If we would look at a rezoning, we would have to, everything that's in this red box that we have; would we have to rezone that entire area or consideration just of the lots that are left?

Scott McCullough:
Planning & Development
Services Director Our recommendation would be to have more contiguous blocks of zoning and not the, what we refer to as spot zones of uses. The issue really though is that we've got legal lots that aren't going to meet the size of RS-7. There are legal property rights at play here until you change the legal property rights bundle as a City Commission. Right now as it stands, our code affords somebody with a legally platted lot, even if the zoning is changed, to secure building permits on that lot. I, too, struggle with sort of the solution to this issue.

Commissioner Herbert: Scott, what happens to the individuals who own property over there that's currently zoned RS-5? They own property, but have not developed it and the lot size is not adequate to meet RS-7?

Scott McCullough:
Planning & Development
Services Director Right.

Commissioner Herbert: Are they sitting on a piece of property they can't do anything with?

Scott McCullough:
Planning & Development What you essentially do is turn those into nonconforming lots. You're not necessarily taking away their development

Services Director opportunities, but you are hampering their ability to perhaps get financing, because they've got nonconforming lots. I guess I'd have to ... knowing now the full scope of Ted's issues, we might have to think a little bit about what the possible solutions could be even. If its storm water, then I'd want to broaden our discussion and analysis and see what the effect of 14 to 17 more homes on the entire North Lawrence system is going to be. I can't imagine it's going to be that drastic. With the improvements we're making in North Lawrence, do those improvements outweigh the impact of 14 to 17 more homes there?

Mayor Amyx: Ted brings up an important point that Matt, is coming about, Matt Bond, and the effect that these small lots have a drainage problem. I think that is at least something that we could find out before we started initiation of any kind. I do think something that's important is, I'm like you, I do understand now where Ted's coming from versus just a simple initiation. I would make a suggestion that let's get a report back from Matt Bond on the effects of the RS-5 zoning and these 17 particular lots, on the flooding problems in North Lawrence. Also, since you know what North Lawrence is asking for now, that you bring back some kind of statement or some kind of memo about what our options are.

Scott McCullough:
Planning & Development
Services Director We'll do that.

Mayor Amyx: Is that fair enough?

Vice Mayor Soden: I do have a question.

Mayor Amyx: Please.

Vice Mayor Soden: 9th Street, 9th and Pennsylvania, next to Charlie's, the house that's being built now. Is that RS-5?

Mayor Amyx: Do you think it would be?

Vice Mayor Soden: That's why I'm asking, because I think that's part of the issue, too, is the coverage of the lot is a lot more allowed than RS-7. I think that's a little about what he's trying to get at in terms of covering an entire lot with buildings or garages.

Scott McCullough:
Planning & Development
Services Director The building coverage is 50 percent in RS-5 and 45 percent in RS-7, but the large RS-7 lot, you actually get more coverage of the ground even at a reduced percent, potentially.

Vice Mayor Soden: What is that house next to Charlie's? What is that zoned?

Scott McCullough:
Planning & Development
Services Director

I'll have to look at the last agenda item.

Mayor Amyx:

I think it is, RS-5. That's the way it looks.

Vice Mayor Soden:

Yeah.

Mayor Amyx:

Is that at 9th and Pennsylvania?

Scott McCullough:
Planning & Development
Services Director

It is south of 9th and Pennsylvania. It looks like its RS-5.

Vice Mayor Soden:

That concerns me about ... especially the discussion that we had with East Lawrence. We're down-zoning, but we're not helping the lot coverage, I think or even if you're ... I don't know how to tackle that one though.

Mayor Amyx:

That was probably for another night.

Scott McCullough:
Planning & Development
Services Director

That's a revision to the standards.

Ted Boyle:
President – North Lawrence
Improvement Association

Can I say one other thing that I left out and this has happened a couple times over there? Developers have come in and bought a property that had one house on it, but extra a large lot. A good example of that is on the corner of 300 Perry. That was a large lot and a house in the middle of it and that property was bought. The house was bulldozed down and now there are two, long snake houses and are rental property, instead of one house being built on the lot. That's happened on the 500 block across from Woodlawn School; there are two of them slipped in there. You start doing that on the other side of the tracks ... The other side of the tracks, you got to remember, is 14 to 16 feet lower than the south side of the tracks is. Open ditches and that type of deal. If we continue with this RS-5 zoning, you might as well in 2018 go ahead and vote in another tax code and fight for another pump. We hadn't even got the first one yet.

Mayor Amyx:

Okay. Anyway, the direction would be is information back from Matt Bond and staff. Make a report back to us.

Vice Mayor Soden:

I kind of wonder if maybe an Urban Conservation Overlay might be more what he's looking for, to match the current houses.

Scott McCullough:
Planning & Development
Services Director

We'll pursue those options and bring back a report.

Vice Mayor Soden: It's good to hear these two items together.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to direct staff to bring us information back on the effect of drainage on the RS-5 lots and bring back a memo regarding the questions brought up by Ted Boyle. Motion carried unanimously.

8. ~~**DEFERRED. Receive Concept Study for project number PW1505, Kasold Drive, Bob Billings Parkway to 6th Street, Reconstruction and Geometric Improvements. Staff Memo Map PowerPoint Slides Public Feedback Comments**~~

~~**ACTION:** — Direct staff as appropriate.~~

9. **Consider approving Lawrence Memorial Hospital Sponsorship and Lease agreements and authorize the Interim City Manager to finalize agreements with Lawrence Memorial Hospital as a “Presenting Sponsor” and “Lessee” at Sports Pavilion Lawrence and as a Health and Wellness Partner with the City of Lawrence.**

Ernie Shaw, Interim Director, Parks and Recreation, presented the staff report

Gene Meyer:
Chief Executive Officer
LMH

Thank you Ernie. Mayor, Commission, I'm not going to repeat anything Ernie said. I think he did a good job of summarizing the discussions we've had to this point. We think this partnership makes a lot of sense from availability of services and promotion of health for our community which is part of our mission and our obligation to the community. We've had many discussions, Rob Chestnut is here. Rob is currently chair of our board and we've had many discussions at the board level and the board has approved this, a couple of months ago for your consideration. Thank you.

Mayor Amyx:

Gene, we appreciate you coming this evening and appreciate LMH and I make ... I guess, I literally have a special place in my heart for LMH. I really do and I appreciate the work of our community hospital. I think being able to have such a facility is ... It's great to have the consideration of the hospital, hospital board to be a presenting sponsor at the Sports Pavilion I think speaks volumes and the good work that you do and trying to keep people healthy. I guess if I had paid attention a little bit more, things would be good. I want to thank you for your consideration and willingness to step forward and make the finish at Sports Pavilion something special. Anyway, thank you.

Ernie Shaw:
Interim Director
Parks & Recreation

We're here to answer your questions.

Mayor Amyx:

Well, Ernie your presentation, very good. Thank you. Questions of Ernie or anyone here?

Commissioner Boley: Yeah, Ernie, the provisions of the contract, Article 2, Name of Facility, and Article 4, on the Presenting Sponsorships, specifically 4.05. I have some concerns about Article 2. I'm not wild about that with the entitlement sponsor. My concern is that sales tax paid for this facility and to put a corporate sponsor name on the exterior of the facility as is envisioned in Article 2, essentially would indicate that they helped pay for the building. These are operational sponsorships. I'm delighted that we have the opportunity to have a presenting sponsorship with LMH. I'm interested in the lease agreement, but I'm concerned about the contract language. I'm interested in trying to substitute presenting sponsors, but this contract limits us to no more than three.

Ernie Shaw:
Interim Director
Parks & Recreation

I'll get some people to help me here, but our initial goal on three sponsors was so that we didn't have a NASCAR effect in our facility. We didn't want a whole bunch of signs all ... I mean like if you go 4, 5, 6, 7, 8 sponsorships, we don't want that NASCAR effect in our facility. We, from the beginning, and the previous Commission said that we don't want a lot, but we want something to help us so we don't have to continue to upping sales tax to operate; so that was a legitimate decision. Three or four sponsors, one of those could be a title sponsor with two or three presenting sponsors. Tonight, we're not necessarily talking about entitlement and putting a name on the building. This is presenting and inside.

Commissioner Boley: I'm concerned that the contract language really limits us in what we can do with the sponsorships from here on out. I can't endorse the previous plan.

Ernie Shaw:
Interim Director
Parks & Recreation

You can't, I'm sorry ...

Commissioner Boley: I can't endorse the previous plan.

Ernie Shaw:
Interim Director
Parks & Recreation

Okay. Can anybody answer?

Mitch Wheeler:
Premier Sports

Good evening. Really just to reiterate what Ernie said is we looked at our sponsorship program, what we really wanted to do was focus on fewest, most significant, so that ... In our history if you go much beyond three or four, it really does turn into kind of a NASCAR type of environment. Nobody gets the exposure they're looking for. Then sponsors don't want to pay the higher level that we believe we could get if we get three to four. That's why we've limited it to either an entitlement and two to three presenting or three to four presenting sponsors, so that we can get a higher level of dollar ...

Commissioner Boley: But this is very specific, it says, no more than three others plus the title sponsor, right?

Mitch Wheeler:
Premier Sports Entitlement, correct.

Commissioner Boley: If we were to delete the entitlement sponsor how many presenting sponsors would we get?

Mitch Wheeler:
Premier Sports Ideally, three. No more than four would be our recommendation.

Mayor Amyx: Other questions?

Vice Mayor Soden: Yeah. Article 2, 2.01, the exterior signage, I think it's great, everything you guys are doing, but I'm just not really a fan of the exterior signs, in general, so that'd be ...

Ernie Shaw:
Interim Director
Parks & Recreation What are you on, the lease or the ...

Vice Mayor Soden: Oh, am I on the wrong one?

Mayor Amyx: I was going to say either I read this wrong ...

Ernie Shaw:
Interim Director
Parks & Recreation Yeah, this is presenting which is everything's inside the facility.

Vice Mayor Soden: Okay, good.

Ernie Shaw:
Interim Director
Parks & Recreation Entitlement is where the name would change on the outside. I say change, you'd have XYZ sponsor in front of Sports Pavilion Lawrence. That's entitlement. This is presenting sponsor inside the facility.

Mayor Amyx: All interior.

Vice Mayor Soden: All interior. That's good, thank you.

Mayor Amyx: Those are the pictures, Ernie. The pictures that you showed us in the office there a week ago, that had the logos on the wall. That was it, right?

Ernie Shaw:
Interim Director
Parks & Recreation Right. It'll be stuck inside ... you know it might be on a backstop. Signage package hasn't been developed completely yet, but it would be all interior is what we're talking about here.

Rob Chestnut:
Board Chair - LMH I only have a little bit. Rob Chestnut, I'm the Board Chair of the hospital. We obviously vetted this out a lot over several months.

First of all, we do not want to have the signage on the front. As a matter of fact, I think there was a consensus on our board that that was really not the intent. For two reasons, one I think, I agree, Commissioner Boley, it's the city's asset. Secondly, people could misinterpret it for being a location to maybe an ER or a ... I mean that issue did come up. If the signage was visible from the road and they saw LMH, they just might drive in and expect some kind of urgent care that wasn't available. We sort of decided that that wasn't a good idea for two reasons. I want to take a step back and talk about a couple things. One is certainly, going with the recommendation trusting your representative as far as on the development side on the number of sponsors, our intention though really is, also what hasn't been talked about is, we planned on having some information and signage in all of the recreation facilities, so this is a plan that really our intent is to really have a promotion of wellness across the community. It really isn't there to try to have that NASCAR effect; it's really for information and really to provide people an opportunity to just participate in whatever activity they can to get healthier. We are hoping to align ourselves a little bit more with the city and their goals as well. That's really our intent and we vetted through some of the concerns that you had. If that helps ... but the signage thing on the front is not where we're at. I just wanted to let you know that.

Mayor Amyx:

Thanks Rob. Any other questions of staff or ...

Commissioner Boley:

Well, I'm interested in this contract. 4.05, it looks like we're limited to three presenting sponsors. If we wanted to delete the entitlement sponsor and have another presenting sponsor, that'd be four sponsors. It looks to me like we can't do that because it says we won't have more than three.

Diane Stoddard:
Interim City Manager

I think, Commissioner that could be something that you could look at modifying. The current language in 4.05 as you indicate says, "Securing no more than three presenting sponsors." I suppose that consideration could be making that four.

Ernie Shaw:
Interim Director
Parks & Recreation

You might want to help me here. We know that within our building as Mitch said, and with LMH being the first presenting sponsor, they have a signature area, a designated area for their primary area. What I'm trying to get at, to be equal to everybody else, we basically have three areas in that facility that we feel can be signature areas with the space that equals what now we have said LMH can have. If we start having four or five signature areas, LMH all of sudden has two-thirds more than the next person coming in for \$50,000 for their signature area, if you start splitting the three up into five now. That has kind of been preset for signature areas, theirs being what I told you, the next maybe being the other five gyms and then the soccer field and then the gymnastics area. I can't remember for sure, Mitch, bet you can

explain that more.

Mitch Wheeler:
Premier Sports

What you said is exactly right. Based on how we reviewed the assets in the building, that's how we feel like it best works for our partners.

Ernie Shaw:
Interim Director
Parks & Recreation

Right. Then you were talking about entitlement, which if we do or we don't do that, that person can come in then and sign areas within everybody's, because they have that extra entitlement of that with their signature, some; and everybody will get to put smaller signatures in everybody's. That's kind of how that signature and that three to four came about is by trying to divide equally that building and those signature areas.

Mayor Amyx:

Again, it was always the intention that there would be these sponsorships to help with the cost of that facility.

Commissioner Boley:

I'm real interested in having those sponsorships, believe me.

Mayor Amyx:

I know you are.

Commissioner Boley:

That doesn't mean I can endorse this plan.

Mayor Amyx:

Oh, I know. Anyway, other questions ... It's all interior.

Vice Mayor Soden:

Yeah, it's all interior. It's my main concern.

Mayor Amyx:

Okay. Other questions or comments? I appreciate your questions, I want you to know. Is there any public comment on this item?

Patricia Sinclair:

I find this just shocking. Just shocking that Lawrence Memorial didn't make their plan ... Forget if the city wants to make money on sponsorship at this far northwestern, I finally saw it on a map the other day, place. The hospital couldn't even plan enough to have adequate space at the hospital which a person could access. Remember the consultants who were here earlier this evening? Seems like yesterday, but accessible, remember what they said about accessible and young people? There's no way I'm getting out there ever. Its five miles from my house to get to the Free State High School and ever try and access that shallow, warm pool. That's five miles one way. The whole concept of them choosing this for a community wellness thing is ridiculous as far as I'm concerned. The cost at LMH, the people I pay, well into the \$300 a month for Medicare and Medigap and stuff like that. It's not like I don't have insurance, but the people who don't have insurance, or under-insured, or have a high deductible or something, they go to LMH and you know somebody is paying for this. I find that it's ... and I think the whole staff, I think they got salary increases over at the hospital and so forth. I'm just shocked that this would be the community

center for health and wellness when it's inaccessible to people, except the people in the immediate area who have cars, who live out that way. I find it appalling. Now, I don't believe that this is legally required, Mr. Meyer or Dr. Meyer or whatever your position is, but I'm just going to ask you, the Commission right out. I've heard tell that he does not live in Lawrence. It seems to me that it's ill-advised in the case we ever had the major emergency or something. I don't think it's a requirement. I think it's unfortunate. I think it's unfortunate ... I'd like to know where he gets his healthcare. I'm sorry, but I will never have a chance like this again. The whole idea ... They used to have a scale, a good quality scale that you could weigh yourself at in a hospital, and I looked and looked and looked for it and they said somebody fell when they used it so we got rid of it. That's at the hospital so you can't even weigh yourself there anywhere. I'm just saying, the idea that we're putting this and I just would like if you would be kind enough to answer me that. If we have some kind of a medical emergency in the city, something major happens, tornado or whatever, I would like our administration to be able to get on the spot quickly. I'm just saying it's not accessible. I know you're happy not to get the outdoor banners. We could have a Quicken Loans Recreation Center, but what do you think?

Mayor Amyx:

I'm going to answer your questions pretty well. I voted against the Sports Pavilion many, many times. I will say one thing, sometimes I wonder if my vote was right. As I see it, one of the things that's happened is, and Ernie correct me if I'm wrong, we're having like 60 plus thousand people a month go through the doors of the facility. 60,000 people a month.

Patricia Sinclair:

Well ...

Mayor Amyx:

Now wait a minute. Now I've got the floor now. We have what 17,000 of the key holders or 20,000.

Ernie Shaw:
Interim Director
Parks & Recreation

24,000.

Mayor Amyx:

24,000 people from our population that have the card to go in on a free basis, on a free basis if you live in Lawrence and Douglas County. That is unheard of and we're trying to do some things that make some sense with today, by adding sponsors to help defray some of the cost. As far as Mr. Meyer, where he lives, I believe that he probably meets the requirements of his job. I'm certain of that.

Patricia Sinclair:

I didn't say he was. I was clear to say that I didn't believe that it was necessary, that he was required to. I just thought that I've heard that rumor. I was just inquiring as to whether it was true

because I think it would be helpful to the community to have him closer by.

Mayor Amyx: I am certain with the board and under Gene's leadership that any emergency is going to be handled.

Patricia Sinclair: If I may ...

Mayor Amyx: It's 11:20 at night.

Patricia Sinclair: Well, it's not my fault. I have not even had supper and I get very sick when I don't eat.

Mayor Amyx: I haven't had supper, either.

Patricia Sinclair: I don't believe that you have the same medical condition that I have.

Mayor Amyx: Don't question my medical condition.

Patricia Sinclair: Well don't question mine.

Mayor Amyx: I didn't.

Commissioner Herbert: Okay. Could we stick to what we're talking about?

Patricia Sinclair: I stayed because I wanted to hear about this. I stayed because I wanted to hear about this and I'm saying, you raised the issue if we should even ...

Mayor Amyx: Okay, what is your question right now about this item?

Patricia Sinclair: I'm saying, you have just brought up the subject about how great Rock Chalk Park is and you sort of maybe you didn't vote for it, how many people ... I don't know where those people come from, where they go to, where they spend their money, if there's any trickle down, if they're wearing out our roads. There's some trade off when you introduce a volume of people and so forth. I think the whole thing is nuts anyway. I'm saying that for a community wellness thing, I think it's inappropriately placed. It sounds like the hospital planned to build it at the hospital, but they didn't make enough space. I'm sorry to see it out there. It doesn't matter to me if it's free. It's not free if I have to pay to get out there or if I have to use gasoline or some senior ride or something. I just want to make the point about recreational use, is that I believe the common people subsidize things when it's a tax based on a ... built with a tax that everybody pays. Then we have ...

Commissioner Herbert: Mayor, can I answer that statement.

Mayor Amyx: Sure, please.

Commissioner Herbert: Common people do subsidize recreational facilities which are entirely the point of this issue; that we have the opportunity to have a private sponsor subsidize it so that taxpayers don't have to. If you don't make use of the facility and you don't drive your car out there, you don't have pay for it. We have the opportunity to bring in, as I understand it, 1.7 million dollars over the next ten years of money that is not taxpayer money, so that we can pay for a facility that is free to taxpayers using non-taxpayer money. That's the entire point of what we're discussing tonight. I don't mean to cut you short, but it is 11:30.

Patricia Sinclair: It's not my fault, is it?

Commissioner Herbert: It's not your fault that it's 11:30.

Mayor Amyx: Patricia.

Commissioner Herbert: However, I'm not going to allow you to continue to talk about something that's not related to what we're voting on tonight, because we need to stick to the issue before us.

Patricia Sinclair: I had things that I would've brought up at the regular question things, but I did not. I had to sit here...

Mayor Amyx: Patricia, thank you for your comments tonight.

Patricia Sinclair: Meeting recently and listen to...

Mayor Amyx: Patricia, thank you for your comments tonight.

Patricia Sinclair: No answers on that, huh?

Mayor Amyx: I believe Matt gave you good answers, okay? Thank you very much.

Vice Mayor Soden: Thank you Patricia.

Patricia Sinclair: Well, thank you. It's not my fault that we're here at 11:30 at night.

Mayor Amyx: Any other public comment? Okay, back to the Commission. Thank you for your willingness to step forward. I want you to know that. So the item before us is to consider approval of the Lawrence Memorial Hospital sponsorship and lease agreements and authorize the Interim City Manager to finalize agreements with Lawrence Memorial Hospital as a presenting sponsor and lessee at Sports Pavilion Lawrence as a health and wellness partner for the City of Lawrence. This is all interior for the signage. I want everybody to know that. Rob, I appreciate you

bringing that up. So, that's where we are. Any discussion of the item that's before us?

Commissioner Boley: I'm still concerned about the contract language, Mike.

Mayor Amyx: Okay.

Commissioner Boley: I'm concerned that it ties us to a plan that I can't endorse. That's it.

Mayor Amyx: Okay. I appreciate that comment. Does anyone else have concern about that we're tied into three versus four. I appreciate the explanation that's been given about the effect of having multiple, multiple signs. I don't think that was ever the goal anywhere to have that kind of stuff.

Commissioner Herbert: I don't know what the difference is between having three or four, six or eight, because that's not my business. It's not the industry I'm in. What I do like and I think it lends itself to Acting Mayor Soden, your comments a couple weeks ago when we dealt with signages. I do like putting a limitation on it so that we don't end up having mass corporate sponsorship all over and everything stamped with a logo. I don't know if that number three is appropriate. My tendency would be to listen to what those people who do that for a living say and so I support it.

Commissioner Boley: The problem with that is it has this overarching entitlement sponsor, which is what I've got a problem with. If we could have, somehow, like four presenting sponsors, that'd be okay. We wouldn't have the NASCAR effect, we wouldn't have the exterior signage, but that's not what this plan is. If we sign this contract now, then we're tied into a plan that says three.

Mayor Amyx: So you want to keep the option open that, if we choose not to go with the outdoor sponsor that we can add the fourth sponsor.

Commissioner Boley: Exactly. I'm interested in getting the sponsorships. I'm delighted to have LMH one to be with us. I'm sorry that I've got these problems with the contract, but that's where I am.

Mayor Amyx: Okay.

Vice Mayor Soden: I think if we can carve out a fourth one, then we should do that, somehow. Other than that, I'm happy with it.

Commissioner Herbert: What's the benefit of the fourth one, because ultimately if we ... It's a supply and demand concept. As we increase the number of our partners, we decrease the value and ultimately do we run the risk of ...

Commissioner Boley: It's a substitute for the entitlement sponsor.

Commissioner Herbert: Yeah, I understand that.

Vice Mayor Soden: There's already a fourth one. This is just looping it in to the others. I think I understand what you're saying.

Ernie Shaw:
Interim Director
Parks & Recreation

One of the problems from the beginning and from the history, one of the things ... and Mitch can, being in the business, the entitlement sponsor which I know is what you have the problem with, with the naming on the outside of the building, obviously that's our biggest opportunity, is an entitlement sponsor. Our presenting sponsors are probably not going to be over the 50,000 for five years, the entitlement could be a hundred or more for seven to ten years. The difference mainly is to put a name on the front of the building. I guess I need some help here. I know that's when we did the study, the feasibility study that was one of the things that Premier said is one of the primary drivers of the extra money. We don't have people just standing out there like LMH saying here's my \$50,000. It's been a year to get to here. We do have someone that is looking at an entitlement as we talk here tonight. If the vibe probably is that we don't want that, chances are that \$100,000 is gone. I'll just be right honest with that. If that is what the vibe is, and I'm sure they're watching very closely, we will probably lose them tomorrow. We've got one sponsor; will we get three, four, five more? Who knows? They're not standing there saying here's my money. We're working and he's working finding these sponsors that, so far we have one.

Commissioner Boley: You know Ernie, the previous Commission had an opportunity to work on this, and it's one of the things that didn't get done when they did Rock Chalk Park. I have a huge problem with a sponsor putting their name on the outside of Sports Pavilion Lawrence when it's being paid for by sales tax money. That's just the way it is.

Ernie Shaw:
Interim Director
Parks & Recreation

I understand that, but Mitch can give you a little history about these types of facilities. That is common with recreation centers and city facilities, that this is how it goes, other than like the bank did for KU on an endowment type of a deal, is a lot different than taking a rec center and saying we're going to give \$6,000,000 to put our name on it. That doesn't usually happen on a city facility. Mitch, you can give a little history here.

Mitch Wheeler:
Premier Sports

We've looked at comparables and there aren't a lot of comparables out there. Probably the best comparable that we found is Shields, the sports athletic store, in Overland Park, just entitled the over-the-park soccer complex. That's going to be for \$125,000 per year times five years. As we've looked around the country in San Diego County, Parks and Rec has some things going on. There're some things going on in Fairfax, Virginia with

their Parks and Rec. Same thing up in Washington State. The price points that we found for comparables, the best we could match it up, is basically this range. From our standpoint, we get compensated based on percentage, so I'd love for it to be a lot more. As we'd gone, had conversations with people, we feel like the price point that we can get is going to be somewhere in the hundred to \$125,000. For entitlement then it's going to be for over seven to ten years is probably the length of term. That's just what you have to decide is that something that you want to do? Is that worth doing or not; or do we just go back to the presenting sponsorships, then we'll be right in that \$50,000 range.

Vice Mayor Soden: Yeah, I think that's the question is, should we just go ahead and drop it now and leave it for a future time when it's not 11:30 at night. We're all kind of tired from sitting here.

Mayor Amyx: Well, I got to tell you, I'm supporting ...

Commissioner Herbert: With respect to Ernie and these guys that have sat here for five hours, I would like to see this come to a conclusion.

Mayor Amyx: Right. I'll just be honest with you; I am supporting the contract the way it's written, the program that's put in place. Stuart, I respect what you bring up, I want you to know that, but I think this is opportunity and we're going to have the difference of opinion on that. I just want you to know.

Commissioner Herbert: I'm not one of the 24,000 people that have a key card yet, so I'm fully supportive of Gene Meyer paying my way for that facility. The more of that facility that you could pay off so that I don't have to, by all means.

Vice Mayor Soden: Is there a way that we can approve the LMH stuff that we got going on and later talk about the entitlement sponsorship though, on its own?

Mayor Amyx: Sure. Yeah, we can talk about anything. The item tonight is specific to LMH.

Diane Stoddard:
Interim City Manager I think if there was a desire of the Commission to look at the issue of the number of presenting sponsors and understanding what staff has said about those sponsors and that number, if it's acceptable to LMH, that language could be no more than four which just allows the opportunity for the Commission to discuss at another separate time and you all to provide direction to us related to the other sponsorships. That may be an option.

Vice Mayor Soden: I don't want to bring the LMH stuff that they're trying to do to a screeching halt, but it does sound like we have a bigger issue we need to cover.

Mayor Amyx: I think the entitlement is something that we can discuss at a later meeting.

Rob Chestnut:
Board Chair - LMH I just wanted to say we obviously would need to go back to the board, but I think I can speak to say we'd be pretty open. Given the fact that this is really a city and sort of the naming rights, and all that, I think we'd be open to, just as long as we were part of the negotiation to know what you were doing as you were moving forward. Our intent really is to really get this wellness thing going in all facilities and be a partner with the city. We're very amenable to being flexible.

Moved by Commissioner Herbert, seconded by Mayor Amyx, to approve Lawrence Memorial Hospital Sponsorship and Lease agreements and authorize the Interim City Manager to finalize agreements with Lawrence Memorial Hospital as a "Presenting Sponsor" and "Lessee" at Sports Pavilion Lawrence as a Health and Wellness Partner with the City of Lawrence. Motion carried unanimously.

F. FUTURE AGENDA ITEMS:

Diane Stoddard, Interim City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

Vice Mayor Soden: I did want to bring up the Affordable Housing Trust Fund Committee and I'd like for us to move forward with those appointments. I have no idea if Jeremy even had a list of those people yet or not, but I would like to start working on them. Whether it's me or someone else it doesn't matter.

Mayor Amyx: Work on it.

Vice Mayor Soden: I will do that. Do any of you have any input?

Mayor Amyx: If you have people that you want to have serve, please bring them in.

H: CALENDAR:

Diane Stoddard, Interim 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 Commissioner Boley, seconded by Commissioner Herbert, to adjourn at 11:41 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON DECEMBER 1, 2015.

Brandon McGuire

Brandon McGuire, Acting City Clerk