



# City of Lawrence

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CITY COMMISSION

MAYOR  
ARON E. CROMWELL

COMMISSIONERS  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

April 10, 2012

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

## A. RECOGNITION/PROCLAMATION/PRESENTATION

1. None.

## B. CONSENT AGENDA

Schumm requested that item number 3, licenses, be pulled for separate vote because he had a conflict of interest.

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

1. Received minutes from the Traffic Safety Commission meeting of 03/05/12 and the Hospital Board meeting of 02/15/12
2. Approved claims to 196 vendors in the amount of \$2,127,797.42 and payroll for March 25, 2012 to April 7, 2012, in the amount of \$1,878,274.38.
3. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment licenses for Jefferson's, 743 Massachusetts Street, Buffalo Bob's Smokehouse, 719 Massachusetts and Retail Liquor License Sawyers, 4811 Bob Billings Parkway Ste: D.

4. Bid and purchase items:
  - a) Set the bid date of Tuesday, May 8, 2012 for the Comprehensive Rehabilitation Projects located at 13 Winona Avenue and 918 Murrow Court.



- b) Awarded the bids for Comprehensive Rehabilitation Projects as follows:
    - i) Approved bid from Schmidt Contracting Inc. for 120 Florida Street in the amount of \$21,500 for the Base Bid, \$1,300 for Alternate #1, \$1,000 for Alternate #2 and \$900 for Alternate #4. Total contract price of \$24,700.
    - ii) Waived staff estimate and approved bid from Clovis Construction Inc. for 1100 Lawrence Avenue in the amount of \$22,883 for the Base Bid only.
  - c) Awarded bid to paint the Outdoor Aquatic Center for Parks and Recreation Department to JF McGivern for \$52,710.
  - d) Authorized payment to the Clerk of the Douglas County District Court in the amount of \$27,000 for property acquisition for Pump Station 15.
  - e) Waived bidding requirements, and authorized payment to Stanion Electric for \$66,949.27, for lights to be used on Project PW1126, Delaware, 8<sup>th</sup> to 9<sup>th</sup> Streets and Poehler parking lot.
5. Accepted dedications for PF-3-2-12, Final Plat for Pump Station 35 Subdivision; a one-lot, approximately .34 acre subdivision located east of the intersection of Riverridge Road and N Michigan Street.
6. Approved the following Traffic Safety Commission recommendations:
- a) Denied the request to establish a multi-way stop at the intersection of 18<sup>th</sup> Street & Ohio Street. (TSC Item #2; denial recommended 8-0 on 03/05/12)
  - b) Denied the request for traffic calming on Minnesota Street north of 2<sup>nd</sup> Street. (TSC Item #3; denial recommended 8-0 on 03/05/12)
  - c) Denied the request to establish no parking along the west side of Lawrence Avenue between 9<sup>th</sup> Street & Harvard Road. (TSC Item #4; denial recommended 8-0 on 03/05/12)
  - d) Denied the request to establish no parking along Kensington Road just north of 27<sup>th</sup> Street. (TSC Item #5; denial recommended 8-0 on 03/05/12)

**Moved by Amyx, seconded by Carter**, to approve item number 3, licenses. Motion carried 4-0 with Schumm abstaining.

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

David Corliss, City Manager, presented the City Manager's Report regarding updates to Statements of Substantial Interest; the City of Lawrence's 2011 Annual Report; Downtown Development Process; March building permits; the City's assistance regarding the Harveyville

tornado recovery; BAC's work plan, bylaws and logo created; Spring Break camp attendees experienced SNAG Golf; public meetings regarding Oread Overlay Districts and Design Guidelines; and, a Sustainability grant was received.

Carter asked how often staff sent out information on the Oread meetings.

McCullough said staff sent mailed notice to everyone in the boundaries of the district and may have sent additional notification as well.

**D. REGULAR AGENDA ITEMS:**

**1. AFTER THE PUBLIC HEARING IS OPENED, THIS ITEM WILL BE CONTINUED UNTIL APRIL 24, 2012. Consider the following determinations by the Historic Resources Commission concerning the proposed project to be located at 900 New Hampshire Street:**

- a) Consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed project at 900 New Hampshire Street and that the proposed project includes/does not include all possible planning to minimize harm to the listed properties. The Historic Resources Commission determined (7-0) on February 16, 2012 that this project will encroach upon, damage or destroy the listed historic properties and their environs.
- b) Consider an appeal of the HRC determination to deny a Certificate of Appropriateness for the proposed project to be located at 900 New Hampshire Street. The HRC determined (7-0) on February 16, 2012 that this project will encroach upon, damage or destroy the listed historic properties and their environs.
- c) Receive request and consider adopting a resolution on the proposed redevelopment district and adopt on first reading, an ordinance to remove the east side from the current TIF district and refer to the Public Incentives Review Committee.

Mayor Schumm said the hearing was continued from the previous meeting.

Corliss said the hearing was continued from the previous meeting as additional information was being compiled.

**Moved by Amyx, seconded by Dever**, to continue the public hearing until April 24, 2012. Motion carried unanimously.

**2. Consider adopting on first reading, Ordinance No. 8725, prohibiting the parking of large vehicles and recreational vehicles on Massachusetts Street, from 11<sup>th</sup> Street**

**to South Park Street, South Park Street, from Vermont Street to New Hampshire Street, and Vermont Street, from South Park Street to 11<sup>th</sup> Street.**

Chad J. Sublet, Assistant City Attorney, presented the staff report.

Mayor Schumm called for public comment.

Brian Sultana said the ordinance was a pointed attack on a few individuals. This doesn't seem to have any purpose other than driving off those seen as unsavory in our community. If that is the case, he objects to it.

Jane Pennington said she lives on Massachusetts Street. It was hard to see around the vehicles and she always wondered about what was in the bucket sitting on the street. She supported the ordinance.

Amyx said we have all been approached over the last several months by people who have a hard time seeing around large structures on Massachusetts Street. Especially around the park where there was a lot of activity and kids. This only addresses very large vehicles. It is a public safety questions and important to respond to concerns the public has had.

Schumm said he had heard a number of complaints regarding visibility and sanitation. He asked staff to draft the ordinance. It had to do with health and safety of the community.

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

**3. Consider initiation of the following land use items:**

- a) **Comprehensive Plan Amendment to develop CC600 policies;**
- b) **Development Code Text Amendment to create a CC600 zoning district; and**
- c) **Rezoning to the pending CC600 district for property located in the NW quadrant of the intersection of W 6<sup>th</sup> Street/Hwy 40 and K-10 Bypass to accommodate a regional recreation facility.**

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

Mayor Schumm called for public comment. None was received.

Cromwell said it was a good first step for a very important project.

Schumm said staff would bring this item back to the City Commission for final approval. There was ample time to hear from citizens and make adjustments or concur with the Planning Commission.

Carter said that he read that a study was done and CC600 was not expected to necessitate changes in the transportation plan.

McCullough said correct. That was addressed in the next agenda item. The timing of the recreational center and corridor study benefitted one another and the consultant ran some preliminary analysis of the compatibility.

Schumm asked if these items should be three motions.

Corliss said it could be one motion.

**Moved by Carter, seconded by Dever,** to initiate Comprehensive Plan Amendment to develop CC600 policies, Development Code Text Amendment to create a CC600 zoning district, and rezoning to the pending CC600 district for property located in the NW quadrant of the intersection of W 6<sup>th</sup> Street/Hwy 40 and K-10 Bypass to accommodate a regional recreation facility. Motion carried unanimously.

**4. Receive and adopt the US-40 & K-10 Area Transportation Plan.**

Jason Hoskinson, BG Consultants, presented the plan. He said tonight the City Commission would receive the transportation plan and at a later date KDOT would present an implementation plan to the city for formal adoption.

Carter asked about the timeline for short term signalization.

Hoskinson said as soon as design was complete, KDOT would begin searching for construction funds.

Carter asked if there were current addresses on John Wesley Drive.

McCullough said it was a platted street for the church and further development.

Carter asked about the significance of the name.

Dever said it was named after the founder of the Methodist Church.

Mayor Schumm called for public comment.

KT Walsh said there needed to be more signage at the turnpike entrance ramp.

Schumm said hopefully KDOT could address that concern.

**Moved by Amyx, seconded by Carter,** to receive the US-40 & K-10 Area Transportation Plan. Motion carried unanimously.

5. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.**

Moved by Dever, seconded by Carter, to recess into executive session at 7:17 p.m. for approximately 30 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.

The City Commission resumed the regular session at 7:51 p.m. No action was taken following the executive session.

#### **E. PUBLIC COMMENT:**

Michael Tanner asked that we put the ordinance for item 2 on the regular agenda next week. He said Hilda Enoch would like to discuss it and he would like the chance to defend himself in public. He said he wanted to talk right now about license numbers and city ordinance

violations. People had committed violations against him. He presented a list of vehicles and license plate numbers. He said he believed most of them belonged to city workers. He said most of the complaints were coming from city workers. People were driving by riding the horns. Some of the listed vehicles are city employees driving their own vehicles to work. There are a couple people on this list that he has pressed charges on. He would also like to mention that the water sprinklers in South Park had been running for a week because the city was trying to create a swamp where mosquitoes were breeding, in order to harass us. He wanted to know why Aron Cromwell had been riding his horn down the side of his shack and why the police hadn't pressed charges on him.

John R. Tuttle III said he wanted to know why Cromwell and his wife weren't being prosecuted for the same crime that he had been accused of. He said he had a list of a number of violations by Cromwell and his cohort. He read the definition of the "Bill of Attainer." He said they were way out of their scope of authority and the public needed to know. The list of cohorts included the commissioners and various staff members and chamber of commerce members. Deprivation of civil rights was a violation of the Rico statutes. You go ahead and pass your stupid little ordinance. You obviously didn't learn from my comments previously. He thanked them because they provided inspiration for a lot of good musical materials. He said the city commissioners needed a strong lesson in ethics and morals. Your code sucks. Your ethical code is non-existent at best. He said that Lawrence PD swore to uphold laws and the constitution and they owed it to themselves to understand their commission and oath. All of that applies to City Commissioners as well. You have a due service that you are not fulfilling. This will all come out in the wash.

Matthew Hollar said he had been in this town for 6 years. He said he chose to live on the streets because Lawrence was a fun town. He said he had fun in this town but you were ruining it. He said he was a witness to everything that Tuttle and Tanner had testified. He had been flipped off by city workers. Our vehicles had been sprayed by gallons and gallons of city water.

The park was a swamp. This morning two workers were mowing the park and they were banging on our vehicles. You guys are like the guys I see in the movies growing up, but a crappy version, of the racketeering mafia. I dance out on the street giving people the peace sign, but they don't know I am laughing at you guys. You are supposed to be my council. Thanks for the fun time but please don't ruin it like you are. It's not too late to fix it. Tell your parks and rec people to lay off the booze. They are getting fat and lazy. You guys are making me laugh and I am sober. Thank you and goodnight. Swing to the symphony of destruction.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**H: CALENDAR:**

David Corliss, City Manager, reviewed calendar items

**I: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

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

**Moved by Cromwell, seconded by Carter**, to adjourn at 8:10 p.m. Motion carried unanimously.

**APPROVED:**

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Robert J. Schumm, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk