



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

May 15, 2012

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

A. STUDY SESSION (4:00 – 6:00):

1. City Commission Study Session regarding the 2013 Budget.

After a short break, the regularly scheduled City Commission Meeting began at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION

1. Recognized Lawrence Cultural Arts Commission 2012 Grant Award Recipients.
2. Proclaimed May 13-19, 2012 as Police Week and Tuesday, May 15, 2012 as Peace Officers' Memorial Day.
3. Proclaimed May 20 – 26, 2012 as Public Works Week.
4. Proclaimed June 3 – 9, 2012 as Relay for Life Week.
5. Proclaimed Friday, May 18, 2012 as International Museum Day.

C. CONSENT AGENDA

John R. Tuttle requested that a portion of item number 2, minutes for the 03/08/12 Community Development Advisory Board be removed from the consent agenda for separate discussion.

It was moved by Dever, seconded by Amyx to approve the consent agenda as below with the exception of the minutes for the 03/08/12 Community Development Advisory Board. Motion carried unanimously.

1. Approved City Commission meeting minutes from 04/24/12.
2. Received minutes from the following boards and commissions.
 - Community Development Advisory Committee meeting of 03/08/12 (PULLED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION)
 - Homeless Issues Advisory Committee meetings of 03/13/12 and 04/10/12
 - Lawrence Cultural Arts Commission meeting of 04/11/12
 - Board of Zoning Appeals meeting of 02/02/12 and 04/05/12
 - Sister Cities Advisory Board meeting of 04/11/12
3. Approved claims to 150 vendors in the amount of \$2,716,907.52.
4. Approved licenses as recommended by the City Clerk's Office.
 - Drinking Establishment license for Paisano's, 2112 West 25th and a Sidewalk Dining License for Global Café LLC, 820 Massachusetts.
5. Approved appointments as recommended by the Mayor.
 - Reappointed Milton Scott and Verdell Taylor to the Douglas County Community Corrections Advisory Board to additional terms that will expire 05/31/14.
6. Bid and purchase items:
 - a) Set bid date of May 29, 2012 for the 2012 Overlay Program Phase 2, Project No. PW1210.
 - b) Awarded the bid for Comprehensive Rehabilitation project for 13 Winona Avenue to T & J Holdings, Inc., in the amount of \$20,250 for the Base Bid, \$300 for the Alternate #3, and \$3,000 for Alternate #4, for a total contract price of \$23,550.
 - c) Rejected the bids for Comprehensive Rehabilitation project at 918 Murrow Court because the bid amounts exceed program limits of \$25,000.
 - d) Authorized the purchase of six (6) VMWare servers from Microtech Computers from the State of Kansas contract for \$29,070.
7. Adopted the following ordinances on second and final reading:
 - a) Ordinance No. 8727, authorizing a grant to the Bioscience and Technology Center, Inc., for economic development purposes, in an amount not to exceed \$500,000 and issue general obligation bonds to pay the costs (authorized by the City Commission on 04/17/12).
 - b) Ordinance No. 8731, amending Chapter 3, Article 5, (Animal Control Code) of the City Code regarding chickens, providing an exemption for businesses in certain circumstances.

8. Approved extension request for Site Plan, SP-8-46-10, for Construction Sales and Services Commercial Building at 1516 W. 6th Street, McCray Lumber.
9. Authorized renewal of Police Officer Liability, Public Official Liability, and Employment Practices Liability insurance with Chartis/Lexington Insurance for \$83,175.48.
10. Authorized the Mayor to sign a Release of Mortgage for Debbie Alexander, 423 Missouri Street.

Regarding the minutes for the 03/08/12 Community Development Advisory Board meeting, Tuttle said that he objected to the creation of the board in the first place.

Schumm said the creation of the advisory board was not the agenda item, only the minutes of the meeting.

Tuttle said that the board was created against the will of the community.

Schumm said the only agenda item was the meeting minutes. Any other discussion was out of order.

Moved by Cromwell, seconded by Carter, to receive the minutes for the 03/08/12 Community Development Advisory Board meeting. Motion carried unanimously.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

E. REGULAR AGENDA ITEMS:

1. **Conduct public hearing regarding the sale, possession and consumption of alcoholic liquor during the 2012 Tour of Lawrence, June 29, 2012 on the 700 and 800 blocks of New Hampshire Street and the 100 and 200 blocks of E. 8th Street, and July 1, 2012 on the 700, 800, and 900 blocks of Massachusetts Street, the 100 blocks of E. 8th and E. 9th Streets, and on the 100 blocks of W. 8th and W. 9th Street. Consider granting a distance limitation waiver and consider adopting on first reading, Ordinance No. 8733, allowing the possession and consumption of alcoholic liquor on certain public rights-of-way.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Moved by Cromwell, seconded by Dever, to open the public hearing. Motion carried unanimously.

No public comment was received.

Moved by Cromwell, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Moved by Dever, seconded by Cromwell, to find that the proximity of the sale of alcohol for the Tour of Lawrence is not adverse to the public welfare or safety and grant distance limitation waivers for the event, and to adopt on first reading, Ordinance No. 8733, allowing the possession and consumption of alcoholic liquor on certain public rights-of-way for the Tour of Lawrence. Motion carried unanimously.

2. Consider the following items related to 1106 Rhode Island Street:

- a) **Conduct public hearing for the dilapidated structures located at 1106 Rhode Island Street. Consider adopting Resolution No. 6972, declaring the structures unsafe and dangerous and ordering the property owner to repair or remove the structures within a specified period of time. Should the property owner fail to comply, the City would contact for the removal of the structures.**

- b) **Conduct public hearing for the exterior yard conditions at 1106 Rhode Island Street. Consider adopting Resolution No. 6973, declaring the exterior yard conditions to be in violation of the City's Environmental Code and ordering the property owner to remove all violations within a specified period of time. Should the owner fail to comply, the City would contract for the removal of the exterior yard violations.**

Brian Jimenez, Code Enforcement Manager, presented the staff report regarding Resolutions No. 6972 and 6973.

Moved by Cromwell, seconded by Dever, to open the public hearing. Motion carried unanimously.

Brian Barland, executor of the estate, said the auctions were May 26 and June 24. The first auction included the items in the yard and the second, household items. It has been a little work to get to this point. There has been a lot of cleanup hence we haven't done much to the structures yet, but it has progressed. We have been discussing the situation with the family regarding the future of the property. None of the structures are in danger of imminent collapse. No one lives there. The only people there are those of us working on it. I would disagree with

the term “unsafe”. The auctions will allow us to make decisions about how to move forward and what we can do. We have made pretty good adjustments and improvements. The items on the property have been accumulating for years and we can’t get them cleaned up in two days. Some of the parties we have been talking to have been nervous because of this meeting and what the commission would require of the property.

Dennis Brown, Lawrence Preservation Alliance, said the house and barn are contributing structures to the historic district, so removal has to be a last resort. LPA had put in an offer on the property. A replacement plan would be required. Because the historic district in the area the level of review of any replacement would be high. Single dwelling use is the only acceptable use. LPA will oppose demolition.

Leslie Soden said she was disappointed to see this on the agenda today. It was sad to see the neglect of the property. We are aware that the LPA is in negotiation to purchase the property. LPA knows how to restore the property. Holding out for a higher offer would be a foolish bet.

KT Walsh said at the last two neighborhood meetings people were upset that anyone would be talking about demolishing these structures. Anyone purchasing these properties should be prepared to work with the neighborhood and the LPA. The barn itself straddles two lots which may complicate things. The \$80,000 plus figure is a boilerplate number generated by a software program and doesn’t include any sweat equity. The corner is problematic. Craig Patterson who lives in the neighborhood is putting together a plan to pull back the curb to make it easier to see around traffic.

Moved by Cromwell, seconded by Dever, to close the public hearing. Motion carried unanimously.

Schumm asked if there is reasonable progress, can a demolish order be stayed.

Jimenez said yes.

Schumm asked if the resolution could be changed to only order repair.

Jimenez said yes.

Amyx asked if the resolution could read either/or to give them time to come back to the governing body with a plan for repair or sale after the auction.

Jimenez said yes.

Amyx suggested that we add language to give the owner time to make the property safe and secure and around July 15 the owners come back with a plan for the disposition or repair of the property.

Jimenez said the yard resolution gives time for the auctions, than the second resolution could require the owner to come back.

Schumm asked if Commissioner Amyx wanted to revisit the issue of the timeframe.

Amyx said the timeframe was fine as long as long as the Commission could meet mid-July.

Jimenez said we could make it the same date for the resolutions to make it easier.

Cromwell said he had no confidence in the ability of the owner to renovate, so he wasn't interested in giving more time for a series of plan. There is only so much time we can give people and he wanted to see the property sold.

Barland asked if he was being forced to sell the property.

Schumm asked if their plan was to hold the auctions and then decide if it was feasible to have the property.

Barland said we would evaluate options throughout. We were not looking for demolition permits for every structure. The house and warehouse wouldn't be cheap. There are little accessory structures that are not important to the historic district. We will be continuing to evaluate our options regarding selling or remaining involved. We are hoping to have a much firmer plan by July or August. This thing has taken 50 years to get there and it won't happen overnight.

Schumm suggested leaving the July 13th date and have the issue back on the City Commission's agenda on the 17th with the owner's plan in place. The Commission wanted to see a plan to sell or renovate.

Dever asked when the last time someone lived in the house was.

Barland said in the middle 1980's.

Carter asked if the City Commission should give direction when the plan is to be completed.

Schumm said the property owner did not know what work was needed on the house yet. It was fair to let the property owners clear out their property first and have an architectural assessment of the property for renovation, but if they were not to renovate, state that the property was listed on the market to sell. He wanted to deliver the message tonight that we wanted something done with the property. If you are not going to repair it, sell it so someone else can.

Cromwell said he wanted to reiterate that in order for that property to be maintained as historic property, the property needed to change hands and it needed to happen in the near future.

Moved by Dever, seconded by Cromwell, to direct staff to amend Resolution No. 6973 for consideration on the May 22, 2012 agenda, declaring the exterior yard conditions at 1106 Rhode Island Street to be in violation of the City's Environmental Code and ordering the property to owner to remove all violations by July 17, 2012. Motion carried unanimously.

Moved by Carter, seconded by Cromwell, to direct staff to amend Resolution No. 6972 for consideration on the May 22, 2012 City Commission meeting, declaring the structures at 1106 Rhode Island as unsafe and dangerous and ordering the property owner to repair the structures by July 17, or present a plan to sell or renovate it. Motion carried unanimously.

3. **Receive update regarding the progress at 1313 Haskell Ave. Consider adopting Resolution No. 6971, declaring that the structures (house and accessory garage) remain in an unsafe and dangerous condition and order the demolition of the**

structures. Should the owner fail to comply the City would contract for the removal of the structures.

Brian Jimenez, Code Enforcement Manager, presented the staff report.

Mayor Schumm asked if this was a public hearing item.

Corliss said no.

Mayor Schumm called for public comment.

Michael Almon asked if he was being restricted to 5 minutes.

Schumm said to try to limit his comments to 5 minutes and if he needs more he could request it.

Almon said we worked with the previous owner to get him to move the house to its current location. That property then fell into neglect. The owner didn't do what he intended to. Instead he filled it with trash. That's when Jimenez brought forth his resolution for demolition. We still didn't want it to be demolished, so we worked to convince the previous owner to let us buy it. Finally, in mid-December we accomplished that. We are doing it out of a civic concern to upgrade the neighborhood. We knew it was a big job. It is a far cry from the previous owner's neglect. We fully intended and still do intend to complete the project. We have made quite a bit of progress. I want to point out that Jimenez doesn't have all the information. For example in the list of the things that the previous owner had to do, the items such as grading and seeding the grass are fairly cosmetic. What is not on the list is what we have accomplished, which is to connect all the utilities, which had to be done prior to grading, prior to the porch. That should be considered as major progress. We also took 4.5 months removing tons of materials from the previous owner which had to be done before we could do anything else. It was manual labor and it took time. The next item on the list is the porch. We have a bid to do that. We have several things lined up that Jimenez is not aware of. We now have at least \$10,000 in our bank account to move forward. We have several young couples interested in buying the property. Two of the couples are very interested and are taking steps they need such as working with

lending companies and developers. Almon displayed floor plans of the home and explained their plans for its development.

Schumm asked if Almon could wrap up the presentation.

Almon said we had quite a few things in progress. We would like at least 6 months.

Schumm said we considered Almon the applicant and that additional comments should be kept to five minutes.

Jenna Coker said the house was loved. There had been prospective buyers and things done that you couldn't see. When we first got to the property you couldn't walk through the house because there were so many items inside it. She said she had their bank statements here to demonstrate they had resources to continue the work. There is so much interest in the property right now. The porch is going to be worked on next week. If this is demolished it would be so sad.

Matt Jones, Struct/Restruct LLC, said his business took old homes and did fun things with them. He had been interested in this house for a long time. There are people interested enough that they are paying us to put together concepts and estimates that they can take to lenders. The house doesn't need too much work to make it possible.

Amyx said we were very fortunate that the members of this group came forward and wanted to make the improvements. How much time is too much, I don't know. I think that we will continue to see improvements made. I don't have a problem giving more time. This is a prime example of how we can monitor how these things get done. If there is all this interest from buyers that's fine, but we should make sure these items that haven't been completed, are completed. We have to come up with a plan for how these items get done in the event a buyer doesn't come forward.

Dever said this has been two years and many things are being done, but we just had another case where an owner had a property and hadn't done much with it. It is valuable to think about the system we have in place and the timelines. These owners inherited the problems.

This is a publically accountable progress. I don't want what happened on Rhode Island to happen here. I think we should ask Brian to come up with some ground rules as these things come up. My thinking is that they have made progress but there are some basic things that have to be done. You can't let prospective buyers dictate the timeline and tell you not to complete repairs that we have ordered. I am okay with allowing repairs to move forward, but we have to make some changes to how long these things drag on.

Cromwell said we gave extra time to accomplish 15 items. A buyer came forward and we gave them extra time to complete the repairs. You can't sit on your hands and wait for another prospective buyer. It has been two years that we have been talking to this particular group. Not even the first four items on the list have been completely done. From appearances this property was being sit on as the owners tried to flip it. They are not doing what they are supposed to do. It is a shame the property has set in a blighted conditions. The neighborhood is in a blighted condition because we are not moving fast enough on these items. You failed to complete it and I am not happy about it. We had an order from this body and I feel like the effort has not been made to complete these tasks. My confidence is low that these items will be completed.

Carter said he agreed with most everything has been said. He said it did not come across well. Almon said he took over the property to improve the neighborhood but two years later there are things that easily could have been done by now. There is a lack of a sense of urgency. We got 8 minutes of things Jimenez is not aware of. He is stretched thin, we don't have enough staff. To come forward with this information but not to have given that information to Jimenez earlier is disappointing. What I am thinking is that we are at a point where I don't want to see it demolished, but you say you have money in the bank and we should have a short deadline to get these things done. I wouldn't be okay with an open ended, extended timeline. There needs to be more of a sense of urgency. I want to see us do something with definitive dates, a last chance to get things done.

Schumm said there were 15 items staff asked the owner to do. Of those 15 items, we heard that Almon has money in the bank, is it his opinion that he can accomplish the items on the list by mid-July.

Almon said he was asking for 6 months. When we were in negotiations we talked to Jimenez. Daniel Hoyt also communicated with Jimenez. Jimenez said we could wait while in negotiations with Hoyt. His financing fell through unfortunately. What we want right now is time to work on the plans we have been setting forth.

Schumm said he was going to recommend that we have this item back in 90 days to see what has been accomplished. If you are going to have it all done in 6 months you should have made a lot of progress by then and we can assess your progress and interest in the project.

Moved by Cromwell, seconded by Carter, to bring this item back in 90 days to assess the progress toward completing the items ordered by Resolution No. 6885. Motion carried unanimously.

4. Conduct public hearing on proposed revocation of drinking establishment license for Taste, LLC, located at 804 W. 24th Street.

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

Schumm asked if there were other establishments in close proximity.

Sublet said Carlos O'Kelly's and Thai House, and he would elaborate on that later.

Sublet resumed his presentation.

Schumm asked for Captain Cory to make comments.

Cory said there were on-going issues at Taste. Since April 24th, there had been no incidences. Officers routinely performed bar checks at numerous bars in Lawrence. He said in conversations with the owner, Mr. Riley, he understood some of the issues and was trying to work on solution and did not go into business to have those types of problems. At the April 24th meeting the owner indicated that he would surrender his license.

Schumm asked if the demeanor of the employees was aggressive toward officers.

Cory said he could not say for the investigations of the crimes and did not know what the after contact was. He said at the last shooting, he did not make it to the scene, but believed the reporting party was someone from the Taste that actually followed the individual. Later on, what District Attorney, Charles Branson, stated spoke for itself, in having difficulty getting subpoena's and witnesses served.

He said in a meeting that Mr. Sublet referenced, in an email, that the bar was empty, Friday night, one of the officers had a little bit of resistance, but still allowed the officers into the bar to look around. On Saturday night, there was a little bit of resistance, but one of the people invited the officer in and it appeared there was security in the parking lot which was different than what they had in the past. He said his people were not trained to deal with the issues in the parking lot and for their safety. Mr. Riley did not want his staff following people to their cars which was understandable because there was a building blocking out sight, where people parked and other issues.

Moved by Amyx, seconded by Cromwell, to open the public hearing. Motion carried unanimously.

Armond Enclarde said he had a few questions. He wanted to verify the accuracy of some of the information presented. Some of the numbers presented were grossly exaggerated. He wanted the Commission to know that they had different numbers. He said he was a bartender at the establishment. He said he didn't think the proper steps were taken to determine that the establishment was a nuisance. He wanted to know if anyone could answer that. He said he also thought that the comment on making an effort with the owner and employees of the bar were misrepresented as well. The city attorney said the owner volunteered to give up his liquor license and because of that, it was said they didn't want to work with the city. He thought that was a misrepresentation of the owner's words and felt the owner's back was up against the wall, it was not an effort to be negative or resist what they wanted to do. The information is misleading and how the attorney is presenting it is misleading as well.

Schumm asked if Enclarde was disputing the shootings.

Enclarde said yes, but wasn't disputing the shooting of a staff member. He said there were other establishments and Massachusetts Street was within a mile of Taste. Therefore, there was no way to determine, based on location, whether those individuals were coming from Taste or any other establishment. He said only restaurants were listed and did not list any bars that were within a mile of Taste. He said there was a list of all the incidents and there were several bars with shootings and more calls, more criminal mischief that could be considered a nuisance.

Sublet said the information had come from the Lawrence Police Department crime analyst. At the captain's meeting we also discussed the specifics and details of the incidents. At the April 24 meeting, we also reviewed that information. We have also met with bar owners of other bars that have had a high number of calls. All of those meetings have been fruitful and productive. In terms of protocol, you have the ordinance in front of you with what it takes to declare an establishment a nuisance.

Schumm said the statistics came from calls for service.

Sublet said yes.

Tarik Khatib said the calls were tied to addresses.

Lee Riley, owner of Taste, said he took responsibility of everything that had occurred at Taste. There were a lot of things as a bar owner, that could not be under his control. At the April 24th meeting with the City Manager, City Attorney, Assistant City Attorney, and the Chief of Police, he felt at that point, there was no other choice but to possibly surrender his liquor license because of the things they had done to try and control the isolated problems. There was no excuse for the shooting and they did not solicit people who shoot and were profiled very bad, but that wasn't what they were looking for. As he told Sublet in the meeting, he was not going to surrender his liquor license, but this whole process had taken a toll on his family and him personally. He said it was the best thing he could do because he did not come into this

business, as Officer Cory indicated, to be a part of this. At that point, he pretty much had his back against the wall. Under some counsel, he did not just surrender his liquor license as they wished. He said he wished his staff had a better relationship with the Lawrence Police Department, but that was not the case. He said they felt the intimidation was their part as well. In his opinion, when the Police Department arrived, they arrived with a different agenda than they would with other places. He said his staff felt that way as well. Therefore, his staff treated the police as if they were, you know, as if they were the problem when they really weren't the problem and were trying to mediate the problem just as well. Another problem with the police was they were really never available when they were needed. He said they would make phone calls when the Police were needed, but for the most part, they did not have that nonsense at their bar. On that call for services report, they had 5 batteries, compared to 15 or 18 batteries at other bars and they did not have that type of issue. Yes, they did have some shootings, but he attributed those shootings to the promoters that they worked with and once again he took responsibility for that. He said they had learned a lot during this process and he would not say that Lawrence Police was not the reason for anything, but he would put it toward a lack of communication from both parties to work together and to mediate the problem.

Schumm asked when he said the shootings were the problems of the promoters, could he explain that.

Riley said we deal with different promoters. The promoters we worked with threw big shows and brought in big crowds and money. He said they learned the hard way not to work with every promoter.

Greg Robinson asked where the due process for the owner was. He had a concern that the cases were not completed. There are a lot of issues that are always evolving. He said he doubted many supplemental reports were taken. I noticed there weren't very many aggravated batteries on the reports shown tonight. It seemed like the findings of fact presented targeted this establishment. Have we looked at DUI? I consider those to be violent crimes if someone is in an

accident. Drunk driving is more of a safety threat than these three isolated incidents. There is a due process issue. Has anyone followed up to see if the reported crimes were followed up on and prosecuted? Were they actual crimes?

Moved by Dever, seconded by Cromwell, to close the public hearing. Motion carried unanimously.

Schumm asked, relative to the shootings, have charges been filed in each of those cases.

Sublet said yes.

Schumm said in all three cases there were charges in the court system.

Dever asked about the sexual batteries.

Sublet said in one of the rapes, the victim did not want to pursue that case. In the second rape, an affidavit had been taken to the district attorney and the district attorney had not made a decision whether or not to file charges.

Dever said there was another sexual battery.

Sublet said in 2010, there was a domestic battery and in 2011, there were two shootings, a rape and an officer found firearms and drugs in a car. In 2012 there was a shooting, a rape, and a domestic battery.

Dever said in one rape, there were no charges brought forth and the other was still in the system.

Sublet said yes, it was being considered by the district attorney.

Dever asked what that meant.

Sublet said the officers have finished their investigation and sent all their reports to the district attorney, and the district attorney had not made a decision whether to file charges or not.

Dever said, relative to other establishments, there were questions about the volume of calls at other establishments. He asked how those relate to our discussion this evening. Why this, why now?

Sublet said it was the types and severity of the crimes.

Amyx said there was a question asked about due process. Have we met all of the requirements?

Sublet said he believed we have met those requirements. The meeting with Mr. Riley was followed up by a letter, email, and personal service. He received the memo you received via letter, email and personal service. Due process requirements were met.

Amyx asked if there was any time that he had the opportunity to respond to staff from the 24th of April until today.

Sublet said he could have come in multiple of occasions. In looking at the letter, which was attached, City Attorney Wheeler gives her phone number. He had a conversation last Wednesday, by phone, about the memorandum. Sublet was physically at Riley's place of business last week. He had multiple occasions to contact staff to indicate his plans and any questions he had. He had opportunities to ask for records request and none of that has occurred. There has been no contact from anyone stating they were an attorney representing Mr. Riley. It had been almost a month for Mr. Riley to take those steps.

Schumm said if we find it is in the best interest of the community to revoke his city license, he asked what is his due process?

Sublet said it was not spelled out in the City Code, but based on tradition and custom, that would be the process to take it through the district court.

Dever said something that is difficult to read is the summary of all the calls. It is hard to break down the nature of the crimes and whether Taste had more severe issues than others. Sublet had made his point that there was, but the owner disputed that. Do we have a list of the top 10 establishments and the most severe calls?

Sublet said the City had a spreadsheet that listed all of the establishments and the number of calls for service and within that information, the top 5 or 6 could be determined. He

said they had information specific to the Taste because of the 3 shootings, but outside of having the Police Department pull every report for every bar, staff pulled 5 or 6.

Dever said shootings were important and Sublet made his case well. Other places that had shootings, the City pulled their liquor licenses. It was pretty straight forward that the City would not accept that behavior. However, there were other crimes that were just as severe that were unusual or perhaps indicative of the way the establishment operated. He said he wanted to respect Mr. Riley's business just like he would anyone else, but if there was a consistent type of problem with an establishment that was different than other, then the City should establish that fact besides the shooting.

Sublet said he agreed whole heartedly, but what he and staff saw and hoped the City Commission saw was taking each one of these establishments and examining the calls. He said just because they were currently discussing the Taste at this time, did not mean they would not be discussing another bar at another time. He said with everything, staff had to prioritize their work. He said when looking at 3 shootings in 6 months, that was where the priority lied which was the Taste. If staff needed to move on to bar number 2, then that would be the same process with bar number 2.

Dever said a shooting is bad, but it may be something they can't control. What goes on inside is just as important and may be easier to control. If you throw the shootings aside, are there other crimes at this establishment that are outrageous and deserving of action.

Sublet said the shootings coupled with the reported sexual assaults were two areas that set the Taste apart from the other establishments.

Dever asked if Sublet looked for sexual assaults at other bars and restaurants.

Sublet said some bars have had a sexual assault. He said this was a bar that had been opened since the middle of July 2010 which was less than 2 years.

Dever said we have been accused of hyperbole and he wants to make sure the City understood how it stood in comparing to other bars.

Carter said he didn't put a lot of weight on average calls. You would naturally see those at higher volume bars. He didn't give that much weight. Gunplay is another story and three in six months is a big thing. He didn't know of any other place that had three shootings in six months. If there are other bars with that level of gun crimes we need to shut them down. Tonight, we are talking about this bar, and we are not hearing someone step up and acknowledge how serious that is. I can tell you from my experience that I am hearing and seeing that the bar business is not for everyone. You have to take care of your patrons and employees. When the first shooting happens it is a disaster and it can't happen again. You are the owner and your little bar has had three shootings in six months. When you say you wish your employees had better relationship with police and you don't demand it then you are over your head. When you say you attribute the shootings to promoters and there is nothing you can do you are not taking responsibility. I do believe that you didn't mean to be uncooperative in surrendering your license, but you are overwhelmed. I don't believe I am hearing anything to give me faith that under this ownership you can take care of the problems. I do believe this is habitual and a public nuisance.

Sublet said he had the proposed written findings and passed them out to the Commissioners and Mr. Riley.

Cromwell said he echoed Commissioner Carter's comments.

Amxy said he had a lot of the same concerns. He said they were looking at the number of complaints and calls at the various bars and drinking establishments. He said there were significant numbers and when listening to Sublet, he wanted to make sure the due process was consistent and following every one of the drinking establishments throughout the community. He said based on the comments heard, he said they were in fact doing that. The difference in this particular drinking establishment was the fact there were 3 shootings in a 6 month period of time. He said again, as far as due process went, he wanted to make sure there was consistency. One of the things that stood out was Commissioner's Carter's comments on draining resources. He said in looking at the number of calls the City responded to, there came

a point where there is a lot of drain on resources on all those other establishments too and again it was important to him as a Commissioner that they were making sure that the due process the City was following was of the highest consistency because the comment on draining resources of the Police Department was something the City would make sure it got a handle on.

He said in reviewing all of this information, he could find that the Taste was a habitual public nuisance and the revocation should be followed through, based on the findings. He said the one thing that stood out, was the 3 shootings at the establishment since October 9, 2011. He said the Commissioners took an oath to protect the public health, safety and welfare. He said the Commission should do anything they could within their power to take care of bad businesses. He said he did not have a problem, based on the information provided, in making the decision to revoke the license.

Dever said Carter and Amyx said it perfectly.

Schumm said of the top six on the complaint list, the speaker makes the complaint that he is being singled out. He said that in the past week he had been contacted by four of those saying that they had been required to set forth action plans for dealing with issues, so he didn't think this bar was being singled out. When shootings were involved, that is serious. We are lucky we don't have bodies as a result of the shootings. Schumm recommended that based on the testimony heard, the reports by staff documented with the information provided, that the City Commission find that this is a habitual nuisance, based on the number and severity of the crimes in and around this establishment.

Moved by Cromwell, seconded by Dever to find that The Taste operates in a manner harmful to the public health, safety and welfare and that the City Commission has considered the proximity of other licensed establishments, and to find that the harm to the public health safety or welfare is of a habitual nature not limited to isolated incidents of an infrequent occurrence. Motion carried unanimously.

Dever asked if staff noted that the actions taken by ownership to mitigate the harm was not adequate and that the actions of the employees.

Sublet said there was discussion.

Moved by Dever, seconded by Carter to declare that The Taste LLC is a Habitual Public Nuisance in accordance with Chapter 4, Article 1, Section 4-116 of the Code of the City of Lawrence. Motion carried unanimously.

Moved by Carter, seconded by Cromwell to declare that pursuant to Chapter 4, Article 1, Section 4-116(C), the Governing Body has considered the actions taken by ownership to mitigate the harm and involvement of employees of the Drinking Establishment and to recommend revocation of The Taste's City Liquor License No. 11-00016181 pursuant to Chapter 4, Article 1, Section 4-116(C). Motion carried unanimously.

Moved by Carter, seconded by Cromwell, pursuant to Chapter 4, Article 1, Section 4-115(e), to immediately revoke City Liquor License 11-00016181 granted to The Taste LLC on October 6, 2011. Motion carried unanimously.

Moved by Cromwell, seconded by Dever, pursuant to K.S.A. 41-2651, to inform the Director of the Division of Kansas Alcohol Beverage Control that reasonable cause exists to hold a hearing to determine if The Taste's Liquor License should be revoked. Motion carried unanimously.

At 9:20 p.m. the Commission recessed for a ten minute break.

At 9:30 p.m. the Commission resumed the regular session.

5. **Consider annexation, A-3-1-12, of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6th Street (US-40) and K-10. Initiated by City Commission on 3/27/12. Adopt on first reading, Ordinance No. 8730, to annex (A-3-1-12) approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6th Street (US-40) and K-10. (PC Item 2; approved 9-0 on 4/23/12)**

Mary Miller, Planner, presented the staff report.

Amyx said the reason for the request was for a regional recreation center that would require city services. He asked if there was any discussion if zoning could not be obtained, would it be appropriate that we don't follow through on the annexation ordinance.

Corliss said the annexation request was presented without conditions. The Planning Commission would consider the rezoning and text amendment matters. Annexation is not contingent on any of those things.

Amyx asked how the requirements for city services happen.

Corliss said we have a development policy for how infrastructure is installed for property annexed into the city. We also have exemptions to that. In most cases property is annexed, rezoned, platted, and the property owner is responsible for the necessary infrastructure and that can be done in different ways. In this situation we have an offer of donation of the land, and the city as property owner will have responsibility for installation of some of the infrastructure on the site. We have initiated discussions with KDOT. Traditionally the city has done improvements to state highways within the city when it needs to be extended. The property owner would be responsible for the installation of infrastructure and the city may be the property owner if the donation of the property is accepted.

Amyx said the installation of infrastructure does not have to be done at this time.

Corliss said no.

Carter said by annexing, the City was not committing to the infrastructure.

Corliss said the City was not making that commitment, but what the City was doing was allowing the property owner, and the property owner might be in some cases the City, and that property owner had the ability to call upon the City and ask to allow infrastructure on their property such as roads, water and sewer. The City's development policies indicated that the owner was responsible for the installation of those types of lines and streets. He said in situations such as Highway 40, in many cases the City had to bear some of those responsibilities at some point. A lot of times it was the timing of the development that dictated

that. He said related to the annexation, there had been a number of discussions with the property owners, Duane and Steve Schwada, and discussions with a potential builder on that site, Thomas Fritzel, and tenant on that site which was the University of Kansas. There had not been any deal or definition of a project, but had a concept plan that would show that the property owner, Steve Schwada, had prepared to show how the property might be laid out. The value in that was that it gave the City the opportunity to do a couple of things. The City had met with the property owners and the neighbors and wanted to meet with them again. It was beginning to be responsive to some of the concerns, but did not have the opportunity to dialogue on anything specific except generalities about that property. He said they also wanted to talk to the community about recreational center and what could go into a recreational center. There had been a lot of discussion with the potential builder, property owner, and internally about what would make a good recreational center. There had been discussions with the Parks and Recreational Advisory Board. The Mayor and he had met with a couple of those members and indicated they would like to schedule a public meeting to talk about the components of a recreation center. He said they knew they wanted to do basketball courts for example and an indoor track. He said they have been talking about those examples for years as they talked about the site north of Wal-Mart. He said they might want to discuss management and control and set aside June 6, 201 and reserved Free State High School Auditorium Commons Area, using that as an opportunity to talk more about the components of a recreation center. He said tonight's item was related to annexation, should this area be brought into the City and the City Commission had the Planning Commission and Staff's recommendation. He said the concept plan would be on the City's website so the community had the opportunity to look at it. The key thing was that plans would change because there had not been an opportunity for public comment and because a lot of decisions had not been made. Staff knew about the 50 acres that the property owner was willing to donate to the City. He said the representations shown on the property that was going to be donated to the City would probably change because

they were not at the level of any definition. He said staff did not know if this project would be able to proceed. The City had annexed property in the past, based on certain possible projects and those projects had not been able to proceed and the property still stayed within the City because it would eventually urbanize.

Schumm said this is the very first time we've had a public meeting on this issue. It is an annexation but more than just that.

Mayor Schumm called for public comment.

Gwen Klingenberg displayed a map. She said the community had been asking a lot of questions. One of her biggest concerns was that there was a transportation plan based on an outdated area plan. Jason Hoskinson at BG Consultants said he had been asked to do an apples to apples comparison of industrial to commercial. The fact that we are redoing a nodal plan means annexation should come after, not before the process. The Mercato development has nothing being built, and she asked why are we looking at 200,000 square feet of commercial. What is that going to do to downtown? We are really rushing things. We haven't had a traffic study. There are concerns about the costs. Clay Adam at KDOT said the owners of the property would have to pay for the improvements. Where do the neighbors fit in if it is a benefit district? What about tie in, and the rules for the adjacent properties?

Kirk McClure said annexation is a first step. In this case it has a great many unknown consequences. This is the first discussion of a large sports complex but rec center plus hotel plus commercial. We shouldn't just be learning about this through small items in Chad Lawhorn's articles. The costs associated with the ideas being thrown around are unnerving. We don't know what infrastructure we are being asked to pay for. We have a lot of problems with the risks and details we pick up. We tend not to look at a counterfactual with things like this. We know a rec center could be built on alternative sites with less risk. Let's make sure we have counterfactuals the public can debate. Right now you are taking on a huge consequence and you are contributing to the perception that the developers are running the show. What you need

is a process where everyone can see the proposal, the whole package. The annexation only makes matters worse. Hold off on it and wait until after the public hearing.

Ron Schneider said he represented a number of individuals living in the area. We are putting the cart before the horse. It is the beginning of a massive project. The annexation is being perceived as a done deal for the project. Today there is an editorial in the Lawrence Journal World and an article about the budget. The editorial says "slow down on this process." That newspaper cannot be accused of being opposed to good development. There are three big issues. What happens if this all falls apart? Why don't you get the 50 acres in advance? What will this commission do if this falls through? The community will say what were we doing and why so fast. Recreational use is defined in Horizon 2020. If you go ahead with this annexation at any time and consider a recreational center, you acknowledge H2020 and the nodal plan. If you look at the nodal plan it gives you repeated references at what to look at in this specific area. Follow those and my clients will be relatively unharmed and relatively pleased with the project. Schneider presented a map from the nodal plan. He said the nodal plan designated green space as a buffer. If you adhere to the nodal plan this would not be built upon. My clients are concerned about the project, but not opposing it. Adhering to the nodal plan will address many of their concerns.

Greg Robinson said he would adopt Mr. McClure's and Mr. Schneider's comments. Why have a public hearing if the decision is already done. I am sure memos went out to each of you about all of the plans but we haven't seen them. The public has a perception that this is a done deal. It concerns me when the mayor is quoted in the paper that we are getting 50 acres and it's a good deal for several million dollars. What are we going to do about traffic in that location? Who is paying for all of this? People are saying this is a donation, but what's that worth? He gets millions of dollars of infrastructure. Why the hurry? We can't do this next week, next month? What's the plan? The taxpayers should see it. This meeting is about annexation but we are talking about recreation centers, with zero information. I want to express my frustration with

the process. I want to emphasize your duty to protect the taxpayer. This is a burden on the homeowner and the people on fixed income. We have money to help a developer increase the value of his property.

Schumm asked staff to explain the statutory calendar and why the annexation is on the calendar today.

Randy Larkin, Assistant City Attorney, said the City was working against two time constraints and there had to be 60 days lapsed, after giving notice to the rural water district which would happen the first part of June. Under K.S.A. 12-523, any annexation that occurred within 60 days of a state election would not come effective until a day after the election. August 4th or 5th was a United States Primary Election in the State of Kansas and if the City did not annex now, the City could not annex until August. He said there was a window of 4 days from June 4th through June 8th when the annexation could be effective without having to wait until August.

Dever asked why we need to have annexation occur before we do anything else.

Larkin said we can't rezone or do anything else unless it is annexed and under our purview.

Schumm said this annexation doesn't bind us to a single thing. It simply brings it into the city limits.

Corliss said annexation brings it into the city limits. Urbanization then has to occur according to city standards. We need tax base. This site has the opportunity to do waste water across the street. There is water as well. We need to have discussion with KDOT on improvements. Annexation doesn't commit us to anything but cooperating with KDOT. At some point it may be helpful to walk through the concept plan the owner has presented.

Dever said Schneider put a drawing that illustrated land use and asked whose land use is dictated in this drawing.

Scott McCullough, Planning and Development Services Director, said this is the plan of record in our current comprehensive plan, nodal plan, which designates, somewhat inaccurately on the east and southwest corners. It does pretty well accurately designate that the NW corner as industrial warehouse/offices. This is one land use scenario that would be compatible in the area. There are other scenarios which could be compatible. This is a plan for urbanization. It will likely urbanize. This property is planned for urbanization and will do so in some fashion. We have processed every application to date according to statutes. We haven't rushed anything but have followed proper procedures.

Dever said under any circumstances this area should be annexed.

McCullough said that is what your plans call for.

Dever asked if there is zoning coming with this annexation request.

McCullough said not as part of the annexation, but they had been working to bring the Planning and City Commission a packet of zoning tools to accommodate the recreation center and if that wins the day in factoring all of the analysis then the Commission would have that package to approve, to accommodate the recreation center.

Dever said in the event this recreation center was not something the City or citizens were interested in and the Commission annexed this property, the explicit drawing showed that this could be the highest industrial land use that was available to the City limits.

McCullough said currently IG zoning was one of the City's land use designated for this property. It was important to stress the reason they talked about the fact that there isn't a condition, aside from the condition to meet the state statute on rural water, was that many times the way a city was grown, was that a property owner would ask to be annexed and rezoned as well. He said there wasn't that condition with this property. There was agreement that it should be in the City at some point, under different development scenarios.

Dever asked if there was no requested zoning designations associated with this annexation request.

McCullough said no.

Schumm said if the property was annexed now, it was on the nodal plan as industrial and asked what the property would come into the City as far as zoning?

McCullough said what staff was preparing this week for next week's planning commission meeting, was an amendment to this plan on the board today. Staff was proposing modifying the land use plan from industrial warehouse office to a community commercial node. It is actually already a community commercial node and was designated as a CC400 and staff was proposing to expand that to add commercial uses to the node itself and then the proposal would start designating where the commercial goes and which corner should receive the majority of that commercial center. This was on the books today and the proposal was going to be substantially different and would be for mainly commercial retail, recreation center uses, uses that would complement the recreation center. It might end up that it included some very light industrial uses that were permitted in the zoning district, but in any event that was the package they were preparing to bring to the City Commission to accommodate the recreation facility. It could be that development in this area, as time went either with or without the recreation facility was of a nature that was going to be in the entire range of uses in that zoning district which could span between commercial retail, commercial service, non-commercial type office, recreation center uses. He said staff would present that to the City Commission with the zoning application that would go to the Planning Commission next week.

Schumm said if we annex and the recreation center does not go forward, and we don't rezone, what would be the zoning?

McCullough said the property would have to be rezoned in the future. He said it was county right now but when it annexed, it was likely going to be either following this plan or something similar, some industrial district or some commercial district.

Dever said industrial was an acceptable land use.

Schumm asked if IG would be acceptable.

McCullough said according to the adopted plan, IG was acceptable. He said he did not want to get into a lot of details about what was shown as the buffer yard, but they had the opportunity to put this entire node under the microscope and might see revisions to the entire node and the impact of the proposal. He said he wanted to honor some of the decisions of the past and also look at very appropriate revisions and all be vetted out in the process.

Schumm said the grand discussion of appropriateness of care of additional adjacent lands of ingress and egress would all take place at the rezoning request.

McCullough said it took place at different points of developing. The next steps were comprehensive plan amendment, rezoning, and then platting. Staff was looking at traffic study feasibility on any number of any traffic related issues both off and on site and that would all again, follow the City's standard development process

Schumm asked if the next step is the rezoning or the plan.

McCullough said the City Commission's next step was a package of a comprehensive plan amendment that looked in Chapter 6 in Horizon 2020 and the West of K-10 Plan, the rezoning and a development code text amendment to the City's zone ordinance that would establish the CC600 District. There were 4 applications that staff was taking to the Planning Commission next week and then submit to the City Commission for consideration.

Schumm asked if those would all arrive at once.

McCullough said yes. That gets at the heart of the development issues. It is a linear progression.

Schumm asked when it may arrive at our desk.

McCullough said early June.

Amyx said the only way the Planning Commission can proceed, is if the annexation occurs.

McCullough said the only way the city can make decisions regarding zoning is if it is within the city.

Amyx said the only way the Planning Commission can proceed with the work on the CC600 District, was if the annexation occurred.

McCullough said ultimately the only way the City Commission could make decisions and adopt ordinances related to zoning was if they had it in the City.

Amyx said this body was on record as already supporting a recreation facility north and west of Free State High School. The only reason the Commission was looking at this was for a bigger and better deal. He said he did not know if this was a better plan for a recreational center. He said if annexation was ultimately going to occur on this property, he did not think that in the future there should be industrial next to residential.

He said if the annexation occurred, he asked if ordinance had to pass over the next couple of weeks in order for the annexation to happen.

Corliss said correct.

Amyx said City Commission endorsed the nodal plan, comprehensive plan, and Horizon 2020 and being good neighbors. He said the Commission made a decision several months ago to build a recreational center on the west part of town. He said if they wanted to move ahead with the annexation, the main concern was not paying for infrastructure as a community.

Schumm said if it fell apart, it would be no loss to the City.

Amyx asked if that was written in the annexation ordinance to cover that.

Corliss said you have a development policy that speaks to that. The exception was highway 40 where we have an agreement with KDOT. They are familiar with the need for signalization and improvements. The exception to what you are saying is that regardless of what happens we will still have some level of responsibility for Highway 40. That is how we have traditionally done state highways. We have traditionally partnered with KDOT and the county. If we don't own property, if we aren't going to do a rec center, I don't see us participating in other infrastructure.

Amyx said the City initiated the annexation request for a regional recreational facility, if we don't want to look at what this facility may look like, I say we stay with the decision we made earlier about a rec center north and west of Free State. There has not been a decision made on this property or on a plan.

Cromwell said we are talking about annexation of a particular plan. We don't have a plan on the rec center. Info on that has been fed to the public as well as the commissioners. There is no backroom deal that has been made. We don't know what any agreements will look like. There are a lot of pieces to this project. The action tonight is a simple annexation of a property that will come into the city at some point or another. Whether a rec center happens here or somewhere else, this needs to happen. There will be ample opportunities for discussion of a rec center over time. I think we should move forward and continue the discussion.

Schumm asked Corliss to talk about the proposal we have before us.

Corliss displayed a conceptual map. He said it was a facility more than twice the size that the public could do on its own. We have been in discussions with KU about a cooperative agreement where the city would control the site and they would have a presence. The rest of the property is up for discussion. Essentially we want to have a park type setting. When we talked about the rec center north of Walmart we talked about 5 courts and other facilities. This would be around 8 courts, perhaps an indoor turf area as well as other uses, providing needs for the community and the region. The one thing we know about this is that it will change. One of the key points is access. We know the existing frontage road will have to go away. Access for the neighbors will be provided. As the area urbanizes it will have to be signalized. There are a lot of details that have to be worked out. We have an opportunity to build a facility larger than we could do on our own. We have proceeds from the countywide sales tax. Through gifts and discussions with the Assists Foundation we have opportunities to do something bigger than we otherwise could. There are opportunities for supporting uses. He asked what the max square footage for one retail building would be.

McCullough said 100,000 square feet, but it would be seen by the commission.

Corliss said staff did not know any of the cost estimates, but would have worked out the operational cost and who would be involved in the operations. He said if this annexation did not happen the recreational center would not happen for the community. He said he wished staff had more details, but could be in trouble because the comment would be that it had already been decided, but that was not the case. He said staff wanted to hear from the recreational users as well in the community such as hours of operation and types of uses for this type of facility.

Carter said Corliss did a great job of trying to give the public as much information possible and as early as possible, but it was still too early. He said this plan would change quite a bit for good reasons and we lost sight that this came up at their study session with the Parks and Recreation Board that presented this need. They received a phone call and the public was aware that within a day that they had someone talking about donating 50 acres as well as someone who was willing to put in significant capital to build a much larger facility. He said another important factor was Bill Self's endorsement of this project as well as those dollars. The Schwada's was donating the land and the Fritzels who were committing a significant amount of capital and when putting all those things together, everyone has at least some level of what was a deal breaker for them. He said this group coupled with the City just started putting this together not along ago. When coming to those types of details and dollars, it might seem like it was herding cat's, but the truth was they needed to at least have what they knew. Each party needed to commit before sharing all of those details. He said if this group fell apart and could not get passed those deal breakers there would not be anything to show. He said the City did not need to be pushed into sharing the details too soon because of worries about accusations.

Dever said the action the Commission was taking was about annexation and believed the recommendations from Planning Department and Commission was all unanimous in their desire for the City to acquire this land into the City limits. The worst case scenario was that the

city would end up with a property that had industrial land use which our City was in dire need of and lacking property sites for industrial land uses. If the City followed its long range plan that property would be designated as such and would also have buffered green spaces to protect portions of Baldwin Creek. If the City was able to “herd all those cats” and bring this public and private partnership with the City and University, the City could build a world class athletic facility that would be a reason for economic development to occur. He said both opposite ends of the spectrum, but all together, this was about annexation and believed 100% this area needed to be in the City especially because KDOT was getting ready to invest millions of dollars at this intersection, no matter what was done at this meeting, there would be development that would occur at that location. He said in his opinion, annexation was not premature by any means, especially if staff and the Planning Commission were recommending the annexation. He said a lot of the comments, he was insulted by and if anyone had a question about what he did and did not know, they could call him on his cell phone. He said he was 100% in favor of moving forward with the annexation.

Amyx said the Planning Commission would be considering the comprehensive plan and development code text amendment. He said that only needed to happen prior to any development occurring.

McCullough said correct.

Amyx asked if that plan and amendment needed to be considered before making a decision about the City’s involvement in the recreational center.

Schumm said he was going to vote for the annexation, but before the zoning vote, he needed to see some numbers, plans and details for the recreation center.

Amyx said there were 5 bullet points under the action required prior to development. He said the Planning Commission could take their action, but should the City Commission take into consideration the 5 bullet points, after making a decision in the future on the recreational center.

Schumm said yes. He said they needed to decide, as a Commission, where they wanted a recreational center to occur, size, how it would function, and who would manage it. After the City Commission came to an agreement that they did want it or did not want it, then the Commission could proceed with the zoning. He said that way the City Commission could be sure to have all the information available and know what they were doing. Right now, there were so many moving parts that no one could make an intelligent decision.

Amyx said he thought that would be on the agenda in a couple of weeks before even scheduling a public hearing about the recreational center and he did not think they wanted to do that.

Schumm said he wanted to let everyone know that they had to have that information first, but were not bound by the zoning with any type of statutory requirements, just the annexation.

Moved by Dever, seconded by Amyx, to approve annexation, A-3-1-12, of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6th Street (US-40) and K-10, and adopt Ordinance No. 8730 on first reading. Motion carried unanimously.

6. **Consider revisions to the Inverness Park District Plan, CPA-2-1-12. Initiated by City Commission on 1/17/12. Adopt on first reading, Joint City Ordinance No. 8732 and County Resolution No. _____, for Comprehensive Plan Amendment (CPA-2-1-12) to amend Horizon 2020, Chapter 14, Inverness Park District Plan. (PC Item 3; approved 9-0 on 4/23/12)**

Dan Warner, Planner, presented the staff report.

Schumm asked if anything else in the plan changed.

Warner said no.

Schumm asked if it was only the 5 acres site and the text.

Warner said the Remington Square was high density and it was changed to medium and commercial office.

Schumm asked what the planning commission vote was.

Warner said 9-0.

Mayor Schumm called for public comment. None was received.

Moved by Cromwell, seconded by Carter, to approve revisions to the Inverness Park District Plan and adopt on first reading, Joint City Ordinance No. 8732/County Resolution No. _____, for Comprehensive Plan Amendment (CPA-2-1-12) to amend Horizon 2020, Chapter 14, Inverness Park District Plan. Motion carried unanimously.

E. PUBLIC COMMENT:

Bill Schaetzel said he and his family were developing a business plan for a dog day care business which required a commercial kennel license. He said they were looking at the east corridor along highway 10. They were looking to either lease or purchase the property and the Farmland administrative offices building and knew the City was developing an economic plan for that property, but at this time, the administrative office was an attractive site for a dog day care and would serve the people that were commuting to Kansas City. It would provide jobs to the East Lawrence unemployed people, 4 to 6 people. He said he received a call and left a message on his son's voice mail message that stated that at one of those buildings was used for storage and the second building would be demolished. He said he was sure that was not the actual reason because the City's mandate, when proposing taking over that property was for economic development and not for storage. He said there was a City's pickup truck at that administrative building that did not seem to move. He said that area was an attractive site because it was close, would provide economic development in the East Lawrence area and would be convenient that would have dogs that could not leave those dogs in their apartments or whatever that commute to Kansas City and could pick their dogs up on their way back. He said he would like to see if the City Commission or City Manager had a reason why that building could not be leased. He said he was not talking about a big commitment from the City and the City could put a 3 month clause that at any time the City wanted to vacate the lease, they could give him 3 month notice and he could find another spot.

Corliss invited Schaetzel to a public meeting tomorrow where the conceptual plan for the site. He said we had an employee at the site testing the water and completing reports. He said our plans for the site were to attract manufacturers and other primary jobs. He said he could prepare a more full report to present regarding the issue.

G. FUTURE AGENDA ITEMS:

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

H: COMMISSION ITEMS:

None.

I: CALENDAR:

David Corliss, City Manager, reviewed calendar items.

J: 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 Amyx, to adjourn at 11:13 p.m. Motion carried unanimously.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk