



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

September 24, 2013

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 Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None

B. CONSENT AGENDA

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

1. Approved City Commission meeting minutes from 09/03/13.
2. Received minutes from various boards and commissions:
 - Aviation Advisory Board meeting of 05/08/13
 - Bicycle Advisory Committee meeting of 08/20/13
 - Community Development Advisory Committee meeting of 07/11/13
 - Lawrence Cultural Arts Commission meeting of 08/14/13
 - Public Health Board meeting of 07/15/13
3. Approved claims to 177 vendors in the amount of \$4,073,959.54 and payroll from September 8, 2013 to September 21, 2013 in the amount of \$1,936,681.47.
4. Approved the Drinking Establishment License for Alvamar County Club, 1809 Crossgate Drive.
5. Bid and purchase items:
 - a) Set a bid opening date of October 8, 2013, for the next Master Street Tree Project.
 - b) Set a bid opening date of October 22, 2013 for the 2013 Weatherization Program at 25 addresses within the city limits of Lawrence.
6. Adopted on second and final reading, Ordinance No. 8913, establishing an All Way Stop at 7th Street and Alabama Street.



7. Authorized staff to submit a KAIP (Kansas Airport Improvement Program) application for self-fueling operation at the Lawrence Municipal Airport for an estimated cost of \$70,000. The grant required a local match of 15%, or approximately \$10,500.
8. Authorized staff to advertise Request for Sealed Bid B1349 for Biosolids Beneficial Re-use Program.
9. Approved as “signs of community interest”, a request from the Lawrence Home Builders Association, to place directional signs in specified rights-of-way throughout the City during the Fall Parade of Homes, September 28 – October 6, 2013.
10. Authorized the Mayor to sign a Release of Mortgage for John H. Fittell and Valerie P. Fittell, 3107 Longhorn Drive.

C. CITY MANAGER’S REPORT:

Diane Stoddard, Assistant City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered approving a plan to partially close or fully close New Hampshire Street, from 9th Street to the Lawrence Arts Center, for the reconstruction of storm sewer for the Marriott TownePlace project.**

Chuck Soules, Public Works Director, presented the staff report.

Riordan asked how long the parking would be removed.

Soules said New Hampshire would be closed from the pedestrian crosswalk to 9th Street from October 7th to October 10th and then opened southbound on October 11th to October 13th keeping northbound New Hampshire closed. He said there would be no parking (off-street parking) adjacent to the east side of the parking lot while southbound lanes were opened. Additionally, New Hampshire might again be closed or partially closed to complete street repairs from October 14th to October 18th. He said there would be no signed detour, but a sign that indicated that the garage and Arts Center were accessible from 10th Street.

Dever said regarding the repairs to the street, he asked if the new surface would be the long term condition of the street or would they redo the street once they’re finished.

Soules said construction activities took a toll on the roads and depending on when they complete this project, staff would schedule repairs to the street at 9th and New Hampshire. He

said they would patch the road and then staff would come back and mill and overlay the entire street.

Mayor Dever called for public comment.

After receiving no public comment, Schumm said that when talking with Soules, it seemed that all parties were okay with option 3.

Moved by Schumm, seconded by Farmer, to approve Plan C for closures of New Hampshire Street, from 9th Street to the Lawrence Arts Center, for the reconstruction of storm sewers for the Marriott TownePlace project. Motion carried unanimously.

E. PUBLIC COMMENT:

KT Walsh said in this month's The Atlantic magazine, good things were said about Lawrence. The magazine stated that college towns such as Boulder, Ann Arbor, Charlottesville, Champaign-Urbana and Lawrence, Kansas number among the nation's leading centers for startup activity on a per capita basis.

Erin Besson, ACLU of Kansas and Western Missouri, said on behalf of ACLU of Kansas and Western Missouri they were in strong support of a policy establishing guidelines for the use of unmanned aerial vehicles (UAV) also known as drones. This was an important and timely conversation around establishing policies for the operation of UAV's, protection for individual privacy and transparent public oversight. While Congress had required the FAA to open domestic air space more widely to drones by 2015, the FAA indicated that it's mandated as air space safety, not privacy. Therefore, it was incumbent upon this body to protect the privacy of Lawrence residents and ensure they could enjoy the benefits of this technology without bringing everyone closer to a surveillance society in which everyone's moves were monitored, tracked, recorded and scrutinized by authorities. The ACLU has currently seen an unprecedented surge of activity in state legislatures across the country aimed at regulating domestic surveillance drones. She had provided the City Commission with a chart detailing legislation proposed in 42 states and enacted in 8 states and still active in 25 states. As for municipalities, Charlottesville

North Carolina was the first to pass a domestic drone policy. She said Alameda County California was considering a domestic drone policy and after a city council hearing the Seattle Police Department terminated its drone program and agreed to return the purchased equipment to the manufacturer. Drone technology brought many opportunities for more affordable ways to gather information for traffic reports and more efficient ways of counting Bison on the prairie. She said drone operations could interfere with residences reasonable expectations of privacy, first amendment protected activities and lead to discriminatory targeting. Before drones become ubiquitous in air space, people needed clear rules so they could enjoy the benefits of this technology without needlessly sacrificing privacy and liberty.

Patrick Wilbur, Vice Chair of the Douglas County Libertarians, said he supported the resolution that the Commission just heard about and would also ask the Mayor to place this resolution on a future public agenda for discussion about this resolution and its benefits. He said at the Lawrence City Commission meeting of May 28, 2013, Ben Jones, Kansans for Responsible Drone Use, spoke about that issue and since that time, they had reached out to the City Commission, City Staff, Law Enforcement and a wide array of organizations as well as the Lawrence community. As a result of those discussions, particularly with Chief Khatib, gave their group good feedback. He said the resolution was the same resolution that they had on the table for about two months. One of the things he noticed about the resolution was the amount of attraction it had in Lawrence and the diverse coalition that was built around the resolution. He said he had been a Lawrence resident for about 46 of his 47 years and could not remember a coalition that was so diverse and broad based as this coalition. He said it was obvious that this issue had some attraction in Lawrence and nationwide. He said it was time for Lawrence to have, at least, public discussion. He said this coalition was diverse and dedicated.

Riordan asked if Wilbur had any comments on the League of Women Voter's recommendation.

Wilbur said their comments were similar to what they proposed.

Kathy Ammel, Douglas County Republican Party, said she supported the resolution limiting the City's use of drones because of the great potential drones had in violating the civil rights of ordinary citizens and violating the constitution. In the absence of State laws, many entities both private and public were putting drones in the skies. There were many concerns about drones anywhere from drones crashing and falling out of the sky, noise pollution, visual pollution and if drones would be used for advertising, but more importantly drones could be used to spy on us, whether by private or public entities. Police surveillance with drones could violate people's 4th Amendment Rights and could suppress people's 1st Amendment Rights. It was true that drones had positive or non-offensive uses, but this proposed resolution did not ban those uses. It was also true that a few municipalities had passed ordinances to regulate the use of drones, but 8 states had passed laws to control the use of drones by law enforcement and at least 3 cities had passed resolutions. She said this was something they needed to deal with because the FAA had been tasked with developing a comprehensive plan to safely accelerate the integration of drones into the national air space. The FAA had until September 2015 to implement that plan and that was not too far into the future. Also, Congress and the FAA were considering an expansion of navigable air space from its current level down to just above the ground in order to accommodate low flying drones which potentially threatened property rights, privacy and state and local sovereignty. She said they should look towards cities such as Charlottesville, Virginia home of the University of Virginia who passed an anti-drone resolution earlier this year. He said the city should be proactive and focus on the legal issues that would arise and lay some guidelines now.

Michael Albers, Young Americans for Liberty at KU, said out of the hundreds of students they talked to over the last few days, there was an overwhelming support for a common sense resolution on drones. The students had been very interested in this subject and asked the City Commission to add this to their agenda.

Brian Sultana, Lawrence Food Not Bombs, said they supported this move with a resolution and placing this issue on a public agenda. He said this issue came with their namesake. He said it was an issue of priorities that needed to be considered on the city, state, and federal level. He said any number of things that could be done by municipal, state and federal governments didn't necessarily mean it was a good idea. Obviously, the considerations needed to be made whether something could be done and whether it was also a good idea to do it. He said the military could stockpile nuclear weaponry or Black Hawk Helicopters, or Predator Drones to no end, but that didn't mean it's a good idea. He said they agreed that it was good to have a sensible policy at each level to ensure privacy and well-being of communities that were going to be affected by different issues, but in this community with the timeline at the federal level and the steps the states had taken.

Ben Jones, Kansans for Responsible Drone Use, said he had close to 250 petition signatures and there was a lot of support from students in particular. He said one reason for hesitancy was why they were dealing with drones because it seemed like it was a very futuristic technology, but a number of other municipalities had done this already. He said there were good models to work off of in terms of looking at the statutes passed at the state and municipal levels, was how they put together their proposal. He said they wanted place this proposal on the agenda and hammer something out. He said Riordan mentioned the resolution from the League of Women Voters which was slightly different from their proposal.

Dever said the City Commission received additional information from the ACLU and another copy of the Drone Policy which listed states that had either enacted or planned on enacting a policy. He said he noticed that Kansas was introduced, but no action was taken.

Amyx said in Section 1 of the proposed resolution it stated "Resolved by the Governing Body that there is a moratorium in the City of Lawrence using drones until statewide polices were in place." He said he didn't think it was the intention of this body to purchase, obtain or

possess an aerial vehicle or drone. He asked if the moratorium wasn't already in place if it was the intention of the governing body not to acquire a drone.

Jones said it was not a priority in this community to start purchasing drones. He said they realized people changed in those positions and having something on the books would spell out the parameters. He said one of the reasons why they thought it was prudent to set out parameters was because when looking at the trends in the drone industry, all the trends point to drones becoming much more common in the coming years. He said it was one of those industries that were rapidly expanding. FAA estimated there would be 30,000 domestic drones by 2020.

Amyx asked if it would be acceptable to receive a statement from the City Commission that it wasn't the City of Lawrence's intent to purchase or obtain those aerial vehicles. In the event it did happen, prior to that ownership a policy would be written at that time because the technology would change and the policy would probably need to be changed multiple times.

Jones said he discussed with the ACLU, the wording of policy where there was a moratorium and if drones were ever used in the future there would be a trigger in assuring that there were some civil liberties protections. He said other municipalities such as Evanston, Illinois that passed a resolution, they had a 2 year moratorium on drones and then they could add something in the resolution stating that if they ever did use drone, there needed to be guideline in place for civil liberties and protecting privacy. He said if that was something the City Commission was interested in pursuing and looking at, he recommended setting up a meeting and making sure the ACLU was present as well as the League of Women Voters.

Dever said he understood and shared some of the same concerns, but as a governing body it was hard to proactively create restrictions, resolutions, or moratoriums for potential future action related to things that the City currently didn't own. He said there were probably other examples of offensive and evasive behavior that they could, as a city, undertake that the City wasn't currently undertaking and not considering. He said this might lead to another

request from someone else to create a moratorium on audio surveillance of their homes that they might deem offensive and wanted to create a resolution against it even though they were not planning on undertaking it. He said he didn't mind the idea, but he didn't know legally how the city would set a precedent and then move forward with other similar actions that would bind other City Commissions or spend valuable time on that could be spent on things that were actually impacting the City now. He said that had been his hesitation; to spend the time, energy, money and effort on something that they could do with a simple statement from the City which could be powerful, just as powerful as creating a resolution that might be changed several times. He said if there was going to be 30,000 drones by 2020, then there probably would be some action on this item in the next 7 years.

Jones said they were very clear that this wasn't a policy affecting all drones in Lawrence airspace. This was drones purchased, used and borrowed by the City of Lawrence and that was why in terms of developing a policy, it shouldn't clash with those other entities which would also be grappling with those issues. He said this resolution was very specifically dealing with the City of Lawrence and because of that it should run afoul with other state and federal regulations.

Schumm said he spoke to Jones regarding this matter and his position hadn't changed at all. He said if the City owned a drone or was going to buy a drone then the City needed a drone policy, but the City didn't own a drone and had no interest in purchasing a drone or receiving a drone as a gift or anything else. He said it very premature and he wasn't quite sure that they wouldn't be on missing out on opportunities that could be very useful and peaceful for the City by writing a resolution prematurely. One of Jones' statements referred to the state passing rules before the City did anything. He said he would be leery of the state and what they were passing because the state was allowing excessive gun ownership and gun use in a number of different public buildings. The state just allowed for any knife weapon to be carried anywhere by anybody without any kind of background check. He said if Jones was looking for

the state for protection to write a solid set of drone laws for protection, he said Jones would be sorely misunderstanding what could come out of the State Legislature based on what was seen thus far with the amount the action they've given cities with weapons. He said he wasn't interested in pursuing a resolution on this matter because it was very premature and they didn't know near what the City needed to know and what the capabilities were in terms of peaceful usefulness and he didn't want to preclude that into the future with what they did right now. He said the fact was that the City had lots of other things to do and keep moving forward and that was where the city should spend its time.

Riordan said he recently saw a special on television about drones and it was of interest to him, but it wasn't based on use by the public, but use by private citizens and the safety that was associated. He said there was one episode where a photographer at a wedding used drones to get pictures that couldn't be shot at any other position and the drone failed and ran into the groom and caused lacerations. He said there were safety issues from private citizens in the use of drones and there was likely to be difficulties in protecting the 1st amendment and concept of privacy with the use of drones by an individual and the safety because if a drone suddenly lost power, the drone could crash and come down in a crowd. He said drones could be used to look at crowd's downtown for television and aerial activities. He said this was an issue, but wasn't sure that it was an issue for the city because the city didn't have any interest in drones, but there was some public safety and welfare issues. He said there were some safety issues that would become more evident. He said as the price of drones came down and the ability to fly those drones came to the private citizen, that would be of more concern than what the city was doing. He said he as interested in this subject because there was such a large coalition, but he would hate to handcuff police and fire departments for things they might be able to do with a drone later on.

Dever said so an overall policy on drones rather than just the City implementing or using drones.

Riordan said yes, based on safety and how drones would be regulated.

Farmer asked about the cost of a drone.

Jones said he was in Verizon the other day and one could be bought for a few hundred dollars. In terms of the cost, drones could be purchased for relatively cheap, but it depended on the capabilities and how high tech the drone was. He said drones could be hundreds or thousands of dollars depending on the exact model.

Farmer said he was specifically thinking about what the resolution addressed as far as a drone that carried out surveillance that could either feed data back to a certain place or a drone that was weaponized. He asked staff that when the city purchased anything over \$15,000 the City had to approve.

Diane Stoddard, Assistant City Manager, said correct.

Farmer said anything over \$15,000 was going to show up on an agenda and that might be a way for the City Commission to look at. He said he agreed with Riordan that he was less concern about what the City would do with the drones and more about what could be done with a \$200 drone that could be purchased from Verizon. He said he was more worried about his neighbor spying on him than the city. He said he would be interested in seeing this broaden to that and of course the things he said regarding weather was important. He said he wouldn't want to prohibit the use of drones for good purposes. He suggested that a policy could be written more specific that the city didn't want drones to be used for surveillance or a drone that had a grenade launcher.

Jones said one of their goals was to be more collaborative in dealing with this issue. He said they met with the Police Chief early on and indicated to the Chief that they didn't want to see any weaponized drones and didn't want non-stop surveillance. He said if there was a life threatening situation where it made sense for the police to send up a drone, they understood. He said the Police Chief indicated those were reasonable goals. He said some of the push back to the resolution that he was hearing was waiting for the state to do something and civil

liberties and privacy protections. He said the ban on weaponized drones most people seemed to be okay with that. He said the reason weaponized drones was brought up was because there was a Sheriff's Department in Texas that bought a weaponized drone, but they hadn't been able to use it yet because of the FAA. He said drones were being marketed domestically.

Amyx said he visited with staff about the City's lack of desire to possess ownership of an aerial vehicle and whether or not it could be in resolution form and place a trigger that called for a public policy to be put in place prior to that purchase of a drone. He said he would be happy to work with interested parties about that statement and policy.

Dever said absolutely. He said he liked the idea of indicating how this Commission felt, setting a timeline, and initiating a policy once a drone was acquired. He said he was also worried about waiting for this state to do anything, let alone coming up with fair and even handed practices as it related to civil liberties and the future. He said he didn't want to wait on the state to tell cities how to do it.

Jones said basically the way the resolution was setup was that the City of Lawrence couldn't use drones at all until there were statewide guidelines and even after that there would be further restrictions in terms of weaponized drones and the surveillance provision.

Dever said if it took the state 4 years to do something and in 2 years they came up with a perfectly reasonable, safe, and important way to use something to help the City or residences, if they put this in place the city wouldn't be able to use it and it was for the same reasons that the city didn't err on the side of infringing on civil liberties, he didn't want to infringe on the ability to help and provide some value to city residences.

Jones said they were more than willing to compromise on the provisions.

Amyx said he would contact interested parties later on this week.

Dever said this was an unusual situation and wasn't sure who led the charge. It was very interesting to see all the people get involved and when there was a chance that civil rights or liberties were going to be infringed, this showed how active people were in this community.

He said it was exciting, but on the other hand he didn't see the city moving forward with anything in this point of time. He said he would agree to and sign a statement that Amyx suggested.

Schumm said again, if the City was going to purchase a drone, then the City needed a policy. If the City wasn't going to have a drone, then he was okay with waiting for a policy.

Amyx said that way if a future Commission wanted to address the drone issue then there was the trigger that was in place.

Dever said a statement was just as effective given the circumstances today.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None

H: CALENDAR:

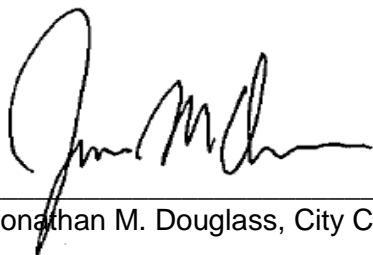
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Riordan, to adjourn at 7:22 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON OCTOBER 22, 2013.



Jonathan M. Douglass, City Clerk