

**District III Advisory Board Minutes**  
**July 18, 2007**  
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The District III Advisory Board meeting was held at 7 p.m. at the Wichita Water Center at 101 E Pawnee. Seven District Advisory Board members were in attendance; 10 City staff and 18 members of the public were present.

**Members Present**

Teresa Cook  
Judy Dillard  
Charlotte Foster  
Jim Gulick  
Joann Hartig  
Paula Hearn  
Georgia Lambke

**Members Absent**

Council Member Jim Skelton  
John Kemp  
DeWayne Kitchen  
Bill Ward

**Staff Present**

Officer Ginny Wylie, Patrol South  
Janet Johnson, City Manager's Office  
Officer Virgil Miller, Patrol South  
Officer Colin Gallagher, Patrol East  
Sgt. Jeff Pike, Patrol South  
Lt. Steve Kenney, Patrol South  
Derrick Slocum, Planning  
Randy Sparkman, OCI  
Don Kirkland, Water Utilities  
Janis Edwards, City Clerk's Office

**Guests**

Listed on the last page

**ORDER OF BUSINESS**

At 7:02 p.m. **Judy Dillard** called the meeting to order and announced she would be leading the meeting because **Council Member Skelton** was in the hospital recovering from surgery. The meeting minutes from June 6, 2007, were approved as submitted **Gulick (Dillard) 6:0**.

**PUBLIC AGENDA**

**Scheduled items**

No scheduled

**Non-Scheduled items**

**Elena Ingle, 3608 Meadow Lane**, complimented the City's Historic Preservation staff and said that they recently attended a conference in Washington, D.C., where they met First Lady Laura Bush.

**STAFF REPORTS**

**Community Police Report**

**Officer Ginny Wylie, Patrol South Beat 25**, reported that her beat had experienced 10 residential burglaries in June, but that they have a suspect that they are currently looking for. Graffiti and prostitution continue to be concerns in her beat. She said they ran a number of prostitution stings in

the Patrol South area in June and arrested 28 prostitutes and 10 Johns. She also reminded everyone that August 7 is National Night Out.

**Officer Virgil Miller, Patrol South Beat 26**, reported that there were no Part 1 crimes “hot spots” in his beat in June, but that auto thefts are still up, primarily because citizens continue to leave their keys in their car. He also announced that he would be leaving the 26 Beat as of July 28 for a new assignment as a School Liaison Officer.

**Officer Colin Gallagher, Patrol East Beat 34**, reported that Patrol East continues to address the speeding problems on Kellogg. They have run a number of LIDAR exercises. During one exercise they issued more than 70 tickets in two hours, ranging in speeds from 69 to 82. Last Saturday night they ran a driver’s license check lane and made 10 arrests and issued 41 tickets. The arrests were for DUI, stolen firearm, warrants, etc. Patrol East Officers were assigned to the abortion protest for four days, during which time four arrests were made for minor violations. Every club in the Patrol East area has been contacted by WPD and has been provided information on gang prevention. **Gallagher** also reported that the two Officers who were shot in the line of duty were both recovering – one in the hospital and one at home.

**Action: Receive and file.**

## **NEW BUSINESS**

### **Swearing in of Members**

**Janis Edwards, Deputy City Clerk**, officially swore in the seven DAB members who were present.

**Action: Receive and file.**

### **NUSA Conference**

**Marsha Carr, District VI DAB member**, provided a report on the City of Wichita presentation on Citizen’s Academy at the 2007 NUSA Conference in Baton Rouge, La. She also reported on a code enforcement program that Norfolk, VA, has that is very effective. She said she would like to see it implemented in Wichita. She also encouraged everyone to talk to his or her neighbors to get them involved, and that Wichita would like to host the NUSA Conference in the future.

**Charlotte Foster** said we need more code enforcement officers in Wichita.

**Action: Receive and file.**

### **Water is Life and Infrastructure Makes it Happen™ Campaign**

**Don Kirkland, Assistant Director Wichita Water Utilities**, gave an informational PowerPoint presentation on our aging water and wastewater infrastructure. He said newer facilities, innovative alternatives, and upgrades are required to keep pace with the community’s growing needs and environmental challenges, and unfortunately that costs money. **Kirkland** said that some of our water infrastructure is 100 years old and that the Wichita facilities typically produce 55 million gallons of water a day, up to 100 million gallons a day in the summer time, and treat 40 million gallons a day in waste water.

Some things citizens can help to reduce costs include NEVER pouring grease down the sink. This is the number one cause of sewer stop-ups and clogs. He also said that citizens should not put any types of batteries in the trash. They should all be recycled.

**Kirkland** pointed out that the Plant #1 sewer plant was taking out of commission and that they are still working on the odor control issued there.

**Charlotte Foster** mentioned the WATER Center and **Kirkland** said that the Center cleans up a significant amount of contaminated ground water and that City leaders were very smart in thinking ahead when they built the WATER Center to address that problem.

**Action:** Receive and file.

#### **DER2007-04**

**Derrick Slocum, Planning Department**, presented an amendment to the Unified Zoning code to define Industrial Scrap Material as a “Recyclable Material” and to specify the definition for “wrecking salvage yard” to not include Industrial Scrap material, in Article II: Rules of Construction and Definitions. Planning staff recommended that the proposed amendments to the UZC be approved based on the following six findings.

The zoning, uses and character of the neighborhood: The proposed amendments would allow “industrial scrap material” to be processed at “Recycling Processing Centers,” a use that is comparable in intensity to other uses allowed in the subject zoning districts (OW, GC, IP, CBD, LI, GI). The “industrial scrap material” addition, as proposed, to the definition of “Recyclable Material,” would allow for recycling centers to accept and process this material locally, thereby improving the chances that local industries and manufactures would do more of their material processing in the area, other than having to ship their material out of the area/region to be processed.

The suitability of the subject property for the uses to which it has been restricted: Recycling facilities are currently restricted from accepting and processing industrial scrap material because of a lack of definition of the term “industrial scrap material” and lack of understanding on what exactly is considered “industrial scrap material.” The level of analysis that occurs in a zoning case and the findings for each approved case should adequately guarantee that any property zoned OW, GC, IP, CBD, LI, or GI is suitable for a recycling processing center.

Extent to which removal of the restrictions will detrimentally affect nearby property: The recycling centers that exist in and around the City are currently processing material that is brought to them for recycling. The addition of industrial scrap material will be no different than what is currently being processed at these recycling centers. Given this factor, allowing recycling centers to accept and process industrial scrap material should not detrimentally affect nearby property.

Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Recycling centers allow people, businesses, industries, and manufactures to bring in recyclable material for processing. This process produces material that can be reused and is thus an environmentally friendly process by reducing the demand on raw material to produce new parts, products, etc. Amending the UZC at this time to allow recycling centers to expand the type of material that they can accept and process, likely will have a positive impact on the local economy.

Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan has identified areas that are suitable for commercial and industrial development. Each zoning request is reviewed against criteria specified in the Comprehensive Plan. Therefore, any proposed recycling facility should be in conformance with the comprehensive plan to the extent that the zoning is in conformance with the comprehensive plan.

Impact of the proposed development on community facilities: The Zoning Administrator will consider traffic issues during the case application process, as a site plan is required. Additional traffic could be anticipated during the operation of the recycling center that accepts industrial scrap material. Otherwise, recycling centers accepting industrial scrap material should not have a negative impact on any other public facilities.

**Hank Price, Wichita Kennel Club 3400 N. Emporia,** said he understood that the purpose of the change was to re-define industrial scrap, but that in his opinion the amendment doesn't do a good job of that. He showed photos of a neighboring business that he described as a "junk yard," not a recycling business, and said that it will only become worse once the business is allowed to accept industrial scrap that includes materials with solvents, cutting oils, etc. that will be allowed to sit on the ground out in the open. He said no one would be affected detrimentally if the amendment did not pass.

**Alvie Campbell, 3423 N. St. Francis,** and the applicant, showed examples of household items and of industrial scrap that is basically the same thing.

**Judy Dillard** asked what the turn over of recyclable material is at his facility. **Campbell** said about 30 days.

**Patricia Deshler, 3408 N. Emporia,** said they are trying hard to improve the Bridgeport area and that the DAB VI members drove by the applicant's facility and turned the amendment down flat. She said it doesn't seem fair to let a recycling center store stuff outside, when other businesses are denied the ability to even put up a fence.

**Randy Sparkman, OCI Zoning Supervisor,** said that he has been in this business for about 30 years and that this amendment is not about one business, it would be a change of ordinance that would be a change for the whole city and he thinks it's an improvement to the existing code. He said there is a difference between outdoor storage, recycling and salvaging. He said for scrap, a license is required and scrap is defined.

**Sparkman** explained that wrecking and salvaging includes items that have to be dismantled or torn apart. Recycling is material that is already dismantled and can easily be moved through the business. He said that currently, industrial scrap could only be taking to a salvage location, not to a recycling center. He also said that in manufacturing oils are typically not used today like they were years ago. He said businesses are required to use water-soluble materials.

**Sparkman** said that office/warehouse and light industrial zoning requires recycling centers to be in an enclosed building. He said he didn't want to focus on one particular location, but because everyone kept referring to it, he wanted to make it clear that a City staff person has been monitoring this business for the past year and has not found any code problems. He said the City has required the business to remove a couple of items, but there have been no serious violations.

**Paula Hearn** wanted to know if there are any time limitations on how long a recycling business can have piles of material lying around. **Sparkman** said no, it is market driven.

**Joann Hartig** asked if this change would have a positive impact on the salvage locations near Kellogg, Topeka and St. Francis. She said South Wichita has a lot of piles. **Sparkman** could not predict if the amendment would have a positive impact at these locations.

**Leonard Hicks, 2230 Cardinal**, said he owns a business at 3515 N. Santa Fe and he said he has done research on industrial scrap, that included interviewing chemical engineers and manufacturing plants and they have grave concerns about letting scrap material out of the facility without restrictions or requirements. He said if recyclers are going to be allowed to handle this material, he thinks they must be licensed and regulated.

**Hicks** said if the amendment were approved, recyclers would be allowed to pile this metal as high as they want. He also wanted to know if the City has inspectors who are qualified to inspect industrial scrap and determine if it is hazardous. **Sparkman** said Environmental Services has qualified staff. **Hicks** said he is very concerned that all of this industrial scrap material will be allowed to be dumped on the ground, including lead.

**Elena Ingle, 3608 Meadow Lane**, reminded the Board what the neighborhood went through with K-15 C and D.

**Hank Price, 3400 N. Emporia**, said his organization has been a neighbor to a recycling center for four years and he believes this amendment change will be detrimental to the neighborhood and the city.

**Larry Manny, 1116 Alturas**, said he worked in the aircraft industry for many years and they always used a cutting aid that was not removed from the metal shavings before they were placed in a trash barrel for disposal.

**Laure Campbell, 3423 N. St. Francis**, said the amendments is not about just one business, but she did note that they are putting \$300,000 worth of fence around their property. She said the current rules simply don't make sense whereby they can recycle a brass doorknob, but not a piece of brass. She pointed out that many cities require recycling. She said some of their product is not pretty, but it is recyclable. **Campbell** said the City has good people on staff to enforce codes and that the other businesses in the area knew what they were getting into when they decided to locate there.

**Leslie Hicks, 2230 Cardinal**, said the amendment is part of a bigger issue that involves interdepartmental confusion. She said this amendment change comes up short and that the recycling centers need increased regulation if they are going to be allowed to accept industrial scrap. She said they should be required to store the material on concrete to prevent the concentration of metals to go into the groundwater.

**Jim Gulick** said he thought it was strange that only one business requested this change and the City acted on it. **Slocum** said the applicant went to the MAPC, so it really wasn't a unique situation.

**Teresa Cook** said she didn't like the proposed change because the recyclers are not required to be licensed. **Sparkman** said scrap dealers have to be approved by OCI and Environmental Services,

but there is no testing or anything like that. **Cook** said she felt that was very much needed to see if they are qualified to handle the material.

**Judy Dillard** said she would also like the assurance that the business owner knows enough about the material to handle it safely. She said she is sympathetic to the neighboring businesses that have to look at the piles of recyclable material, and she appreciates that the business on North Santa Fe is putting up a fence. **Dillard** said that the amendment needs requirements that make the recycling centers neighborhood friendly.

**Paula Hearn** asked if the amendment is approved, do the recyclers have to get a license to handle industrial scrap. **Sparkman** said yes.

**Charlotte Foster** and **Teresa Cook** said they would like to postpone voting on the amendment until the next meeting.

**Joann Hartig** said that MAPC is going to vote on the issue regardless if the DAB postpones voting on it.

**Gulick (Hearn)** moved to approve the amendment as recommended by staff.

**The motion passed 5:2.**

**Dillard (Gulick)** made a motion that the amendment be reconstructed to include more specific definitions (especially of industrial scrap and recycling), address fencing issues and environmental issues.

**The motion passed 7:0**

**Action: Approved the amendment, subject to addition of information.**

## **BOARD AGENDA**

### **Updates, Issues and Reports**

**Paula Hearn** said she has stepped down as president of the Dry Creek Association.

**Joann Hartig** reported she is helping with the planning for WIN Neighborhood University. She is organizing a panel to include Judge Ratner, Kay Johnson and Kurt Schroeder

**Judy Dillard** reported that Jay Maxwell attended the South Area Neighborhood Association and talked about the 47<sup>th</sup> Street Interchange and development project.

**Georgia Lambke** said their neighborhood clean up is scheduled for Aug. 18.

**Jim Gulick** has contacted Sedgwick County Commissioner Gwen Welshimer and suggested that the “licensed” truck and the “licensed” driver from the Hazardous Materials Office be made available for neighborhood clean ups.

**Action: Receive and file.**

**Adjournment**

**Hartig (Gulick) made a motion to adjourn the meeting at 9:17 p.m. Motion passed 7:0.**

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., August 1, 2007, at the Water Center at 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,  
Neighborhood Assistant – District III

**Guests**

Elena Ingle	3608 Meadow Lane
Bill Barnes	2707 S. Hillside
Goldie Barnes	2707 S. Hillside
Laure Campbell	3423 N. St. Francis
Alvie Campbell	3423 N. St. Francis
Marsha Carr	820 Shadyway
Nelson Carr	820 Shadyway
Pat Behrun	3011 N. Woodranch
Kathy Manny	1116 Alturas
Larry Manny	1116 Alturas
Dan Rush	2408 S. Mead
Pat Deshler	3448 N. Emporia
Leslie Hicks	2230 Cardinal
Leonard Hicks	2230 Cardinal
Terry McLachlan	1008 W. 30 <sup>th</sup> St. S.
Betty Strickland	1302 S. Galena
Annette Schoenthale	1314 Galena
Hank Price	3400 N. Emporia