

**District V Advisory Board
Meeting Minutes
December 03, 2007**

www.wichita.gov

The **District V Advisory Board Meeting** was held at 7 p.m. at the Auburn Hills Golf Course Clubhouse, 443 S. 135th St. W. In attendance were 13 District Advisory Board members, 11 staff and 71 citizens with 31 signing in.

Members Present

Council Member Longwell
Mike Bell
Darrell Leffew
Jay Buckmaster
Joey Ellzey
Jay Flinn
Bryan Frye
Dana Brown
Mike Hill
Clarke Sandberg
Kelly Watkins
Logan Fritz- Youth Member
Pat Ream- Alternate

Staff Present

Dale Miller, Planning Dept.
Shawn Mellies, Public Works
Jim Armour, Public Works
Doug Kupper, Park and Rec.
Larry Foos, Park and Rec.
Officer Bradley Haught, Community Police
Officer Stacey Mercer, Patrol West
Officer Jeramy Wolfrom, Patrol West
Deb Legge, OCI
Julie Irvin, OCI
Brian McLeod, Law

Members Absent

None

Guests

listed on last page

Order of Business

Call To Order

The meeting was called to order at 7:03 p.m.

Motion to approve the minutes from the November 05, 2007 meeting. Motion passed 8-0. *

Motion to approve the revised agenda for the December 03, 2007 meeting. Motion passed 8-0.*

(*Dennis, Watkins not in attendance at this time)

Public Agenda

1. Scheduled items

Bill Purcell, 421 S Scouller discussion on S.O.B ~ Sexually Oriented Businesses, in regards to the re-zoning that is due to go into effect as of December 30, 2007.

Councilman Longwell commented that he would stay on top of these issues.

The motion was made to receive and file

The motion passed 9-0. (Dennis not in attendance at this time)

2. Off Agenda items

Jane Byrnes, 9500 Delano, commented on the Big Ditch Bridge issue. She stated that the 21st street choice would serve current residents not just future development. The west-siders like straight lines.

The motion was made to receive and file

The motion passed 9-0. (Dennis not in attendance at this time)

Staff Presentations

3. Community Police Report

Officer Bradley Haught, Community Police reported on crime stats on beats: 16, 18, 19, 199. Auto theft, non-residential and residential burglaries are current D5 issues. The Chief is concerned and police are coming up with strategies. Auto theft is up on Beat 18 by 84%. Non-residential burglary is up: 16 Beat- 16%, 18 Beat- 163%, 199 Beat- 56%. Residential burglary is up slightly in Beats 16 and 199. At The Town West Mall larceny is up and being patrolled by foot and bicycle patrol. Other areas to watch are Kellogg and Dugan/ 21st and Maize Rd. There is an open complaint at 734 N. Ridge. There are a high number of 911 calls from this apartment complex: 34 complaints in last 90 days. An apartment watch program is being planned. **Beat 18:** Lightening Joes continues to be a problem. Operators have decreased the entrance age to 18 and lessened the dress codes requirements. **Beat 19:** (& entire West Bureau) distributing flyers to business' re: how to keep their business safe from robbery. Maple Rd to 13th on Maize Rd. auto theft warning flyers being distributed on "running/ unlocked" vehicles. **Beat 199:** Increased neighborhood watch programs. 1 started in November, others planned for January. Open garage door robbery continues to be an issue esp. in Westlink neighborhood. At Petersen Elementary there are traffic concerns with parents parking in no parking areas, and driving through child held stop signs. Working with school to distribute flyers. Also working with Day Cares on larceny issues: leaving cars unlocked/ and or running while dropping off children.

Mike Hill asked about vehicles parked on sidewalk at 13th and Maize Rd. on the weekends.

Officer Haught will look into.

Dana Brown asked about the lowered age for entrance at Lightening Joes. Officer Haught that it is legal with a "drinking establishment license". Whether they adhere to the requirements (% of sales- food sales) is another issue being looked at. **Brown** asked about the nature of the 911 calls at 734. N. Ridge. **Officer Haught** could not go into specific details, he would check with the beat officer.

A member of the public asked whether it is legal to leaving a car running while going into a store. **Officer Haught** responded, it is now, did not used to be.

The motion was made to receive and file

The motion passed 9-0. (Dennis not in attendance at this time)

(out of order) Scheduled Item from Public Agenda

Representative Melody McCray-Miller discussion on community thoughts, in regards to the increase in Payday Loan type businesses in Wichita area. **McCray- Miller** offered statistics, rates, fees and implications to individuals and communities resulting from these types of loans. She also noted that there are alternative short term loans found from banks and reputable lending institutions.

Brown asked about the other Bill mentioned that was not in the agenda packet, Bill # 2245: Car Loans. **McCray-Miller** stated that it could be found on the website www.Kansas.gov

Several public comments/ questions were posed:

Are the people who apply for these loans aware of fees/ rates? Does the information that **McCray- Miller** presented on help to educate the public? **McCray- Miller** answered that most people do know, but are so strapped for cash, they still take these loans out. Education does help.

If these loans become unavailable, what will it do to the crime rate? **McCray- Miller** answered that there is no data showing that crime rate would be affected by lack of these loans.

The motion was made to receive and file

The motion passed 9-0. (Dennis not in attendance at this time)

4.Environmental Services/ Office of Central Inspection Merger

Deb Legge and Julie Irvin, Office of Central Inspection, presented information on the OCI/ ES Merger starting in January 2008. Currently there is cross training being conducted for inspectors to inspect both housing and environmental issues. 6 Environmental Inspectors will become Neighborhood Inspectors. Number of inspection areas will increase from 13 to 19. Areas covered will be smaller. **Legge** also covered information about the neglected building ordinance, results thus far: 35% reduction in boarded up buildings, 34% are registered with statements of intent, 30-40% penalty assessment, 100% compliance rate in District 5.

Bryan Frye asked if the merger was causing a loss or gain of workers in OCI. **Legge** reported that OCI had lost 1 position: administrative. They would be getting an administrative aide to help with admin duties and case follow up

Joey Ellzey asked about a property at Maple and Maize Road. **Councilman Longwell** answered that Dillon's Stores owned questioned property and they had started demolition w/ out proper permits. They had since received permits and demolition was starting again on 12/3/07.

The motion was made to receive and file

The motion passed 10-0.

5. Off Road Motor Sports

Doug Kupper, Park and Recreation, presented on the off road motor sports development venue. **Kupper** presented location maps, described activities planned for park; motor sports, camping, concessions. **Kupper** outlined the popularity of this sport and the possible attraction of persons from other areas into Wichita. **Kupper** discussed the budget and payback timeline for the initial cost of building.

The motion was made to recommend the City Council approve pursuing the project including all options for development of an Off-Road Motor Sports Venue and to involve and inform citizens in the process.

The motion passed 10-0.

New Business

6. DER2007-13

Dale Miller, Planning Department, introduced the DER2007-13 case. **Greg Ferris, 144 South Bay County Court**, presented on an amended request for off site signs in Community Unit Plans. The request to amend the DER with “language change” **Ferris** recommended that although off site signs would be allowed in CUP, requests should still need to go through due process: public hearing, MAPC, Council. Most locations would still not allow off site signs, but locations that will never be residentially developed should be allowed. **Miller** presented the staff recommendation. He noted that the original recommendation to deny the request was based on the previous request. With this new amendment staff would be willing to review again and make recommendation. **Miller** did make note that the board should consider whether they wanted to see an increase in billboard signage in this community.

Longwell asked if this was in relation to the pending case at Rainbows for a monument sign. **Miller** answered that case involved a Protective Overlay, which is different and goes through MAPC.

The motion was made to ask staff to review the new amended request and bring back to the DAB in January.

The motion passed 10-0

7. ZON2007-55

Dale Miller, Planning Department reviewed the staff report for ZON2007-55 request for a zone change from SF-5 (single family) to GC (general commercial) on the east side of Ridge Road approximately 300 feet south of W. Taft Ave (544 & 560 S. Ridge Rd.). The proposed use is to allow for commercial use. A zone change to “GC” and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance; and to screen and deflect lighting from residential neighbors. To be redeveloped, the applicant will be required to plat the application area. Planning staff anticipates that platting will include complete dedication

of access control with one point of access on Ridge Road, and required cross-lot access agreements with all non-residentially zoned neighboring lots. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

Brown asked whether this is a CUP or not. **Miller** answered they are not. **Howard Rishel, 14528 W. Hwy 54**, commented that the same person owns the 3 properties. The owner purchased the lots to use as commercial one day.

The motion was made to approve the recommendation made by the staff report to approve the request.

The motion passed 10-0

8. Wichita Smoking Ordinance Discussion

Law Department staff had not yet arrived from presenting at another District Advisory Board, **Board Chair David Dennis** first opened the comment session to the public:

Carol Gaughan, 1232 N. Shepard, presented on behalf of Tobacco Free Wichita (TFW). She provided general and specific District 5 resident statistics from a random survey of 1,500 registered voters conducted by Wichita State University regarding support of a clean air ordinance for Wichita. The TFW organization sponsored the survey.

Renaë Shuller, M.D., 11720 Texas, presented information on the health effects of 2nd hand smoke in support of a clean air ordinance for Wichita.

Homer Morgan, 1813 S. Lawrence, presented on his belief that the government should stop dictating how private business is operated. He advocated for free enterprise and that people should have a choice. He suggested Wichita adopt a ruling that owners of restaurants, bars and public places be able to decide whether to have smoking or not and have a smoking or non-smoking signage, much like firearms signs. He not in support of a clean air ordinance for Wichita mandated by the government entities.

Jeff Westeman, 1311 N. Shepard Circle, presented on the profitability for business' in support of a clean air ordinance for Wichita.

Kathy Fisher, 1342 N. Coach House Rd., spoke in support of a clean air ordinance for Wichita.

Jean Tade, 11725 Alderny Ct. #10, spoke in support of a clean air ordinance for Wichita.

Joe Davidson, M.D./Family Practitioner, gave examples of patient cases treated for emphysema and lung cancer caused by smoking. He challenged the city to "have courage" and adopt a clean air ordinance for Wichita.

Resident of 10109 Westerly Ct., business owner, spoke on protecting employees in businesses that allow smoking in support of a clean air ordinance for Wichita.

Councilman Longwell commented on the process of looking at a clean air ordinance for Wichita:

- The Council has suggested a review of the City of Lawrence Smoking Ban Ordinance. Support for considering this particular ordinance is due to it being upheld as constitutional by the Supreme Court.
- Wichita will most likely have some type of smoking ban in place and it will be comprehensive.
- There is concern for restrictions on private property.
- Council is looking to DAB boards and public meetings, such as DAB meetings, to look at what, if any, exceptions should be in place.
- The majority of constituents want a smoking ban in place.
- Bar owners do not want to be the source of the ban, they want Council to take on that role.
- How do we want the City of Wichita Ordinance to read?

Brian McLeod, Law Department, arrived and discussed the highlights of the City of Lawrence Ordinance:

- Prohibits smoking in public places
 - Prohibits smoking in any enclosed place of employment
- Exceptions noted are (9-807):
- private residences
 - hotel/ motel (25% rooms smoking rooms)
 - retail tobacco stores
 - private meeting areas where no food or beverages are served
 - outdoor areas
 - vehicles

Signage: no smoking signs would be required to post in restaurants, bars and public places.

Policy: restaurant, bar and business owners would be required to write and distribute a no smoking policy for all employees.

For more information or detail on the City of Lawrence Ordinance go to www.lawrence.ks.org

Jay Buckmaster asked out of the other 29 cities that have adopted a no smoking ordinance, have any others been challenged and what made the Lawrence ordinance so different that it was challenged? **McLeod** responded that the Lawrence ordinance was the broadest.

Longwell questioned where an establishment such as “Morts” that sells cigars would fall? **McLeod** responded that Morts or a like establishment would not qualify as a retail establishment because they serve food and drinks. They could have an outdoor smoking area.

Brown asked how the ordinance is working for Lawrence. **McLeod** responded that there is a high level of voluntary compliance. Reporting is used with a non-emergency police phone number. Business education is occurring and very few cases of non-compliance go to court.

Board Members made several comments in support and in opposition of a ban:

Dennis made the following statement: At the time of the council elections I believed a smoking ban should be up to individual businesses. I was wrong. I do believe smoking is wrong and damaging to smokers and those around smokers. I support the Lawrence ordinance and would include smoke free areas going into establishments

Darrell Leffew: I oppose the ban. I do not want the government in my business. I will vote against the ban.

Brown: Everyone has a right to choose but this is a public health concern. The survey results presented shows people are concerned about 2nd hand smoke. Past studies have shown that it can be as damaging as smoking. It seems as though Wichita voters would support non-smoking bars and restaurants with an ordinance.

Joey Ellzey: In support. The evidence and statistics are overwhelming. There has been no negative impact in other cities.

Mike Hill: In support. Described personal stories of friends and family in poor health because of smoking.

Mike Bell: In support. Gave Lawrence as an example of a city where with a smoking ban and every bar, club and restaurant is still busy.

Frye: Agree with limiting government intrusion, but this is a public health issue that affects too many lives.

Dennis: Gave example of USD 259 smoking ban.

The motion was made for the City Council to move forward with approving a citywide clean air ordinance much like the City of Lawrence ordinance with the addition of smoke free entrances.

The motion passed 9-1

9. Petition to pave Mariposa and Pueblo, between Ridge and Sierra & Sierra, between Mariposa and the Railroad. (previously heard at 11/5/07 DAB meeting)

Shawn Mellies, Public Works, provided updated information on the paving petition. The project will provide paved access to a partially developed commercial area and a developed residential area generally located at Mariposa and Pueblo, between Ridge and Sierra & Sierra, between Mariposa and the Railroad. Estimated cost of the project is \$765,000. The cost to residents has been decreased due to the type of road paving put in.

Longwell commented on concerns from the last meeting; cost assessed to homeowners. He again questioned the boundaries of the benefit district.

Dennis raised concerns for cost to homeowners and asked what the new cost to homeowners would be. **Mellies** responded that the cost would be reduced by \$1500/ resident.

Longwell asked whether all paving projects were by benefit district or are some frontage projects? **Mellies** responded yes, some are frontage only but in this case it was a benefit district. Other projects (frontage) are on CIP.

Ellzey asked whether Yucca and Montezuma streets were paved. **Mellies** responded yes.

Kelli Watkins asked about the ownership for lots 1, 2,3 and 4(vacant industrial). **Mellies** responded that the same owner owned those lots as other lots that were not in agreement to the paving petition.

Ellzey questioned whether the city benefits from paved vs. dirt roads. **Jim Armour, City Engineer**, responded that in the long run, yes the city benefits through reduced costs & labor for street maintenance.

Dennis questioned if the time needed for the approval process will increase the costs to the property owner: If approved by DAB, it moves to Council. How many months do you anticipate for construction and will there be a cost increase for every month before construction begins? **Armour** responded that they were looking at August to start construction and there would be an approximate \$64,000 additional cost to project.

Longwell asked about the width of the road. **Armour** responded the standard width would be used. **Longwell** questioned whether the payments for residents could be spread out longer, possibly 15-20 years. **Armour and Mellies** noted they would look into that possibility.

Dave Dahl, Attorney, 727 N. Waco #585, representing 20 of the 21 unsigned commented on the “unfairness of assessing fees to properties that will never use these streets. He has prepared and signed objection letters to this project. He and his clients continue to believe the request should be denied.

Watkins asked about the average cost of the homes. **Dwayne Erickson, 1534 S. Ridge Road**, referred to a letter he received from the City of Wichita in regards to purchasing his property valued at \$75,000.

Dan Kilby, Apph Wichita Inc., 1445 S. Sierra Drive, commented that he could get the signed commercial properties to absorb all of the costs assessed to residents if all commercial properties agree to absorb cost, not just the signed properties.

Watkins asked what the City’s plan to purchase properties in this area is. This was unknown to all.

The motion was made to recommend approval of the petition and for staff to look into the possibility of spreading out the yearly assessed cost to residents over 15-20 years.

The motion passed 8-2

10. Petition to pave Evergreen, between Evergreen court and 2nd Street North.

Shawn Mellies, Public Works, provided information on the paving petition.

Mike Frye, 100 S. Evergreen, spoke in support of the project and commented that it was about time a petition was moving forward. There have been several petitions in the past that did not receive enough signatures.

Mike Kerr, 111 S. Evergreen, commented that he is the petition carrier and he is also happy that one is finally moving forward. He stated that he informed all residents.

Keith Hill, 115 N. Evergreen, asked for a petition to blacktop only. He also questioned whether he would be assessed again when water is put in. He is currently paying special assessments for sewer that was constructed a couple of years ago and approval of this petition would mean another assessment to pay.

Mark Lane, 200 N. Evergreen, spoke in opposition for the petition. His concern was for the amount being assessed and he would like to see more than a 51% signage.

Resident of 222 N. Evergreen, spoke in opposition to the petition because of cost.

The motion was made to approve the petition.

The motion passed 10-0

11. Improvement to the intersection of Central and I-235

Jim Armour, Public Works, presented with a representative from Professional Engineering Consultants (PEC) on the project to improve the intersection at Central and I-235. The project plan is consistent with the State's recommendations for the interchange to reduce traffic congestion and extended back-up times on I-235. The project outcome will increase traffic carrying capacity.

Frye asked about the timeline for the project. **Armour** responded the project would begin in March or April and anticipate completion at the end of October 2008.

Ellzey asked whether traffic lanes would still be open during construction. **Armour** responded one lane each direction.

Frye asked whether there had been traffic counts for this interchange. **Armour** responded not at this time, but they will be done before the project begins. The last counts were from 1 year ago at 28,000cars/ day.

The motion was made to approve the project.

The motion passed 10-0

BOARD AGENDA

Board Updates and Issues

Several DAB members asked about the resignation of the City Manager. **Council Member Longwell:** the resignation by City Manager, George Kolb, was a mutual agreement between both parties.

David Dennis received an award from USD 259, “the Good Apple”, for improving student performance.

Bryan Frye: Questioned a construction trailer that is located at 29th and Ridge, with no work being done. **Megan Buckmaster** responded that she would contact OCI about the trailer.

Longwell updated the DAB about the land parcel at Maize and Maple : it is owned by Dillon’s and they had started demolition w/out proper permits. They had received appropriate permits, and demolition was beginning again.

Action: Receive and file.

Adjournment

With no further business, the meeting adjourned at 11:45 p.m.

Respectfully submitted,
Megan Buckmaster, Neighborhood Assistant

Guests

Barbara Coats, M.D.	13213 W. 21 st
Mark & Gail Lane	200 N. Evergreen
Dan Kilby	1445 S. Sierra
Edwin Kloster	4609 Whitehall St.
Duane Ericson	1386 Peterson
J.C. Davidson, M.D.	8200 W. Central
Vern Klasser	330 S. Cardington
Jennifer Kelly	1525 N. Stoney Point St.
Greg Ferris	144 S. Bay County Ct.
Caroline Gaughan	1232 N. Shefford St.
Rena Schuler, M.D.	11720 Texas
The Frye’s	100 S. Evergreen
The Kerr’s	111 S. Evergreen
Kathi Fischer	1342 N. coach House Rd.
Bill Purcell	421 S. Scouller
Bob Troilo	10109 W. Sterling Ct.
Leon G.	2732 Northshore Ct.
Jeff Westeman	1311 N. Shefford Cir
Carl Haas	3006 E. Kite
Melody McCray Miller	P.O. Box 4454
Lowell Stukey	1231 S. Fieldcrest
Howard Rishel	14528 W. Hwy 54

Jane Byrnes
Bruce Kline
Jean Tade
Dave Dahl

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9722 W. 10th Ct. N
11725 Alderny Ct. # 10
727 N Waco