

**District III Advisory Board Minutes**  
**December 5, 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. Eleven District Advisory Board members were in attendance; eight City staff and 36 members of the public were present (six did not sign in).

**Members Present**

Teresa Cook  
Judy Dillard  
Charlotte Foster  
Jim Gulick  
Paula Hearn  
John Kemp  
DeWayne Kitchen  
Georgia Lambke  
Billie Tucker  
Bill Ward  
Council Member Jim Skelton

**Members Absent**

Joann Hartig

**Staff Present**

Officer Steve Jerrell, Patrol East  
Officer Sarah Voyles, Patrol South  
Janet Johnson, Neighborhood Services  
Deb Legge, OCI  
Julie Irvin, OCI  
Gordon Bassham, WPD  
Chris Carrier, Public Works  
Dale Miller, Planning

**Guests**

Listed on the last page

**ORDER OF BUSINESS**

At 7 p.m. **Council Member Skelton** called the meeting to order. The meeting minutes from Nov. 7, 2007, were approved.

**PUBLIC AGENDA**

**Scheduled items**

**David Meadows, Operation Southwind**, reported that Operation Southwind was formed in 2005 to address the porn industry in the city. He said the business located at 5828 S. Broadway next door to the church was given until Dec. 31, 2007, to re-locate. He said that the business has cause blight in the neighborhood in the form of pornographic literature collecting in the church's playground area and that it has also increased crime in the area. **Meadows** said the church has been broken into 10 times in the past 10 years, there was a shooting in the area, three have been several assaults in the church parking lot, and trucks visiting the adult business are tearing up the church parking lot. He wants to make sure that the City is going to enforce their zoning laws and take action if the business isn't closed after Dec. 31. He also expressed concern over other businesses getting into porn such as Family Video.

**Council Member Skelton** said the City has every intention of backing up the ordinance they passed regarding adult businesses.

**Non-Scheduled items**

**No items**

## **STAFF REPORTS**

### **Community Police Report**

**Officer Steve Jerrell, Patrol East Beat 33**, said there isn't a lot to report from his beat – it has been fairly quiet. He did announce that Officer Colin Gallagher, CP Officer for the 34 beat, was promoted to the rank of Detective. Officer Jerrell reminded everyone to lock their windows and doors and not to put Christmas presents in front of windows where they are visible.

**Charlotte Foster** had some concerns in her neighborhood. **Officer Jerrell** made note of the concerns for follow-up.

**Action: Receive and file.**

## **NEW BUSINESS**

### **47<sup>th</sup> Street Interchange**

**Representatives from the Kansas Department of Transportation and from HNTB, the design consultant**, presented the most recent design concept for the interchange project. Steve King, KDOT, announced that they are in the process of finishing the surveys and design concept. He said they should have final plans by the end of 2008, but it's predicated by funding. **Council Member Skelton** said he is having a meeting next week with representatives from the County Commission, State Legislature and Congressional representatives to discuss funding. **King** said he estimates the project will cost between \$20 and \$25 million not including right of way and utilities. **Council Member Skelton** said he thinks the 47<sup>th</sup> Street interchange is the highest traveled deficient bridge in the state of Kansas.

**John Kemp** said he thinks that our leader (**Council Member Skelton**) is doing a good job. He said he has lived in Wichita since 1957 and it's good to see something getting done in South Wichita besides getting dumped on.

**Teresa Cook** mentioned that the next meeting on the 47<sup>th</sup> St. Interchange project would be next Thursday, Dec. 13, at the WATER Center.

**Georgia Lambke** wanted to know if some of the funding for the project would come from the State. **King** said that's not clear yet. **Elena Ingle, 3608 Meadow Lane**, wanted to know if any of the area businesses, besides Jay Maxwell, could contribute.

**Barb Friedman, HNTB**, said that at the last public meeting held in September, more than 150 people attended, so they were able to get a lot of good comments. She said there was a lot of concern about noise on I-135, and that HNTB will be looking at noise in the next phase. She also provided a KDOT pamphlet on traffic noise and said information can also be located on the KDOT website. **Friedman** said two of their primary goals in the project design are to increase traffic capacity and make the area appropriate for development.

**Dale McGregor, HNTB**, reported they are working on the best way to handle the project during construction. He explained that beginning at 48<sup>th</sup> and Broadway, they would add a signal with three lanes going both ways and add double left turns. He explained it would be an orchestrated

interchange that will alleviate congestion on the on and off ramps. Additionally, HNTB has been working closely with the church on connecting Washington Street to Laura Street.

**Council Member Skelton** asked if there would be pedestrian access along there. **McGregor** said yes.

**Elena Ingle, 3608 Meadow Lane**, said she felt like the design concept so far is beautiful and she was quite impressed with it.

**Bob Moore, 3027 Schrader**, wanted to know if they had done traffic counts that make allowances for trucks, especially during construction. **Friedman** said they would run a traffic analysis on each phase and work on how to keep as many lanes open as possible. **McGregor** said the goal would be to maintain two lanes of traffic each way during construction and also to maintain street lighting throughout construction.

**John Dickson, 6054 S. Minneapolis**, had a question about the Brahms restaurant and the access road. **McGregor** said they originally had considered putting the access road behind the businesses, but it lowered the value of the properties too much.

**Action: Receive and file.**

#### **OCI Update**

**Deb Legge and Julie Irvin, Office of Central Inspection**, presented information on the Vacant and Neglected (building) Registration program and one the combining of Environmental Maintenance Inspectors and OCI inspectors.

**Irvin** reported that so far they have closed out 274 VNR cases. She said they had hoped to closed around 10 percent of the cases the first year, but have actually reached 35 percent. District 3 originally had 80 cases, and now has 54 open cases. She said District 5 had 100 percent compliance, but they only had one case.

**Legge** reported that the merger of OCI and Environmental Maintenance is moving forward with training and planning and is slated to officially occur on Jan. 1. She said the merger makes a lot of sense in terms of work processes and in serving citizens. She said that OCI inspectors work on multiple issues including housing, zoning and graffiti complaints. They also help with neighborhood clean-ups; OCI had 88 clean ups in 2007.

**Legge** said there are currently 13 OCI inspectors and they will add the six inspectors coming from Environmental Maintenance, which will allow for all the inspectors to have smaller geographic areas. She said the inspectors coming from Environmental would have a lot to learn in terms of housing i.e., furnaces, hot water heater installations, etc., and OCI inspectors will have to learn about abatements.

**Charlotte Foster** wanted to know who the bosses would be with the merger. **Legge** said Kurt Schroeder is the Superintendent of the Department and Legge is over the Neighborhood Inspectors. Julie Irvin will be the direct supervisor for Inspectors assigned to areas west of Washington and Harlan Bascombe will be the inspector for areas east of Washington.

**Legge** said that the first year will be hard because there is a big learning curve, but after that process, she said they should be more efficient.

**Council Member Skelton** wanted to know if **Legge** could share any information about START. **Legge** said the START team is currently focusing on a two to three block area in Beat 44. She said it is very intensive work and has to be undertaken in small bites. **Council Member Skelton** said Hilltop is a very compact area and he thinks START could be very effective there.

**Billie Tucker** said at last night's Hilltop Revitalization Steering committee meeting they met their new inspector and it would be very helpful if he could attend the meetings on a regular basis. **Legge** said it's somewhat of a tradeoff. If the Inspector flexes their time so he/she can attend meetings, then it means they aren't out in the field. She said there could also be an overtime issue; they don't mind making inspectors available for evening meetings, but they have to do it judiciously.

**Council Member Skelton** said he is going to advocate for more condemnation and abatement money in the budget.

**DeWayne Kitchen** said he appreciates the neighborhood cleanups, but it gets frustrating because they only get one driver and so it takes them a really long time to drive all the way to the transfer station and then get back. **Legge** said she would be meeting with Waste Connections and she will bring this up. She also said it is possible to do a cleanup that combines skids and packers.

**Kemp** thanked Legge for the outstanding work she has done over the years and he said the K-15 Neighborhood Assoc., has done both types of clean ups over the years and when you use packers it's a lot of work if you don't have a lot of volunteers.

**Council Member Skelton** said he is looking forward to seeing how the merger of inspectors works out.

**Action: Receive and file.**

**DER2007-13 Proposed amendment to Art. III Sec. III-C.2.b(1)(b) of the Wichita-Sedgwick County Unified Zoning Code (UZC) dealing with off-site signage in nonresidential Community Unit Plans (CUPs).**

**Dale Miller, Planning Department**, presented information on a request where **Greg Ferris, Ferris Consulting**, appeared before the Metropolitan Area Planning Commission (MAPC) on Oct. 4, 2007, and asked the MAPC to hold a hearing regarding Article III Section III-C.2.b(1)(b) of the UZC that prohibits the installation of off-site signage on property with community unit plan (CUP) zoning.

**Miller** said the applicant is basically asking to get rid of the clause that eliminates off-site signs (billboards) in CUPs such as Towne East and West and New Market Square. **Miller** said the clause has been in the code since 1964 and the purpose is to hold CUPs to a high quality of development. He said the basic question being posed was "How many billboards do you want?"

**Ferris** said he asked the MAPC for permission to come to the DAB to ask for this change. He disagreed with Miller and said the real question was "Should a property owner have a right to use their property as they see fit?" He said property owners have no choice currently in CUPs.

**Ferris** made the following points: - the City requires any development of six acres or more (except industrial development) to be in a CUP, which causes all property, even if the owner does not want to have a CUP on his property, to follow these rules. – The location of the property is not taken into consideration. – The restriction does not take into consideration either the neighborhood or conditions. – The proposed change does not require the MAPC or City Council to allow off-site signs. – If an existing off-site sign is on property that later becomes a CUP, the off-site sign becomes non-conforming.

**Foster** said she thinks billboards are ugly and specifically cited the one located on Kellogg between Oliver and Edgemoor. She said it's "ghastly." **Ferris** said they were not asking the Board to approve a billboard, they were asking permission to ask permission. **Foster** said she was concerned that once they got their foot in the door, they might get it in further.

**Kitchen** said he viewed the objections as a resistance to change. He said he thought it should be given a shot, just because it has been on the books since 1964 doesn't make it right.

**Judy Dillard** said she was involved in the fight of portable signs a number of years ago, and now that problem is pretty much gone. She said she agreed with Foster and pointed out that the days of billboards are going away and it is now the age of digital and LED signs. She said it becomes dangerous when you have too many signs in one area. **Ferris** said the sign code is so restrictive that isn't an issue. **Dillard** said we don't need any more distractions.

**Jim Gulick** said if it is a situation where the applicant has to come to DAB, MAPC and City Council, then he was okay with it.

**Lambke** said they should keep in mind the property owner and they should have the right to be heard.

**Cook** said she agreed with Lambke and that they should respect the property owner. Cook said she doesn't like billboards and doesn't want to see any more of them, but possibly they could be used in a positive way. **Ferris** said that Clear Channel has a public service program for their billboards.

**Miller** told the Board that the requested amendment would not require billboard applications to come before the DAB. He also pointed out that under the code, if the amendment were approved, it would be possible to have up to eight billboards on a property.

**John Dickson, 6054 S. Minneapolis**, said it sets off alarm bells for him when someone says, "we don't really want to change anything, but we want to change something." He said that political clout will kick its way through regardless of what's fair.

**Elena Ingle, 3608 Meadow Lane**, asked how many times the Board has seen something go through and never be presented to, or come back to, the DAB.

**Foster** wanted to know if the amendment had anything to do with LED. **Miller** said an off-site sign could be an LED sign.

**Ferris** said a CUP could restrict the type of sign allowed and that based on the language he used; any request would have to go to City Council.

**Dillard (Foster):** moved to support the staff recommendation that the requested code amendment be denied.

**The motion failed 4-6.**

**Gulick (Kitchen):** moved to recommend approval of the requested code amendment.

**The motion passed 6-4.**

**Action: Recommended approval of the requested code amendment, which will move forward to City Council.**

### **Payday and Auto Title Lending**

**Representative Melody McCray-Miller, 89<sup>th</sup> District State Representative,** presented information on House Bills 2244 and 2245 concerning this predatory lending practice that failed to make it out of committee during last year's legislative session.

**Representative McCray-Miller** told DAB members that she wasn't asking them to take any action, because it is a State matter, but she wanted them to be aware of how Payday lending is impacting the Wichita community and its citizens.

She said the number of lending establishments in the community has tripled over the past 10 years. Citing a recent article in the Wichita Eagle, she pointed out that nationally, Kansas is in the medium range for interest rates, but that they are still outrageous at any where from 264 percent to 360 percent. She said once you factor in the fees and re-writes, it could be as high as 849 percent.

She said that title lending is particularly devastating because a citizen can make multiple payments, miss just one payment and have their car repossessed. She also pointed out that typically you could see a \$793 payback on a \$300 loan.

**Rep. McCray-Miller** cited a Salina resident who took out a \$150 loan and after paying \$530, still had a balance of \$114.50. She said this type of predatory lending costs American families \$4.2 billion a year and costs Kansans \$30 million a year in excessive fees.

As of Oct. 1, 2007, Congress passed a law that caps the interest rate at 36 percent for all military personnel. **Rep. McCray-Miller** said she wants to pass legislation that will do the same for Kansas's residents. She said last year the bills got stuck in the Financial Institutions committee. She wants to introduce the bills again during this session, but is not sure at this time which committee the bills would go to.

**Gulick** asked how a bill limiting the number of loans could be enforced because people can use different names and identities. **Rep. McCray-Miller** said each loan has to be tied to a checking account, so if someone were to try to circumvent the law, they would have to have multiple checking accounts. **Gulick** wanted to know who would maintain the database. **Rep. McCray-Miller** said the State of Kansas, which would probably contract the service out. **Gulick** said he has no faith in the lenders. **Rep. McCray-Miller** said that is why you have to have faith in your statutes and if institutions are in violation, enforce the statute with consequences.

**Bill Ward** asked about usury laws. **Rep. McCray-Miller** said the interest rate cap was lifted during the early 1990s and that's when we started seeing the growth of the Payday lending industry.

**Tucker** said his daughter was a victim of Payday lending and he didn't even know she was involved until four goons showed up on his front porch demanding payment. **Rep. McCray-Miller** said that is another reason Kansas needs to protect its consumers.

**Kitchen** said not everyone who uses Payday lending has bad credit; sometimes people use them because they provide immediate funds, unlike a bank where you have to go through an application process. He said he has used them before, and as a consumer, he thinks we need to be as restrictive as possible.

**Bob Moore, 3027 Schrader**, said he thought there were laws against predatory lending. He said he thinks that Payday lending is nothing more than 20<sup>th</sup> century loan sharks.

**John Dickson, 6054 S. Minneapolis**, thanked Representatives McCray-Miller and Geraldine Flaherty for supporting the proposed bills. He said it is sad that this is taking place against the people who can least afford it.

**Kemp** said there used to be places called "speak-easys" where you could get a \$100 loan, but you'd better have \$150 the next week to repay it. He said he is very glad to see the proposed legislation.

While Rep. McCray-Miller was not asking the DAB to take any action, the Board members felt the issue of Payday and Auto title lending is important enough that they wanted to show their support.

**Kemp (Dillard)** moved to publicly support House Bills 2244 and 2245.

**The motion passed 10:0.**

**Action: Extended support for House Bills 2244 and 2245 in addressing the predatory issues of payday and auto title lending in the state of Kansas and particularly the Wichita community.**

## **BOARD AGENDA**

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

**Kemp** announced there would be a public meeting on the Hillside bridge construction on Dec. 13 at 6 p.m. in room 112 of Colvin Elementary.

**Dillard** reported that they held a meeting to gather public input on the future park at 55<sup>th</sup> and Hydraulic, and that in spite of multiple advertising venues via White Elementary, not one single parent showed up to provide input. Regardless, the neighborhood residents who did show up provided the Park Department with their preferences for park amenities.

**Gulick** said Commissioner Welshimer attended the Grandview Heights meeting and the crux of the presentation was that the County is going to raise taxes.

**Council Member Skelton** announced that the City will soon begin its search for a new City Manager, and that the land for the new fire station has been purchased and he hopes to have the ground-breaking in January.

**Action: Receive and file.**

**Adjournment**

**Meeting was adjourned.**

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., January 9, 2008, at the Water Center at 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,  
Neighborhood Assistant – District III

**Guests**

Bob Moore	3027 Schrader
Elena Ingle	3608 Meadow Lane
Bill Barnes	2707 S. Hillside
Goldie Barnes	2707 S. Hillside
Claudia Lee	2826 Greenwood
Donna Thorton	2714 Southfork
John Dickson	6054 S. Minneapolis
Betty Strickland	1302 Galena
Tom Strickland	1302 Galena
Steve King	KDOT
Dale McGregor	HNTB
Barb Friedman	HNTB
Rep. Geraldine Flaharty	1816 E. Fernwood
Tom Hein	KDOT
MaryAnn Clark	3320 S. Wichita
Becky Pepper	KDOT
David Meadows	908 E. 71 <sup>st</sup>
Christine Rundell	1221 S. Water
Carol Rundell	1221 S. Water
Paul Weigand	1141 Denker
Jay Maxwell	South fork
Ty Kane	203 N. Terrace
Cindy Claycomb	151 N. Rock Island
Darlene Nuse	2021 Jewell
Bob West	1101 Jump
Tim Austin	
Nicole Kaempbe	
Cynthia Carlan	706 Belmont
Rep. Melody McCray-Miller	
Greg Ferris	