

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, Dec. 3, 2007

7 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Council Member Lavonta Williams
Treata Brown-Foster
Gerald Domitrovic
Gail Finney
Lori Lawrence
Debra K. Miller Stevens
Janice Rich
Steve Roberts
Adam Thomsen
Shontina Tipton*

Guests

Anthony Saber, 1950 N Spruce
Kim Neufeld, 2328 E Wilma
David Mollhagen, 3405 N Hydraulic
John Stevens, 3125 E Boston
Dora Young, 1532 Poplar
Robert Rex, 1449 N Poplar
Paul Weigand, 1141 Denker
Cynthia Carlea, 706 S Belmont
Darlene Nuse, 2021 Jewell
Dan Doornbos, 3311 E Murdock
Hilary Meister, 7272 E 37th St N #314
Cindy Claycomb, 151 N Rock,Loft4A
Elizabeth Stevenson, 524 S Commerce
Patrick Duegaw, 524 S Commerce
Beverly Domitrovic, 1219 George
Washington Blvd
Rich Daugherty, 2221 N. Woodlawn
Matt Goolsby, 355 N Rock Island
Rebecca Fields, 1900 E 9th Street
Loran Scott, 2725 N Fountain
Mary Jo Bond, 4024 Charron
Clara Perry, 1423 N Poplar
Kevin Kimmel, PO Box 20598
Father H Settor, 3205 E Grand

City of Wichita Staff Present

LaShonda Porter, Neighborhood Assistant
Officer Justin Whyte, WPD
Officer Nathan Schwiethale, WPD
Officer Alex Recio, WPD
Officer Paul Kimble, WPD
Doug Kupper, Park and Rec
Jess McNeely, Planning
Cynthia Berner-Harris, Library

*Alternate

Order of Business

Call to Order

Council Member Williams called the meeting to order at 7 p.m. and welcomed the guests.

Approval of Minutes

Roberts (Tipton) made a motion to approve the minutes with corrections 9:0.

- **Brown-Foster** stated that she Thanked Officer Paul Kimble and his wife for being her guest at the Wichita Crime Commissions 54th Annual Awards dinner. Ms. Brown received the William Garvey Crime Prevention Award in recognition of her outstanding achievement in the area of crime prevention citizen activist.
- **Brown-Foster** also requested that her question regarding NCI be corrected. She wanted to know why the Federal Government was it included as one of the funding sources. Specifically the Sedgwick County Sheriff, whom was not listed as one of the policy maker, especially since Sheriff Steel was a member of the Ex-offender task force.

Approval of Agenda

Roberts (Brown-Foster) made a motion to approve the agenda as submitted. Motion carried 9:0.

Public Agenda

1. Sexually Oriented Businesses (SOB's)

Mrs. Jan Beemer, 1914 Ellis Street, handed out a document from Operation Southwind advising that Operation Southwind has two areas of concern for city government. She explained that Operation South Wind was formed in 2005 to address the growing problem of pornography and obscenity in the city. Additionally they are looking to preserve and increase a better quality of life for citizens.

She further explained that one of the goals of Operation South Wind is to help define “community standards” and what we as a community consider “obscene.”

The two areas of concern that Beemer discussed were:

1. The move of the SOB’s due to the rezoning to be completed by December 31, 2007.
2. Licensing Code for SOB license.

She then identified several stores in the Wichita area that they have found increasing their sexual materials for sale. She concluded her presentation with advising that Operation South Wind now has a website, where a short survey is available for everyone to take and voice their opinion.

She concluded her presentation with advising the Board that there intention was to ask the city to answer how they are going to get those businesses to comply with the new ordinance.

No questions from the Board, **CM Williams** thanked Beemer for her presentation.

Roberts (Tipton) moved to receive and file. Motion carried 9-0.

2. Off Agenda Items

No items submitted.

Staff Reports

3. Police Report

Officer Whyte, 32 Beat, advised that there was a special community meeting held in October to discuss the proposed bar re-opening at 3120 E Harry. **Officer Whyte** reported that the community came out and raised many concerns with this businesses reopening. He reported that as of today the license has been denied. **Officer Whyte** then noted that there have been a lot of burglaries in medical offices (dental and optometrist) mainly in Carriage Parkway, a total of 4 for the month of November.

Officer Whyte advised that they have caught the roof top burglar with the help of the Kansas Department of Corrections. Additionally, the gas larceny in shed burglaries on 38 Beat is down. They have also seen a downward trend in auto theft; a slight decrease in larcenies along Central and Oliver; and the female suspect involved in the crimes at Central & Edgemoor – DNA matched and a warrant should be issued shortly.

Officer Schwiethale, 22 Beat, informed the Board that they are tracking crime trends and are proactively addressing those issues in the community. He noted that auto larcenies as one trend and they have met with a few businesses, handed out flyers “If I was a thief” listing want not to do and what to do in these incidents. These flyers were issued to encourage drivers to be smarter and more cautious about leaving personal items in visibility.

Officer Schwiethale also reported that there has been an increase in vagrancies at Heritage Park. They made 3 arrests last week due to a special assignment that was completed. **Officer Schwiethale** also reported that panhandling downtown has increased. Officers have distributed approximately 1000 surveys downtown and the #1 issue reported was pan handling. **Officer Schwiethale** encourage residents to not hand out money, as there are services available to help those individuals. He mentioned that there are flyers on the Police website that could be distributed regarding those services and could be duplicated and passed out to the panhandlers. **CM Williams** also suggested that the information be included in the Neighborhood Association websites/newspapers in either English or Spanish. **CM Williams** also wanted to know how long the panhandlers remained in jail if arrested? **Officer Schwiethale** stated that it would be based on the reason for the arrest.

Officer Schwiethale also advised that Club Papis is being addressed by Officer Carlson and is no longer getting their license renewed. Additionally, Flashbacks will not have a restaurant license renewed and the age requirements will change to 21 and older. **Thomsen** wanted to know where the Papis Club was located? **Schwiethale** responded Douglas and Emporia.

Officer Alex Recio, 23 Beat, advised that they have seen a spike in larcenies and burglaries. Additionally they have served two search warrants – retrieved paraphernalia. **Officer Recio** advised that he did not have much but wanted to introduce himself to the Board as he was back in the area.

Officer Paul Kimble, 47 Beat, reported that he has followed up with the owner about the liability issues at the Top Notch Club at Central and Cleveland. The landlord has shut the club down and the tenants have moved out.

He also reported that on 45 Beat, 1452 N Holyoke that there was a homicide and that since that incident no other issues have been reported. He reported that Fairmount has seen an increase in burglaries and they have some suspects, and they are still trying to get other individuals indicted. He reported that Officer Weber was working on the Beat 44 follow-up survey.

Officer Kimble also reported that burglaries in vacant residents (47 Beat) are increasing with copper been stolen from the properties. There are numerous individuals involved, and the beat had 2 burglaries just this week.

Touch of Class at 25th & Hillside received their dance hall/cabaret license on October 27th. **Officer Kimble** advised that he has talked with the owner and the owner states that he is not going to run the business like he use to. The owner is looking to rent the venue out for church functions, receptions, family reunions and civic events.

CM Williams stated there may be a community meeting to address community concerns, depends on the timing.

Brown-Foster wanted to know if the “All Occasions” venue did the same thing that the proposed Touch of Class is looking to do? **Officer Kimble** said yes. **Brown-Foster** stated that she just wanted to make sure it was similar in nature since they had received a dance hall/cabaret license.

CM Williams also wanted to know if the owner was looking into a chaperon license. **Officer Kimble** responded yes. **CM Williams** wanted to know if he would be eligible for the license. **Officer Kimble** responded that he didn’t believe so because there is a church within 500ft. **Brown-Foster** also noted that there is a day care pretty close as well.

Roberts (Finney) made a motion to receive and file. Motion carried 9-0.

4. Stop Blight Action Response Team (START)

LaShonda Porter, Neighborhood Assistant, provided an update on the START project in the pilot area of 13th – 15th and Grove – Poplar. **Porter** advised that the START team was formed in 2006 and is inclusive of city staff from several departments. She described the purpose and the mission of the team and their mission included the following:

- To use a proactive approach by identifying available resources
- To collaborate with residents, landlords, and staff to improve the quality of life
- To comprehensively address citizens and staff concerns within the Beat 44 area

Porter went on to discuss the elements of the project that included an assessment of the pilot area at the beginning of the project. The area assessment concluded that 44 out of 67 houses in the area were not in compliance and the assessment also revealed health/parking issues, illegal dumping, sidewalks in disrepair, tree waste in alleyways and on property, 6 to 10 vacant lots/boarded up houses, multiple housing violations on Grove and Poplar, and alleyways filled with overgrown trees and debris.

Porter advised that the next step in the process was to look at how both the city and community could address the issues of the neighborhood. Community meetings were held, Public Works did an alleyway clean-up, youth from Housing & Community Service summer program cleaned the sidewalks and planted trees, a neighborhood cleanup was completed, residents were assisted with exterior grants through Housing & Community Services, and a cost assessment was completed for the sidewalks.

After all of these tasks had been completed another assessment had been done of the area and that assessment revealed that progress had been made. **Porter** stated that residents had made improvements to their property through use of their resources and some resources from city programs. The second assessment was then completed September 5th and it revealed that parking issues continued to exist, but were minimal, housing issues existed but there was notable improvements, tree waste in alleyways had been cleared, vacant lots had minimal trash, most boarded houses had some improvements, housing violations on Grove & Poplar decreased significantly, and 48% of the houses in pilot area were now in compliance.

Porter then displayed some before and after pictures of the area showing the change in environment. **Porter** then reported that the properties that did not come into compliance would be referred to Environmental Court and the Judge would be asked to limit the number of continuances for these properties as they have been given ample time to bring their properties into compliance. **Porter** then introduced the START team members, thanking them for all of their hard work on this project. After the START team members were introduced, **Porter** asked CM Williams to come forward to recognize the START community partners. Each participant in the program that worked to improve their home was recognized for being partners in this project.

CM Williams thanked each of the participants for their participation and affirmed that she was excited about the progress this program has made in the community. **CM Williams** also thanked the START team members for their presentation and hard work.

Tipton also thanked the START team and community partners for their efforts and stated she thought this was a great program.

Board made a motion to receive and file. Motion carried 9-0.

New Business

5. DER2007-00013

Jess McNeely, Planning Department, presented the request to modify the Wichita-Sedgwick County Unified Zoning Code (UZC) dealing with off-site signage in nonresidential Community Unit Plans (CUP). The request is being made based on the result of a request from Ferris Consulting. **McNeely** stated the CUP is a document that is required in a commercial zoning of 6 acres land or more. Currently the code prohibits off-site signs to advertise. Generally these are signs for businesses that are not located where the sign is displayed. **McNeely** also advised that Mr. Ferris submitted a letter that provide his perspective and position on this issue. **McNeely** then stated that staff is recommending denial of this request and stood for questions from the Board.

Domitrovic wanted to know if this is a billboard regulation? **McNeely** stated that this is for commercial zoning that is developed for areas of 6 acres of land or more. **McNeely** also stated that industrial zoning would not have this restriction.

Miller-Stevens wanted to know how practical was it to look at all the CUPs? **McNeely** stated that there are over 300 CUPs; however, we work with the majority of them on a regular basis.

David Mollhagen, Clear Channel Representative, provided the Board with a handout that outlined a proposed amendment that would be beneficial to the industry and the city ordinance. **Mollhagen** read the document and provided a copy to **McNeely** as well. **Mollhagen** stated, "Signs, provided that no portable signs shall be permitted. No CUP approved prior to January 30, 2008, which does not have specific language approving off-site signs, or billboards, shall allow off-site signs unless a request to allow off-site signs in a CUP amendment submitted to the Planning Department after January 30, 2008, and then approved by the Wichita City Council. **Mollhagen** advised that this is different than the original proposed language. This change was made in response to staff concerns so that existing CUPs that do not contain off-site prohibitions could not have off-site signs without a hearing.

Mollhagen further explains the reasons for the change stating that all businesses can't be located on 21st & Rock, so businesses have to be able to market their businesses. He explained that is what is driving this request. **Mollhagen** went on to say that Clear Channel is a stable long-term tenant and he would appreciate the Board's consideration in recommending approval of the changes. **Domitrovic** wanted to know what could be done if this request was approved. **Mollhagen** explained that they were asking for this change for future development. We are looking right now at areas such as 119th W Kellogg, 147th E Kellogg and we would also like to remove billboards and change them to more efficient billboards, but are not able to under the current rules. **Mollhagen** further explained that they have leases with their tenants and if the relationship is not good we do not have to renew their lease in the future.

Borwn-Foster wanted to know if there were restrictions on the content of the billboards. **McNeely** stated yes. **Mollhagen** added that there are federal regulations we must follow, additionally; the property owners have the right to limit the content on the billboards. Furthermore, no sexual explicit materials are included in the lease we have our leasers sign.

CM Williams asked if there was anyone from the community who wanted to speak on the issue. No comments from the community.

Thomsen motion to deny the request to amend the Unified Zoning Code, no 2nd so motion failed.

McNeely then explained that before the Board made a motion that should understand that the information provided by **Mollhagen** was different from what staff received originally, and the recommendation from staff was based on the original request and not the request presented to the Board.

Domitrovic (Tipton) made a motion to defer action for clarification from staff. 8:0 **Miller-Stevens** abstained from the vote.

Board Agenda

6. Updates, Issues, and Reports

CM Williams advised that a copy of the Lawrence ordinance regarding the smoking ban had been sent to the Board members for review and discussion. **CM Williams** expressed that she wanted to get feedback and opinions of her Board as this issue would be coming before the Council in the near future.

Miller-Stevens stated that here concern is the enforcement piece and their needs to be clear identification of the enforcer, and that it should not be the Fire Chief.

Brown-Foster stated that she is concerned with people not being allowed to run their business at their discretion and we should not interfere.

Domitrovic stated that employers should have a choice and this is a freedom issue. He explained that the arguments for this are good, however, people should have a choice and we should not be the enforcers.

Thomsen stated he is all for the smoking ban.

Tipton stated that protecting the public health is important but people should have choices. Small businesses could be affected by this change. **Tipton** then recommended that businesses should be required to place a placard on front of their establishment educating and giving them a choice to enter the venue knowing that it is a smoking establishment.

Lawrence stated we already regulate other health issues, and for health and safety of the customer and employees. **Lawrence** stated this is another instance where we should regulate businesses and that she supports a smoking ban.

Finney wanted to know if Dallas had a smoking ban.

Brown-Foster stated that she doesn't compare Lawrence to Wichita and that the individual should make the choice not government.

Lawrence stated that she was here when the smoking ban was initiated in hospitals and there was an outcry and now people are happy. **Lawrence** stated that times are changing and will continue to change. She also mentioned that they do not allow smoking in Oklahoma City and we are behind the times here in Wichita.

Dr. Daniel Doorbos, 3311 E Murdock, stated that he was in support of the smoking ban and recognizes that people should have choices. He further stated there is really no such thing as non-smoking vs. smoking section in venues as they are on the same ventilation system. He went on to say that we have to choose between financially successful vs. banning smoking. He also mentioned that studies have shown that a smoking ban does not hurt businesses it actually increases revenue. **Dr. Doorbos** also mentioned he has patients who have lung cancer and this is an issue.

Elizabeth Stevens, 524 S Commerce, stated that she has seen the smoking ban effective in Montreal and Paris and she has seen no evidence of economic default. **Stevens** stated that as we are trying to lure more businesses to Wichita, that it would be counterproductive to not consider the smoking ban.

Hilary Meister, 7272 E. 37th St. N, #314, stated that this ordinance should cover all work places and that on average 58 people will die from 2nd hand smoke.

Anthony Seber, A.S.A.P., stated that it should be a freedom to make that choice, where are we going to stop if we take this freedom away from then.

Paul Wiggins, 1141 Dinker, would like for CM Williams to vote against this smoking ban. A private business owner should be able to make there own smoking policies; this should be an individual choice.

Kevin Newfield, 2328 Wilma, this is a public health issue and we are sending our youth out and exposing them to the 2nd hand smoke.

Father H, 3805 E Grand, stated that he has raised approximately \$175,000 with cigar banquets and is against the smoking ban. He advised that this is not simply a health issue, and that smoking is legal, so it's a business issues as well. He wants the Board to be educated about the facts and ensure that they are on a level playing field before making a decision.

Loran E Scott, 2725 N Fountain, wanted to know if he had the responsibility to help people go through a health experience. I'm concerned that we shouldn't encourage those types of activity. What happen after 40 years of smoking – it hurts.

Cyndi Claycomb, 151 N Rock Island, I agree with Father H that you should be educated and the Lawrence ordinance allows for businesses whose livelihood is dedicated to tobacco to continue to provide that service and that would not effect Father H's cigar event. Look at the city code and we tell businesses all the time what to do. With freedom comes responsibility. So whose freedom are we talking about?

Matt Gosley, 355 N Rock Island, stated we are a free country and we lose a freedom every day. We cannot keep imposing all these regulations and expect businesses to be profitable.

Brown-Foster wanted to know who did the survey that showed 77% of District I respondents are in support of a comprehensive clean-air ordinance.

Cyndi Claycomb responded stated that marketing and research students from WSU completed the survey, surveying registered voters. She explained they sent out 840 surveys to each district using a random sample. The number of responses received for each district included:

- District 1 172 responses (77%)
- District 2 206 responses (80%)
- District 3 130 responses (77%)
- District 4 154 responses (57%)
- District 5 246 responses (77%)
- District 6 227 responses (72%)

CM Williams asked **Claycomb** to forward her the results of the study.

Board asked how many of the people surveyed was smokers vs. non-smokers. **Claycomb** responded that 11% (smokers) and 88% (non-smokers).

Thomsen also wanted to know how many people would visit the restaurant if it were non-smoking.

Domotrivic stated if we ban cigarettes public health would be improved. However, it's a matter of choice, what's most important choice (freedom) or health. We should have choices.

Brown-Foster stated there are 80 million baby boomers and they are living longer and have gone through the smoke. This is about freedom and choices.

Tipton stated she is not a smoker and she does not support a smoking ban.

CM Williams stated that Council is still reviewing this issue and that not all Boards have received this information.

Finney (Tipton) made a motion to receive and file. 9:0

CM Williams then asked the Board if they agreed to change the DAB meeting time from 7p.m. to 6:30 p.m.

Thomsen (Roberts) made a motion to approve time change. 9:0

CM Williams also announced that she has appointed Tythan Miles as an alternate to the District Advisory Board. She also announced that James Thompson is appointed as Pro-Tem and Steve Roberts is appointed as Assistant Pro-Tem.

CM Williams also asked for donations for the Boys & Girls Club Christmas Fundraiser. She provided flyers with the children's wish list and also invited the Board and community to join them at the Christmas event on December 20th at the Boys & Girls Club.

CM Williams also stated that she is still considering the Christmas party, but has not made a final decision.

Rich announced that Hyde Neighborhood Association would have there next meeting January 12, 2008.

Lawrence provided an update on the Wichita Sedgwick Access Advisory Board and that the Board was put together because of a lawsuit against the City. She stated that the first wave of high priorities would be completed by January 2008. She stated that they are working on captioning on Channel 7 and that the County will probably up working sooner as they are working with KPTS. Another issue they are addressing is accessible parking, in 2005 there were 24 tickets paid, 2006 there were in 158 tickets paid, and in 2007, 310 tickets were paid from parking in handicap places without placards.

The Arena and accessible parking spaces is another issue we are looking at. Currently they have 35 spaces allocated for handicap parking.

Tipton advised that there would be an Office Dept coming downtown across from McDonalds.

Miller-Stevens noted that there were quite a few items scheduled to be heard at the December 20, 2007 MAPC public hearing for District I.

Brown-Foster stated that Thursday, December 13, 2007 Center for Health and Wellness would have their social beginning at 6p.m. and dinner at 7p.m.

Thomsen advised that he attended the committee meeting for Dance Hall/Cabaret licenses and felt that many of the participants were amazed at the number of issues in District I. He stated that LaShonda had done a great job at representing the district and got the point across about the issues we face.

CM Williams stated she applauded the community for standing up for what we believe is right. She also wanted to know if they were looking at other ordinances that may impact these businesses. **Thomsen** responded yes and they are considering closing all establishments at 2a.m., which might prevent some the current issues.

With no further business, **Brown-Foster (Finney)** made a motion to adjourn. Motion carried 9-0. The meeting adjourned at 9:40 p.m.

Respectfully Submitted,
LaShonda Porter
Neighborhood Assistant