

## District III Advisory Board Minutes

April 4, 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. Ten District Advisory Board members were in attendance; Nine City staff and 20 members of the public were present.

### Members Present

Teresa Cook  
Judy Dillard  
Matt Foley  
Charlotte Foster  
Jim Gulick  
Paula Hearn  
John Kemp  
DeWayne Kitchen  
Jesse Sheffield  
Council member Jim Skelton  
Bill Ward

### Members Absent

Joann Hartig

### Staff Present

Officer Ginny Wylie, Patrol South  
Officer Justin Whyte, Patrol East  
Lt. Clark Wiemeyer, Patrol East  
Janet Johnson, City Manager's Office  
Kay Johnson, Environmental Services  
Dennis Graves, Animal Control  
Don Henry, Environmental Services  
Dale Miller, Planning  
Doug Kupper, Park and Recreation

### Guests

Listed on the last page

## ORDER OF BUSINESS

At 7:01 p.m. **Council member Jim Skelton** called the meeting to order.

The meeting minutes from March 7, 2007, were approved as submitted (**Kemp: Foster**). **10:0**

## PUBLIC AGENDA

### Scheduled items

No items

### Non-Scheduled items

**Elena Ingle, 3608 Meadow Lane**, is a member of the Historic Preservation Board and the Grandview Heights Neighborhood Association. She read a prepared statement that focused on concerns regarding the proposed development of the Kelly Hotel in downtown Wichita. She indicated that local developers are not willing to compromise in working with the Historic Preservation Board, while out-of town developers, such as the "Minnesota" developers look for compromise. Elena felt that the Kelly Donham development is not in keeping with the specification for buildings within the environs of historically significant buildings. Instead of looking for a compromise, she said the developer went to the City Council and said that there were no other options and the developer would not go through with his plans unless he was allowed to continue as presented. She encouraged all citizens to be vigilant of activities that may have a negative impact on the future beauty of the city and to express their concerns to their elected official.

## **STAFF REPORTS**

### **Community Police Report**

**Officer Ginny Wylie, Patrol South Beat 25**, reported that burglaries have been down all year in the area. She said there were several business robberies in the 25 and 26 beats, but a suspect had already been arrested in connection with those. She announced that the Community Police Officers hours have been changed to 11 a.m. to 9 p.m. Officer Wylie also mentioned that Officer Voyles is working with a group of citizens and other City Departments and agencies to address the problems of illegal ATV riding in South Wichita around the 71<sup>st</sup> Street canoe launch. She also asked that anyone who sees graffiti to report it immediately.

**Officer Justin Whyte, Patrol East Beat 32**, reported they are trying to get graffiti covered up as quickly as possible and he is working on a project with students from Mead Middle School to have a graffiti paint-out. He also reminded everyone of the “Hooked on Fishing” program slated for June 9<sup>th</sup>. He still has lots of openings for children age 5 to 14. He said the 33 Beat is seeing a lot of gang activity – primarily in the form of graffiti and the 34 Beat Officer is working on blight issues and mail/identity theft issues. He reported that Operation Rescue is planning another event in May, so WPD is preparing an ops plan for that to ensure everyone’s safety. **Charlotte Foster** asked if the Air Section is back up yet. The Officers said no, but they hope it will be back up in time for Riverfest.

**Action: Receive and file.**

### **NEW BUSINESS**

**Council member Skelton** welcomed the newest member of the District Advisory Board – **Paula Hearn**. Paula is the president of the District’s newest Neighborhood Association – the Dry Creek Neighborhood Association.

#### **Revision of Chapter 6.04 (Animal control and Protection)**

**Kay Johnson and Dennis Graves, Environmental Services**, explained that the City of Wichita Department of Environmental Services is proposing to revise Chapter Six of the City Code that governs animal control and protection. They are seeking input from the District Advisory Boards and the citizenry in general before finalizing the City code.

The proposed changes includes improved control of dangerous dogs, measures to reduce potential for breeding of unwanted dogs, ownership regulations for pit bulls, stipulations regarding dog fighting paraphernalia, increased penalties for code violations, proposed licensing of dog breeders, and increased dog licensing fees.

Environmental Services investigated over 600 dog bites in 2006 and housed over 5,400 dogs at the City’s animal shelter. Almost 1,500 of those dogs housed were pit bulls. Over 3,000 stray dogs or dogs running at large were collected by animal control officers. A total of 4,641 citations or warnings were issued for animal code violations. Environmental Services believes these statistics demonstrate a need to implement regulatory improvements. Also, certain events have occurred over the last few years that further the need for improvements including numerous dogs found in poor conditions for breeding purposes and questionable ownership practices. Also, numerous dogs continue to be collected when running at large and reclaimed by an owner who has not obtained a

license and had no proof of an annually required rabies vaccination. These practices cause an unnecessary increase for risk of exposure to rabies through dog bites. **Johnson** distributed some rather graphic photos of abused pit bulls being bred for fighting.

**Bill Ward** said he thinks a licensing increase will cause people to quit licensing their dogs. He said in today's economy people won't give up their dogs, but they will give up the license. **Johnson** said it's a fact that dogs are expensive. She said that Animal Control has costs that it has to cover and they have to also be responsible toward the taxpayers who don't have dogs and are paying for the Animal Control service.

**Matt Foley** cited a situation he was aware of where a 90-year-old man with a pacemaker was constantly menaced by his neighbor's dogs that would charge the fence and act like they were going to attack him while the neighbor stood on the porch and smiled. He wanted to know if this would be considered a "dangerous dog" under the new ordinance. **Johnson** said yes. **Foley** said the elderly people finally just sold their home and moved rather than deal with the neighbor and their dogs. He cited another incident where he and two other people watched as someone in the neighborhood held their dog up by a tether and then beat it. **Johnson** said when you see things like that you should call 9-1-1. **Graves** pointed out that the citizen reporting the abuse would likely be called upon to be a witness in court and often citizens don't want to do that.

**Jesse Sheffield** said he thought it would be a good law. He said that pit bulls are good dogs and he doesn't like seeing them abused.

**Graves** said that one-third of the dogs that are picked up by animal control are pit bulls.

**Teresa Cook** said that she felt like the licensing fees penalize people who don't have fences. **Johnson** pointed out that the City already has a tethering law, which limits the amount of time a dog can legally be tethered to one hour. **Cook** said many renters don't have fences.

**DeWayne Kitchen** said he understood the increase in licensing fees, even though he didn't necessarily agree with it. He related a story about when his dog was accused of biting a neighbor and was forced to put his dog down and then later it was determined that it was a Chow dog that had bitten the child, and not his dog. **Kitchen** also said he didn't like the part of the proposed change that prohibits felons from owning dangerous breeds. He said he has a nephew who got three felony charges when he was 12 years old and with this law, he wouldn't be allowed to own certain dogs when he becomes an adult.

**Paula Hearn** asked how many dogs citizens are currently allowed to own. **Johnson** said they can have two dogs, and with an animal maintenance permit they can have up to four. She said this is required because with a larger number of dogs you have more issues to deal with like barking and fecal matter. **Johnson** explained that the new ordinance would limit the number of pit bulls that anyone can own to only two because the pit bull breed is more prone to adopting a pack mentality that can be dangerous. **Hearn** said she works at a vet clinic and she is concerned that there are elderly and low-income citizens who won't be able to afford the increased licensing fees.

**Charlotte Foster** asked what happens to the number limits when a dog has puppies. **Graves** said they don't count until they are five months old, and he also pointed out that one litter of pups a year doesn't constitute as a breeder.

**Jesse Sheffield** asked if dog fighting was currently against the law. **Graves** said yes, and that even attending or watching a dogfight is illegal under current law.

**Action: Provide comment.**

**Zoning case ZON2007-00012**

**Dale Miller, Planning Department**, The applicant, Living Word Outreach, Inc., requests OW Office Warehouse zoning on a 1.9-acre site, currently zoned SF-5. The proposed use is a food and clothing ministry building, located west of Victoria Avenue (extended) and one block south of Galena Street. The proposed land use is classified per the Unified Zoning Code as a warehouse, requiring OW or more intense zoning. The application area is part of a recorded subdivision that lacks installed improvements.

**Recommended Action:** Planning staff recommended the request be denied.

**Harlan Foraker**, representing the applicant, said they had applied for a zone change at the direction of Planning staff. He said the site has plans to build a church in the future and they want to run a food and clothing ministry on the property. He said if the church were being built first it wouldn't be an issue, but since it's not, Word of Life has to apply for a zoning change to run their distribution center, which under City zoning is considered a warehouse. **Foraker** said they plan to distribute food once a week for four hours and they plan to plat the property for a worship center.

**Fred Pinaire** from the Word of Life ministry said that he has visited with the South City Neighborhood Association on three or four occasions. He said that once a week there would be people coming to the facility to pick up food, but it will be no more people that what the neighborhood experiences from those going to church or to the school. He agreed that it is a residential neighborhood, but pointed out that it already has two churches and a school in the immediate area.

**Discussion was opened to the public.**

**Tom Strickland, 1302 Galena**, said he doesn't like the idea of sticking a big metal building in the middle of a residential area, regardless of the intention.

**Larry Manny, 1116 Alturas**, said he drove by the current Word of Life building on Hillside and said it's a very nice warehouse, but he wouldn't want it sitting across from his house. He said that's why the area is zoned residential.

**Annette Schoenthale, 1314 Galena**, said she doesn't want a warehouse across the street from her, and she also said that the street couldn't handle the kind of traffic that the warehouse would attract. She said Fortuna, Victoria and Galena streets are too narrow for this kind of traffic.

**Discussion was returned to the Board.**

**Matt Foley** said he had seen a similar situation and it detracted from the neighborhood.

**Foley (Kitchen)** made a motion to uphold Planning staff's recommendation and deny the application.

**Jim Gulick** asked for clarification about a similar application that had come before the Board a couple of months ago. **Councilmember Skelton** said that wasn't an application, but Word of Life did come before the DAB on the public agenda to present information on the project.

**Bill Ward** asked, not knowing the size of the church, how can you determine how much room will be needed for it, the warehouse and parking? **Miller** said the applicant would be required to provide adequate off street parking.

**Judy Dillard** said she was concerned that if Word of Life was granted the zoning change, they might decide to move sometime in the future and then they could sell the property and it could be used for any number of things with the warehouse zoning.

**DeWayne Kitchen** said that since the people in the neighborhood don't want it, he wouldn't feel right giving a recommendation for approval. **Kitchen** said that he supports the Bread of Life organization, but he knows that there will be traffic issues because he has observed them at the Hillside location.

**Motion passed 9:1.**

**Action: Recommended denial of the application for a zoning change.**

#### **Future of Dry Creek buyouts**

**Doug Kupper, Director of the Park and Recreation Department**, used maps to show the DAB and citizens the Dry Creek area, and which properties have been voluntarily purchased by the City. He said that he has been working with the Dry Creek Neighborhood Association on getting a pocket park or parkette on the north end of the Dry Creek buyout. He said about five years ago the City added some walking paths near the creek area, and that it's possible those paths could be extended. **Kupper** laid out three basic options 1) a linear park 2) an active park utilizing lots 8, 10 and 30 or 3) lease the parcels back to the adjacent neighbors or the neighborhood association; the lessees are responsible for the mowing and maintenance. **Kupper** said the City has successfully done leases in the Cowskin area. He said the leases are very strict and the lessee is not allowed to build fences, add playground equipment or obstruct the water flow.

**Discussion was opened to the public.**

**Andy Souler, 703 Marcilene**, is a member of the Dry Creek Neighborhood Association and the District 3 representative on the Parks Board. He said they want a pocket park and referred to the Parks and Open Space Plan. He said that we don't have enough walking areas in older neighborhoods and he strongly supports parks in the Dry Creek area.

**Margaret Nelson, 3408 Kinkaid**, asked who would be responsible for mowing the area between now and the time it becomes a park. **Kupper** said the Storm Water Division in Public Works is responsible for mowing it. **Nelson** wanted to know if it would be mowed more often. **Kupper** explained that Parks is responsible for mowing and maintaining 6,000 acres. Of that, 4,500 are parkland and are mowed every 21 days. The only land mowed more often is the revenue-producing athletic fields and youth fields. There are about 300 acres of this type of property and it is mowed once every seven days. Some of the more visible, high-traffic medians are also mowed once every seven days.

**Discussion was returned to the Board.**

**Bill Ward** asked **Kupper** if the citizens who didn't opt to sell out and still live in the Dry Creek area support having a park. **Kupper** said he didn't know, that he brought the project to the DAB before going to the neighborhood.

**Jim Gulick** asked how the City could make a decision if staff hasn't conversed with the adjacent property owners. He said he thought the Park Department should go talk to the neighbors. **Kupper** said he thinks the neighbors will like the idea, but he wanted to find out if it had DAB support before going to the neighbors and the Park Board. **Gulick** said there is no Neighborhood Association in the George Washington Blvd. area and he would like for the City to send letters to the residents who live in this area and have a public meeting with them. **Kupper** said the point he wanted to get across was that Storm Water now owns these properties, nothing has been designed yet and that they would definitely go out and talk with the neighbors.

**Gulick** said there were a couple of references to a walking path and the fact that the neighborhood wanted it extended. He said he had never heard about this before and asked who wants it. **Kupper** said he would have to check the records. **Gulick** said if the Park Department would send out a notice about the project, and hold a public meeting, citizens would attend. He said the Grandview Heights and Meadowlark Neighborhood Associations would assist with getting the word out in their neighborhoods, but can't help reach citizens south of GWB.

**Ward (Gulick)** made a motion that the Park and Recreation Department have a public meeting with citizens in the affected area.

**Matt Foley** asked why all the discussion had focus around Map #2 and the area in Map #1 had been totally bypassed. **Paula Hearn** said the Dry Creek Neighborhood Association has already addressed the area in Map #1 and now they are focusing their efforts on the area in Map #2, considering a park or community garden.

**Motion passed 10:0.**

**Action: Recommended the Park Department hold a neighborhood meeting with affected citizens.**

**BOARD AGENDA**

**Updates, Issues and Reports**

**Dewayne Kitchen** reported that the pedestrian bridge near Davidson Street is in disrepair again and has been closed. He provided photographs of the bridge and the immediate area and said the Planeview Neighborhood Association supports removing the bridge rather than fixing it again. He said there are no sidewalks to the bridge and no one uses it for its intended purpose. He said that police don't like it because criminal suspects use it to elude police, it's covered with graffiti, and kids have been caught under the bridge huffing paint.

**Kitchen (Dillard)** made a motion that the DAB recommend that the bridge located just north of 2844 Davidson be removed.

**Jim Gulick** asked if there would be any purpose in rebuilding the bridge. **Kitchen** said no.

**Motion passed 10:0.**

**Action: Recommended that the pedestrian bridge be removed.**

**DeWayne Kitchen** said they are seeing a lot of gang graffiti in the Planeview area. He said it's a good idea if the Community Policing Officer comes out and documents the graffiti before it's covered up. He said citizens can help police track graffiti and that graffiti removal was an important part of the gang crackdown that occurred in Planeview two years ago.

**Council member Skelton** referenced a letter from Wichita Water Utilities stating that maintenance was going to be conducted on the odor control system and the sewage plant located at 2305 E. 57<sup>th</sup> St. So and that for two or three weeks, the odor would be worse than usual.

**Judy Dillard** reported they are seeing a lot of graffiti south of 47<sup>th</sup> and east of Hydraulic. She said they aren't sure if it's a gang, or just one kid, but suggested that everyone watch their neighborhoods for graffiti.

**Council member Skelton** said he wanted to explain why he voted the way he did on the Kelly Hotel. He explained that it's time to do something different downtown to revitalize it. He said while Historic Preservation is important, this particular project will contribute significantly to the downtown economy. He said if Council denied the project, it wouldn't be there and then we'd have nothing. He said Council is trying to reduce the history of subsidy with developers and get them to standing on their own two feet.

**Judy Dillard** said it is important that there be a blend downtown of old and new.

**Charlotte Foster** asked if it was true that the City bought some properties and then gave them to the "Minnesota guys." **Council member Skelton** said he was not aware of anything like that.

**Teresa Cook** invited everyone to attend the Gang Coalition meeting scheduled for 7 p.m. on Monday at Believer's Tabernacle. She said everyone needs to get involved.

**Larry Manny, 1116 Alturas**, reported there is graffiti on the restrooms at Garvey Park. **Janet Johnson** said it has been reported to OCI for removal.

**John Dickson, 6054 Minneapolis**, said another thing gangs do is throw tennis shoes over the power lines. He said they use it to designate drug houses.

**John Kemp** said he had been told that gang members use this to identify their territory boundaries.

**Action: Receive and file.**

### **Adjournment**

**Bill Ward (Gulick) made a motion to adjourn. Motion passed 10:0.**

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., May 2, 2007, at the Water Center at 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,  
Neighborhood Assistant – District III

**Guests**

Elena Ingle	3608 Meadow Lane
Tom Strickland	1302 S. Galena
Betty Strickland	1302 S. Galena
Larry Manny	1116 Alturas
Kathy Manny	1116 Alturas
Donna Thorton	2714 Southfork
Claudia Lee	2826 Greenwood
Lynda Novotny	1209 Jump
John Dickson	6054 S. Minneapolis
Annette Schoenthale	1314 Galena
Herbert Hudson	121 W. 53 <sup>rd</sup> St. S.
Charles Meier	931 E. 54 <sup>th</sup> St. S.
Louis Meier	931 E. 54 <sup>th</sup> St. S.
Andy Solter	703 Marcilene
Margaret Nelson	3408 E. Kinkaid
Stan Nelson	3408 E. Kinkaid
Harlan Foraker	10415 S. Willow Lake Rd.
David Wise	3112 Aloma
Terry Dobson	1915 Glen Oaks Dr.
Fred Pinaire	1138 N. Bruckner, Derby