

District IV Advisory Board
Meeting Minutes
October 4, 2006
www.wichita.gov

The **District IV Advisory Board Meeting** was held at the 7:00 p.m. at the Lionel Alford Branch Library. In attendance were six (6) District Advisory Board members, six (5) staff and approximately eleven (11) citizens with nine (9) signing in.

Members Present

Jim Benton
Joshua Blick
Mary Cockburn
Tom Engelmann
Edwin Koon
Gerald Marsh

Staff Present

Officer Carlson, Police
Kelli Glassman, City Manager's Office
Deb Legge, Office of Central Inspection
Kurt Schroeder, Office of Central Inspection
Officer Voyles, Police
Scott Wadle, Planning

Guests

Council Member Paul Gray

Gavin Buchanan, 1425 S Sedgwick
Terry Conkle, 3104 Chase
Patricia Coombs, 1926 S Bonn
Pat Daniels, 241 S Holyoke
Albert Hubl, 6400 West 36 St S
Hestel Sewell, 815 W Davis
George Walta, 10630 Carr
Lee Webster, 337 N Exposition

Members Absent

Peggy Bennett
Michael Gisick
Jerry McGinty

Order of Business

Call To Order

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

Engelmann (Blick) moved to approve the agenda for the October 4, 2006 meeting. The motion was passed 6-0.

Blick (Benton) moved to approve the minutes from the August 2, 2006 and September 6, 2006 meeting. Motion passed 6-0.

Public Agenda

The public agenda allows members of the public to present issues not on the agenda to the District Advisory Board. Each presentation is limited to five minutes unless extended by the Board.

1. Scheduled Items

No items were submitted.

2. Off-Agenda Items

Terry Conkle, 3104 Chase, asked for an update regarding when the paving project for 30th St S from St. Paul to Custer would begin. **Council Member Gray** stated that he is aware that staff has been moving forward with this project and will check to see if he can find out an approximate date when this project will start.

Albert Hubl, 6400 West 36 St. S., requested an update about the concern of barricades being opened which is creating more problems such as reckless drivers and stirring up dust on the dirt roads which makes it hard for kids with asthma to play outside. **Council Member Gray** stated that there will be a meeting held to discuss this issue in the near future and that Mr. Hubl and other residents in this area will be notified.

George Walta, 10630 Carr, asked what could be done to alleviate problems with sewer lines in his neighborhood. **Council Member Gray** stated that he will communicate with staff to resolve these issues.

Staff Presentations

3. Community Police Officers

Officer Carlson, Beat 28 and Officer Voyles, Beat 29, reported the following:

- Police detectives are focusing on gang activity, so please refer any drug complaints or other issues to police beat coordinators so that they can address them. **Cockburn** asked if a beat coordinator is similar to a community police officer. **Officer Carlson** responded that a beat coordinator is similar to a community police officer.
- There has been a problem with improper parking at South High, so signs have been posted to discourage this.

Cockburn requested that reports from other beat coordinators be given to the officer attending DAB meetings so that the Board can receive more information about police activity in the whole district. **Officer Carlson** stated that he would pass this information along to the appropriate people.

New Business

4. StopBlight

Kurt Schroeder and Deb Legge, Office of Central Inspection, presented this item. Over the past year, the City Council has expressed its desire to strengthen neighborhoods, and particularly, to find more effective ways to eliminate blighting influences such as deteriorating, vacant and/or abandoned buildings. A significant part of this effort includes the “StopBlight” initiative.

The StopBlight initiative, as first presented in a City Council workshop in early 2006, included five (5) key strategies: (1) obtaining tax delinquent property through tax foreclosure or “special” tax foreclosure purchases made by the City or qualified neighborhood non-profit entities, and working with Sedgwick County to promote more timely and frequent tax foreclosure sales; (2) identifying and developing resources to allow for bidding and/or outright purchase of properties that can be rehabilitated or redeveloped; (3) strengthening boarded and/or abandoned/long-term vacant building ordinances, policies and procedures; (4) requiring local agent designation/registration for problem properties owned by non-local persons or entities; and (5) creating means to acquire and “land-bank” land for future re-use.

At the August 15, 2006 City Council workshop, staff presented an overview of proposed ordinances, processes and procedures related to strategies 3 and 4 above, focusing primarily on proposed revisions to the current Housing Code (Chapter 20.04 of the Code of the City of Wichita) and a proposed new Vacant and Neglected Building Code (Chapter 30.01). The City Council indicated substantial support for the proposed ordinance amendments, and directed staff to prepare the ordinances for City Council review and adoption (with the understanding that the other key strategies would continue to be developed for implementation).

The ordinances were presented for City Council review and possible adoption during the September 12, 2006, City Council meeting. At that meeting, the City Council directed staff to obtain additional input on the proposed ordinances.

Primary proposed changes are outlined below for each Code Chapter. Other significant complementary policy/procedure changes to be implemented upon adoption of the ordinances are also briefly described.

Chapter 20.04 – Housing Code

Several new or significantly amended definitions, including: “Apartment building”, “Operator”, “Owner” and “Resident Agent.” The proposed modifications provide necessary clarification for enforcement and prosecution purposes, and provide key linkages to the new Vacant and Neglected Buildings Code’s building and/or out-of-county “resident agent” registration requirements.

Significant changes to Housing Code court penalties, including: (1) increased potential maximum fines per violation (for first offenses) from \$500 to \$1,000 (no minimum fine is established for first offenses); (2) increasing maximum fines for repeat offenders of the Housing Code (convictions of similar code offenses within a five-year time frame); and (3) increasing minimum fine amounts for repeat offenders. Currently, the Code has no schedule of increasing maximum fines for repeat offenders and no minimum fine amounts for repeat offenders.

New provisions in the penalties section that allow the court to order community service as part of or in lieu of fines, but only after the defendant has filed affidavits of financial

condition, and the court has reviewed and determined from affidavit information that the defendant is financially unable to pay the imposed fines.

New provisions in the penalties section that allow the judge, in addition to fines and other penalties, to require a defendant to register the problem property (as required by the proposed new Vacant and Neglected Buildings Ordinance).

In addition to the proposed ordinance changes, City staff has developed (and proposes to implement) a Housing Code Diversion Program for qualified/eligible first-time offenders. The program will develop realistic and attainable compliance targets, and will attempt to connect income and otherwise eligible defendants with appropriate resources to complete required repairs.

Chapter 30.01 – New Vacant Neglected and Neglected Buildings Code

Defines “buildings” covered by the ordinance to include all structures used for residential, public, institutional, business, industrial or storage purposes.

Defines “boarded buildings”.

Defines “resident agent”.

Defines “vacant buildings” to include unoccupied buildings (whether or not boarded) for which one or more of the following has occurred: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building is unsecured; (3) the building has sustained significant fire, wind or water damage and is uninhabitable; (4) the building has been declared a criminal nuisance per state statute; (5) the building has been boarded for more than 90 days; (6) the building has sustained substantial deterioration due to lack of maintenance; (7) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code; or (8) the owner has refused to accept service of notices of violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code.

Defines “neglected buildings” as occupied buildings in which one or more of the following has occurred within the past 18 months: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building has been declared a criminal nuisance per state statute; (3) the building has sustained substantial deterioration due to lack of maintenance; (4) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected

Buildings Code; or (5) the owner has refused to accept service of notices of violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Vacant and Neglected Buildings Code.

Requires owners of vacant or neglected buildings to register such buildings with OCI, including a registration fee of \$25. The registration must include the following: (1) premise description; (2) names and addresses of the owner or owners; (3) the names and addresses of all known lien holders and all other parties with a legal or equitable interest in the building; (4) the name of the resident agent designated to act on behalf of the owner to accept legal processes and notices, and to authorize required repairs; and (5) if the building is vacant, a detailed “Statement of Intent” to be submitted within 30 days of the date that the Superintendent orders the structure to be registered.

The Statement of Intent must be reviewed and approved by the Superintendent of Central Inspection, and must include information regarding: (1) the expected period of vacancy; (2) a plan for regular maintenance during the period of vacancy; (3) a reasonable plan and time line for the sale, rehabilitation or demolition of the building; and (4) any other information required by the Superintendent of Central Inspection.

Establishes criteria for removal of vacant or neglected buildings from registration, including: (1) compliance with all environmental health and life safety standards set forth in applicable City codes; (2) removal or demolition by the property owner; or (3) abatement or demolition by the City.

Establishes civil penalties against owners of vacant and/or neglected buildings that: (1) are not registered as legally required by the Superintendent of Central Inspection; (2) do not have an acceptable and/or approved, “Statement of Intent” submitted by the owner or their designee; or (3) do not comply with the approved “Statement of Intent” action plan. A civil penalty of \$250 may be assessed for each 90-day period that a violation of the Vacant and Neglected Buildings Ordinance continues to exist, not to exceed \$1,000 per building per calendar year.

Establishes an appeals process and the procedures for owners and/or their legally designated agents to appeal decisions of the Superintendent of Central Inspection (or his designees) to the Board of Code Standards and Appeals (BCSA), and to appeal BCSA decisions to the City Council.

Does not preclude other legal action, and in no way limits the penalties, actions or abatement procedures that may be taken by the City for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, the Unified Zoning Code or environmental health codes.

An initial \$25 neglected vacant and/or neglected building registration application fee is required, and will be used to help offset the administrative expenses of OCI and other City Departments.

There was concern expressed by the Board that there be enough staff to enforce these ordinances. **Mr. Schroeder** commented that he believes with the new tools provided in these outlines and with an additional staff member next year, that staff's ability to monitor cases should be increased.

It was asked how a renter will be affected if the property owner is violating these ordinances? **Mr. Schroeder** explained that these ordinances address the property owner, and no action would be taken against a renter to remove them from the house unless it was unsafe to inhabit. He further stated that since some tools used in the past have not been quite as effective as hoped, that these new ordinances would make owners more responsible for maintaining their property.

Blick mentioned that he is concerned about the registering of and communicating with out of town property owners. **Mr. Schroeder** stated that the new civil penalties and property registration requirements outlined in these ordinances will allow the City to pursue negligent out of town property owners more successfully.

Engelmann asked if these ordinances will only apply to residential structures? **Mr. Schroeder** commented that these ordinances will apply to all structures, not just residential.

Blick and **Cockburn** requested clarification on fee structures for both civil and criminal cases filed against a violator.

Cockburn asked for clarification that the diversion program will be attempted to be utilized before a violator is taken to court. **Mr. Schroeder** stated that diversion will be used for first time offenders whenever possible. He further stated that staff tries to do this now by providing a list of resources for violators to use to get the necessary structural improvements made, but these individuals are not always receptive to this.

Koon suggested that no minimum fines should be imposed, as fine amounts should be left to the judge's discretion.

Hestel Sewell, 815 W Davis, asked if there is a specific time limit that houses can remain boarded up? **Mr. Schroeder** stated that currently, there is no time limit on how long a house can be boarded up, but that the new ordinances will impose a time limit.

Pat Daniels, 241 S Holyoke, and representing **Rental Owners, Inc.**, made the following comments:

- There should be a process which allows the violator to convert fines assessed into improvements on the property which the violator would have to complete and show proof of within 90 days.
- A private process server should be hired to make sure that court papers are served to frequent out of town violators
- No properties should be required to be registered, as this is already done through the County Appraiser.

- The fee assessment structure is too stringent on those property owners who own numerous properties in blighted neighborhoods and act in good faith to continue to address property deficiencies, but may not have the financial means to correct in the time allotted.
- More stakeholders need to have input on these revised ordinances

Action Taken: Provided comments and input on the proposed ordinances.

5. Neighborhood Revitalization Areas (NRA's)

Scott Wadle, Planning, presented this item. Recently, staff of the Department of Housing & Community Services and the Wichita-Sedgwick County Metropolitan Area Planning Department met with the Neighborhood Revitalization Area (NRA) Task Force to present staff recommendations for changes to the HUD and State Neighborhood Revitalization Area, and the City's Local Investment Areas. The Task Force is made up of members representing USD 259, Sedgwick County, and City departments. The staff recommendations were made in accordance with State NRA requirements to identify a substantial presence of deteriorated or dilapidated buildings and the HUD Neighborhood Revitalization Strategy, which requires that the area be primarily residential and contain a high percentage of low and moderate-income households.

The Task Force recommended the addition of the boundaries designated in the South Central Neighborhood Plan which are: Kellogg on the north, the Arkansas River on the south and west, and Washington and the railroad tracks, from Pawnee to the Arkansas, on the east. The current NRA boundary extends south to Harry Street; therefore the new boundary would add the southern half of the South Central Neighborhood Plan. All other current NRA boundaries were recommended to remain unchanged.

The Task Force recommended adding the South Central Neighborhood Plan Boundaries as a Local Investment Area. The Task Force recommended keeping Hilltop, Planeview, Northeast, North Central, Delano and Orchard Breeze Local Investment Areas with no changes.

Blick suggested that that the NRA boundary extend west from McLean to Meridian and on to the river and then extend from May to Meridian and continue north to the existing boundary. **Mr. Wadle** explained that the proposed boundaries were chosen to include the South Central Area since it has a new revitalization plan. **Mr. Wadle** further stated that any area can have this type of plan through approaching their City Council member who will then direct staff to work with the area to develop a strategic plan to help improve and give focus/direction for the future activity of the neighborhood.

Marsh asked what the response is to these improvement programs, since such a large area is covered? **Mr. Wadle** responded that about 400 environmental reviews are done annually for these projects. **Marsh** also asked how projects in the north central part of the City (i.e. Delano) are progressing. **Mr. Wadle** said that this area is very active and progressing and

that revisions to plans sometimes have to be made to take into account the historical nature of this area.

Blick asked about the success of the first homebuyer program? **Mr. Wadle** replied that staff does about 30 environmental reviews a year for this program. **Blick** also inquired how long it takes for the paperwork for this program to be processed. **Mr. Wadle** stated that if the applicant is not building, then the paperwork is processed fairly quickly. Otherwise, it can take about three months for the paperwork to be processed.

Action Taken: Provided comments regarding the NRA Task Force recommended boundaries for the Neighborhood Revitalization area and the Local Investment Areas.

OLD BUSINESS

6. No items submitted.

BOARD AGENDA

7. Board Updates and Issues

- **Koon** announced that the next Orchard Breeze neighborhood association meeting is Thursday, October 5 at 7:00 p.m. at Kiwanis Park.
- **Blick** informed the group that Southwest Neighborhood Association will be having a chili feed to help benefit Operation Holiday on Saturday, October 28, from 11:00 a.m. – 1:00 p.m. at Homeland Food in Seneca Square.
- **Cockburn** stated that her neighborhood's first neighborhood watch meeting will be Thursday, October 19.
- **Marsh** stated that he attended a Community Development Block Grant (CDBG) committee meeting and was educated on this process. **Marsh** also asked when the second path crossing by the Keeper of the Plains statue will be completed? **Council Member Gray** responded that it should be completed by River Festival in May 2007.
- **Council Member Gray** reminded everyone of the October District IV breakfast on Saturday, October 14 at Dianne's Breakfast Brunch & Lunch @ 31st & Seneca.

Action Taken: Received and Filed.

8. Adjournment

With no further business, the meeting adjourned at 9:00 p.m.