

## DISTRICT ADVISORY BOARD (DAB) I

### MEETING MINUTES

Monday, July 23, 2007

7:00 p.m.

Atwater Community Center, 2755 E. 19<sup>th</sup>, Wichita, Kansas 67214

#### Members Present

Council Member Lavonta Williams  
Treatha Brown-Foster  
Gerald Domitrovic  
Gail Finney  
Debra K. Miller Stevens  
Janice Rich  
Steve Roberts  
Benjamin Stiff  
James Thompson  
Shontina Tipton\*

\*Alternate

#### Members Absent

Lori Lawrence  
Adam Thomsen

#### Guests

Joann Hartig, 1756 S. Main  
Beverly Domitrovic, 1219 GW Blvd  
John Stevens, 3125 E. Boston  
L. Thompson, 25265 Greenleaf  
Joyce Kennison, 7409 Brookview Cr.  
Bob Haviland, 3557 Inwood Ct.  
Cynthia Gordman, PO Box 782373  
Kim Potochnik, 6927 Woodbury Ct.  
Connie Clark, 6922 E. 35<sup>th</sup> Ct. N.  
Donna Black, 6814 E. Perryington Ct.  
Robert Black, 6814 E. Perryington Ct.  
Tim Austin, Poe & Associates  
David Foster, Poe & Associates  
Oletha Faust-Goudeau, 4158 Regents Cr.  
Patricia Fields, 1910 E. 22<sup>nd</sup> Street

#### City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant  
Captain Felecia Norris, WPD  
Lt. Doug Nolte, WPD  
Officer Nate Schwiethale, WPD  
Officer Justin Whyte, WPD  
Derrick Slocum, MAPD

### Order of Business

#### Call to Order

**Council Member Williams** called the meeting to order at 7:02 p.m. and welcomed the guests. She then asked if anyone present wished to be added to the Public Agenda. **Cynthia Gardner, 1133 South Pershing and Donna Black, 6814 East Perryington**, requested to be added.

#### Approval of Minutes

**Roberts (Tipton)** made a motion to approve the April 2, 2007 and June 4, 2007 minutes as submitted. Motion carried 7-0.

#### Approval of Agenda

**Roberts (Brown Foster)** made a motion to approve the agenda as amended. Motion carried 7-0.

**Finney** arrived at 7:05 p.m.

### Public Agenda

#### 1. Swearing In – District 1 Advisory Board

**Karen Sublett, City Clerk**, swore in the District 1 Advisory Board for 2007-2008. All of the members present repeated the oath of office and signed designated forms.

**Board members took the oath of office.**

2. **Neighborhood Issues**

**James Butler, 1140 North Grove**, addressed the board concerning the summer youth programs and the need for additional funding to provide employment for more youth throughout the summer. Mr. Butler stated that with the size of the City of Wichita, we should be able to employ 2,000 to 3,000 youth each year. He spoke with Family Services Institute and discovered that they employ approximately 120 African American Youth and the Wichita Indochinese Center employs 120 kids as well, which is less than 300 kids. He ended by saying that he hopes that DAB 1 would speak to this issue with the City Council, because an increase in jobs for African American males would reduce gang violence, drug trafficking, etc.

**The board received and filed.**

3. **Donna Black, 6418 East Perryington**, addressed the board concerning two properties located in the area of the proposed zoning change and wanted to express her disapproval. **Council Member Williams** informed Ms. Black that this case would be heard as Item #8, if she wanted to address the board at that time. Ms. Black consented to wait.
4. **Cynthia Gardner, Aquatic Safety Advocate**, addressed the board on aquatic safety and the lack of sufficient regulations used by the YMCA. Ms. Gardner presented a PowerPoint presentation and provided handouts that described aquatic safety facts, the mission to bring the Wichita City Codes for Life Guards and Aquatic Safety to the highest standards, and the history of the Greater Wichita YMCA and the Ellis & Associates group in regards to aquatic risk management. The Ellis & Associates Group is an aquatic risk management group that has over 80% of the Water Park business in the United States. They have not had a drowning in over five years. This agency releases their drowning statistics, which are extremely low in comparison to the American Red Cross and the YMCA. She also addressed several deadly drownings and the necessity of upgrading standards in regards to lifeguards, which included adequate training, age not under 18 years old, and increased salaries.

*(Ms. Gardner's response is in italics)*

**Miller Stevens** asked what impact would the suggested changes have on water facilities? *The City codes are 20 years old and are so vague that they are basically non-existent. YMCA's program is not as good as the Red Cross. Ellis & Associates has proven you can prevent inland pool deaths at 100%, so the impact would be zero deaths.* **Tipton** asked if the YMCA is receptive to the changes. *The YMCA dropped the Ellis & Associates group and went with the Redwood Group, which does not operate under the same standards. The Northwest Y cost \$18 million to build, the national executive's salary is over \$300,000, but the lifeguards are paid \$6.00 per hour for the past 10 years without a raise and they must purchase their own equipment. It appears as if the safety concerns does not equate to the salaries of upper management.* **Finney** asked how did she get involved in this effort? *I taught swimming for 10 years and water is my passion. There is no money involved in this for me, only the satisfaction that lives will be saved. There are checks and balances needed that should be mandatory and I feel that my passion is to educate as many people as I can.* **Thompson** asked what is the end resulted? *The Y and the Red Cross safety regulations are a joke. The Ellis training is top of the line and requires a 36-hour class for first responders, CPR training, and more. I am also pushing for the lifeguards to be paid professionals. \$6.00 per hour is not adequate.* **Stiff** inquired about the development of safety regulations. *Currently, there is no one to report to or regulate these water parks. This should not be the case. I am an advocate for better training and more money.*

**The board received and filed.**

5. **NUSA Presentation**

**Council Member Williams** deferred this item until next meeting.

6. **Off Agenda Items**

No items submitted.

**Staff Reports**

7. **Police Report**

**Officer Schwiethale, Beat 22**, reported the following: 1) still addressing the issues of the homeless at the main library; 2) WPD, Union Rescue Mission and Quik Trip partnered to build a bus shelter this month. The City put in two additional bus stops; 3) the Skate Park has experienced increased tagging and multiple robberies of skate boards, etc. As a result, there is increased enforcement.

*(Officer Schwiethale's response is in italics)*

**Williams** inquired about the Old Town area. *The area has experienced gang related issues and bar problems. WPD has increased their visibility at the bars. Tipton* asked if they have seen an increase or decrease in activity over the summer? *I would have to pull up the maps and compare the stats to answer that correctly. Stiff* asked about the type of gang activity. *Mostly the graffiti is from the skaters. The Gang Unit is doing a lot of suppression for safety.*

**Officer Bill Stevens, 23 Beat**, reported the following: 1) 400 East Douglas is experiencing problems due to a club reopening at that location. Officer Cavanaugh has increased suppression efforts and addressing problems occurring in the parking lot; 2) there were no hot spots the past 3 months, which is good; 3) 1315 East Central has lost their licensing and is closed down; 4) increase in robberies at 1228 South Broadway due to "old players" moving back in the area; 5) increase in prostitution along Broadway. As a result, WPD is targeting prostitutes and John's. So far, 34 arrests were made on morals violations. Project Butterfly, YMCA partnership, is assisting with targeted prostitutions; 6) 23 Beat has experienced a small increase in auto thefts; and 7) National Night Out will kick off at the Emmanuel Baptist Church.

*(Officer Steven's response is in italics)*

**Brown Foster** commented that the Broadway prostitute situation is an old story. Are you still putting the offenders on the website? *Yes, Officer Recio is posting the information on the web. We have looked at education efforts for John's that is done in other cities. Stiff* asked if there is any increase in prostitution in your area? *There has been an increase in arrests of the John's. The prostitution has moved on since we have targeted certain areas.* Also, is there a direct correlation between drug activity and prostitution? *Yes, there is. When you see an increase in drugs/crime, you see an increase in prostitution. We have a relationship with the motels and the managers are reporting old faces.*

**Officer Gerdes, 45 Beat**, reported the following: 1) the Zodiac Club is out of business and moved to El Dorado across from the prison. They are already facing issues, but have been made aware of our problems; 2) since the closing of the Elks Lodge, the area has been fairly quiet; 3) 3105 East 13<sup>th</sup> Street is a mirror of the Zodiac Club and is a constant attraction for gang members. It started out as a young peoples club and transitioned. Things got out of control and on June 31<sup>st</sup>, a judge ordered the establishment closed. Officers were out (4 to 6 police cars), but shootings still occurred. Owner plans to open a Jazz club, but WPD does not want it opened due to the drain on safety

resources. We can put together a survey for citizens input from 13<sup>th</sup> to 14<sup>th</sup> and Lorraine to present to MAPD; 4) increased foot and bike patrol on Broadway. Arrested 14 people on morals violations. Officer Recio is working on habitual repeat offenders; and 5) working with OCI to clean up a burned down house at 13<sup>th</sup> and Battin.

*(Officer Gerdes response is in italics)*

**Finney** asked if there were any problems with the new club? *Mr. Slocum responded that if the club were opened under the current zoning of Class A, a membership would be required.* **Stiff** asked if a jazz club would be better? *At 3600 East 15<sup>th</sup>, the owner is in his 50's and wants an older crowd. He plays music that 21- year old customers would not listen to.* **Tipton** asked about the date/time of the MAPC hearing? *August 2<sup>nd</sup> at 1:30 p.m.*

**Officer Justin Whyte, 32 Beat**, reported the following: 1) August 12<sup>th</sup>, College Hill will host a Family Fun Night; 2) National Night Out will occur August 7<sup>th</sup> with a kick-off at WSU from 4:00 p.m. – 6:00 p.m. There will be fun, food, games, and prizes; 3) June 9<sup>th</sup> was the Hooked on Fishing event. 110 kids and 40 officers participated. There were no problems; 4) WPD is hosting Operation Safe Communities. Patrol East officers are going out and passing out fliers in the neighborhood about safety; 5) updating the gang members list by beats. There are up to 53 gang members who move regularly. This update will assist with tracking their whereabouts.

*(Officer Whyte's response is in italics)*

**Thompson** asked if the gang member's list is public information? *No. The list is for the officers to be aware.* **Williams** asked if this information would be available to a neighborhood association? *We could provide information if asked about a certain address, but not the entire list.* **Stiff** commented that this would fall under the National Privacy Act.

**Williams** recognized the presence of Senator Donald Betts. The board then received and filed.

### **Unfinished Business**

**No items submitted.**

### **New Business**

#### **8. Inwood Crossings**

**Tim Austin, Poe & Associates**, presented the landscape plan for the Inwood Crossings development and introduced **David Foster**. Mr. Foster explained that the cost of the plan is budgeted at \$260,000, showed a project site aerial map, and a basic site plan to the board. Logistical information was shared concerning the required buffering or berming, total number of trees exceeded required buffering (279 for the entire site), listing of preferred tree list (mix of Evergreen and Oriental trees), and explained the required tree sizes. He ended by stating that the plan was initially reviewed and approved by the MAPD. Mr. Austin added that the idea of the plan is to bring "curbside appeal" to the development, which has been accomplished.

*(Mr. Austin and Foster's response is in italics)*

**Brown Foster** asked if all of the trees listed would be planted and are you working with the neighborhood? *Yes, there could be a few more. We have not met with the neighborhood concerning the landscaping plan.*

**Joyce Kennison, 7409 Brookview Circle**, stated that she lives 200 feet from the complex and this all looks very good. The landscape is above and over in sizing, but would like information about the shrubbery and flowerbeds. She also asked where would the entrance/exit be placed? *The entrance will be located to the south of the circle (reviewed the aerial map). The shrub beds will jazz up the entrance. There will be shrubs around the clubhouse as well. Maintenance is a big factor with these, so that the areas always look nice.*

**Joann Hartig, 1756 South Main**, commented that the Pine tree would cause problems. *Mr. Foster responded that depends on whom you ask. Ten years ago, the Scotch pine was heavily used. The Australian pine is known to have very limited damage for wilt disease.*

**Kim Potochnik, 6927 Woodberry Ct**, asked how would be responsible for replanting trees that die? *It is in the specification that there is a one-year or seasonal guarantee. Since it is buffer planting, the City can site the owner if the trees died. Ultimately, since we are over the required limit, the dead trees might not be replaced. However, the City has approved the plan.* **Joyce Kennison** added that Wichita has experienced ice storms that ruined a lot of trees. If this happens down the road, would the trees be replaced? *Lot of times, the insurance does not cover these types of disasters unless a tree falls on a building.*

**Mike Barushok, 354 North Green**, asked about the issues with the Sawtooth pine, which tends to be fragile in north wind. *The Sawtooth Oak and Lacebark Elm are both a concern, but can maintain in harsh weather.*

**Brown Foster (Roberts)** moved to receive and file. Motion carried 8-0.

9. **Water is Life and Infrastructure Makes it Happen™ Campaign**

**David Warren, Director of Wichita Water Utilities**, introduced Pamaline King-Burns, Intern, who presented a PowerPoint presentation for Water and Sewer.

Ms. King-Burns provided the following information: the Water Utilities is 125 years old and has the vision to become the Premier Water and Sewer Utility in the United States. Their mission is to provide quality, reliable, customer-convenient water and sewer service that represents extraordinary value. Highlights from the presentation include: 500,000 customers served, 24/7 operation, 348 employees, 5 treatment plants, 4,000 miles of Water and Sewer pipes, 22,877 billion gallons of water produced in 2006, and drinking water treatment has increased life expectancy by 30 years in the U.S. by virtually eliminating waterborne diseases.

Ms. King-Burns also presented was information on the Wastewater Infrastructure and the environment, sewage treatment (128,000 customer accounts, 52 lift stations and 4 sewage treatment plants), River Biomonitoring Program, lower Arkansas River Plant, Cowskin Creek Plant, and the Four Mile Creek Plant. She explained that for sewer maintenance there are 14,235 man hours spent flushing sewers, 2.5 million feet of sewers knifed and cleaned, maintained 2,088 miles of sewers and 12,500 manholes, and reduced sewer backups by 56% from 1997 to 2007. Lastly, the water distribution maintains over 2,244 miles of water lines, replaces, maintains, and relocates meters, mains and 12,076 hydrants.

Additional information was presented concerning future infrastructure systems needs.

*(Mr. Warren's response is in italics)*

**Miller Stevens** asked about the proposed utility increase. *A 6% increase has passed. In January there was an increase of 3% water and 7% sewer. An additional 3% increase will occur in*

September. This amount will cover what we have to invest over the next three years, which is an average of 3.5% to 4.5% cost increase. It is important to look at the national average and do a comparison. When you do that, you will find that Wichita's water utilities are well below other cities this size. **Brown Foster** commented that it was in the budget some time ago to replace lead pipes. She asked where is the City in that process? *The pipeline to main businesses is less than 200 remaining. By 2008, there will be none.* She asked what happens after 2050? *Things we are doing now will continue to add value. The plan is to leave it in better shape than we found it. The Aquifer Storage & Recovery Project (ASR) will accomplish that task with a partnership with friends and neighboring cities.* **Stiff** asked what are we doing about EPA standard costs, are you considering Trust Funds, what about Efficiency Gains & Services, and under the proposed funding, will we face overruns by meeting EPA standards? *The Affordability Index shows that less than 1% is based on per household's ability to pay rate. Seasonal rates during the peak seasons decide water use. Lower income citizens pay lower rates, as they are not using as much water on lawns, etc. For our services, the number of sewer backups use to average 700 and over and are now less than 300. Eighteen years ago, Wichita experienced 75% more breaks in water lines than we do today. It is not an option for us to not meet EPA standards. The good news is that we are starting from a lower base due to our maintenance and upkeep. Your utility is a true enterprise. 14% of our budget goes to support Public Works, Fire, the City Council, etc.*

**Mike Barushok, 354 North Green**, commented that some years ago, there were a lot more broken mains. What changed that? *We are still working on it and will continue to do so. Up until 1950, the American Water Company owned the water distribution. They put in miles of 2 ½ inches of galvanized pipe, which does not protect fire. We are replacing the 2 ½ inch pipes with 6 and 8 inch PVC pipe. We also use a totally automated pumping sequence to control levels that control water distribution.* Mr. Barushok continued by stating that 4 to 5 years ago, he had heard about the need to treat storm water and wondered if we have successfully reached a point where public education is not needed as much? *Stormwater utilities are not managed by Water Utilities. In my opinion, we have not reached the surface in education of citizens. Ms. King-Burns responded that they are partnering with Sedgwick County, who is addressing this through education efforts as well.* Lastly, he asked about the cost of new connections for new developments. *Developers do not pay plant equities for new development, which is a great incentive to build.*

**Council Member Williams** congratulated Water and Sewer on their award and thanked them from the wonderful presentation.

**Williams (Roberts)** made a motion to receive and file. Motion carried 8-0.

**10. CON2007-00028**

**Derrick Slocum, MAPD**, explained that the applicant is requesting a Conditional Use in an area currently zoned "LC" Limited Commercial and "TF-3" Two-family residential. The location was, at one time, was used as a non-conforming class B nightclub. The non-conformance was due to the fact that no Conditional Use was acquired in order to operate that particular club. Since that time, the Class A club, Elks Peerless Princess Lodge 243, occupied the existing structure and operated as a conforming private club, with no need for a Conditional Use, due to the class of club that was in operation. Currently, the owner of the property wishes to operate a new class B public nightclub at this location.

The board asked the following questions: 1) since the closing of the Zodiac Club, are we saying that no club can ever open in this area? *We give weight to the Comprehensive Plan and the opinion of the citizens who live in that area. To date, there have been no positive affects for the*

*neighborhood in regards to nightclubs; 2) how broad can you go by saying that we do not want nightclubs? All over town people are objecting to nightclubs opening in their neighborhoods due to the loud noise, increased traffic, vandalism, and drug and alcohol use. There are areas designated for this use, but the desire of the residents play a huge role in approval of zoning requests; 3) explain the difference in Class A and Class B zoning. **Club, Class A** means premises owned or leased by a corporation, partnership, business trust or association and that is operated thereby as a bona fide nonprofit social, fraternal, or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. **Club, Class B** means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for food, alcoholic beverages or entertainment; 4) how long has the Antler's Club been closed? Since April 2007; 5) how would the limited parking be addressed? There is currently sufficient parking for the request.*

**Mr. Leroy Thompson, 2526 South Greenleaf, applicant**, explained that he purchased the property 8 years ago as an investment and at that time it was zoned for a Class B club. He was not aware that renting to a fraternal organization would automatically change the zoning. It was not until after he evicted the Elks that he was told that he would have to have the property rezoned to operate under the Class B regulations. Mr. Thompson also stated that he has invested \$100,000 in the property, has a degree in Food and Beverage Management, a BS in Business Administration, and a Masters degree as well. He is also a professional club manager and felt it unfair to compare him to the problems of the Zodiac Club, which he had nothing to do with.

**Donna Black, 6814 East Perryington**, stated that she purchased two homes, 1332 North Lorraine and 1450 North Lorraine, because of the StopBlight Program, which was designed to address problem neighborhoods. If this rezoning were approved, she would have to allow one of her tenants out of her lease. She commented that prior to the club closing down, there was loud music, bottles, cans, and trash in the area. When the club closed down, the problems stopped. Mrs. Black stated that she is opposed to the club opening again.

**Office Paul Kimble** offered to conduct a survey, for citizens in the area to respond as to how they feel about the club opening in the area. **Council Member Williams** thanked him for the offer and asked for a report from the survey at the next board meeting.

**Mike Barushok, 354 North Green**, suggested that the owner operate a food establishment and after that venture is successful, come back and ask for the rezoning. **Mr. Thompson** responded that he has no desire to operate a restaurant. Under the current zoning, he has to be 50% food only and would not have to change the entertainment or the number of people allowed. If this is not approved, he will open as a food and beverage establishment.

The board made the following comments: 1) the Class B club would have more restrictions as to who comes in the facility, which would require customers to be 21 years old or older; 2) many of the residents, in the area, are opposed to this club and with the problems on 25<sup>th</sup> Street, WPD is already overwhelmed; 3) not necessarily opposed to a night club, but with the trends that follow the clubs. The board should support the neighborhood; 4) this club is included in the A. Price Woodard Neighborhood Association area and they are getting very picky about what goes in their neighborhood; 5) there are competing equities – the owner has spent \$100,000 investing in this property. He cannot control it; the police cannot control it and putting the burden on Mr. Thompson by taking away his right to own the property is not fair either; 6) been to a lot of Black clubs, which has been a positive source of entertainment. The solution is not to get rid of

everything, but to ask what do you think would work in this area; and 7) it is our hopes that you can find a way to use your investment.

**Derrick Slocum, MAPD**, ended by clarifying that Mr. Thompson was correct that he could go 50/50 and would not have to get a Conditional Use permit to operate.

**Thompson** left at 9:15 p.m.

The board then voted 7-0, to defer the case until the next board meeting, to give Mr. Thompson time to present his proposed use of the facility.

### **Board Agenda**

#### **11. Updates, Issues, and Reports**

- **Williams** reported the following: 1) encouraged the board to go view the brick for DAB 1 at Piatt Park; 2) asked for a vote for a trolley for National Night Out. Board voted 7-1 to have a trolley. Council Member Williams offered to incur the expense this year; 3) StopBlight Campaign is look at houses for revitalization efforts, and 4) appointments for various boards would be occurring. She asked the board members to specify areas of interest, as she would like to keep the appointments with District 1 representatives.
- **Rich** handed out her narrative from the NUSA Conference.
- **Stiff** stated that he is honored to be appointed to the board and looks forward to working with Council Member Williams.
- **Tipton** announced an upcoming meeting on August 2<sup>nd</sup> at Evergreen for Phase 1 of the EPA Protection Grant for the 21<sup>st</sup> Street Corridor.
- **Roberts** thanked Officers Kimble and Gerdes for presenting the Neighborhood Watch at their association meeting.
- **Brown Foster** announced the Northeast Millair Neighborhood Association National Night Out Party on August 7<sup>th</sup> and the Splash Bash Abstinence Education Program on August 5<sup>th</sup>, 7:45 – 9:30 p.m., Rock River Rapids, 1900 East James, Derby, Kansas.
- **Finney** stated that she is glad to be a member of the board.

With no further business, **Roberts (Brown Foster)** made a motion to adjourn. Motion carried 7-0. The meeting adjourned at 10:12 p.m.

Respectfully Submitted,  
Virdena Gilkey  
Neighborhood Assistant