



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

August 28, 2012

Patricia Sinclair
331 Johnson Ave
Lawrence, KS 66044

Dear Patricia,

This letter is in response to records requests that you have emailed to me on Friday, August 24, 2012, and Monday, August 27, 2012. Below I have copied each paragraph or group of related paragraphs from your emails, and have responded to each in turn.

Request: *"re: cc mtg, i wanted to know who transcribed the minutes of April 6, 2010. If it was Diane Trybom, i object and request a second transcription of the part on my case as Diane was and is not a neutral party. I made this objection after the mtg. (although the minutes were not online for over 30 days and I could not download from library) in a msg left for David Corliss. since i didn't have a working computer, i didn't email him."*

Response: I have no records indicating who transcribed the minutes of the April 6, 2010 meeting. Regardless, those minutes would have been proofread by me, and they were approved by the City Commission, therefore they are the official record of the meeting. I have provided you with a CD of the audio of the meeting. I will not be re-transcribing the minutes.

Request: *"re 4, weeds, see my numbered items on my email of May 16. especially item 5, specific violation, item 8 color photos of my property documenting alleged violation, item 10, source of complaint, earlier items verify my appeal is within dates needed, item 11 other properties cited (for weed) and how reported, etc., please read this memo. from my email of May 17, how to register my property as natural landscaping."*

Response: All of items in your Code Enforcement file have already been provided to you. See my August 20, 2012, and August 21, 2012 letters.

Request: *"Bobbie told me that I could email you the additional info requested. I need to have to assemble Wed. for mtg. on Thurs. pm, although anything earlier is appreciated. I started to write you about this, but have been delayed by computer problems and the sudden emergence of Brian Jimenez's staff report."*

The real thing that I have been seeking primarily and that I had asked you about at first was to look at my file with code enforcement and ask for copies of anything I wanted. Apparently this was not possible, although I think I had the right to see it."

Response: All of items in your Code Enforcement file have already been provided to you. See my August 20, 2012, and August 21, 2012 letters.



Request: "One of the things that I was especially interested in was to have a cd of the photos, with addresses and dates, of all properties nearby me for comparison. Generally, this is within the 300 block of Johnson Ave., although two on my block have Barker addresses, 1824 and 1830, and I have long complained about three addresses on Learnard which are used for commercial purposes. These are 1735, 1801, and 1846 Learnard. So, when code enforcement says in court or in a memo or to a meeting that they have looked at all surrounding properties, walked the block, etc., and that all other properties are in compliance, I would like them to prove that statement, as they would be required to in court. If you want me to list these addresses, I will. 314, 316, 318, 320, 322, 330, 332, 336, 342, 337, 333, 329, 319, 315, 313, 311."

"Regarding their complaints and cases, I would like for them to provide explanations for their codes such as status, and I was looking to find out which cases go to court, number of convictions, etc., not just if a property was cited or maybe just a case opened and resolved before citation. For environmental blight, structural blight, and weed, and for any bldg. code violations, failure to list rental dwellings or have them inspected, etc., violations of fence law, or use of ROW. These last three I'm just looking at my neighborhood."

Clarification received 08/27/12: "I sent you the related addresses in an email on Friday. I was trying to break it down into several categories, regarding my requests 1-3. First was June 1, 2009 through end of Nov, 2011. Second was roughly related to my current municipal court case which begins, I think, on Jan.30, 2012 and goes either through March 2, 2012 or through July 13, 2012. Third was for the current appeal and would include the time period of July 16, 2012 onward."

"Items requested were not just photos of 331 Johnson Ave., but of the addresses given to you via email on Friday. I requested all photos, dates, and addresses, emails, memos, notes, reports, from city code dept or other regarding this alleged environmental violation and specific source of the complaint."

"I am not seeing recent photos (2012), especially July, of houses in surrounding block and mine is only the same old b&w xerox that I have already seen. They say they photograph other houses. Where are they?"

Response: Regarding the status codes from the reports, CL=closed, IC=invalid complaint, and AC=active. Regarding records relating to certain other addresses, you appear to be asking for the contents of the Code Enforcement files, for the time period June 1, 2009, to present, for the following addresses: 314, 316, 318, 320, 322, 330, 332, 336, 342, 337, 333, 329, 319, 315, 313, and 311 Johnson Avenue; 1824 and 1830 Barker Avenue; and 1735, 1801, and 1846 Learnard Avenue. We can provide those records by Friday, September 7, 2012.

Request: "re 6, I was seeking info on other appeals of the env code to cdac or neighborhood resources comm, when, who, address, result, rules used. if they don't record these mtgs, i think they should. I was also seeking info on which mtgs have concerned me and which ones have concerned changes to the env code."

"I had asked about CC mtgs that involved me or revisions to env code. I don't even know where this Property Maintenance code is."

Response: Agendas and minutes from CDAC meetings from 2008 to present are available online at http://www.lawrenceks.org/pds/nrac_agendas_minutes. Agendas and minutes from City Commission meetings from 2002 to present are available online at <http://www.lawrenceks.org/agendas>. If there are other specific records regarding specific meetings you would like to request (as opposed to "info"), please submit that request in writing. The property

maintenance code is Chapter 5 Article 10, which is available online at http://www.lawrenceks.org/city_code/.

Request: *"re 7 this subpoena was served on the custodian of records for planning and ... as per document and items were not produced as required. shortly after this, my appeals case was dismissed by the city late the day before the motions hearing (aug 10). This and motion for discovery, get going around in circles, with judge telling prosecutor to produce, her saying she'll give all she has or knows about, code refusing to produce, etc. I know you can't get lkpd. beth havoka had sent my former atty in appeals some photos, but each was attached to a separate email and couldn't be transferred to me. She presumably got these from brian, so I'd like to know what they produced and if they were just of my house or others, or if they were ones I had produced. I know there are records they are not producing, and I'm sure that is true for 2009 when the case began."*

Response: Again, you have already been provided everything that was contained in your Code Enforcement files. As explained in my 08/21/12 letter to you, any records that may be in the custody of the Lawrence Municipal Court or the Lawrence City Prosecutor's Office must be requested directly from those agencies. I am not the custodian of records for those agencies, therefore I cannot provide their records to you.

Request: *"re 8, this is confusing since I was given a copy of the minutes to mark up which was partially one sided and also two sided copying. (it had something else on the backs of some pages) the answer you have given me is all one sided so it is missing quite a few pages. I started to draw some ink lines for my own purposes for items that I was interested in. these were not necessarily for you for what I asked for. You had taken a highlighter and marked just one section and I told you, no there's another thing too, but that didn't get marked. I find it significant since the city comm instructed david and brian to produce info for me and i never got anything. Unless there is something on a cd, i'm not sure what might have been given to me by you. for example, I was cited for two sections of code, but I had no understanding why or what the perceived violations were. For the other, i'd have to see the printed minutes, which bobbie has printed again, but i'm out of time. I think I inquired about other enforcement in my neighborhood/block plus barker and learnard, complaints, what was done about them, etc. I know the cc told brian to look at every property in the block which they apparently did after the mtg which probably made everyone mad at me. while that is of interest if they said they found no violation and there was one, i was interested in the ones from before the cc mtg, say from may 2009 until the cc mtg. that's what i believed was promised."*

Response: You have not requested any records here that have not been provided or explained in my previous responses to you.

Request: *"When the city posts a document with photos embedded into it, it is impossible for me to determine the date of the photo. If the photos are on a cd, one should be able to click on the photo and determine the date the photo was taken."*

Response: The photos were provided to you in the format that we currently have them.

Request: *"I am also interested in bldg permits granted. Do I have to fill out separate forms for this."*

"bldg permits. 333 johnson ave. have one from mid-May, but may have been changed or perhaps there were others since or before. Is the work complete and inspected? 332 Johnson Ave. any for house and outbuildings and perhaps a deck/hot tub at any time? 330 johnson Ave. any for house and garage at any time, including a chimney added to garage and what it went to and overhang outside garage. 342 Johnson Ave. -- anything for large outbuildings/lighting. 329 Johnson at any time, especially 1998 and on. 1823 Barker garage and other."

Response: Any open records responding to this request can be provided by Friday, September 7, 2012.

Request: *"a memo from June from brian's dept listing the 15 or 16 most active code violations at the time. It says it is a copy of a Feb. memo, but I have been unable to find the Feb. memo and am requesting it. Was it posted somewhere?"*

Response: A memo that was posted on the 06/12/12 City Manager's Report is enclosed. A memo dated 02/13/12 is also enclosed. I do not believe that the 02/13/12 memo was ever posted publicly.

Request: *"CDAC city code per 1-1107 any lawful rules, regulations and by-laws it deems necessary. Perhaps some were carried over from the old name of the committee. I emailed Margene Swarts for this info and received no reply. (Ord. 8335)"*

Response: Rules for appeals to the Community Development Advisory Committee are contained in Chapter 9, Article 6 of the City Code, a copy of which was provided to you with my 08/21/12 letter. CDAC does not have by-laws. Enclosed is a copy of the committee's procedures and policies updated in October 2003, and a memo dated 03/14/02 containing staff recommended procedures for hearing appeals.

Request: *"This is a repeat re: what cc told staff to provide to me based on the complete minutes printed out by Bobbie for me that I picked up today. Still haven't had a chance to listen to minutes. Brian J. makes a number of references to how many properties on the block they have investigated, but did not specify. Page 24 Amyx asked Jimenez to provide information to Sinclair and I said particularly 330. I said that I had tried to get this info before (you even sent me some of the memos I wrote) and couldn't and that it was public information. I never got this. I also asked about specifically I was charged with as there were two parts of the code cited and one seemed like a yard violation which had never been mentioned. Amyx said whatever the violations were, he asked Jimenez to make sure I had a clear cut understanding of the violations. corliss said staff would provide that information in writing. Again, I never received this."*

Response: I responded to this request in my 08/21/12 letter to you.

Request: *"Brian never provided the response to me that he promised in his response to my email to multiple parties in Dec. (including david corliss) after the CDAC mtg. He also offered to meet with me which, of course, I wouldn't do since the Aug mtg I had with him and Dan he lied about, so why would I meet with him again."*

Response: You do not appear to be requesting any records here.

Any response to this letter, including clarifications of your requests, should be submitted to me in writing. I hope that the records we have been able to provide are helpful.

Sincerely,



Jonathan Douglass
City Clerk

Jonathan Douglass

From: Pesinclair@aol.com
Sent: Friday, August 24, 2012 4:35 PM
To: Jonathan Douglass
Subject: more on open records, please

Follow Up Flag: Follow up
Due By: Friday, August 24, 2012 4:00 PM
Flag Status: Flagged

Jonathan,
Bobbie told me that I could email you the additional info requested. I need to have to assemble Wed. for mtg. on Thurs. pm, although anything earlier is appreciated. I started to write you about this, but have been delayed by computer problems and the sudden emergence of Brian Jimenez's staff report.

The real thing that I have been seeking primarily and that I had asked you about at first was to look at my file with code enforcement and ask for copies of anything I wanted. Apparently this was not possible, although I think I had the right to see it.

One of the things that I was especially interested in was to have a cd of the photos, with addresses and dates, of all properties nearby me for comparison. Generally, this is within the 300 block of Johnson Ave., although two on my block have Barker addresses, 1824 and 1830, and I have long complained about three addresses on Learnard which are used for commercial purposes. These area 1735, 1801, and 1846 Learnard. So, when code enforcement says in court or in a memo or to a meeting that they have looked at all surrounding properties, walked the block, etc., and that all other properties are in compliance, I would like them to prove that statement, as they would be required to in court. If you want me to list this addresses, I will. 314, 316, 318, 320. 322, 330, 332, 336, 342, 337. 333, 329, 319, 315, 313, 311.

Regarding their complaints and cases, I would like for them to provide explanations for their codes such as status, and I was looking to find out which cases go to court, number of convictions, etc., not just if a property was cited or maybe just a case opened and resolved before citation. For environmental blight, structural blight, and weed, and for any bldg. code violations, failure to list rental dwellings or have them inspected, etc., violations of fence law, or use of ROW. These last three I'm just looking at my neighborhood.

re 6, I was seeking info on other appeals of the enviro code to cdac or neighborhood resources comm, when, who, address, result, rules used. if they don't record these mtgs, i think they should. I was also seeking info on which mtgs have concerned me and which ones have concerned changes to the env code.

re 5 i think audio will do thanks

re 7 this subpoena was served on the custodian of records for planning and ... as per document and items were not produced as required. shortly after this, my appeals case was dismissed by the city late the day before the motions hearing (aug 10). This and motion for discovery, get going around in circles, with judge telling prosecutor to produce, her saying she'll give all she has or knows about, code refusing to produce, etc. I know you can't get lkpd. beth havoka had sent my former atty in appeals some photos, but each was attached to a separate email and couldn't be transferred to me. She presumably got these from brian, so I'd like to know what they produced and if they were just of my house or others, or if they were ones I had produced. I know there are records they are not producing, and I'm sure that is true for 2009 when the case began.

re 8, this is confusing since I was given a copy of the minutes to mark up which was partially one sided and also two sided copying. (it had something else on the backs of some pages) the answer you have given me is all one sided so it is missing quite a few pages. I started to draw some ink lines for my own purposes for items that I was interested in. these were not necessarily for you for what I asked for. You had taken a highlighter and marked just one section and I told you, no there's another thing too, but that didn't get marked. I find it significant since the city comm instructed david and brian to produce info for me and i never got anything. Unless there is something on a cd, i'm not sure what might have been given to me by you. for example, I was cited for two sections of code, but I had no understanding why or what the perceived violations were. For the other, i'd have to see the printed minutes, which bobbie has printed again, but i'm out of time. I think I inquired about other enforcement in my neighborhood/block plus barker and learnard, complaints, what was done about them, etc. I know the cc told brian to look at every property in the block which they apparently did after

the mtg which probably made everyone mad at me. while that is of interest if they said they found no violation and there was one, i was interested in the ones from before the cc mtg, say from may 2009 until the cc mtg. that's what i believed was promised.

Please know that due to my computer's condition and slowness, i have not had an opportunity to view the cd's you sent as that will be very time-consuming.

sending this email now with another to follow. thanks.

patricia sinclair

Jonathan Douglass

From: Pesinclair@aol.com
Sent: Friday, August 24, 2012 4:57 PM
To: Jonathan Douglass
Subject: second email on open records

jonathan,

here's some more.

re: cc mtg, i wanted to know who transcribed the minutes of April 6, 2010. If it was diane trybom, i object and request a second transcription of the part on my case as diane was and is not a neutral party. I made this objection after the mtg. (although the minutes were not online for over 30 days and I could not download from library) in a msg left for david corliss. since i didn't have a working computer, i didn't email him.

re 4, weeds, see my numbered items on my email of may 16. especially item 5, specific violation, item 8 color photos of my property documenting alleged violation, item 10, source of complaint, earlier items verify my appeal is within dates needed, item 11 other properties cited (for weed(and how reported, etc., please read this memo. from my email of may 17, how to register my property as natural landscaping.

ps

Jonathan Douglass

From: Pesinclair@aol.com
Sent: Monday, August 27, 2012 1:33 PM
To: Jonathan Douglass
Subject: open records requests

Follow Up Flag: Do not Forward
Due By: Monday, August 27, 2012 4:00 PM
Flag Status: Flagged

Jonathan,

Here is an email that I started writing you last week and never got finished. After the first couple of paragraphs, I will request certain other materials and reply to some of your specific comments in your responses to me. I sent you two emails last Friday regarding these materials and also several voicemails.

To confirm our earlier telephone conversation, if there is something illegible to you in my open records request, please call my cell, and I will tell you what it says. The first day that I filled out the records request I was very pressed for time and thought that you had gone over what I had written. I could have clarified it when I came in the next day. You called me yesterday at about 4:13 and I was eating and grocery shopping and barely made it to city hall at the last minute. I have not looked at the CD yet as I had other business to take care of and also I need to match up the docs with my requests. Please call if you have any questions about the documents you are currently producing.

As you recall, when I first came to your office, you actually came out and approached me. I said that I wanted to see my code file and get copies of any photos on CD and documents. I didn't want to go to the codes office for obvious reasons and asked if I could look at the file with a neutral party such as yourself. Apparently, that was not possible. I feel that, since it is my own file, it should have been possible without the open records request and am sorry that I could not view it.

You may also recall that when you first gave me the open records request form, I asked you when you were going to be in the office and you told me that you would be gone Friday. At that time, I had thought I would send them to you on Thursday, but another email that I sent out on Thursday and cc'd you on came back saying you were out of the office on thurs and Friday that week. Then my computer broke down and then I had the motions hearing for district court appeal scheduled for Aug. 10 and had to prepare for it and meet extensively on Aug. 9 with my attorney. Unfortunately, the city chose to dismiss my case at district court at the end of the day on Aug. 9.

They had been served with a special subpoena (an undated copy of which I provided to you) and failed to produce any of the requested materials, nor any to motions made, nor any which, by law, they should have produced, nor any required of them by the city comm. on April 6, 2010, nor any promised by Brian Jimenez in Dec. 2009, etc.

New requests/clarifications

I sent you the related addresses in an email on Friday. I was trying to break it down into several categories, regarding my requests 1-3. First was June 1, 2009 through end of Nov, 2011. Second was roughly related to my current municipal court case which begins, I think, on Jan.30, 2012 and goes either through March 2, 2012 or through July 13, 2012. Third was for the current appeal and would include the time period of July 16, 2012 onward.

Items requested were not just photos of 331 Johnson Ave., but of the addresses given to you via email on Friday. I requested all photos, dates, and addresses, emails, memos, notes, reports, from city code dept or other regarding this alleged environmental violation and specific source of the complaint.

When the city posts a document with photos embedded into it, it is impossible for me to determine the date of the photo. If the photos are on a cd, one should be able to click on the photo and determine the date the photo was taken.

Please let me know if/when you can get this info to me.

I am also interested in bldg permits granted. Do I have to fill out separate forms for this.

Thank you for your assistance. If I can stop by your office later today, I will, to pick up two things that Bobbie printed out for me.

Patricia Sinclair

Jonathan Douglass

From: Pesinclair@aol.com
Sent: Monday, August 27, 2012 10:01 PM
To: Jonathan Douglass
Subject: requests today

Jonathan,

I'm exhausted and have to go to bed, but I'm trying to send you a few things that you said I could email instead of give you in writing at City Hall today. I haven't numbered things I have asked you about since #8, but will start with 9 here.

9. a memo from June from brian's dept listing the 15 or 16 most active code violations at the time. It says it is a copy of a Feb. memo, but I have been unable to find the Feb. memo and am requesting it. Was it posted somewhere?

10. CDAC city code per 1-1107 any lawful rules, regulations and by-laws it deems necessary. Perhaps some were carried over from the old name of the committee. I emailed Margene Swarts for this info and received no reply. (Ord. 8335)

11. bldg permits. 333 johnson ave. have one from mid-May, but may have been changed or perhaps there were others since or before. Is the work complete and inspected? 332 Johnson Ave. any for house and outbuildings and perhaps a deck/hot tub at any time? 330 johnson Ave. any for house and garage at any time, including a chimney added to garage and what it went to and overhang outside garage. 342 Johnson Ave. -- anything for large outbuildings/lighting. 329 Johnson at any time, especially 1998 and on. 1823 Barker garage and other.

12. I am not seeing recent photos (2012), especially July, of houses in surrounding block and mine is only the same old b&w xerox that I have already seen. They say they photograph other houses. Where are they?

13. This is a repeat re: what cc told staff to provide to me based on the complete minutes printed out by Bobbie for me that I picked up today. Still haven't had a chance to listen to minutes. Brian J. makes a number of references to how many properties on the block they have investigated, but did not specify. Page 24 Amyx asked Jimenez to provide information to Sinclair and I said particularly 330. I said that I had tried to get this info before (you even sent me some of the memos I wrote) and couldn't and that it was public information. I never got this. I also asked about specifically I was charged with as there were two parts of the code cited and one seemed like a yard violation which had never been mentioned. Amyx said whatever the violations were, he asked Jimenez to make sure I had a clear cut understanding of the violations. corliss said staff would provide that information in writing. Again, I never received this.

14. I had asked about CC mtgs that involved me or revisions to anv code. I don't even know where this Property Maintenance code is.

15. Brian never provided the response to me that he promised in his response to my email to multiple parties in Dec. (including david corliss) after the CDAC mtg. He also offered to meet with me which, of course, I wouldn't do since the Aug mtg I had with him and Dan he lied about, so why would I meet with him again.

Please let me know if/when you will be able to provide me with some/all of this info. Any photos are of particular interest, in CD form, since I can't make a slide show out of photos embeded in a memo.

I would appreciate earliest possible notice of any date for a cc mtg involving this. I desperately needed to complete certain things before the end of the month and then we go into the holiday weekend. How can I work on my house and yard when all of these other things are going on at once? I have previously emailed about any cc date and have gone to court or other places for over three years when ordered to which leaves me unable to ever make plans or get my personal/business/health things taken care of.

Again, thank you.

Patricia Sinclair

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Brian Jimenez, Code Enforcement Manager

Date: June 7, 2012

RE: Major On-going Code Enforcement Cases

Below is the original text that was provided in a February memo that listed the top on-going cases that staff is currently processing. An update for each property is provided. In addition, there are four properties that have been added.

1. **1233 New Jersey** – The house is blighted and vacant.
 - The property owner is Donna Morrison, who is a widowed 85 year old. Staff mailed a notice of violation advising Ms. Morrison that the property was in violation of city code.
 - Keith Dabney, son-in-law, declared himself as the contact person for the property and told staff he would make considerable repairs within 6 months.
 - Repairs have not been made therefore letter has been sent to Ms. Morrison advising her that staff is preparing to present the case to the city commission.
 - Staff believes this house is a serious candidate for demolition.
 - Staff will apply for administrative search warrant within the next two weeks to fully document the deteriorated conditions and present demolition resolution to the City Commission.
 - Case has been opened since April 22, 2011.

Update: The house was set for a public hearing on May 22nd and **was demolished** by the owner on May 16th. The following [pictures](#) show the [dilapidated](#) conditions of the property before the demolition. Below is a picture of the cleared lot.



2. 1106 Rhode Island – The property is blighted and vacant.

- Property has been in a severely deteriorated condition for many years.
- Property is owned by the Barland family and is in Raymond F. Barland's name. He died many years ago and his surviving wife is 94 years old and unable to assist in anyway with the property.
- Bob and Brian Barland, (sons) have designated themselves as the responsible parties for the property.
- Staff has met with them on a few occasions since case was opened to move repairs along resulting in very limited success.
- Staff met with Brian on January 23rd, 2012 to have further conversations regarding bringing the property into compliance with all applicable city codes.
- Staff gave a deadline of February 6, 2012 for the plan to be submitted.
- Staff has not received any additional correspondence.
- Main structure (house) is a contributing structure to the National Historic Registry therefore HRC review will be included in all phases of staff's enforcement actions.
- Staff is prepared to apply for an administrative search warrant to fully document conditions of all structures located on the property and present demolition resolution to the City Commission.
- Staff anticipates applying for warrant by end of February.
- Case has been opened since April 28, 2011.

Update: The City Commission adopted two resolutions on May 15th. Two auctions were scheduled to address the exterior yard conditions of the property. One of the two auctions was completed on May 26th. The second auction is to occur on June 24th. A follow up is to be provided to the City Commission on July 17th. The following [pictures](#) were taken on June 5th to show the current yard conditions. All of the vehicles have been removed from the property and it appears the yard is moving closer to becoming in compliance with the Environmental Code.

3. 331 Johnson Avenue – The property has been blighted for several years.

- Long enforcement history dating back many years with Patricia Sinclair (owner).
- The City Commission heard an appeal of Community Development Advisory Committee's decision to uphold staff's enforcement actions.
- Municipal Court recently found Patricia Sinclair (owner) guilty of all violations cited.
- She has appealed that ruling to District Court. Appeal date has yet to be set.
- Staff recently cited Ms. Sinclair again for violations of the Environmental Code which include front porch, rear yard and accessory structure (garage). Staff expects her to appeal that decision again to the CDAC.
- The case that is on appeal was opened on April 13, 2010.
- Current case was opened on January 30, 2012.

Update: Staff is waiting for court date in district court to hear Ms. Sinclair's appeal of Municipal Court conviction.

4. 1641 Illinois – The house has been vacant for many years.

- Staff was working with the owner (son of previous owners) as he inherited the property. The level of blight has not been substantial but the property is in an established neighborhood bordering the University of Kansas resulting in complaints being received. We have had three mowing cases opened since 2010.
- The neighbor was working towards purchasing the property until the son recently passed away.
- Staff is monitoring closely as staff believes the house will be tied up in court as other relatives seek to claim ownership.
- Staff may need to seek administrative warrant to document conditions and possibly present to the City Commission. There are no code violations cited at this time.
- Staff anticipates taking further enforcement action by late spring.
- Case was opened on October 21, 2010.

Update: Staff confirmed on May 25th that the house was listed for sale and there is a "sold" tag on the realty sign. Staff will continue to monitor to see if the rehabilitation of the house begins.

5. 929 Holiday Dr. – The house has been blighted for at least 3 years.

- Staff worked with Mark Bradburn (owner) two years ago in an attempt to bring the property into compliance.
- He was found guilty in Municipal Court of all environmental code violations cited.
- He appealed ruling to District Court and was found not guilty by a jury in early 2011.
- Staff obtained an administrative warrant on August 2011. Based on findings, staff cited property maintenance code violations and condemned the property by posting notice and placard as required by the code.
- Mr. Bradburn appealed staff's ruling to the District Court. Staff is waiting to hear from City Attorney's Office on whether appeal was made in accordance of state statute requirements.
- Staff has prepared memorandum and is ready to proceed with the case being presented to the City Commission in the near future.
- Case that resulted in not guilty verdict in District Court was opened on February 17, 2010.
- Current case was opened on August 18, 2011.

Update: Staff and Randy Larkin were in court on May 29th to determine the status of the appeal to district court. Judge Fairchild granted Mr. Bradburn the right to continue and set the hearing for October 1st, 2012. Staff met with Randy on June 5th to discuss details of case and to begin gathering all relevant information that will be needed for the case.

6. **4824 W. 24th** – The house has been blighted in the past and is vacant.

- Staff has monitored for the last several years which has included mowing the property and presenting a blight resolution to the City Commission which resulted in the City cleaning up the exterior yard conditions.
- This property has been in the foreclosure process for quite some time and staff has not been able to ascertain any substantial information regarding where that process stands.
- Staff has declared the house as condemned and has posted notice and placard stating such.
- Staff will continue to monitor as the property may become a candidate for presentation before the City Commission.
- It is staff's hope that the foreclosure proceedings are completed soon and the house is rehabilitated.
- Original Case was opened on October 11, 2010. This case was resolved with the abatement resolution being adopted.
- Current case has been opened since July 27, 2011.

Update: Continues to be in the foreclosure process. Staff recently contacted Bank of America but was unable to obtain additional information regarding the ownership status. Staff is continuing to monitor.

7. **3133 Creekwood** – The house is vacant and is in the foreclosure process.

- Staff has mowed numerous times in the last few years.
- There are currently no significant blighting issues at the property. We have opened six mowing cases since 2010.
- Recently, the house was broken into and an attempted arson occurred. Arrests were made in the case.
- Staff declared the house as a dangerous structure and posted notification and placard stating such.
- Staff continues to monitor and was recently informed the foreclosure proceedings have begun.
- The case has been opened since January 6, 2012.

Update: House remains vacant as staff is still waiting for foreclosure process to be completed.

8. **214 Alabama** – This property is vacant.

- One of the many properties that is owned by the Denton family.
- Front porch collapsed and staff initiated enforcement action resulting in the porch debris being removed.
- The house appears to be in decent condition and as of right now is not a candidate for demolition.
- Staff will continue to monitor.
- Case has been opened since September 7, 2011.

Update: On May 23rd, staff met with Norma Jantz at the property. Jantz advised she was going to court on May 31st to attempt to become sole executor of the estate in hope that she can sell the property. Staff did inspect the interior and found the house to be in decent condition. Staff will continue to monitor progress.

9. **1231 Pennsylvania** – The house may or may not be occupied.

- The house is owned by Leon Kimball.
- The overall condition of the property is very poor.
- Staff will most like have to apply for administrative warrant to fully document the conditions of the house and exterior yard conditions.
- Staff has put this property as a high priority therefore staff anticipates further significant action taking place in the near future.
- Case has been opened since September 13, 2011.

Update: Staff has been meeting with the property owner every Monday to monitor progress of rear yard clean up. A significant amount of items have been removed. Staff is also working in a facilitator role in regards to Mr. Kimball selling the property. Staff will continue to work with him to bring the property into compliance and/or the transfer of the property to a new owner. If progress stalls, staff will bring to the City Commission to set the public hearing date.

10. **1105 W. 21st** – This house is an unlicensed and over occupied rental unit.

- Staff initiated enforcement action in December of 2011.
- Owner lives in Hays, Kansas.
- Owner told staff he would pursue the accessory dwelling unit option and he made contact with planning staff to start the process of approval.
- Owner has since contacted staff to license property.
- Application has yet to be received. Owner has scheduled for February 9, 2012 at 9:30am.
- Case has been opened since December 1, 2011.

Update: The property is licensed, inspected and **now complies** with all applicable city codes. The property will be removed from the list.

11. **1313 Haskell** – The property remains vacant.

- Haskell Row Partners came forward in early 2011 to save the house from being demolished by the City. They are still the owners.
- They have connected all utilities and were close to selling the property to Daniel Hoyt.
- Financing fell through therefore Mr. Hoyt is no longer a viable buyer.
- Staff has a conversation with Michael Almon (spokesperson) on January 8, 2012 regarding the status of the property.
- Mr. Almon advises Haskell Row Partners are considering their options.
- Staff has sent another email to the ownership group and is waiting for their response.

Update: Staff presented to the City Commission on May 15th. The Commission directed the owners to complete the remaining 15 items that were identified within Resolution No. 6885. The item is to be brought back to the City Commission on August 14th. Additionally, on May 31st staff released a building permit for the construction of

the front porch.

12. **1527 W. 6th St** – Location of Academy Cars and active sign code violation.
- Staff cited owner for violation of temporary sign permit code provisions.
 - Attorney for owner has filed a motion for discovery.
 - Staff has provided the information that has been requested.
 - Next court proceedings to occur on March 30th.
 - City prosecutor's office will be providing relevant updates to staff.
 - Case has been opened since September 28, 2012.

Update: Jim Rumsey, attorney for Mr. Blackburn, has submitted a sign variance request which will go before the BZA. Additionally, staff met with Jerry Little on June 5th to prepare for the court date that is scheduled for June 8th regarding a discovery motion filed by Mr. Rumsey.

13. **827 Walnut (Mobile Home Park)**

- Owner is George Warren who is an absentee landlord that resides in California.
- Staff has executed 13 search warrants and condemned numerous trailers.
- Staff is facilitating the selling of the property and has spoken to two potential ownership groups regarding the legal non-conforming status, possible re-zoning of the property and what will be required for a new mobile home park license to be issued to a new property owner.
- Staff is optimistic that a new owner will be identified within two weeks.

14. **785 Maple**

- This property was on the consent agenda on June 5th as Resolution No. 6975 was adopted by the City Commission which set the public hearing date on July 24th.

15. **904 Pennsylvania**

- Property is blighted which includes garage and house.
- Staff has cited property owner for code violations which prompted relatives of the owner to contact staff regarding their interest in purchasing the property to begin the rehabilitation.
- Staff learned on June 5th that the sale will not go through as there are significant concerns regarding the cost of the rehabilitation vs. demolition and there are historical implications that the potential buyers do not want to deal with.
- Staff will be determining next enforcement action in the coming week which will most likely involve either consent to inspect the interior of the structures located on the property or applying for search warrant to complete the inspections.

16. **1327 New Jersey**

- Staff received inquiry from neighbor concerning the house has been vacant for quite some time.
- On May 30th, staff met with Tom Krause (owner) at the property.

- Mr. Krause consented to an interior inspection of the house.
- Staff verified the house is in the "gutted" phase but appears to be structurally sound.
- Staff asked Mr. Krause to provide a timeline regarding his plans for continuing the rehabilitation of the house within two weeks.
- Staff advised him that the property may end up being brought before the City Commission.

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Brian Jimenez, Code Enforcement Manager

CC: Scott McCullough, Director Planning & Development Services

Date: February 13, 2012

RE: Problematic Cases

The following cases are listed in order of priority. A brief summary of our enforcement actions is provided for each respective case.

- 1. 1106 Rhode Island** – The property is blighted and vacant.
 - Property has been in a severely deteriorated condition for many years.
 - Property is owned by the Barland family and is in Raymond F. Barland's name. He died many years ago and his surviving wife is 94 years old and unable to assist in anyway with the property.
 - Robert (Bob) and Brian Barland, (sons) have designated themselves as the responsible parties for the property.
 - Staff has met with them on several occasions since case was opened to move repairs along resulting in very limited success.
 - Staff met with Brian on January 23rd, 2012 to have further conversations regarding bringing the property into compliance with all applicable City codes.
 - Staff gave Brian a deadline of February 6, 2012 for him to submit a revised plan.
 - Staff has not received any additional correspondence.
 - Main structure (house) is a contributing structure to the North Rhode Island Street Residential Historic District therefore HRC review will be included in all phases of staff's enforcement actions.
 - The administrative search warrant has been written and is being reviewed by Chad Sublet
 - Staff will apply for the search warrant to fully document conditions of all structures located on the property and present abatement/demolition resolution to the City Commission.
 - Staff will apply for the search warrant within a week.
 - Case has been opened since April 28, 2011.

2. 1233 New Jersey – The house is blighted and vacant.

- The property owner is Donna Morrison, who is a widowed 85 year old. Staff mailed a notice of violation advising Ms. Morrison that the property is in violation of City code.
- Keith Dabney, son-in-law, declared himself as the contact person for the property and told staff he would make considerable repairs within 6 months.
- Repairs have not been made therefore letter was sent to Ms. Morrison on February 6, 2012 advising her that staff is preparing to present the case to the City Commission.
- Staff believes this house is a serious candidate for demolition.
- The administrative search warrant has been written and is being reviewed by Chad Sublet.
- Staff will apply for the administrative search warrant within the next two weeks to fully document the deteriorated conditions and present an abatement/demolition resolution to the City Commission.
- Case has been opened since April 22, 2011.

3. 1231 Pennsylvania – The house may or may not be occupied.

- The house is owned by Leon Kimball who suffers from mental illness.
- The overall condition of the property is very poor.
- Staff will apply for administrative warrant to fully document the conditions of the house and exterior yard conditions.
- Staff will apply for the administrative search warrant within the next few weeks.
- Case has been opened since September 13, 2011.

4. 929 Holiday Dr. – The house has been blighted for at least 3 years.

- Staff worked with Mark Bradburn (owner) two years ago in an attempt to bring the property into compliance.
- He was found guilty in Municipal Court of all Environmental Code violations cited.
- He appealed ruling to District Court and was found not guilty by a jury in early 2011.
- Staff obtained an administrative warrant on August 2011. Based on findings, staff cited Property Maintenance Code violations and condemned the property by posting notice and placard as required by the code.
- Mr. Bradburn appealed staff's ruling to the District Court. Staff is waiting to hear from City Attorney's Office on whether appeal was made in accordance of state statute requirements.
- Staff has prepared memorandum and is ready to proceed with the case being presented to the City Commission.
- Case that resulted in not guilty verdict in district court was opened on February 17, 2010.

- Current case was opened on August 18, 2011.

5. 1313 Haskell – The property remains vacant.

- Haskell Row Partners came forward in early 2011 to save the house from being demolished by the City.
- They have connected all utilities and were close to selling the property to Daniel Hoyt this past fall.
- Financing fell through therefore Mr. Hoyt is no longer a viable buyer.
- Staff had a conversation with Michael Almon (spokesperson) on January 8, 2012 regarding the status of the property.
- Mr. Almon reiterated to staff on February 8, 2012 that Haskell Row Partners are considering their options which includes putting out “feelers” to members of the community who may want to buy the house as is. The second option is restarting their efforts to raise operating capital to raise \$20,000 towards rehabilitation.
- Staff believes this case will need to be brought back to the City Commission in spring if there are no significant changes in ownership and/or rehabilitation.

6. 331 Johnson Avenue – The property has been blighted for several years.

- Long enforcement history dating back many years with Patricia Sinclair (owner).
- The City Commission heard an appeal of Community Development Advisory Committee’s decision to uphold staff’s enforcement actions related to items stored on the front porch.
- Municipal Court recently found Patricia Sinclair (owner) guilty of all violations cited.
- She has appealed that ruling to District Court. Appeal date has yet to be set.
- Staff recently cited Ms. Sinclair again for violations of the Environmental Code which include front porch, rear yard and accessory structure (garage). Staff expects her to appeal that decision again to the CDAC.
- The case that is on appeal was opened on April 13, 2010.
- Current case was opened on January 30, 2012.

7. 1641 Illinois – The house has been vacant for many years.

- Staff was working with the owner (son of previous owners) as he inherited the property. The level of blight has not been substantial but the property is in an established neighborhood bordering the University of Kansas resulting in complaints being received. We have had three mowing cases opened since 2010.
- The neighbor was working towards purchasing the property until the son recently passed away.
- Staff is monitoring closely as staff believes the house will be tied up in court as other relatives seek to claim ownership.

- Staff may need to seek administrative warrant to document conditions and possibly present to the City Commission. There are no code violations cited at this time.
- Case was opened on October 21, 2010 to allow for staff to schedule periodic inspections to make sure any potential code violations are addressed promptly.

8. 4824 W. 24th – The house has been blighted in the past and is vacant.

- Staff has monitored for the last several years which has included mowing the property and presenting a blight resolution to the City Commission which resulted in the City cleaning up the exterior yard conditions.
- This property has been in the foreclosure process for quite some time and staff has not been able to ascertain any substantial information regarding where that process stands.
- Staff has declared the house as condemned and has posted notice and placard stating such.
- Staff will continue to monitor as the property may become a candidate for presentation before the City Commission.
- It is staff's hope that the foreclosure proceedings are completed soon and the house is rehabilitated.
- Original case was opened on October 11, 2010. This case was resolved with the abatement resolution being adopted.
- Current case has been opened since July 27, 2011 to allow for staff to schedule periodic inspections to make sure the property remains code compliant.

9. 3133 Creekwood – The house is vacant and is in the foreclosure process.

- Staff has mowed numerous times in the last few years.
- We have opened six mowing cases since 2010.
- Recently, the house was broken into and an attempted arson occurred. Arrests were made in the case.
- Staff declared the house as a dangerous structure and posted notification and placard stating such.
- Staff continues to monitor and was recently informed the foreclosure proceedings have begun.
- The case has been opened since January 6, 2012 to allow for staff to schedule periodic inspections to make sure the property remains code compliance and secured.

10. 214 Alabama – This property is vacant.

- One of the many properties that is owned by the Denton family.
- Front porch collapsed and staff initiated enforcement action resulting in the porch debris being removed.
- The house appears to be in decent condition regarding structural integrity and as of right now is not a candidate for demolition.
- Staff will continue to monitor and initiate conversations with owners regarding the possibility of selling the property.

- Case has been opened since September 7, 2011 to allow for staff to schedule periodic inspections to make sure the property remains code compliant.

11. 1527 W. 6th St – Location of Academy Cars and active sign code violation.

- Staff cited owner for violation of temporary sign permit code provisions.
- Attorney for owner has filed a motion for discovery.
- Staff has provided the information that has been requested.
- Next court proceedings to occur on March 30th.
- City Prosecutor's Office will be providing relevant updates to staff.
- Case has been opened since September 28, 2011.

Neighborhood Resources Advisory Committee (NRAC)
PROCEDURES AND POLICIES

September 2001

Updated October 2003

1. NRAC Procedures and Policies will be in writing to help committee members and the public understand how the NRAC operates. "Public Comment Procedures" will be considered part of NRAC Procedures and Policies. All NRAC members will be provided with an Orientation Book containing the NRAC Procedures and Policies and other such documents as required to enable the Committee to be a successful advisory body to the City Commission. The Chair and/or Vice-Chair and NR staff shall meet with each new NRAC appointee within 60 days of appointment to review the procedures and policies and answer questions as necessary.
2. NRAC Procedures and Policies will be reviewed by the NRAC in September of each year.
3. Public Comment will be conducted per the attached NRAC "Public Comment Procedures."
4. Critical votes by the NRAC may be taken by a show of hands, otherwise by voice vote.
5. NRAC members shall disclose interests in other organizations at any time it is appropriate.
6. Except in cases of emergency, all items to come before the NRAC will be presented one meeting prior to being on the agenda of the meeting in which the item will be discussed.
7. The first fifteen (15) minutes of each meeting may be set aside for presentations from the various supportive service agencies in Lawrence to explain their function. No presentations will be made during the allocation process (January through March), unless requested by the Committee.
8. The NRAC Chair is authorized by the Committee to present the Committee perspective on the allocation of CDBG/HOME funds or other Committee business to the City Commission at the annual Study Session and/or other public meetings.
9. All agencies that submit a CDBG/HOME application will be provided copies of the NRAC minutes during the allocation process.
10. E-mail will be used as much as possible to inform the NRAC and others as soon as possible on all things including the NRAC minutes and agendas.
11. The NRAC agenda will be published regularly on the NR web page.
12. A copy of the NRAC attendance roster will be provided with the minutes.
13. The NRAC shall be encouraged to read and research as necessary all allocation items/requests prior to the meeting at which the item will be discussed.
14. The NRAC supports the City Commission policy of CDBG/HOME funds not being the sole source of funding for public service agencies.
15. The NRAC will study and evaluate all CDBG/HOME proposals that include provisions for new positions or new programs for funding.

16. The NRAC will consider the agency's or activity's percentage of low/moderate income recipients and the ability to effect a positive change as it affects those most in need, when reviewing each CDBG/HOME proposal submitted. (A formula or other such tool may be used.)
17. The NRAC will give high priority to requests for activities that connect with the "Step Up to Better Housing Strategy" or provide necessary gap funding for the strategy, including projects, agencies, and programs to help low/moderate income residents, and neighborhood revitalization.
18. The NRAC will recognize efforts by agencies to obtain matching funds and/or other grants or funding sources when considering proposals.
19. CDBG eligible neighborhoods must have regularly updated neighborhood-planning documents on file in the Neighborhood Resources Department at the time of application.
20. The NRAC will not fund multiple proposals that duplicate services.
21. All requests for Contingency Funds shall be considered for approval by the NRAC.

ORIENTATION BOOK

1. NRAC List of Members.
2. Citizen Participation Plan.
3. NRAC Procedures and Policies.
4. Resolution No. 5403 (City Ethics Code).
5. Attorney General's Opinion #98-26. (Open meetings act.)
6. CDBG and HOME programs information.
7. "Step up To Better Housing" strategy.
8. Current HUD income limits.
9. Current Consolidated Plan
10. Consolidated Plan Annual Update.
11. Current Investment Summary.
12. Current Consolidated Annual Performance and Evaluation Report (CAPER).
13. Currently adopted Uniform Housing Code and amendments.
14. Currently adopted Environmental Code and amendments.
15. Glossary of terms used by the LDCHA.
16. Housing Code/Environmental Code Appeals Procedure

PUBLIC COMMENT PROCEDURE

1. Public comment will be encouraged by the NRAC. However, to maintain order and to keep the agenda moving forward, public comment will be limited to three (3) minutes per individual with a maximum of thirty (30) minutes of comment per agenda item. **At the discretion of the NRAC Chair and for purposes of clarification, additional public comment may be allowed.**
2. Public comment will be allowed on each agenda item before NRAC discussion. Public comment will be permitted after any presentation that may be made, or first, if there is no presentation.
3. Members of the public are allowed to ask questions of the NRAC but questions are not required to be answered.
4. Each letter, written comment, email, etc. received by the NRAC will be acknowledged and placed into the minutes of the meeting in which it was received. (NRAC members will be furnished copies of all such letters, written comment, or email.)
5. A public comment agenda item will be placed on the NRAC agenda for each meeting as the agenda item immediately preceding adjournment.

Memo

To: Neighborhood Resources Advisory Committee
From: Barry Walthall *BW*
Thru: Victor Torres
Date: 3/14/2002
Re: Recommended Procedure for hearing appeals

The Neighbor Resources Department recommends the following process for an appeal hearing:

1. Chair will open the hearing and swear in individuals who will be testifying:

The Chairperson will state the property address and the code section under appeal. The chair will then ask all interested parties that will offer testimony, including NR staff, to stand and swear to tell the truth.

2. Chair will ask for staff report:

NR will present staff report of violation(s) found, and the code section(s) cited.

3. Chair will ask for appellant's statement:

Appellant presents case. This should include how the code has not been interpreted correctly.

4. Chair will ask for committee discussion.

The committee discusses the appeal. Committee members may ask questions of staff or the appellant. We recommend that committee members be permitted to ask questions at any time during the appeal process, up to the point that there is a motion on the floor.

5. Chair will ask for discussion to end and ask for a motion.

A committee member may make a motion, or the Chair should seek a consensus opinion. The Chair will call for a vote when a motion is made and seconded.

The committee members should be aware of the authority and responsibility of the committee. Section 203 of the Uniform Housing Code establishes the Housing Advisory and Appeals Board and specifies its responsibilities. Section 203.2 specifies that the Board may not waive code requirements. The Board may recommend code changes. Chapters 12 and 13 of the code spell out additional authorities in conducting an appeal hearing.