

NEIGHBORHOOD ASSOCIATION QUARTERLY PERFORMANCE REPORT

| Date | Activity Description | Number of Attendees |
|-------------|---|----------------------------|
| May 2010 | <p>Meetings: General Meeting on May 13, 2009 at the East Heights School..</p> <p>Communications: The April/May/July 2010 newsletter was prepared and mailed to members in late March 2010. It included meeting information for each of these months.</p> <p>Email communications sent on May 9, 2010.</p> | 9 |
| June 2010 | <p>Meetings: BCNA does not have a General Meeting in June..</p> | |
| July 2010 | <p>Meetings: BCNA's General Meeting was held on July 8, 2010.</p> <p>Communications: This date was publicized in the newsletter that reached everyone in April 2010..</p> <p>Email communications were sent on May 14, July 6, and July 8.</p> | 10 |

MINUTES

May 13, 2010

The meeting was called to order by President Julie Mitchell at 7:10 PM in the East Heights Early Childhood Development Gym, 1430 Haskell Avenue, with 9 members present.

The July meeting will take place at the gazebo in Brook Creek Park at 7:00 on July 8th.

The treasurer's report was read and approved.

Andrea Repinsky, Vice-President, reported that the City of Lawrence finished their investigation of the code/zoning issues with the 12th and Haskell Recycle Center. The company owner has been ordered to cut back the activities to what they were in 2003 by the end of May or face fines and/or jail time. The original non-conforming use allows resale/retail and limited outdoor palletized storage, not the salvage yard. Violations include tracking mud into the roadway and storing materials in a floodway. The Kansas Department of Health and Environment (KDHE) required that some contaminated soil be removed and replaced with clean soil. Due to the non-continuous use of the property, the city could choose to cancel the non-conforming use and revert the property back to residential use. The Planning Director has the authority to enforce the code.

The new driveway at the Tenants to Homeowners house at 1230 Laura is causing storm water drainage issues for the properties to the east. The driveway has dammed the ditch and re-directs water across the alley onto the properties to the east, including inside a garage. A drain is needed to accommodate the storm water runoff from the development of this property.

The Community Development Advisory Committee and Community Commission on Homelessness have a retreat scheduled for early June.

Kaw River Keepers gave a presentation to the Lawrence Association of Neighborhoods (LAN). The architect for the proposed library project also gave a presentation. The library would like to expand on the existing site and would appreciate letters of support. Community Development Block Grant (CDBG) reimbursement for LAN dues was not discussed at the recent LAN meeting. A request was made for LAN to post current information, including meeting date/time/location and minutes on their website.

The Lawrence Electronics Recycling Event will be on May 15th, from 9 AM to 1 PM at Free State High School. Computer Monitors will be recycled for \$10, TV's will be recycled for \$15 and all other electronics will be recycled for free.

Call 832-3456 to report potholes.

There is a large rut along the south side of 13th Street just east of Haskell. It appears that someone keeps driving through it to make it larger.

The meeting was adjourned at 7:55 PM.

July 8, 2010

Because July 8 was a rainy evening, the Brook Creek Park gazebo was not an ideal site for the meeting. It was held, instead, at the home of President Julie Mitchell, across the street from the park.

The meeting was called to order at 7:00 p.m., with 10 members present. The Treasurer's report was read and approved.

An update was presented about matters with the Recycle Center on Haskell. Their name has officially been changed from the Bargain Center to the Recycle Center. The City has issued a Notice of Violations to the Center that they must go back to the 2003 level of business. BCNA has filed an appeal of the Notice of Violations because it did not include all the violations. However, an attorney we consulted suggested that the current Notice was okay for the moment. We have requested that the City report all decisions to us. This leaves our options open to appeal if the Recycle Center violates any terms of the Notice of Violations.

In a further discussion of matters related to the Recycling Center, Michael Almon explained that there are 3 levels of recycling: (1) a drop off center; (2) a major collection center – industrial in nature, with big trucks bringing in material to be processed; and (3) a processing center, where material is processed and hauled off – like Lonnie's. Numbers 2 and 3 are not acceptable to the Brook Creek residents. We don't know what activities will ultimately be stopped. But, we want it all stopped.

It was also reported that there was another fire at the Haskell Street Recycling Center the past week. The fire department was called when heavy smoke was sighted and smelled. By the time the fire department arrived, the smoke was gone, but the odor of burned rubber remained. It was suggested that a car in the back lot had caught fire or had caused the tires to catch fire.

The consensus of the meeting was that, for the present, BCNA will wait and see what happens with the City's actions.

Discussion ensued about the previously reported drainage problem at the Tenants to Homeowners construction sites near Julie Mitchell's home. Tenants to Homeowners has been notified about the problem, and we will keep a watch on the property to see if it is corrected.

Another drainage problem was discussed. This problem is with the creek at Brook Street. Michael Almon reported that there is a sinkhole caused by the tubes under the street. One of the drainage tubes is rotten. The suggestion was made that the City should cul de sac them and let the creek run free.

Michael is working with a group that is studying ways to reduce our dependence on oil. He pointed out that peak oil – easy to get at oil in the ground – is now almost all gone. What's left is the difficult oil – like that causing the disaster in the Gulf. Michael has agreed to be the guest speaker at our September meeting to share the information they are working on.

Julie Banhart reported that, because the East Heights Childhood Education Center has been relocated to Kennedy School, and the Boys and Girls Club is occupying the East Heights building, we have to move our meeting place again. The regular day for our meetings also will change. We will be back at the East Lawrence Recreation Center for meetings, but we will (with one exception) meet on the second Wednesdays of the month instead of Thursdays. Because of a scheduling conflict, our October meeting will be on the second Tuesday of the month. Our annual Picnic in the Park is scheduled for Wednesday, September 8 in Brook Creek Park (rain site if the East Lawrence Rec. Center). Our Meeting for Business will be held on Wednesday, September 15, at the East Lawrence Recreation Center.

The meeting was adjourned at 8:15 p.m.

COMMUNICATIONS

Regular messages to email list with reminders of upcoming meetings. Sent:

May 9, 2010 re monthly meeting.

May 14, 2010 – advance notice that East Heights not available for July meeting, so it will be in the Park.

July 6, 2010 – reminder of July meeting in the park, and to watch email or call Julie Banhart if the weather looks threatening, for a rain site. Also passed on the link to take the United Way survey to help them plan future goals.

July 8, 2010 reminder of meeting that night and, since it was raining, that we would meet at Julie Mitchell's home across from the park.

NEWSLETTER (follows)

The newsletter that follows is for April, May, July 2010. It has already appeared in our 3rd quarter report, since the months covered by the newsletter overlap the months of the quarterly reports.



BROOK CREEK BREEZE

April / May / July 2010

| | | |
|---|--|--|
| <p>GENERAL MEETING April 8, 2010 7:00 p.m. East Heights Early Childhood Education Center</p> | <p>GENERAL MEETING May 13, 2010 7:00 p.m. East Heights Early Childhood Education Center</p> | <p>GENERAL MEETING July 8, 2010 7:00 p.m. East Heights Early Childhood Education Center</p> |
|---|--|--|

UPCOMING MEETINGS

This issue covers our meetings in April, May, and July. Remember, we do not meet in June or in August. Please mark your calendars for our meetings for the 3 months of this newsletter. The meetings all start at 7:00 p.m., and we meet at the East Heights Early Childhood Education Center.

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|----------------------------------|-----------------------------|
| THURSDAY, APRIL 8, 2010:] | Meeting for Business |
| THURSDAY, MAY 13, 2010: | Meeting for Business |
| THURSDAY, JULY 18, 2010: | Meeting for Business |
| SATURDAY, APRIL 17, 2010 | Park Clean-up |
| SATURDAY, APRIL 24, 2010 | Rain Date for Park Clean-up |

PROBLEMS WITH THE SALVAGE YARD

After a 6-car fire at the 12th & Haskell Recycling Center on January 27, 2010, Brook Creek resident and recycling center neighbor Byron Wiley summarized ongoing safety, environmental and nuisance problems caused by the Center to the Brook Creek February meeting.

Mr. Wiley collected signatures of many Brook Creek neighbors in a letter to the Mayor and City Commissioners providing details of many problems at the Recycling Center and requesting immediate and thorough correction. Also, BCNA President Julie Mitchell submitted a letter on behalf of BCNA to the City addressing BCNA's shared concerns and requesting that industrial salvage activities at the facility cease immediately.

The complaints of BCNA and neighbors submitted to the City include:

- Ongoing safety oversights and improper handling of auto fluids have led to 6 auto fire events in the past 6 years--a situation that threatens both safety and air quality.
- Since the property is entirely in the floodplain, with Burrough's Creek and Brook Creek on two sides of the property, pollutants can easily enter groundwater and streams.
- The near-constant noise of crushing and moving salvage causes nearby homes to shake, and disturbs residents of the neighborhood located next to the center.
- The center's activities have expanded to a greater intensity of industrial use than what the City allowed when the legal non-conforming use was granted in residential zoning.

- Recycling collection activity contributes to litter in the neighbors' ditches, yards, and trees.
- Heavy trucks are damaging the narrow chip and seal streets by using the neighborhood as a shortcut instead of using the truck route on Haskell.
- The salvage is piled higher than the fence, presenting an eyesore and visual nuisance to the neighborhood.
- The Center appears to be running a non-permitted large recycling collection and processing center

BCNA President Mitchell wrote to the Mayor: "The Brook Creek Neighborhood Association understands that recycle centers and salvage yards serve a very important purpose by reducing the amount of waste in landfills. We want people to recycle everything they can, including cars, but a neighborhood is not the right location for this type of facility. The industrial salvage activities at the 12th and Haskell Bargain Center need to cease immediately." [The *complete text of BCNA's letter can be found below.*]

The Kansas Department of Health and Environment (KDHE) surveyed the Recycling Center and found the majority of inspected cars to contain automotive fluids. KDHE presented an emergency order to the Recycling Center to collect and properly handle automotive fluids. Their involvement is ongoing.

Mr. Wiley and other Brook Creek neighbors met with Planning Director Scott McCullough and City legal, code enforcement, and planning staff to describe the neighbors' research into many apparent City code violations and the history of the site. City staff are preparing a report for the City Manager and City Commissioners on the facility.

Mr. Wiley shared information on the issues regarding the Recycling Center with BCNA in 2006. At that time, the City requested the facility to address three code violations. However, the City and Recycling Center owners did not correct the main complaints of the neighbors.

*This is a good time for BCNA residents to let their opinions on the **junkyard** be known to the City Commissioners and Planning Director Scott McCullough.*

LETTER SENT ON 2/21/10 TO THE CITY COMMISSION ON BEHALF OF BCNA

Dear Mayor Chestnut and City Commissioners,

The Brook Creek Neighborhood Association requests that you require the salvage yard activities at the 12th and Haskell Bargain & Recycling Center, 1146 Haskell, to cease immediately. An industrial salvage yard does not belong in a neighborhood. When the Bargain Center was "grandfathered in" by the City of Lawrence, there was no indication that the property would be used for an industrial salvage yard. This business is not even remotely similar to the types of businesses that previously operated on this property. We have many concerns with having an industrial salvage yard located in our neighborhood:

- The recent fire involving 6 cars filled nearby homes with noxious smoke. This was the 6th car fire in the past six years. The owner has been cited by the KDHE for improper handling of fluids. What happens when instead of 6 cars, 50 cars catch fire?
- The noise, trash and truck traffic are ongoing. The crushing and moving of salvage causes nearby homes to shake. The noise is sometimes so loud that residents cannot hear their TVs for the sound of the crusher. Trash from customers dropping off recycle and salvage items line

yards along 12th Street, including plastic grocery bags in the trees and shrubs. Heavy trucks are damaging the narrow chip and seal streets by using the neighborhood as a shortcut instead of using the truck route on Haskell.

- Salvage is piled higher than the fence. A complaint regarding mobile homes stacked higher than the fence was recently filed using the City's online system. The problem was corrected almost immediately, but apparently because a nearby homeowner paid a Bargain Center employee to move the mobile homes.
- The property is located in the 100 year flood plain. Burrough's Creek and Brook Creek merge on this property. Pollutants can easily find their way into the Kansas River, as this property does flood during heavy rains.

The Brook Creek Neighborhood Association understands that recycle centers and salvage yards serve a very important purpose by reducing the amount of waste in landfills. We want people to recycle everything they can, including cars, but a neighborhood is not the right location for this type of facility. The industrial salvage activities at the 12th and Haskell Bargain Center need to cease immediately.

Sincerely,

Julie Mitchell, President
Brook Creek Neighborhood Association
1231 Brook Street

Kudos to the City

Kudos to the City of Lawrence, particularly the Parks and Recreation Department! They will be widening the sidewalk along Burroughs Creek from Oregon St. to Haskell. It will soon be wide enough for bicycles to safely pass each other or pedestrians.

UNDERSTANDING BOARDING HOUSE/CONGREGATE LIVING ISSUES

News from Dickie Heckler, our representative to LAN, is that we need to be aware of a city-wide concern of neighborhoods about Boarding Houses, also known as Congregate Living, issues.

The amendment being considered by the City could impact all neighborhoods. The term "boarding house" is to be replaced with "congregate living." Congregate living will be allowed in adaptive reuse areas.

One of the goals of BCNA and other neighborhoods is to maintain and encourage owner occupants. The escalating number of BH/CL units can make this difficult. Since the 1990s, the number of requests for BH permits has gone up 2000%. Prior to this, neighborhoods and owner occupants had been reasonably protected by the ruling that stated that no more than 4 unrelated individuals could live in a single dwelling unit/house. Single-family zoned areas allow no more than 3 unrelated individuals to live in a house.

Boarding houses used to be homes where owners rented out rooms and often provided meals for their renters. Students not only lived with a resident supervisor, they lived with families.

Students also did not commonly own cars. Years later, as society changed, BH use faded. In today's world, which often requires two incomes, few are willing to live with students and cook meals for them. However, about 10 years ago, a resurgence of BH applications began and morphed into what we have today. The code for BH should have been altered or studied at that time to discuss the intended use and the impact on neighborhoods. –It wasn't.

So, today, we are seeing dwelling units that once housed 4 unrelated individuals now house double that number and, in some cases, even more than that. The once-subdued BH has now become a residence for groups of undergraduates who generally know each other and have some kind of affiliation with a social living group on campus. So, they not only house students but they are also popular off-campus locations for parties. There are often outdoor decks and patio space for outdoor gatherings, drinking, and celebration. This kind of activity does not encourage owner occupants or peace abiding renters. It puts stress on the neighborhood and uses many city resources to address the disruption, higher crime, parking problems and ensuing blight.

The higher density that is allowed BH/CL units and the lower parking requirements than other housing types favors one type of rental unit over another. Individuals wanting to buy older homes are now being priced out of the market as home prices rise due to the income generating potential of a BH.

The amendments the city has proposed are problematic and unfair. They should be revised to be in keeping with the goals of the single-family neighborhoods and with consideration for their impact throughout the city.

MINUTES

DECEMBER 10, 2009

(Doug Miller, Secretary, reporting)

The meeting was called to order in the meeting room at the East Lawrence Recreation Center, 1245 E. 15th Street at 7 p.m. by President Julie Mitchell. Eleven members were present.

The treasurer's report was read and approved.

Julie Mitchell reported that BCNA is in 100% compliance with the CD Advisory Committee.

The possibility of an impromptu winter Brook Creek Park clean-up was discussed. The spring Brook Creek Park clean-up will be on Saturday, April 17th, with a rain date of Saturday, April 24th.

It was reported that the school board is discussing closing New York School, and all concerned are invited to attend a meeting on January 5th at 6:15 p.m. in the New York School Gym. There was further discussion about the school board and the closing of schools. Any questions about New York School can be addressed to Nicole Allensworth at 785-550-9478.

The Lawrence Association of Neighborhoods (LAN) is having breakfast meetings with elected city and county officials. LAN had a discussion about the city purchasing the Oread Labs to sell or lease. LAN will celebrate their anniversary at 6:00 p.m. on January 29th at the Visitor's Center Depot in North Lawrence.

Election of officers for 2010 was held. The current officers were re-nominated. Dickie Heckler moved that this slate be elected. Robert Taylor seconded the motion, and it was unanimously approved. Officers for 2010 are:

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|----------------|-----------------|
| President | Julie Mitchell |
| Vice-President | Andrea Repinsky |
| Treasurer | Susan Miller |
| Secretary | Douglas Miller |

The meeting was adjourned at 7:30 p.m. for our Holidays Party.

FEBRUARY 11, 2010

The meeting was called to order by President Julie Mitchell at 7:00 p.m. with 12 members present..

The Treasurer's report was read and approved.

Triggered by the 6-car fire at the Bargain & Recycling Center, the rest of the meeting was devoted to a presentation by Byron Wiley and other concerned neighbors about the ongoing, and now crucial, problems the salvage center causes for the neighborhood.

Mr. Wiley detailed a timeline of the problems, our interaction with the center and the City. Possible steps to reach a resolution of the problem were discussed. It was decided that BCNA President Julie Mitchell would write a letter, on behalf of the neighborhood, to the City Commission, while Mr. Wiley would send a more detailed letter describing documented problems.

The meeting was adjourned at 8:00 p.m.

MARCH 11, 2010

The meeting was called to order by President Julia Mitchell at 7 p.m. with 12 members present. The Treasurer's report was read and approved. February's minutes were read and approved.

Haley Travis from Tenants to Homeowners gave an update on the house at 1230 Laura Ave., which is nearing completion. Ms. Travis said that when this home sells, building will begin on the other 3 lots on Laura Ave. No open house is planned at the completion of 1230 Laura Ave. Ms. Travis said Rebecca Buford, 2518 Ridge Court, Suite 209, (telephone: 785-842-5494), can be contacted with any questions about the plans for the lots on Laura Avenue.

Byron Wiley gave an update on matters pertaining to the 12th Street Bargain Center, and said that the City is investigating the violations and non-enforcement of City codes on the property. KDHE has ordered the removal of a 20x40x2 foot section of land in the yard area of the Bargain Center. Mr. Wiley has met with two City Commissioners and has plans to meet with the others. He has given a presentation to the East Lawrence NA, and plans to give presentations to LAN and the League of Women Voters.

The Douglas County Health Department, 200 Maine Street, will have a 1 hour Emergency Preparedness Information meeting on March 30th at 6 p.m.

It was reported that duplexes are planned for construction in the 1900 block of Learnard (Barker Neighborhood) across from the Burroughs House. The Barker Neighborhood Association has not complained about this construction.

The CDBG funding committee has finalized the funding for the next year and it is now up for public debate. Two of the changes affecting Brook Creek is that CDBG will no longer pay for LAN dues or for a subscription to the Lawrence Journal World.

There was a complaint regarding an abandoned house on the southeast corner of Oak Hill and Elmwood., and the concerned resident was directed to the appropriate City office. A complaint was also noted about a truck that has been sitting in the front yard on the north side of 15th Street, next to the cemetery.

The spring cleanup is April 17th with an inclement weather date of April 24th.

The meeting was adjourned at 7:55 PM.

The next meeting is Thursday, April 8, 2010 at 7 PM in the East Heights Early Childhood Development Gym, 1430 Haskell.

NEWS AND A REQUEST FROM NEW YORK SCHOOL

The following request was received from New York School:

New York Elementary is in need of 140 **CLEAR** plastic 2 liter bottles, with the lids if possible. We are going to make terrariums at our field day and need one for every kid. Just drop them off at the school by April 16th. We will take care of the rest.

CITY HAS FUNDING AVAILABLE FOR EMERGENCY HOME REPAIRS

For emergency situations, the City offers an emergency loan program that can provide up to \$5,000 for emergency repairs or furnace replacement. Mobile home owners may access up to \$2,500. These funds can be used for improvements that eliminate immediate hazards to health and safety or cause damage to the structure or conditions that are likely to cause health and safety hazards. Funding is only available to owner-occupied homes and must meet income eligibility guidelines.

Applications are accepted year-round. Call 832-7700 for additional information.

Applications are available in the Development Services Office and online at

www.lawrenceks.org/pds/housing_programs.

WELCOME TO THE NEIGHBORHOOD

1415 Brook St. - Joyce M. Long
916 Anna Tappan Way - Christopher S. Peoples
1402 E. 18th Terrace - Joshua S. Gall
928 Anna Tappan Way - Prabhu Ramamoorthy & Maheswari Ganesan
911 E. 13th St. - Gregory D. Seibel
1612 E. 15th St. - Luis P., Jr. & Tamara L. Mendoza
922 Oliver's Court - Nicole M. Madril
1227 Prairie Ave. - Allison S. Rodecap
1809 Miller Dr. - Donnell E. Caro



You're Invited

to

The Spring Brook Creek Clean-Up

Saturday, April 17, 2010

10:00 a.m. – 3:00 p.m.

(Rain date: April 24, 2010)

Come help us clean up the creek and the nature trails. If wallowing around in mud is your idea of fun, join like-minded others and get down in the creek to remove wintertime debris.

If you like to use the nature trails, come help us clean up debris and trash from the trails and the woods. We never know, from year to year, what we will find in the woods – but there are usually some interesting things (one year, we found a yard-sized tractor).

We have a good time each spring during the clean-up, so come join us. We'll get started about 10:00 a.m. Lunch will be provided. Everyone's help is appreciated, whether you can stay and help for a long time or a short one.

Come One – Come all

Individuals, Families, and Children

Are all welcome.



Brook Creek Neighborhood Association
1944 Miller Drive
Lawrence, KS 66046

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| PRSR STD U.S. Postage PAID Topeka, KS Permit #9 |
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Join Your Neighborhood Association

Dues are \$1.00 per person, per year. This gives you voting rights at BCNA meetings. Clip, fill out, and mail to: Susan Miller, Treasurer; 1235 Prairie; Lawrence, KS 66044

Name: _____

Address: _____

Phone: _____ E-Mail Address _____

- I am enclosing my \$1.00 annual dues
- I am enclosing _____ extra to help the neighborhood association.

GOOD NEIGHBORING

Throughout the summer season (so far), there have been countless examples of good neighboring practiced with no fanfare asked or wanted. Neighbors stepped up to help neighbors for whom it would have been a problem to keep their yards mowed (particularly in the heat of late summer), and yard waste bundled and put out for pickup. Some examples of this (and other things) are:

On May 29, Andrea Rapinsky was cutting down 2 trees in a neighbor's yard to help improve the light for both of our gardens, and neighbors from 2 residences volunteered to assist with the task, cutting and hauling branches.

Byron Wiley cared for the landscaping plants of his across-the-street neighbor, Tim Pliler, all year.

Byron Wiley assisted Andrea Repinsky with tree grafting on April 10.

Pat Miller let neighbors harvest her cherry tree in July.

Several neighbors volunteered hours to address neighborhood problems caused by the 12th & Haskell Recycle Center

Susan Miller rescued Julie Mitchell's neighbor, Jeffery, when his car broke down on campus.

Julie Mitchell loaned her mower to Jeffery and his wife, Tiffany, so that they didn't need to buy their own for the short time they are in Lawrence finishing grad school.

During their respective vacations, Julie Mitchell and Jeffery and Tiffany fed each other's cats..

Russ Wiggins tried to unblock the ditch behind Leo and Theresa Schwarts's house during the May flood so that the water could flow out of their yard. Another neighbor removed a bunch of twine that was caught in Leo's mower.

Phil moved a very large log out of Julie Mitchell's yard after the May flood and cleaned her gutters.

Phil changed his neighbor Sam's tire.