

**City of Lawrence, KS
Community Development Advisory Committee
January 28, 2010 Minutes (City Commission Room)**

MEMBERS PRESENT: Susan Adams, Chris Marshall, Vern Norwood, Brenda Nunez, Aimee Polson, Katherine Pryor, Roberta Suenram, Patti Welty

MEMBERS ABSENT: Marci Francisco, Quinn Miller, Julie Mitchell

STAFF PRESENT: Danelle Dresslar, Margene Swarts

PUBLIC PRESENT: Paul Youk, Seth Peterson, Diane Ensminger.

Swarts noted that Welty would be late and Mitchell would be absent from the meeting this evening. In the absence of Chair Welty and Vice Chair Mitchell, Polson moved **to appoint Norwood the Chair pro tem for the January 28, 2010 meeting**. The motion was seconded by Nunez and **passed 6-0**.

Chair pro tem Norwood called the meeting to order at 5:30 p.m.

1. Introductions

Members and staff introduced themselves.

2. Approval of the January 14, 2010 Minutes.

Suenram moved **to approve the CDAC meeting minutes from the January 14, 2010 meeting**. The motion was seconded by Marshall and **passed 6-0**.

Pryor joined the meeting at 5:40pm.

3. Discuss Changes to Ordinance 8467.

Brian Jimenez, Code Enforcement Manager, addressed the CDAC regarding the proposed changes to Ordinance 8467 in the Environmental Code. Jimenez said that the CDAC was the appealing body for the Environmental Code that the City has adopted, and the City is seeking changes to the code for various reasons. He said that he was present this evening to discuss the changes and answer any questions that the Committee may have for him. Jimenez said that the City Manager's office would like for the CDAC to consider the changes and provide a recommendation for the code amendments.

Norwood asked Jimenez if he would go through the changes one by one for the Committee.

Chair Welty joined the meeting at 5:45pm.

Jimenez went page by page through the Ordinance and described the proposed changes. The document can be found [here](#). The items that are underlined are new items, and the items that are crossed out are those that staff is proposing be deleted.

Norwood reiterated that the CDAC is having a chance to look at these proposed changes because they are the reviewing committee for anyone that files an appeal on an environmental code violation. Norwood asked Swarts if the CDAC needed to provide a letter of recommendation for the proposed changes.

Swarts said that the CDAC can just vote to approve the proposed changes and staff can provide a memorandum to the City Commission stating this motion.

Adams said that she was glad to see the language updated to hold everyone to the same standards in terms of trash pickup no matter what side of town they live on. She noted that trash pickup across the community seemed to her to be very liberal and that there are not a lot of excuses for not throwing away trash.

Jimenez agreed and said that staff uses good discretion no matter what side of town they are enforcing in. There seems to be a public view that there is leniency given in the older neighborhoods, but Jimenez said that in his opinion everyone should be held to the same standards. He agreed that there may be other circumstances that play into the potential violation, but staff is aware of those things. Jimenez added that staff can sometimes take on the role of social worker in addition to code enforcement.

Pryor moved **to accept the proposed changes to Ordinance 8467 and allow for staff to provide a memo of recommendation to the City Commission**. The motion was seconded by Welty and **passed 8-0**.

As Chair Welty was now present, Chair pro tem Norwood handed the Chair position back to Welty.

4. Update Regarding Public Works Application 13a and 13b.

Swarts said that Shoeb Uddin and Mark Thiel, City of Lawrence Public Works were present to answer any questions that the Committee might have regarding the two applications that the department submitted. Swarts also handed out a copy of an article from Kansas Alumni magazine that was written about the proposed Lighted Pathway project that Thiel was present to talk about.

Shoeb Uddin, City Engineer, explained the funding they are requesting this year has a project budget of \$150,000. \$100,000 is for repair in low- moderate income property owners. Sometimes residents are given violation notices for their sidewalks, and at times they cannot fix their sidewalks because of lack of resources. This year Public Works has applied for CDBG funding to fix sidewalks for low- moderate income homeowners. In order to use the CDBG program, the property owner must be income eligible under the rules of the program. Three years ago staff did a comprehensive inventory of the conditions of sidewalks in Lawrence. Uddin said that there were specific criteria set. There will be two things that the City will look at in terms of the CDBG funded sidewalk project. The condition of the sidewalk needs to fall under the heading of "critical", and the owner has to meet CDBG income guidelines. If both parts are met then the program can be used to repair their sidewalk.

Uddin said that the second part of the application was \$50,000 for repair on concrete and brick along East 13th Street. The entire budget for this part of the project is \$300,000. The \$50,000 CDBG request will be used for sidewalks only.

Adams clarified with Uddin that Public Works has not established the locations for the first part of the project as of yet, but that they will be of benefit to Low-moderate income property owners.

Uddin said yes.

Adams said that she was new to the community and as she drove around the other day she noted many spots where there were no sidewalks. She said she particularly noticed in Brook Creek that there were many sidewalks missing and there were many youth walking in the street. Adams asked if sidewalks were missing if those could be added to the project as well.

Uddin said that with this particular project, they could be added, but this application is made for sidewalk repair instead of construction. There has been sidewalk construction in the past done with CDBG funding.

Pryor asked how the process will work for low- moderate income property owners to receive this service.

Uddin said that it is the responsibility of the property owner to maintain their sidewalk. Uddin said that the majority of the condition violation cases are taken care of by the property owner, but in some cases people do not have the means. These are the people that will benefit from this program.

Swarts added that in order to use CDBG funds for this project the property owner has to meet the income guidelines. The sidewalk project in 2009 that was

an area-wide benefit needs to meet area guidelines, and that entire area must qualify. For a project such as this with spot infill or spot replacement, the individual property owner must meet the guidelines.

Welty asked if there was a case when an individual infill can be considered a benefit for the entire community.

Swarts said that if the project is taking place on an individual's property then it has to be considered an individual benefit instead of an area benefit. The individual must qualify. With this particular project, it is possible that sidewalk repair can be made in a neighborhood that is not low- moderate income, because it is based on qualification of property owner.

Suenram asked if rental properties can be included in this project.

Uddin said that the property owner would have to qualify, not the renters. Uddin said that there is a difference in building a new sidewalk and fixing an old one. New sidewalk decisions are based on knowledge of needs. There is extensive contact with the public and there are many discussions and opportunities for input. There are times when the residents do not want the sidewalk.

Polson asked if the all the expenses covered by the City for this project are considered ineligible for CDBG funding.

Swarts said not necessarily, that this was just the funding that Public Works was contributing.

Polson asked if the City can use any of the extra money they are contributing to help those who do not qualify under CDBG guidelines but may be facing a hardship that makes it difficult for them to pay for repair.

Swarts said that the City can then run into the problem of determining who you help and who you do not. The Public Works department made the decision that with this program if you are low- moderate income then you can potentially qualify, and you do not qualify if you do not fall into those income guidelines.

Uddin said that the only step that the department is taking is to use funding for those who meet the income criteria.

Polson noted that there was an abundance of sidewalks that fall under the "critical" condition criteria.

Uddin said that Public Works will continue to work on this project in the future. The intention is to apply for CDBG funding each year, and as the program progresses there will be no more critical condition sidewalks.

Polson asked how often the sidewalk inventory was completed.

Uddin said that the current inventory they are utilizing is from 2005, so there will probably be another assessment done in a few years.

Welty commented that it is nice to see the improvements that have been made to date.

Uddin said that with the current economy, Public Works has been receiving some very good construction bids so they have been able to do more than they originally anticipated.

Norwood commented that she appreciated walking on nice, even sidewalks, and that divots and missing segments can be very hazardous.

Uddin said that good sidewalks are always part of the Public Works design process. They are favorable and conducive to many types of transportation. The community has been very conscious of this fact and the designs have been very progressive to include this.

Mark Thiel, Assistant Director of Public Works, introduced himself and stated he was there to answer any questions the CDAC had on the Oread Lighted Pathway Project that Public Works has submitted a CDBG application for.

Thiel said that the first goal for this project is to create a safe pathway that is smooth and level and has lighting for residents and students commuting through the Oread neighborhood to and from the University. There has been a rise lately in that area of aggravated attacks and crimes. This application for CDBG funding has been submitted in conjunction with an application that has been submitted to the State of Kansas Transportation Enhancement (TE) grant. The project has a CDBG request of \$201,000 and a TE request of \$187,000. There are two phases to the project. The first phase is the primary route which will run along the north side of 12th Street from Oread Avenue to Vermont Street, ending at South Park. The path then will proceed diagonally through South Park along an existing sidewalk to the intersection of North Park Street. The secondary route will be on the north side of 14th Street from Louisiana Street to Ohio Street, then turning north along the west side of Ohio Street to 12th Street. This is an area that would be able to be completed at minimized costs, and there is an adequate right-of-way for this location. The funding is going to materials only, as the design and construction management is being done internally. The TE grant will only be applicable to the primary route. If the TE grant is not received then the CDBG grant, if approved, will become the funding source for the primary route. The University of Kansas is allocating money as well to the project, so if both grant funding sources are approved, with the money from KU, the total

application requests will come to \$575,000 and the project budget is \$535,000. If this is the case then there will be money left over to put back into the CDBG program.

Thiel explained that the neighborhood is in an historical district, but there has never been a lighting standard in the history of the neighborhood. The Public Works department has met with the neighborhood and proposed a four foot pedestal light. One light that they are looking at is motion activated. It is an energy efficient model and they are looking to space the lights every 20 feet or so. It is a low output LED light when it is not activated, but upon activation it increased its output dramatically. Motion is an added safety mechanism to be able to add to the project. It will not only light the path for the pedestrian, it will alert them as to other people near the pathway. Thiel added that staff has promised to meet with the neighborhood association to compromise on a light fixture.

Norwood asked if the motion activated light would be triggered by animals along the path.

Thiel said that the technology that the lights use is a vertical and horizontal adjustment. The sensor can be set taller than the light. A squirrel or dog on the ground will not set them off. As a pedestrian walks down the pathway it can be set to illuminate at several different intervals from three feet to twenty feet. Staff is recommending that the number be set at 10 feet. The light time is also adjustable, and it can be set to not be activated by cars along the road. Thiel said that both the City and KU are very excited about this project.

Suenram asked when Thiel expects to hear about the TE grant.

Thiel said that they work on the KDOT fiscal year, so the allocation from the CDBG, if approved, will be decided prior to the TE grant.

Pryor asked if staff does not receive the TE grant will the project be completed.

Thiel said that the main push of this project is Phase One, which is the primary route. That is what will be competed with partial funding.

Marshall asked how much of the Oread neighborhood are rental units.

Swarts estimated that the rental percentage of the Oread neighborhood was around 90%. There are very little owner occupied residences in the neighborhood.

Marshall asked if there was a possibility that the majority of the tenants in the neighborhood might not be considered low- moderate income residents.

Swarts said that the Oread neighborhood is considered low- moderate income by HUD.

Thiel said 80% of the sidewalks in the area are in need of repair along the path, and they are not within code for handicap ramps. The crossing of Tennessee Street and Kentucky Street will bring about new pedestrian signals as well. Marshall asked about the definition of the area and if it is eligible for this activity.

Swarts said that this activity can be done on an area-wide benefit. With area-wide sidewalk projects there is an assumption that most who utilize the sidewalks are in that area for a reason. This will be an access point for the neighborhood from downtown to the University. It is approached from a reasonableness standard. If the entire area is considered low- moderate income, one can reasonably think that those walking in the area will be low- moderate income as well.

Marshall asked why the guidelines do not look at the owners for area-wide benefit. He said that in the first project presented by Uddin it is the property owners that are looked at and in this pathway project the property owners in the area are most likely not low- moderate income but their renters are.

Swarts said that low- moderate income levels that provide an area benefit are composed of those who live in the neighborhood, not those who necessarily own in the neighborhood. This is what separates an area wide project from a individual benefit project. Residents are calculated in an area benefit.

Uddin said that when you build a new sidewalk you have to look at those who are going to use it. When you build that sidewalk in a residential area then there is now someone who owns it. If you are building this lighted pathway, you are helping those who live in the neighborhood and not the owners necessarily.

Pryor asked Thiel where the money from KU was coming from.

Thiel said that there was \$20,000 from the Student Council and \$100,000 from the Student Safety Advisory Committee. KU legal services allowed the use of the \$100,000 off campus.

Adams said she was concerned about the ratio of who is paying for the sidewalk and who is actually using it. The application narrative write-up noted that it will be an economic boost for downtown to have this walkway in this neighborhood. She said she was not sure that this was the best use of the funds based on the CDBG guidelines. She said that she is concerned by the semantics of the low-moderate income of renters and the actual property owners. The Census numbers she looked at included students, and she is concerned with looking at

the student population as a beneficiary for this funding when there is a large deficiency in funding and applications. She said that she thought it was a fantastic project, but is asking herself if this is what the funding is really for. She asked where the low- moderate income numbers are coming from in the first place. She said that the neighborhood lists 4,749 residents and this grant application is listing a benefit to 30,000 people. This seems to be the same as the baseball/softball field in a low- moderate income area that cannot be counted as an area-wide benefit since more than the residents of the neighborhood will be using it. She asked Thiel if he had a feel for if they will be successful in obtaining the TE grant.

Thiel said that the input on the grant application regarding the economic boost for the community was a community benefit. Any time infrastructure is improved an increase in pedestrians traveling the path occurs because they feel safer. Oread neighborhood just happens to be connected to KU, which is where the number of 30,000 served came from. The benefit to the neighborhood is that the 80% of sidewalks that are there are more than likely not going to be repaired without CDBG, TE, or City money. Thiel said he was not sure on the direction of the TE grant decisions.

Swarts said that this project was being done on an area-wide benefit. The Census data is from 2000 and the low- moderate income areas are determined by HUD. Not all of the KU student body is considered in our population. The population is estimated at 90,000 for Lawrence, and some of the 28,000 students at KU are included in that number. Whoever lives in the Oread neighborhood is who is calculated in the area income levels. Some of the population of the neighborhood may be students, but those students and whoever else lives in that neighborhood account for the 70% that are low-moderate income. There are some homeowners in the mix as well, but some are students, some are not students, and some just live there. It is inaccurate to say that it is only KU and students that will benefit from the project. This neighborhood is adjacent to KU and to downtown, which is part of our community. The low- moderate income areas have been determined by HUD and have been based on Census data. This does not change by who may or may not live there.

Marshall asked Thiel if there was a Plan B.

Thiel said that Phase one is \$261,000 so funding would have to be patched together to do this part of the project. There is no alternative plan.

Suenram asked about the pedestal lights and the security of the light posts themselves.

Thiel said staff is aware that the path will be used partially by college students traveling home late at night. The major concern staff had was the long term maintenance of the lights. No light will be 100% vandal proof, but the light will be anchored and collared to a concrete footing. The light base is either cast or concrete. Staff highlighted concerns including people trying to push the light post over or hitting it with a bat or spray paint. The LED is protected by internal chips and they are impact resistant. Staff is aware that there will be those who will try to remove it. The best thing staff can do is work to minimize that risk as much as possible. Thiel added that the City will take over responsibility of maintaining the sidewalk, but snow removal is still under debate. Public Works is still looking at snow removal being the responsibility of the property owner.

5. Election of Chair and Vice Chair.

Swarts asked if there were any nominations for Chair or Vice Chair.

Pryor nominated Adams for Chair.

Adams declined nomination.

Polson requested that due to time constraints that the elections be postponed until the February 11 meeting.

Pryor moved **to table the election of Chair and Vice Chair until the February 11, 2010 meeting.** The motion was seconded by Polson and **passed 8-0.**

6. Staff Response to January 14, 2010 CDBG/HOME Application Questions.

Swarts told the CDAC that there were representatives in attendance from the Ballard Center, and that staff had received the Ballard Annual report, but due to an oversight it was not posted with the rest of the applications. Staff will correct that and have it accessible on the website.

Swarts said that there was a question that was brought up on the Ballard roof repair since the project was originally done utilizing CDBG funds. There has been a call made to the roofing materials company. Staff believes in talking to Ballard representatives that the problem is not in the roof but in a component of the roof. This element is what is failing and needs replaced. There is a 10 year warranty on the materials, but this might not be a problem in the materials. The roofing company that installed the roof originally is no longer in business, so a call has been made to the manufacturer.

Diane Ensminger asked the CDAC if they had any additional questions for her regarding the applications.

Adams said that she had a question about the number of individuals served in terms of rent and utility assistance. The application said that the ESC funding can serve between 1000 and 4000 people. This is a very large range. This number combined with the numbers provided by the Salvation Army is very large as the Salvation Army has listed helping 8000 people. Adams said her question is about the numbers and economic necessities in Lawrence. This question caused her to look at the Census information. She wanted to know where the numbers were coming from, and combined with these types of numbers how the CDAC can have clarity on where the most needs are.

Ensminger said that the ESC funding is based on one of seven divisions in the agency. For 40 years ESC has provided rent and utility assistance for the community. The ESC had been a consortium of Ballard, Penn House, Women's Transitional Care Services, Douglas County Senior Services, ECKAN, and the Salvation Army. Each organization received dedicated donations at the beginning of the month. Now the ESC has combined FEMA funding into the program. Ballard now administers the program. The average allocation per request is \$150 per application. Sometimes the applications do not require that much, but sometimes they do. Ensminger said that program success is measured in program outcomes, every person and every application. Every person receiving assistance can stay in their home for another 30 days. After 60 days the success rate of remaining housed is around 100%, and after six months the success rate is still 80%. Evictions occur because of rent or utility shut-off. Recently Ballard has seen a 78% increase in applications and are now looking at over 600 a month.

Norwood said that she felt that Ballard did a tremendous job in providing services to senior citizens. She said that she did not originally realize how many agencies provided services to all these populations.

Adams said that she would like a clarity on the numbers served, and how the application reads that they are able to assist 10% of their requests.

Youk said that traditionally the estimate is 10-15% of the requests that are received are able to be filled. This number is based on inquiries including phone calls. This number is very difficult to measure. Sometimes a situation is not eligible for funding. 10-15% of the calls and applications are the ones that they are able to assist. A discussion does not happen with all of them.

Adams said that was not how she read it and that the way she read it said that they are missing 90% of the requests.

Youk said that a larger ESC budget would mean more eligible requests can be filled.

Ensminger said that within the first 10 minutes of every month the ESC is out of funding.

Pryor said that they are not able to meet the community needs by the operating budget they are working with.

Ensminger agreed and added that the number of folks requesting assistance are unbelievable.

Pryor asked how many of those that obtain assistance have children in the home.

Youk estimated that 90-95% of the assisted individuals have children in the home.

Ensminger said that families are the mission of the Ballard Center. They rely heavily on the North Lawrence neighborhood to let them know when their assistance may be needed by a family or a senior citizen.

Youk said that 1000-4000 number served that is on the application is an estimate. Last year the number was around 1000 that they were able to assist. With consistent funding, Ballard estimates that they can serve up to 4000 a year. This is a very realistic number for them based on funding.

Pryor said that it makes sense that those numbers would be correct as 35% of children are on free or reduced lunches.

Youk said that 121 children were enrolled at the Ballard Early Education Center and there are more on the wait list. Some of the families get assistance, but not all sites have that availability yet.

Swarts noted the time was 7:15 pm and if the CDAC would like to extend the meeting 20 minutes staff could finish Item six with the questions of the Committee from January 14.

There was not enough interest in extending the meeting from the CDAC. The item will be tabled until the February 11 meeting.

7. Begin Deliberations – HOME.

This item will be tabled until the February 11 meeting.

8. Miscellaneous/Calendar Items.

There were no additional items at this time.

9. Public Comment.

There was no public comment.

9. Public Comment.

Pryor moved **to adjourn the January 28, 2010 meeting of the CDAC.** The motion was seconded by Welty and **passed 8-0.**

DRAFT

Attendance Record

Members	Jan 14	Jan 28	Feb 11	Feb 25	Mar 11	Mar 25	Apr 8	Apr 22	May 13	May 27	Jun 10	Jun 24	July 8	July 22	Aug 12	Aug 26	Sept 9	Sept 23	Oct 14	Oct 28	Nov 11	Nov 25	Dec 9	Dec 23
Susan Adams	+	+																						
Marci Francisco	+																							
Chris Marshall	+	+																						
Quinn Miller	+																							
Julie Mitchell	+	E																						
Vern Norwood	+	+																						
Brenda Nunez	+	+																						
Aimee Polson	E	+																						
Katherine Pryor	+	+																						
Roberta Suenram	+	+																						
Patti Welty	+	+																						