

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, November 27, 2023**

The meeting of the Administration and Human Services Standing Committee was held on Monday, November 27, 2023, at 6:52 p.m. The following members were present: Commissioner Markley, Chairman; Commissioners Bynum, Ramirez, Johnson, Kane. The following officials were also in attendance: Gunnar Hand, Director of Planning and Urban Design; Jeff Conway, Assistant Counsel; Wesley McKain, Policy and Development Manager, Public Health Department; Uzomaka Nwafor, Program Coordinator, Health Department; and Monica L. Sparks, Deputy UG Clerk.

Chairman Markley said before I call this meeting to order, I want to announce that some committee members, staff, and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure you announce yourself by name and title every time you speak to the public that is observing knows who is speaking. When speaking be sure and speak directly into your microphone so all comments are heard and the record of the meeting is accurate. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00 P.M. the Thursday before the meeting. The public will also have the opportunity to provide brief comments, either by telephone, via Zoom, or from the 5th Floor Conference Room of the Municipal Office building.

Chairman Markley called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman Markley said there are no revisions to tonight's agenda and there are no minutes to approve.

COMMITTEE AGENDA

Item No. 1 – 212772...RESOLUTION: NORTHEAST KCK HERITAGE TRAIL PHASE 1 UTILIZING ARPA FUNDS

Synopsis: Approval of a resolution authorizing the use of \$240,000 from ARPA set-aside funds as the local match, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Design, said in March of this year, this committee, and subsequently the Board of Commissioners, approved a list of projects, which I included in your package, that the Interdepartmental Working Group was to pursue grants for. I'm here tonight to report that we received a \$1.2 million grant for a trail system that will connect where Jersey Creek Trail ends at basically 5th & Parallel, across to 3rd Street and down 3rd Street, to connect to both the Kaw Point Trail as well as the American Riverfront Heritage Trail, which takes you across I-70 into Kansas City, Missouri and soon when it's completed, will connect on the other side of the Kaw River to the Levee Betterments Trail, down to the Rock Island Bridge across the river, and around the oxbow of Armourdale, all the way to the Procter and Gamble Trailhead. This is a critical gap in the existing trail system within Kansas City, Kansas that will connect us to two regional trails that will get us out of our jurisdiction and into the regional trail system. What we are talking about is the preferred trail facility type which is an off-street trail, i.e, a 10-foot-wide sidewalk, a sidewalk that does not currently exist on that stretch of 3rd Street and over across to 5th. This grant requires a 20% local match, so 20% of \$1.2 million is \$240,000 bucks that we are requesting from the ARPA set-aside that the Board of Commissioners used for these very purposes. We would also request that this be fast-tracked to Thursday.

Chairman Markley said it does say \$240,000 in the actual agenda. My special highlighted agenda was missing zero, so had me there for a minute. Anybody from the committee have questions or comments?

Action: Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to approve and fast-track to the November 30th full commission.

Chairman Markley said Madam Clerk, anybody with hands raised virtually? **Ms. Sparks** said no hands are raised. **Chairman Markley** said anyone here in the room want to make comment on this item?

Carolyn Wyatt, Kansas City, Kansas, said I think I missed a little bit when I stepped up for a minute. **Chairman Markley** said you know the drill, three minutes. **Ms. Wyatt** said I left out for a minute to talk to Jeff and I missed something. This trail you're talking about, is that removing the concrete from Jersey? That's not that, that's something different? **Chairman Markley** said something different, yeah. **Ms. Wyatt** said okay, so I missed part of that. **Chairman Markley** said so this is the Northeast Heritage Trail. **Mr. Hand** said give it again? **Chairman Markley** said if you want to give a brief one or if you just want to group up after this, either way. **Ms. Wyatt** said just highlight just a little bit.

Mr. Hand said the request is for the local match for a \$1.2 million grant that will extend Jersey Creek Trail from where it currently ends at around 5th & Parallel across to 3rd Street, down 3rd Street, to connect to the existing trail systems that take you into Kaw Point across the bridge to the American Riverfront Heritage Trail, and then subsequently, and soon, to connect to our own Levee Betterments Trail, again, on the other side of the Kaw River there. This is a large gap in our internal trail system that will connect us to the largest employment center in our region through bike and ped. **Commissioner Johnson** said and this is new trail? **Mr. Hand** said this is a new trail segment. It's a little less—it's approximately a mile, and it will include both the design and construction budget for the project.

Ms. Wyatt said on this trail, has it been taken to the community? **Mr. Hand** said the Northeast KCK Heritage Trail has been a policy of the Unified Government of Wyandotte County, Kansas City, Kansas since its inclusion in the Northeast Area Plan in 2018. It subsequently developed its own planning process that was adopted in 2021, an extensive planning process that was in coordination with the creation, for the first time, of our Countywide Mobility Strategy that was the Northeast KCK Heritage Trail Plan. Again, we took this and other grants through the

approval process to seek them as we are required, and all throughout the way we have had multiple contacts with our community members and stakeholders. **Ms. Wyatt** said I'm not saying it's not a good idea, but I think that we need more information on that to actually like what you're actually proposing. Because normally I go to a lot of meetings and I've heard about a lot of different trails, but I don't think I heard about that trail. I think it probably—I mean, you say from 3rd Street all the way to 10th Street, there's probably four or five neighborhood groups in that area. Been enough people in there I think that if you had a meeting where you could actually explain what you're talking about, show the people what you're saying, not only talking, but showing process you're talking about.

Mr. Hand said we will continue to have public meetings as we pursue the design and construction project. Again, there have been countless numbers of public meetings about the Northeast KCK Heritage Trail dating back to 2018. **Ms. Wyatt** said well, they may have been, but you might not have contacted the community. You may have contacted certain group of people, like maybe Groundwork, but if you haven't contacted the community, you really haven't contacted the people in the community. So I just want to say that. Thank you.

Chairman Markley said thanks, Ms. Wyatt. We have a motion and a second. Roll call.

Roll call was taken and there were five “Ayes,” Kane, Johnson, Ramirez, Bynum, Markley.

Chairman Markley said I can't remember, did we include the fast-track in the motion? Oh, no. It was just for—**Ms. Sparks** said it was in. **Chairman Markley** said it was in there? The motion was so far before the vote, I wasn't sure. Do we need to go through it, we got it covered? **Jeff Conway, Assistant Counsel**, said he requested it when he was sitting. The motion, I believe, was on his request, so long as everybody's operating under that understanding you should be good.

Item No. 2 – 212876...RESOLUTION/ORDINANCE: TOBACCO RETAIL LICENSE

Synopsis: Adoption of a resolution and ordinance approving a local Tobacco Retail License, and amending an existing section, and adding new sections to the Code of Ordinances, submitted by Wesley McKain, Policy and Development Manager, Public Health Department.

Chairman Markley said Item #2, also the last item on our agenda. This is regarding the local Tobacco Retail License. We heard this item last month in Standing Committee. It is back before us tonight really, solely because we were short on members last month and we wanted to make sure that we had a larger group here for that discussion. Most of this committee has heard this before, either last month or individually. So, it's up to this committee whether we want to hear the presentation again or whether we just want to ask questions and move from there. Preference?

Commissioner Johnson said I don't need a presentation. **Chairman Markley** said are there questions or comments based on the presentation or the information that we have heard in separate meetings with this group?

Commissioner Bynum said I just want to step back to last month when we had an extensive conversation about the ordinance and brought up, I think all the pros and cons, if you will. In particular the pros of adopting such an ordinance. I want to thank the members of the Health Department team and also the community partners that helped us bring something forward. I would propose a motion to adopt the Tobacco Retailers License, so I will make that as a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to approve.**

Commissioner Ramirez said I wasn't here for the first time that it was presented. I know this in length, I did my research and whatnot, so I don't need the presentation. Remind me how many other communities within our state have a Tobacco Retail License? **Wesley McKain, Policy and Development Manager**, said sure, there are three other communities. It's Wichita, Newton, and Lawrence. However, Newton repealed theirs about a month or two ago. We don't have a lot of details on that, but those are the communities.

Commissioner Ramirez said the reason I ask, and I support this, but the one big reservation I have is the state. We did Safe and Welcoming and it was taken away from us within a day. Lawrence, Roeland Park had a similar ordinance already in place. But of course, when Wyandotte County implemented it, they took it away for everybody. So that is the reservation I have with this because we would be one of the biggest communities in this state to first

implement—to adopt this type of ordinance. And you know, our state loves to pre-empt our local governments from being able to do our job. So I will support it, but I do have the big reservation of the state coming in and saying, no, you cannot do that, and pass the legislation banning local governments from doing this. It's a real threat. Honestly, it's the very first thought that comes to mind anytime any thing of us introduce, the state wanting to come in and tell us how to do our jobs. **Mr. McKain** said that's a very fair concern, given the history with the state. I would say the Safe and Welcoming Ordinance was, I think there were some political issues, and still are in the state around that issue, nationally and at the state as well. I believe that was an election year as well and so there was a lot of attention on that. The issue of tobacco control, and please let me know if I'm off base on this, I haven't heard that it has the same kind of valence at the state level that this does, that it has the same amount of intention on it or that the politics are similar to that. I'm not saying that that's not an issue at all because, of course, it can be. But I think the political, kind of, tallest blade of grass or tallest tree isn't quite as high on this as on that issue in my opinion, which take it—I'm the Policy Manager at the Public Health Department.

Commissioner Ramirez said I would normally agree with you, but unfortunately, and in my mind, I believe we don't have a fair Attorney General. It's been known and stated that our Attorney General doesn't really care for Wyandotte County. So that's where I say normally I would understand and agree with you, but, like I said, I still support it, but that's still the biggest reservation that I have. **Mr. McKain** said I would like to also note, obviously, we haven't talked to every elected official in the state, but we have talked to the state tobacco department, I forget what that department's called, and they do support us doing this locally as well. So the state agency that's in charge of this does support us doing this, and I hope that helps.

Chairman Markley said, Clerk, is there anyone attending virtually who would like to comment on this item? **Ms. Sparks** said no hands are raised. **Chairman Markley** said anyone here in person who would like to comment on this item?

Ms. Wyatt said it's like I'm commenting on everything, but I'm interested in young people. I didn't hear the beginning of the Tobacco Ordinance. I kind of sponsor—I'm going over the tobacco campaign against the different cigarettes. They're around every school around here, so it's like they're targeting young people. I don't know if you have kids, I don't have any, but I have nieces

and nephews, but I'm saying they're targeting the young people and they make them so pretty, you know. When you go in there they are selling more paraphernalia than they're selling gas. So I'm sure the ordinance what you're trying to get through, is this where you're—could you explain it to me exactly for a minute about the ordinance that you're proposing? **Chairman Markley** said somebody want to summarize? **Mr. McKain** said Uzo, do you want to briefly describe the ordinance?

Uzomaka Nwafor, Program Coordinator, Health Department, said so what this Ordinance will entail, it's like a build up from Tobacco 21 that was implemented a few years ago, which raised the legal age of sale from 18 to 21 years old. It will ensure that a Public Health staff member conducts compliance checks with a youth from Wyandotte County to see which tobacco retail holder is actually complying to the state and also the local law of selling to underage youth. Assuming that if they don't comply, then they would be fined or suspended, depending on the level of offenses that they have. So first, second, third offense, they will be fined higher, suspended higher, and it can even go up to a two-year suspension depending on how often they're caught. It will also entail that the Tobacco Retail License will be raised. Currently, I believe it's like \$25, but it'll be raised up to \$600, that's what we're proposing. It will just ensure more accountability and also funding for the full-time employee from the Health Department to actually carry out these compliance checks.

Ms. Wyatt said okay, I kind of thought that was. I just wanted to make sure. What I'm saying is, sometimes I go around the different service stations to see who's going there to buy this paraphernalia, you know, who's buying that? I know there's one place off of 10th and—if you go out 10th Street, there's a little shopping thing right there to the right-hand side before—I think that's—I know they sell to young people. I think probably the one, maybe, out on 18th & Parallel. There are some ones I know do sell to young people. And actually, really, you're being too kind to those people because they're ruining young people's lungs and everything. You're being too kind if they sell it to young people. Most of those people aren't from here, so what do they care about our young people? What do they care about people at all because they're not from here. So to me, you're being too light. If they're selling to young people, they need to say, we're taking their license. You got to make an example out of somebody because I know they're selling to young people. **Ms. Sparks** said one minute remaining. **Ms. Wyatt** said and they're around the schools.

Around every school, you go check out by the one out on 18th Street, whatever that school is out there. No, 18th Street going out toward—**Commissioner Johnson** said Carl Bruce? **Ms. Wyatt** said no, the other way, going out to Roe, the school out there. Harmon, school right there. I mean, school there, and you go in there, and looks so pretty. All this stuff is up there for the kids to buy, the pipes, all that. So somebody needs to be going to check all these service stations and let them know if they get caught selling, their license will be taken. You got to be blunt with this because they're making all this money and they're killing our kids. And even adults, who should have more sense, they're smoking with the kids. So, it's like you got to be more stern with that. You know, you're the Health Department, that's about health. They need to know, send them a letter, whatever, your license will be taken. That way they will—that stuff probably start—I've called the Health Department before because I wanted to get the stuff moved out of the service stations. **Ms. Sparks** said your time has expired. **Ms. Wyatt** said you do that one time, they need to move that stuff out of service stations. It's no good for nobody. So I hope everybody's listening. If you got kids or grandkids, if you don't stop this, your grandkids or their grandkids, they will all be on this stuff.

Chairman Markley said anyone else in the public here present want to speak on this item? Come up to the podium, give us your name and city of residence, and you'll have three minutes.

Courtney Eiterich, Lenexa, Kansas, said I teach at J.C. Harmon High School. When Ms. Wyatt was talking about what she believes is her experience in our building, I will tell you that tobacco products are highly accessible to our kids. I witness firsthand every day the effect that it has on them, where we have unresolved issues that are happening with the kids in our community that are being treated with tobacco products and then it becomes an addiction that is a problem where they are missing class, they need to go to the bathroom every five minutes or every hour to treat this. So I appreciate you letting me speak again. I was here last month, but just wanted to reiterate what we said. These are—this is one way that we are helping curtail the access to our students and hopefully making the community better and keeping it out of the hands of our young people.

Commissioner Kane said I wasn't going to say nothing, but now I guess I will. The last speaker is an elected person in another municipality, and they haven't done anything with it. So, if you're going to bring something here, you should have done it in your place and said, this is what I did in

my place. Not come over here and say, here's what I want you to do, although I haven't done it in my area, but I want you to do it over here. So when somebody says something, and the fact that there's only three municipalities, and when it was presented to me, there was a hell of a lot more. Then I got yelled at because, you know, you'll be the only commissioner voting against it. As I've told you all before, my mom died to smoke related cancer, but if you can serve this country, you ought to be able to drink beer and smoke a cigarette, and that's my opinion. I didn't interrupt anybody else, nobody's going to interrupt me.

Chairman Markley said anyone else wish to comment on this item? Alright, we have a motion and a second, roll call, please.

Roll call was taken and there were four “Ayes,” Johnson, Ramirez, Bynum, Markley, and one “No,” Kane.

Public Agenda

No items of business.

Adjourn

Chairman Markley said that concludes our meeting this evening. I will thank you all for many years of attention and patience as this is my last meeting leading this committee, and I have enjoyed it. I will take a motion to adjourn.

Commissioner Kane said I'm not ready. I just want to thank both you guys and Brian. It takes a lot out of our lives to come do this, the sacrifice away from family, and as I said the other day when I got home at 1:45 Diane was standing there saying we don't need the money because people have no idea the stress that it puts on us, puts on our kids, puts on our siblings because we voted this way or we voted that way. I just want you to know that I appreciate all three of you.

Commissioner Ramirez said ditto everything Commissioner Kane said. Since I've been here, you two have as well. Since these four years, hearing the debates we have and the questions you've asked has made me a better commissioner. I thank you for that and I thank you for your

commitment to your Districts, to Wyandotte County, and Kansas City, Kansas, and I wish you all the best.

Commissioner Johnson said I will say that it's been a pleasure working with everyone. I've learned a lot. It has been challenging, but I feel like it's been very fulfilling and it's something that will enhance my life. I don't know where the next step is, but whatever it is, this experience working with you all, understanding that teamwork makes the dream work and how to be able to work with different lines of thoughts on some very challenging topics, has been a great challenge, but it's been a great reward. I want to say thank you to all of you all as my peers, as my colleagues, and as my friends. I think that we'll continue to see each other at different events and I'm looking forward to the next phase of life.

Chairman Markley said somebody make a motion to adjourn before I cry. **Commissioner Johnson** said I'll be happy to make my final motion for this standing committee.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to adjourn.** Roll call was taken and there were five "Ayes," Kane, Johnson, Ramirez, Bynum, Markley.

The meeting was adjourned at 7:18 p.m.

RM