

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
NOVEMBER 30, 2017**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 30, 2017, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Assistant Counsel; Lindsay Behgam, Executive Coordinator to the Mayor; Janet Parker and Byron Toy, Planning Department; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Jon Stephens, Interim Economic Development Director; and Captain Thomas Joyce, Sergeant-at-Arms.

Mayor Holland called the meeting to order.

ROLL CALL: Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Holland.

INVOCATION was given by Reverend Tony Carter, Faith Community Church.

Mayor Holland asked the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, a blue sheet has been distributed. Under Section 7, of the Planning and Zoning Consent Agenda, Item B1, we have additional item under the Special Use Permit Application, SP-2017-37. Under Section 10 Non-Planning Consent Agenda, we have a new item, Item No. 6 which is a plat regarding the Legends Auto Mall 3rd Plat.

Mayor Holland said both of these are on the Consent Agenda. One is on the Planning and Zoning Consent and one is on the Non-Planning Consent Agenda. Our first portion of our meeting tonight is our Planning & Zoning portion. I'll ask the Clerk to read the statement required by law to be read followed by the items on the Planning & Zoning Consent Agenda.

Bridgette Cobbins, UG Clerk, read the statement.

PLANNING AND ZONING CONSENT AGENDA

Bridgette Cobbins, UG Clerk, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda.

Commissioner McKiernan said I previously had contact with proponents and opponents of SP-2017-36. **Commissioner Bynum** said communication with proponents and opponents of SP-2017-36. **Commissioner Philbrook** said with both proponents and opponents of SP-2017-36. **Commissioner Townsend** said I've had contact/communication with proponent of Change of Zone Application #3150. **Commissioner Johnson** said proponent SP-2017-36. **Commissioner Markley** said I've received email communication regarding SP-2017-36. **Mayor Holland** said I will disclose as well I've had discussion with proponents of No. 3150. **Commissioner Philbrook** said also, with Zone Application Changes #3149 and #3150, proponents and opponents.

Ms. Cobbins read the items on the Planning and Zoning Consent Agenda.

Commissioner Johnson said I've also had contact with Change of Zone Petition #3150.

Mayor Holland said that brings us to our Planning & Zoning Consent Agenda, would anyone in the audience tonight, staff member or Commissioner like to remove any item from the consent agenda. Any item not removed at this time will be voted on by a single vote. If you would like to remove an item, please step to the microphone at this time.

Rob Richardson, Director of Planning, said I'd like to remove SP2017-58, Eric Bishop. We've had new information since the Planning Commission meeting about this case. **Mayor Holland** said thank you, it is removed.

Rich Sheahan said I'd like to remove Special Use Permit Application SP2017-36 from the Consent Agenda. **Mayor Holland** said it is removed.

Mayor Holland asked are there any other items. Let the record show no one else is moving to the microphone to remove an item.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all other items as submitted.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 171407...CHANGE OF ZONE APPLICATION #3149 - JON CORBIN WITH KVC FOUNDATION, INC

Synopsis: Change of Zone from C-1 Limited Business District to R-4 Garden Apartment District for a facility that provides short-term residence to youth in foster care at 316-344 North 38th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, KVC Foundation, Inc. has submitted a rezoning application to operate a facility that provides short-term residence to youth in foster care. The facility is proposed for providing short-term care for youth entering into the foster care system awaiting a long-term placement. The use intends to provide a safe, comfortable, home-like environment. The building is three stories, includes 7,700 square feet, and the property includes significant parking areas. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3149 as a Special Use Permit for two years, subject to:

Urban Planning and Land Use Comments:

Legal Description

The legal description of the property submitted by the applicant does not include the entire property. The new parking lot to the south of the building appears to be outside the boundary of the submitted legal description. Please submit a new legal description that includes the entire property.

Staff Response: This has been resolved.

Special Use Permit

A special use permit is required to operate a group home. A group home may be approved in any zoning district with a special use permit. Staff recommends that this case be considered as a special use permit application and not a rezoning application. If the applicant would like to seek a change of zone, zoning variances will be required including setback variances.

Additional Information Regarding Operation of the Facility

Please provide additional information related to operation of the facility including:

1. How many children will reside at the property at one time? What are the age ranges of the children that will be placed at the property? What will be the average length of stay? What are the background and circumstances of the children placed at this location?

Applicant Response: The facility, based bedroom square footage size, will be licensed for up to 20 youth. The license for the facility will also be from 6-18 years old, but the biggest need in the community is from ages 13-18. The length of stay of each youth is dependent on the State of Kansas and the foster care subcontractors. The goal of the foster care subcontractors is for each child to achieve permanency. They want children and youth to be able to remain safe while that goal is being worked toward and for the time of a child to be considered in all decisions. It is our goal for children to remain in the shelter as little time as possible so they can either experience reintegration with their biological family, a long-term foster placement is located, family members or non-kin relationships can be kindled into a long-term placement or an adoptive resource is identified if that is the youth's permanency goal (meaning that parental reintegration is no longer a viable option). The youth at this location are those entering the foster care system and in search of longer a viable option). The youth

at this location are those entering the foster care system and in search of placement, or those currently in the foster care system and in-between foster homes/reintegration.

2. How many staff members will be on-site during different times of the day/night? Are there requirements for the staff in terms of education, credentials, or minimum requirements?

Applicant Response: KVC Hospitals will employ approximately 20 FTE staff for this location, with positions ranging from direct youth care, supervisory staff, and possibly a therapist and LPN depending on the individual needs of each youth. For each level of staff members, varying education, credentials and requirements for employment are required. We offer positions which require a high school diploma, a college degree as well as advanced degrees. We do have preference for applicants who have worked with youth in the past and provide training to all staff members based on neuroscience and brain development, trauma informed care practices and Trauma Systems Therapy in order to best serve our clients.

3. How will the rest of the property be used? For example, are there plans to expand or add recreational areas? Please show on a site plan any proposed recreational areas, additions, parking areas, fencing, landscaping, or any other changes to the property that are proposed. Any changes from the approved site plan must be approved by the Planning Commission and Board of Commissioners.

Applicant Response: At this time there are no plans to expand into the empty lots on the property. The empty lots would be used as a space to let kids be kids (play outside, fly kites, etc.)

4. Please provide a floor plan of the building.

Applicant Response: A floor plan of the building, as it is now, is attached. A floor plan of what we anticipate the building will look like after some light interior renovations is also attached. Please note: the floor plan is not final and still under internal review.

5. How do you plan to provide transportation? Will there be vans or other vehicles stored on site?

Applicant Response: KVC will purchase vehicles to ensure youth have appropriate transportation for community outings and to school (if needed). These vehicles will be kept in the parking lot or the large garage on the property.

6. What is the anticipated effect on the neighborhood schools? Have you discussed the proposed facility with the school district and what is their response?

Applicant Response: These youths will be enrolled in USD 500 (Kansas City Kansas schools) if they are not already. We have met with the school district administrators and they are in support of the program. KVC has a wonderful relationship with USD 500 that extends well outside this program.

Business License Comments:

If approved, applicant would need to file application with our office as they become operational.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Obtain an inspection and approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.
 - b. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3149 as a special use permit for two years. Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171408...CHANGE OF ZONE APPLICATION #3150 – RANDY CALLSTROM WITH WYANDOTTE INC.

Synopsis: Change of Zone (CP-1 Planned Limited Business District) to modify the previous 2005 approval in order to provide overnight units for up to 10 people for a maximum of 10 days at 1301 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to rezone the property from CP-1 Planned Limited Business District to CP-1 Planned Limited Business District to amend stipulations from a 2005 change of zone approval (COZ #2806) to allow Wyandot Inc. and RSI to have 24-hour operations and short-term overnight stays for a maximum of 10 days for a maximum of 10 persons. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3150, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Per the applicant, RSI will provide 24-hour assessment with sobering beds and crisis observation units. RSI will provide non-medical resident board and care with a licensed short-term crisis stabilization unit for 10 persons maximum for stays for up to 10 days. KCKPD will be on site from 6:00 PM to 6:00 AM to monitor the 24-hour access to the facility. Residents staying overnight will not be allowed to leave the site and will be under staff supervision for outdoor activity on the fenced in patio on the back side of the facility.
3. What is the staff-to-resident ratio?
Applicant Response: The ratio depends on the number of patients on each unit. Each shift at RSI consists of a minimum of one registered nurse, a triage specialist, a recovery specialist, and four mental health technicians. In addition, there is an off-duty law enforcement officer present from 6:00 PM to 6:00 AM. At a minimum during the overnight hours, there is 1:5 ratio. However, additional staff may be called in if any patient needs a 1:1 ratio.
4. Please provide a narrative on how RSI will operate within the building?
Applicant Response: Patients will enter through the crisis clinic entrance. A triage specialist will complete an assessment of the current crisis to determine what level of care that is needed and which unit may be the most appropriate for the individual. A registered nurse then

completes a nursing assessment to assure the patient is stable enough to be served at RSI. Individuals who are brought because of being intoxicated are moved to the sobering unit where the individual is kept safe and allowed to become sober. A substance abuse staff member then completes a substance abuse assessment to determine if the person needs to be moved to a social detox facility or is safe to return home. If the person is released to go home, Heartland RADAC assigns an intensive care manager to follow up with the person in the community.

A person may be placed in the 23-hour observation unit for further assessment. Nursing and mental health staff will continue to observe and assist the person achieve resolution of their psychiatric crisis. Psychiatric staff, psychiatrist or a nurse practitioner will also assess for medication needs. If additional time is needed to resolve the crisis, the person is placed on the stabilization unit where they may remain for up to 10 days. Once the person becomes stable and is safe to be discharged back into the community, a mental health case manager helps prepare a crisis plan and discharge plan, and provides after care until the person is linked with ongoing community based services.

5. Please describe a typical 24-hour shift within the 3,427 square foot non-medical resident care unit interior addition?

Applicant Response: Patients begin the day with breakfast. Various groups throughout the day are provided to help individuals develop coping skills and crisis management skills to help become ready for discharge. Patients also will see the psychiatric provider for medication management as needed. A social worker will meet 1:1 ratio with patients to resolve their crisis and begin discharge planning. A case worker will also assist with identifying the needed services following discharge. Patients will also be provided lunch, dinner, and some time for rest.

6. Who is paying for KCKPD services? Are the officers on or off duty?

Applicant Response: The officers at RSI are off-duty Kansas City Kansas Police Officers or Wyandotte County Sheriff Deputies, and they are paid by RSI for their time and services.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application 3150, subject to stipulations. Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mayor Holland said that brings us to the first item that has been removed, No. B1 SP2017-36. This item is removed and the process will be this; the applicant will have an opportunity to make presentation. After the applicant makes presentation we will open the discussion. Anyone who would like to speak for or against, I'll ask the proponents to speak and then the opponents, you'll have three minutes each. At the end of each section of for it or against it, I'll ask everyone in attendance who holds that position if you would like to stand and show your support. Many people maybe came in support, but don't want to speak or came in opposition, but don't want to speak. At the end of the speech's we will allow you to stand to show the Commission your position at that time. Again, you will each have three minutes to make your comments. Please remember you are not obligated to use all three minutes. Those three minutes are available to you. I will turn it over now to the applicant to make application.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171409...SPECIAL USE PERMIT APPLICATION #SP-2017-36 – FREDERICK AVERY WITH AVERY'S VILLAGE

Synopsis: Special Use Permit for a youth residential facility at 6261 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The facility is for youth that need housing due to extenuating circumstances. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with

the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth, but the current requests approval for 50 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. The Planning Commission voted 6 to 0 to uphold its previous decision and recommends approval of Special Use Permit Application #SP-2017-36 subject to:

Urban Planning and Land Use Comments:

1. How many children/youth will reside at the property? The business plan states 35+ and also states that there is capacity for 70 youth.

Applicant Response: Our capacity is 70 children in the facility.

Staff Response: The City Planning Commission and Board of Commissioners will set a maximum number of children that may reside at the facility as a stipulation of the special use permit.

Planning Commission Recommendation: Commission recommended 50 children maximum. After year one the applicant can request the additional 20 children.

2. How many staff members will be on-site during different times of the day/night?

Applicant Response: There will be three shifts, 10 people on the first and second shift and 7 on the third shift.

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility? Applicant Response: Yes, it will serve as our staff house.

4. What types of recreation and common spaces are available on-site? Is there outdoor space for children to play?

Applicant Response: Yes, there is a facility garden and gazebo; also, we plan on designating a play area.

5. Please provide an updated floor plan that is specific to the proposed use.

Staff Response: see attached floor plan.

6. How do you plan to provide transportation? Will there be vans stored on site?

Applicant Response: We will have three company vehicles, a 12-passenger van and two sedans.

7. Any future expansion will require an amendment to the existing special use permit by going back through the special use permit process.

Applicant Response: At the moment, there is no plan of expansion that may change as the need for the service changes.

8. This facility is for good kids from bad homes that have been removed for their safety, (CINC kids if they meet the criteria.)
9. When it comes back for renewal, the Commission/Staff will review that this building does not look like a hangout for kids; the kids are not out in the community involved in any type of crime or vandalism.

Public Works Comments: None

Court Kennedy, Attorney for Avery's Village, LLC, 10990 Quivira, Overland Park, Ks., said this application by Avery's Village is to take a residential facility that's been vacant for at least three years in the subject neighborhood and use it for a purpose that we all agree is a dire need in this community, that is as a temporarily residential placement for children that have been removed from their homes by the state due to abuse or neglect. As a staff put in its report recommending approval, this is a facility for good kids in bad situations. When we were last before this governing body there was no question about the necessity of this type of facility for this community.

Commissioner Philbrook indicated that she has heard from KVC and others that they expressed a dire need for this sort of facility and expressed a hope that Avery's Village is able to provide it. Commissioner Walker indicated he believed we need ten or twelve of these facilities based on the numbers he reviewed. These sentiments are echoed by support letters from both KVC and Saint Frances, which are the two agencies my clients will be receiving referrals from. Their letters of support expressing the dire need or in the public record and in the materials.

We are here today because after what appeared to be some legitimate opposition by the neighbors and in the subject neighborhood, this governing body sent the matter back to the

Planning Commission for some additional discussion and consideration of the first two factors to be considered. That is the character of the neighborhood and the compatibility this facility will have with the uses of the nearby properties. On those points this Commission requested that my clients have further discussion with the neighbors and also, they asked the staff to do additional research behind the history of other facilities in the community.

What we've learned since that time is that the protest petition that was filed is in fact invalid and the protest had more to do with more constituted of individuals that live a half mile or even two miles away from the facility. We also learned that the neighbors largely are indifferent or in fact support this application. Also, an analysis of the history of the other facilities will show that my clients are just as, if not, more entitled to have their special use permit approved as these other facilities.

As for the history of the other facilities in this community, the staff found that in the last ten years there have been three approvals, two denials and one withdrawal of group homes and/or child youth residential facilities in this community as far as special use permit applications go. Of the denials, one of the denials was solely because there was a restrictive covenant filed with the Register of Deeds on the property which prevented it from being used for commercial purpose. It's unclear why the other denial was rendered because those records were not available on line. A Google search of these properties show that they are all in residential facilities with absolutely no public or semipublic aspect to speak of.

I want to spend some time talking in greater detail about the Blue Door project because and how that project is much different than my clients proposed facility. I'm going to speak on that because that facility seems to be the one that always comes up when we're having this discussion about Avery's Village. Project Blue Door is located in a strictly residential community with no public or semipublic use to speak of. It was approved for 16 youths, both boys and girls living together, up to age 18. Despite the fact that they submitted a fraction of the materials that my clients have already provided both to this governing body and the community. Their use does not fit within the city masterplan which designates that particular property as a public use or I'm sorry, as a low density residential. In addition, if you look at the website for the Blue Door project you'll see that they say they take children between ages 12 and 18, provide substance abuse treatment and also transitional development plans which means they offer services that are

children that are 18 or about to become adults, they help them transition out. So, you see that they offer services to higher risk kids and older kids in general.

Avery's Village is much different. Again, my clients are seeking to provide temporary residential placement to children between the ages of 5 and 17, who have been removed from their homes due to abuse or neglect. They own a building that is in a semipublic use designation according to the City Master Plan. That's been a residential facility for a very long time. My clients have provided substantial information about their proposed business operations including the programs they're going to provide, the security that they're going to provide, and also the staffing that they'll be providing as well as their community partnerships that they've developed.

Most importantly my clients are indigenous to this community. Beverly Avery has lived in Kansas City all of her life. She's raised all of her children here. Since 1992, she's operated a licensed daycare facility. She's been a licensed therapeutic foster parent for over a decade. Mr. Avery's come back to this community after going to college and getting some experience to start this business with his mother to meet a need that everybody agrees with. My client's facility is no different than the facilities that have been approved in the past. In fact, it's no different than the facility that KVC will be up here proposing I think and did tonight at the Planning Commission.

I need to speak about the opposition in this case because one of the things that the board wanted us to do is have additional conversations with the neighbors and then report back on how those went. What we found is that the opposition was really not by the neighbors largely, but by the Leavenworth Road Association. Before we really understood that we met with that association to hear their concerns again. We met with them at least twice during the entire process, including giving them a tour of the facility. In the materials you see something that's been marked Exhibit 6, its public record, our meeting minutes from a meeting that we had with the LRA October 4, 2017. Very detailed meeting minutes. We explained to them, as you'll see in those minutes, that all of their questions had to do with topics that are strictly regulated by the state of Kansas either in statutes or regulations. We explained to them that we will before we're ever able to even operate we have to get licensed by the state of Kansas after a very strict evaluation. We can't keep that license unless we meet and continue to meet all of the regulations and all of the statutes. We explained to them that we will be subject to yearly reviews by the state of Kansas audits. After explaining all that to them and then asking them if there's anything we can do, any additional conditions they want on the permit, like licensure by the State of Kansas or

anything else that they can propose, they were not receptive to anything. It became quite apparent at that point and after many questions, we asked them numerous times what we could do, it became apparent that the nature of the opposition is just that they just don't want the facility, based on my perception being a general distrust of my clients or these types of facilities in general.

When we talked to the actual neighbors the situation was quite different. Not all the way different but I'd like to report on that as well. Kathleen Litke who's the nextdoor neighbor to this facility and owns the largest tract of land in the neighborhood has actually supported the application from the beginning but just had questions. She'll be speaking after me in support of this application tonight. Ronald Seaton who is across the street from her, I found out also supports this application. You'll see in the public material affidavit signed by both of those land owners indicating their support of Avery's Village application. There's only two people that we could identify, two landowners that are actually protesting this petition within the 200 foot buffer zone and that would be Henry Brown that lives across the street and Mr. and Mrs. McGill whose corner of their property is within the 200 foot buffer zone.

You'll see in the materials Exhibits 9 and 10 a letter and an email that I sent to them confirming the details we discussed, the questions they had and the information that was provided. Mr. McGill actually didn't want to meet with my clients and turned them away. When I met with them, just me and them, they explained that they distrust my clients based on the way they came off the last time we were here before this governing body.

Henry Brown, we met with him after he had told me that he met with the LRA, which was on a Monday, we met with him on a Wednesday. He had a lot of the same questions the LRA had. We again answered all those questions this time in writing as you can see in Exhibit A.

That brings us to the Planning Commission Meeting on November 13. The LRA led that opposition, organized the opposition, it was quite apparent and brought up the old same tired concerns that had been brought up repeatedly that my clients answered over and over again. They didn't offer any information, new information and we're not receptive to suggestions by the Planning Commission of additional conditions that could be provided.

Mr. McGill did have a document in his hand that he purported to be an opinion of a real estate agent that he handed Mr. Richardson that alleged there was a small net potential decrease in the property in the value of his property down the street. Upon questioning by Mr. Richardson, it

became apparent, and it's clear from the document, that the opinion wasn't actually based on any data but was based on the assumption that this property was going to be a hangout for juvenile delinquents which of course is not the case. I don't know how many times my clients have to say that for that to be clear.

The staff did seize on that and put as an additional condition to the permit, recommended conditions that: No. 1, that this be a facility for kids that are removed from their home because of abuse or neglect: No. 2, in two years they'll review it to see if it's actually become a hangout for juvenile delinquents, which of course will not be the case. With that the Planning Commission once again unanimously approved this application. They approved it and also found that there is absolutely no compatibility issues with the nearby properties.

In conclusion, this governing body knows that there's certain factors that it should consider when deciding whether or not to grant a special use permit and that these factors are set forth by the judiciary. All those factors wave in favor of this application. Chief among them, the fact that we've got a recommendation of a professional planning staff which is now recommended approval of this application twice, we've got a gain to the public health safety and welfare, it's fitting within the Master Plan, among others. All of these factors weigh in favor for the approval of this permit especially given the well-recognized need and the track record of this government stepping up to the plate and meeting that need when there is an opportunity to do so. To deny this permit based solely on the size of the facility or what we perceive to be some incurable distrust of either these facilities in general or my clients would be wholly unreasonable.

Mayor Holland said we will open up the public hearing at this time and I'm going to ask to begin with anyone who would like to speak in favor of this petition.

Kathy Litke, 6233 Leavenworth Rd., said I know emotion plays a big part in this debate. When I first heard about Avery's Village, that foster care kids would be there, I thought oh no, foster kids. Then I pictured in my mind, juvenile delinquents but then I decided I needed to take a step back and I removed emotion from it. I did some soul searching and praying and I called some friends of mine who are child advocates and got some clarification on the difference between juvenile delinquents and children in need of care. As I have been told by the Avery's this is a children in need of care facility.

I've also did some research on group homes and I submitted this on the 13th but I'm going to submit it again. This is from Overland Park, Kansas, they did a study for five years and basically there is no overwhelming evidence to either support or refute the hypothesis that group homes have a negative impact on the quality of life in residential areas and on the value of residential property. An issue I have also is that I keep hearing people say we don't want this in our neighborhood. We'd like it somewhere else. My reaction is guess what! We are that someplace else because other people have rejected it and I don't think that we should for several reasons.

These kids from Wyandotte County that have to go into the foster care, if there's not a place here they get shipped off. A lot of them end up in Wichita, which is three hours away. If they are trying to keep in contact with their family, that's almost impossible for family to come and visit because a lot of these children are from homes where they can't afford to travel. That to me is not effective or beneficial to the families, to the kids and they are trying to repair the damage that is done.

John Culich, 2100 N 13th St., said I would like to speak on advocating for this youth home and hope to bring you a little bit of reality of what may happen if these kids are forgotten. I'm a 55-year-old homeless man that has lived in the streets of Kansas City for 10 plus years. I'm currently in recovery and I'm 1 ½ years clean from all illicit drugs making my transition at the Shalom House, here in KCK. I stand here tonight of the urgent needs of youth transition centers. During my 10 plus years on the streets I've encountered at least two dozen youths between the ages of 14 and 19, 1% being young women. Many of these youths were drug addicted or with mental health issues and runaways discarded by their families, 90% of these families and parents had also drug issues and mental health issues as well. These kids are broken and angry. Most learn how to mask their pain by the use of drugs leaving them hopeless. I let many of these kids stay in my tent encampment outside in the woods, trying to give them hope and to show them the ropes on daily outdoor survival. Many of them were beaten and taken advantage of, money stolen from, they hustled, they hooked, and they were bullied. A few unfortunately took their own lives. I tried to assist them with housing, but the youth facilities were always full with a long waiting list leaving me frustrated and feeling helpless as well. If I as an adult could not find help for them

then surely, they felt they had no chance. These youngsters are our future. We must work as a community to give our youth, these forgotten youths, a chance of life.

Cleo McKinney, advocating for Shalom House, 2100 N 13th St., said earlier we were debating and having a discussion about homelessness. I sided with what's the difference and someone said to me that sometimes people become homeless by choice. Well, I became homeless without choice and it was probably one of the toughest things that I ever experienced in life. When I think about a child being homeless or not having somewhere to go, it almost becomes obvious that avenues have to be made, it's without choice. We have to find some kind of avenues to help a child because I imagine when I think about how it was for me, to imagine what a child would have to go through, not having somewhere to call home, it's almost unthinkable. I don't even know how to think about it.

Macky Blade, 2100 N 13th, said I want you all to think what if this was one of you all? No where to stay, nothing to eat, no clean clothing and no one to love you. As my brother spoke about earlier, I'm homeless also. I was fortunate that someone was there for me, that stood by me. I want you all to think hard before you all decide about the situation the children would be in. It's hard enough for us adults, its very hard. Just think about children, how impossible would it be for this to be passed? It's just children. If they be pushed aside what about our future? We already have it bad enough. To be homeless and to be an adult most people would be embarrassed. It's no embarrassment. It's just a part of life. Think about it deeply because it's time for a change. No one can do that but you all.

Christopher Miller, 606 N. 82nd St., said some of us are probably imagining what is the correlation between not having a home, being homeless as an adult and being homeless as a child. The very first meeting that I attended I believed we talked about there were 1400 kids out there on those streets that are homeless in the Kansas City, Kansas area. There's not very many residentials in this area. The only even remotely close residential is going to be open by KVC. There's no other shelter's that take families here. There's barely even shelters that take men. The closest shelter in KCK, closet shelter to this area is at Synergy House.

There are many many young men and women out there sleeping on those streets and sleeping in their case managers office for the first night until they can find placement. When you boil it down to the basics what is the definition of a child in need of care. A basic child that is suffering, that's been removed from home for abuse and neglect. That's it. So, we have to find that child a house, a home. If you guys have been paying attention in these meetings, Avery's Village is trying to offer that home away from home, just as she did when she opened up her home with the foster homes.

Michael Jones, 2100 N 13th St., said I'm originally from Mississippi. I am now a citizen here and I have never seen homelessness like I've seen it here. By helping the youth especially, grown men have a problem making it here, surviving out here. It actually gets super cold in the winter. For a child it actually turns from surviving, you are running hand to hand. With that being said, helping the youth would stop the crime rate, it would change a lot in this community. That's part of our biggest problem here concerning burglaries and things to that effect.

We would most definitely be helping to have a program for them to have somewhere to go, and they just not here on the street wondering where the next meal going to come from. Its hard for me and I'm actually a skilled worker. With that being said I just ask all of you to take a look at this and what's going on here. Even when you leave here and ride around here, you can see it, bags and backpacks on their backs, the garbage bags. The children are the future for us. All of us have to get old. We going to have to get old one day and we're going to have to see those same kids that's doing that and now they want to rob you because they don't have anything to eat. That would change a lot and charity starts at home and this is home.

Cardelia Walker, 8701 Georgia Ave., said I come just to speak because I have been a former Planning Commissioner for probably close to 20 years and I am no longer a Planning Commissioner, but I understand where you are in listening to these requests by the community especially when it comes to something related to children and group homes and everyone for years I heard, I just don't want it in my neighborhood. Thankfully, I can recall many times that we did allow that opportunity to come. Listening to what these people are wanting to do there at that facility it reminds me of something that someone recently told me who lived in Kansas City, Missouri and they work in this area of children and they asked me would you be willing to open

up a place because there is such a dire need. If the children can't get into a facility where they can get what they need, then they just become worse and worse, coming out of a bad home situation and not going to some place better.

I hope that you will consider that whenever someone gets a license to do a facility as this, I used to be a Medicare certified home health agency and so I know what you have to go through and that when they have their regulations you must follow those regulations. You are not allowed to do it the way that you want too. For these, this mother and son to come forward and be willing to provide this type of service in our community, they will be under very strict scrutiny by the state and it will jeopardize their license if they don't follow those regulations. I am positive that they will because it is not an easy thing to get licensed. I hope that you will consider that. We can't say in every situation not in my neighborhood. Especially when there are neighbors who have spoken tonight and have prayed on the needs of these children.

Terrance Maybrey, 5319 Foxridge Dr., Apt. 104, Mission, KS, said I am a student at the University of Kansas School of Medicine. I'm excited about the difference Avery's Village will be able to make in the lives of countless youth. I've spoken to fellow classmates and other students at the medical center to see many ways that our training can help the facility in addition to volunteering and mentoring the kids. I find it amazing that Avery's Village can transform a vacant building and make such a contribution to the city that would include additional jobs and a place to call home for up to 50 children at a time. As we know, and as my friend mentioned earlier, there is over 1400 homeless youth in the area. I'm glad Avery's Village will be able to impact these children's lives.

Being a future healthcare provider, I'm excited to find ways to give back and help these children achieve their dreams the way that those before me have helped me get to where I am today. I'm grateful for the many community partners that will assist in allowing the children to grow up and experience the freedom, to live their lives safely, healthy and under the close supervision of the faculty of Avery's Village and those respective supporting community organizations.

Michael Copeland, 7850 Everette Ave., said I want to come at a different angel. KVC, Kaw Valley Center, is the biggest behavior health facility in the state of Kansas. I worked there as a

behavior tech for these kids for nine years. Unless somebody has had that position, they don't understand, there is nobody in this room that would understand what these kids go through more than I can testify what they go through. When I first started there we had three kids on the waiting list, two of the three committed suicide. They were in that dire of a situation at home. Without facilities like these to oppose this project you are almost literally opening the doors to the jail cells and for things like this to happen and for high school dropouts.

I was the closets thing to a father figure that a lot of these kids had. It's not a hangout spot. The concerns of the opposition maybe well founded because they simply don't know. These kids, it's so many kids that are in need of these type of facilities than there are facilities that are willing or available or able to be licensed to open up for these children. It's the simplest things that these kids are looking for, the love. You don't understand what they go through at home. Some of us in this room are blessed to be able to have mothers and fathers and family members and grandparents to be able to steer us in the right direction but a lot of these kids don't. Without being able to approve projects like this, it almost takes the chance out of these kids lives to turn around and be successful.

I understand that it can be a concern with it being in your neighborhood. Your neighborhood is where you reside, that's where you want to feel comfortable but what else would happen. KVC was the biggest facility that we had and we weren't even big enough. We had to ship kids to Iowa, to Nebraska and to Wichita. It's not fair to the children because they do not have anybody to fight on their behalf. I'm going to take my seat with saying this. If this project is not approved, I'm born and raised in Kansas City, Kansas, I love my city, I feel that it would be a monumental failure on the part of Kansas City, Kansas.

Broderick Crawford, 824 State Ave., Apt 309, said I stand advocating on one of the partner organizations in support of Avery's Village. The NBC Community Development Corporation has a long track history with working with youths, specifically at Northwest Middle School with our Snap Back Program. We stand readily available to assist Mr. Avery and his team in making sure that there is a space for our youth, our kids here in Wyandotte County to have a place to reside. As been stated earlier, these are good kids that have been taken out of bad situations. Why would we not want good kids to be in good situations. Its been stated earlier the 1400 homeless children that are in our school districts, that we can identify now, already are creating a struggle for those

of us who are working in this community. I would ask that each of you consider very strongly who do we actually serve, our community and the children that make up the leaders that we will have, that will have the opportunity to do something positive with their lives with the support of yourselves, agencies and partners like Avery's Village and partners and community organizations such as ours.

Crystal Watson, 8532 Spring Ave., President/CEO of the Heartland Black Chambers of Congress, said upon the Commission board meeting held August 31st, I received several calls from the community regarding the outcomes and the comments from the Leavenworth Road Association which boarded racial bias. In review of the meeting via video and contacting and listening to Commissioner Philbrook comments, statements asking that the LRA and Avery's Village talk. As a community leader, I felt a responsibility and duty to contact both parties to see if I could help them come to some type consensus. I did contact Commissioner Bynum and Commissioner Philbrook for their approval and buy in. Upon so there was a meeting held on October 4th. We consulted with a third party consulting firm to record the minutes from that meeting. Minutes were provided, and they were submitted, can be submitted to the full commission if you require it. They were also submitted to our Commissioners, Bynum and Philbrook. Overall Avery's Village apologize for any misunderstandings, they attempted to compromise and offered for alternative solutions. This attempt was to no avail.

As a community leader, I felt a responsibility to see unity particularly one perceptions indicated a racial divide. After hearing the comments from some of those who opposed the youth facility at the Planning and Zoning commission several weeks ago I was very disheartened to hear those comments. If the Commission has been willing to allow other organizations to support displaced youth, the same consideration should be given to Avery's Village and I ask that you make that same consideration for full approval.

Laron Thompson, 7101 Verde Dr., said if not now, then when. If not here, then where. It is this bodies duty, responsibility and obligation to ensure that our children have a safe place to stay. Visiting the facility in which Avery Village is petitioned you guys to use as their facility to house these good children, children that deserve a chance. It warmed my heart to see that they're not only trying to care for the lives of these children, but those individuals who are directly impacted

within that neighborhood. Because of their heart, because of their desire to see not only those children do better, but this community be better, I strongly urge this body when your name is called to simply say Aye.

Carolyn Wyatt, 359 Troup, said I know the understanding what kids go through. I see kids every day, my life is with kids. A kid that is homeless is a kid who don't live at home. You have parents living with other people and they have kids. Those kids are homeless because it's not their home. They have to go to school every day. Some kids live up under bridges with their parents, but they have a chance now to live in a place where this young man is giving his time and his money and his love. If we are our brothers' keepers, we should be willing and listen to the voices of people who are speaking because they care. We know you have kids and you care. You never know what's going to happen to you or your kids, but you know one thing there will be a place for them at Avery's Place. I'm just hoping and praying that we all do the right thing.

Dominique Witten, 2419 N. 73rd St., said I'm a social worker and right now my husband is working with Avery's as a consultant, my husband and I, for free. I also want to give a background on who I am and what I will be willing to work with them on in the future. I worked in group homes from a volunteer to a teaching counselor, working with them directly one on one everyday and also as a case manager in the homes. This is in Wichita and Lawrence, Kansas. In these homes, I saw a lot of the children from Kansas City, Kansas. They would be shipped up there and then the requirements placed on them by DCF or they still had to require to have treatment, counseling, parental visitations, go to school and there was another remaining behaviorally sound. These things were almost impossible when the areas where they were coming from a lot of the Kansas City kids in Wichita, they would be waiting for hours for their parents, who's tire didn't get fixed and so that was a strike against this child in them returning home.

There was one incident where the mother called over and over and said I am on my way, I'm trying to get my friend to bring me, I'm on my way, I'm trying to get my friend to bring me. That child waited for almost seven to eight hours and the mother never showed. That's just one instance. There's times when they have to go to counseling but the counselors are here because they didn't want to move their counseling to Wichita, so they would have to get a way for

transportation to bring them three hours. Two to three hours just to get to their counselors. They could not switch them because it would be a hindrance to that child to keep switching their counseling.

What I am willing to work with the Avery's on if they would have me is to help with them on their policies, training their staff and also getting them up to code and keep in code with DCF, KDHE and all the agencies that will be supplying these children, starting with when the children come into their doors, searching the children, making sure they're not bringing anything in. Making sure they have the right procedures for when they're going to school do they have a para there. Training their staff on doing the 24 hours of doing the incidents, daily logs, making menus, making sure that their watchful. One staff to every seven, five to seven children. Making sure to knowing how to be diligent when they're sitting and watching the youth. Setting up activities for them so they're not just sitting in the house and also being more diligent on bed times, going to school and all those things. Just knowing that he has a team behind him to help support him will be something that I am able to provide as a social worker.

Dione Witten, 2419 N. 73rd St., said that was my wife Dominique that just spoke. She is from Wichita but I'm a lifelong Kansas City, Kansas resident. When I was in Wichita I actually was a supervisor of a YRC2, it was a boy's ranch, we had four houses on the property. Basically, my heart is in Kansas City, this is where I reside, this is where I grew up, this is where my grandparents grew up. I want to see this community thrive. The success of this community is going to be predicated on the success of the children that reside or grow up in this area. Right now, with the lack of YRC2, with the lack of child support in this area it is not conducive for the kids to be successful.

When I was in Wichita, as my wife spoke before, a child gets removed from a home in Kansas City, they go to Wichita and trying to reintegrate that child and rehabilitate them to a level to where they can be a functional adult in a community that they are going to go back to is almost impossible when you have to drive. When you get removed from a home and then you drive three hours to Wichita, Kansas or Salina, your placed with certain policies and procedures that require you to have certain meetings with parents and you have to drive back and forth between Wichita and Kansas City. Ultimately the kids are coming back with whatever they received in

Wichita. At the end of the day what's best for these children is support from the community from which they came from.

Any apprehensions that anybody may have in terms of the functionality of a YRC2 is regulated by the state, as far as the ratio, the security, whether they runaway. All of that is placed on protocols that are placed from places higher than people that professionally, this is what they do. From that standpoint, it paramount that we support not just about supporting the Avery's, but supporting the kids and understanding that the kids are the foundation for the future of this county and for the betterment of this community as a whole. Right now, we don't have the systems in place. From what I've seen as a YRC2 Supervisor, somebody that was in this industry that currently works for a non-profit organization now, where I work with at-risk kids, if I have a student right now and I have to report on something as a mandated reporter, I have to report that but I have to report with a reality knowing that this kid is going to go three hours away from their home and potentially put themselves in a worse situation socially than what they would experience by being up here. By being able to go into a safe environment in the area that they are at and get the help that they need within this area. I hope you all vote for in support of the Avery's. I support anybody that is about supporting kids. You all have a blessed night, thank you.

Desiree Monize, CEO Avenue of Life, 7th Sandusky, said I am also a resident of KCK, I'm at 4348 N. 122nd Terrace. I was approached by the Avery's about two months ago. I've had the privilege of meeting with them over a half dozen times. Let me share a little bit about what I do in the community. I came into the community in 2013 with a non-profit focused on community development. I had the privilege of being called to a meeting at the school district regarding 1400 students that we had that were homeless. At that meeting out Mayor did a call to action. He asked could we as leaders in the community mobilize to address the issues that we have in our city to ensure that these children make it to graduation.

Non-profits began to stack hands and I was asked to leave the coalition and this collective impact approach is called Impact Wednesday. By the close of last year, it had reduced homelessness by 40% in our community. However, of the number of 1400, 200 of those children are unaccompanied youth. The 200 unaccompanied youth we have not addressed. We continue to modify the Impact Wednesday to focus on students in ways that we can be creative. If the

parents are homeless but the child is couch surfing or sleeping outside, how do we get the family in permanent housing and get the child back with their guardian? There are various ways that we're working with our unaccompanied youth. We do have several hundred that are in area that do not have safe housing.

As the Avery's begin to meet with us, what they were asking is they wanted support from other agencies that has expertise. They wanted to know would we stack hands with them. Would we partner with their kids with programs that we had that we had found were effective? Would we share staff that we had that had expertise? Would we be apart of what they wanted to do to ensure that every child that came into their home would be successful? I do want to tell you as lead for collective impact arm of Impact Wednesday, we do have 23 agencies. We are in support of Avery's Place. We will be actively involved with Avery's Place in any way that we can use our expertise we stand in support.

Mayor Holland said I don't see anyone else coming forward to speak in favor. I do want to offer everyone who is here and is in favor to have the opportunity to stand and show your support whether you spoke or not. If you're in favor of this application, will you please stand at this time and show your support.

Mayor Holland said I'll now open it up to those who are opposed. If anyone would like to speak in opposition of this project, please come forward at this time.

Louetta Braswell, 5202 Parkview Ave., I'm hear as the Executive Director of Leavenworth Road located at 6100 Leavenworth Rd. I'm here both as an individual and the Director. Yes, we are in opposition, not to the Avery's, not to their program, strictly to the facility. No, its not a not in my backyard. If there was a facility in my front yard or my backyard that had some green space and some freedom for the kids to be out, I would be number one supportive. Like I said, I'm not against Avery's, all of LRA members have said it over and over, it's the location of the facility. Not in my backyard, that has nothing to do with it. It is 63rd Street and Leavenworth Rd. How many of you as parents would tell your kids, why don't you go outside and play in the parking lot, because that's all they have other than the courtyard which is not that big.

If Avery's would be honest with you, they will tell you that some of the speakers that have been at all these meetings in opposition, I have apologized to them for some of the statements being made. After the last Planning and Zoning meeting I actually went out and hugged them both because I felt sad that they were sitting out in the cold during one of the meetings with residents. So, I am not heartless, LRA is not heartless. If you follow our website you will see that we are for the kids. We have a lot of kid activities. We have never been considered hateful people. I have a copy of our newsletter that is going out that we are supporting one of our members that, has always been very devoted to the orphanage in Croatia.

As far as the tour, I would like to clarify that tour was only three people. Only one of us was a LRA member at that time. If they are approved and if they get their license they will find that LRA is supportive. We have always been supportive of our people and our businesses. They will see us and maybe even get tired of hearing from us. We want the kids to see we are a helping hand and we were a watchful friend. Like I said we have never ever been against Avery's and it's not that it's in our backyard. It's the facility itself.

Denise Davis, 3314 N 53rd St., said I'm an LRA member and treasurer. I'm also President of the North Welborn Watch so I am in the community. After many discussions, accusations and insinuations, LRA finds their selves back in front of the UG Commissioners. I still oppose the proposed youth facility home at 63rd & Leavenworth Rd. Let me clear, this is not a protest against the Avery's family or "NIMB" (not in my backyard), as a few of our commissioners have been heard saying.

With me its always been about location sight and facility, not being an appropriate safe place for kids on the corner of a busy intersection of State Highway 5, Leavenworth Rd., and no green space for kids. At the last Planning and Zoning meeting we were asked "if we couldn't at least go along and give Avery's a chance and then let the State determine if all regulations are being met. In a perfect world, the state of Kansas would be able to regulate this facility. However, if you've been following the articles during the last two to three months in the *Kansas City Star*, Kansas has proved they have been unable to meet these demands. Kids are continually missing, and some have even died under Kansas watch. We can't count on the state to provide proper oversight. However, we should be able to count on our elected UG Commissioners to vote against an unsuitable location and facility before it opens up. If Avery's Village wants to open up

a more suitable location or in a different facility not built in the 60's for senior citizens, they would probably get my support.

Donna Henderson-Hoyt, 6422 Cernech Rd., I am speaking tonight as a community member, a president of our Neighborhood Cernech Area Neighborhood group which borders north of Leavenworth Rd. between 67th and 55th St. I am also a member of LRA speaking as a supporter of Lou Braswell and the Leavenworth Road Association. We will continue to stand with Lou and the LRA and all that they have done and will continue to do for our community. Many have tried to damage our reputations and our organizations but have failed. Our community has concerns and we will continue to have these concerns with this facility. Our elected officials have failed to listen to the community, but we are not surprised. We knew what we were up against and who we were up against. The outcome of the last Planning and Zoning meeting just proved everything to us.

We did our homework, we met with the Avery's multiple times and even had a member agree to meet with them and walk them through their numbers and our numbers to show them why we have concerns. The never responded to us until it was too late to meet and then decline that request. When you have stories change as often as theirs did for meetings we had with them to hearing them speak in front of the Planning & Zoning and the Commissioners here, our concerns became bigger and so should yours.

At the last Planning & Zoning Meeting we were prepared to speak to you about all twelve points that the Planning & Zoning Committee basis their findings on. We were denied to be heard on these points. Anytime someone got up to speak the committee members drilled, grilled, questioned, over spoke and even made innuendos about what our community members were saying. The behavior and the defensiveness of the committee was totally uncalled for and disrespectful. Your committee members who voted and elected you all into office were here to speak about this project.

Many of you wiggled, reangled and placed yourself into this battle and by doing so turned this into a circus and tried to accuse us of being racist. I'm tired of this excuse and an excuse that is used way too often these days. The actions and speech of Ms. Watson were down right uncalled for, uninvited and not needed between these parties. The fact is we were here from day one against the facility at this location. We were not nor were we ever against the Avery's. Many

of us, myself included, did not even know who the Avery's were until we heard them speak right here in this room many months ago. In fact, their petition was based on their people approving them, were not members from our community. Our community was here to speak. Their initial letters that were sent to our neighbors surrounding the building were never received. Again, no surprise to us. We spoke with those area neighbors and submitted a valid petition from the community. That petition was later revoked, but I can guarantee if I were to walk that community again like I did months ago, I would speak myself with every person on that original petition and have them sign it again where it would be a valid petition.

Stan Bartley said I am a Code Chairman of our neighborhood watch group along with Ms. Hoyt and member of the Leavenworth Road Association. I'm going to continue on where Ms. Hoyt did. Our community members are or were here to speak against the facility and not against the Avery's. We will continue to be against this facility as we have mentioned. It is not a safe place nor is it the right facility for individuals they will be taking in. We know based on their information given to us the information we have gathered from KVC and the state, there is a difference in the type of the children they intend to take on versus the amount of money the state is expecting to receive for each of those children. There's a difference between the high-risk children and the children in need for care. Yet you all do not want to hear that from us or those facts between the differences of low risk and high-risk children and the amounts that they will be receiving for those based on their business model. Instead you want to push this through and have us rely on a state agency and let them take it from there in the hands of the state. Do I need to remind you that the state cannot manage their own system currently?

I know firsthand working in an elementary school which Donna does, for over 20 years, I see how our system fails these kids in the foster care now. These are the same kids in the system that should be in a single-family home or are in a single-family home. Can you imagine 50 young youth in a group facility being overlooked. If you take one thing from this process, please know that our community members spoke out against this while the Avery's friends and families are in favor. A majority of them are from outside—are speaking in favor are not even from our community. We as voting individuals will remember this when it comes time for election.

Rick Sheahan, 9320 Georgia Ave, said I am a member of the Leavenworth Road Association, have a business in this area. Basically, as members of the Leavenworth Road Association it's been stated a couple of times, we remain opposed to this facility being approved as a youth residential facility. It's been alleged at various times and various meetings that we're opposed because either we don't like kids, we don't like profitable companies or because of the ethnicity of the proponents.

We want to be clear, we're not opposed because of ethnicity, not to the Avery's themselves, not to making a profit and not defining ways to help good children in bad situations. Leavenworth Road Association does that every day. We are opposed to this building in this location. The reasons we remain opposed are very simple. It's because of the physical and environmental restrictions of this buildings layout and location. They include this being an old building built around 1965, configured to serve non-ambulatory senior citizens at a high traffic intersection with no sidewalks, no setbacks, lack of parking and building space limitations. In the end we are just simply unable to see how this building can be transformed into a safe homelike environment for the good children of our county in bad situations. Some people seem surprised that we can have a difference of views without it being related to ethnicity, age discrimination or prejudice, but we can and we do. Yes, we are opposed because we don't think this building in this location can be made safe for the children.

However, we also want it known that if this temporary permit is approved and Avery's Village can ultimately meet the licensing requirements of the state then the Leavenworth Road Association will welcome the Avery's Village, their owners and their employee's to be part of the association and the different programs that are already in place. We will want them to be successful, not only because they will be part of the neighborhood, but primarily the good children of our county in bad situations don't need to find themselves in another one.

Dwayne Beth, 2937 N. 64th St., said I survived the slings and arrows of the Planning & Zoning meeting much to the chagrin of some people probably. I'm here to speak not just because I 've been a member of the Leavenworth Road Association off and on since 1985 or about their beginning there. Some of the things that have been said are just too absurd to even counter in three minutes. I gave you guys a packet today of information because what I was pointing out I keep hearing about kids sleeping in offices.

I did some research on there and found out that they don't sleep in offices because there's no place to put them, they sleep in offices because the bureaucratic hoops they have to jump through to be placed. That whole article was based on an audit in 2016, contracted by the state legislature, you have a copy of it. I summarized it for you because it's 70 some pages long. What they find out is it proves several things. There's problems with DCF oversight and contracted care providers. That's a fact. It's in the audit. It's not somebody's opinion. It also points out that our needs in our community in Wyandotte County and Johnson County exceed the need of our communities. In fact, it says we have 20% more beds than is necessary. We're accepting kids in excess of 100 miles away, that's contrary to the fact that we're shipping kids to Wichita. We ship kids out of this area to get them away from bad influences, not because we don't have a place to put them. I'm kind of unique here, me and the Captain are probably some of the only people here that actually on the frontend that have taken kids away from their families. We've been told that its heavy regulated by the state licensing and audited, that's not true according to the audit and according to what's been exposed in the media.

We can talk about the child need of care which that doesn't necessarily mean homeless kids. A kid nine years old that commits a felony or misdemeanor, nine years old or younger, is also a child need of care in the state of Kansas. They also go to these facilities. You have a map that shows where, color coded, the empty beds are for foster care. You see Wyandotte and Johnson County have more than enough beds for the care we'd have for the kids? If we have the need for a facility, what's obvious from what I heard from the homeless people is maybe we need homeless shelters for families. We do not sever parent's rights because they're homeless.

Rosalyn Woody, 12743 Walker Ave., said I didn't plan on speaking but I just kind of felt compelled to do so as I was sitting here writing down some information. I did a little research, I know people on both sides, I did a little research and I really couldn't find enough efference to support having such a facility. I like to deal in facts. When you're making your decision please consider the facts in this case. Hearing the pro side that wants to have this in, I heard a lot of emotional plea, I didn't hear a whole lot of facts. Has anybody done a survey or study of how many of these types of facilities have been opened here in Wyandotte County? How many of them are still operating? Has anybody done that? How many have failed for one reason or another. I do not have any facts myself to write down because like I said I did a little research and

I'm kind of going off the top of my head right now, but the information is there, you just have to Google it, it's there.

One thing I did want to mention, I did hear someone mention that this borders or racial bias. To me that's kind of an emotionally charged statement. Like I said, I like to deal in facts. Give me the facts of something. If this does warrant on racial bias, then what's that based on? In close, I'd just like to say, please consider the facts when you're making your decision.

Don Crawford, 6309 Roswell, said I think everything been talked about here. The lawyers said something about in the last meeting also, three weeks ago, he kept saying pass it. Let it go. It's needed and then let the state of Kansas take care of it. Make sure it works. If we've already lost 70 kids in the state of Kansas, foster kids, that's already on the news, so we know that's not a very good thing. The lawyer wanted to know whether we were against the children or against the Avery's. For me it's a little bit of the Avery's, Mr. Avery.

When this first started before summer, I wanted to know more about it and what the community felt. I went out and one of the board members or whatever they are upstairs, said would you mind if I gave Mr. Avery your number. I said that's fine. He said are you going to call him? I said no, I'm not going to call him, start trouble. He called me and I offered him to go walk with me through the neighborhoods to get acquainted with the people that he was going to be working with or in. I know we don't really count but since we're outside the 200 foot, whatever is. I offered him and he said he would go. I waited and then I waited and I said this isn't right. I took off and got about two doors up and he called and said I'm on my way. I said I ain't waiting but I will be within two or three doors. He never showed and then when I tried to call him, he never answered. Mr. Avery is not very trustworthy, in my opinion. That's not a way to run a business and that's not a way to get into a community. He hasn't called back since either, in six or eight months, not done anything except what he's doing now. He only has to go to 200 feet.

Nancy Crawford, 6309 Roswell, said I'm nervous as you can tell. I hadn't plan to speak either but I had a whole thing prepared to say last meeting and I did not come. My thing is there is a need. I think we know that but the location, again, for me is not proper. If you do some research I kind of went out on Google, has anybody heard of Boys Town? I think that's what we need in

this community. It does not fit in where the Avery's are wanting to put the facility. It needs to be single family houses with up to six kids per unit. You can razor and put maybe two or three houses in that lot, I would support that, but not 45 to 50 kids in one unit.

Tony Lasley, 6333 Roswell Ave., said I wasn't planning to speak in this event, but what the Avery's are doing, I ain't going to lie, I grew up off of Quindaro Blvd, 2819 Hiawatha. I know several of these people in this room here that I grew up with but it's the facility that he is putting this at, you go just a half a block down the way, drug activity, bums walking up and down the street to the liquor store by that Family Dollar over there. You get one or two of those kids to get out of line or get out of that facility, anything can happen over there. That's my only biggest concern. You look at the Marillac Center, look at Creative Center, KVC, those places are not in residential areas right off of the main streets. They are in rural areas for a reason. Somebody get out, kid has room to play and have yards to move around in. I can see both sides of this deal. It just the facility to me, that's the only thing that's shooting this down.

Mayor Holland said I don't see anyone else speaking in opposition. I would offer those who are here in opposition whether you spoke or not, if you'd like to stand and show your opposition to the Commission, I'd ask you to stand at this time.

Mayor Holland said I will close the public hearing and I will offer the applicant, if you would like to make any short summative comment, you're welcome to do that and then I'll turn it over to the commissioners.

Court Kennedy said in listening to the opposition it seems as though it can be summarized by it now only being the location of the facility but a ostensibly not just because they don't want it there but because of safety concerns. These are concerns that have been brought up repeatedly both before this governing body at the last meeting and also the two times we were in front of the Planning Commission. They were also brought up in the individual meetings we had with the landowners. We addressed those concerns by appointing out a number of things. First, there is sufficient play area both within the facility courtyard itself and the Avery's also purchased the property right nextdoor. It's a house, its got additional green space for these children. Moreover

as stated in the business plan provided to the governing body, the Avery's are going to have a one to five or six ratio child to staff, or staff to child which is greater than that which is mandated by the Kansas regulations. We've also pointed out time and time again that these kids aren't going to be outside roaming the streets as it seems to be perceived. They're not going to be leaving the facility unless they have adult supervision. The idea that Kansas regulations and my clients and their business and their community leader's commitment to following those regulations aren't good enough to provide the safety that is concerned about is not sensible, ignores regulations and frankly is just a judgement that somehow my clients aren't going to follow the regulations which is not true.

The comments about the facility and it in general not being safe, I encourage the board to look at the documentation, the written responses we've made to the opposition and the explanation for how we're addressing those concerns and I'd also point out, as the board knows, that road they're working on putting sidewalks on that road right now. I just don't see and just to continue to say, well there's safety concerns, just ignores what we've been saying time and time again.

In closing, I'll say that also if not this location and not my clients stepping up to want to do this, then where, and when and who. There's a shortage of these facilities. There's no question about that. With that I want to take a brief second to consult with my client. With that I'm finished.

Mayor Holland said the Public Hearing is now closed. I'll open it up to the commissioners, the Commissioners may either discuss, make a motion, either.

Commissioner Bynum said this process started in May. That's when it came to my attention was when I first saw the item being published for what I think at that time would have been the June Planning & Zoning meeting. It had several delays and as you know two trips here to the Commission now and two trips back to the Planning and Zoning Board. Here we are, a full six months later dealing with this issue. For myself, I've been observing and participating in the Planning & Zoning process now for over 20 years. Nine of those years was as the Director of the Leavenworth Road Association. The passion and the emotion around this issue, I do completely understand. It seems unfortunate to me that so many times, time after time with planning and

zoning issues it becomes extremely adversarial. That is too bad frankly, since I think what we all want is to make where we live better and do the best we possibly can for the community we live in. Every concern that was expressed tonight is valid and I don't think that any of the concerns that we heard on either side should be brushed aside. This is not as you can clearly tell from all the testimony a simple issue and it doesn't have a simple solution.

I have a couple of questions actually for the petitioner. I would like to ask those questions, but I would also like to just quickly express some clarification around the notion of what is the responsibility of a sitting city or county governing body and what is the responsibility of the state. The notion that some of this is just too hard and we don't want to deal with it so we will just advocate that to the state and we'll just let them decide. I don't think that is quite correct. The state of Kansas in my short time here as an elective official, has already removed frankly several of the powers that we once had as a governing body. We do not look to them for just passing something off to them that we don't want to handle. There are parts of this that are ours to handle and there are parts of this by law that are not. That's just the way it is.

The part that is ours to handle is this Special Use Permit Application. The licensing, the regulation of this facility is not ours to handle. That is the States to handle. Whether we agree with what they've said or done around these children is frankly not part of the discussion tonight because that is not our part of this. I have to say that it makes it more difficult knowing that what we're dealing with is a vulnerable population and knowing that as has been shared by several of you tonight, some of those state agencies have failed. That is difficult for you and us both.

What I would like to know from the petitioner and I don't know if you want to, I just have a couple of questions. If you receive approval tonight, then when would the facility be able to be open to receive the young people. I don't need an exact date, I need to know is that three months from now, is that six months from now. **Mr. Avery** said we're looking at three months from now, January, February, well more so February is possible. **Commissioner Bynum** said so your best guess, your most educated guess is about 90 days. **Mr. Avery** said yes, 65 to 90 days. **Commissioner Bynum** said because I want to clarify with our legal staff. If we approve a Special Use Permit tonight for a duration of time does the clock start tomorrow or does it start when the facility opens? **Ken Moore, Chief Legal Counsel**, said it would start upon—**Commissioner Bynum** said upon publication. **Commissioner Bynum** said if you do not receive approval tonight, then what will—have you thought about what your plan would be? **Mr. Avery**

said we're kind of in a sticky situation, we own the facility at this point. We feel we've done everything on our end to ensure this petition does get approved, so we already own the property so there is no turning back at this point. We're all in. **Commissioner Bynum** said I'm looking here for some level of compromise if one can exist in this situation. **Mr. Avery** said absolutely. **Commissioner Bynum** said Mr. Richardson, a question for you. A one-year permit is allowable, yes? **Rob Richardson, Director of Planning**, said correct, you all can set the initial term up to two years.

Commissioner Bynum said also, just to clarify the conditions that have already been set through the planning and zoning process include no more than 50 children, that we adhere to the child in need of care definition of the children who through no fault of their own have been removed from their home, am I understanding that correctly? **Mr. Richardson** said correct, there are multiple layers of what a child in need of care or sync child is. The recommendation from the Planning Commission was based on those children that were removed to protect them from something else, not that they had done something to deserve to be removed themselves. Not that that necessarily means that they're a bad kid, but the definition we use was a child removed from their home for their own protection. **Commissioner Bynum** said the reason why I would offer a one-year Special Use Permit is because that's a very, frankly a very short period of time and it's a very finite period of time. It would allow the petitioner the opportunity to open and demonstrate whether you do or don't have the capacity basically to handle this. I do want to just say that I don't doubt the heart of you and your family that want to do this, I don't doubt that. **Mr. Avery** said absolutely. **Commissioner Bynum** said I do believe it's sincere and I also the concerns that have been shared, like I said before, are real and they need to be taken seriously.

Mayor Holland said I want to jump in on the one-year peace. I understand, and I hear your heart for compromise on this. The one issue I would raise, and I've struggled with this project as well, a one-year application basically they would need to be hiring staff for nine months. They would have to have people presumably leave other jobs to take these jobs to be hired for nine months and that's not the kind of job security that your going to get high quality staff probably to take a job for only committed for nine months. If we approved it for two years, the thing about special use permits, if this group home fails to perform or begins to violate codes, begins to ramp up calls

for service, we've seen this actually with a nightclub where we have an opportunity to do revocation hearings to take a special use permit away if it doesn't meet it which is possible. If we did one year, I'm just afraid that we have set it up to make it very difficult and while I won't be here to enjoy this conversation again, most of you will and I just think that a two year is a short term. It gives them a chance to hire staff and gives them an opportunity to perform. If they don't, this time next year if the place is completely out of control and we have police and ambulances lined up on the outside, this body would have the authority to take that permit back. I just wanted to throw that in for my two cents worth when we think about a one year permit. That's my two cents.

Mr. Kennedy said we just want to say that, that's exactly what we were about to say in response to the suggestion of a one-year term. It would set us up for failure. I think it would prevent us to hire staff and there's no need for it because as you said there is an oversight process if we are in violation of our permit we can get revoked. There is a one-year review for the State of Kansas as well.

Commissioner Townsend said I felt the same as you did Mayor about the one-year recommendation. I appreciate the people trying to come to some mutual acceptable resolution here. The parameter that I have not heard addressed is the amount of space that is by law needed to facilitate x number of children in a home like this. We're talking about 50, I think the initial number was and it down to 35. The question that I have is spatially, what is the amount of square footage that the state of Kansas says should be provided and do we have in the facility enough space to accommodate 35 or less children adequately.

Before we get to that because that's one of my main concerns, I do want to thank everyone on both sides who came from their heart and statistics as they new them to voice their concerns particularly those people like Mr. Coolidge, McKinney, Blade, Jones who talked very personably about their situation and also all of the people who want to come forward and help with this project. Dr. Mayberry in training if he is still in the room and anyone else he has contacted. The Whitens, its also been my experience with the Leavenworth Road Association, that they are very supportive of kids. I believe their concerns. I would have the same thing since the last meeting on this issue with this body. I've driven again around there but I didn't get a chance to go inside.

I understand their concerns about the physical location and the safety of the kids. However, for me would probably weigh into where would those kids be without possibly this location. It would certainly be up to the Avery's, the proprietors, to make sure that those kids are safe in an environment like that. I'm encouraged to hear you bought additional property. These kids would be school age, I guess they would have some recreational opportunities with schools or through the schools. I appreciate the concerns of the Leavenworth Road Association but where would these kids go otherwise? I'd like to hear about the square footage issue per child? **Frederick Avery** said I do not have the exact square footage, but what I can tell you is it's actually suited for 70 youth. It's 35 bedrooms, two youths per bedroom. We actually compromised and we're down to 50 as well as the other compromises that we've made as well, 50 youth in the property but it is suited for 70. The medical lodge actually had a capacity of 90 to 99 in that facility.

Commissioner Townsend said if you don't have the numbers, how do you know it's suited for 70 kids per square foot. **Mr. Avery** said DCF came out and did an initial walk through already. **Commissioner Townsend** said who is saying that you can accommodate up to 70? **Mr. Avery** said DCF came out, DCF came out and did the initial walkthrough with us in the beginning. **Commissioner Townsend** said I'm not sure that I believe we are comparing with apples to apples when we're talking about the kids that you're going to have there and senior citizens who are people who were in beds and wheelchairs. I'm not particularly persuaded by that argument. Your talking about different populations in use of space. **Mr. Avery** said absolutely and maybe I misunderstood the question. Are you asking the square footage of the entire facility? Like how many square feet the facility is? **Commissioner Townsend** said in essence, I'm asking do you have enough square footage based on what the state of Kansas says to accommodate how many kids your asking for, initially it was 50, 35, I don't believe I've heard anything that says what is allowable by state regulations. What is the spatial requirement?

Mr. Kennedy said I reviewed all the statutes and regulations a couple of times, although I am not an expert at them as some of the folks that spoke tonight. What I can tell you is that I don't believe the regulations and statutes dictates a specific square footage per child ratio. It doesn't work like that. It really wouldn't make much sense to me for it to work like that because every facility is a lot different. Again, this is something that is vary particularly regulated by the State

of Kansas. It's a decision that they make when they do the review of the facility for the licensing requirements.

Under KSA 65-504, subsection A, says a license granted to maintain a center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children that is authorized in the license shall be kept on those premises and the business shall not be carried on in any building or place not designated in the license. Commissioner, I'm glad you brought up that question because that was something that I thought was very important. Reviewing the statutes is that we will have people that are used to regulating these types of things, coming to the facility, doing review and making those kinds of decisions. Even if the board ultimately grants this application with a 50-child restriction, does not mean the state of Kansas won't limit it even further, if they choose to do so. That is something, regardless of what that is will be put into license and will have to be abided by.

Commissioner Townsend said I think we're still talking around the question that I asked. I guess there is no spatial requirement by the state of Kansas. **Mr. Avery** said yes, I just Googled it, there is a spatial requirement. It's 70 square feet per child. DCF came and verified at the time when they came and did our walkthrough that we have 35 bedrooms that are suitable for 70 children. We did our initial walkthrough already. DCF had their initial walkthrough already. I'm sorry I didn't have that number off the top of my head, but we are compliant with that number, to answer your question. **Commissioner Townsend** said the present request is for 35? **Mr. Avery** said 50. We can fit 70, we're going for 50. **Commissioner Townsend** said I hope you do go, if this goes through, go with the lower number, just to see, given the concerns especially with Leavenworth Road and I see where they are going with that. Can people who are related to these children come visit them at your facility. **Mr. Avery** said yes. **Commissioner Townsend** said what I'm going through there again is this corner, limited parking and all of that.

Commissioner Murguia said, Mr. Avery, I just wanted to say to you that I really do appreciate your passion for children and your entrepreneurial spirit in purchasing a building and following your dream and your vision there. However, as I told you last time what I was concerned about is your capacity. The biggest single most red flag for me and looking at your capacity to handle a

facility like this is that you purchased a building before you had the permission to use in the way in which you wanted to use it. That's concerning. Your eagerness should be, like I said your entrepreneurial spirit is admired and I really appreciate that. I am like Commissioner Townsend and Commissioner Bynum concerned about the number of children in the facility. Before I say anything else, Commissioner Bynum did you make a motion? **Commissioner Bynum** said I did not. **Commissioner Murguia** said you did not. **Commissioner Murguia** said I would tell you what, based on the information that I've gathered here and based on the unanimous approval by the Planning & Zoning Commission, I would make a motion that if it's possible to restrict the use to 35 kids and the special use permit to be approved for 18 months. I hope you would, I hope if that is seconded, you would take this 18 month opportunity to prove yourself to this entire Commission. **Commissioner Murguia** said that's a motion.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve 18 months Special Use Permit Application #SP-2017-36 for 35 kids.**

Mayor Holland said the question would be for the applicant, if it works? Or if it is based on your modeling if your business plan even works with 35 kids and 18 months.

Mr. Avery said this just puts me in a very awkward position. I'm sorry, I didn't come prepared to, we already lowered it from 70 initially, down to 50. We're trying our best to compromise with the community. We have all these stipulations on it already. We're trying our best to work with the community as much as we can. We keep bringing the numbers down. Is there any way you guys can compromise with us whatsoever? Down from 2 years to 18 months, 70 to 35, is there anyway that we can we—**Mayor Holland** said I'll just chime in here in speaking in terms of the motion. I very much appreciate the opportunity to compromise, I think that's something we value and something we've tried in a number of places. My concern, and I struggle with this because I as a former foster parent myself, I've worked in residential group homes for four years. I know the need, I know the need in our community and I know the need generally. I'm concerned about huge group homes. I think I am concerned about the number. I also know we have a huge number of kids that need it. I don't think it is an optimum situation, but I don't have a better idea.

My concern is the facility is very large. It's going to take capacity to be successful. There is an economy of scale in this size of facility. I think they have compromised once with 50 down from 70, which is a significant reduction. I think anything under a two-year plan to give them which we give to everybody else, anything under two years just doesn't give them a chance to hire staff and do a good job. I would speak against the motion though it is motion and a second properly before the Commission. I think we should, if we're going to give them a chance we need to vote it approval, if we're not going to give them a chance we need to vote it down and let them move on with their lives. I think they have already compromised significantly and I would just think, I don't think the neighbors, anything the neighbors have said changes going from 50 to 35. I think everything the neighbors said is still in effect whether is 35 or 50. I think everything the neighbors said is still in effect with 18 or 24 months. I think we just give them a chance or don't give them a chance, but putting them in limbo and making their financial model a struggle with 35 kids, I just think is a set up to fail. I just want to speak against it. I want to appreciate very much both of our commissioners that are working to compromise on this.

Commissioner Philbrook said first I want to say that this has been very grueling for everybody I know that's been involved with it. I'm speaking for everybody on both sides. It has been absolutely heartbreaking for I'm sure most everybody on both sides. I don't believe anybody is going to be happy on both sides because of this. It is very emotional and it is our lives and we all do care about children and we don't want children to be mistreated or not cared for properly. I have to agree with Commissioner Bynum on when she says that we do have limitations on what we are allowed to do as commissioners.

First, I would like though to ask Rob if you have anything that you would like to add since you were present at both of the hearings earlier and have anything that you would like to put into this that you think could be helpful? **Rob Richardson, Director of Planning**, said I think that it's been fairly well covered this evening. I think that the comment indicating that they do have to come back. It can't look like a hangout. They have to do a good job because there is a limited term to the special use permit. Most cases that we deal with, those stipulations and those I guess you may call them a warning what it's going to be like when they come back are very effective, at least 9 out of 10 cases that we do. **Commissioner Philbrook** said so you are satisfied with what the, although you don't get a chance to really be satisfied or not, I shouldn't have even asked you

that. That was unfair. Sorry Rob, put you right on the spot. Otherwise what has been put forth to us from the Planning & Zoning you recommend approval on? **Mr. Richardson** said they adopted the recommendation that the staff made at the Planning Commission meeting.

Commissioner Philbrook said I would ask if the second would be able to rescind his second.

Commissioner Murguia said she's asking you to rescind your second.

Commissioner McKiernan said I have a comment and then we'll carry on with that.

Commissioner Bynum said I could be in agreement with 35 kids in 18 months. My question is, I thought that I read in some of this previous material that for you to be approved you would initially start with a smaller group. **Mr. Avery** said yes. **Commissioner Bynum** said such as a group of 35. **Mr. Avery** said the capacity was 50, we're going to scale up to that number. As we hire we're going to scale up to that number. **Commissioner Bynum** said I guess that's what I'm saying. **Mr. Avery** said absolutely. **Commissioner Bynum** said I guess that's what I'm saying, you will scale up to 50. **Mr. Avery** said yes. **Commissioner Bynum** said 35 might be a number you would start with for 18 months. **Mr. Avery** said excuse me? **Commissioner Bynum** said I'm just trying to make sure that I understand because earlier, not tonight, but in a previous presentation I read in the packet that you would scale up. **Mr. Avery** said yes. **Commissioner Bynum** said I took that to mean that if you got approval when you opened your doors you would not have 50 kids, you might have 20, you might have 25, you might have 30. **Mr. Avery** said absolutely. **Commissioner Bynum** said I guess what I'm saying is the reason why I could support 35 for 18 months is because again that's another attempt at a compromise, but 35 kids at the 18 month period you would have demonstrated that you have the capacity that you've shown us that the facility can be a place that would work for the children, that there is green space, that there is a place for the children to play, that it can be safe and then we can all come back here and with no fanfare whatsoever provide you a special use permit that ultimately gets you what you wanted in the first place. I just wanted to clarify in the beginning, in a previous session we did hear that if you were approved you would start at a smaller number? That's all I'm trying to get

at. **Mr. Avery** said absolutely, and we planned on being at our capacity within a year, space based on the models that we created.

Commissioner Walker said I don't understand why we're compromising, what we're compromising, who we're compromising for or who it benefits. The people that spoke in opposition don't want it and the people that are in favor of it do. Why are we trying to make a compromise? Our Planning Commission, which everyone of us appoints people to, unanimously twice approved this for two years. Our Planning Department approved it based on factual information. I can say this is probably not an ideal location. I have expressed concerns in my mind from my association with a woman for 40 years that worked in child psychiatric that you're blending 5 to 17 year old's are going to cause you problems down the road. That's not my problem, I'm not the professional here that can make that evaluation. The state of Kansas seems to be fine with it. I say give them the two years, track record is going to be brought back to this group, minus two of us, and you'll be able to present evidence or there will be a lack of evidence. I don't know what we're compromising for. Just make somebody a little happier, well, they only got 18 months instead of two years. If there is not a motion on the floor, I'll make a motion.

Mayor Holland said there is a motion and a second.

Commissioner Walker said I'm not going to vote for the motion that's on the floor. That's the whole point to why I am making my statement.

Mayor Holland said thank you, that was a speech against.

Commissioner McKiernan said Commissioner Johnson is going to come in behind me. One of the points that I wanted to make was that you said that if we only approved 12 months we were setting you up to fail. I would say that in some way presupposes that the special use permit won't be renewed at the end of those 12 months. I would suggest that when you hire people you are hiring them for the long term because the operation of your facility is going to be such that it will be approved and reapproved and reapproved and reapproved. My point would be that whether it's 12 months or 18 months, or 24, you're going to come back here with evidence and you're

going to demonstrate success, you're going to demonstrate compliance, your going to demonstrate that you can do the job. I think that you'll come back with such a strong case that your special use permit will be renewed at that time whether it's 12 or 18, or 24 months from now. I would suggest that that's the attitude that you want to take into this. You can take the converse. If we give you 24 months and something goes south in three months, I guarantee you we'll see you back here in three months and we'll be at the point of having to revoke because of non-compliance with the conditions of the special use permit. My suggestion would be whether it is 12 or 18 or 24, you come back with the attitude that you are going to demonstrate success and we're going to go heck yes, that is a successful place. I would further say that you said that you would get to 50, your original plan was to get to 50 children in one year. **Mr. Avery** said yes, based on the models. **Commissioner McKiernan** said that's how you kind of have projected that you're going to be sustainable as to get to the 50, in one year? **Mr. Avery** said yes. **Commissioner McKiernan** said then at that point, if Commissioner Murguia is acceptable, then what I would propose is an alteration to replace her original motion with 50 children, with a special permit use time of one year at which time you'll make your case again.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan,** to replace my motion with 50 kids for a year.

Commissioner Murguia said don't look panicked Mr. Avery. All this is about, it's giving you an opportunity and its making you accountable to the community that your building your facility in. That's the only thing that it is.

Mr. Avery said do you mind if I talk to my mom, just really, really quickly, please?

Commissioner Murguia said I'm okay if the Mayor is fine.

Mayor Holland said let's be clear procedurally. You've made a motion for 50 for one year. That's the motion and the second on the table. We're in the discussion mode of whether or not we'd approve it, whether or not we agree with that.

Commissioner Johnson said I agree with Hal. It's been to the Planning & Zoning Commission two times and it's been approved unanimously two times with staff recommendation. I don't know why we're going back and forth. They've approved this and sent it back to us. I had a chance to watch the proceedings and learn some things but staff has reviewed this, they've made their recommendation. Planning & Zoning has vetted it, they approved it twice and they sent it back to us. I just as soon go with the recommendation of what's been presented to us.

Mayor Holland said I'll take that as a speech against the motion.

Commissioner Bynum said just need clarification. One of the stipulations is the child in need of care, that we limit it to the child in need of care. My question is how will we know as this body if that is a point of revocation, then how will we know that has been complied with? **Mr. Richardson** said the state will review the terms of their special use permit because they have to show their local zoning authority and that stipulation with the seven criteria that are in the blue sheet tonight that indicate that this is for kids that are taken out for their own protection. Those are the only types that are allowed and that should be the only types that the state would send to them because it would violate the zoning.

Commissioner Walker said my final word on this, I've sat here as a commissioner, I've been here as the attorney, I have seen us approve bars, restaurants, used car lots. I could give you a whole litany of other quote businesses in which we have given special use permits for two to five years in order that the business has an adequate time to establish a track record. I hate to put it in those terms. This is a business as well as it is for the children. They've got to be able, I guarantee you that I wouldn't invest in this business if I only knew he had one year. I wouldn't invest in a bar if I knew I only had one year. I have to go with the idea that we're always up here going on about entrepreneurial, we love entrepreneurs that come in here and try to make a business in Wyandotte County and have it succeed. Somehow, I don't get this whole one year, 18 months, two-year deal. It's not our job to make that decision.

I've heard the men, the people speak about the state of Kansas and they've had some major, major problems. I'm going to blame that on the legislature and the governor for not funding it adequately to do the job. I know we have a representative out here, I'm not wishing to

insult and I don't blame him or his faction up there, but why are we wanting to—somebody explain to me why we only want to give him one year? Is it because we are really really worried that they're not going to do the job when this special use permit can be revoked at any time if there's abuse, sexual problems, staff or whatever it might be. I don't get who we're trying to accommodate. We're not accommodating anybody. I'm sticking with two years and as is and they'll have to come back, and they'll have to produce that they, and I'm sure they'll bring in a group of witnesses. My final point is every time we make one of these businesses and I know we had a bar we made come back every six months or a year because there were fights and shooting. **Mayor Holland** said shootings. **Commissioner Walker** said every time you make somebody come back for a special use permit, especially one that is controversial, you're costing them a great deal of money and time. For our convenience, it's not a big deal. We have a staff of lawyers on fulltime. They've got to hire a lawyer, put this together. Sometimes it can be minor, sometimes it can be very expensive so when you're telling people to come back every year to get a review just for some public reason, you're not really doing the job. I'm sticking with what I said, that's how I feel about it. If they can't produce in two years, then off with their heads.

Mayor Holland said I am confident for the record the commissioner means that figuratively. I would take that as a speech against the motion. If it comes to me, I would vote against the motion as well for the same reasons Commissioner, for many of the same reasons Commissioner Walker gave us. **Commissioner Walker** said except for the off with the head part. **Mayor Holland** said except the off with the head part, I do not support that.

Commissioner Philbrook said where I am in this as of now is that I haven't heard any additional evidence that would affect my consideration of the factors set forth so far. Therefore, I don't see any reason to overturn the Planning Commission's recommendations regarding those factors. Period, two years, as put before us is where I am. **Commissioner Kane** said second.

Mayor Holland said there is already a motion, that's a speech against. I will take your second as another speech against the motion.

Commissioner Townsend said I'm speaking only because I raised the issue about the square footage, but you satisfied that. That was not something that was addressed before. In a previous life I did work for the Small Business Administration wondering why certain businesses failed and certain succeeded and it is important to give people enough time and enough resources to try to succeed. I do believe two years would be the appropriate time and up to 50, hope you get there gradually, as originally put forth.

Mayor Holland said we have a motion and a second before us. I've heard six speech's against and three for. We are ready for a vote.

Commissioner Kane said which one are we doing?

Mayor Holland said we are voting on 50 children for one year. That is the motion before us, 50 children for one year. If that motion fails, then there would be another motion for something else.

Roll call was taken on the motion and there were three "Ayes," Bynum, McKiernan, Murguia and six "Nos," Walters, Philbrook, Walker, Townsend, Johnson, Kane, Markley.

Commissioner Walker said we accept the Planning Commission's recommendations of two years and 50 children.

Action: **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2017-36 for two years and 50 children.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mayor Holland said we will take a five minute recess. We'd encourage you to take your time. We have additional business to do.

Mayor Holland reconvened the meeting.

Mayor Holland said as I mentioned at the break we have now completed one item. **Commissioner McKiernan** said two if you count the Consent. **Mayor Holland** said two if you count the Consent votes, so that's right.

ITEM NO. 2 – 171410...SPECIAL USE PERMIT APPLICATION #SP-2017-50 – JULIE A. RAMIREZ

Synopsis: Special Use Permit for the Temporary Use of Land to keep a storage container at 32 North 74th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval for the use of a personal storage unit at 32 North 74th Street. The Planning Commission voted 6 to 0 to uphold its previous decision and recommends approval of Special Use Permit Application #SP-2017-50 for one year.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-50 for one year.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171411...SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP

Synopsis: Special Use Permit for a maximum of 12 goats at 3552 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-58, subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn

and hay.

3. Do you plan to have a fence for the twelve goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there are significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works Comments: None

Mayor Holland said this next item is Item B3. Special Use Permit 2017-58 for Eric Bishop. I'd invite Mr. Bishop to come forward and make presentation. Then we'll open the public hearing.

Before you make presentation, I'm going to ask our staff to say why it was pulled off the Consent Agenda.

Rob Richardson, Director of Planning, said following the Planning Commission meeting and the recommendation vote, we found out that some of the information that we thought we heard at the Planning Commission meeting, the basis of that my recommendation and the vote of the Planning Commission was incorrect, as to the animals that were actually on the site. I've asked it to be removed for further consideration or to be referred back to the Planning Commission for them to establish what the facts are. **Mayor Holland** said you believe that the 12 goats is inaccurate. **Mr. Richardson**, said at some point between then and now, yes. At the time of the Planning Commission the animal numbers were inaccurate.

Eric Bishop, 1437 S. 79th St., said I own the property at 3552 N. 47th St. I rent it out. I am a landlord. I have seven properties here in the Kansas City, Kansas area. Just a little background, about two years ago when that tenant came to me and I was renting it out, they came with the understanding that they would be able to raise animals because it is about a two acre lot. We made the wrongful assumption that that was allowed because there are neighbors that have animals and the property goes deep enough the animals are far enough back from the street that we did not think that that was a problem. I allowed the tenant to have those animals out of ignorance for the city code and I'll admit that now. Those animal's kind of grew and grew and we got more and more. When the city found out that we had the animals and fined us that's when this process started.

We had more animals. Once the permit was filed for we had more animals than what the permit was asking for. Some of that due to, like we had a Llama and two donkeys that actually belonged to someone else. Friends that needed somebody to take care of the animals so we had them there. That's why we didn't mention them at the Planning Board Commission meeting because they were only temporary. Since that time those donkeys have been removed and gone back to their owners and the Llama also. We also have some ducks and chickens that we're getting rid of this weekend. The excess goats, because at one time they had up to 20, they are already in the process of being removed also. We pledge we will get down to that number of 12 goats and 12 goats only if this is approved.

Mayor Holland said I will open it up, we need to open it up for public comment. Is there anyone here tonight who would like to speak in favor of the application? Let the record show that no one is moving forward to speak in favor. Is there anyone who would like to speak in opposition to the application? Again, let the record show no one is speaking in opposition. We will close the public hearing since there are no comments to make a summative response to, we won't have that. We've heard from the staff, its open to the Commission.

Commissioner Philbrook said did I, yes, I know guys you're going to make fun of me, its about the goats right. No. What its about is land use and how we treat our property. Did I read it properly that that particular piece of property is not appropriate for 12 goats to be on. **Mr. Richardson** said the Conservation District indicated that and I believe that was subject to some potential things they could do with the property to make it fit for the goats. **Commissioner Philbrook** said that they could do? **Mr. Richardson** said yes. **Commissioner Philbrook** said where are you on this now since he stated there's other things gone. Do you still want to review this some more? **Mr. Richardson** said if it was just the 12 goats and it they were down to the 12 goats, I would keep the same recommendation that we had. **Commissioner Philbrook** said I guess what I'm going to say is you have questions. So, I'm going to recommend that we pay attention to Rob Richardson and let it go back to them to explore.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to send Special Use Permit Application #SP-2017-58 back to Planning and Zoning.**

Commissioner Townsend said I'd like to know exactly what staff's recommendation is. I'm understanding that with the revelation of the goats, the chickens and the Llamas and the roosters. **Mayor Holland** said the donkeys. **Commissioner Townsend** said and those. I forgot the donkeys, that staff is not in favor of this application, is that correct? **Mr. Richardson** said after the Planning Commission recommendation we concurred with that. The approval would be two years, daily disposal of goat waste. The goats diet be fed to them and not grazing so that the grass isn't over grazed. Than goes to the Conservation District comments that if the land were to be

over grazed then it would be a potential pollution source, and then to obtain the animal control permits for 12 goats.

Commissioner Townsend said I think this probably should go back so we can clarify exactly what animals are there or not. This property is in District One. I've had a lot of complaints from residents in that area, the Sorter Dr. and 49th St., and 39th St., that have resulted in a code enforcement to have to deal with a lot animals and foul that shouldn't be there. The foul have run afoul of the codes. I'm not sure why there's a need for 12 goats. I am concerned about the comments made by the Conservation District. If it hasn't been seconded, I would second that to go back for further consideration. I am really watching these menageries that are springing up in this area.

Mayor Holland said there is a motion and a second and a speech in favor of sending it back to the Planning & Zoning Commission. I would just note before the vote, for all the goat owners and other animal owners, full disclosure at the Planning & Zoning meeting is critical to approval and to retaining your special use permit. It could have gone through and then we find out that there's donkey's and Llama's and it could have been revoked altogether and the goats would have had to go away too. There's a risk to your special use permit for not doing full disclosure. With that I don't see any further comment, roll call.

Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mayor Holland said it has been sent back to what date. **Mr. Richardson** said December 11th. **Mayor Holland** said December 11th Planning & Zoning. **Mr. Richardson** said yes, we have time to verify that now in short order.

ITEM NO. 4 – 171404...SPECIAL USE PERMIT APPLICATION #SP-2017-59 – MONICA CABRERA

Synopsis: Renewal of a Special Use Permit (#SP-2015-41) to keep one horse at 1411 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to renew a

special use permit to keep one horse on their residential property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-59, for two years, subject to:

Urban Planning and Land Use Comments:

1. Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.

Applicant Response: Photos attached to this staff report.

2. Please provide current update on horse's diet and operation plan, including how and where food is being stored.

Applicant Response: The horse's diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5 p.m. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

3. Please provide current update on how animal waste is being disposed of and in what way.

Applicant Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks), we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the landfill in Johnson County takes manure as a special waste.

4. Please provide proof of additional seed/sod to the area in an effort to establish better ground cover, per stipulations of 2015 approval.

Applicant Response: Applicant indicated a variation of horse seed was placed on the ground for the horse to eat and the grass to grow over.

5. Please provide proof of building permits obtained for horse's stall in compliance with R-1 Single Family District accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a building permit and is working to obtain a building permit before the City Planning Commission meeting on November 13, 2017.

6. Please provide copy of Animal Control permit for one horse per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a permit and is working to obtain an Animal Permit before City Planning Commission meeting on November 13, 2017.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-59 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – 171405...SPECIAL USE PERMIT APPLICATION #SP-2017-61 – RUBY MARTIN WITH HILLTOP SADDLE CLUB

Synopsis: Renewal of a Special Use Permit (#SP-2015-12) for a trailer for monthly meetings and to keep supplies at 5025 Muncie Drive, submitted by Robin H. Richardson, Director of Planning. The applicant requests a special use permit to continue to use a small office trailer on the site of the Hilltop Saddle Club at 5025 Muncie Drive. The members of the club have a ring for riding horses and there is a barn on the adjacent property for stabling the horses. The initial special use permit was approved in 1999. This is a renewal of the permit from 2015 (#SP-2015-12). The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-61, subject to:

Urban Planning and Land Use Comments:

Please provide the following information:

1. Update on how many people are attending the meetings inside the trailer at a time.

Applicant Response: Applicant has indicated 15 to 20 people attending the meeting inside the trailer at a time.

2. What types of meetings are being held in the trailer?

Applicant Response: Meetings concerning operations of the organization and saddle club meetings.

3. Update of what type of materials will be placed inside the trailer.

Applicant Response: Applicant has indicated the materials inside the trailer are a file cabinet, office supplies, 30 chairs, folding tables, and saddles.

4. Please provide photographs of the trailer.

Applicant Response: Applicant has provided a photo that is attached to this staff report.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-61 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 – 171406...SPECIAL USE PERMIT APPLICATION #SP-2017-66 – RANDEL VANBEBER

Synopsis: Renewal of a Special Use Permit (#SP-2015-16) for two goats at 3415 North 63rd Street, submitted by Robin H. Richardson, Director of Planning. Applicant is requesting renewal of a special use permit to continue to keep two goats on 1.4 acres of property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-66, subject to:

Urban Planning and Land Use Comments:

1. Please provide photos of the completed fence addition on property; per stipulations of the 2015 approval as well as the current condition of the land (grass cover in area where animals are kept, etc.).
Applicant Response: Applicant has indicated the fence is completed and it is enclosed.
2. Please provide current operation plan including how and where goat food is kept, current diet of goats, and when and how waste is removed, etc.

Applicant Response: Applicant has indicated goat food is kept on the porch. Goats are feed molasses, corn, oats, hay, carrots and cabbage, and drink warm water for their gums. Goat waste is mixed in with compost and thrown into the garden.

3. Please provide copy of Animal Control permit for two goats per stipulations of the 2015 approval.

Applicant Response: Applicant has not obtained an animal permit for their two goats. However; the applicant is working to obtain the animal permit before their case is heard by the City Planning Commission on November 13, 2017.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-66 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

VACATION APPLICATION

ITEM NO. 1 – 171412...VACATION APPLICATION #R/W-2017-11 – WIL ANDERSON WITH BHC RHODES FOR THE BOARD OF PUBLIC UTILITIES

Synopsis: Vacation of right-of-way at 342 South Bethany Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Wil Anderson with BHC Rhodes on behalf of the operator, Board of Public Utilities has submitted this application. Mr. Anderson wants to vacate a portion of South Bethany Street in order to build a guard house establishing a control checkpoint for the BPU facility. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application #R/W-2017-11, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. With the proposed building addition and site expansion, what is the intended use of this BPU facility compound?

Applicant Response: The use of the property is unchanged. The improvements will provide better storage capabilities and site access.

3. Will the three buildings be constructed in phases or will all of them be built at the same time?

Applicant Response: The project is anticipated to be built within one year period in two phases.

4. Since the guard house is adjacent to a single-family residence, what are the hours of operation of the facility and will the guard shack be manned during those hours? Will there be speakers for site communication?

Applicant Response: The guard house will have 24 hour operation. Speakers should not be required as guards are to greet visitors and deliveries.

5. Are the majority of the parking stalls between the three buildings for employees or for fleet vehicles? Based on the 57 parking spaces between the two park areas, three accessible stalls are required.

Applicant Response: The overall number of employees remains unchanged. Parking will be a mix of employee and fleet vehicles.

6. The 6' privacy fence between the single-family homes to the north and the BPU facility shall have masonry columns every 32'.

Applicant Response: A masonry encased column is anticipated.

7. A light cut sheet was provided, but a photometric plan was not. All lighting, whether installed in the parking lot or mounted on a building shall have 90-degree cutoff fixtures. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot-candle as measured from said property line.

Applicant Response: A photometric plan for the only proposed outdoor light has been provided in the latest resubmittal dated September 20, 2017. Footcandle measurements are given and meet the above criteria.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. The storm line upstream of MH 059-098 shall be a private line and maintained by BPU. Plans submitted for construction permit shall show this line as a private line.

- b. The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation documents. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.
 - c. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - d. From field investigations and meetings, there are private sanitary sewer lines combined with storm drainage lines on the BPU site. These are considered “illicit discharges”, and BPU shall separate storm drainage and sanitary sewer lines and coordinate with Public Works and Water Pollution Control Departments for review, inspection, and approvals.
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Vacation Application #R/W-2017-11 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

MISCELLANEOUS-ORDINANCES

ITEM NO. 1 – 171413...REZONING ORDINANCE #3147

Synopsis: An ordinance rezoning property at 4229 Swartz Road from C-1 Limited Business District to R-1(B) Single Family District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-68-17**, “An ordinance rezoning property hereinafter described located at approximately 4229 Swartz Road in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to R-1(B) Single Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was

taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171414... VACATION ORDINANCE #P/E-2017-10

Synopsis: An ordinance vacating a pedestrian easement at 3928 Rainbow Boulevard, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-69-17**, “An ordinance vacating all of the Pedestrian Easement located a approximately 3928 Rainbow Boulevard, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171415... VACATING ORDINANCE #U/E-2017-8

Synopsis: An ordinance vacating a utility easement at 9000 Haskell Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-70-17**, “An ordinance vacating a utility easement located at approximately 9000 Haskell Avenue, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

NON-PLANNING CONSENT AGENDA

Mayor Holland said we have now finished our Planning & Zoning portion. It now brings us to our Non-Planning Consent Agenda. I will ask if anyone in attendance tonight, any staff member or commissioner would like to remove an item from the Non-Planning Consent Agenda. Any item not so removed will be voted on by a single vote.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.

Mayor Holland said let the record show that no one is moving to the microphone to remove an item. It is properly before us.

Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 1 – 171378... NORTH 31ST & KIMBALL SANITARY STREAM CROSSING IMPROVEMENT

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the North 31st & Kimball Sanitary Stream Crossing Improvements Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel. On November 13, 2017, the Public Work & Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-47-17**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, and also tree clearing and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball, CMIP 6301, all in Wyandotte County, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171379... RESOLUTION: INLAND & HOLLIDAY DRIVE SEWER MAIN EXTENSION

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the Inland & Holliday Drive Sewer Main Extension Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel. On November 13, 2017, the Public Work & Safety

Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-48-17**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the maintenance, operation, and construction of new sanitary sewer main extension at Inland & Holliday Drive, CMIP 6301, all in Wyandotte County, Kansas.”
Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171395...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Mary Hopkins for the Law Enforcement Advisory Board, 11/30/2017 to 6/30/2018, submitted by Sheriff Ash.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 4 – MINUTES

Synopsis: Minutes from regular session of October 26, 2017.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 16 and 22, 2017.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 –171433...PLAT: LEGENDS AUTO MALL 3RD PLAT

Synopsis: Legends Auto Mall 3rd Plat, located at the northwest corner of North 99th Street and Parallel Parkway, being developed by KCK Development, Inc., submitted by Brent Thompson, Director of Engineering/County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, approved and authorize the Mayor to sign the plat. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ADMINISTRATOR’S AGENDA

Mayor Holland said that brings us to the Administrators Agenda Item No. 1, sale of General Obligation Refunding Bond.

ITEM NO. 1 – 171393...RESOLUTION: SALE OF GENERAL OBLIGATION REFUNDING BONDS

Synopsis: A resolution authorizing the offering for sale of general obligation refunding Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Kathleen VonAchen, Chief Financial Officer.

Doug Bach, County Administrator, said our Chief Financial Officer Kathleen VonAchen is working to determine if we can do refunding and save our city a considerable amount of money. I would ask Kathleen to come forward and offer a brief presentation about what she is proposing

and the reason this is going directly to full commission is also noted because there is a potential change in federal legislation that we want to take advantage of this year.

Kathleen VonAchen, Chief Financial Officer, said the Congressional Tax Bill, if it were to be approved, would potentially eliminate the opportunity to do advance refunding's which in other words, it's a refinancing of the existing debt prior to the call date. As a result, we identified amongst our many bond issues which ones would be potentially eligible to do an advance refunding. We found that the 2010A would be, which is the first one list in the resolution, would be eligible. We would save approximately on a net present value basis \$4.4M over the next 10 years or 12 years. The refunding because it's a crossover advance refunding, the savings wouldn't be incurred until 2020. It would be for 10 years. The annual savings is about half million dollars to our city Bond & Interest Fund beginning in 2020.

The list of other four items are three other bond issues, taken out in 2010 under the Stimulus Bill during the recession. They have a unique financing in that they're issued on a taxable basis. Then we get kind of a federal subsidy credit check from the Feds to give us the difference between the interest rate that you would have paid had we issued them as GO Bonds and tax exempt. We've been getting those checks. Unfortunately, if the Congressional Tax Bill does pass, there is a risk that those subsidy checks would stop coming because the Presidential OMB office would decide that there needed to be extraordinary sequestration taken place in order to reduce the federal deficit.

There are some risk that we would stop getting those checks. As a result, we have listed these as also potentially we're in our those but we're still kind of weighing our options. The savings would only be for the next three years, roughly, or into the late next two years, its about a \$1.4M. That would be only if the OMB stopped paying us all together. In 2020 then we can go ahead and refund it using our current funding, refunding, which is allowed by the current tax bill. We are still weighing our options, but we're definitely going to be doing the advance refunding on the 2010A.

Action: **RESOLUTION NO. R-49-17**, "A resolution authorizing the offering for sale of General Obligation Refunding Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner McKiernan made a motion,**

seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mr. Bach said I would just note that the pricing for those bonds will come forward to this discovering body on the 14th and that will allow us to complete that. **Mayor Holland** said December 14th, two weeks.

Ms. VonAchen said I apologize Doug, there was a recent development and unfortunately, we’re not able to get our schedules coordinated with S&P. They’re not going to be able to give us a rating until the 15th. On the 14th we’re actually going to be providing you a resolution with some parameters for the pricing and ask that you grant authority to the County Administrator or the Mayor to go ahead and sign the documents accordingly. The pricing is going to take place around the 19th instead and we do need to have that done two weeks prior to the end of the fiscal year because we need to allow for a closing period. It all has to happen before December 31st.

Mayor Holland said that brings us to our final item. It is a resolution to exercise options to purchase property for the Healthy Campus District. We had a comprehensive presentation and discussion at the 5:00 knowing that the 7:00 was going to be a long meeting. We just guessed that it would be and we guessed right. So, we did the presentation on the Healthy Campus at the 5:00 but this is going to be a very brief presentation and then we will open it up for public comment and then a vote.

ITEM NO. 2 – 171419... EXERCISE OPTIONS TO PURCHASE PROPERTY FOR HEALTHY CAMPUS PROJECT

Synopsis: A resolution authorizing the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million, submitted by Doug Bach, County Administrator.

Jon Stephens, Interim Economic Development Director, said as the Mayor stated at 5:00, Special Session that was opened to the public and available we gave a very comprehensive update as to this action as well as the overall Healthy Campus Project as proposed.

What We Are Here For Tonight

2

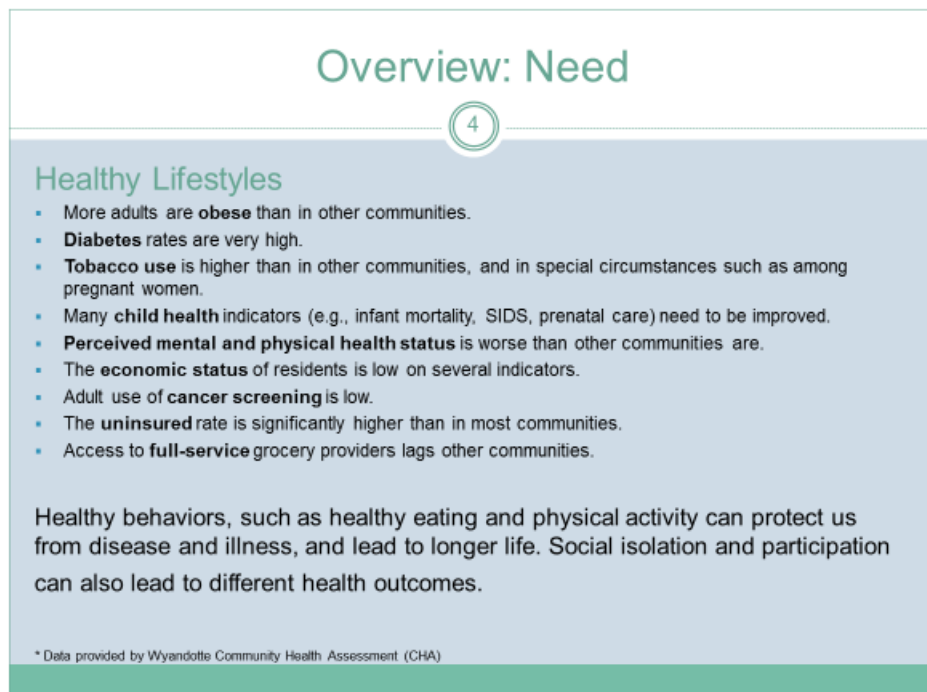
Commission Action

Consider approval of a resolution authorizing the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million.

The action tonight is to authorize up to \$2M be expended at the discretion of the County Administrator in order to move engineering and architecture forward for the project as well as to exercise option on the purchase of the block of property. This would not actually be purchasing, it would be exercising the options to, “control the land for the project”.



The very brief overview as I outlined it here, we are going to briefly touch on the need and the outcomes, the project outline, the schedule and why this is before you tonight. Then, the financials and then next steps and action.



Without going through all of this I'll just state as it was discussed extensively tonight, the Wyandotte Community Health Assessment, the CHA, continually outlines that there are a lot of

health and wellness needs in the community, particularly in underserved areas around the downtown area. Many of those we believe are due to the lack of health facilities, lack of a lot of wellness facilities, access to those services as well as full service grocery.

Overview: The Project

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Healthy Food

A high-quality, full-service grocer committed to more than simply selling food. The proposed grocer strives to buy local, offers healthy food programs, cooking programs and plans to partner with the YMCA on cooperative programming.

Healthy Lifestyles

The YMCA of Greater Kansas City is a charitable organization committed to strengthening communities - With a focus on youth development, healthy living and social responsibility.

Healthy Outcomes

Combining a community center, grocery store, and healthcare services in one transit accessible location offers the best possibility for quantifiable improvements in health outcomes for Wyandotte County citizens.

The project, the Healthy Campus has outlined is to prove a high quality full service grocer that will be committed to more than just selling food. The proposed grocer as is outlined would buy local, offer healthy food programs, cooking programs and has had discussions and will partner with the YMCA for cooperative programming for the benefit of the community. Additionally, the YMCA would be the community center partner. They're a longstanding 150 plus year old Kansas City, organization with a focus on healthy living and social responsibility. Finally, by combining those, this project believes that combining those along with the healthcare service provider would be the best possible way to provide quantifiable improvements and health outcomes.

Overview: The Project

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\$37.1 million Project

Facilities (Approximate design plan)

- 35,000 sq/ft full-service YMCA with aquatics and a health service provider
- 32,000 sq/ft of retail
 - Minimum of 12,000 sq/ft full-service grocery
- 63,000 sq/ft parking/outdoor plaza

The projects itself is a \$37.1M project as outlined. The approximate design plan is 35,000 square foot full service YMCA with aquatics as well as a health service provider. 32,000 square feet of retail of which 12,000 square feet would be a full-service grocery. Then, a 63,000-square foot parking and outdoor plaza area that would join the two and provide access and parking and availability as well as some outdoor programming space.

Overview: The Project

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The location, as you can see, is between 10th and 11th on the north side of Minnesota Ave., and the south side of State. That is the block, it's on steep grade, as we move through you can see the programming. There will be green space as well as the retail on the eastern portion and the YMCA on the western portion, with the parking and plaza splitting between.

Overview: The Project

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Here's a little bit closer of the current site plan as projected. You can see the CSO space, the green space, which would be water retention and other needs that would also service the area as well as the two-story fitness facility, the YMCA and then the retail grocery on the far-right side of the presentation.



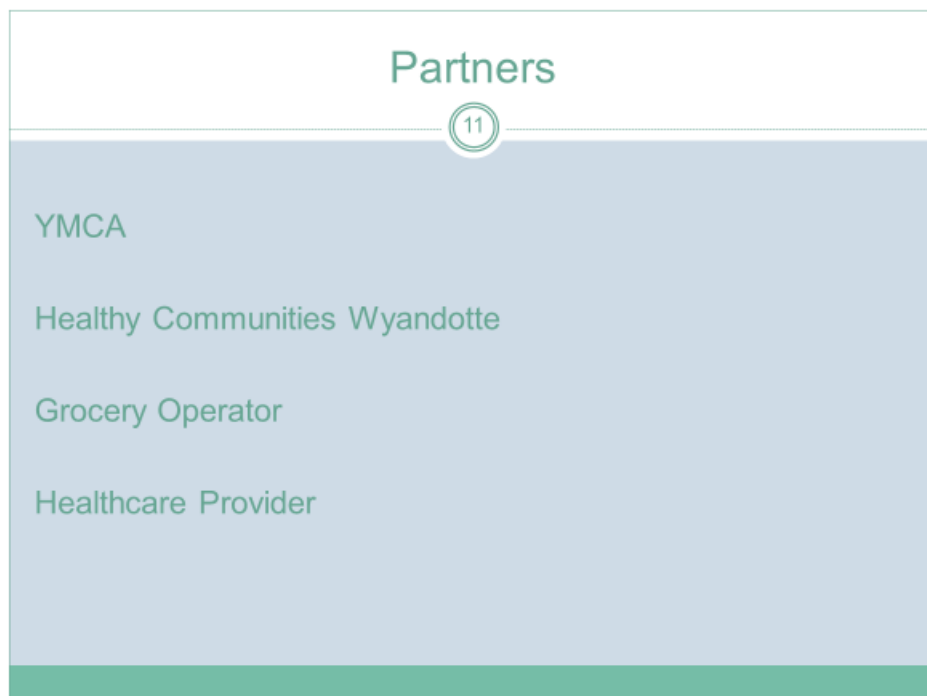
They've already been done, and I might add we have CBC with us. They're a partner that's been working with us, Bill Crandall and Peter Ho. With the architecture team, this is some initial massing study and layout and design scheme as they work through this that shows the view looking northeast over Minnesota Ave. to the YMCA as well as the grocery and retailer.

Overview: The Project

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Here's another view showing the grade change of the site from Minnesota Ave. to State Ave., it drops considerably. That would allow for a single story, for the YMCA on Minnesota with a two-story structure, two-story visibility on the State Ave side. It would also allow with the parking for access under the garage into that.



The partners as I mentioned are the YMCA, Healthy Communities Wyandotte, and I believe all the Commissioners and the Mayor have been distributed a letter that was mentioned by the President/CEO of Healthy Communities Wyandotte, Kathy Harding, in the 5:00 session in support of their \$1M grant that they have already allocated.

Financials: Sources & Uses

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	Community Center	Parking Plaza/ Sitework/ Utility Relocate/ Streetscaping	Grocery / Retail	Totals
SOURCES				
UG Community Center Commitment (GO Bond Proceeds)	\$ 6,000,000	\$ -	\$ -	\$ 6,000,000
Additional UG GO Bonds for Community Center	1,390,000	-	-	1,390,000
UG GO Bond Proceeds for parking plaza, utility relocation and streetscaping	-	7,950,000	-	7,950,000
YMCA Capital Campaign Contributions	6,825,000	-	-	6,825,000
Health Foundation Grant	1,000,000	-	-	1,000,000
New Market Tax Credits (NMTC)	2,355,787	-	7,054,213	9,410,000
TIF Sales Tax Special Obligation Bond Proceeds (revenue @ 1.938%)	-	-	2,153,193	2,153,193
CID Sales Tax Special Obligation Bond Proceeds (revenue @ 2%)	-	-	2,416,110	2,416,110
TOTAL SOURCES:	\$ 17,570,787	\$ 7,950,000	\$ 11,623,516	\$ 37,144,303
USES				
Land Acquisition	530,343	427,433	2,608,442	3,566,217
Construction Costs	12,375,959	6,365,000	4,310,094	23,051,053
Professional Services	1,625,094	618,750	830,462	3,074,306
Fixtures, Furnishings and Equipment	740,000	180,000	1,500,000	2,420,000
Contingency	737,053	358,817	332,028	1,427,898
NMTC Closing and Interim Financing Costs	812,338	-	2,042,491	2,854,829
Community Center Start-Up Costs	750,000	-	-	750,000
TOTAL USES:	\$ 17,570,787	\$ 7,950,000	\$ 11,623,516	\$ 37,144,303

The financials, the total project is \$37.1, this breaks this out. The community center, the sources of funding is \$17.5M of which \$6M would come from the previously discussed GO Bond proceeds for community center commitment. A \$1.39M GO Bond for the community center. I think that it's important to point out that the YMCA has designate that they would contribute \$6.8M plus the \$1M health foundation. Plus, we will be seeking the urgency for some of this as the application process on Federal New Market Tax Credits. That's the \$2.3M. Then, for grocery retail would be \$7M. That would be your total. I also will quickly mention that there will be a TIF and a CID on that.

Next Steps

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Commission Action

A resolution authorizing the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million.

The next steps are tonight, the resolution authorizing the County Administrator to expand, not to exceed \$2M, to keep the project moving. Continue with architecture and engineering, as well as enter into contracts on the land site so it's under control so that we can have this project will be "shovel ready", for the New Market Tax Credit allocation, which as I outlined provides a large chunk of the financing.

Mayor Holland said what I am going to do is because this has come directly to the Commission, I'm going to open it up. If anyone would like to speak in favor or in opposition to this proposal, you would have three minutes. As I told the previous group, you're not obligated to use all three minutes, but there are three minutes available to you. If you'd like to come forward. I would like to ask anyone who'd like to speak in support to come speak first.

Anthony Arnold said I am in support of this project. I was asked by a couple of people from the media why I was in support of this project, particularly when it involves so much money from the city coffers. Well let me tell you, private development will not happen in the central cities of Wyandotte County until we step up as a body and demonstrate some success stories. I believe this

would represent the first of many success stories that could happen in our central city communities. I would urge this body to support this endeavor.

Dan Welch, 6221 Armstrong, said as this Commission knows I come to support the parks every time. There are some things that we could help this group with, in documenting some of the things that they may want to adjust their plan for. We've got quite a bit of information available that's widely unknown. My answer to this project is go.

Frank Lavender, Historic Northeast Business Association, said I'm in support of this project. We've been trying for a number of years to do something about our food desert. It seems like an opportunity to make it happen, I'm in full support of it.

Beth Lowe Smith said I'm here on behalf of KC Healthy Kids to speak in favor of the resolution for additional funding for the Healthy Campus. KC Healthy Kids rally's communities to improve access to healthy food and spaces for safe physical activity. We do that because when our neighborhoods provide opportunities for and support for physical activity and healthy eating and other healthy habits, people are less likely to experience obesity and obesity related diseases.

The Healthy Campus matters because most of the neighborhoods north of State Ave. and east of 635 are low access to healthy grocery retail according to the USDA. Furthermore, hundreds of families in the neighborhoods adjacent to the proposed Healthy Campus—hundreds of families in the neighborhood adjacent to the Healthy Campus don't own a car or other vehicle and they don't live within a half mile, estimated comfortable walking distance of a full-service grocery store. That's a problem. Putting affordable, high quality, healthy grocery stores in the neighborhoods where these folks live and accessible to them is crucial to improving health outcomes.

Unfortunately, securing a grocery operator for a project such as this is often pretty difficult. It's really important to act quickly when the opportunity for that sort of partnership arises, we encourage you to invest in the Healthy Campus now, while such an opportunity exists. We hope that you will approve this resolution.

Wil Anderson, Downtown Shareholders of Kansas City, Kansas, said at the board meeting on Tuesday we were fully in support of this. We see this as a good catalyst to continue the effort in downtown Kansas City, Kansas, hope you support them.

Wes McKain, said I live a couple blocks away from here and I also work at the Health Department with the Healthy Communities Wyandotte Initiative. I've only lived here for about nine years now, it's not that long. It's long enough to remember the Apple Market at 7th & Minnesota. The place was a disgrace. I shopped there a couple of times, only when I had to, then it closed. I think the people in the downtown area and the people on this side of the county deserves something better, a place that's better than that. It's hard, cities know that it's hard, and they've known it's hard for a long time to build the grocery stores and gyms and places for people to be active in low income neighborhoods. They've known for a long time that people need those things because they're convenient. I think what we've learned in the last couple of decades, especially the last decade, is that it's more than convenience, it about health. If people don't have full service affordable grocery stores with healthy options and places to be active that are also affordable it affects their health. We have learned that more and more and that more evidence comes out all the time that's important. At least for me that's the biggest reason why I think that's important for this area.

Katherine Kelly, Executive Director of Cultivate Kansas City, said I am speaking in support of the proposed investment in the Healthy Campus. I served on the Advisory Committee that helped do the initial planning for it. My commitment to the project has not waivered over the long time period we've been involved in. I want to speak specifically to the grocer that is potentially, that is committed to be involved in this process. They are known for their support of local farms and local businesses and as somebody who represents farmers we have a farming community that will benefit from their presence. The store will take local food dollars and reinvest them back into the community. They will work with local farmers, they will work with local food processing businesses and we'll see some really excellent economic development activities as a result. I support you in supporting this investment.

Lynn Kuluva, said I'm an owner of Rental City at 833 Minnesota Ave. However, said I am here this evening as the Chairman of the Advisory Board for our Downtown Improvement District. Our board voted to adopt a resolution in support of the Healthy Campus and in support of the action your considering this evening. Its brief, I'd like to read the resolution to you. It summarizes our position. A resolution in support of the Unified Government of Wyandotte County in Kansas City, Kansas action to allocate funds for land acquisition and initial development planning for the Healthy Campus Project. Whereas, the mission of the Downtown Improvement District, technically the Self-Supportive Municipal Improvement District, is to promote and develop downtown Kansas City, Kansas into a vibrant district for people to work, shop and dine including the development promotion and support of community events and activities open to the general public and whereas a planned Healthy Campus is within and adjacent to the Downtown Improvement District. Whereas, the planned Healthy Campus Project is to include features and amenities that will enhance the quality of life for all Wyandotte County residents. Whereas, we believe that the Healthy Campus Project will attract residences and businesses to the downtown businesses and residential districts. Whereas, we believe the Healthy Campus Project will lead to increased investment and increased property values in the downtown area. Whereas, we believe that this increased investment and rising property values will improve the futures of not only downtown businesses and residence, but that those benefits will also extend to the entire county.

Now, therefore, it is hereby resolved that the Advisory Board of the Downtown Improvement District, SSMID, strongly supports the Healthy Campus Project and urges the Commission to approve the resolution authorizing the County Administrator to exercise options to purchase property and so forth and so forth. We support the Healthy Campus and we are urging you to approve your resolution. I have left copies with the Clerk for all the commissioners and the Mayor.

Broderick Crawford, 824 State Ave., Executive Director of the NBC Community Development Corporation, said I am here to support the Healthy Campus on behalf of the NBC Community Development Corporation and also New Bethel Church.

Emily Brown, 4307 Wood Ave., Chief Executive Officer of Food Equality Initiative, said we're a local Kansas City based non-profit that helps low income families diagnosed with food allergies and celiac disease access safe food. We are in support of the Healthy Campus because we believe that all members of our community deserve resources to help maintain their health.

William Boyce said I am a business owner of 64 years in our community. Also, a member of the Douglas Sumner Neighborhood Group. I'm in favor of the Healthy Campus and to the grocery store something that has been much needed for many, many years. I hope that we approve this proposal.

Vonzel Soyer said I am one of the board members from the Wyandotte Health Foundation. I'd like to speak in support of the Healthy Campus. Not for all the other reasons that everyone else stated, but there is something else that it does for our community. There is also a need for an emotional spiritual social uplift of our community as well. When you see something going on and something happening, everybody wants to see what's going on. I think that's one of the things that is needed for the area for people to be able to rally behind and to see that something is happening where I live because that does good for everybody involved. I just want to say I support it not only for the reasons of food, for health, but also for the well-being of the culture and the people of Wyandotte County.

Mayor Holland said I don't see anyone else moving forward to speak in support. I would offer anyone here in support if you would like to stand to show your support to the Commission.

Mayor Holland said I'll offer the opportunity for anyone who would like to speak in opposition to this proposal to please come forward.

Carolyn Wyatt, 359 Troup Ave., said I know we need a grocery store, but is this for a Healthy Community or for the YMCA. It seems like it's more for the YMCA. What's more important to our community. Everybody else has a grocery store already. I think if we were going to break ground for the grocery store first, I think that would be great. Then, I'd probably be in support but if you're going to put it second, then that's not what the community is looking for. We have a

food desert sure enough, a lot of times you try to go get some eggs and bread, Dollar Store is out of bread, so you have to go to the service station on 8th Street to get some bread which is probably two or three days old. What I'm saying, we want our community to go forward, but we want it to go forward like we need because your needs are already filled. Our needs aren't filled because we don't have it.

We have a YMCA, I have a membership there. Like I said, what's more important for the healthy community is a grocery store first. We have so many grade schools in the area. We have people on Quindaro, 27th St, we got 1st St. You have plenty of people that will support the grocery store. I go up north, I go where I can go to get it. I go up north, I go up Johnson County, but I shouldn't have to leave my community. We don't have an operator yet anyway so that means its not going to be first. What makes a health community, not really a YMCA? What makes a health community is kids growing up or born is fresh fruit and vegetables. Food, not the Dollar Store. We've got so many Dollar Store's, you know, sure I go there sometimes but mainly they don't have what you want, what you really need, for health wise. I just wanted to state that, let you know how I feel and how the community probably feels too.

Mayor Holland said is there anyone else that would like to speak in opposition. I would offer the same offer for those who are in support. If there are others here who are in opposition, whether you spoke or not, if you would like to stand and show your opposition you're welcome to do so at this time. Every vote counts, Amen. We are going to close the public hearing and now open it up to the Commission.

Commissioner Walker said for the audiences benefit we had a lengthy discussion which if you want to and you can't sleep you can probably go home and watch a rerun of it tonight. It highlighted the need to either move forward or not at this particular time because of something that I am, I don't have the capacity to explain to you. As was said, there's not many people in the country that would know but its called New Market Tax Credits. We have to do something now if we're going to take advantage of them which is a cost benefit to this project. Apart from that and the benefit of that, moving this project forward is an opportunity, again, to do something and what we have decided is the 635, east of 635 urban corridor where we all know for the most part very little is happening.

I've stated publicly my belief that corporate America doesn't want to invest in a community where there are people of color, poor people. The law protects them in that capacity for the most part. It takes the opportunity to receive heavy incentives to get a business to come to this food desert, the urban core. There ought to be a law, is what it ought to be. You shouldn't be able to build all your properties out in the south Johnson County where there is a higher rate of affluency and not have some reciprocal obligation to invest in another area. It's about money and money is more important to corporate America it would seem. Rather than go on I'm going to make a motion.

Action: Commissioner Walter made a motion, seconded by Commissioner McKiernan, to approve the resolution to exercise options to purchase property necessary to build the Healthy Campus Project and to enter into contracts for associated preconstruction architect and engineering cost in an amount up to \$2M.

Commissioner Walker said having done that, I want to be clear, this project just takes another step. Down the road Commissioner Elect Burroughs, Commissioner Elect or Mayor Elect, this Commission, they're going to have to keep evaluating as this project goes on whether it's viable. We need to take this step today to keep it viable.

Mayor Holland said there was a motion and a second.

Commissioner Markley said as Commissioner Walters appropriately put it, this is irrelevant today because its my month to be at the end of the roll call, if you haven't noticed, I'm the last one to vote which means everything kind of passes or doesn't by the time it gets to me. I'll put it like this, it's true. If the majority of this Commission wants to move this forward, I don't have a problem with that. What I will say is I would look to staff to schedule time as quickly after January 8th as possible for us to have a more in depth discussion about how the ultimate cost, not this \$2M cost necessarily, but the ultimate cost of this project fits into our long term budget planning. We've done a lot of work a Commission to plan both current year budget and to look at our long-term planning. These costs have not been figured into that planning. I think its

important for us to talk about that before we're stuck on another date where we have to take a quick vote.

Commissioner Kane said I think Commissioner Markley is correct. We have three on three's, we had some time to talk about it. Today we had a meeting and we found out it is \$1.3M more than what we anticipated. There is no doubt that we need a grocery store down here. That's what we have to do, Hal, we have to make the steps forward to make it work. After we purchase this property, before we move forward, we need to make sure we have a signed contract, not a wishful think we're going to do this. Then, after it's all said and done and this project goes forward, I want to see local contractors do the work.

Commissioner Murguia said I echo Commissioner Markley's comments and a lot of the other comments that were made here tonight in regard to access to fresh food and a healthy life style. This is my concern, there is no grocery provider. Currently the Unified Government does not have a grocery tenant. There is no legal binding contract with any provider to occupy that grocery space and provide groceries. Traditionally every economic development deal that we do up here at the Unified Government you have to have tenants in order to have incentives. I would tell you with all the expenses that we have within the Unified Government, I am reluctant to spend \$2M on the hopes that a grocery store provider will sign a deal. I am absolutely an advocate for a grocery store in the northeast. I don't think it's an unrealistic expectation to have a deal signed with a grocery store provider prior to spending that \$2M. I feel very strongly about that, that's the way that we've consistently done business up here at the Unified Government in the past. I would not be in favor of spending the \$2M without a grocery store provider in hand.

Commissioner McKiernan said I'm going to also echo that I totally agree with Commissioner Markley that there's a lot of work that needs to be done yet. My second is to move this project forward, but before I would approve a final development agreement I would have to see it and study it. It would have to make since for all of us to commit to that development agreement, but because this moves us forward and gives us some time to reach that signed agreement with a grocery store provider and because it puts us on tract towards New Market Tax Credits, I think it's the right thing to do to take this step today, but before it's all said and done we have to make sure

that the ultimate deal and the development agreement that is created is a smart move for not only downtown, but for all of Wyandotte County.

Commissioner Philbrook said I agree with what you just said sir. I believe that it actually shows that we're willing to put some more money into the game, but we have to show that we're willing to move forward to put the \$2M in so we can create the picture that there are other people willing to give us grants on, or money not grants, but to give us bonding on it. Without that information, they're not going to do it. Either we move forward or we stall. I am for moving forward.

Mayor Holland said before we vote I just want to say a few words. Obviously, I've asked my staff a number of times in the last four years if I could've picked a more difficult signature project for my administration and they said no. Grocery stores are very difficult in urban areas. We know that, we built them. We built six grocery stores in the last eight years. In every place, the further east it is the more subsidy is being required by the Unified Government. Building a full service recreational facility, I believe our kids deserve a first-class world class facility with aquatics, the No. 2 cause of death among urban children, accidental death, is drowning because there simply aren't facilities in urban America to teach kids how to swim. This checks a lot of boxes on the Health Communities Wyandotte wish list. It's also a huge economic engine and economic opportunity which is why we've had over \$6M committed from the philanthropic community to move this project forward and why as we've talked to allocation holders for New Markets Tax Credits they're very excited about the joint program of not just a grocery store and not just a community center, but the two being built together. It's really a terrific project. It has taken a long time and it has been very difficult. This step is important. I do believe it fits into the Master Plan of our long-term financial range. We had committed about \$.5M of financing for this five years ago.

This additional \$1.3M is a heavy haul. I think the question that we need to ask, and this Commission will need to continue to answer as we move forward, are we prepared to actually spend money in the urban area? We spent money all over this county on entrepreneurial vision, \$20M out west to the Legends for 400 acres without a single tenant, but a belief that it was possible. We invested in urban area and what we seen at the Legends has been transformative for our entire community. A \$1.3M investment is significant particularly in the financial situation that

we're in, additional to the \$500,000. It's a full \$1.8M capital investment, annual investment. I think that northeast deserves it. It's not enough to do \$150,000 master plan if we're not willing to put money behind it to actually invest in the amenities that the community is asking for.

We did a full service public engagement in this room asking people what do you want, they wanted a community center, they wanted a grocery store and we have an opportunity to move this forward. The New Markets Tax Credits are critical. The signing of the LOI with the grocer is critical. It's all moving down the road. Its on track. I think we have the opportunity to do something special for downtown. Downtown is everyone's downtown; every community deserves a thriving downtown. This will be the largest capital investment in downtown in two generations. I'm very excited about the opportunity to have led it this far. I'm turning it over to the next administration and hopefully they will continue to move it forward and get it across the finish line.

Action: **RESOLUTION NO. R-50-17**, "A resolution authorizing the Unified Government County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, as well as entering into contracts for any associated pre-construction architecture and engineering costs, in an amount up to \$2.0 million dollars." **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley and one "No," Murguia.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 10:15 P.M.**

Bridgette D. Cobbins
Unified Government Clerk

mbb

November 30, 2017