NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MINUTES
Monday, February 5, 2018

The meeting of the Neighborhood and Community Development Standing Committee was held on Monday, February 5, 2018, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner McKiernan, Chairman; Commissioners Burroughs, Townsend (arrived at 5:06 pm), Walters, and Bynum (substituting for Murguia). Commissioner Murguia was absent. The following officials were also in attendance: Joe Connor, Gordon Criswell and Melissa Sieben, Assistant County Administrators; Angie Lawson, Deputy Chief Counsel; Kathleen VonAchen, Chief Financial Officer; Lisa Nolan, Deputy Treasurer Property Tax/Cash Manager; Wendy Green, Assistant Counsel; Jeff Fisher, Executive Director of Public Works; Jon Stephens, Economic Development Director; Chris Slaughter, Land Bank Manager; Logan Masenthin, Intern in Administrator's Office; and Jay Doleshal, Sergeant-At-Arms.

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

Chairman McKiernan said there were revisions to the original agenda. A blue sheet, containing supporting documentation for our first item, was put out late last week. It does have a clean copy and a redline copy.

Approval of standing committee minutes from December 4, 2017 meeting. **On motion of Commissioner Walters, seconded by Commissioner Burroughs, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 1866…ORDINANCE: AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, BUILDINGS AND BUILDING REGULATIONS CODE

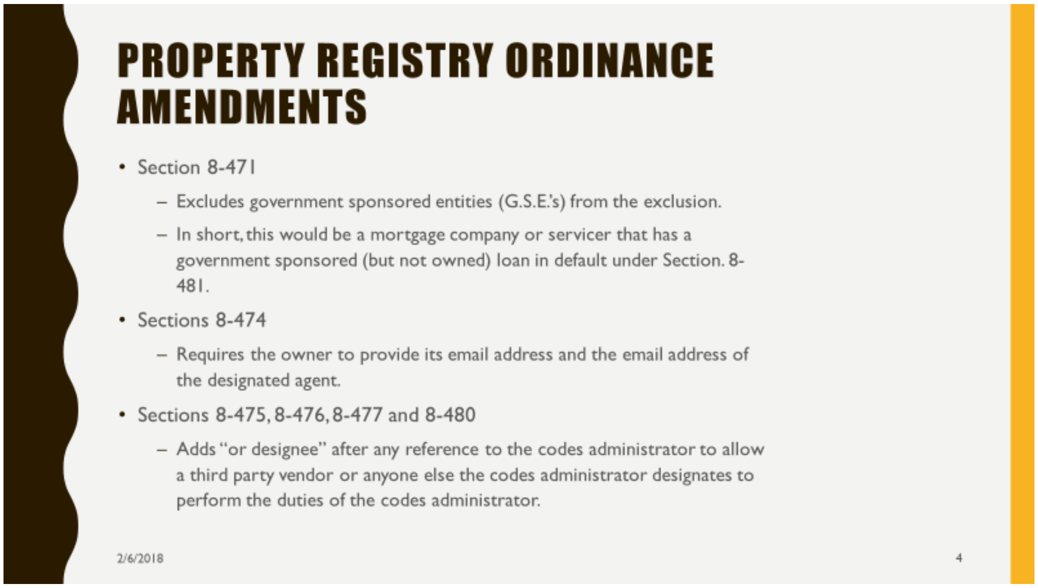
Synopsis: An ordinance amending the Code of Ordinances Chapter 8, Buildings and Building Regulations, Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481 and 8-483, to strengthen the ordinance so that we can utilize a third-party vendor for its implementation and monitoring, submitted by Wendy Green, Assistant Counsel.

Wendy Green, Assistant Counsel, said currently, we already have the property registration ordinance in effect. That was passed at the end of June of last year. It went into effect December 1st.

The purpose of this was so that we could ensure that vacant property owners were known and that they could be reached if there were any kind of emergencies, or for safety reasons, or for code violations. Again, it went into effect December 1st.

We then discovered that there are third-party vendors out there who are available to assist in registering these owners, maintaining the registry, and providing notices. We also discovered that they do that at no cost to us. They would get paid with any registration fees that were generated through the property registration.

In order to be able to effectively use a third-party vendor and eliminate some of the, I call them hiccups, but some of the things that we noticed were somewhat prohibitive. Under the current ordinance, we have put forth some amendments to the current ordinance.



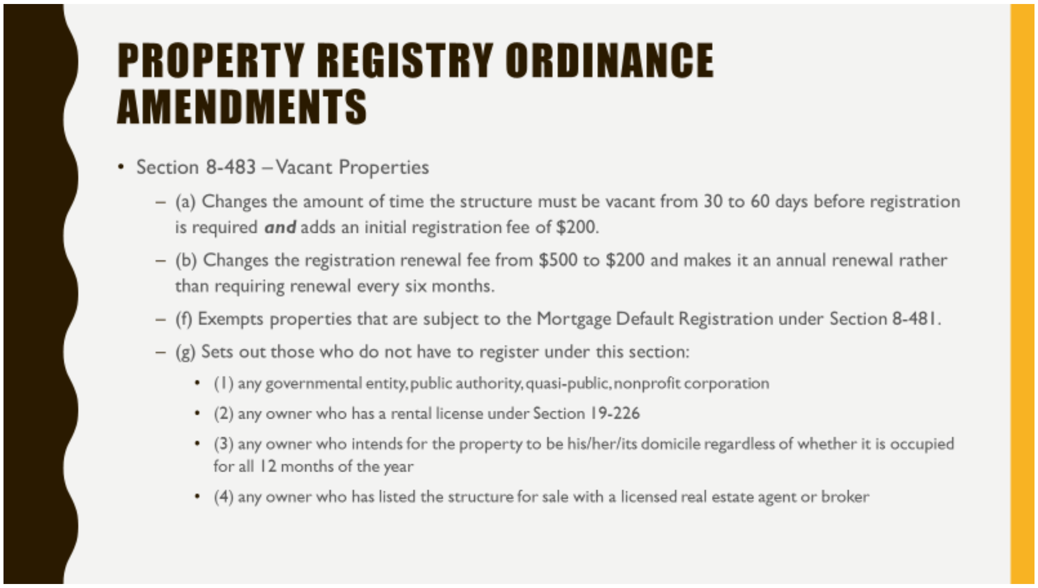
The first one you see is in Section 8-471. What it does, it just excludes government-sponsored entities. The courts have ruled that we can't force the federal government to pay our registration fees; but a government-sponsored entity is not the same as the government. Those entities could be held liable for our registration fees if they are responsible for some vacant properties.

Section 8-474 just ask that these owners that register and their designated agents provide us with an email address so we can get into contact with them very quickly.

The following Sections 475, '76, '77, and '80, those just add "or designee" after any reference to the codes administrator. This will allow us to use a third-party vendor to help us maintain this registry or anybody else that the codes administrator decides to designate for this purpose.

This section was pretty big revamping. At first, we just had it to where if a mortgage company has a loan that's in default and they go out and inspect the property and discover that it's vacant, they were supposed to register with us within 10 days of that discovery. Now, however, it changes to where if the mortgage company realizes that they just have a defaulted loan, they need to contact us. Again, they have to provide us with a 24-hour phone number.

Most mortgage companies have servicers or they also have property management companies that they employee that help them keep track of these defaulted properties. They provide them with—a lot of times they cut the grass, they board it if it needs to be boarded, and they just go in and do inspections to make sure nothing is happening with the properties. This would require them to provide us with a phone number that we could be reached 24-hours a day so we can have the contact information for these companies. It also institutes an annual registration fee of $200 per property.



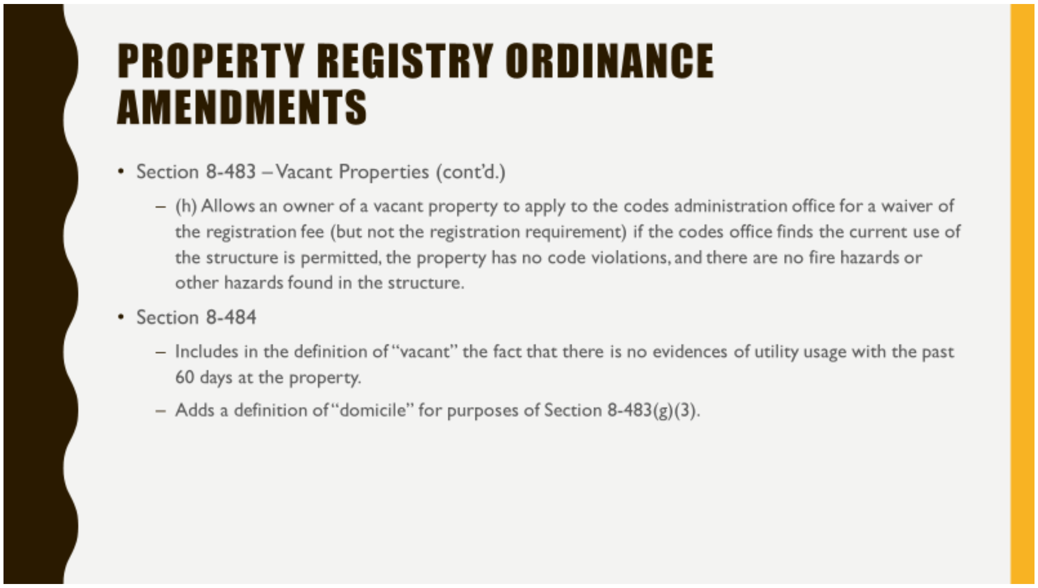
The other big change that we have is in the vacant property registry itself, which is Section 8-483. At first it was if the property was vacant for 30 days, then it was required to be registered. Now, we changed that to 60 days before registration is required; and we've added an initial registration fee of $200.

But (b), this is better for property owners because the original ordinance, as it stands now, had a registration renewal fee of $500 every six months. We've changed that to a registration renewal fee of $200 once a year.

(f), We've added exempt properties. What we stated is, if you're subject to the mortgage default registration, which was the last section I talked about, then you don't have to register under this part of the code.

(g), Sets out some exempt entities that don't have to register. If it's a government entity, again, the courts say we can't make them pay us. We're also not requiring non-profit corporations to pay these fees. If you have a rental license under Section 19-226, you do not have to register under this because you're already registered under our rental licensing code. If you are an owner who intends for the property to be your domicile, but maybe you have a vacation home someplace, so for a few months out of the year you're not in your house, you don't have to register under this section. Also, if you have the property listed with a licensed real estate agent or broker, then you don't have to register the property under this.

What we tried to do is take care of some of the outliers. We don't want to punish good property owners so we've listed exceptions to where they don't have to register their property under our code any longer.



We've also allowed a provision under (h), this is new as well, that you can apply to the codes administrator for a waiver of the fee. If you don't meet one of those other exceptions, but your property is being maintained and you're using it for a permitted use, you can apply to have the fee waived. We still want you to register the property so that we know it's supposed to be vacant, for safety purposes, but we're not requiring you to pay that $200 registration fee. This provision would allow you to be able to apply to the codes administrator for a waiver of that fee.

The last section, 8-484, where we just added a definition of domicile. For the purposes of the people that go away for a few months to a second home and then come back, we've defined domicile here.

We also included in the definition of vacant that there's no evidence of utility usage within the past 60 days of the property. That way we can further define and make sure that a property is truly vacant under our ordinance.

Commissioner Bynum said I have a question under 8-483, the new Section (g), excluding non-profit corporations. Are we excluding them from the registry or just the fee? **Ms. Green** said they are excluded from the registry. It's the same thing as our old owner registration: if you are a non-profit, you weren't required. **Commissioner Bynum** said if you are already a non-profit and you own that property, it strikes me that we might have an owner become a non-profit after the fact. That makes me wonder about that section. **Ms. Green** said that would be something that we could do is rather than just say they don't have to register, just make sure the fee is waived for them. We can absolutely do that to take care of that issue. **Commissioner Bynum** said I'm just asking the group really.

Chairman McKiernan said as I understand the intent behind all of this, we would like to establish a registry of these vacant properties for the purpose of finding out who the property owners are and effectively getting a little bit of leverage to prevent these vacant properties from becoming, what I would call, abandoned properties. Those properties that are not up to code. Those properties that are not secured against unlawful entry. Those properties that really are a blight on the neighborhood. Kind of like you, I would wonder if we want those people to still register even if they would not have to pay a fee so that we simply keep track of those people who are owners of properties that could effectively become abandoned at some point in the future.

Commissioner Townsend said it goes to what you said, Mr. Chairman. Some of the things, counselor, that are up here for some reason I didn't see in the package I got. Was there a blue sheet? **Chairman McKiernan** said there was. **Commissioner Townsend** said, again, as I read some of this, I was concerned about the fees that were being charged. I'd rather see that money used by the homeowner to keep the property up rather than just feeing them for registration and all this. Again, the question that came to mind is if they are not keeping the property up, are they going to pay these fees? I'm not sure I'm in favor of that.

I do like what I just heard that there is an option for waiver. I'll go back and look at the blue sheet on that.

My other concern about this, and I've voiced this before when this item had come up, is that we not have a registry that can be accessed by anyone as a shopping list for those who may be in the community that would try to go to these places and do damage to them. How are we ensuring the safety of these properties by not just giving the public a shopping list? **Ms. Green** said this registration list would not be open for public viewing. It would be open to Public Safety, it would be open to Fire, it would be open to Codes. If a KORA request came in wanting the list, they would have to sign a certification stating that they could not use it for commercial purposes. That's like any list of names and addresses that the UG has that has to be provided pursuant to a KORA request.

Commissioner Townsend asked to a what request. **Ms. Green** said a Kansas Open Records Act request. They could request it through that, but it wouldn't be available on any web site that anyone could just go look at and see what's vacant or not, if that makes sense.

Commissioner Townsend asked what would prevent the obtainer of that list from making it public. **Ms. Green** said, again, they would sign the certification that they're not using it for any type of commercial purpose whatsoever. Making it public, I would think they would be trying to use it for some type of commercial purpose. If it's a record and it's not subject to any kind of exception under KORA, it would have to be provided. We can't get around that unfortunately, but the purpose of the registry is so that we know what these properties are. We would have to have some kind of list for everybody that needs to look at it, to look at it. Unfortunately, that's just the way KORA works. If it's a list and it's not subject to an exception, it would have to be provided.

Commissioner Townsend asked there's no restriction we can put on the recipient of such a list that they could not disclose it publicly. **Ms. Green** said other than making sure they sign the certification where we state they cannot use it for any kind of commercial purpose whatsoever, unfortunately, no. If a record has to be provided under KORA, we can't restrict their use of it other than stating they cannot use it for commercial purposes. **Commissioner Townsend** asked or disclose it for any other reason. **Ms. Green** said right. **Commissioner Townsend** asked can we add that caveat to it as well. **Ms. Green** said KORA doesn't necessarily allow that, no. **Commissioner Townsend** said so it's only what KORA allows us. **Ms. Green** said correct. **Commissioner Townsend** said that's uncomfortable.

Ms. Green said if I could say something about your concern for the fee. Currently, as this ordinance stands right now, the initial registration is free; but after that, it's $500 every six months. This amendment actually eases that burden significantly. Also, we've discovered if we use a third-party vendor, which we determined we are going to have to use, that's how they get paid for their services is by the registration fee. They take a portion of the fee as their payment for maintaining all of this for us. We don't actually have to cut them a check. We don't pay them anything. They just get a portion of every registration fee collected. If we don't have a fee, we have no way of getting these vendors paid.

Commissioner Townsend asked the fee changes from what to what. **Ms. Green** said it changes—currently, it's $500 every six month renewal. Now, under the amendment, it would be $200 a year. **Commissioner Townsend** asked someone can apply to waive out of that. **Ms. Green** said yes, absolutely. Anyone who doesn't already meet one of the other exceptions can apply for a waiver. **Commissioner Townsend** asked who would decide if the waiver is appropriate or not. **Ms. Green** said it would be up to the codes administration office.

Commissioner Walters said this most recent discussion raised a few questions for me. What criteria would the codes administrator use to grant a waiver? Is it spelled out? **Ms. Green** said it is spelled out in the ordinance. They look for their record to verify no code violations. They also, after an inspection determine there's no hazards at the property, then they can grant the waiver.

Commissioner Walters said I'm interested in the third-party vendors get a cut of the registration fee it sounds like. **Ms. Green** said I guess that's one way of saying it. I'm not sure how else to put it. They collect the registration fee and they keep a portion that they need for their payment to maintain the registry for us, then they send the remainder of the fee to us.

Commissioner Walters asked how much is that. **Ms. Green** said one of the vendors…**Melissa Sieben, Assistant County Administrator,** said I wouldn't go down that path too far. We talked to one vendor, but there are several. To say what one will end up with first, we haven't done an RFP for this yet. We needed these changes in place before we go there. What we do know is the one that we have spoken to is about $100 or thereabouts. They're doing work that we currently aren't staffed to do, and we would have to hire staff to handle.

Commissioner Walters said I only bring it up because I thought there was a statement made that these third-party vendors do this and would provide it to us at no cost. Was that not said? **Ms. Green** said no. We don't have to pay them any costs to set everything up, but the way they do get paid for their services is by the registration fee. If they don't get anybody registered, they don't get paid at all. They don't get any fee from us.

Commissioner Walters asked are there other communities in our metropolitan area that use this similar process. **Ms. Green** said I don't know of any in the metro that use a third-party vendor to do it. I know Kansas City, MO, has a property registration, but they don't use a third-party vendor to do it. There are no other communities in Kansas that uses them. I did talk to one of the vendors—again, that we're talking to has thousands of cities across the United States that they use. I've talked to at least five of the different city officials that have used them. It is being used across the country, just nowhere in the KC metro area.

Chairman McKiernan said if we remember that our ultimate goal, our end goal is elimination of abandon properties causing blight in our neighborhoods, it's safe to say that staff believes that this registry would be a useful tool toward that end; and that it would give us an advantage toward that end of eliminating abandoned properties creating blight that is greater than what we have now under ordinance or under our standard operating procedure. Would that be correct? **Ms. Sieben** said that is correct. The reason that we were bringing these things to you is through our work on SOAR over the last couple of years, we've attended a couple of different events with Center for Community Progress, which is basically a blight organization. To just kind of cut to the chase, that's what they are. They only work in the areas of blight and communities that have significant challenges. This is something that they recommended as a best practice.

In my travels to Hartford, CT, which has far more difficulties than this community has here, in speaking to folks at that particular conference, this was something they highlighted as a huge success in getting these properties to move into occupied structures.

Chairman McKiernan said I guess that would be my follow-up question. Other communities that have instituted a registry like this have documented success that they believe they can contribute to the registry? **Ms. Sieben** said absolutely.

Commissioner Townsend asked is there a way—we're trying to identify owners. Is there a way that the public records would be checked first as to whether or not there's a targeted property—we can find the owner through public records? **Ms. Green** said absolutely. In fact, that's how we would provide—if we determined that a property is vacant and hasn't been registered, a notice would be sent to the owner of record. A lot of times we check—our tax administration system has both the Citus address as well as a mailing address. We can send notices to both of those addresses. In fact, that's how we try to find people when we do our tax sale. We look at the Citus address as well as the mailing address of record.

In addition, these other vendors have search tools as well that they can use to try to find people. If the Citus address and the mailing address turn up nothing, then they could go to search tools like LexisNexis and other types of person searches to try to find these people. We definitely would send a notice first to the address of record.

Commissioner Townsend said I guess the only other thing that I would say again, with the amount of money, this is going to hit particularly hard in certain sections of the city more than others. If we're trying to induce people to improve their property—we've gone from \$500 to \$200. Even below that, I think would be something we should consider or reconsider. Again, looking at what we're trying to do and looking at who it may impact most in certain regions and whether or not those people really have the ability to pay that, we want them to improve their property. Hitting them with another tax or registration fee—why isn't it \$50 instead of \$200, or \$75? I still think we need to reconsider, look at that because in certain areas in the city where it's going to be very impacted negatively so.

Commissioner Burroughs asked who's responsible for compliance on the registry. Will the city be mandating that these be done by ordinance or will the private vendor be responsible for the compliance of the registry? **Ms. Green** said there's actually already an ordinance in place that mandates compliance with this. These amendments are just trying to make it to where it doesn't affect owners of these properties as badly as it currently does. Like I said before, the way it stands right now, they have to pay a fee every six months of \$500. There's a shortened amount of time that the property has to be vacant before they have to register and there aren't as many exceptions.

These amendments actually, I think, make the ordinance that's already in place stronger. It makes it less onerous on these owners that are trying to do the right thing by reducing the fee and also creating more exceptions and the ability to have a waiver of the fee. Currently, it's mandated by ordinance. I think these amendments just make that—I think they'll make it more effective, but also, again, better for these owners.

Commissioner Burroughs said let me rephrase my question, if I may. We just heard from staff that we don't have the personnel to do this and the $500 fee is being reduced to $200. Who is in charge of compliance? **Ms. Green** said I get you. The third-party vendor, the ones that we have seen so far, again, like Melissa said, we are going to be doing an RFP. The vendors that actually send out all the notices and would also let any codes administrator know that it's time to issue the citation. We do have, again, it's not in this packet because there's no need to amend that particular part of the ordinance; but in the penalties section, it does have an escalating administrative citation fee. If we know you should be registered and you don't register and you continue to fail to register, it's an escalation of a fee. I believe it starts at $250 and it just goes up to $5,000. Since it's an administrative fee, it would become a special assessment that could be levied on the property.

Kathy Batesel, Real Estate Broker, current president of Wyandotte County Landlords, Inc., said I own a couple of properties here in Wyandotte County. I'm speaking on behalf of many property owners when I express a strong objection to recent and proposed changes to the Building Regulations Chapter 8, Section 8.

Recently, Commissioner McKiernan, Assistant County Administrator Melissa Sieben, and City Attorney Wendy Green recently met with a few of us to discuss these changes. We all want to see the stated goals happen: increase property values and promote safety; however, we have five significant reasons why we cannot support this measure.

First, these measures affect very few property owners. Less than 3% of all Wyandotte County properties are considered vacant. This is significantly better than national averages according to the stats that you'll see on the handout I gave. Abandon properties do create many problems; however, vacant, maintained properties do not.

Next, the proposal requires property owners to submit a scope of work even though there's no legal requirement for property owners to have any kind of scope of work for their properties. This requirement and the fees are due even if the property is 100% code compliant. They have to apply for a waiver to get that removed. This is an unreasonable imposition on property ownership rights.

Third, it will create a need for constant education beyond code enforcement officials. Property owners, lenders, foreclosure agents, asset managers, attorneys, title companies, and real estate agents will all need to know these standards even if they don't normally work in Wyandotte County. This ordinance will be very obscured to most of them and they won't understand the finer points. Not all vacant properties required to be registered and this will create unrecorded liens on properties that will cause legal problems.

When we asked why code enforcement wouldn't be the best way to address these issues since aggressive code enforcement and greening are noted as the top two methods for addressing blight, Commissioner McKiernan said people ignore enforcement notices.

While we all know about doing the same thing and expecting a different result, this is going to require new documents, new training, new oversight, more labor demands, but only compliant property owners will be compliant with it. The non-compliant people will still snub their noses at it.

Last, all property owners can evade this simply by listing their houses at an inflated price. That will effectively increase the visibility of these properties to vandals and criminals.

Please withhold your support and seek better ways to meet these stated goals. Remember, the vacancy rate here is better than most places in the US, which means the UG is already doing great on addressing them. This promotes standards that are unfair to property owners. It will be hard to educate people and harder still to enforce these rules. Please do not support these measures.

Chairman McKiernan said thank you, Ms. Batesel, for those comments. It sounds as if what you are proposing is not only a reconsideration of the amendments to the existing ordinance, but a more fundamental examination and potential change to the underlying ordinance itself. Some of the things that you brought up here really speak to the parts of this ordinance that are not up for amendment today, but that you would ask this committee to consider re-examining the entire ordinance. Is that what I heard? **Ms. Batesel** said absolutely. This ordinance creates a lot of problems for the day-to-day operations and real estate transactions.

Chairman McKiernan said with our stated goal of reducing abandon properties that create blight in neighborhoods driving down property values, certainly impairing your ability to sell properties in neighborhoods where there are large numbers of unsecured, abandon houses, I still think that's our goal. I think the question for this committee is what route we take toward that goal with either the proposed ordinance amendments or with other consideration of the ordinance itself.

Commissioner Walters asked can I ask a question. Maybe, Melissa, you can help out a little bit here. What I was sort of thinking, even before the presentation was made, was if I own a property and it's current on its taxes and it's in perfect condition and it's vacant, why do I have to register it? What is the benefit to the community? Sorry to put you on the spot. **Ms. Sieben** said this is all based on everything that we've been learning with SOAR, is a vacant house feels unsafe to the neighbors. If you've lived next to someone who wasn't living there, it feels unsafe. When you get multiple of these on a street, it then creates a target for an area.

If people are just holding onto these, which we keep running into where they're just holding onto them, there's no reason why they're holding onto them. They just haven't gotten around to selling it, aren't interested in dealing with the headache. They'd rather just let it sit there and do minimal maintenance on it. They're not improving our neighborhoods.

I could go on and on about this, but we firmly believe this is one of the most significant things that we need to work on with SOAR. In fact, it is our stated top priority for 2018 is to figure out how to get these vacants occupied and to get them in the hands of people who want to do more than just the minimum because codes are minimum. They're not a neighborhood asset at a minimum.

I'm going to have to let fellow commissioners speak on where they're at on the rest of this, but that's what we put forward for 2018. It's what we talked about in 2017. The registry is clearly something that we felt that Commission was very passionate about and we moved forward with it last year. We found out that we had some fundamental issues with our ability. It's a lot of legal work. It's a lot of things that Wendy did in the private sector that we need help with. She can't sit and do this without having ten more of her.

We have a lot of them. I don't understand the statistic that we're low. I'm very confused by that. I don't have the data in front of me to sit here and just oppose it at this point. What I will tell you is for those of you who live in neighborhoods with them, you know what I'm talking about. Whether or not it's minimally maintained to code or whether or not it's not maintained to code, they are something that makes our neighbors feel unsafe. In addition, they are detractors if they're only minimally maintained.

Chairman McKiernan said I guess what I hear Commissioner Walters asking is, is there an alternative to this ordinance that would get us to the same end goal. I certainly will share that I certainly am tired of abandoned houses causing blight and eventually burning down and being removed from the block and us losing that valuation in terms of property valuation. I think what I'm hearing is, is there an alternate way to the goal of remediating the blighted properties?

Commissioner Townsend said I think in listening to the terminology again, the last speaker hit a key, a nail on the head as did Commissioner Walters. We talked before in the legislative body the difference between vacant and abandon. I'm not sure it's really as clear here as it needs to be. Vacant is not necessarily abandon. That goes to what Commissioner Walters said. Sometimes property owners elect not to have occupants because of the poor neighbors they become. There are a lot of things here to consider and one of them is vacant versus abandon.

Chairman McKiernan said I can say just from my personal bias on this, if a house is secured against unlawful entry and it is otherwise up to code on the outside, I prefer it be filled; but that kind of house is really the least of my worries in terms of the safety of the neighbors, the safety of the neighborhood, the police and fire who might otherwise need to enter that building.

Commissioner Bynum said I have a couple of comments. I don't sit on this committee regularly, but it's my understanding that we, as a body, embraced the concepts that staff brought to us for SOAR. One of those being obviously tools in the toolbox for blight reduction. **Chairman McKiernan** said correct. **Commissioner Bynum** said and we, as a body, adopted the vacant property registration ordinance. **Chairman McKiernan** said correct. **Commissioner Bynum** said it exists right now. I wouldn't be inclined to support repeal of that. If there's conversation such as this one that we need to have that modifies that, I'm willing to participate in that.

I like the ordinance amendments that are being brought forward. I'm a little confused as to the direction our conversation tonight is going away from tools in the toolbox that helps SOAR meet the goals that we have embraced the entire time we've been having the presentations brought to us as an elected body. I really don't care what neighborhood it is, vacant properties, abandoned or not, do not help the quality of life in those neighborhoods. I can speak to that personally. I can speak to that from vacant, empty homes in my mother and father's very lovely neighborhood.

We've withstood now almost a decade of recovery from a really bad economic decline and that caused a lot of vacancies in neighborhoods all across this community. Those vacancies did not improve those neighborhoods. There's no way you can say that all of those mortgage foreclosures and other things that happened in those neighborhoods were improvements. I'm going to stand in support of the ordinance and in support of the amendments that are being brought forward.

Commissioner Bynum said I only have one other question. I don't know if we can dive down into that kind of data tonight. I respect Commissioner Townsend's concern about the $200 fee being a burden on those who might own a piece of vacant property and want to keep it up but maybe don't have the finances to do that. I don't know if we have the data in terms of any part of the community to dive deep enough to know how many of those owners are there in a given area. With that, I will support the ordinance and its amendments.

Action: **Commissioner Bynum** made a motion to approve the ordinance and its amendments.

Commissioner Townsend said I'm thinking I almost may need to recuse myself from this because there's a possibility that there may be property that is in my name that may, without further clarification here, fall under this. I've said what I had to say.

With respect to—I would say any tools that we use for SOAR or anything else, I think it shows that we do due diligence anytime we look at something and then say, maybe we didn't think it out as fully as we did when the initial process was brought to us—or maybe not the process, but the idea. I think re-evaluation is always good or as you say, a deeper dive into it, whatever the problem or issue is that's presented or process. With that, I'm going to recuse myself to be on the safe side. I may or may not come under this, but I'm going to recuse myself.

Chairman McKiernan said the request for action tonight is to approve these amendments to the existing ordinance. We have a motion for adopting these amendments to the existing ordinance.

Chairman McKiernan seconded the motion understanding that this is not the end. There can be further amendments and revisions to this ordinance.

Commissioner Burroughs asked how long, for my benefit, how long has the ordinance been in place. **Ms. Sieben** said there was a prior ordinance that we gutted and revised. This type of function has been available to us since sometime in the '90s and unfortunately, wasn't executed. I firmly believe had it been, we'd be sitting in a different place here tonight with the number and the de-valuation that we've seen in this community.

Commissioner Walters asked what's the answer to his question. **Ms. Green** said the vacant property registration portion was put in place at the end of June of 2017, and it became effective December 1, 2017. **Chairman McKiernan** said and that did come through this committee.

Commissioner Burroughs said so we have no way of knowing if this program is giving us the benefit of the proposed ordinance. **Ms. Green** said correct, because we haven't been able to stand it up yet. We just simply don't have the resources to stand it up, that's why we started to look at third-party vendors when we realized that the software that we thought was going to be implemented last fall that would help us still hasn't been implemented. That's when we started looking outside of the UG to third-parties and that's when we realized we needed to put these amendments in place.

Commissioner Burroughs asked is there a chance that we could adopt this ordinance for a period of time like three years or 18 months, revisit it to find out if it's working—advance to determine if it's even worthwhile. We're making amendments to an ordinance that we haven't even had a chance to really verify if we're going to get the fruit of the labor. That's why I asked about the compliance. If we don't have personnel to administer it, if we find all these faults coming through, are we going to be the ones going out and spending the time and the manpower and the resources and the vendor gets his cut? We have a registry, but the work still falls on us as a body.

Commissioner Burroughs said, Mr. Chairman, I might add as a substitute motion that this ordinance be adopted for a period of two years, if that's the will of the body, and that we re-visit it in a year to determine if it's doing what it's stated to do. **Chairman McKiernan** asked does the maker of the motion accept that amendment. **Commissioner Bynum** said I accept it if we have precedence for adopting ordinances that sunset. I'm willing to accept it. I just don't know if we ever passed an ordinance before with an expiration date on it. **Ms. Sieben** said I can tell you that we'd be happy to come back and give updates and let you see where it's sitting. We haven't even brought forward to you a third-party vendor yet. We had to have this in place so that we could even go out and solicit them.

Commissioner Bynum said I guess my second question then for you would be I'm willing to entertain that. What kind of start date would it have if we pass it tonight and then send it to full Commission with the two-year expiration? What would the timetable be for a start date? **Ms. Green** said we would have to amend the other section that made it effective December 1, 2017. We would amend that section to include a different effective date, then I would think within that same section, that's where we would put the end date of the ordinance. Again, I don't know if we have a history of doing that or not. Unfortunately, I can't answer that question.

Angie Lawson, Deputy Chief Counsel, said I would recommend putting a specific end date so that there's no question when the two years run from, if it's from today or what, or the adoption date by the full. I know we've done it before. I can't cite you a specific example. You certainly have the statutory authority to do so. It's more common at the state level.

Chairman McKiernan said my question would be, if we're going to put an "end" to the ordinance amendments, would it make more sense for us to further amend, put that into the proposed ordinance amendments the date changes and the sunset date implementation, and then bring back that revision for vote rather than vote on it now knowing that we're going to bring it back in a very short period of time for the purpose of the date changes. **Ms. Lawson** said that's up to the Board. You can instruct counsel to add that amendment in and it would appear that way at full Commission or we can bring it back.

Commissioner Burroughs said, Mr. Chairman, it's not my intent to make this difficult. It's just my intent that if this has been on the books since '96 and we don't have anything to draw from and we haven't used this tool in the toolbox—there's been a tremendous amount of time and energy put into the crafting of the ordinance and the verbiage that's being presented to us this evening. I'm cognizant of that and I respect that and I want to support that, but at the same time, if we're just updating a tool that's going to sit in the toolbox, that's what I'm struggling with.

Chairman McKiernan asked so then the maker of the motion accepts the amendment. **Commissioner Bynum** said I do. **Chairman McKiernan** said the amendment effectively is that we will further update this ordinance with implementation and sunset dates at a future time. As the second, I'll accept that as well.

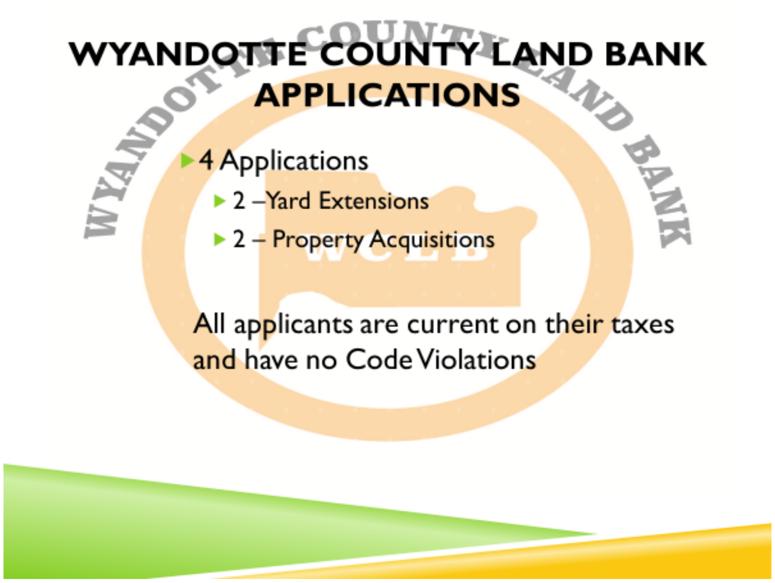
Roll call was taken on the motion, with the amendments, and there were four "Ayes," Walters, Bynum, Burroughs, McKiernan. (Commissioner Townsend previously recused herself.)

Item No. 2 – 1868…LAND BANK BUSINESS

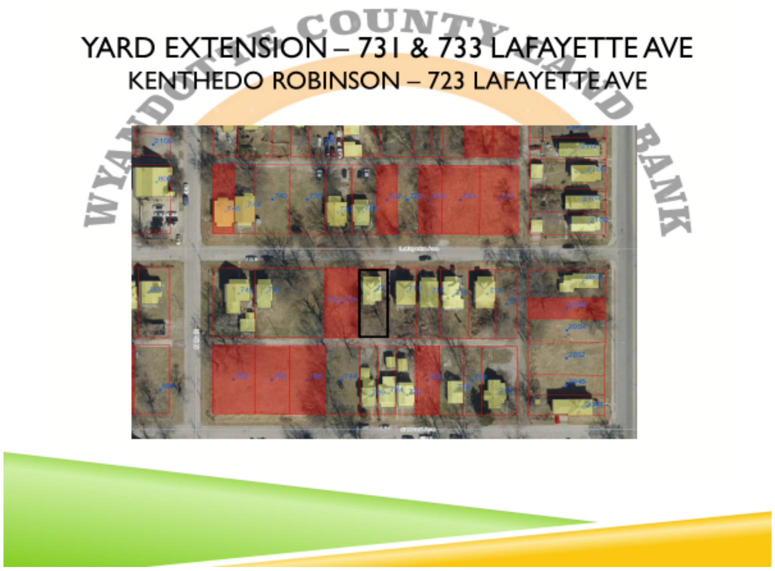
Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager.

Applications
731 & 733 Lafayette Ave. - Kenthedo Robinson, yard extension
832 Lafayette Ave. - Mazen Iskandrani, yard extension
834 Lafayette Ave. - Mazen Iskandrani, property acquisition
2501 N. 22nd St. - Antonia Ayala, property acquisition

Chris Slaughter, Land Bank Manager, said we have a pretty short agenda for you and we'll have some updates from the Rehab Program.



Mr. Slaughter said we have four applications tonight: two yard extensions, two property acquisitions. Again, as a reminder, all applicants are current on their taxes and have no code violations.



The first one is 731 & 733. It is one property. Lafayette Avenue here in red. The applicant is at 723 Lafayette.

We have a property acquisition and a yard extension, the owner is here, at 824 Lafayette and here's 832 and 834 Lafayette.

We have a property acquisition. The owner is right here at 2106 Cleveland. They also own this property right here which I believe is 2505. This property here was approved by the Board in November of '17, and this property here is the one that the application is for tonight.

Mr. Slaughter said those are the ones we recommend approval for.

Action: Commissioner Walters made a motion to approve.

Commissioner Townsend said I just had a couple of questions or clarification about the application for 731 Lafayette Avenue, one applicant, and then one applicant that has applications for two of the acquisitions.

With respect to the 731 Lafayette application, is the owner—where does the owner reside? Is the owner in Brooklyn, NY? **Mr. Slaughter** said yes. This property is one of multiple that he has here in the county. **Commissioner Townsend** asked is that next to a residence that the applicant owns. **Mr. Slaughter** said the applicant owns this property right here and this is the property that they're applying for.

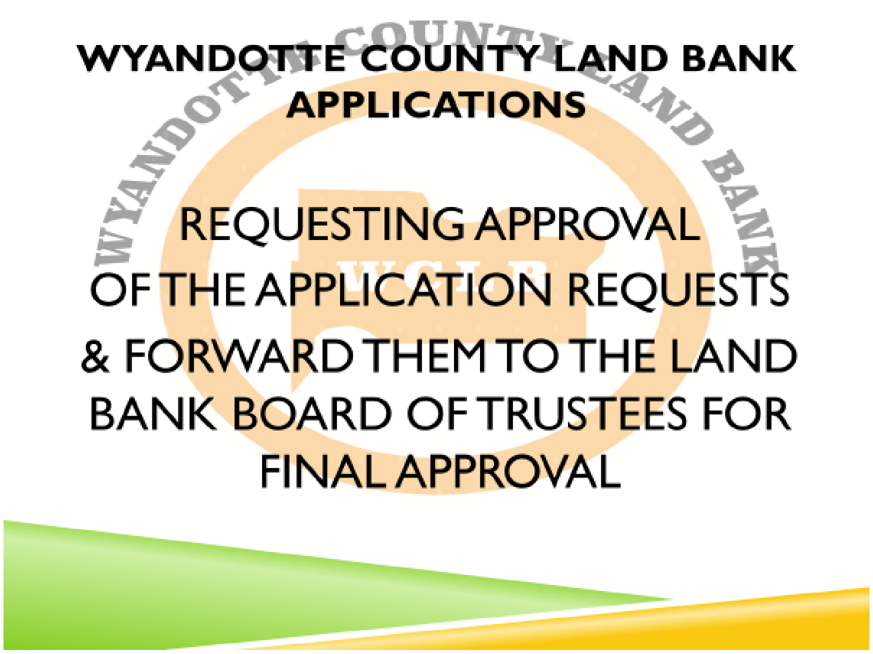
Commissioner Townsend said okay. Have we had any problems with the upkeep of the residence? My concern, obviously, as we just kind of talked about this in another way is an owner who is not at least in the commuting area of KCK. **Mr. Slaughter** said the checks we do through the Accela Program through Codes indicated there were no outstanding code violations and that's why the application was moved forward.

Commissioner Townsend asked is that the case with both of these: the Robinson application and I guess it's Iskandrani. **Mr. Slaughter** said correct. **Commissioner Townsend** said, again, that person appears to be within the commuting distance. **Mr. Slaughter** said that property on 824 Lafayette…**Commissioner Townsend** said and 832…**Mr. Slaughter** said I'll point out here, this is the applicant's property, was just recently purchased on January 3rd this year.

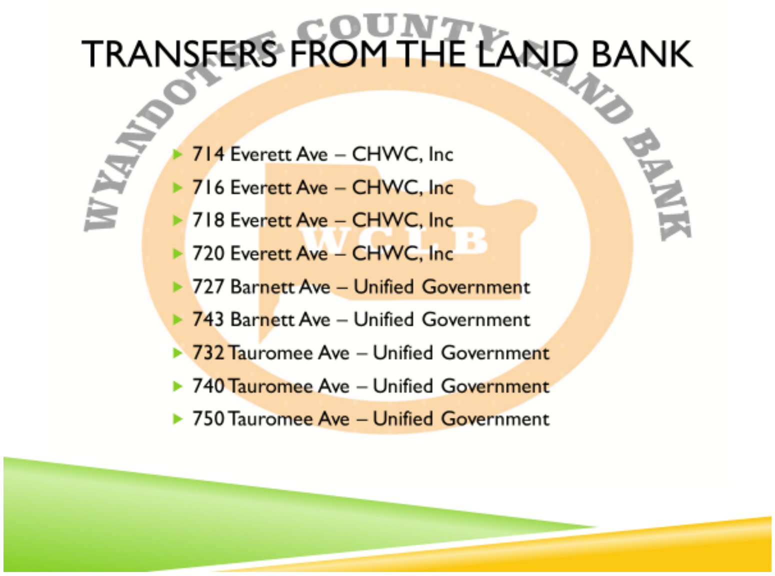
Commissioner Townsend said those were the key questions I had when I saw addresses that were not adjacent to the acquisitions requested. We've had no problems with them, correct? **Mr. Slaughter** said correct. None that we discovered.

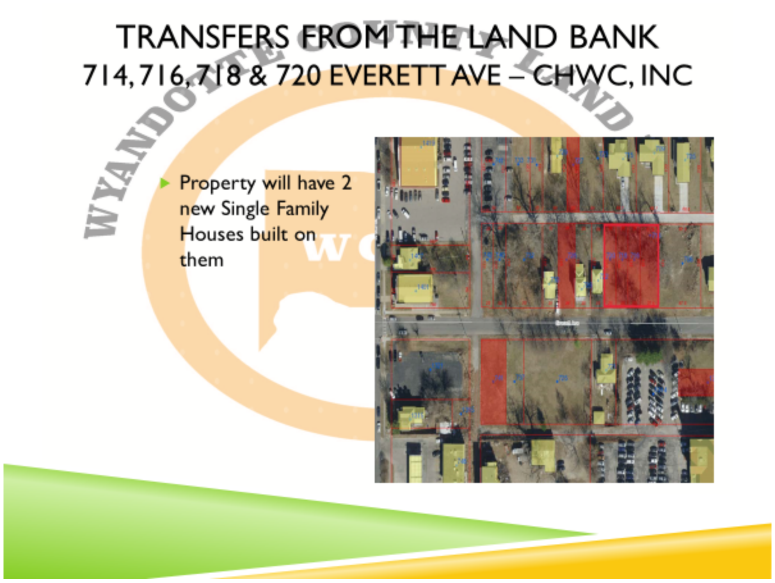
Commissioner Burroughs seconded the motion to approve. Roll call was taken and there were five "Ayes," Walters, Bynum, Townsend, Burroughs, McKiernan.

Transfers from Land Bank
714, 716, 718 & 720 Everett Ave. - CHWC, Inc.
(CHWC, Inc. will build two single-family houses in the Douglass/Sumner neighborhood)
727 & 743 Barnett Ave.; 732, 740 & 750 Tauromee Ave. - UG of WyCo/KCK
(Property for the Juvenile Complex project)



Mr. Slaughter said next we have some transfers.





We have 714, 716, 718 & 720 Everett. It's this area right here. The transfer will be to CHWC for two single-family houses to be constructed on.

Then we have 727 & 743 Barnett; 732, 740 & 750 Tauromee. These are properties, as you know, that are part of the juvenile project that are still in the Land Bank's name. We're really simply just doing a transfer to the Unified Government to finish those projects.

Mr. Slaughter said, again, that is the request to move those transfers forward.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Walters, to approve.** Roll call was taken and there were five "Ayes," Walters, Bynum, Townsend, Burroughs, McKiernan.

Mr. Slaughter said finally, we just wanted to give you another update on the Rehab Program. We have increased our contractors. We're up to now 44. We have increased our inventory. We're up to 89 properties. Of those, 21 are in the Demo Program and those are in the process to start coming down now with the changes that were made to the Demo Program.

Fifty-seven are in the Rehab Program. Eleven have just been deeded over. They're the first out of the 11 from Tax Sale 339. We will actually be starting the inspections and the boardings next week. Of those, we have 21 where the rehab has started, 26 we're waiting to close on, and we are down to 8 with no offers. I believe, I think, we were in the 19 – 20 range with no offers. We've gotten some offers last week on those. We're evaluating those. Again, we still have the one property over by Sumner; and we're still in the process of evicting another one.

We have also increased the completed rehabs from five to six, so we're well on our way to breaking that five record that we talked about last month. We'll give you an update on that one.

3110 Kimball Avenue. This property we did receive in a tax sale. It had some fire damage to it. It really sits kind of like right on the cross between 31^{st} Street and Kimball.

As you can see, there's a before and after.

Some other before and after: the kitchen that was completed.

Updated bathroom.

Just one of the rooms. You can see kind of some of the soot damage there from the fire.

Some interesting facts. It only took them a month and a half to complete. January of last year, I will say this is a 2017 appraised value of $10,860. They had a private appraisal done after the rehab and it went to $84,000. Currently, it's being rented for $775. Again, another property that we're proud to say has been a complete success. We'll just continue to keep bringing you updates each month.

Commissioner Townsend said again, a great, great program. Have you seen, or maybe I don't know if we have enough of a track record, but of the homes that have been rehabbed, do you see the rehabber continuing to retain ownership and doing rentals or have they just sought to sell the properties outright on the market after they've been rehabbed? **Mr. Slaughter** said so far, the majority have been rentals. We have had some that were sold. I think it really just dictates what the market in that area allows them to do.

I will say the group that did this, they've done a couple of the other rehabs so far that are completed. What they were prouder of is establishing kind of that first increased comp in the area. There are a couple of houses up the street on 31st that we're in the process of closing. One will be demoed unfortunately. It's just beyond being saved. Their thought process is, the more that they can attain in these types of areas and if they do get some appraisals or some comps, it will help them maybe make the decision to make some sales. They still have a pretty extensive screening process for the people that they're putting in these homes. They're just ecstatic about the program as well. Again, they're probably the group that has set the bar at the height it is now and only hope to keep raising it as we go forward.

Commissioner Townsend said great program. Great to see the asset improved in value. I guess time will tell, it will be interesting to watch and see if the homes maintain their value and their look if they are rentals versus someone who may buy the home. If I was going to guess, the rentals might be…**Mr. Slaughter** said that would be something that would probably be red flagged for us if they wanted to stay in the program as contractors. I think we would highly frown on renting property out and letting it deteriorate and stuff. Honestly, with this group, I don't think that would be something they would stand for either. I think they're invested in the community. They have numerous other properties and they are very proud of the fact. They really look at Wyandotte County as a tremendous opportunity to keep increasing these assets that we have here. Though it didn't appear to be much of an asset when we first got our hands on it—so yes, if that was the case, that would probably be discussion we would have that could possibly end their relationship with our program. **Commissioner Townsend** said okay. Just something to watch. The program is new. It's a great program.

Adjourn

Chairman McKiernan adjourned the meeting at 5:59 p.m.

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