

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, October 22, 2018**

The meeting of the Administration and Human Services Standing Committee was held on Monday, October 22, 2018, at 7:17 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Johnson, Bynum, and Kane. The following officials were also in attendance: Melissa Sieben and Joe Connor, Assistant County Administrators; Patrick Waters, Senior Attorney; Kathleen VonAchen, Chief Financial Officer; Terry Brecheisen, Director of Public Health; Commissioner McKiernan; Kirk Suther, Program Coordinator in Public Works; James Bain, Assistant Counsel; Casey Meyer, Assistant Counsel; Police Chief Zeigler; Deputy Chief Mike York; Juliann VanLiew, Health Department; and Officer Jay Doleshal, Sergeant-at-Arms.

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

Approval of standing committee minutes from August 27, 2018. **On motion of Commissioner Bynum, seconded by Commissioner Philbrook, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 18458...ORDINANCE/RESOLUTION: INSPECTION OF PUBLIC POOLS

Synopsis: An ordinance/resolution amending Sec. 33-1(a) of the Code to expand the jurisdiction of the Wyandotte County Health Department to inspect public pools in the entire Unified Government territory, submitted by Terry Brecheisen, Director of Public Health.

Terry Brecheisen, Director of Public Health, said I have a few people with me tonight. Rollin Sachs to my left, he is the head of our Environmental Health and Air Quality Division. To my

right is Juliann VanLiew. She is the head of our Health Improvement and Planning Division. The next person over is James Bain from the Legal Department.

I've got the first two items here. The first one is the pool ordinance. There's one small change in line A. The pool ordinance, it states, the provisions of this chapter apply only to the city. We want to change it to, this chapter applies to all territory under the jurisdiction of the Unified Government. In other words, expanding the Health Departments authority to inspect the pools, apply enforcement on violations and stuff, to the whole county instead of just KCK.

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

Item No. 2 – 18445...RESOLUTION: COMMUNITY HEALTH IMPROVEMENT PLAN (CHIP)

Synopsis: A resolution supporting the Wyandotte County Health Department's Community Health Improvement Plan (CHIP), submitted by James Bain, Assistant Counsel. On August 30, 2018, the CHIP was presented to the Commission during a special session.

Terry Brecheisen, Director of Public Health, said at the end of August, we presented in this room a 45-minute program concerning the Community Health Improvement Plan for Wyandotte County. That was in special session to all the commissioners. What we're looking for is a resolution to—I guess put the stamp of approval of the commissioners on the CHIP Program. It will just enhance our abilities to go out and get new partners. The Governments on board, the Health Department's on board, the communities on board, everybody's on board, so get on board. That's what we're seeking.

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

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Item No. 3 – 18455...ORDINANCE: ALCOHOLIC BEVERAGES

Synopsis: An ordinance amending Chapter 4 – Alcoholic Beverages, Sec. 4-105 – Happy hours, etc.; hours of sale, etc.; amending the hours a club or drinking establishment shall prohibit the serving, mixing or consumption of alcoholic liquor on licensed premises, submitted by Casey Meyer, Assistant Counsel.

Casey Meyer, Assistant Counsel, said this liquor law ordinance simply amends our current section to add or change the allowance of liquor sales to 6 a.m., which is simply consistent with state statute.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were five “Ayes,” Philbrook, Johnson, Kane, Bynum, Markley.

Item No. 4 – 18456...ORDINANCE: NOISE DISTURBANCE

Synopsis: An ordinance relating to Chapter 22 - Miscellaneous Provisions and Offenses, Article IV Offenses Against Public Peace, submitted by Terry Zeigler, Police Chief.

Mike York, Deputy Chief, said we want to talk about changing or adopting a noise ordinance. I’ve been around here for a few years and I can tell you that we’ve never had, as far as I can tell, a noise ordinance to combat loud parties, loud music, coming from neighborhoods.

BACKGROUND

- Kansas City Kansas Police Department received 2002 noise complaints from September 1, 2017 through August 31, 2018.
- Of the 2002, no report or unfounded on 1932 of those complaints.
- No ordinance to address the majority of city's noise complaints.

What a typical noise disturbance will look like would be the officers are dispatched to a, for example, a loud noise complaint. They would go talk to that person that's responsible and they would turn it down. That's a typical call for service when it comes to a noise complaint, but not all people do that.

What we've run across is this, we go to the house, we ask them to turn it down, they do. In 30 minutes, we're dispatched again to a loud noise disturbance. We go back, we ask them again to turn it down, they do. About an hours' time goes by and we're back. We get to the point where we have to ask the neighborhood to sign a complaint against their neighbors for disorderly conduct because we don't have a noise ordinance. We convince a neighbor to sign a summons and we arrest the subject for disorderly conduct. Not very efficient, we've been out there four or five different times. Now a neighbor has to go to court for this noise disturbance.

Last year we had 2,002 noise disturbances. No report or it was an unfounded disturbance and that was about 1,900 of those complaints. That's what we're dealing with.

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LOUD MUSIC/NOISE COMPLAINTS

KCKPD: LOUD MUSIC/NOISE COMPLAINTS - 09-01-2017 thru 08-31-2018

District	Month	2017				2018								Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
UNK				1				1				1		3
111		11	8	6	4	6	6	7	7	15	13	7	6	96
113		10	4	6	4	10	3	5	10	11	17	13	5	98
114		33	43	28	26	17	11	24	38	38	45	24	29	356
115		24	17	7	8	13	6	18	11	15	17	22	8	166
221		15	6	5	3	4	4	6	7	12	7	4	6	79
222		4	10	7	6	5	6	5	13	17	18	22	18	131
223		4	6	1					1	2	4		2	20
224		1	5		1		2		1	1	1	2		14
225				1	2			1				1	1	7
331		20	8	8	6	8	2	5	7	15	10	7	14	110
332		28	16	14	10	11	18	12	15	22	19	10	13	188
333		3	6	1	4	3	5	5	6	3	6	6	7	55
334		13	17	12	8	8	9	12	22	15	14	10	8	148
335		4	4	1	3		2	5		5	7	2	10	43
441		6	4	13	4	4	2	4	5	3	14	10	11	80
442		19	15	11	9	13	6	16	18	14	6	23	18	168
443		25	10	9		2	3	3	7	23	13	8	13	116
444		7	15	8	10	10	6	7	10	17	16	7	11	124
Overall		227	194	139	108	114	91	136	178	228	228	179	180	2002

Next slide would be, we pulled some data, those are all the patrol districts. As you can see, 114 has the highest amount of noise disturbance complaints. That's basically, Wood Ave. to the north, Ray Ave. to the south, 10th St. to the east and 27th St. to the west. Second place there is the KU, 332's, which that's the KU/Rosedale area. Why that is, I'm not sure why the St. Peter's neighborhood has so many complaints, a lot of houses, a lot of people in that neighborhood. For whatever reason, they have the most complaints.

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DISPOSITION

KCKPD: LOUD MUSIC/NOISE COMPLAINTS - 09-01-2017 thru 08-31-2018

Disposition	Month	2017				2018								Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
Alarm False			1											1
Arrest		1	1		1		2				1		1	7
Cancelled		8	1	1	2	2	2	1	4	3	2	5		36
Citation				2						1				3
Handled by Other Agency								1						1
No Report		121	108	76	58	73	55	80	99	144	133	86	108	1141
Report Taken		2		1			1	1	5	1	5	1	3	20
Unfounded		95	83	59	47	39	30	53	69	79	87	87	63	791
Warning Citation							1		1					2
Grand Total		227	194	139	108	114	91	136	178	228	228	179	180	2002

Commissioner Johnson said give me 114, again. **Deputy Chief York** asked for the district boundaries. **Commissioner Johnson** said boundaries, yes. It was me and Brian, I just wanted to make sure. **Deputy Chief York** said its Wood Ave. to north, Ray, basically which is the furthest southern street to the south, 10th St. to the east and 27th St. to the west. **Commissioner Johnson** said thank you.

Deputy Chief York said on these arrest as you can see. We made seven arrests last year. That would be probably the disorderly conduct things, I just described to you guys. That also could be, we get there, and a person has warrants and they would be arrested. There's seven arrests that we did for all those noise disturbances. 1,141 were no report, which means, I'm assuming that means the officers cleared it by asking them to turn it down and they did.

They gave them a verbal warning basically, and they handled it without taking a report. Twenty reports were taken, so I have to believe that that would be probably some type of arrest report or an incident supplement report. They documented what they did, 791 of these calls were unfounded, which means noise disturbance are low priority calls so we will get to them when we can. Probably they are unfounded because they're probably an hour or two old and the party's broken up.

I did pull some more data. When it comes to these noise disturbances, we had some

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repeat offenders. I can just give you the address, 3821 Walker had 28 calls last year for just noise disturbance. That means the officers went out there 28 difference times. That could have five times in one shift, that could have been 15times in one week, I'm not sure, but they went out there 38 times.

CURRENT ORDINANCES

- Sec. 33-20: "Swimming Noise" – only addresses noise coming from swimming pools. Request repeal.
- Sec. 22-124: "Noise from Stationary Engines" – addresses car engines/motors
- Sec. 22-125: "Excessive Noise from Radios in or on Vehicles" – addresses music coming from cars, which can be heard 50 feet from car

Casey Meyer, Assistant Counsel, said when it was requested that I prepare a proposed noise ordinance, I did a lot of research. First of all, our code only has three things that address noise. When having swimming noise, which we're requesting to repeal this because the new ordinance would address anything coming from swimming pools.

We have section 22-124 and 22-125. Most of those ordinances we plan on leaving in the code and they address noise from vehicles. You have a stationary engine one and then you have excessive noise from a car, which would have to do with a radio in a car. That would be noise from a radio which can be heard from 50 feet.

NEW NOISE ORDINANCE

- (a) It shall be unlawful for any person to:
 - (1) Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise in such manner as to disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal auditory sensitivity residing in the area. A determination of whether a sound violates this subsection (a)(1) may include consideration of factors such as the sound's cause, volume, intensity, nature, and duration, as well as consideration of the time of day or night and zoning and location of where the sound can be heard.
 - (2) Use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area.
 - (3) Operate self-contained, portable, non-vehicular music or sound production devices on a public space or right of way in such a manner as to be plainly audible at a distance of fifty feet (50') in any direction from the operator between the hours of 7:00 A.M. and 10:00 P.M. Between the hours of 10:00 P.M. and 7:00 A.M, sound from such equipment operated on a public space, shall not be plainly audible by any person other than the operator.
 - (4) Congregate because of, participate in or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of any reasonable person of normal auditory sensitivity residing in any residential area. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this ordinance; provided: however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants residing in the dwelling unit where the party or gathering occurs shall, upon request of a police officer, cooperate fully in abating the disturbance and failing to do so shall be in violation of this ordinance.
- (b) Prima Facie Violation: The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise- or sound-producing or amplifying device at any time in such a manner as to be plainly audible across a property boundary line in a residential area, or for fifty feet (50') or more in the case of a multiple-family dwelling between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. shall be prima facie evidence of a violation of this Section.

I don't feel the need to read the proposed ordinance unless you want me to. I can address each section to kind of explain what that section means. A (1), that's just kind of the general—it would address most situations in our community when there was an excessive noise complaint. We included some factors that law enforcement or the judge would likely consider when evaluating something like this if somebody was issued a citation. Consideration of factors such as the sound's cause, volume, intensity, nature and duration, as well as consideration of the time of day or night and zoning and location of where the sound can be heard.

The second subsection would be the Use. Operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area. That would deal with more—well it could potentially deal with residential areas, but more and likely that's going to be commercial areas, places where there's businesses.

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Commissioner Philbrook said does that deal with the trash trucks backing up at 6am or 5am in the morning making a lot of noise? **Ms. Meyer** said we included exceptions and I think—**Commissioner Philbrook** said I haven't read it all. **Ms. Meyer** said right, I would probably say, because that's a very limited time period and it's for a specific purpose, I would say no. **Commissioner Philbrook** said of course you would because you are not living by it.

Ms. Meyer said the third section, to operate a self-contained portable, non-vehicular music or sound production device on a public space or right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7 a.m. and 10 p.m. Note that, that is during regular hours of the day, and then between the hours 10 p.m. and 7 a.m. sound from such equipment operated on a public space, shall not be plainly audible by any person other than the operator. That one is pretty specific.

Commissioner Kane said we don't have too many of these here but what happens if somebody wanted to have a rally? **Commissioner Markley** asked they would need a permit, right? **Ms. Meyer** said I don't know that our code addresses rally's specifically.

EXCEPTIONS

- (c) **Exceptions:** The following shall not be considered to be violations of this Section:
 - (1) Sound from law enforcement motor vehicles and other emergency motor vehicles including, but not limited to, snow-clearing equipment;
 - (2) Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities employed by a governmental agency engaged in preparing for or remedying a potentially hazardous situation in which immediate physical trauma or property damage is occurring or threatened;
 - (3) Sound that a person is making or causing to be made when said person has received and maintains a valid license or permit that specifically allows the sound from any department, board or commission of the City authorized to issue a license or permit; and
 - (4) Sound from the operation of emergency generators used in emergency situations when electricity from the grid is unavailable;
 - (5) Sound from racing events; and
 - (6) Sound from alarm systems.

In our code we have yet—you have to get a permit for parades to block off the streets. Included in this we've excepted out any time, sound that a person is making or causing to be made when

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said person has received and maintains a valid license or permit, that specifically allows the sound from any department, board or commission. Anytime anybody would get a permit or a license, that would be excepted out from this ordinance. This ordinance would not apply.

Commissioner Kane said if I wanted to have a rally, I'd have to come see you guys and get a permission slip. **Ms. Casey** said that would be one way. We're mindful of time, place and manner restrictions when it has to do with noise. Obviously, people have a first amendment right to peaceably assemble. The government is allowed to make specific and reasonable ordinances or laws to promote the public health and safety of its community and this is a suggestion.

Commissioner Markley said that's a very legal way of saying you can't do your rally at midnight and you're not going to want to do your rally in a residential neighborhood anyway, right? You're going to want to do it out where people are going to see you in a business area and so there's a different level there. **Commission Kane** said it would be a very organized, well maintained, no garbage, no nothing, we do it in Topeka all the time.

You never know, we might be down here saying, hey, we don't like what our elected body is doing in Topeka. In fact, we might have some of the commissioners go out there and say something about that. For one, I'm all for this, don't get the wrong impression. We got to have something, but if I'm going to have an organized rally to say I don't like what somebody did in Topeka, I want to be able to say it and it would be—most of those rallies are like a half-hour, 45 minutes at the most. They're well maintained, there would be police officers, it would be the whole shooting match. We wouldn't be out of control either. Might be a little loud, but we wouldn't be out of control. I just don't want to handcuff us.

Ms. Meyer said I understand that concern and I—a permit or a license would allow that, but also the part that would be restricted would be if you used an amplification device or a portable sound device that went into a residential area. It says property boundary line but really the intent of that is, if someone can hear your speech with an amplification device or a radio or anything like that in their residence, then that would be addressed in this ordinance. You obviously have your right to peaceably assemble on your free speech, but it's limited in this very narrow way.

Section B, the prima Facie Violation; which addresses basically noise during sleeping times, 8 p.m. to 7 a.m., some people go to bed way later than that, but I go to bed very early. Anybody else have any questions, exceptions?

Commissioner Bynum asked did I miss the penalty part. **Ms. Casey** said the penalty part is right here, violation, it's a Class C violation. This is not an arrestable offense. This would be a ticket offense, you would get a ticket. **Commissioner Bynum** said you could get a ticket and then another ticket and another ticket. **Ms. Meyer** said absolutely. You would get a summons, you would come to court and the city Prosecutor's Office could either handle this as you get a \$100 fine or they may do graduated fines where if you get a ticket, let's say you get three tickets in a night, I would hope that wouldn't happen, your fine would be raised.

Commissioner Bynum asked if I don't care how many tickets I get, and I just keep doing this behavior, is there a remedy or that. **Ms. Meyer** said like a public nuisance, community members could still try to go through the public nuisance process. **Commissioner Philbrook** said I don't understand what that means. **Commissioner Bynum** asked does that mean someone else then would have to—**Ms. Meyer** said right, well law enforcement wouldn't be able to initiate that. My understanding is usually if there's a certain location that allows a nuisance to exist, which noise can be considered a nuisance, then they can petition or request. It's my understanding the District Attorney's office to find that place to be a public nuisance.

Commissioner Kane said I live fairly close to Piper High School. Football games get loud and homecoming gets really loud, the parade gets pretty intense. I know we need something, but you have to be very, very careful. I think we have the announcer for Bishop Ward over here. I know he can hear it where he lives at if he was there. I'm not sure we're ready to tie this button up or ribbon or whatever. **Commissioner Markley** said that's covered in the exceptions.

Commissioner Kane said I still haven't gotten past my rally part. Like I said, we've never held one here. I know we're going to hold one in Topeka. It wouldn't be—we would want to be where people could hear us or we wouldn't do it. **Commissioner Markley** asked do you mean you would want to be by peoples houses or you would want to be in area where there—**Commissioner Kane** said I'd like to be on the front porch of this place if I'm going to complain about Topeka.

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Commissioner Markley said when Casey talks about time, place and manner, there's a different treatment of being in front of somebody's house versus being in front of City Hall. People are living in the houses, people are not sleeping in City Hall, we hope.

Commissioner Philbrook said I haven't read this all over and I know you know it intimately since you got to write it. As a point of information, I'm going down in this rabbit hole with Commissioner Kane. Let's say there is a rally and it's in a public location like this, but who would lodge a complaint? Would it have to be somebody called the police and lodged a complaint? That's what I'm trying to understand, who creates the motion forward on that?

If he and I are out here and we're talking loudly, and we have a megaphone and we're trying to get everybody going on something and I'm sure it'll have something to do with the state if we were to do that. How would that come about? What would that look like if we were loud? **Deputy Chief York** said I think what could happen would be, if we did receive that 911 call, we're going to respond obviously to the call. **Commissioner Philbrook** asked so it would be from somebody around here. **Deputy Chief York** said yes. It would be from a citizen calling the police, we would respond, ask—**Commissioner Philbrook** said that we be more quiet. **Deputy Chief York** said in a courteous manner to be more quiet. Obviously, they would be told we've had citizen complaints and we're addressing those. **Commissioner Philbrook** said then you'd give us a ticket, if necessary, and then that ticket goes to Municipal Court? **Ms. Meyer** said correct. **Commissioner Philbrook** said then it's up to the judge what we get fined. **Ms. Meyer** said correct. Again, this is a proposed ordinance so if you have suggestions on how you would like the fines to work if you want them to be graduated. Like some cities specifically graduate them, which I think that is a good idea, but that's part of the reason we're here.

Ms. Meyer said just to differentiate, disorderly conducts have to be initiated by a complainant like a victim. The noise ordinance, the Police Department could be the complainant if they wanted to be. **Commissioner Kane** said is there another city we can compare ourselves too so we can—**Melissa Sieben, Assistant County Administrator**, said, Commissioner Bynum, we've actually looked at other cities. We're bringing forward a standard noise ordinance. The reason this is brought forward was a SOAR request. People were telling us their neighborhood was a victim of a certain corner with very loud preaching. Then when I was talking to Casey, it became clear that we actually didn't have anything on the books to address noise which is

standard protocol to help neighborhoods. It felt like it was a good thing to bring forward to help neighborhoods with Neighborhoods Up, that the Mayor was suggesting. It also met and addressed one of the complaints that we had folks saying we'd move out of here if we could because we're really tired of listening to this.

Commissioner Bynum said I would like to make a motion to approve the ordinance and encourage the commissioners to give suggestions on levels of fines to legal staff. I agree that graduated fees are probably a good idea. I'm making a motion to approve the ordinance.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve the ordinance.**

Commissioner Kane said I wasn't finished, I was rudely interrupted. I want the noise thing to stop. We might want to figure out a way, and there may never be a rally here, but I don't want to come here and say we're going to have a rally and not be able to have one. I think we need to leave us some leeway that says, we will consider other options in case that happens. Very simple.

Commissioner Philbrook asked how would that look you think? **Commissioner Kane** said I don't think that it's going to happen that often, but if somebody wanted to have a rally and let's they want it by Harold's church—**Commissioner Johnson** said which I do every year. **Commissioner Kane** said okay, so for one day or one hour, whatever it is, you'd have amplified stuff and then you'd shut it down. We would be shut down by the time the police officers would arrive. We're pretty quick. I want to be able for you to do that and for me. The rallies in Topeka, 20 or 30 minutes, we're done. I think we need to—if someone has a request, it would be looked at and approved by the Police Department, you or whoever.

Commissioner Markley said I will tell you, Commissioner Kane, I just googled the Shawnee County; the Topeka noise ordinance and it is a match for ours. It says 50 feet from the premises building, no amplifying device. I think they—I'm guessing they probably have a similar system. You can get a permit for any kind of rally, but it seems like their language and you haven't gotten arrested there it doesn't sound like. **Commissioner Kane** said I guarantee you they use an amplified system. **Commissioner Markley** said that's what I'm saying. I'm saying, I think. **Commissioner Kane** said I don't need one, but they do. **Commissioner**

Markley said they're probably treating their rallies under some kind of time, place and manner, common law, but their language is the same as what we're considering.

Commissioner Kane asked do we have an avenue to go down that we can explore saying that we're going to do this on such and such date from 1:00 to 3:00 or something like that. Like I said, I don't know if we're ever going to do it. We do three or four a year in Topeka, 20 minutes they're done. Lots of screaming, hooting and hollering and there will be more in November.

Commissioner Philbrook asked is it possible to put in something separately or do another one that allows for a permit to do something like this for a certain period of time. **Commissioner Johnson** said that's what this says. **Commissioner Philbrook** asked does it say what the maximum noise level is. **Commissioner Markley** asked the permit would allow you not to abide by this ordinance, right. **Commissioner Johnson** said that's correct. **Commissioner Markley** said correct. **Commissioner Philbrook** said we can do this kind of permit thing.

Commissioner Johnson said I'm good with that. Obviously, as a preacher, I heard the word preaching and my ears went up. Also, community organizing sometimes we do have rallies for different things. As long as we have the ability to get a permit and not be hampered in terms of our endeavors. The other thing that I was going to ask Deputy Chief York is, under this ordinance as it's proposed, what would be the process if somebody has a complaint? Somebody might be out playing noise late at nighttime. What's the process? Will they get ticketed on the first incident or if there is a complaint?

Mr. York said we would respond and the preferred method would be, I believe we are going to train this, would be a verbal warning. Like I said, most of the time that works. If we go back out again because they didn't turn it down and after we left, they turned it back up, we would cite them. Cite them and release, we would not arrest and book. **Commissioner Johnson** asked site means what. **Deputy Chief York** said have them sign a misdemeanor ticket. **Commissioner Johnson** said a ticket, thank you.

Ms. Sieben said I just wanted to apologize. I didn't mean to cut you off. I was just trying to make sure that we all understood, as a group, that we actually had gone out and researched this information. We wouldn't want to bring something forward that hadn't been tested elsewhere in

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this space. It's important that we bring things that have been tested and certainly what I would suggest is that we have staff look at the process for folks to be able gather, that was not obviously the intent of this. It wasn't to limit rallies or public displays of frustration with their government or any other entities.

I think clearly, Casey and I, weren't anticipating going to rallies in front of City Hall. We were looking at neighborhoods. These ordinances are very standard. They read virtually the same in every state, so we need to come back on something separate to make sure that you understand how to go about doing that. **Commissioner Kane** said as long as we have a little avenue to make sure we can still do what we want to do, the preaching at that church. **Ms. Sieben** said if you knew what I was talking about, I am not referring to a preacher. **Commissioner Kane** said I know. This thing is bigger than what we're looking at today, I promise you.

Patty Orth, 316 N. 15th St., said I'm also president of Cathedral Neighborhood Association. We're in favor of this noise ordinance. Our primary problem is 18th & Central which I'd like to thank the UG for how wonderful 18th & Central has turned out. The traffic is amazing. There's not the delay of two, three minutes like we used to have.

The problem is on weekends, Saturdays and Sundays, all day long, bullhorn is used. I live approximately five to six blocks from 18th & Central. With my windows shut, I can hear this noise. This has been brought up at several of our neighborhood meetings, is there anything we can do about this noise. It's constant, it's eight hours constant, from 18th & Central with a bullhorn. They pass it off to the next person and it's just constant. That's why we were in favor of this ordinance because of that noise level.

I mean, you talk about a car stereo, we have a lot of that problem in our neighborhood too, where the car stereo can be heard further away than 50 feet. I'm way further away than 50 feet. I hear this every single weekend for eight hours on Saturdays and Sundays. That's why, we as a neighborhood, are in favor of this ordinance. **Commissioner Bynum** asked, Patty, the bullhorn, is it a person. **Ms. Orth** said it's a person at a time. **Commissioner Bynum** asked, and they are on the corner of 18th & Central. **Ms. Orth** said they're sometimes in the middle of the street, sometimes they're on, mostly they're on the corner of the—probably it would be the southeast corner of 18th & Central that they talk from. Once one person stops, another will take

up. **Commissioner Bynum** asked, and it goes on all day? **Ms. Orth** said yes ma'am, two days, on weekends, Saturdays and Sundays. **Commissioner Bynum** said okay, wow.

Paul Soptick, 65 S. 24th St., said remember that address. This last Saturday we heard a lot of thumping, I guess they called it music right outside my door, at least I thought it was. I followed the sound and ended up at 15th just off of Pacific. I was hearing that sound at my house at 24th St. from 15th & Lowell. That's 12 blocks as a crow flies, 14 if you bend the corner. I can hear that sound just like I could hear you guys talking. We definitely would like some help on this noise ordinance. We hear the same, I hate to say this, the preaching on 18th St., I get multiple calls.

I'm the President of Wyandotte Countians Against Crime and we get call after call, after call, about the noise on 18th & Central so we definitely need some help there. I know we meet at Dynamic Life Baptist Church and they say they have problems with hearing that sound in the church while they're trying to hold their services. You can tell how loud it really gets. We definitely would like some help there.

One of the things that I'm not too sharp on here is, when you get a permit either for a rally or for a live music or for any type of a get together, they had one at the National Guard Army about three weeks ago. We got multiple calls about the volume of music coming through there. When the police went down there, they said they had a permit to play. Well, they did, and they kept playing and we kept getting calls on how loud it was. I'm sitting blocks away from the Armory and we could here it just crystal clear in our backyard and the wife in the house too. Anything you can do on this noise ordinance to protect that type of stuff, especially the one that you can hear twelve blocks away, that's just a little much. I'd hate to be their neighbor. Anyway, we do support the noise ordinance.

Commissioner Bynum said upon approval at this level and then assuming it will be approved at the Commission level, when would the ordinance be in effect? **Ms. Meyer** said as soon as it's published and really, I don't know how long it usually takes to get published, a couple of weeks. So, a couple weeks after approval. **Commissioner Bynum** said beautiful and potentially at least before the end of this year. **Ms. Meyer** said correct. **Commissioner Bynum** said okay, thank you.

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Commissioner Markley said I believe I have a motion and a second on the table, is that still the case? **Deputy Chief York** asked can we clarify the motion, especially the latter part of it. **Commissioner Bynum** said the motion that I made was to approve the ordinance as it was brought forward. **Commissioner Philbrook** said and I seconded it. **Deputy Chief York** said okay.

Commissioner Kane said for one, I want this. If somebody wants a special request, they would have to come up and go through the process to get a permit. **Ms. Meyer** said correct. **Commissioner Kane** said and that's all I'm asking, not to modify this. Let's make sure we can get a permit to do it and then everyone would know what's going on. **Commissioner Markley** said, Commissioner, the ordinance we're proposing here today already makes an exception for anybody that has a permit and we already have a process to get a permit. What additional language would make you comfortable? If you have a permit, you are exempted from this ordinance, it says that in black and white. **Commissioner Kane** said I am not getting a warm fuzzy out of black and white.

Commissioner Markley asked what do you need it to say. It already says if you have a permit, you're exempted. **Commissioner Kane** said you know, Commissioner, if you want to argue, I can argue. You're not a rally type person, I am. **Commissioner Markley** said you're asking us to do something and I'm trying to clarify what do you want us to do because it's already in there. **Commissioner Kane** asked, Casey, is it in there like that.

Ms. Casey said I would point to Subsection 2, I'm sorry, Subsection 3. Here's another suggestion, there is a way to get a permit or a license if it would help. We could, I guess delineate in our code in our place where we can get permits and things for certain assemblies. I don't know that it's completely spelled out in our code that there's an option to get a permit. To address your specific request, that would be something that we could address in the permit license area of the code. It wouldn't be in this ordinance, but it would be in that section.

Deputy Chief York asked if I can ask, back to the original motion, at the end of the motion there was something added about progressive fines. Is that part of the motion? **Commissioner Bynum** said it can be, I'd like to cut off the motion at approval of this ordinance. Then I would just further comment that I personally agree with the notion of graduated fines. Legal had just

asked for our suggestions on how to handle the fine side of that. That part was just a suggestion, not a part of my motion. **Deputy Chief York** asked the motion is to approve as written. **Commissioner Bynum** said correct.

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

Adjourn

Chairman Markley adjourned the meeting at 7:55 p.m.

mbb