STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **SPECIAL COMMISSION MEETING, THURSDAY, JUNE 4, 2020**
CITY OF KANSAS CITY, KS)

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Commission Meeting, Thursday, June 4, 2020, with ten members present on line: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Markley, Commissioner Sixth District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Emerick Cross, Melissa Sieben, and Alan Howze, Assistant County Administrator's; Juliann VanLiew, Director of Health Department; Dr. Allen Greiner, Local Health Officer; Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer; Gunnar Hand, Director of Planning; Patrick Waters, Senior Attorney; and Alley Porter, Commission Liaison.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending by way of conference call. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

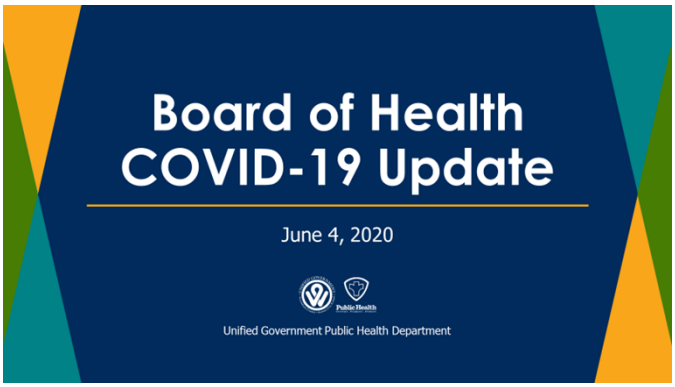
ROLL CALL: Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Alvey.

NOTICE OF SPECIAL COMMISSION MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, June 4, 2020, at 5:00 p.m. for COVID-19 update

followed by Zoning Code Changes to assist businesses recover due to COVID-19. Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through ZOOM.

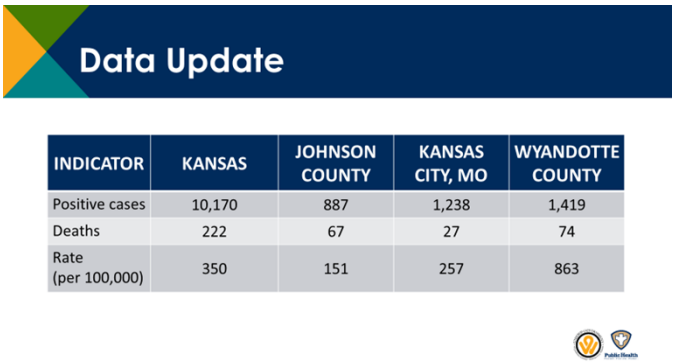
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said our first order of business is a COVID-19 Update from the Health Department. I will now turn it over to Administrator Bach and staff.

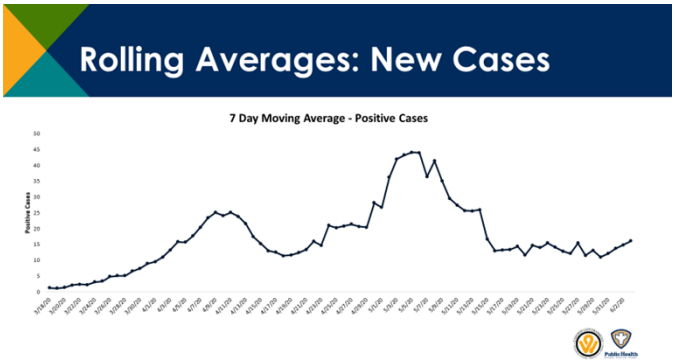


Doug Bach, County Administrator, said we're pleased to bring our weekly update where we're at with COVID for updates going through the Health Department and then to really make the final decisions on where we are from moving from Phase 2 to Phase 3. I will recognize Juliann VanLiew our Director of Public Health.

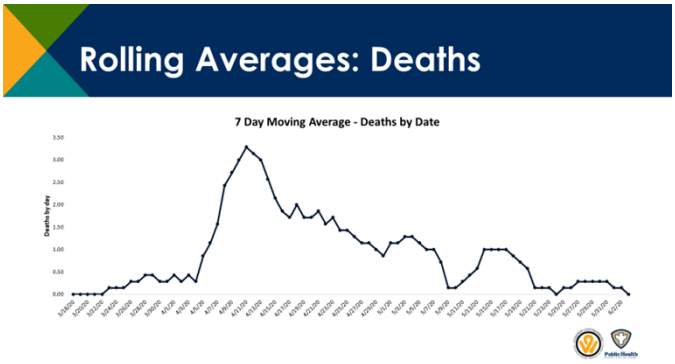
Juliann VanLiew, Director of Public Health, said we're going to kind of give you a quick update like we have been covering the data that we've seen over the last week and then the decision to move forward with Phase 3 of the reopening.



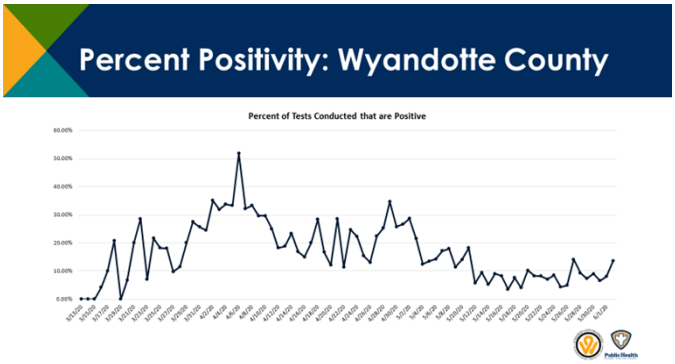
We're still watching the rates when we compare ourselves to our surrounding communities, so we're right around that 1,400 for positive cases, but our rate per 100,000 remains significantly higher than our surrounding communities although Kansas is slowing catching up to us.



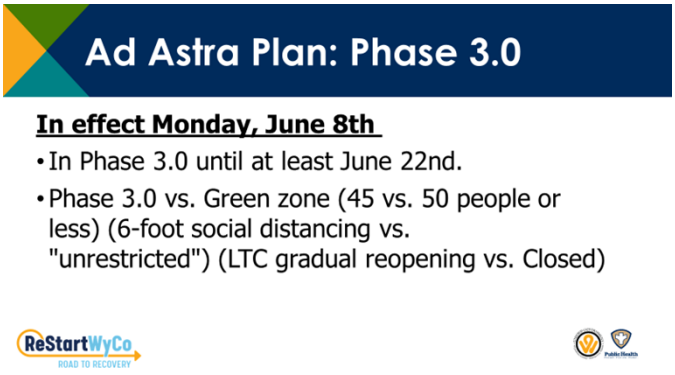
When we look at rolling averages, you may remember, we've transitioned from 14 to 7-day rolling averages so that we can see trends a little more quickly. You will see on this slide that we're seeing a slight uptick over the last few days in this 7-day rolling average. It's not a severe spike from Memorial Day weekend and we can never know 100% if it's from Memorial Day weekend, but it's probably partly attributed to that. We are really paying close attention to it and it's something if it continues to escalate, it could result in us moving backwards through previous phases, so we're keeping our eye on that. It's not super steep, but it is happening a little bit.



When we look at our deaths, those remain very positive. We're down averaging virtually zero deaths. We've only had a death or two in the last several weeks so those are looking very good.



Percent Positivity is kind of moving around. It's jumped up and down a little bit the last couple of weeks. It tends to spike after long weekends or even just the weekend when people come in to get tested on Monday and we usually have higher numbers come out of the weekend. So, keeping our eye on that. Its noting super alarming right now. We're kind of hovering anywhere between 10-15% often times in our Percent Positivity. That's the data. I will pass it to Dr. Greiner.



Dr. Allen Greiner, Local Health Officer, said Juliann, Dr. Corriveau and I worked yesterday and last night and still looking at curves. I just got new curves in front of me right here from the region on all this data and what we ought to do and we really feel like there has obviously been good progress in terms of the interventions we've had so far in controlling this. In some ways we feel—even though our numbers have looked worse over the past couple of months than our neighbors, we feel like in some ways we're fairly stable and that we are okay to move forward right now. We're super cautious and kind of constantly worried that this could all change and we might have to take a step back. We certainly hope that's not the case and we will be continuing to watch things closely every single day going forward.

The earliest we could move out of this next phase, which we're calling 3.0 in alignment with what was originally the State of Kansas Ad Astra Phase Plan, the earliest we could move would be June 22nd. So, again, we want to watch things for that 14-day incubation period timeframe. It's very, very possible we could end up saying that we're going to stay in this phase for a longer period. We just don't know. If things are stable, that's certainly not as good if things are going down.

We saw those curves earlier where clearly in a lot of ways things had gone down from where we were at a peak, but many of the health professionals and public health science folks that we're talking to both regionally and around the country feel like we may have this sort of ongoing plateau of cases for quite some time. I think we all know that we have a very vulnerable community, we have very vulnerable segments in the community, so if we are looking at the data and then 7 to 10 days we're still not seeing dramatic drops, we're seeing slight upticks, we may be in Phase 3 for a while.

How is it different than what we originally did in our ReStart WyCo red, yellow, green zone plan. Not a whole lot. Things like gatherings of 45 people versus 50 people.

Our ordinance that will come out Monday will state that mass gatherings cannot be more than 45 people and we define that as 45 people who cannot maintain 6-foot social distancing while they're together. So, that would be something like a family having a picnic somewhere or some other sort of gathering of multiple people who don't live in the same household can't maintain the 6-foot social distancing.

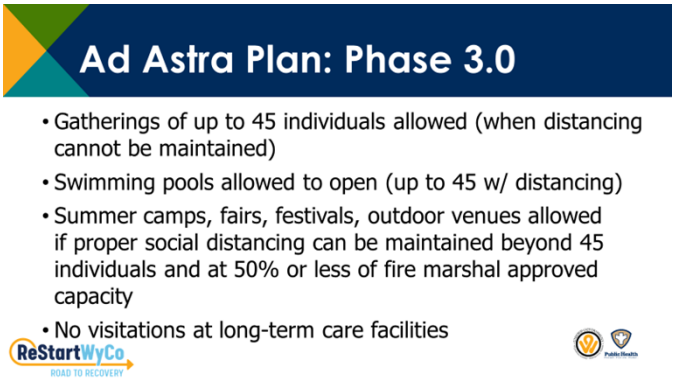
With 6-foot social distancing, and with that able to be maintained, there are a lot more things that open up and will be allowed and we get into some of those details, but we actually don't

have them all on paper yet. We're working with Ken Moore and the legal team in getting those things together and we'll work through tomorrow and have it already and probably get it out to you all, a lot of the details, by tomorrow.

In the Kansas Plan, the Ad Astra Plan for Phase 3, for example, businesses essentially had the term unrestricted attached to them in the Kansas 3.0 Plan. We're going to have language in our ordinance that says you can operate your business, but you really need to maintain that 6-foot social distancing between your employees and between your customers that are interacting with your employees and between the customers that may be interacting with each other. So, there are slight differences, and again, I think everybody is aware of this, we will have an actual ordinance and mandates whereas the State has—everything at the State now has part of their Ad Astra Plan as considered recommended.

One other one that's slightly different, in the Kansas Phase 3.0 Plan, there is talk of long-term care facilities being able to gradually reopen. They don't give a lot of details in their plan, but we feel like at this point, especially with our long-term care facility problems that we have had since the pandemic has started, we want to keep those facilities closed for now. There are some states and areas of the United States starting to look at outdoor family visiting encounters that might be safer, things like that.

We had a meeting today of our Long-Term Care Task Force group and everybody was pretty much in consensus that for now we ought to not have those visits happening just yet. It's possible that could change even before June 22nd if we feel like it would be safe to do something like outdoor family visits. Most of the folks on that call we had today who are working at these long-term care facilities feel like the facilities don't really want to be open yet either. They are all very concerned about outbreaks that could occur if you had family members coming in and possibly bringing COVID in.



Again, more details, 45 individuals together are allowed even when social distancing cannot be maintained. Swimming pools are allowed to open. We've chosen to have there be a limit on 45 people in those pool facilities. One good thing, we do not have a lot of large pool facilities, and as Mr. Cross has informed us all before, the one public pool will be closed through the season, but for private pools that we have, the Environmental Health Program oversees, there will be a 45 person limit to those. We will give them guidance on the distancing we want to have there.

For things like camps, fairs, festivals, outdoor venues, we wanted to move this forward and we had this in our original green zone plan as well, 45 individuals can be together when they cannot maintain the 6-foot social distancing. If more people are in an outdoor venue or environment and can maintain the 6-foot social distancing and that business or that venue can set it up so that social distancing is maintained, those places could go to a 50% or less of fire marshal approved capacity. That might allow some of our outdoor things in the county to get back in swing in the near term and we will work with them. We've worked with several already. We had a good meeting with the Speedway yesterday, Mr. Bach and me.

Then, I mentioned, no visitations at long-term care facilities. I think that is it.

Ms. VanLiew said we're happy to take questions.

Mayor Alvey asked any comments or questions from the Commission.

Commissioner Bynum said I have two questions. The first one is just to reiterate what I think we heard Dr. Greiner say pretty clearly that while the State's phase is a recommendation, ours is actually by order of our Chief Medical Officer and that would be Phase 3 that would begin on Monday, June 8th. I just want to confirm that I heard that all correctly.

My second question is with regard to testing, where are we and what is our plan moving forward with continuing to have testing available? Those are my two issues.

Ms. VanLiew said yes, you are correct in summarizing what Dr. Greiner was saying. Monday, the 8th, we move forward. It is not a recommendation, it's a Public Health order. Regarding testing, we continue to test at the Health Department Monday thru Friday, 1-5 as of right now. We are considering, we're not doing it yet, we're considering changing our hours because right now we're asking staff to stand out in 90 degree heat for several hours in the afternoon. So, we may have to revisit that, either shorten our hours or move to mornings. We're not sure yet. Regardless of that, we will continue testing at the Health Department daily for the foreseeable future. At the very least, for the duration of June and then we will kind of figure out what that looks like throughout the summer, but we'll continue to do that.

Vibrant Health and our partners with the Health Equity Task Force continue to do pop-up testing three days a week in the community. They've moved from 5 to 3 because they seem to be able to manage the demand for testing in just 3 days a week, so that has helped them also just with staffing and their ability to keep that going. They've also committed to that through the duration of June and so we're really all just taking it a few weeks at a time knowing what our commitments are and then we will reevaluate as we get closer to July to determine what testing will look like in our community then.

Commissioner Bynum said I would just ask that as you've done such a great job of communicating up to this point, that you know, communication on issues like that continue to us so we can continue to share those out into the community. **Ms. VanLiew** said absolutely. As soon as any decisions are made that would kind of take us in a new direction, you guys will be kept in the loop.

Commissioner McKiernan said I certainly want to say that we very much appreciate all the work and guidance that we're getting in these steps as we reopen. I just want to ask briefly, and I know it's hard to keep track of what they're doing, but on June 8th when we move forward, how well will we align with what we know, at least at the moment, to be the plans for all the counties that surround us, Johnson, Leavenworth, Jackson, Platte. If we admit that a 3 point scale we won't align at all, some overlap, or perfect alignment, where do you think we'll be in terms of surrounding counties? **Dr. Greiner** said that's a really good question and I think a very important one. I think that we are not going to be very well aligned with Johnson County. I think that Johnson County continues to see a lot of pressure.

I actually talked to Dr. LeMaster down there today, internally, lots and lots of pressure to even move to more reopening beyond—even though the State's current thing is recommendation, some of the commissioners down there would like to see even the word recommendation removed from anything they've got going on in Johnson County. I just don't think that we feel comfortable trying to worry about aligning with something that we see as reckless and unsafe for their community. I don't want to speak for Dr. LeMaster with him not being here, but I've been his medical partner for a long time, and he is not in favor of that as their medical advisor, but he can't control what might happen there in terms of their decisions with that.

I think in terms of Kansas City, MO, in terms of Cass, Clay, Platte, I think we will be reasonably close to their recommendations. I think we are still in asynchronous with them by a week in terms of following these 14-day incubation periods which is a little bit of a problem, but the other thing is, if you look at the curves that we're seeing really in the last two days, Jackson County and Kansas City, MO are kind of the only ones that look like things might be up ticking a little bit more than the rest of us. So, we will have to watch that closely. There might be some reversals happening there and, of course, we're all very worried as well about what's going to happen if there are cases that come out of some of the gathering that has happened with community protesting and marches and so forth. That stuff is probably going to start hitting. If we do see data from that, you know, 5 to 7 days from now, we just don't know and we're all nervous about that.

We'll keep talking closely with those Health Director's and Health Officers in all those other counties, but I think we'll be reasonable with our Missouri colleagues. We will have a little trouble with Johnson County, but we'll keep dialoguing as best we can and continue to push to all

those folks that we want to be a partner, but we also have to do what we think is medically and from a public health perspective the right thing to do.

Commissioner McKiernan said I think that speaks to something that we all need to do which is to make sure we stay informed about the particulars of, in this case, 3.0 so that we can talk intelligently if someone asks us a question. I think we should all help to put out the message that I think I'm hearing from you is, we want to reopen as quickly as we believe is safe for our constituents, for our residents, to do that. I think we all need to have a consistent message on that. Thank you again for your work.

Commissioner Townsend said Dr. Greiner and Ms. VanLiew, thank you again for your guidance. I have three questions. Could you tell me again the significance of June 8th and I took down that we may be in a less restrictive phase until June 22nd. Is that the window time we're talking about for this next order that you intend to issue and thank you again that this will be an order, not a recommendation. I think people know or can function pretty well in the black or white of it, but it's the gray area we're beginning to move into and that may be problematic, so tell me again about what's going to happen on June 8th through the 22nd.

The second thing, because I may get calls about this since we addressed Parkwood Pool some weeks ago, that we will not have a season there. Tell me again what's the difference between opening the pools that I saw on your presentation.

Lastly, what will be the roll of our police as we move through these phases? They have been very instrumental in helping to monitor and inform people. Will that still be part of their charge as we continue to go through these phases to what will be our new normal?

Dr. Greiner said in terms of the dates, June 8th is 14-days from when we last looked at making a change, not exactly, because I think we ended up actually changing on the Friday before Memorial Day. Originally our plan was going to be we would change to a yellow zone or Phase 2 on Memorial Day, but because of what the State of Kansas did and our feeling that we should align with them at that particular time, we made the change from our original red zone to Phase 2 in alignment with the Kansas Ad Astra Plan on that Friday before Memorial Day. By Monday we will be 17 days out from that last change which gives us actually more than a full incubation period of 14 days which can be this sort of the maximum time that it takes for a case to pop up after somebody gets exposed to the virus. We feel fairly confident having watched things that long.

In terms of after June 8th, this next change we make, Phase 3.0, we want a minimum watch the data for 14 days. Again, that full 14-day incubation period. That would be the soonest we would move unless something very significant happens, again, where we can align with one of our neighbors or something happens that convinces us we could do something different. It's certainly possible if something really, really bad comes out of gatherings that we've seen, might go backwards sooner. The soonest we would probably move forward would be June 22nd, but it's very possible we could end up staying in Phase 3 for some time and you can see from the details, and of course we'll get you more, there's quite a bit ability for our businesses and our community sectors to get back to what they're doing. It's just kind of a new normal and so we just don't know how long we'll be in Phase 3, but the earliest we would move forward is June 22nd.

The pools question and Parkwood, I think, and this was kind of a joint decision with our governmental administrative team and leadership as well as those of us in public health, that a larger public pool was just probably higher risk than some of the other pools that are allowed to open with this limit of 45 individuals and that are under the regulations of our Environmental Health Department, that most of those pools we think are going to be able to keep their numbers under 45 without pressure. I think it was a size issue as well as the difference in the way those different type of facilities are used by community members. If we really need to provide more information because you all are getting a lot of questions, I think we can work with our Environmental Health team to put some specific bullet points together if that's necessary.

The third question was the role of the police. I think we want the role of the Police and Sheriff's Office to stay exactly the same. I think the coordination we have with them and their ability their ability to focus on education, education, education and interaction with the community in a supportive way has been extremely successful. They do follow-up on leads when they get information about people potentially not following ordinances or mandates, but they always take the educational approach first. I think we've all been extremely pleased how well that has worked and that we literally had no major confrontational problems or issues where they had to start issuing a bunch of citations and so forth. That will continue just as it has and, hopefully, that's going to continue to produce the good results we've seen so far. **Commissioner Townsend** said I'm happy to hear that.

Commissioner Townsend said back to the swimming pools, are these privately owned pools that we're talking about that people are allowed to open under this next phase? **Dr. Greiner**

said there's kind of a variety. Quite a few of them are private. There are things like neighborhood pools, hotels, that are some that are like Turner. The Turner Community Center has a pool that they will be reopening under this guidance. There are done that are specifically length back to the Unified Government or City/County here. **Commissioner Townsend** said I appreciate that distinction, so that we can be prepared to respond to Parkwood and why these others, but these are not under the purview of the Unified Government.

I continue to monitor; I appreciate the information that's on our COVID hub because I'm continuing to look closely at the zip codes that encompasses around District 1. I'm seeing the median age is still in a really younger than I expected group and as you say, it may be the uptick from Memorial Day weekend. We haven't seen the impact of the peaceful protest yet, but I notice that the total number of cases has gone up slightly in 101 and I think 104 and looking at 102, I just can't remember. I'm still very cautious and a bit anxious, so thank you for all you're doing, and the information and I appreciate that information continuing to be put on our website and made available.

Commissioner Walters said two questions. First, is the data that you collect detailed enough for you to make evaluations for a portion of the county as opposed to making blanket recommendations for the entire county? Secondly, when do you think a recommendation will be made or a determination about the school calendar? I am hearing that people are nervous about that and without a confirmation that our schools are going to be open, there is a lot of talk about finding alternative opportunities in adjacent counties for educating our kids if Wyandotte County is not going to open their schools. So, I would like some guidance on those two issues. **Dr. Greiner** said we'll see if Corriveau is on for the second one because she's sort of spearheading most of that work.

In terms of data available and our ability to potentially analyze some segments of the population, it's not easy to do with small data numbers and even though we've got 1,400 cases now in the county, we don't have that many hospitalizations, we don't have that many deaths. It does become difficult to have what we would consider enough statistical power to start saying this zip code or even at some other level whether it's city designation and so forth we can make those determinations.

I think also, I will say historically, public health generally has this thing where you have to sort of follow the jurisdiction that falls under your ability to work as a public health program. If you look historically at how outbreaks and epidemics have been handled in the United States, and really across the globe, you always have this problem of people wanting to make decisions that are tailored, but it's constantly a balance between trying not to limit people's freedoms and trying to control the spread of something that actually—if you don't limit freedoms to some extent, you won't control that spread.

I think if we look at what we've done the last 10 or 12 weeks, we've kind of been ahead of what a lot of other local jurisdictions around have done. That has probably made some people unhappy and they might think we over did it, but I really would like to thank Mayor Alvey for even pushing some of us on the public health side to say hey, we have to take action and I think that has proven to be very valuable to our county. This will be something we will probably be talking about a year from now, five years from now, ten years from now, but I don't think we've got the statistical power to start making decisions. If we had 10 times the cases we have and 10 times the hospitalization, then yeah, maybe we could, but with lives on the line still, I think we've got to work as a county in a unified way even though there's going to be people who aren't going to want us to do that.

Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer, said I apologize that I couldn't be in the Health Department this afternoon. We continue to meet regularly with our education subcommittee and that is broken up into four different small groups and that's broken into the early childhood education and childcare section as well as the elementary and secondary sections and then also higher education. Each of those sections are looking really carefully at kind of how we're going about these now phases and we'll be issuing guidance. It is our every intention to reopen the schools in a safe way. We're really preparing for how to reopen in the safest way possible instead of contemplating not reopening. I think we're really trying with everything we've got to do that.

We realize that, especially for parents maybe single parent households, kids who may not have as much access to the internet and other resources and such, it is really stressful not being in school and we realize this has been a major issue for so many families across the metro, not to

mention giving up a year of school, maybe getting behind. For some kids it's just going to be difficult for them to make that up so we're making every effort to do that.

I know that there is also a larger state effort with many folks from across Kansas thinking about reopening schools. I'm guessing there will be some guidance that is issued from that effort. I believe that is going to go pretty quickly. I hope it's done in a swift manner because I know that these questions are starting to arise, but we thought it would be wise in Wyandotte to issue some guidance as well. We hope to have something out within the next week or two. I'm happy to field more questions about that if necessary.

Commissioner Walters said I might follow-up. When you meet with these educators, do they give you advice on when they need a decision in order to respond to their internal needs? **Dr. Corriveau** said they do. That's a great question. Especially for the early childhood folks and you know we never, of course, closed daycares and whatnot and they consider themselves to be sort of one in the same, so they wanted recommendations and guidance, you know, yesterday. So, we're putting those out even by the end of the week for the early childhood education piece.

The others, it's very interesting, I was pushing really hard although myself a medical school educator, I don't know as much about what's going on for school age kids, they said let's wait another week or two, we're really interested in what's going to come from this large group in the state. They are wanting to make sure our guidance at least takes into account what's going to come out from the larger state effort. I'm interested, it sounds like you're getting a lot of push to know as soon as possible, and I can certainly understand that. **Commissioner Walters** said the push I'm getting is if the adjacent counties open and we do not, that will hurt our school districts. That's what I'm hearing. **Dr. Corriveau** said I appreciate hearing you said that, and I will take that back to our education committee.

Commissioner Kane said I want to echo what Jim said. I've got this new superintendent asking me questions because she's new and their board wants to know what's going on. Also, (inaudible) relaying all this stuff to the other municipalities, Edwardsville, and maybe they should hear some of this so they can have some input on what's going on. Back to what Jim said, I understand some of the stuff that we're doing, but if the other schools open and we don't, that would be absolutely terrible.

Mayor Alvey said, Commissioner, I can answer the one question about the concern does Edwardsville and Bonner Springs, they are part of—they joined and have been joining since the beginning of the pandemic in our daily calls with the Health Department and with other anchor institutions across the county. These issues have been coming up through them. It's Mayor Harrington and Mayor McTaggart as well as their Administrators, so that is how that information is getting back and forth. As far as the others, I could let Dr. Corriveau or Dr. Greiner respond.

Dr. Greiner said I know we've got several of the other professional leadership folks on that task force that Dr. Corriveau got together and I will say this, we probably haven't gotten this across, the State put this large group together to work on a statewide plan for how things would reopen or be handled at the State level. There are like 90 people in that group. We put this task force together, what a month ago Dr. Corriveau? **Dr. Corriveau** said yes. **Dr. Greiner** said the details of these draft plans right now are really solid and really detailed. We showed them to Johnson County, and they don't anything like this. They're, again, three weeks behind us at least in terms of—I shared the draft plans with people in Wichita who just put a committee together Tuesday.

We're ahead of the State, we're ahead of Sedgwick County, we're ahead of Johnson County on this and I think what will happen, those guys will all take chunks our plan and have it in their plans. Now, I don't know that we need to be going waving a flag about that everywhere, but in the end I think if we can get that across to our educational leaders in these districts and these school boards, somehow in a humble way, I think it will end up making us look like we were sort of leaders. I think that doing things that are both beneficial to the kids and not harmful to the districts while preserving safety—anything else, Corriveau, on that? **Dr. Corriveau** said I think that's helpful. The area superintendents are part of this local effort to put guidance out, so I just want to make sure you all know that, and I apologize if we needed to do further updates prior to now. I believe Dr. Greiner is right, that the drafts that I've seen at this point are really very solid. I believe that within a week or so we'll be able to blast that out.

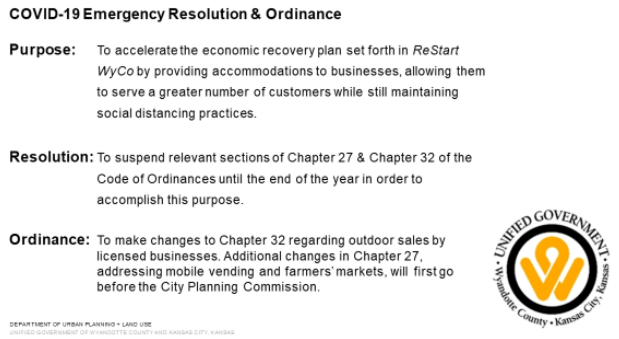
Mayor Alvey said thank you Dr. Greiner, Dr. Corriveau, Juliann. I would just like to end with a comment that I think that the fact we got out in front of this and, frankly, stomped on the virus, fairly vigorously early on, has had a tremendous effect in controlling the spread. That if we had not instituted these restrictions as early as we did and done them as piece mill, there would have

been much broader spread and less awareness. I think the fact—it's like any fire, you know, the more you stomp on it, the better it is to control. I think that's what happened here with the virus, but at the same time we have to preserve this victory and we have to continue to maintain our social distancing, follow all the guidelines and my concern is that more and more people as they see these restrictions being lifted interrupt this as the virus is over and, in fact, it is not. We know that and we have to continue to bring that to our public awareness.

The dangers of schools opening too quickly is that these students who may be asymptomatic and carry the virus home and then they're going to infect their families, which again, will spread. It still comes down to the fact that we have to have much more vigorous testing and much more contact tracing. That's really how you limit the spread. Failing the capacity to test and to contract trace, we have to use much more blunt weapons which has been the stay-at-home order. Having said that, thank you again for your update.

Now let's go to our next item which is COVID-19 Ordinance and Resolution support of businesses recovering from the original stay-at-home orders and I will turn this over to Administrator Bach.

Doug Bach, County Administrator, said item we previewed last week as a reaction to our businesses being shut down, our social distancing that limits the number of seating they have in many areas they have between those restaurants and such. We're trying to put together some leniency so businesses can operate out into public spaces, the sidewalks or potentially in the parking lots. Mr. Hand, our Planning Director, went through kind of what they were thinking last week in putting this together and we have that information to go over this evening with you for consideration. I will note, you all asked for this to be out by 5:00 yesterday. Mr. Hand did have that information put together, he distributed it to our office, and it was failure on our part to recognize some things and we did not get it distributed out, so it went out today. I apologize for that and we'll try to go through this in an explanation and presentation from Mr. Hand, so you have a good understanding for the information that's being put forward. I think it is fairly straight forward in the way it can come across. With that, I will recognize Gunnar Hand.



Gunner Hand, Director of Planning, said I'm going to go ahead and share my screen. I do have a presentation that I can walk through that sort of lays out our thinking. For you that saw the last one, it's an elaboration essentially of our last presentation with a little more detail into the actual resolution and ordinance.

The purpose of this is to essentially to help with the economic recovery after the COVID-19 stay-at-home orders. We want to make sure that businesses aren't just opening up, but they're doing it safely in large part following up on the conversation we just had in the previous agenda item.

Our thinking is two-fold for a resolution and an ordinance. I will note there will have to be a second ordinance that will follow-up as it relates to Chapter 27 as those sections of the ordinance that get adjusted have to go through the Planning Commission. So, we will have a follow-up ordinance as well either next month or potentially we'll do an emergency meeting with the Planning Commission and we'll discuss that at our Planning Commission on Monday, how they want to move forward with that.

What we've done is created a resolution that suspends enforcement of specific sections of both Chapter 27 and Chapter 32, Chapter 32 being mostly stuff that happens inside the right-of-way. Then we've created an ordinance the bulk of which is addressed in Chapter 32. The vast majority of what is going to be discussed tonight is going to be included in what's before you today.

Before I dive too much deeper, I do want to make sure everybody understood that we did have a quick turnaround here and I wanted to acknowledge all the work that has been put by the CAO Office, Legal, Police, Fire, Public Health, Public Works, Transit and others. This did get around to the entire UG family. We did get a lot of comments back from other departments and we were able to put that together specifically. The lead on my staff was Michael Farley who is

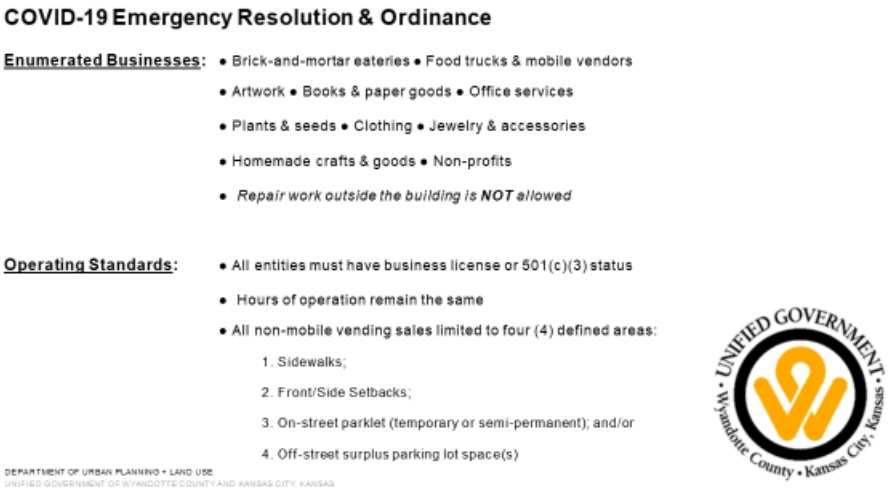
with us tonight to answer any specific questions we might have about the nit and gritty as well as our specific legal counsel for Planning & Land Use Patrick Waters. Thank you to everybody who did put in the work on this ordinance and resolution and turned it around.

We think it covers everything that we need. We think we've put in a lot of detail and we think it's ready if you're willing. With that, again, I just wanted to quickly touch on the resolution essentially suspends environment of these specific sections between now and the end of the calendar year. For those sections it suspends in Chapter 27 that we'll follow-up with, let's say in a month, with an additional ordinance. Those will be suspended while we essentially provide additional standards. I will go into that in a little bit of details, but those specifically relate to mobile vending and farmers' markets, so we'll essentially not enforce anything related to mobile vending and farmers' markets until we can move forward with that ordinance update. I will say I think the reason we decided to include that, currently the mobile vending ordinance only has one registered food truck in the entire county. I do believe that the current mobile vending ordinance has over legislative restrictions to the point where no one is participating, so we did want to provide some mechanism to open that up. Again, we'll follow-up quickly with additional standards.

Additionally, for farmers' markets, there are a couple of farmer markets who came in in the last month or two who wanted to operate outside of what is currently allowed. Essentially they are in a residential zone without a SUP and we have sort of asked them to come back retroactively. This would essentially mean they can keep operating, then whenever we institute the ordinance, we'll come back with administrative review.

Tonight, again, we want to let you know that's what the resolution says, but we really wanted to focus on the ordinance and Chapter 32 which, again, focuses mostly on how businesses can essentially spill over into the public right-of-way, on-street parking or what we're calling parklets. You may have heard that term before as well as the front and side yard setbacks if there are any as well as off-street surplus parking if there is any.

Let me go through the presentation and I will be happy to take your questions at the end.



This is only for specific businesses. They're listed here and they are also listed in the ordinance. It started primarily as a focus on restaurants and other eateries and then we sort of asked ourselves what other uses could easily be folded back into the business at the end of the night, which ones, let's say, potential nuisances on the sidewalk or not. Additionally, we wanted to think about also public safety. Police had some interesting comments about what some of their concerns about essentially having sidewalk sales and so we tried to measure those with, again, the requirements allow businesses who want and can abide by social distancing requirements can essentially expand them out of what's called leasable space, if you will, into the public right-of-way. Those are the enumerated ones.

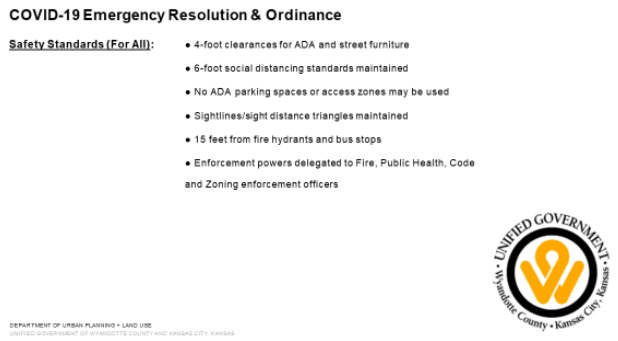
We specifically call out that no repair work can happen. We're not allowing electronics, or this ordinance does not propose to allow electronics or some issues we've had in the past with appliances being pulled out into the public right-of-way or on the sidewalk and back in. We also felt that if a business office wanted to pull out their desk and chairs and operate outside, they could do that. We didn't see any problems with that, again, on a daily basis. We also felt like there might be an opportunity here for additional non-profits to potentially occupy some of that space that we enumerate here in just a second.

In the ordinance we provide a bunch of different standards that we wanted to work through. Again, everybody has to have a business license or 501(c)(3) status as per the non-profits. We created a nexus so it's not just people rolling up to the sidewalk and pocking their wares. You have to be an existing business to effectively spill out of. We essentially apply that sort of space

to four specific areas and we kind of group them in three in the ordinance, but they're enough to mention of course.

We're talking again about sidewalks, front/side yard setbacks, on-street parking or parklets. Again, those can be temporary or semi-permanent. I will go into some detail about that, as well as off-street surplus parking. So, surplus being the distinction there which is not required parking in an off-street space. If you think of some of our more suburban commercial areas, they often provide more parking than our parking requirement—our parking standards require.

So, any of those surplus faces could, at their will, could potentially be occupied by sort of off-site sales. Basically, we feel like aside from the requirement and anything above and beyond that, a business can self-regulate how many spaces they want to take away essentially from the customers.

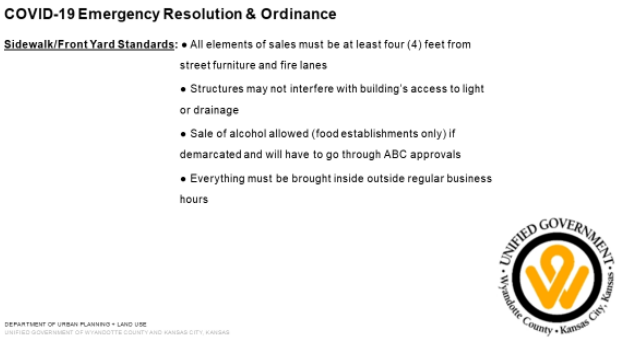


We applied a bunch of different safety standards accordingly. Obviously, it can't go anywhere. If you think about sidewalks, we maintain clearance for ADA, we provide buffers for different street furniture. Not all streets have street furniture, in fact, most of those are potentially on the—more closer to downtown. Again, we put in stipulations for 6-feet of social distancing across the board pretty much. You cannot occupy ADA parking spaces; you can't occupy anywhere in a transit zone. We talk about sightlines and sight distance at corners, so those parklets, that we'll talk again about a little bit more, have to not be within 15 ft., or excuse me, 20 ft. I believe it is, of intersections. Fire wanted us to add 15 ft. for fire hydrants, again, including bus stops. We specifically enumerate Fire, Public Health Officers, Code and Zoning Enforcement Officers are allowed to essentially enforce these different ordinances.

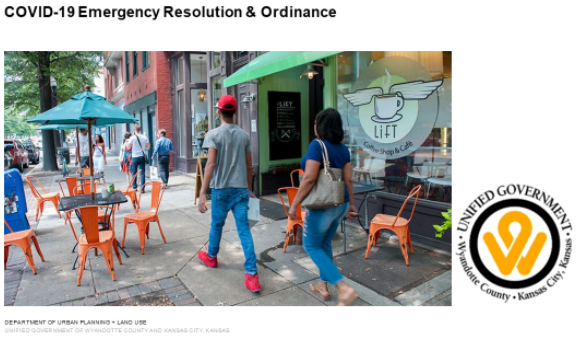
Because this is a blanket ordinance across a very diverse county, with multiple different types of typologies, we felt like it will essentially be an effort where all of these officers have to

move forward and respond to different issues as they arise. We think that although that is a lot of legwork involved in that, we think it's the only approach that makes it work otherwise we're going to spend forever trying to enumerate every specific incident that could possibly happen. We feel like we did a pretty good job with what we've got here, but we did want to make sure that everybody was going into this eyes wide open understanding this is not an effort where they ask for permission. This is effort where we enforce, and they ask for forgiveness.

Not every street looks like this, but this is generally how we think about the public right-of-way as we moved in to talk a little bit in more detail about sidewalk café and on-sidewalk retail. Essentially there is the frontage zone which is where we're hoping a lot of the sidewalk café happen. The pedestrian through zone, that's the 4-ft. of clearance for ADA and then typically on street furniture/curb zone there are pretty much few, if any, enhancement buffers zones but that's again a part of a diagram we've been using as we reference the National Association of City Transportation Official Standards for Parklets. We felt this was a good diagram to kind of understand how we're trying to generally keep throughway for pedestrian access and then sort of use the space closer to the buildings and maintain sort of buffers for what typically happens on the edge of curve for street furniture, street trees, things of that nature.



The first one we're going to talk about is about sidewalk/front yard setbacks. Again, we're talking about 4 feet for street furniture, fire lanes and others. We are allowing—I don't know if we allowed, but we sort of in a way stay silent about alcohol sales. Our thinking is that any business who wants to provide alcohol sales either at a sidewalk café on their front or side yard setback in an off-street parking spot is going to have to go through, because we don't allow it now, it's going to have to still go through ABC. When they go through ABC they are going to come essentially to get that license to expand where they sale alcohol. They will have to go through Police, they will have to go through us, so it's going to go through a process anyway. We wanted that process to determine whether you can or can't do it. Again, it's sort of opening things up now and allowing people to seek those approvals. That doesn't necessarily mean everybody who has a sidewalk café is going to be able to sale alcohol. It's going to have to be a roped-off area specifically connected to the building. For that reason, the one place we do enumerate where alcohol sales are not allowed is parklets because you would have to essentially cross that pedestrian zone to get to that on-street parking space. Again, I think everything currently either on the sidewalk or in that section of the public right-of-way has to come back in at the end of the day.



This could look like sidewalk café.

COVID-19 Emergency Resolution & Ordinance

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

This could look like different sites of on-street retail.

COVID-19 Emergency Resolution & Ordinance

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

This could look like open-air markets. We've seen a lot of cities across the country allow restaurants to essentially turn into markets if they want and that's sort of enumerated in this ordinance or other businesses to sort of functions where they don't let people inside anymore. They're just letting people approach their "counter" and maybe they have some seating out, again, with the different standards enumerated.

COVID-19 Emergency Resolution & Ordinance

On-Street Parklets:

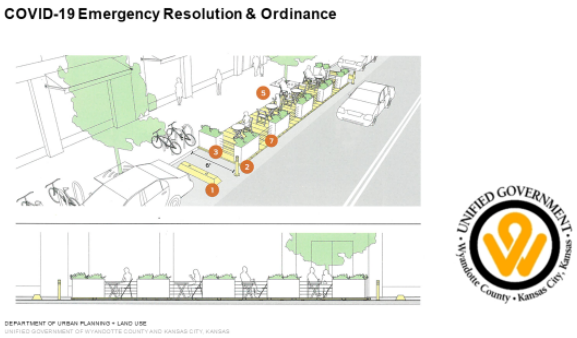
- One (1) space allowed per building (NOT tenant)
- Must be 20 feet from an intersection or street corner
- Structure can be temporary or semi-permanent
- Seating at least three (3) feet from traffic
- Only on street with speed limits up to 40 mph
- Constructed to National Association of City Transportation Officials (NACTO) standards

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

The second one is, again, the on-street parking or parklets. Right now, the ordinance enumerates that each building can only have one parklet so there might be multiple tenants in a building. It's

up to the landlord and/or those businesses to decide who gets that one parklet and potentially it switches per day but, again, we wanted to let the market decide how they handle that because we didn't want to start to get into—we just felt like it got real complicated because if we did say each tenant got one, then it could potentially be five tenants in building and there might not be five parklets. We just wanted to make sure that there was one per and we'll let the market decide who gets to move forward with that parklet.

Again, there it is, 20 feet from an intersection corner, again, to maintain sight distance and safety. A lot of these on-street parklets, there's a lot of safety measures built in, again, to NACTO standards which are these.



We require some sort of separation between the path of travel and the parklet space. We require sort of curb stops on either end as you can see in this image there's a car in front of you and a car parked behind you, again, some sort of separation.

This diagram, if you will, is sort of more of a permanent type situation, but that's not to say that couldn't be some sort of temporary solution as a parklet. Parklets actually started off as an idea of just reclaiming public open space dedicated to park cars for people.

COVID-19 Emergency Resolution & Ordinance

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

It's evolved and transformed into sort of something that looks more like this in a lot of different cities where you have sort of a flush to the curb platform. Again, something containing you inside and then curb stops on either end potentially having bikes. Essentially we maintain that in this ordinance as proposed to one parking space.

COVID-19 Emergency Resolution & Ordinance

Off-Street Surplus Parking:

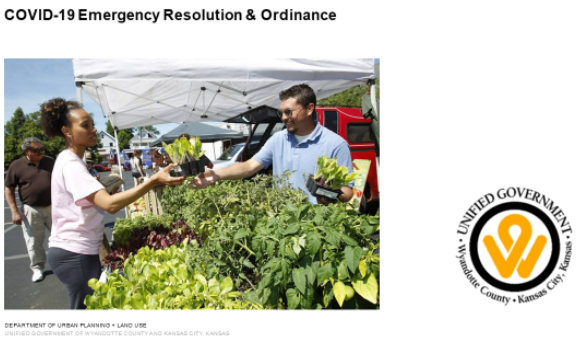
- Any parking that is **NOT** required by code or condition
- All structures must be temporary and must be brought inside after business hours
- Must be demarcated as to not interfere with parking lot traffic, access isles or ADA parking
- Sale of alcohol allowed (food establishments only)

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

Then when we look at off-street surplus parking, again, focusing on those spaces that are not required by code and/or conditions. Sometimes when we do conditions of approval we'll enumerate some other type of parking agreement, so we didn't want to get into that either. It's anything they build above and beyond what we've required in our approvals, that's what they can use. We thought about doing percentages of required parking, but then it turned into another sort of complex issue that we felt we didn't necessarily need to get into at this point to get this thing moving.

At this point we're thinking that off-street surplus parking is also a situation where it's only temporary but if you think about it, we're coming up on firework season for July 4th. For instance, to breakdown one of those tents every day might be a little too much, but right now we're thinking it will be temporary and you bring it in every day. If we wanted to potentially talk about allowing, in this situation, something more semi-permanent, I think that would be something we

want to discuss at the meeting today. We felt that for now it would just be temporary to be fair to all the other situations. Again, not everybody has off-street parking, not everybody has on-street parking, not everybody has side or front yard setbacks. We're trying to create some level of commonality amongst all the different topologies. It's the same thing, it can't be on ADA parking, it has to allow sort of the—it can't be in an access aisle, it has to be in those parking stalls, and we leave it up to them to decide how they do that.



So, this could look like anything from different stalls in an off-street parking space to,

again, this is sort of more what's called semi-permanent. Not sure if you had any strong opinions on this, but again, as of right now it's written only temporary.

COVID-19 Emergency Resolution & Ordinance

On-Street Mobile Food Vending:
- May not park on a portion of ROW with a speed limit greater than 40 mph
- Must allow queues to be at least five (5) feet from passing traffic

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

The resolution as well as the ordinance does talk about mobile food vending and I'll get to what we're going to talk about in Chapter 27 and has to do with a follow-up to this, but as of right now we're thinking for mobile vending, we want to maintain those food trucks on streets that are up to 40 mph and then, again, Fire and I think Police also mentioned, for public safety reasons keep those people queuing away from the public road and then obviously 6-feet of social distancing therein moving forward.

COVID-19 Emergency Resolution & Ordinance

DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

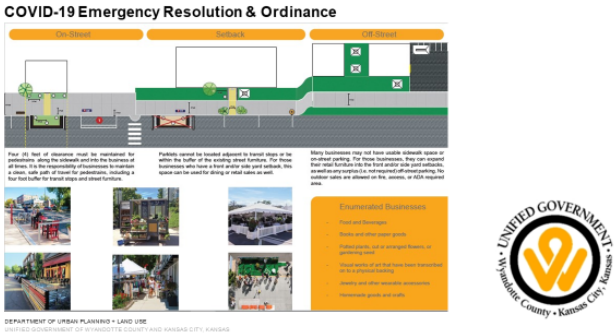
That could be anything from what you would say mobile vending or food truck to…

COVID-19 Emergency Resolution & Ordinance

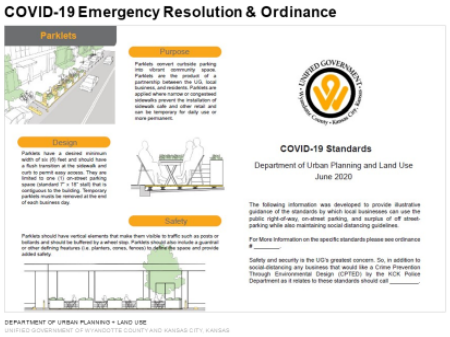
DEPARTMENT OF URBAN PLANNING + LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

the plethora of different mobile vending food carts and stalls and other things that have emerged in sort of the food mobile revolution that's occurred sort of really around us.

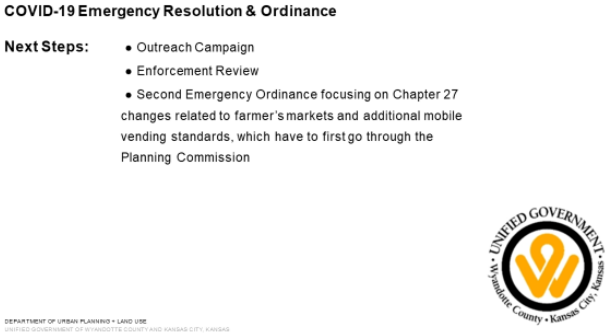
We see the laxing of the enforcement between now and the time of that new ordinance should be okay because these businesses—it is enumerated that these businesses have to get a business license before they go out. You can't just walk out there and start hotdogs, you do have to get a business license and when you get a business license, you do have to go through a process where we review it. We think we can kind of catch these things as they come on and see and sort of cage what interest there is out there in the market currently. Potentially adjust if we have time, but generally move forward with the ordinances in quick order thereafter this one.



I mentioned earlier that we feel this is sort of a campaign of asking for forgiveness and enforcement. To that effect we also think this is a huge, or certainly a significant, public outreach campaign that has to be required. As such we've developed sort of a bi-fold, this is a 11x17 PDF that we could easily get out into the world that enumerates, again, sort of the sidewalk, the setback, and the off-street scenarios that we elaborated as some of the standards included in there. If we made sure it prints out in black and white and color.



All the margins are okay, so you basically just hit print and then fold the 11x17 sheet in half and you've got yourself a pamphlet that you can distribute or do it digitally. It covers the majority, again, specifically just the sidewalk off-street and setback requirements that we talked about. We're thinking about developing a second sheet to talk about mobile vending and farmer markets when we follow-up with the ordinance regarding Chapter 27.



Next steps; we've reached out to David Reno. He's aware that when this thing moves forward we've got to do some outreach across the community. We're going coordinate with all the different enforcement officers that I enumerated earlier just to kind of bring them up to speed if and when this gets approved on what that looks like and to be ready for it. We've essentially written in there that they can walk out there, and if you will, right conditions immediately on the spot if they see issues.

As issues come up, you give us the address, we'll send a guy out there and they can immediately say do this, don't do that, you can't do this, you can't do that, so that's the approach that we're taking which is up for conversation.

Again, this second emergency ordinance we'll move forward as fast as we can, but again, any changes that happen to Chapter 27 have to go through Planning Commission, so that's the one little hook-up about this emergency ordinance moving it as fast as we possibly can.

With that, I think that's my presentation. I'll be happy to take any questions.

Commissioner Bynum said if we're all in consensus or strap whole agreement with this tonight, then these ordinance changes would be on our June 11 agenda, would that be correct or when would they come forward to us? **Mr. Hand** said I want to doublecheck with Legal, but I believe it would go into effect as soon as it is published if approved tonight. **Mr. Moore** said it could be approved tonight and then be published next Thursday and go into effect. **Commissioner Bynum** said so, this is a voting meeting tonight. **Mr. Moore** said correct. **Commissioner Bynum** said which is different from our usual Special Sessions where we don't take votes.

Next question; do mobile vendors and farmer markets collect and remit sales tax? Does anyone know? **Mr. Hand** said I believe they do. **Commissioner Bynum** said it just seems like a small drop in the bucket, but if that would per chance increase sales at mobile vendors and farmer markets, that could be helpful to our bottom line. I would just ask that these changes be disseminated through both Livable Neighborhoods and our NBRs because our NBRs tend to act as a go between, if you will, when they find themselves dealing with vendors and merchants who might be doing these things prior to this change in the ordinance at which point would not have been allowed. So, we need to make them very aware that if and when they begin seeing changes in the behavior of businesses in this way, that it's okay. **Mr. Hand** said absolutely, Commissioner Bynum. I forgot to mention earlier when I was listing all the different departments, the Neighborhood Resource Center and Mr. Talkin and his staff were definitely a critical part of this review. Yes, you're correct, we'll work with Livable Neighborhoods and Andrea Generaux and we will push that out as part of the outreach campaign for sure.

Mr. Bach said, Commissioner, mobile vendors are required to collect sales tax, so they should continue to do this and add to it. Also, just for a point of clarity, tonight's meeting is a Special Commission Meeting. It's not called a Special Session. This was called Special Commission Meeting; it was just assigned at 5:00.

Commissioner Townsend said I have to say something that I've never said in the seven years that I've been on the Commission. I'm really upset tonight that last week I know for one, I think there were several other commissioners who were concerned that we get this information well before the meeting and to get it today and to go through something and be asked to detail and act on it tonight I think is regrettable, that's the word I'll use. I for one am not ready and would not vote on this tonight. I mean, there will be a vote I guess. For instance, when you look at this resolution, particularly in Section 27.609 that takes away a lot of the protections and safeguards for the residents in the area with no guidance, if nothing else, this particular resolution and any ordinance that proports to replace it or better define it, should be viewed at the same time in my opinion.

I know we want to get things going again from an economic standpoint, but what we're doing pertains to the whole of Wyandotte County, not just certain sections. I'm of the opinion that we're really going to focus on trying to get more outdoor areas for people to eat and all this type of thing and in my mind it's for the western part of the county where we have a collection of restaurants and bars and certainly more space to work with, but we're not dealing just with one part of the county. We're dealing with all of it.

I have some particular questions. I guess it boils down to particularly with the resolution that we remove these restrictions and have nothing in their place. I don't believe that's warranted. There was a lot of discussion and work with people who were doing the mobile grocery deals in the mobile markets to make sure that they were available but did not infringe overly so in a residential community. I'm just really upset that today we're looking at something that we should have seen way before this to give it more detail and time to consider. That's all I've got to say about it at this point and that's not a knock on anyone who worked on it, but if we know we're going to have this meeting, then we shoot ourselves in the foot by not giving us as the commissioners enough time to respect what's done and really get into the detail of this in the best interest of our constituents.

Commissioner Burroughs said, Gunnar, thank you for your presentation. I for one am pleased to see something like this moving forward. A couple of questions and then a comment if I may. Was anything about the smoking ordinance brought up in reference to the areas in which we are talking about expanded business opportunities? Anything in reference to the smoking ordinance? **Mr. Hand** said that is not specifically enumerated in this ordinance/resolution, but it would still

stand. Again, I think the way we're looking at it is you're expanding your footprint into the public right-of-way and so that effectively still applies to all the rules that were included therein. So, public smoking ban in areas would still apply. We could specifically enumerate that if that's an issue and we have done that on some particulars just to be fully clear, but we have not included that in this. **Commissioner Burroughs** said thank you for that. I hope we can get some resolution to that as to whatever we may choose to do.

Second of all, we keep talking about parking. It seems to me that in any discussion we have parking has been an issue in reference to consumer utilization of a business. I for one am pleased to see outdoor opportunities for us to enjoy our restaurants. Every one of them are unique and they deserve an opportunity to provide the wares to the public that want to utilize their facilities. I'm excited about this. I think if something's wrong, you put up a quite eloquent—in the travels that I do I'm always excited to visit some of these small communities as well as some of the downtown areas of large communities to see how things are laid out. I know we don't have a lot of transportation options in our community, but I would hope that when we start talking about the parking issue, that we look at opportunities for walkability also. If we have to park on some of the further distances, that we offer opportunities for people to visit those facilities.

The next thing I want to say, what is the turnaround time if somebody wanted to apply to do this, it's one thing to have an ordinance , it's another thing to hold it up going through the process and they not be allowed to utilize that until four, five, six weeks later. I would hope that if we implement an ordinance that the public and/or the proprietor would have an opportunity to engage in that pretty quickly and not be held hostage while we just put them in the queue, I guess, so to speak. **Mr. Hand** said there is no administrative review for any of this. **Commissioner Burroughs** said that is what I would call a very forward thinking approach. Again, I really appreciate your presentation this evening. I'm excited. I think there are areas in our community that will benefit greatly. I think there are some small entrepreneurs who will have a chance to expand their business a little outside and have a little bit of color and clarity to our community.

I would hope that we would have some kind of criteria in this ordinance or consideration moving forward that it just not be a table with a couple of rickety chairs and a trash can. That we look at doing it properly and in a manner that is respectful of the customer-base of our community. **Mr. Hand** said I think that's why we've been pounding on the public outreach portion of this to communicate businesses what the true intent is and the enforcement as well is going to be such a

big part of it just to make sure that everybody is doing it the right way. We agree, we think this an opportunity for not just social distancing, economic development, but placemaking, community and culture. **Commissioner Burroughs** said I sincerely thank you for your presentation this evening and I look forward in participating in any way that I can, but frequenting some of these places, I really enjoy that opportunity.

Mayor Alvey said we have an opportunity now. Do we need two separate resolutions; one for the ordinance and one for the resolution? **Mr. Hand** said yes.

Melissa Sieben, Assistant County Administrator said, Mayor Alvey, there are two commissioners with their hands up, Commissioner Philbrook and Commissioner Townsend. **Mayor Alvey** said okay, I see them now.

Commissioner Philbrook said as I'm reading down through this because I worked all day today, so this is my first chance to read down through this, the review in Sunset Section 32-103, it talks about sunsetting December 31, 2020 on Section 32, the two that you've outlined and that it could either be extended or taken back. Here's my additional legal question on this. If the Commission sees this as becoming a problem, can we not take this back and undo what we did? **Patrick Waters, Senior Attorney,** said absolutely. It can be changed at any time. **Commissioner Philbrook** said well, Patrick, I just want people to understand that things sometimes we choose to do because we're thinking that we're doing the right thing, sometimes just don't work out. I want everybody to understand that we have that option to pullback on it or make some changes. **Mr. Hand** said, Commissioner, I will also note, heaven forbid, if we do go back into the red zone, this all goes away too. **Commissioner Philbrook** said thank you for that comment.

Commissioner Townsend said I just want to go back to the resolution and ask a few specific questions. When I'm looking at the resolution under Item 1 and it talks about mobile markets and mobile vending in residential communities and Section 27-609(7)a3, the intent here is to suspend dates and times for each stop. Tell me what that will look like now because I'm looking at this. Does this mean that these mobile vendors can be at any stop for as long as they want in a residential district? **Mr. Hand** said there are two things I would clarify. There is one mobile vendor in all of

Wyandotte County, so we're talking about one truck currently. Any new truck that came in because we've opened this up and potentially brought in new businesses, would have to go through a review process where we would enumerate what we're thinking in the new ordinance. As it reads now, you are correct, this is essentially laxing enforcement or suspending enforcement of the current ordinance which I think it only allows for four hours at a time in residential districts.

I think one of the reasons why we specifically went ahead and put these in the resolution as opposed to holding for another resolution/ordinance to go along with 27 was two parts. One, because we did have the information about they would have to get a business license to move forward which there is a review and also because there is only one of them, but thirdly, there was an instance that came up in the last month where a mobile food truck was invited to a block party out in Piper and it was the one food truck that is registered with my department. They weren't able to go and sit at the street and provide their wares, but they could essentially go and drop it off which means they weren't mobile vending. They were just delivering food, so we took that instance and essentially our thought was we would allow people to do that. In the ordinance, our thinking, is that we are going to create a standard where you are allowed in residential districts only if you're invited i.e. a block party or something like that. Then maintain—add in new standards for time of day where you could be invited to a said location with one caveat where they could potentially pull up to like a park or be in a parking lot with a farmers' market of a church or an old folks home or what have you. Your concern is accurate.

Commissioner Townsend said let me go to another section here. This is 27-609(7)a31 and it talked about suspending the requirements of vending operations to take place at the farthest point from the nearest property line. What are we doing away with here? I know there's a requirement that they be so far from a residence, is that what we're talking about getting rid of now? **Mr. Hand** said well the next one is the 500 ft. from residential districts which essentially eliminates most commercial properties. That one in particular, Michael can you help me out with that one and/or Patrick.

Mr. Waters said I read it to say that if you look at the property of a square, that mobile vendor needs to be—if it's in a parking lot, that it needs to get to sufficient space for like circulation of vehicles inside there and so it's being like essentially pushed away from that property line. That just my—I don't know if you have a different reading on that.

Mr. Hand said, Commissioner Townsend, our thinking is essentially it's to open it up and be much more permissive with mobile vending in general as we move forward with the ordinance for 27 which, again, because I think our one mobile vending operator will demonstrate it's really hard to operate that type of business with all the regulations we've applied to them. Our thinking is our main standard currently in the way that we're thinking about 27, which again is not a part of this ordinance, is that we're essentially going to allow mobile vendors, a food truck to pull up to any commercial street so long as it's not in front of an existing restaurant.

Commissioner Townsend said I guess what my concern is as I read this and this goes back again to not having this really in a timely fashion, is that we're taking off the glove for this truck or any others in residential areas. When this was drafted, I know there was a lot of discussion about how big these things are, where they are, how close they are to residences, and it disturbs me that if we're going to change those safeguards, we don't at this time have an ordinance that says what it can do. That's the concern that I have overall on this. **Mr. Hand** said I think that's valid and I think if you wanted to, we could pull out those sections from this resolution and just apply it to a resolution—again, it was the philosophy that we thought we would go with on this draft, if you will, but again, Patrick, I don't know, but I think we can pull the sections that give you heartburn. Right now, again, admittedly, so that we could align them directly with. The other thing we could potentially do—I'm spin balling here a little bit, Mr. Waters, is we could delay those sections to tie them to the other ordinance but approve it all now if that's possible. **Mr. Waters** said I would want to confirm with Ken. Can an oral amendment be made and then a revised resolution be submitted to the Clerk with those amendments?

Commissioner Townsend said I appreciate—those were just two or three. I've got about ten, you know, seven or eight of these and so I would prefer to see, like I said, a resolution that talks about 27 with the sister ordinance that you're proposing. I just think it's ill-advised to take the gloves off here and not have any kind of restrictions or any kind of recourse for the general population we're trying to serve. You know at the time this was done we were still in desperate need of a grocery store which is now rising as we speak and there will still be a need for this type of thing, but I think it's ill-advised now to remove these things and not have a substitute that all of us can see and understand. That's my position on that.

Mr. Hand said I will just make the clarification that there are some resolutions that we're requesting to be suspended in Chapter 27 that are specific to mobile, food trucks and farmer markets which are not addressed in this ordinance in front of you, but there are some sections in Chapter 27 that do specifically talk about allowing businesses to essentially spill out in the public right-of-way. We would want to make sure that those continue to stay in the resolution, but if you wanted to pull everything out about mobile markets and food trucks and even farmer markets, if you will, I think that's—**Commissioner Townsend** said if we pulled everything that I have a concern about, about mobile markets, food trucks, I don't know what would be left really. **Mr. Hand** said well specifically stir yourselves on private property in commercial districts so against sidewalk sales or exterior sales. 27-612(6)a, 1.198, 612.(6)a, there's a few of them. You're right, the vast majority are the ones you're mentioning, but there are a few in there that we would want to keep it in because those are the ones that would open up the ability to do the stuff we talked about today in the public right-of-way. Essentially, we could right now, with silent on sidewalk café or any outside except for special events, you have to keep your business within your four walls and so everything we talked about today in the ordinance is outside the four walls, so those four or five we would want to keep I think.

Commissioner Townsend said if you talked about something in a commercial district, is that what you're saying? **Mr. Hand** said yeah, I don't know if you can see my curser, essentially from here to here, we want to keep. **Commissioner Townsend** said so that 612 is kind of small and 612 through—**Mr. Hand** said a, a-8, 9, 11 and 612(6)b and then literally everything above and next to it are mobile vending. Michael, just to confirm, I think that would be okay, right? Nothing else would interfere with the ordinance.

Michael Farley, Planner, Planning Department, said just to clarify, if we were to remove all the mobile vending in farmer markets, food truck, suspension of enforcement—**Mr. Hand** said I don't think that conflicts with anything in the ordinance. **Mr. Farley** said no, there might be some greater restrictions, but yeah, I don't think that directly conflicts.

Commissioner Townsend said let me ask you another question, this is at 2 under Chapter 32, how do those restrictions enumerated there that we want to remove impact residential areas, if at all? **Mr. Hand** said specific to residential, I don't think at all. Essentially we're waiving peoples need to get a permit to sell outside as currently allowed. Most of those happen at special events and then you can only do x number of sidewalk sales a year. It does talk about food vending

license fees. Again, they still have to get a business license but there's a special license on top of that, that we we're essentially waiving to encourage people to get in the business. I don't think that would necessarily conflict with residential issues at all.

Commissioner Townsend said what about Section 32-182, what is the meaning there and in what circumstance are we talking about there if we pulled that off of this resolution? The pedestrian traffic set aside at 72 inches. **Mr. Hand** said that was specifically to—we've relaxed enforcement on that one so that we could minimize it to just the 48 inches for ADA requirements. This goes above and beyond ADA. If you think of some of the sidewalks, some not all, most are 5 ft. wide and those are mostly residential, but down some commercial corridors. In the more dense commercial areas, there are sidewalks that are 10 and then I think there are very few that are up to 15 like State Avenue downtown, Minnesota Avenue downtown. We wanted to give the wiggle room to allow for both buffering of the ADA 4 ft. which is the requirement, federal requirement. Then still make room for the 6 ft. of social distancing. If you add those two up, you're pretty tight. If we were to go with the 72, we don't think there would be many places to do the sidewalk café. It shouldn't impact residential at all.

Commissioner Townsend said let me give you a for instance here, maybe that would help me. Let's say you have a little coffee, donut shop in a residential area, what do they call it, a TNB, there are residences around, the sidewalk is no more than 6 ft. in front of it. What are we saying if we institute this resolution? Are we removing that so people can go outside and eat or what? **Mr. Hand** said in that instance, they wouldn't have the clearance to provide a sidewalk café regardless, and so, they would probably either push into one public space, again, in more business districts, those are usually marked by stalls. But in that situation, it would probably not be marked which is why we specifically note that the standard lot size was 7x18 and so they would have a 7x18 space in the street where a car would park that they could that add a parklet.

Commissioner Townsend said but they could not impede the sidewalk. **Mr. Hand** said in that instance, no, which is why we allow that space in the street to be occupied potentially. That same business might have a front or side yard setback. This space between their building frontage and the sidewalk or adjacent to their building like over here potentially or if you look at this picture potentially. This is very urban but, again, where they might be able to spill out into, but that's why we try to build the flexibility where, again, not everybody is going to have enough room on the sidewalks so they can potentially go in the street. Not everybody is going to have off-street

parking, but they might have side yard setbacks that they can flow into. Quite frankly, some people might not want to do any of those but have off-street parking and feel like that's the most appropriate place to do it, so we tried to build that flexibility in there. If you can't do one, you can do others. Some businesses just by the site constraints will be able to potentially do all three if they so choose.

Commissioner Townsend said I guess the why I'm—the plain language of this reading, we're proposing this resolution to remove or temporarily suspend that section that calls for 72 inches. **Mr. Hand** said right. **Commissioner Townsend** said that to me is a problem. **Mr. Hand** said, again, I think we still allow ADA requirement, most sidewalks in that situation aren't 6 ft., they are less than 5 ft., so that's not applied anyway. Again, because of the other standards in the section they wouldn't be able to impede in that sidewalk with a sidewalk café to begin with.

Commissioner Townsend said if the proposal is to remove from this resolution anything that has to deal residential districts especially since we don't have anything in front of us that will give us more guidance is just removing the fodder. With residence's I would go with that, but other than that I think we should have had the resolution and the ordinance that dealt with 27 at the same time. If that can be done that we take out anything that pertains to the residential districts, that's fine, but I surely hope in the future we get this stuff earlier than what we got it today to really look at it, to do our constituents right by them and right by those who have worked hard on this.

Mayor Alvey said seeing no more hands raised, I would entertain a motion to approve the COVID ordinance. Is there anyone who would like to bring a motion to approve the COVID ordinance?

Commissioner Bynum asked, are you referring to this ordinance in front of us. **Mayor Alvey** said yes. **Commissioner Bynum** said not anything about Phase 3. It doesn't much to confuse me at this point. **Mayor Alvey** said we have two things. We have the COVID-19 ordinance which expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots, and parklets, adding new Sections 32-100 to 32-104 and new Sections 32-185 to 32-186 to Chapter 32, Article III of the 2008 Code of Ordinance and resolutions of the Unified Government of Wyandotte County Kansas City, Kanas.

Action: **ORDINANCE NO. O-27-20,** "An ordinance expanding the ability of businesses and individuals to sell food, drinks and merchandize on sidewalks, streets, parking lots and parklets, adding new Sections 32-100 to 32-104 and new Sections 32-185 to 32-186 to Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters.

Mayor Alvey said now we have that would require a motion for a resolution. Basically, due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 p.m. December 31, 2020. That would be 27-609, 7a, 27-609(7)a.3, 27-609(7)a.3, Roman Numeral I and so on and so forth. There's multiple pages of that. Do I have a motion?

Action: **RESOLUTION NO. R-34-20,** "A resolution due to the COVID-19 pandemic, enforcement of the ordinances or portions of ordinances under Chapter 27 and Chapter 32 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on December 31, 2020. **Commissioner Townsend** made a motion to adopt the resolution with the exception of any language in the current resolution that applies to or deals with residential districts or the impact on that." **Commissioner Bynum** seconded the motion.

Commissioner Burroughs asked would Commissioner Townsend be kind enough to repeat her motion.

Commissioner Townsend said my motion in effect was to move forward with this resolution with the exception of any language that addressed residential districts and that's primarily out of Chapter 27-609 of the ordinance, but not exclusively that, but anything that dealt with the impact

of residential districts. **Mr. Bach** said I believe **Mr. Hand** is highlighting that on the screen for those that will be removed. Is that correct? **Mr. Hand** said as I understand it, yes.

Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:40 p.m.

_____
Bridgette D. Cobbins
Unified Government Clerk

dt