

City Council Minutes – January 28, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 28, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price -9. Mayor Felker presided -1.

AFTER THE MEETING was called to order, prayer was offered by Sheryl Vogel, Bible Study Fellowship.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of January 21, 2003, were presented.

APPLICATIONS for Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for New China Restaurant, 201 SW 29th Street, and Tequila's Family Mexican Restaurant, Inc., 1525 NW Elm Row Avenue, was presented.

APPLICATION for Dance Hall License, bearing the approval of the Chief of Police and City Inspectors for The Wild Cherry, 520 NW Elm Row Avenue, was presented.

Councilmember Hill moved to approve the consent agenda. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

APPLICATIONS for a Cereal Malt Beverage License, Dance Hall License and Open After Midnight License bearing the approval of the Chief of Police and City Inspectors for Big Will's & Majors, 705 Kansas Avenue, was presented.

Randy Adair, Police Department appeared to answer questions.

Darrell Dibbern, Deputy Fire Chief drew attention to his memorandum and explained the time line of inspections that have taken place at the location and what requirements remain to bring the building up to code.

Ramon Gant, Big Will's & Major's appeared to answer questions and stated that he met with the Chief of Police. He stated that he believes that he has changed his lifestyle and would like to be given the opportunity to make his business a success. His goal is to provide a quality restaurant and club that caters to an over-thirty crowd.

Several Councilmembers questioned Mr. Gant regarding his past and present employment; whether he was currently on probation; the amount of money he borrowed to start his business; the eight-month training program he was required to attend to receive the loan; the possibility of granting a temporary license; if anyone else could apply for the licenses; and if the establishment could survive on just the restaurant portion alone.

Mr. Gant responded to the questions and stated that he was not currently on probation. He stated that prior to starting his own business he worked at a medical transportation company, and is now working full time for Big Will's & Major's. He further explained that he has borrowed \$35,000 to start the business and was required to complete an eight-month program to qualify for the loan. He stated that no one asked about his criminal record during training. Mr. Gant also stated that it would be very difficult to have a successful business without the licenses, and he believes denial would place limitations on the business revenue.

Brendon Long, City Attorney explained that there are no provisions concerning temporary licenses, and typically a temporary license is not granted because they require

all conditions of a license to be met before it is granted. He stated that there is not a temporary or thirty-day license available for this type of business.

Mr. Majors explained that it was not easy to obtain money from the government, and they had to do an extensive amount of research on the project to present a sound business plan. The government requires status reports every thirty days along with quarterly tax reports.

Councilmember Duffy stated that it was his understanding that small business loans from Go Connection did not include dining and entertainment businesses, and he expressed his disappointment that a representative was not present to answer questions.

Devin Sutherland, DTI stated that it would be very hard to keep this business open without a cereal malt beverage license. This business in particular has a big building to operate and needs a large volume of people and extended hours of operations to generate the cash flow needed to support the business. He explained the applicants have made a lot of improvements to the building, along with T-Wolffe's.

Devin Sutherland further explained the DTI has been involved with the applicants for approximately fifteen months. He stated that he is not privy to the information that is before the Council and in his opinion, they are running a fine establishment and working with them as been a positive experience.

He also stated that he would like to clarify that while T-Wolffe's was in business, they may have been using the basement area but they did not have that area up to code or a permit to do so.

Councilmember Pomeroy asked if the three license applications could be divided and issued to only certain floors of the establishment.

Brenden Long explained that when a license is issued it applies to the entire building.

Bob Sherbourne spoke in support of the application.

Councilmember Alcala moved to approve the applications. The motion was seconded by Councilmember Lane.

Councilmember Hill made a friendly amendment to approve the applications with the stipulation that the building is in compliance with building code regulations. The motion seconded by Councilmember Dunn carried. Councilmember Hecht voted "no". (8-1-0)

The motion to approve as amended failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (4-5-0)

REAL ESTATE OFFICER'S REPORT and request for approval to dispose of surplus property was presented.

Kevin Rooney, Real Estate Officer gave the staff report.

Councilmember Lane asked if it was possible to offer the property to the landowners that are contiguous to the parcel first.

Councilmember Dunn commented on the size and location of the lot.

In response, Kevin Rooney explained that because the lot is undersized and it is located on a corner it would be very difficult to develop the property.

Councilmember Stubbs recommended that the adjoining landowners be offered the property first to save advertisement costs.

Councilmember Lane moved to approve with the stipulation that the property is offered to the adjoining property owners first. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

REAL ESTATE OFFICER'S REPORT and requests for approval to dispose of surplus property at various locations was presented.

Kevin Rooney gave the staff report and explained that their intent for the properties is in-fill housing. HND would like to utilize the services of several real estate officers and use their experience, expanded clientele, and marketing dollars. He stated that they have contacted the NIA's involved with the properties.

Councilmember Dunn stated that she supports the proposal and is happy to see NIA involvement.

Councilmember Pomeroy requested that the proposal specify that the properties would only be sold to the NIA's not developers.

Kevin Rooney explained the HND has to follow through with the initial intent of in-fill housing because of government standards. The long-range plan is to locate buyers to build custom homes or donate the properties to non-profit organizations for in-fill housing.

Michael Belle, President of the Tennessee Town Home NIA appeared to answer questions and stated that their main concern is to have the apartments located on SW Lincoln completed. He commented on HND's lack of interest concerning the implementation of the plan for 1217 SW Buchanan and 1236 SW Lincoln.

James Bolden expressed concern with the process of Community Development Block Grants, limited publication of community programs available to the public, and

believes that he was discriminated against when he applied for community program assistance.

Councilmember Pomeroy moved to make an amendment to the proposal to add the statement, "1178 SW Lincoln and 1184 SW Lincoln will be sold to the Housing Authority with the purpose of completing the Tennessee Town Plaza". The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Pomeroy moved to approve the proposal as amended. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

RESOLUTION NO. 7308 introduced by Mayor Felker authorizing the Mayor to execute deeds and any other necessary documents for the transfer of title to certain real estate involved in the Tennessee Town NIA and East Topeka South NIA infill-housing projects was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the duties of traffic officers, amending City of Topeka Code Section 142-429 and specifically repealing said original was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to City owned reserved parking stalls was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the Legislative Update Report.

Mayor Felker noted that there was not a work session prior to the meeting due to the events held at the Great Overland Station.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lane stated that the Economic Development Committee held a meeting concerning parking issues in the downtown area and they were informed that when the new bus terminal is completed there would be approximately eighty new parking stalls available to the public. He believes that any action taken on the installation of new parking meters would be premature at this time until they know what effect the additional parking stalls will have on the downtown area.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn expressed her appreciation to Neil Dobler and staff concerning the reorganization of the Code Compliance Department and the positive effect it has had on the community. She also stated that the Hi-Crest Area Project is a great financial opportunity for all parties involved.

Councilmember Pomeroy requested a status report on the arts funding and submitted a pending request for the annexation of the Target site.

Neil Dobler stated that an ordinance concerning the annexation of the Target site and the SW 17th Street area will be presented in approximately three weeks.

Councilmember Lane stated that phase one of the Monroe School Area Project and phase four of the Hi-Crest Area Project has been implemented. He requested that the area at 12th and Madison needs additional clean up following a waterline break and expressed concern with the rising costs of Home Health Care.

Councilmember Alcalá stated that the Great Overland Station Project should be broadcast on Channel 4 to update the community on the progress of the project and to promote more tourism.

Councilmember Hecht congratulated the new Fraternal Order Police Officers and expressed her appreciation to Jerry Stanley for his contributions to the department. She also congratulated Dave Graversen on his appointment of Chief Administrative Officer.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Orville Johnson appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:03 p.m.

Iris Walker
City Clerk